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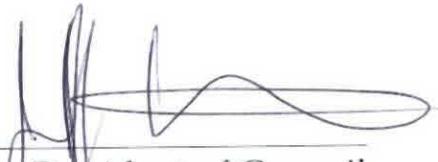
City Clerk/City Solicitor  
City Council  
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## RESOLUTION NO. 54 2016

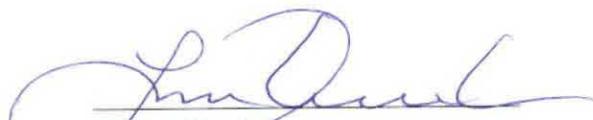
THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS FOLLOWS:

Approving the Conditional Use application submitted by Ms. Michelle Ragoo, 90-23 182<sup>nd</sup> St., Hollis NY 11423 2 (applicant), for 436 South 18<sup>th</sup> Street to convert the existing 1<sup>st</sup> floor commercial unit to a residential unit, allowing two (2) residential rental units at this property.

Adopted by Council June 27, 2016

  
\_\_\_\_\_  
President of Council

Attest:

  
\_\_\_\_\_  
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 27 day of June A. D. 2016. Witness my hand and seal of said City this 28 day of June, A. D. 2016.

  
\_\_\_\_\_  
CITY CLERK

IN RE: APPLICATION OF : BEFORE THE CITY COUNCIL  
MICHELLE RAGOO :  
FOR A CONDITIONAL USE : OF THE CITY OF READING,  
PERMIT TO CONVERT :  
THE COMMERCIAL UNIT AT : PENNSYLVANIA  
436 S. 18<sup>th</sup> ST TO A RESIDENTIAL :  
UNIT TO MAKE TWO RESIDENTIAL :  
UNITS AT THE PROPERTY :

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

**AND NOW**, this 27<sup>th</sup> day of June, 2016, after a hearing held on June 1, 2016, upon the application of Michelle Ragoo, 90-23 182<sup>nd</sup> St., Hollis NY 11423, 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 Michelle Ragoo, 90-23 182<sup>nd</sup> St., Hollis NY 11423 (hereinafter Applicant).
2. Applicant is the owner of the fee simple property at 436 South 18<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 convert the 1<sup>st</sup> floor commercial space to one (1) residential unit at the Subject Property, creating a two (2) unit residential property, 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 testified at the hearing.
6. The Applicant's agent stated that the property was purchased with one residential unit and one commercial unit in May 2016 and that the electric, plumbing, etc. require no changes. She stated that the only improvement she made was the installation of new flooring and that she will not be changing the size of the units.
7. The Applicant's agent stated that off-street parking is not provided; however, there is sufficient public parking in the area. The City

Planner noted that this was a two (2) unit property prior to the enactment of the zoning ordinance; therefore the use is a pre-existing, non-conformity.

8. The Applicant testified that the garage and off-street lot at the rear of the property is a separate property, owned by another party.
9. The Applicant testified that the majority of the properties in this neighborhood are multi-unit rental properties.
10. The Applicant stated that her brother and brother-in-law, who also own rental properties in the area, have offered to help her manage this property.
11. When asked, the Applicant did not object to having the agenda with the property packet entered as an exhibit.
12. The zoning administrator provided a case report and stated that the property is a 2 ½ story building. Adams Dry Cleaner was located in the commercial unit between 1955 and 1985. There is no record of how the 2<sup>nd</sup> floor unit was used. Property Maintenance inspected the property in October 2013 and November 2015 and they identified the 1<sup>st</sup> floor commercial space and the 2<sup>nd</sup> floor residential space. There were no inspections prior to 2013.
13. The zoning administrator stated that both units exceed the minimum sizes required by the zoning ordinance.
14. The zoning administrator recommended that Council approve the conversion of the commercial space to a residential space and add conditions limiting each unit to having no more than three (3) tenants and stay in compliance with the City's codes.
15. The City Planner testified that the Planning Commission reviewed the application at their April meeting and recommended approving the application with conditions.

## **DISCUSSION**

The Applicant is seeking a Conditional Use Permit to convert the 1<sup>st</sup> floor commercial unit to a residential unit, creating a two (2) unit rental at 436 South 18<sup>th</sup> Street.

## **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

1. The Subject Property at 436 South 18th Street is located in the R3 Zoning District.
2. Hearing was held on June 1, 2016.
3. Applicant requests a Conditional Use permit to convert the 1<sup>st</sup> floor commercial unit to a residential unit, creating a two (2) unit rental
4. Off-street parking is not required as the use is a pre-existing, non-conformity.

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 testified that the current electrical, plumbing and other systems meet the needs of the property in its current configuration. The Applicant also testified that her brother and brother-in-law will assist with the management of the property.
8. The size of the units is in compliance with the zoning ordinance requirements.
9. The Applicant did not file an application for other relief from the City of Reading Zoning Hearing Board.
10. When asked, the Applicant did not object to having the agenda with the property packet entered as an exhibit.
11. The zoning administrator and Planning Commission recommended approving the application for the conversion.

### DECISION

After reviewing the Applicant's request in detail and considering the testimony at the hearing, City Council enters the following decision:

1. The application of Michelle Ragoo, 90-23 182<sup>nd</sup> St., Hollis NY 11423, to convert the 1<sup>st</sup> floor commercial unit to a residential unit, creating a two residential unit rental property at 436 South 18<sup>th</sup> Street, is hereby approved with the following orders:
  - a. The applicant shall apply for all required building, trades and fire permits and submit to all required inspections deemed necessary.
  - b. The property shall meet all applicable Property Maintenance, Building, Trades and Fire code requirements.
  - c. The applicant shall refrain from allowing more than three (3) individuals to reside at the property.

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