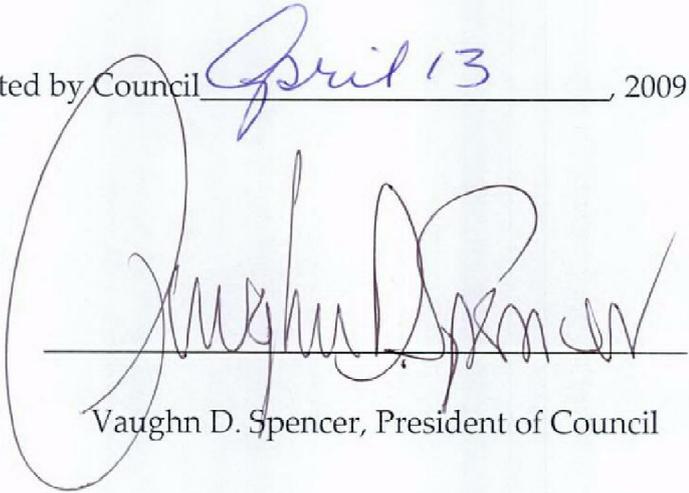


RESOLUTION NO. 41-2009

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS FOLLOWS:

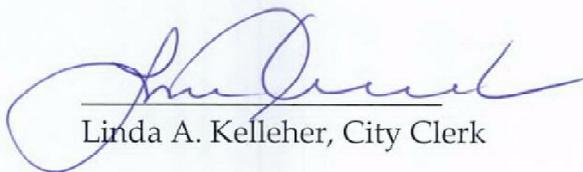
Approving the Conditional Use application for 10 units, 9 residential units on the upper floors and 1 commercial/office unit on the first floor of 1259 N 10th Street, owned by Bradley Weisman, as attached in the Findings of Fact and Conclusion of Law

Adopted by Council April 13, 2009



Vaughn D. Spencer, President of Council

Attest:


Linda A. Kelleher, City Clerk

I, LINDA A. KELLEHER, City Clerk of the City of Reading, Pa., do hereby certify, that the foregoing is a true and correct copy of the original Resolution passed by the Council of the City of Reading, on the 13 day of April, A. D. 2009. Witness my hand and seal of the said City this 14 day of April, A. D. 2009.

CITY CLERK

**Conditional Use Application
1259 North 10th Street**

IN THE MATTER OF	§	BEFORE THE
	§	
BRADLEY WEISMAN	§	CITY OF READING
	§	
OWNER OF 1259 N. 10 th ST	§	CITY COUNCIL
READING, PA	§	
	§	

**FINDINGS OF FACT, CONCLUSIONS OF LAW,
ORDER, AND AGREED RESOLUTION**

On Wednesday, March 18, 2009 at 5:00 p.m. in Council Chambers, the City of Reading City Council (Council) met to hear testimony on the Conditional Use application to correct the zoning records to allow a 10 unit building, 9 residential units on the upper floors and 1 commercial/office unit on the first floor of 1259 North 10th Street, owned by Mr. Bradley Weisman (Applicant).

Findings of Fact

1. The City of Reading Zoning Ordinance Section 27-1203 (4) limits multi unit rental properties to only the R-3 area and requires that the conversion of single family properties to multi-family properties be approved by Conditional Use by Council.
2. The Applicant submitted the required Conditional Use form and appeared at the hearing held on Wednesday, March 18, 2009 and requested that Council correct the zoning records to allow the building to contain 10 units, 9 residential units on the upper floors and 1 commercial/office unit on the first floor.
3. The City Solicitor issued the oath to the Applicant.
4. The Applicant stated that when he purchased the property in 1998, the building contained 10 units, 9 residential units on the upper floors and 1 commercial/office unit on the first floor.
5. The applicant stated that this building has been divided into 10 units for approximately 20-30 years. Magisterial District Judge Xavios' courtroom currently operates from the first floor of the building. The first floor previously housed a State Liquor store for approximately 20 years.
6. The applicant stated that he is not seeking additional units in the building but is requesting a correction to the zoning record for this property. Current zoning records show that the building has 6 rental units. This inconsistency was

discovered as the property traveled through the new housing permit process adopted by City Council.

7. The Applicant stated that he owns other residential rental units in the City of Reading and has always complied with the City's regulations for property maintenance inspections and rental permits.

8. The Applicant expressed his belief in the new rental housing permit process adopted by City Council.

Conclusions of Law

The City of Reading Zoning Ordinance, part of the City's Codified Ordinances, Section 27-1203 (4) requires that the conversion of single family properties to more intense residential use in R-3 areas be approved by Conditional Use by the City of Reading City Council. Section 27-1203 (4C) requires that 1.5 off-street parking spaces be provided per living unit and (4D) requires that the Applicant submit documents that indicate that all plumbing heating, electrical equipment and facilities are adequate and appropriate for the proposed use. The City's first zoning ordinance was adopted in 1957 and did not include a requirement for off-street parking spaces for rental units. The requirement for 1.5 off-street parking spaces per rental unit began with a zoning amendment adopted in 1971.

Order and Agreed Resolution

As the Applicant supplied all necessary documentation and applications required, and

As the Applicant provided sufficient documentation that the building was a pre-existing multi rental unit property; and

As this property was known to be constructed as a multi unit rental property and it is believed that this building was built around 1930, City Council approves the Conditional Use Application and directs the Zoning Office and Codes Office to correct property records to show that 1259 North 10th Street has one commercial/office unit on the first floor and 9 residential units on the upper floors and in this case, excuses the requirement for 1.5 off-street parking spaces per unit, as the building's use pre-dates the 1971 requirements for 1.5 off-street parking spaces per unit.

Right to Appeal

If you disagree with the decision of City Council you may file an appeal with the Court of Common Pleas of Berks County within 30 days after notice of the decision has been made. Your failure to file the appeal within such 30 days shall preclude an appeal from such decision.