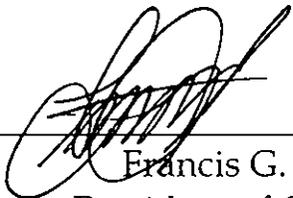


RESOLUTION NO. 45-2013

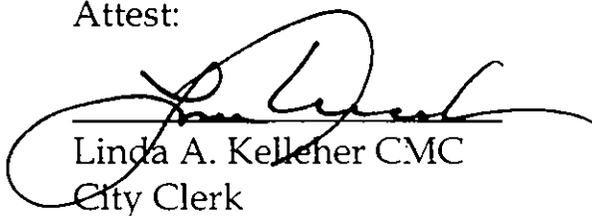
THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS FOLLOWS:

Approving the Conditional Use application submitted by Liz Albarran for HM Investments LLC aka Petronila Herrera-Munoz, 1620 Mulberry St, requesting a zoning permit for the addition of one first floor rental unit at 912 Amity Street with conditions.

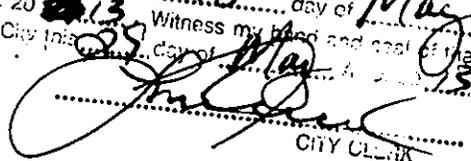
Adopted by Council May 28, 2013


Francis G. Acosta
President of Council

Attest:


Linda A. Kelleher CMC
City Clerk

(Council Staff)

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 28 day of May A. D. 20 13. Witness my hand and seal of the said City this 28 day of May 2013.

CITY CLERK

IN RE: APPLICATION OF : BEFORE THE CITY COUNCIL
LIZ ALBARRAN FOR HM :
INVESTMENTS : OF THE CITY OF READING,
FOR A CONDITIONAL USE : PENNSYLVANIA
PERMIT FOR A TWO UNIT :
CONVERSION AT 912 :
AMITY STREET, READING, :
BERKS COUNTY, PENNSYLVANIA :

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

AND NOW, this 28th day of May, 2013, hearing have been held on May 7, 2013, upon the application of Liz Albarran for HM Investments LLC aka Petronila Herrera-Munoz, 1620 Mulberry St. 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 Liz Albarran for HM Investments LLC aka Petronila Herrera-Munoz, 1620 Mulberry St., Reading PA 19604.
2. Applicant is the property manager for the fee simple owner of the property of 912 Amity 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 addition of a first floor rental unit as per the Zoning Ordinance per §27-1203.4.
5. The Applicant attended the hearing.

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

7. The Applicant stated that she enlarged the garage door entry way to allow access for two vehicles and she provided a photograph of the enlarged doorway, which was entered as an exhibit.

8. The Applicant testified that the City told her she did not require electrical or mechanical permits. The Applicant also testified that the property does not have a boiler and the property is heated with space heaters.

9. During questioning, the Applicant contradicted herself and stated that she does need a mechanical permit.

10. The Zoning Administrator stated that this property was originally a first floor commercial space with residential space on the second floor. The current owner plans to add a three bedroom unit in the first floor. The size of this unit is in compliance with the zoning ordinance. He recommended approving the application and issuing a permit after the garage door is widened to 18 feet.

11. The City Planner stated that the Planning Commission reviewed the application at their April 23rd meeting and recommended approving the additional residential unit and reiterating their previous concerns expressed at the first hearing in December 2012:

- The layout of the 2nd floor space
- The independence and viability of the two separate rental units
- The off street parking capacity due to the size and configuration of the garage
- If the building has all plumbing, heating and electrical equipment and facilities that are adequate and appropriate for the proposed use
- The time lapse since the closure of the commercial use

12. During the Public Comment period one resident of this neighborhood objected to the approval of an additional rental unit, citing parking stress and quality of life problems.

13. A Property Maintenance Inspection is scheduled for June 14, 2013.

DISCUSSION

The Applicant is seeking a Conditional Use Permit to add one rental unit to the first floor of 912 Amity Street. 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 May 7, 2013.

3. Applicant requests a Conditional Use for a conversion of the Subject Property to a two (2) unit property, which would add one rental unit on the first floor.

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 meets the conditions applied by City Council.

7. At the hearing, Applicant failed to provide proof that they satisfied some 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 failed to provide documents showing that the property's plumbing, heating and electrical equipment and facilities are adequate and appropriate for the proposed use, the floor plans for the second floor unit and the entrance ways to the two living units.

DECISION

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

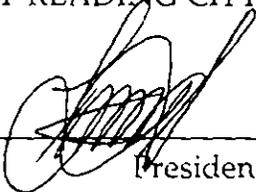
The application of Liz Albarran for HM Investments LLC aka Petronila Herrera-Munoz for a conditional use permit for the addition of a first floor rental unit at 912 Amity is hereby approved with the following conditions:

1. The Applicant must expand the size of the garage entry door to 18 feet, and
2. As the Applicant failed to provide proof that the property is in compliance with the City Code regulations, a Property Maintenance and Building Trades inspection will occur on June 14, 2013.

City Council further orders that the conditional use permit will not be issued until the property is in compliance with Property Maintenance and Building/Trade code regulations and all required permits are issued by Property Maintenance and Building/Trades

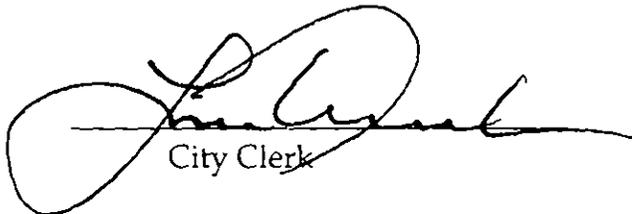
This is the decision of the City of Reading City Council by a vote of 6 to 1.

CITY OF READING CITY COUNCIL



President of Council

Attest:



City Clerk