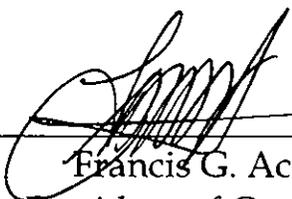


RESOLUTION NO. 15 2015

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

Approving the Conditional Use application submitted by Ms. Donna Lineman, 107 N. Warren St., Pottstown, PA 19464 (applicant), for the addition of two rental units to the existing one unit dwelling 231 South 4th 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. 20 15. Witness my hand and seal of the said City this 27 day of Jan, A. D. 20 15.

CITY CLERK

IN RE: APPLICATION OF	: BEFORE THE CITY COUNCIL
DONNA LINEMAN	:
FOR A CONDITIONAL USE	: OF THE CITY OF READING,
PERMIT TO ADD TWO	:
ADDITIONAL DWELLING	: PENNSYLVANIA
UNITS TO THE ONE UNIT	:
RENTAL PROPERTY	:
AT 231 SOUTH 4 th ST.,	:
READING, BERKS COUNTY, PA	:

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

AND NOW, this 26th day of January, 2015, after a hearing held on January 6, 2015, upon the application of Ms. Donna Lineman, 107 N. Warren St., Pottstown, PA 19464 (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 Ms. Donna Lineman, 107 N. Warren St., Pottstown, PA 19464 (hereinafter Applicant).
2. Applicant is the owner of the fee simple property at 231 South 4th 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 additional two rental units to the Subject Property which is currently zoned as a single family residential rental dwelling, as per Zoning Ordinance sections 600-804(B)(3), 600-1203 (D), 600-1204(D), 600-1602 (D), 600-1603 (A) (31) (a) and 600-2202.
5. The Applicant stated that the property was purchased in 2005 as a three unit property and they applied for zoning for the additional two units in 2007. She stated that the first and second floors each have one 2 bedroom units and the third floor has a single 1 bedroom unit. City records show this property as a single family rental.

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 property is a three story brick dwelling in the R-3 Residential Zone.
 - During the 1990's, the building was listed as vacant for rehab. From 2007 to present, the property has been inspected as three dwelling units.
 - The applicant and her husband purchased the property on September 15, 2005; the housing application was submitted on April 21, 2008, requesting three dwelling units. Since the applicant's acquisition of the property, they have paid housing fees equating to a single unit.
 - On August 18, 2008, the applicant received approval from the Administrative Hearing Officer for three dwelling units. However, due to inaction by the applicant's husband, a zoning permit was not issued. This discovery was made by the zoning office after the applicant's submission of their conditional use application.
 - The applicant met with the zoning administrator on October 19, 2014. The applicant is requesting three units. The zoning administrator granted approval for a single family dwelling. The Property Maintenance Inspections, from 2007 to present, indicate three kitchens, three bathrooms, three electrical meters and a three story fire escape in the rear of the property.
 - The applicant has only paid for a single unit housing permit between 2007 and 2010.
 - The applicant is also seeking relief from providing five parking spaces as needed per Section 600-1603(A)(31)(a).
8. The zoning administrator and the Planning Commission recommend approving the permit and the Planning Commission also recommends providing relief from the off-street parking requirement.

DISCUSSION

The Applicant is seeking a Conditional Use Permit to add two (2) additional residential dwelling units to the second and third floors of the Subject Property which is currently zoned as a single family residential rental unit.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The Subject Property at 231 South 4th Street is located in the R3 Zoning District.
2. Hearing was held on January 6, 2015.
3. Applicant requests a Conditional Use permit to add two (2) additional rental dwelling units to the second and third floors of the Subject Property which is currently zoned as a single family 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 Applicant is seeking relief from the off-street parking requirements.
9. The zoning administrator and Planning Commission recommended approving the application for the addition of the two new residential rental units, as only the third floor unit falls slightly below the minimum size requirements in the zoning ordinance.

DECISION

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

1. The application of Ms. Donna Lineman, 107 N. Warren St., Pottstown, PA 19464, to add two residential dwelling units to this property 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 pay the difference in housing permit fees for the years 2006 through 2010 for a total of \$580.
 - c. The Applicant shall obtain an occupancy permit.
 - d. The Applicant shall install a 4th electrical meter to provide separate electrical service for the common areas of the property.

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