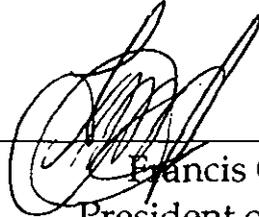


RESOLUTION NO. 10 2014

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

Approving the Conditional Use application submitted by Peter Anthony, owner/applicant, 150 W 38th St, Exeter, 19606, to replace the commercial space located in the first floor of the property with one (1) rental unit.

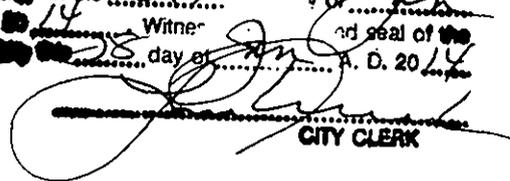
Adopted by Council Jan 27, 2014


Francis G. Acosta
President of Council

Attest:


Linda A. Kelleher CMC
City Clerk

(Council Staff)

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 Jan, 2014.
Witness my hand and seal of the City of Reading, Pa., on the 28 day of Jan, A. D. 2014.

CITY CLERK

IN RE: APPLICATION OF : BEFORE THE CITY COUNCIL
PETER ANTHONY :
FOR A CONDITIONAL USE : OF THE CITY OF READING,
PERMIT TO REPLACE THE : PENNSYLVANIA
COMMERCIAL SPACE ON THE 1st :
FLOOR OF 918 LANCASTER AVE, :
READING, BERKS COUNTY, PA :
WITH ONE RENTAL UNIT :

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

AND NOW, this 13th day of January 2014, after a hearing held on December 17, 2013, upon the application Peter Anthony, owner/applicant, 150 W 38th St, Exeter, 19606, of 918 Lancaster Avenue, 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 Peter Anthony, owner/applicant, (hereinafter applicant), 150 W 38th St, Exeter, 19606, of 918 Lancaster Avenue.
2. Applicant is the property owner for the fee simple owner of the property of 918 Lancaster Avenue (hereinafter Subject Property) at the time of application and at the time of the hearing.
3. The Subject Property is located in the Commercial Highway (CH) 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 replace 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

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 first floor commercial space and a residential rental space on the 2nd floor. He stated that he purchased the property in 1992 to use as his realty office. After he closed his realty business, he attempted to rent the space out to other businesses; however, due to the overabundance of commercial space in the area he has been unable to attract businesses to the first floor area. He stated that after unsuccessfully trying to rent the space to businesses he decided to use the unit for residential purposes. He described the layout of the unit and stated that the only change was the removal of the commercial counter-top.

8. The City Planner stated that the Planning Commission reviewed the application at their November 26th meeting. He stated that all residential uses are permitted in the CH zoning district. He explained that originally this building was solely a residential property and was at some point converted to commercial on the first floor and residential on the second floor. He stated that the Commission recommends approving this application, adding a condition requiring a Building/Trades inspection.

9. The Zoning Administrator testified that the proposed use complies with the Zoning Ordinance. He stated that the commercial retail space was added in 1982 and in 1992 the use changed to realty office space.

10. The Zoning Administrator stated that the first floor unit has 670 sq. ft. of living space, which complies with the Zoning Ordinance. He noted that the property has three (3) off-street parking spaces, which meets the Zoning Ordinance requirements.

11. 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.

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 CH Zoning District.
2. Hearing was held on December 17, 2013.
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:

The application of Peter Anthony, owner/applicant, 150 W 38th St, Exeter, 19606, of 918 Lancaster Avenue for a conditional use permit for the conversion of the first floor commercial space to one unit residential rental is hereby approved with the following conditions:

1. 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.

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