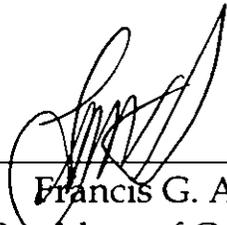


RESOLUTION NO. 08 2014

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

Approving the Conditional Use application submitted by Haik Hambartsoumian, AHA Realty Corp, 525 Dorchester Ave., West Lawn, PA 19610 (owner), to convert the commercial space located in the first floor on the property at 1233 Green Street with one (1) residential rental unit with conditions as attached.

Adopted by Council May 27, 2014

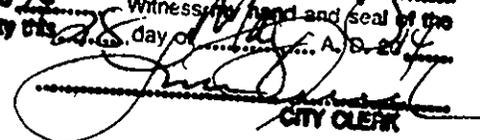

Francis G. Acosta
President of Council

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 27 day of May, A. D. 20 14. Witness my hand and seal of the said City this 28 day of May, A. D. 20 14.


CITY CLERK

IN RE: APPLICATION OF : BEFORE THE CITY COUNCIL
AHA REALTY CORP :
FOR A CONDITIONAL USE : OF THE CITY OF READING,
PERMIT TO REPLACE THE : PENNSYLVANIA
COMMERCIAL SPACE ON THE 1st :
FLOOR OF 1233 GREEN STREET, :
READING, BERKS COUNTY, PA :
WITH ONE RENTAL UNIT :

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

AND NOW, this 27th day of May, 2014, after a hearing held on May 6, 2014, upon the application of Haik Hambartsoumian, AHA Realty Corp, 525 Dorchester Ave., West Lawn, PA 19610, owner of 1233 Green 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 Haik Hambartsoumian of AHA Realty Corp, owner/applicant, (hereinafter applicant), 525 Dorchester Ave., West Lawn, PA 19610.
2. Applicant is the property owner for the fee simple owner of the property of 1233 Green Street (hereinafter Subject Property) at the time of application and at the time of the hearing.
3. The Subject Property is located in the R3 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 permit to convert the first floor commercial space with one rental unit as per the Zoning Ordinance per §600-810 B 3 Zoning Districts CC, §600-804 B 3 Zoning Districts R-3 and §600-1203 Conditional Use.
5. The Applicant attended the hearing.

6. The Solicitor for the City entered the agenda with all attachments on to the record without objection from the Applicant.
7. The Applicant stated that the Property has a first floor commercial space and two (2) residential rental spaces on the 2nd and 3rd floors. He stated that he believes that placing another commercial use into the first floor space will create additional and inappropriate intensity for the neighborhood. He expressed the belief that an additional residential unit would be less intense than a commercial use. He stated that he owns several rental units in Reading and he has rehabbed them and continues to keep them in good condition. He stated that he does things right and he does not cut corners.
8. The Applicant stated that there are no changes to the exterior of the property but the interior will be gutted and rehabbed after the required permits are obtained. The property will be occupied after the renovation is completed.
9. When questioned about the availability of off-street parking, the Applicant stated that his tenants usually do not own vehicles; however, there is sufficient parking available behind the building on Birch Street. As the property is completely built out on the lot off-street parking is unavailable.
10. The applicant stated that there are three (3) bedrooms on the 2nd and 3rd floors and that the first floor unit will have two (2) bedrooms and stated that there are fire escapes already in place and that there is egress on the upper units in the front, side and rear portions of the building. He noted that he has not made any improvements to the property and will not begin the renovations until he receives all required permits.
11. The City Planner stated that the Planning Commission reviewed the application at their April meeting and recommended that the permit be approved with conditions, as per Planning Commission Resolution 5-2014. He stated that the Commission expressed concern about the lack of sufficient off street parking, which is required by the Zoning Ordinance and he stated that the units meet the square footage requirements of the Zoning Ordinance. He stated that the Applicant plans to make a significant investment in this property.
12. The Zoning Administrator did not attend the hearing and a property report was not provided by the Zoning Administrator.

DISCUSSION

The Applicant is seeking a Conditional Use Permit convert the first floor commercial space to a one unit residential rental. The building is located in an CH zoning district.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The Subject Property is located in the R3 Zoning District.
2. Hearing was held on May 6, 2014.
3. Applicant requests a Conditional Use for the conversion of the first floor commercial space to a one unit residential rental at the Subject Property.
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, with conditions 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. Applicant did not file an application for other relief from the City of Reading Zoning Hearing Board.

DECISION

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

1. The application of Haik Hambartsoumian of AHA Realty Corp, owner/applicant, (hereinafter applicant), 525 Dorchester Ave., West Lawn, PA 19610 for a conditional use permit for the conversion on the first floor commercial space to a one unit residential rental unit at 1233 Green Street is hereby approved with the following conditions:
 - a. The property shall meet all applicable Building, Trades and Fire Code requirements and obtain a Certificate of Occupancy prior to the issuance of the Conditional Use permit.

- b. The Applicant shall secure off-street parking for any occupant who has a vehicle.

This is the decision of the City of Reading City Council by a vote of 7 to 0.