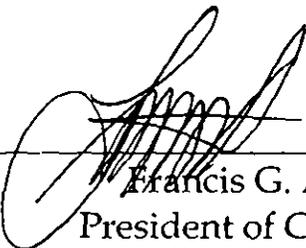


RESOLUTION NO. 16 2015

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

Approving the Conditional Use application submitted by Mr. Richard Moore, 1003 Lauralee Ave., Reading PA 19605 (applicant), for the addition of one efficiency unit to the existing two unit dwelling at 1141 North 9<sup>th</sup> Street with conditions and waiving the need for the applicant to apply for additional off-street parking.

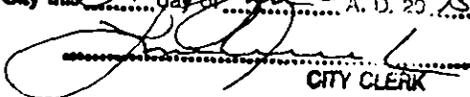
Adopted by Council Jan 26, 2015

  
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 26 day of Jan, A. D. 2015. Witness my hand and seal of the said City this 27 day of Jan, A. D. 2015.  
  
CITY CLERK

IN RE: APPLICATION OF : BEFORE THE CITY COUNCIL  
RICHARD MOORE :  
FOR A CONDITIONAL USE : OF THE CITY OF READING,  
PERMIT TO ADD ONE :  
EFFICIENCY UNIT : PENNSYLVANIA  
TO THE TWO UNIT :  
RENTAL PROPERTY :  
AT 1141 NORTH 9<sup>th</sup> ST., :  
READING, BERKS COUNTY, PA :

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

**AND NOW**, this 26<sup>th</sup> day of January, 2015, after a hearing held on January 6, 2015, upon the application of Mr. Richard Moore, 1003 Laurelee Avenue, Reading PA 19605 (applicant), 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 Mr. Richard Moore, 1003 Laurelee Avenue, Reading PA 19605 (hereinafter Applicant).
2. Applicant is the owner of the fee simple property at 1141 North 9<sup>th</sup> 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 add an efficiency unit to the existing two rental units at the Subject Property which is currently zoned as a two unit residential rental dwelling, as per Zoning Ordinance sections § 600-804(B)(3) Allowed Uses, § 600-804(C)(4) Additional requirements in the R-3 District, § 600-1203(D) Conversions, § 600-1204(D) Standards, §600- 12202 General Definitions, §600-1602(D) Design and Construction, §600-1603(A)(31)(a) Off-Street Parking Standards.
5. The Applicant stated that the property was purchased in 2005 as a three unit property. He stated that the property only needed

cosmetic improvements and the City required the installation of a second staircase, which was added. He stated that he and his wife operate group homes and they decided to instead offer individual rental units to individuals coming out of rehab. He stated that this was the first rental property he and his wife purchased.

6. The Applicant did not provide any testimony on the off street parking spaces required by the Zoning Ordinance or the Building and Trades permits used to convert the building.
7. The zoning administrator provided a case report, in summary:
  - The applicant made settlement on the subject property in June of 2005. Property Maintenance inspected the dwelling as a two unit rental property in 1984 and 2001 and a three unit rental property in 2009 and 2013. Housing payments made from 1984 through 2013 have been for a two unit rental property.
  - The Zoning Administrator reviewed and approved zoning for a two unit dwelling rental property on June 24, 2014. The third rental unit was denied. The applicant was informed that they could voluntarily de-convert the subject property back to a two unit dwelling or seek conditional use approval from City Council. The Applicant met with the Zoning Administrator on September 22, 2014, and submitted a conditional use application for the third unit.
  - The subject unit is an efficiency apartment located on the second floor rear of the building. It consists of a bedroom, kitchen, and bath. The total square footage for the area is 306 square feet; however, habitable space is 135 square feet.
  - There are two parking spaces in the rear of the property. 1.5 off-street parking spaces are required for each dwelling unit for a conversion, or the applicant shall provide two additional off-street parking spaces. The other two units are deemed to be legally non-conforming, and therefore would not require more than the existing two spaces; however, this provision may be exercised when increasing the non-conformity. If off-street parking cannot be provided, and the conditional use application is approved, then the applicant will need additional zoning relief.
  - There is no evidence on file of Building and Trades permits or zoning permits approving a conversion from a two to a three unit dwelling.
8. The zoning administrator and the Planning Commission recommend denying the permit; however, the Planning Commission suggests that Council consider the housing permit history at the property and that efficiency units were permitted in the City prior to 2010.

## DISCUSSION

The Applicant is seeking a Conditional Use Permit to add an efficiency dwelling unit to the second floor rear of the Subject Property which is currently zoned as a two unit residential rental property.

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The Subject Property at 1141 North 9<sup>th</sup> Street is located in the R3 Zoning District.
2. Hearing was held on January 20, 2015.
3. Applicant requests a Conditional Use permit to add an efficiency dwelling unit to the second floor of the Subject Property which is currently zoned as a two unit residential rental unit.
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 present testimony on the parking requirements or the Building and Trades regulations required by the Zoning Ordinance.
7. The Applicant did not file an application for other relief from the City of Reading Zoning Hearing Board.
8. The zoning administrator recommended denying the application; however, the Planning Commission recommended that Council consider the housing permit history at the Subject Property and that efficiency units were permitted in the City's Zoning Ordinance prior to 2010.

### DECISION

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

1. The application of Mr. Richard Moore, of 1003 Laurelee Avenue, Reading AP 19605 to add one efficiency dwelling unit to the second floor of this property, as efficiency units were permitted prior to 2010, is hereby approved with the following orders:
  - a. The Applicant shall schedule an inspection by the Building and Trades inspectors who shall perform an inspection to ascertain that the property meets all applicable Building, Trades and Fire Code requirements required by the City's Building and Trades Division and the Fire Department.
  - b. The Applicant shall obtain an occupancy permit.
  - c. The need for additional zoning relief for off-street parking is waived.

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