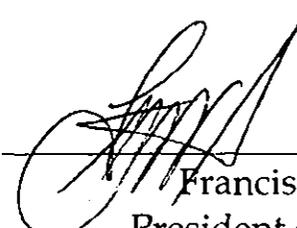


RESOLUTION NO. 110 2014

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

Denying the Conditional Use application submitted by Luis Vera (applicant) of 2334 Highland Street, West Lawn, PA 19609 to add one additional dwelling unit to the existing single family dwelling at 139 South 10<sup>th</sup> Street.

Adopted by Council Oct 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 Oct, A. D. 2014. Witness my hand and seal of the said City this 28 day of Oct, A. D. 2014.  
  
CITY CLERK

IN RE: APPLICATION OF : BEFORE THE CITY COUNCIL.  
LUIS VERA :  
FOR A CONDITIONAL USE : OF THE CITY OF READING,  
PERMIT FOR A TWO UNIT : PENNSYLVANIA  
RENTAL PROPERTY AT :  
139 SOUTH 10<sup>th</sup> ST., :  
READING, BERKS COUNTY, PA :

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

**AND NOW**, this 27<sup>th</sup> day of October, 2014, after a hearing held on October 14, 2014, upon the application of Luis Vera, 2334 Highland Street, West Lawn., PA 19609, 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 Luis Vera, of 2334 Highland Street, West Lawn PA 19609, (hereinafter Applicant).
2. Applicant is the manager of the fee simple owner of the property at 139 South 10th Street (hereinafter Subject Property) owned by Angel Vera, 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 add one unit at the Subject Property that currently is permitted as a single family rental as per Zoning Ordinance sections 600-1203 (D) and 600-1204(D).
5. The Applicant attended the hearing.
6. The Applicant stated that the property was purchased in 2006 and that when he discovered that the second rental unit was illegal he applied for a zoning permit as he wants to legally operate the property. He stated that he will comply if Council rules to deny the second unit and orders de-conversion at the property. There is no history of housing permits or inspections at this property prior to 2012 when the applicant applied for a housing permit.
7. The applicant applied for a two unit zoning permit and the permit was denied by the zoning administrator. The zoning administrator

approved a permit for a single family rental. The applicant was advised that he needed to de-convert the second unit or apply for a conditional use permit.

8. The Applicant did not provide information on the number of or about the availability of off-street parking, which was required when he purchased the property.
9. The zoning administrator and the Planning Commission recommended denying the permit.

### **DISCUSSION**

The Applicant is seeking a Conditional Use Permit to add one efficiency unit to the existing zoning permit that allows two dwelling units.

### **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

1. The Subject Property at 139 South 10<sup>th</sup> Street is located in the R3 Zoning District.
2. Hearing was held on October 14, 2014.
3. Applicant requests a Conditional Use permit for a total of two (2) rental units 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. The Applicant did not provide information about the availability of off-street parking or Code compliance.
10. The Applicant did not provide documentation proving that the two units existed when the property was purchased in 2006.
11. The Applicant testified that he applied for a two unit zoning permit in 2012 when he discovered that the second unit was illegal.
12. Applicant did not file an application for other relief from the City of Reading Zoning Hearing Board.
13. The zoning administrator expressed the belief that the second unit was added after the property was purchased in 2006 and that there is no evidence of housing permits or property maintenance inspections prior to 2012.

## DECISION

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

1. The application of Luis Vera, of 2334 Highland Street, West Lawn, PA 19609, for two dwelling units at 139 North 10<sup>th</sup> Street is hereby denied with the following orders:
  - a. The property shall be de-converted to a single family unit within six months and the property shall return to a single family rental or a single family owner occupied property.
  - b. An inspection to ascertain that the de-conversion occurred will be scheduled on or before April 27, 2015.
  - c. The property shall meet all applicable Building, Trades and Fire Code requirements required by the City's Building and Trades Division and the Fire Department. The property shall also obtain a Certificate of Occupancy.
  - d. The Applicant shall secure 1 ½ off-street parking spaces for the single family rental.

This is the decision of the City of Reading City Council by a vote of 2 to 0.