

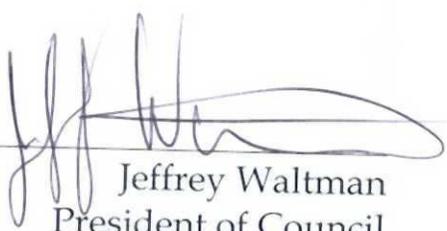
Drafted by	City Clerk
Sponsored by/Referred by	City Clerk/City Solicitor
Introduced on	N/A
Advertised on	N/A

RESOLUTION NO. 87 2015

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

Approving the Conditional Use application submitted by Mr. Henry Sanchez, 2248 Raymond Ave., Reading, PA 19605 (applicant), for the addition of two rental units to the existing one unit dwelling 508 North 9th Street with conditions.

Adopted by Council Sept 28, 2015


 Jeffrey Waltman
 President of Council

Attest:


 Linda A. Kelleher CMC
 City Clerk

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 28 day of Sept A. D. 2015.
 Witness my hand and seal of the said City this 29 day of Sept A. D. 2015.

 CITY CLERK

IN RE: APPLICATION OF	:	BEFORE THE CITY COUNCIL
HENRY SANCHEZ	:	
FOR A CONDITIONAL USE	:	OF THE CITY OF READING,
PERMIT TO ADD TWO	:	
ADDITIONAL DWELLING	:	PENNSYLVANIA
UNITS TO THE ONE UNIT	:	
RENTAL PROPERTY	:	
AT 508 NORTH 9 th ST.,	:	
READING, BERKS COUNTY, PA	:	

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

AND NOW, this 28th day of September, 2015, after a hearing held on September 8, 2015, upon the application of Mr. Henry Sanchez, 2248 Raymond Ave., 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. Henry Sanchez, 2248 Raymond Ave., Reading, PA 19605 (hereinafter Applicant).
2. Applicant is the owner of the fee simple property at 508 N. 9th 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 did not attend the hearing; however, he was represented by his architect Melvyn Jacobson (hereinafter Applicant's Representative)
6. The Applicant's Representative asked Council to consider the large size of this property as they consider the request to add two (2)

additional rental units. He stated that the large size of the property no longer meets the needs of the average family.

7. The Applicant's Representative stated that each unit is on a separate floor, each unit has 1 ½ bathrooms, each unit has two available forms of egress in the form of the front staircase and a rear fire escape.
8. The Applicant's Representative stated that many of the properties in this area are rental properties. He stated when past applications for additional units were requested, the lack of onsite off street parking was an issue. He explained that the current zoning administrator recently explained that offsite, off-street parking spaces are sufficient and the applicant decided to move forward through the process after learning this information.
9. The Applicant's Representative did not present testimony on the Building and Trades permits required to convert the building or if the mechanicals at the property will require an upgrade to handle the additional units.
10. The zoning administrator provided a case report, in summary:
 - The applicant made settlement on the subject property in February, 2015. In May of 2015, the applicant submitted a Conditional Use Hearing application for three dwelling units. Property Maintenance inspected the property in December of 2012 and May of 2014, as one unit, and recently in April of 2015, as one unit. There are currently three bathrooms, one on each level, and one kitchen on the first level of the property. All housing payments are current.
 - On March 1, 2006, City Council held a Conditional Use Hearing for the appeal request for the conversion of a single unit into four apartment units which was denied due to the illegal conversion and insufficient parking (Refer to ed).
 - On May 9, 2006, City Council held a Conditional Use Hearing for the appeal request for the conversion of a single unit into three apartment units. At that hearing, Council had the same concerns regarding adequate parking and the possible conversion of extra rooms into bedrooms. The applicant requested to resubmit his plans based on the input from Council and was permitted to do so. Council agreed to withhold making a decision until the May 22, 2006 regular meeting (Refer to attached). On May 30, 2006, the Conditional Use Application was denied by Resolution 2006-67. (Refer to attached)
 - The requirement for off street parking is one and one half spaces per dwelling unit. Three off-street parking spaces are proposed, which would leave a deficit of two.
11. The zoning administrator and the Planning Commission recommend approving the permit with the following conditions:
 - One of the dwelling units is owner occupied.
 - The applicant shall submit a landscaping plan for the area designated to be covered by gravel (gravel should not be utilized).
 - The applicant shall designate one on-site parking space for each dwelling unit.
12. When questioned, the zoning administrator stated that he recommends owner occupancy due to the Comp Plan and his belief that owner occupied properties are better managed.
13. The Applicant's Representative objected to the owner occupancy recommendation. He questioned the legality of the recommendation and noted that the property was purchased

without this condition or a deed restriction requiring owner occupancy. He noted that the owner lives within Reading.

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 508 North 9th Street is located in the R3 Zoning District.
2. Hearing was held on September 8, 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 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 and Planning Commission recommended approving the application with conditions.
9. The Applicant's Representative objected to the condition requiring owner occupancy questioning the legality of that condition as the property was not purchased with any conditions or deed restrictions. He noted that the owner resides locally.
9. However, after the hearing the Planning Commission submitted their recommendation and they also questioned the legality of the owner occupancy condition.

DECISION

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

1. The application of Mr. Henry Sanchez, 2248 Raymond Ave., Reading, PA 19605, to add two residential dwelling units to this property is hereby APPROVED with the following conditions:
 - a. The Applicant shall obtain all the required permits to undertake the conversion project, including a business license.
 - b. The Applicant shall schedule an inspection by the Building and Trades inspectors 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.
 - c. The Applicant shall obtain an occupancy permit.
 - d. The Applicant shall install four (4) electric meters to provide separate electrical service for each unit and the common areas of the property.
 - e. The applicant shall submit a landscaping plan for the area designated to be covered by gravel (gravel should not be utilized).
 - f. The applicant shall designate one on-site parking space for each dwelling unit.

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