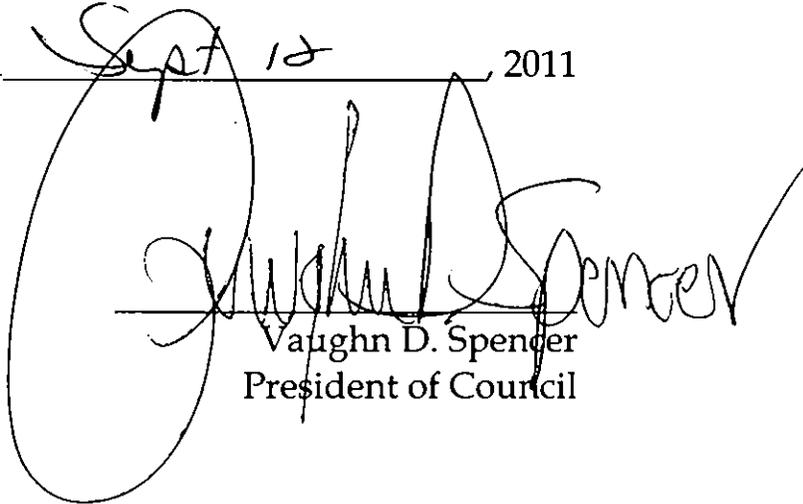


RESOLUTION NO. 16.1.2011

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

Denying the Conditional Use application submitted by David DeJesus and Maritza Concepcion requesting a zoning permit for a two (2) unit conversion at 334 McKnight Street and orders that the property be deconverted to a one unit single family owner occupied property within six (6) months of the date this order.

Adopted by Council Sept 12, 2011



Vaughn D. Spender
President of Council

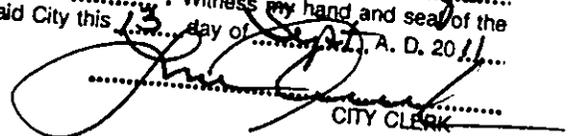
Attest:



Linda A. Kelleher
City Clerk

(Council Staff/Law)

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. 20 11. Witness my hand and seal of the said City this 13 day of Sept, A. D. 20 11.



CITY CLERK

IN RE: APPLICATION OF : BEFORE THE CITY OUNCIL
DAVID DEJESUS AND :
MARITZA CONCEPCION : OF THE CITY OF READING,
FOR A CONDITIONAL USE : PENNSYLVANIA
PERMIT FOR A TWO UNIT :
CONVERSION AT 334 :
MCKNIGHT STREET, READING, :
BERKS COUNTY, PENNSYLVANIA :

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

AND NOW, this 22nd day of August, 2011, hearings have been held on August 2, 2011, upon the application of David DeJesus and Maritza Concepcion, owners of 334 McKnight 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 David DeJesus and Maritza Concepcion, "Applicant" with a registered address of 334 McKnight Street, Reading, PA 19601.
2. Applicant is the fee simple owner of the property of 334 McKnight 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 §27-1203.4.

5. The Applicant attended the hearing.

6. The City Solicitor for the City entered the agenda and all attachments on to the record, without objection from the Applicant.

7. The Applicant stated that the main part of the property is a five (5) bedroom single family rental and that the additional one (1) bedroom rental unit was discovered when a Property Maintenance Inspector conducted an inspection of the property. The Inspector then informed her of the need to obtain a zoning permit. She stated that she owned the property since 2006 but did not reside at the property until recently. She stated that she currently lives in the one (1) bedroom rental unit.

8. The Applicant testified that she purchased the property as a single family unit and added the rental unit for storage purposes. She stated that she recently moved into the rental unit when she sold her residential property.

9. The Zoning Administrator stated that she reviewed the property file and found a zoning permit for a single family rental and garage. At the time the single family permit was issued, the additional one (1) bedroom unit was used for storage purposes. She stated that the property file in Trades does not contain building permits for the construction of the additional one (1) bedroom unit.

10. The Zoning Administrator stated that the zoning ordinance requires a one (1) bedroom unit to be a minimum of 550 sq. ft. She reported that this unit is much smaller and it does not meet the specifications in the zoning ordinance. She also noted that three (3) off-street parking spaces are required. She added that the applicant is also seeking a variance from the zoning hearing board to operate a repair garage. She stated that she does not recommend the approval of this conditional use permit.

11. The City Planner stated that the Planning Commission reviewed the application at their July 26th meeting and adopted Resolution No. 64-2011 recommending that the application be denied because the unit does not meeting the size regulations in the zoning ordinance and because there is insufficient off-street parking. He stated that the Planning Commission is also concerned about the impact the repair garage will have on the neighborhood.

12. The Applicant testified that off-street parking is available at the

garage owned by her brother at 322 McKnight Street; however, she stated that the garage is best suited for a single user who owns more than one (1) vehicle.

DISCUSSION

The Applicant is seeking a Conditional Use Permit to convert the building located at 334 McKnight Street to a two (2) unit property. The building is located in an R3 zoning district. The City of Reading Zoning Ordinance §27-1203.4 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.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The Subject Property is located in the R-3 Zoning District.
2. Hearing was held on August 2, 2011.
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 §27-1203.4 of the City of Reading Zoning Ordinance and met the conditions applied by City Council.

7. At the hearing, Applicant failed to provide proof that they satisfied the conditions of §27-1203.4 of the City of Reading Zoning Ordinance

8 Applicant did not file an application for other relief from the City of Reading Zoning Hearing Board.

9. Applicant did not 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 failed to provide the required site plan of the units and the off-street parking spaces and documents showing that the property's plumbing, heating and electrical equipment and facilities are adequate and appropriate for the proposed use.

10. The Zoning Administrator and City Planner recommend the denial of this conversion application.

DECISION

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

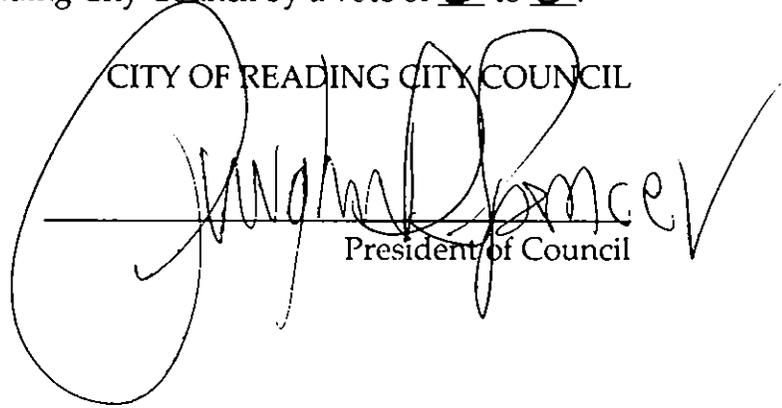
The application of David DeJesus and Maritza Concepcion for a conditional use permit for a conversion to create two (2) units at 334 McKnight Street is hereby denied for the following reasons:

1. The Applicant failed to provide proof that three (3) off-street parking spaces that can be used by the occupants of both units exists, and
2. The Applicant failed to provide proof that the property is in compliance with the City Code regulations, and
3. The one (1) bedroom unit fails to comply with the size specifications within the Zoning Ordinance, and
4. City Council finds that this neighborhood is overly populated.

City Council further orders that the property be deconverted to a one unit, owner occupied single family dwelling within six (6) months of the date of this order.

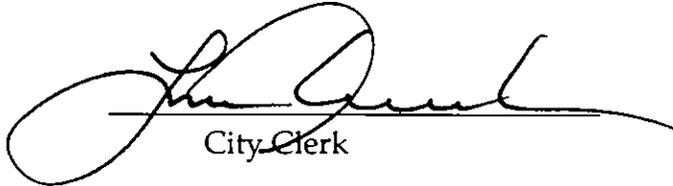
This is the decision of the City of Reading City Council by a vote of 6 to 0.

CITY OF READING CITY COUNCIL



President of Council

Attest:



City Clerk