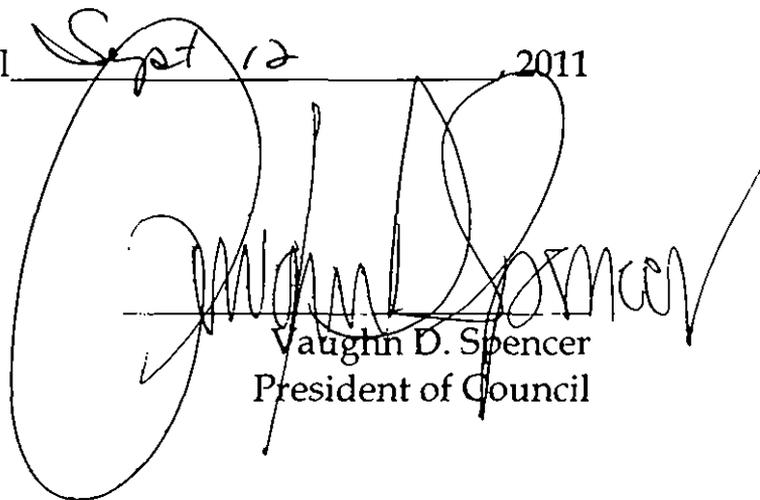


RESOLUTION NO. 162:2011

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

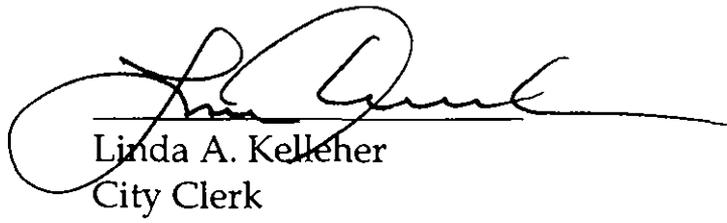
Approves the Conditional Use application submitted by Ryan Bradley and Second Chance requesting a zoning permit for a group home at 132 West Oley Street with conditions as attached herein.

Adopted by Council Sept 12 2011



Vaughn D. Spencer  
President of Council

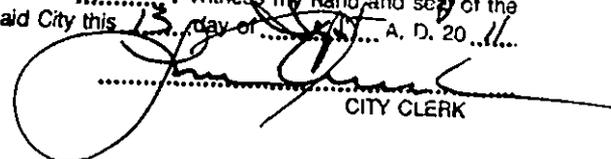
Attest:



Linda A. Kelleher  
City Clerk

Council Staff/Law Dept

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 12 day of Sept A. D. 2011. Witness my hand and seal of the said City this 13 day of Sept A. D. 2011.



CITY CLERK

IN RE: APPLICATION OF	: BEFORE THE CITY COUNCIL
SECOND CHANCE	: OF THE CITY OF READING,
and RYAN BRADLEY	:FOR A CONDITIONAL USE
PENNSYLVANIA	:
PERMIT FOR A GROUP	:
HOME AT	:
132 WEST OLEY	:
STREET, READING, BERKS	:
COUNTY, PENNSYLVANIA	:

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

AND NOW, this 22<sup>th</sup> day of August, 2011, hearings have been held on August 2, 2011, upon the application of Second Chance LLC and Ryan Bradley, tenants of 132 West Oley 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 Second Chance LLC and Ryan Bradley, "Applicant" with a registered address of 132 West Oley Street, Reading PA 19601.
2. Applicant has obtained permission from Linda Angstadt, property owner, to have a group home at 132 West Oley Street, "Subject Property".
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 a group home at the Subject Property as per the City of Reading Zoning Ordinance per §27-1203.9.

5. The Applicant attended the hearing and provided testimony.

6. The City Solicitor for the City entered the agenda and all attachments on to the record and the Applicant did not object.

7. The Applicant testified that the property is a single family residence.

8. The Applicant stated that he is the applicant and the founder of Second Chance LLC. He explained that he founded this group to assist people with reentry from correctional facilities and the homeless. He explained that the Angstadt's are the property owners and they offered to rent the property to the organization for this purpose. He described the mission of the organization. He explained that the main goal of the organization is to provide a safe and stable living environment and provide strong support and education which will assist them with becoming responsible citizens.

9. The Applicant stated that the property has been renovated and that no more than three (3) individuals will reside at the property at one (1) time. He stated that the home currently has five (5) bedrooms but the two (2) bedrooms located on the 3<sup>rd</sup> floor will be used for storage. He stated that Second Chance LLC will never house those convicted of arson or sex offenses.

10. The Applicant testified that surrounding neighbors support the group home and its goals.

11. The Applicant testified that as none of the potential residents will have vehicles, as they will not have driver's licenses; off-street parking spaces are not needed.

12. The Applicant stated that there is no live in supervision, that only three (3) guests will stay at the property at one time and that the 3<sup>rd</sup> floor will be used only for storage. He also stated that there are no security cameras installed at the group home because he and another member of the organization reside in this neighborhood.

13. The Zoning Administrator stated that she reviewed the property file and found that the property has a zoning permit and registration for a single family rental. There are no codes violations in the property file. She stated that the application meets all requirements under the terms of the zoning ordinance, except off-street parking. She

stated that there is not another legal group home operating within 800 feet. She reminded Council about the difficulty in enforcing the number of residents living at a group home. However, the zoning permit can be revoked if an inspection discovers evidence that the number of residents exceeds the number allowed on the permit. She recommended approving the application.

14. The Zoning Administrator testified that she reviewed the property file that begins in the early 1970s. She stated that there have been commercial zoning permits for the first floor of this building since 1974. However, there is no evidence of rental zoning permits or rental registration in the Property Maintenance Division. She also stated that there are also no Trades or Building Permits showing when the rental units were added to the building.

15. The City Planner, stated that the Planning Commission reviewed the application at their July 26<sup>th</sup> meeting, where they voted to approve Resolution No. 65-2011 to deny the application. The recommendation to deny is based on the lack of off-street parking. He stated that the Board didn't know about the motor vehicle restriction and that knowledge may have changed the Planning Commission's opinion.

16. The Applicant agreed that he would comply with any conditions required to obtain the zoning permit for a group home.

## DISCUSSION

The Applicant is seeking a Conditional Use Permit to have a group home at 132 West Oley Street, which is located in an R3 zoning district. The City of Reading Zoning Ordinance §27-1203.9 Conversions provides that the following standards are met:

### **9. Residential Care Facility, Including Group Care Facilities and Group Care Institutions.**

See the zoning district regulations concerning which types are allowed in various districts.

A. The following standards shall be for all residential care facilities:

(1) A site plan and architectural plans, drawn to scale, shall be submitted. These plans shall show the location and dimensions of off-street parking, private entrances, walkways, landscaping, the dimensions and square footage of each room and storage space and shall indicate the intended use of each room.

(2) No residential care facility shall be located within 800 feet of another group care facility, group institution, school, day care home, or day care center.

(3) One off-street parking space shall be provided per employee computed on the basis of the estimated maximum number of employees at any one time, plus one space for each four patient/client beds.

- (4) The premises at which the residential care facility is located shall be owned or leased by the social service agency sponsoring the group care facility.
- (5) The sponsoring entity shall document to the Zoning Administrator that all building, fire, plumbing, heating, electrical and similar systems meet the standards set by the City and by the Commonwealth of Pennsylvania.
- (6) See also §27-1201(2).
- B. The following standards are for all group care facilities:
  - (1) Group care facilities, by design and intent, shall provide for the temporary needs of transient residents.
  - (2) No group care facility shall have more than 10 residents at any given time, not including live-in supervisors.
  - (3) The only physical changes to the dwelling shall be those required by law. When the use is abandoned, any subsequent use shall conform to permitted uses in that zoning district.
  - (4) No more than two live-in supervisors shall reside in the group care facility.
  - (5) Although live-in supervision is not required, the sponsoring social service agency shall document to the Board that the agency shall provide the residents of the group care facility with the physical safety and the emotional support they require. Because residents of a group care facility are likely to be suffering from personal crises, some form of immediate contact with a counselor should be available at all hours. Likewise, immediate contact with sponsoring social service agency should be available to members of the public who may be in need of the services of the group care facility.
  - (6) The following standards are for all group care institutions.
  - (7) The group institution, by design and intent, shall provide for the long term needs of its residents and shall not accommodate the needs of transient individuals.
  - (8) A licensed physician, psychologist, counselor or social worker in the employ of or under contract to the social service agency shall be responsible for the assignment of residents to the group institution.
  - (9) At least one supervisor shall be on call during all hours during which any resident of the group institution is on the premises.
  - (10) The dwelling unit shall not be altered in any manner that would change the original dwelling unit character of the group institution.

#### **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

1. The Subject Property is located in the R-3 Zoning District.
2. The Hearing was held on August 2, 2011.
3. The Applicant requests a Conditional Use for a group home at the Subject Property.

4. The burden of proof in an application for a Conditional Use is upon the Applicant.
5. The 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 §27-1203.9 of the City of Reading Zoning Ordinance and met the conditions applied by City Council.
7. At the hearing, Applicant provided proof that he satisfied some of conditions of §27-1203.9 of the City of Reading Zoning Ordinance.
8. The Applicant did not testify that the City's Building Official and Fire Marshal inspected the building and observed that the Subject Property meets the City's code requirements.
9. The Applicant did not file an application for other relief from the City of Reading Zoning Hearing Board.
10. The 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.
11. The Applicant also failed to provide the required documents showing that the property's plumbing, heating and electrical equipment and facilities are adequate and appropriate for the proposed use.
12. The City's Planning Commission did not recommend that Council approve the request for group home.
13. The Zoning Administrator recommended the approval of this group home application.

#### **DECISION**

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

City Council approves the group home application for 132 West Oley Street, with conditions as follows:

1. After the City Building and Trades Office provides a certificate showing that the property is in compliance with all Building and Trades regulations.

However, the zoning permit for the group home at 132 West Oley Street shall be revoked upon the following:

1. The issuance of any Disruptive Conduct Report by the City of Reading, or
2. If the current or future property owner fails to comply with the City's Property Maintenance regulations, or
3. If the current or subsequent property owner fails to obtain a current housing permit or business license, or
4. If the current or subsequent property owner(s) allows more than three (3) residents to reside at this property at one time.
5. If at any time a group home resident brings a vehicle for personal use while he resides at this property, or
6. If the current or subsequent property owner fails to meet the conditions ordered within this decision.

If the zoning permit is revoked as herein provided, the property owner shall close the group home within one (1) month.

This is the decision of the City of Reading City Council by a vote of 6 to 0

CITY OF READING CITY COUNCIL

President of Council

Attest:

  
City Clerk