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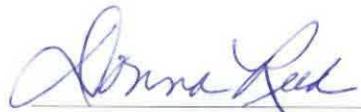
City Clerk/City Solicitor  
City Clerk/City Solicitor  
N/A  
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## RESOLUTION NO. 103 2015

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

Approving the Conditional Use application submitted by Mr. Ronnie Diaz, 922 A Franklin St., Reading, PA 19602 (applicant), for the conversion of 922 A Franklin Street from one residential unit dwelling and one commercial unit to a two residential unit dwelling and one commercial unit with conditions as attached.

Adopted by Council Nov 23, 2015



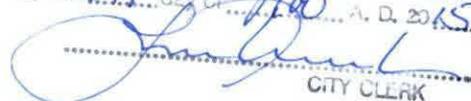
Donna Reed  
Vice President of Council

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 23 day of Nov, A. D. 2015. Witness my hand and seal of said City this 24 day of Nov, A. D. 2015.



CITY CLERK

IN RE: APPLICATION OF : BEFORE THE CITY COUNCIL  
RONNIE DIAZ :  
FOR A CONDITIONAL USE : OF THE CITY OF READING,  
PERMIT TO ADD TWO :  
ADDITIONAL DWELLING : PENNSYLVANIA  
UNITS TO THE RENTAL PROPERTY :  
AT 922 A FRANKLIN ST., :  
READING, BERKS COUNTY, PA :

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

**AND NOW**, this 23<sup>rd</sup> day of November, 2015, after a hearing held on November 4, 2015, upon the application of Ronnie Diaz, 1044 Fox Run, Reading, PA 19606, 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 Ronnie Diaz, son of Francisco, of 922 A Franklin Street, Reading, PA 19602 (hereinafter Applicant).
2. Applicant is the owner of the fee simple property at 922 A Franklin 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 two dwelling units to the Subject Property which is currently zoned as one commercial unit and one residential dwelling unit with a four car parking lot, as per Zoning Ordinance sections 600-804(2)(c) 600-1203 (D), 600-1204(D), 600-1602 (D), 600-1603 (A) (3) and 600-2202.
5. The Applicant stated that a multi-unit rental property in this location will not create an alteration of the characteristics of the neighborhood as there are other commercial and rental properties in this area.

6. The Applicant stated that the re-designed units will exceed the size limits required by the zoning ordinance. He stated that a vacant adjoining lot was purchased to provide the required off-street parking for the property. He stated that the parking lot will also exceed that required by the zoning ordinance and they plan to provide security lighting, cameras and fencing to secure the area along with landscaping. He expressed the belief that the neighborhood will benefit from the improvements to the property.
7. The Applicant displayed architectural drawings of the property showing the various units and the parking area. He gave a verbal description of the drawings. He stated that the trash will be stored in the four (4) car parking area and he noted the spaciousness of the two (2) units.
8. The zoning administrator provided a case report, in summary:

- The property is bounded on the north by Franklin Street, on the east by Orange Street, on the south by parcel 112 Orange Street and on the west by parcels, 918 and 922 Franklin Street. The subject property is an irregular shaped parcel. The applicant combined the three separate and attached properties, 922 A Franklin Street, 108 and 110 Orange Street into one parcel and recorded a new deed on March 11, 2015. The subject property is located in an R-3 Residential Zone, it is not located in an historic district, overlay district or the floodway or flood hazard area.
- The property deed is recorded as 922 A Franklin Street, however, it is commonly referred to by the mailing address of 924 Franklin Street. According to the deed description, the building was used as a storeroom and warehouse. The commercial space was formerly occupied as Scholl & Son Pet Store. Since 1994, the commercial space has been utilized as a neighborhood grocery store.
- On December 22, 2010, the applicant submitted a City of Reading Housing Packet requesting three dwelling units and one commercial store for the existing conditions of the building. On November 5, 2014, the zoning administrator granted approval for one dwelling unit and one commercial unit. The applicant sought to appeal the zoning administrator's decision and applied for a Conditional Use Hearing on January 5, 2015. The request was denied on January 26, 2015, because the existing units did not meet the minimum square footage requirements for the conversions and lack required off-street parking. Council ordered a de-conversion of the subject property back to the approved zoning of one residential unit and one commercial unit. On August 6, 2015, a site inspection confirmed the de-conversion. (Refer to attached Resolution 14-2015)
- The proposed new configuration would combine the second floor front and the third floor to form Unit One, a three bedroom dwelling. Unit One has a total of 1,092 square feet which is above the required minimum 850 square footage for a three bedroom unit.
- Unit Two is located on the second floor rear, which would be expanded to include a 12'11" x 21'10" addition over the existing first floor garage. Unit Two has a total of 691 square feet which is above the required minimum 550 square footage for a one bedroom unit.
- For each dwelling unit, there shall be a minimum of 1.5 off-street parking spaces per unit for a total of three parking spaces. To accommodate the required residential parking, the applicant proposes to construct a surface parking area in the rear of the subject property, formerly 108-110 Orange Street. The driveway is located approximately 71 feet from the intersection of Franklin and Orange Streets.
- According to the submitted plans, the new surface parking area will accommodate four parking spaces and a wood frame trash enclosure with a

chain link double gate. Buffer strips have been provided abutting the adjacent residential parcels, 112 Orange Street and 918 Franklin Street and along Orange Street. A landscaping plan shows that two white pine trees, twelve arborvitae and several minimum height arborvitae to be planted in the buffer strips. The applicant will supply two pole mounted electric lights at a height of fourteen feet with a 2 candle foot luminance for the parking area as required by Section 600-1602(M).

- The residential entry is via a stairway located in the building off-set at the rear of the commercial space along Orange Street. A chain link fence and gate lock with a push device to open from the inside of the gate will provide a secure access for the residential units.
9. The zoning administrator and the Planning Commission recommend approving the permit with conditions.

### DISCUSSION

The Applicant is seeking a Conditional Use Permit to add two (2) residential dwelling units to a property currently permitted for one commercial use and one residential rental use.

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The Subject Property at 922 A Franklin Street is located in the R3 Zoning District.
2. Hearing was held on November 4, 2015.
3. Applicant requests a Conditional Use permit to add two (2) additional rental dwelling units to the Subject Property which is currently zoned for one (1) first floor commercial use and one (1) residential rental use on the upper floors.
4. The new units are a three (3) bedroom dwelling unit and a one (1) bedroom unit, both units exceed the sizes required by the zoning ordinance.
5. The burden of proof for an application for a Conditional Use is upon the Applicant.
6. The 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.
7. The Applicant did not present testimony on the property's compliance with building or trades permits for the conversion.
8. The Applicant did not file an application for other relief from the City of Reading Zoning Hearing Board.
9. The zoning administrator and Planning Commission recommended approving the application for the additional units with conditions.

## DECISION

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

1. The application of Ronnie Diaz, son of Francisco, of 922 A Franklin Street, Reading, PA 19601, to add two (2) residential dwelling units to this commercial and one (1) unit residential dwelling unit multi-use property is hereby approved with the following conditions:
  - a. The applicant shall attend a One Stop meeting with the Building & Fire Inspectors to ensure all applicable Building & Fire Code requirements are met.
  - b. The applicant shall apply for all required building, trades and fire permits and submit to all required inspections deemed necessary.
  - c. The applicant shall submit the parking lot and driveway plan for a review by the City Planning Commission and City Department of Public Works and obtain all required driveway and curb cut permits.
  - d. The applicant shall define parking stalls using painted lines and/or wheel blocks and designate two spaces for each unit.
  - e. The applicant shall meet with the Shade Tree Commission and the City Arborist to obtain guidance on the placement of trees and landscaping in the parking area.

This is the decision of the City of Reading City Council by a vote of 6 to 0