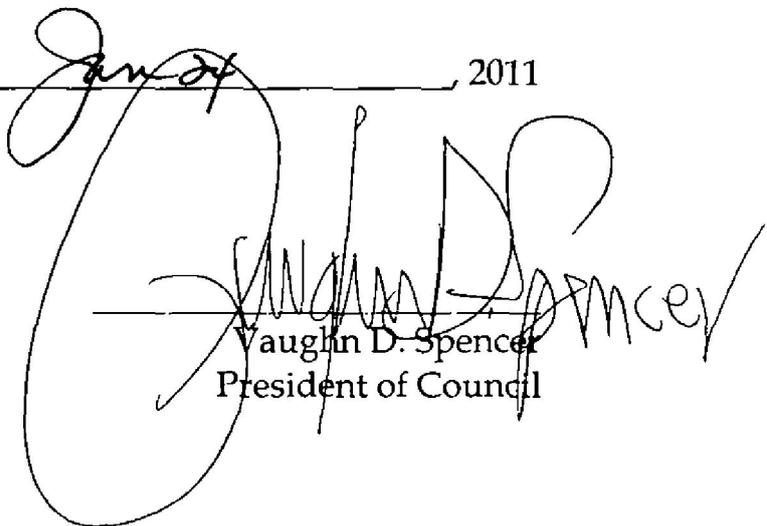


RESOLUTION NO. 14-2011

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

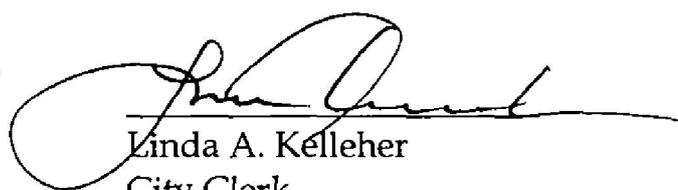
Approving the Conditional Use application submitted by Denise Miller requesting a zoning permit for a two (2) unit conversion at 1051 Chestnut Street with conditions as expressed in the attached Findings of Fact, Conclusions of Law and Decision.

Adopted by Council Jan 24, 2011



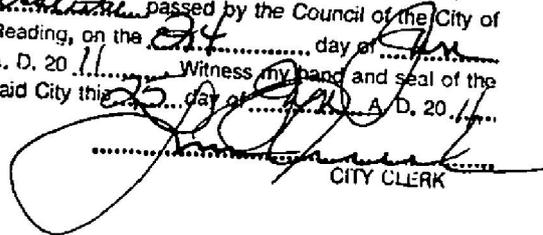
Vaughn D. Spencey  
President of Council

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 24 day of Jan A. D. 20 11. Witness my hand and seal of the said City this 25 day of Jan A. D. 20 11.



CITY CLERK

IN RE: APPLICATION OF : BEFORE THE CITY OUNCIL  
DENISE MILLER : OF THE CITY OF READING,  
FOR A CONDITIONAL USE : PENNSYLVANIA  
PERMIT FOR A TWO UNIT :  
CONVERSION AT 1051 CHESTNUT :  
STREET, READING, BERKS COUNTY :  
PENNSYLVANIA :  
:

**DECISION OF THE CITY OF READING  
CITY COUNCIL ON A CONDITIONAL USE APPLICATION**

AND NOW, this 24<sup>th</sup> day of January, 2011, hearings have been held on December 21, 2010, upon the application of Denise Miller, owner of 1051 Chestnut Street, notice of such hearing having been first sent, posted and advertised in accordance with the provisions of the Pennsylvania Municipalities Planning Code and the City of Reading Zoning Ordinance, as amended, the City of Reading City Council (hereinafter "Council") renders the following decision:

**FINDINGS OF FACT**

City Council finds the following facts:

1. The Applicant is Denise Miller, "Applicant" with a registered address of 920 Rebecca Lane, Orefield, Pennsylvania 18069.
  2. Applicant is the fee simple owner of the property of 1051 Chestnut Street at the time of application and at the time of the hearing.
  3. The Subject Property is located in the R-3 Zoning District as that term and district is defined by the City of Reading Zoning Ordinance, as amended, (hereinafter referred to as "Zoning Ordinance").
  4. Applicant is seeking a Conditional Use for the conversion of a single family property to a two (2) unit property as per the City of Reading Zoning Ordinance per §27-1203.D.
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5. The Applicant testified at the hearing that the subject property had been converted into a two (2) unit property when she purchased it in 2009 and was advertised as a two (2) unit by Sunrise Johnson Realty in the local multi-list book.

6. The Legal Specialist for the City entered the agenda and all attachments on to the record. She also stated that after reviewing the property file she found evidence that the property had been previously registered for rental use. She also stated that Recycling and Trash records also show evidence that the property was a two (2) unit before the Applicant purchased the property.

7. The Applicant testified that the property was marketed as a two (2) unit rental, was in severe disrepair, and had the copper piping removed. She also noted that there was evidence of squatters and illegal drug use at the property before she purchased and rehabbed the property.

8. Applicant testified that the Subject Property had major renovations such as a new roof, new plumbing and new electric without the required City Permits and without the required safety inspections. The Applicant agreed to allow a safety inspection from the required City inspectors.

9. Applicant testified that the Subject Property currently does not have off-street parking.

10. The Legal Specialist noted the need for each rental unit to have a minimum of 1 ½ off street parking spaces per unit. She inquired if the Applicant was willing to install off-street parking in the rear yard within three (3) months.

11. The Applicant stated that she is willing to add off-street parking at the rear of the property and lease additional off-street spaces.

12. Applicant testified that the Subject Property has one 2 bedroom unit and one 3 bedroom unit.

13. The Zoning Administrator testified that the 2 bedroom unit, having only 670 square feet, does not meet the required 700 square feet as required by the City Zoning Ordinance.

14. Applicant testified that she did not check the property's zoning or rental registration requirements before she purchased the property.

15. Applicant testified that the property will be managed by Sunrise Johnson Realty.

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16. Applicant agreed to the application of several conditions, such as allowing an inspection and making repairs to make the building compliant with the Property Maintenance, Trades and Fire Codes.

17. Applicant consented to keep the record open to allow the insertion of the Planning Commission's recommendation after their meeting on December 28, 2010.

18. The City's Planning Commission approved Resolution 65-2010 which recommends that City Council's approve the conversion as an 'existing condition', and without requiring added parking. The Commission voted unanimously to recommend approval of the 1051 Chestnut Street application as an existing condition, without additional parking. **DISCUSSION**The Applicant is seeking a Conditional Use Permit to convert the building located at 1051 Chestnut Street to a two (2) unit property. The building is located in a R3 zoning district. The City of Reading Zoning Ordinance §27-1203.D Conversions provides that the following standards are met:

**D. Conversions.** This section applies to an existing building where it is allowed by the zoning district regulations to be converted into new dwelling units:

1. A site plan, drawn to the scale, showing the location and dimensions of all off-street parking, private entrances, walkways and landscaping, shall be submitted, as well as, architectural plans showing the dimensions and square footage of all rooms and storage spaces and indicating the intended use of all rooms.
2. The conversion shall have the minimum floor area as designated by the following schedule:

**Apartment Square Feet**

Efficiency or Studio	Not Allowed
One Bedroom	550
Two Bedroom	700
Three or More Bedroom	850

3. For each dwelling unit, there shall be a minimum 1.5 off-street parking spaces per unit.
4. Documents indicating to the City Codes Staff's satisfaction that all plumbing, heating and electrical equipment and facilities are adequate and appropriate for the proposed use. The entire building shall also be made available for a code inspection.

## CONCLUSIONS OF LAW

1. The Subject Property is located in the R-3 Zoning District.
2. Hearing was held on December 21, 2010.
3. Applicant requests a Conditional Use for a conversion of the Subject Property to a two (2) unit property.
4. The burden of proof in an application for a Conditional Use is upon the Applicant.
5. City of Reading City Council is permitted to grant Conditional Uses and other relief as set forth in the Zoning Ordinance of the City of Reading and Pennsylvania Municipalities Planning Code upon compliance with the requirements therefore set forth in the Zoning Ordinance.
6. In order to grant the relief, Applicant must show that it has satisfied §27-1203.D of the City of Reading Zoning Ordinance and met the conditions applied by City Council.
7. At the hearing, Applicant testified that various building repairs and improvements were made without the required trades permits or safety inspections.
8. Applicant did not file an application for other relief from the City of Reading Zoning Hearing Board.
9. Applicant did provide sufficient proof that the existing facility conforms to the general character of other properties in the neighborhood and will not adversely affect the safety of the affected property owners. Applicant also agreed to provide off-street parking for three (3) vehicles as required by the City's Zoning Ordinance.
10. Applicant agreed to comply with the City Property Maintenance, Trades and Fire Codes and comply with the conditions applied by City Council.

## DECISION

After reviewing the Applicant's request in detail and hearing testimony, City Council enters the following decision:

The application for a conditional use permit at 1051 Chestnut Street is hereby approved for Denise Miller after the following occurs:

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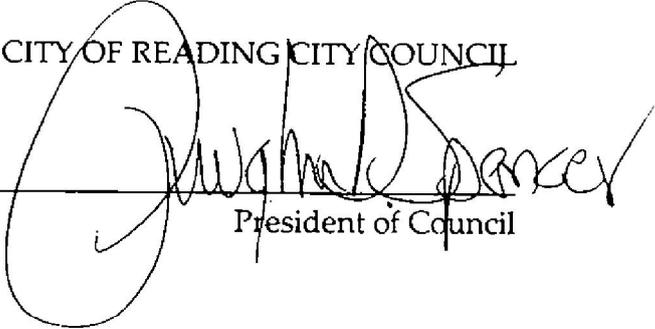
The application for a conditional use permit at 1051 Chestnut Street is hereby approved for Denise Miller after the following occurs:

1. Applicant will allow the City's Property Maintenance, Trades and Fire inspectors to conduct a safety inspection and the Applicant will make whatever corrections and repairs are identified before allowing the property to be rented. The Applicant will provide the Zoning Office with a copy of the certificate indicating that the Subject Property meets the required Property Maintenance, Trades and Fire regulations and that all requisite permits for any construction on the property were obtained in accordance with the City of Reading Codified Ordinances. The Applicant will continue to open the property for regular inspections as deemed necessary by the City of Reading.
2. Applicant will apply for a dimensional variance with the Zoning Hearing Board for two (2) off-street parking spaces at the rear of the property and obtain a lease for a third off street parking space within three (3) months of this decision. Upon receipt of approval from the Zoning Hearing Board, construction of said parking shall be completed within six (6) months of this decision. Alternatively, within two (2) months of this decision, Applicant will obtain a lease for three (3) off street parking spaces to be dedicated to this property within a reasonable distance from said property. Applicant is permitted to allow occupancy of the two (2) units for the three (3) months provided for to make application to the Zoning Hearing and/or obtain a lease for parking for the property. Should Applicant fail to comply with this condition, the occupants of the second unit shall be removed.
3. However, the zoning permit allowing two (2) rental units at 1051 Chestnut Street shall be revoked upon the issuance of any Disruptive Conduct Report by the City of Reading, if the current or future property owner fails to comply with the City's Property Maintenance regulations or if the current or subsequent property owner fails to obtain a current housing permit or business license. If the current or subsequent property owner fails to meet the conditions ordered within this decision causing the revocation of the zoning permit for a two (2) unit rental, the property owner shall de-convert the property to a single unit within three (3) months.

The City of Reading City Council orders the above conditions to occur within six (6) months of the date this decision is approved.

This is the decision of the City of Reading City Council by a vote of 7 to 0.

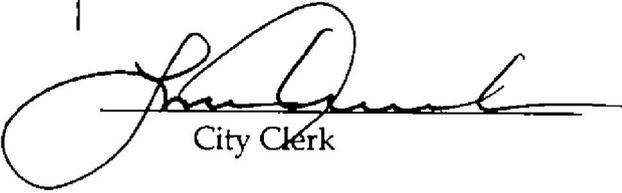
CITY OF READING CITY COUNCIL



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President of Council

Attest:



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City Clerk