

RESOLUTION NO. 19 2013

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

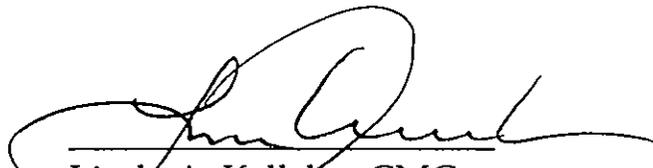
Denying the Conditional Use application submitted by Bryan Willman (owner) of 96 Commerce Drive, Reading, for an additional efficiency unit at 600 North 12th Street.

Adopted by Council March 11, 2013



Francis G. Acosta
President of Council

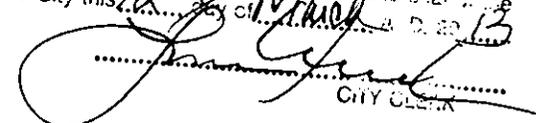
Attest:



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 11 day of March A. D. 20 13. Witness my hand and seal of the said City this 12 day of March A. D. 20 13.



City Clerk

IN RE: APPLICATION OF : BEFORE THE CITY COUNCIL
BRYAN WILLMAN :
FOR A CONDITIONAL USE : OF THE CITY OF READING,
PERMIT FOR AN ADDITIONAL : PENNSYLVANIA
EFFICIENCY UNIT AT :
600 NORTH 12th STREET :
READING, BERKS COUNTY :
PENNSYLVANIA :

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

AND NOW, this 11th day of March 2013, after a hearing held on March 4, 2013, upon the application Bryan Willman (hereinafter applicant), 96 Commerce Drive, Reading 19601, owner of 600 North 12th 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 Bryan Willman of 96 Commerce Drive, Reading, PA 19601.
2. Applicant is the property owner for the fee simple owner of the property of 600 North 12th Street (Subject Property) 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 efficiency 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 with all attachments and recommendations from the City's Zoning Administrator and Planning Commission on to the record, without objection from the Applicant.

7. The Applicant stated that the Property has a second floor two bedroom apartment and a first floor that is divided with an efficiency unit in the rear and a commercial unit in the front.

8. The Applicant testified that currently the off street garage spaces are not leased to the building's tenants.

9. The Zoning Administrator stated that he reviewed the property file and found a zoning permit for the commercial unit, efficiency unit and apartment going back to the early 1960s.

10. The Zoning Administrator stated the Zoning Ordinance no longer allows for new efficiency units and that prior to the prohibition of efficiency units, this unit would not qualify due to its size limitations. The Zoning Administrator recommended denying the application and requiring the expansion of the first floor efficiency unit to an apartment unit.

11. The City Planner stated that the Planning Commission recommends approving the application if the garage spaces are included with the leases for the units within the building.

12. The Applicant testified that he is unable to attract quality tenants to the second floor apartment due to its high rent and that he is unable to attract a suitable business to the first floor commercial space.

DISCUSSION

The Applicant is seeking a Conditional Use Permit to add one efficiency unit to the first floor of 600 North 12th 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 must be met:

4. **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

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 March 4, 2013.
3. Applicant requests a Conditional Use for the addition of a first floor efficiency unit at the Subject Property, eliminating the first floor commercial space.
4. The burden of proof for 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 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.
10. The 2010 Amendment to the Zoning Ordinance prohibits the addition of new efficiency units.

DECISION

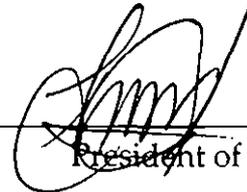
After reviewing the Applicant's request in detail, City Council enters the following decision:

The application of Bryan Willman for a conditional use permit for the addition of an efficiency unit at 600 North 12th Street is hereby denied for the following reasons:

1. The Zoning Ordinance prohibits the creation of new efficiency units.
2. The Applicant failed to provide proof that the property is in compliance with the City Code regulations as per Zoning Ordinance §27-1203.4.4.

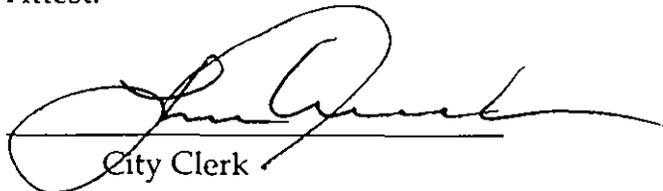
This is the decision of the City of Reading City Council by a vote of 5 to 2.

CITY OF READING CITY COUNCIL



President of Council

Attest:



City Clerk