

# RESOLUTION NO. 3-2013

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 a the addition of one first floor rental unit at 912 Amity Street with conditions.

Adopted by Council \_\_\_\_\_, 2013

\_\_\_\_\_  
Francis G. Acosta  
President of Council

Attest:

\_\_\_\_\_  
Linda A. Kelleher CMC  
City Clerk

(Council Staff)

**THIS RESOLUTION WAS NOT ADOPTED BY A 2-5 VOTE AT THE  
JANUARY 14<sup>th</sup> REGULAR MEETING OF COUNCIL**

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 17th day of December, 2012, hearings have been held on December 5, 2012, 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 the Property had been an owner occupied commercial property (commercial on the first floor and owner occupied living space on the second floor); however, when she purchased the property in March 2012, the property had been converted to a two unit rental property on the first and second floors.

8. The Applicant testified that when she purchased the property she planned to open a salon in the first floor space but found the cost of the conversion to be exorbitant and decided to retain the rental use.

9. The Zoning Administrator stated that he reviewed the property file and found a zoning permit for first floor commercial space; however Property Maintenance records show housing permits dating back to the late 1990s for a single unit. He noted that there were lapses in housing permit payments in 2007, 2008, 2009, 2011 and 2012. He expressed the belief that the 2<sup>nd</sup> floor rental space was grandfathered, so only an additional one and a half parking spaces would need to be provided for the first floor unit.

10. The Zoning Administrator stated that the existing garage does not meet the dimensional requirements specified in the zoning ordinance; however, he expressed the belief that the garage could hold two cars.

11. The City Planner stated that the Planning Commission reviewed the application at their November 27<sup>th</sup> meeting and had the following questions and concerns:

- The layout of the 2<sup>nd</sup> 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. The City Planning Commission recommended the denial of this application and returning the use to single family in Resolution 30-2012.

12. The Applicant testified that off-street parking is available at the garage and she is renting one additional space in Jake's Laundry across the street.

13. The Applicant agreed to allow Building/Trades and Property Maintenance Inspection Divisions inspect the property prior to the issuance of

the zoning permit. She also agreed to expand the entry for the garage and she did not object to the entry of Exhibits 2 and 3 (documents provided by the Zoning Administrator and the Planning Commission) onto the record.

## 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:

| <b>Apartment Square Feet</b> |             |
|------------------------------|-------------|
| 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 December 5, 2012.
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 meet 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 entry door to the two car garage or convert the garage into a carport, 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 be scheduled.

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.

This is the decision of the City of Reading City Council by a vote of \_\_\_ to \_\_\_.

CITY OF READING CITY COUNCIL

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President of Council

Attest:

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City Clerk