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

RESOLUTION NO. 79 2015

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

Approving the Conditional Use application submitted by Ms. Veronica Johnson of PO Box 1383, Reading, PA 19603 (applicant), for one (1) additional rental unit at 841-845 North 8th Street and approving zoning relief from providing five parking spaces as needed per Section 600-1603(A) (31) (a) Residential Conversions with conditions as defined herein.

Adopted by Council Aug 24, 2015

President of Council

Attest:

Linda A. ~~Kelleher~~ CMC
City Clerk

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 24 day of Aug A. D. 20 15. Witness my hand and seal of the said City this 25 day of Aug A. D. 20 15

CITY CLERK

IN RE: APPLICATION OF	: BEFORE THE CITY COUNCIL
VERONICA JOHNSON	:
FOR A CONDITIONAL USE	: OF THE CITY OF READING,
PERMIT TO ADD ONE	:
ADDITIONAL DWELLING	: PENNSYLVANIA
UNIT TO THE	:
RENTAL PROPERTY	:
AT 841-845 N 8th ST.,	:
READING, BERKS COUNTY, PA	:

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

AND NOW, this 24th day of August, 2015, after a hearing held on August 3, 2015, upon the application of Ms. Veronica Johnson, PO Box 1383, Reading, PA 19603 (applicant), for a conditional use permit at 841-845 N. 8th Street (subject property) 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. Veronica Johnson, PO Box 1383., Reading, PA 19603 (hereinafter Applicant).
2. Applicant is the owner of the fee simple property at 841-845 North 8th Street (hereinafter Subject Property), at the time of application and at the time of the hearing.
3. The Subject Property is located in the CN 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 rental units to the Subject Property which is currently zoned as one (1) commercial unit and 2 dwelling units, one of which is owner occupied, 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 2003 and originally the dwellings were for single family use.
6. The Applicant stated that there are sufficient off street parking spaces; however, the zoning administrator testified that additional parking for the commercial unit is required.

7. The Applicant did not submit testimony on the Building and Trades permits used to convert the building.
8. The Applicant stated that she began the application process in 2010.
9. The Applicant stated that the properties each have a dwelling and that the dwellings are registered as rental properties. She stated that the square footage of the existing and proposed dwelling units all meet the Zoning Ordinance requirements.
10. The zoning administrator provided a case report, in summary:
    - The applicant submitted a housing application requesting three dwelling units and two rooms and sought zoning approval. On July 23, 2014, the zoning administrator inspected 845 North 8th Street and found three dwelling units with a suspected fourth unit in the basement of the subject property and one dwelling unit at 842 Little Cedar Street. During the zoning administrator's inspection the subject property had two electrical meters, one gas meter and two hot water heaters. The applicant stated that she converted the property into the three dwelling units and two rooms over her duration of ownership of the property. No building or trades permits were pulled during the conversion.
    - The zoning administrator denied the applicant's request on August 19, 2014. Zoning approval was granted for a total of two dwelling units, one at 845 North 8th Street and one at 842 Little Cedar Street. Of the two dwelling units, one was designated as owner occupied. However, the applicant continued to rent the subject property as three dwelling units and two rooms on the third floor. 842 Little Cedar Street is owner occupied.
    - The applicant owns the adjacent existing 20' x 100' surface parking lot at 841-843 North 8th Street and 838 and 840 Little Cedar Street. According to submitted plans, the parking lot shows five (5) spaces bordering the north side of the property.
    - The applicant met with the zoning administrator on October 19, 2014, January 7, 2015, and April 29, 2015. The applicant is requesting a total of three dwelling units, two of which have already been granted approval.
    - The applicant submitted a Conditional Use Application on April 29, 2015. The applicant proposes to convert the first floor front of the subject property, 845 North 8th Street, into a commercial personal service, beauty salon; a use permitted by right. The applicant seeks conditional use approval to increase the remainder of the subject property, 845 North 8th Street, into two dwelling units. The structure on 842 Little Cedar Street shall remain as a single dwelling unit.
    - The applicant proposes to convert the first floor of 845 North 8th Street into a personal service commercial space. The commercial space is 555 square feet.
    - Apartment 1 will encompass the rear of the first floor (behind the commercial space) and the second floor directly above. The two bedroom unit is 811 square feet and is within the minimum floor space requirement. This unit is designated on the plans to be owner occupied.

- Apartment 2 will consist of the second and third floor of 845 North 8th Street and is designated as a three bedroom unit. The unit is 976 square feet and is within the minimum floor space requirement for a three bedroom unit.
- 842 Little Cedar Street is a single family detached dwelling unit and is 690 square feet.
- The applicant owns the adjacent 20' x 120' surface parking at 841-843 North 8th Street. The applicant did not submit a professionally designed parking plan with the application; however, did provide a layout with the application. On the layout, the parking spaces would be parallel, 8 feet wide by 18 feet long. The requirement is 20 feet long by 8 feet wide. There is an aluminum carport approximately 10' x 36' as measured from Little Cedar Street. There are signs designating the entrance to the parking lot is from North 8th Street and exiting onto Little Cedar Street. However, upon site inspection, the cars were parking opposite of the designated signage. There were four trash receptacles for the subject property stored in the parking lane.
- According to Section 600-1602, this adjacent lot could accommodate up to five parking spaces using the parking requirement of 8 feet wide by 20 feet long. There is enough area to also accommodate a buffer strip along North 8th Street per Section 600-1401; and a screened dumpster enclosure along Little Cedar Street per Section 600-916(B).
- The off street parking requirement for each use in the building is: the commercial use requires three spaces; the residential units require five spaces. The total number of parking spaces required for both uses in the building is eight spaces. The applicant is seeking zoning relief from providing five parking spaces as needed per Section 600-1603(A) (31) (a) Residential Conversions. Per Section 600-1602(E), the applicant needs relief to reduce the size of the parking spaces.

11. The zoning administrator recommended approving the permit with conditions and the Planning Commission recommended denying the permit. However, the Planner testified that had the Planning Commission had opportunity to review the new information in the case report, they may have reached another conclusion.

DISCUSSION

The Applicant is seeking a Conditional Use Permit to add one (1) additional residential rental unit to the dwelling located at 841-845 North 8th Street. Zoning Permit # 2015-1019 allows 1 commercial unit and 2 dwelling units, one of which is owner occupied. There is an additional single family dwelling located at 842 Little Cedar Street.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The Subject Property at 841-845 North 8th Street is located in the CN Zoning District.
2. Hearing was held on August 3, 2015.
3. Applicant requests a Conditional Use permit to add one (1) additional rental dwelling unit to the 841-845 North 8th Street, which is currently zoned as one (1) commercial unit and two (2) dwelling units, one of which is owner occupied.
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 present testimony that no additional parking is required; however, the Zoning Administrator also presented testimony that additional off street parking spaces are required.
7. The Applicant did not present testimony on the Building and Trades regulations required by the zoning ordinance. However, the Zoning Administrator presented testimony that the required building/trades permits were not issued when the conversion of the building occurred after Ms. Johnson purchased the building in 2003.
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 with this conditional use application.
9. The zoning administrator recommended approving the application with conditions and Planning Commission recommended denying the application. However, the City Planner testified that had the Planning Commission had the opportunity to review the zoning case report the recommendation may have been altered.

DECISION

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

- The application of Ms. Veronica Johnson, PO Box 1383, Reading, PA 19603, to add one (1) residential dwelling unit and relief from the parking

requirements as defined in the Zoning Ordinance to this property is hereby approved with the following conditions and orders:

1. The applicant shall consolidate parcels, 841 and 845 North 8th Street, as a single parcel.
2. One of the dwelling units at 845 North 8th Street shall remain owner occupied.
3. A professional parking plan that includes one dedicated off street parking space for each unit and two (2) spaces for the commercial unit for 841-843 North 8th Street with all parking spaces clearly defined by painted lines and/or wheel blocks and marked, including a screened in dumpster enclosure and buffer strip shall be submitted to and approved by the zoning administrator.
4. The commercial occupant, if other than the applicant, shall be required to obtain a zoning permit and business privilege license from the City.

This is the decision of the City of Reading City Council by a vote of 5 to 0.