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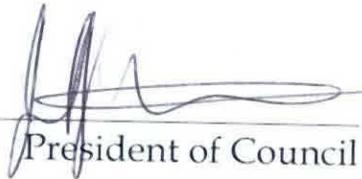
City Clerk/City Solicitor  
City Council  
N/A  
N/A

## RESOLUTION NO. 55 2016

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

Approving the Conditional Use application submitted by MYTMITE LLC, aka Gregory Kiddy, 718 N 5<sup>th</sup> St, Reading (applicant), for 800 North 5th Street to convert the existing 1<sup>st</sup> floor commercial unit (dental office) to a one (1) bedroom residential rental unit, allowing a total of five (5) residential rental units at this property, with conditions.

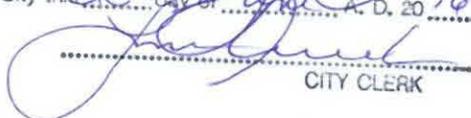
Adopted by Council June 27, 2016

  
\_\_\_\_\_  
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. 20 16. Witness my hand and seal of the said City this 28 day of June A. D. 20 16.

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

IN RE: APPLICATION OF : BEFORE THE CITY COUNCIL  
 MYTMITE LLC. :  
 AKA GREGORY KIDDY : OF THE CITY OF READING,  
 FOR A CONDITIONAL USE :  
 PERMIT TO CONVERT :  
 THE 1<sup>st</sup> FLR COMMERCIAL UNIT AT : PENNSYLVANIA  
 800 NORTH 5<sup>th</sup> ST TO A RESIDENTIAL :  
 UNIT TO MAKE FIVE 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 15, 2016, upon the application of MYTMITE LLC, aka Gregory Kiddy, 718 N 5<sup>th</sup> St, Reading (hereinafter "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 MYTMITE LLC, aka Gregory Kiddy, 718 N 5<sup>th</sup> St, Reading.
2. Applicant is the owner of the fee simple property at 800 North 5<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 (dental office) to one (1) residential unit at the Subject Property, creating a five (5) 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 stated that the property was formerly owned and operated by a dentist, who ran his practice from the 1<sup>st</sup> floor commercial unit until he retired. He stated that he and his partner

- purchased five (5) properties in the 700 and 800 blocks of North 5<sup>th</sup> Street, one of which they reside in.
7. The Applicant explained that while facing the property the dental office is located to the right of the center hall and another rental unit exists to the left side of the center hall. The 2<sup>nd</sup> floor has two (2) residential units and the 3<sup>rd</sup> floor has one (1) unit. He stated that they retained an architect to help redesign the dental office into a one (1) bedroom residential space and convert the portion of the garage used for an office. He stated that his goal is to provide safe, clean, affordable housing. He expressed the belief that this neighborhood is not well suited for the continuation of some other commercial use at the property.
  8. When asked, the Applicant did not object to having the agenda with the property packet entered as an exhibit.
  9. The Applicant testified that the pad leading to the garage could be used to provide two (2) off-street parking spaces and that they intended to use the garage for their personal vehicles.
  10. The Applicant testified that the garage will remain a garage use and the basement will not be converted to another use.
  11. The Applicant did not testify about the property's plumbing, heating, electrical or facilities.
  12. The zoning administrator stated that the property is located at 5<sup>th</sup> and Douglass Streets on a .25 acre parcel. He explained that there are two (2) units on the 1<sup>st</sup> and 2<sup>nd</sup> floors and one (1) unit on the 3<sup>rd</sup> floor. He stated that the unit being converted has 658 sq. ft., (Zoning Ordinance requires the minimum sq. ft for a 1 bedroom at 550 sq. ft.) He stated that the property was purchased by the Applicant in February 2016 and the zoning application was submitted in May 2016.
  13. The zoning administrator recommended approving the conversion with the following conditions. He stated that the conditions will apply to the property, not only to the unit being converted:
    - Renting to no more than three (3) unrelated individuals
    - Keeping the building code compliant
    - Complying with the HARB regulations and requirements
  14. The City Planner stated that the Planning Commission reviewed the application at their May 24, 2016 meeting. He expressed the belief that allowing a residential use is more compliant than a commercial use. He stated that the Commission's only hesitation was spurred by the upcoming PennDOT improvement project which will likely eliminate 14 parking spaces from the neighborhood to improve line of sight at intersections without traffic signals or signs. He stated that the Commission agrees with

- the recommendation to approve the conversion with the recommended conditions.
15. One citizen who resides in the neighborhood testified during the public comment period and he agreed with the conversion of the commercial unit to a residential unit.

### **DISCUSSION**

The Applicant is seeking a Conditional Use Permit to convert the 1<sup>st</sup> floor commercial unit to a one (1) bedroom residential rental unit, creating five (5) rental units at 800 North 5<sup>th</sup> Street.

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

1. The Subject Property at 800 North 5<sup>th</sup> Street is located in the R3 Zoning District.
2. Hearing was held on June 15, 2016.
3. Applicant requests a Conditional Use permit to convert the 1<sup>st</sup> floor commercial unit (dental office) to a one (1) bedroom residential unit, creating a five (5) unit rental property.
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 did not testify about the property's plumbing, heating, electrical systems and facilities.
8. When asked, the Applicant did not object to having the agenda with the property packet entered as an exhibit.
9. The size of the converted unit is in compliance with the zoning ordinance requirements.
10. The Applicant did not file an application for other relief from the City of Reading Zoning Hearing Board.
11. The zoning administrator and Planning Commission recommended approving the application for the conversion with conditions.

### **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 MYTMITE LLC, aka Gregory Kiddy, 718 N 5<sup>th</sup> St, Reading, to convert the 1<sup>st</sup> floor commercial unit (dental office) to a residential unit, creating a five residential unit rental property at 800 North 5<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 and the Historic District and Secretary of the Interior Regulations.
  - c. The applicant shall refrain from allowing more than three (3) unrelated individuals to reside in any unit at this property.

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