

Drafted by:  
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Advertised on:

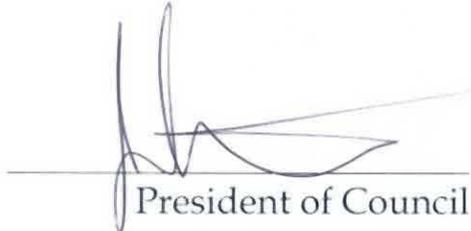
City Clerk/City Solicitor  
City Clerk/City Solicitor  
January 25, 2016  
N/A

## RESOLUTION NO. 12 2016

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

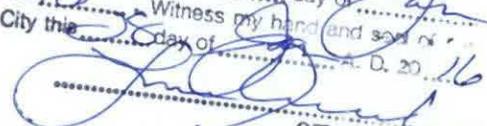
Denying the Conditional Use application submitted by Roslie Charles, 522 Douglass St, Reading, PA 19601 (applicant), for the addition of one (1) rental unit to the existing single family dwelling at 403 Elm Street and ordering the deconversion of the property to a single family unit by July 25, 2016.

Adopted by Council Jan 27, 2016

  
\_\_\_\_\_  
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 27 day of Jan, A. D. 2016. Witness my hand and seal of said City this 27 day of Jan, A. D. 2016.  
  
\_\_\_\_\_  
CITY CLERK

IN RE: APPLICATION OF : BEFORE THE CITY COUNCIL  
ROSLIE CHARLES :  
FOR A CONDITIONAL USE : OF THE CITY OF READING,  
PERMIT TO ADD ONE :  
ADDITIONAL DWELLING : PENNSYLVANIA  
UNIT TO THE SINGLE FAMILY :  
RENTAL PROPERTY :  
AT 403 ELM ST., :  
READING, BERKS COUNTY, PA :

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

**AND NOW**, this 25<sup>th</sup> day of January, 2016, after a hearing held on January 6, 2016, upon the application of Ms. Roslie Charles, 522 Douglass St., Reading, PA 19601(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 Ms. Roslie Charles, 522 Douglass St., Reading, PA 19601 (hereinafter Applicant).
2. Applicant is the owner of the fee simple property at 403 Elm 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 rental unit to the Subject Property which is currently zoned as a single family owner occupied residential 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. The permit history for this property is as follows:
  - The applicant was issued Zoning Permit # 2012-396 for a single family rental property and had a Property Maintenance Inspection (PMI) as a single family rental on February 21, 2012. The PMI inspector noted that the property was vacant and being rehabilitated. On the PMI report, there is no indication of a second floor kitchen. (Refer to attached Zoning Permit 2012-396 and PMI inspection report 2/21/12)

- On June 10, 2014, the applicant's electrician was issued an electrical permit for a two gang meter base and installed a 100 amp panel on the first floor of the property. (Refer to attached electrical permit).
  - The applicant applied and was granted Zoning Permit # 2015-765, changing the property zoning from a single family rental to a single family owner occupied dwelling. In this housing application, the applicant indicated that her son resided in the dwelling. On zoning permit # 2015-765, the applicant indicated the number of units as one, and the number of rooms as 5. On March 19, 2015, a Property Maintenance inspection was performed and the inspector noted that the property was zoned as a single unit, however, was being occupied as a first floor apartment, and the second and third floors as a rooming house. A second floor kitchen is indicated on this report. (Refer to attached Zoning Permit # 2015-765 and PMI report 3/19/15).
  - On August 19, 2015, the zoning department received a complaint that the property was being used as a rooming house. A site visit was made to the property. The property was found to be a free flowing dwelling (no locks on the interior doors). However, there were five occupants, two related and three unrelated persons, residing on the second and third floors of the building and sharing the kitchen and bathroom on the second floor. Also, several of these occupants were registered as required by Pennsylvania's Megan's Law II. A violation letter was sent to the applicant for the number of unrelated occupants and for operating a treatment center due to the number of Megan's Law offenders. (Refer to attached letter)
5. The applicant stated that she wants to add a new apartment to this property to provide more housing for people. She noted her desire to help people. She stated that her survival of a health issue in 2011 made her want to help others. When responding to a question she stated that the property is a single family rental.
  6. The Zoning Administrator provided a case report attached to the agenda packet containing information showing that the latest inspection by the Property Maintenance Division shows the existence of a kitchen on the second floor and evidence that the property is being occupied as a rental unit on the first floor and a rooming house on the 2<sup>nd</sup> and third floors. The Zoning Administrator testified that a kitchen was installed on the 2<sup>nd</sup> floor without the required building and trades permits.
  7. The Applicant did not provide any testimony on the off street parking spaces required by the zoning ordinance or the Building and Trades permits used to convert the building.
  8. The zoning administrator provided a case report, in summary:
    - The property was vacant for approximately ten years. The applicant purchased the property in December 2007. Several contractors have obtained trade permits for building alterations, plumbing, and electrical work from 2008 through 2011.
    - The applicant was issued Zoning Permit # 2012-396 for a single family rental property and had a Property Maintenance Inspection (PMI) as a single family rental on February 21, 2012. The PMI inspector noted that the property was vacant and being rehabilitated. On the PMI report, there is no indication of a second floor kitchen.
    - On June 10, 2014, the applicant's electrician was issued an electrical permit for a two gang meter base and installed a 100 amp panel on the first floor of the property.
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resided in the dwelling. On zoning permit # 2015-765, the applicant indicated the number of units as one, and the number of rooms as 5. On March 19, 2015, a property maintenance inspection was performed and the inspector noted that the property was zoned as a single unit, however, was being occupied as a first floor apartment, and the second and third floors as a rooming house. A second floor kitchen is indicated on this report.

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  - The applicant submitted drawings showing the existing floor plans. The first floor apartment is designated as a one bedroom dwelling unit with 693 square feet, which is above the required minimum square footage. The second floor dwelling unit is drawn as an existing four bedroom dwelling unit with 1,195 square feet, which is above the required minimum square footage. The applicant proposes no exterior or interior changes to the building. The applicant also stated that her son will again reside in the first floor unit and manage the property.
  - The second floor dwelling unit has no private apartment entrance, as the interior stairwell is open from the first floor to the third floor. The second floor bedrooms exit onto an open corridor. The second floor kitchen was installed between 2012 -2015, however, there were no building, plumbing or electrical permits issued for the installation. This plan would suggest a rooming housing configuration.
  - Conversions require 1.5 parking spaces for each dwelling unit. The applicant cannot provide the required three parking spaces for the property.
9. In response to a question The zoning administrator stated that separate ingress/egress for the 2<sup>nd</sup> floor unit is not provided and he stated that the lack of a second ingress/egress creates safety problems. He stated that this issue could be resolved through a partition in the existing doorway; however, the applicant stated that no further improvements are planned.
10. The City Planner testified that the Planning Commission considered the application and case report at their December meeting and recommends denying the application as per the reasons cited by the Zoning Administrator in the case report.
11. The Applicant agreed to allow the agenda packet containing the case report and agenda materials to be made a part of the record.

## DISCUSSION

The Applicant is seeking a Conditional Use Permit to add one (1) additional residential dwelling unit to the Subject Property which is currently zoned as an owner occupied residential rental unit.

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The Subject Property at 403 Elm Street is located in the R3 Zoning District.
2. Hearing was held on January 6, 2016.
3. Applicant requests a Conditional Use permit to add one (1) dwelling unit to the Subject Property which is currently zoned as a single family owner occupied residential dwelling.
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 parking requirements or the Building and Trades regulations required by the zoning ordinance.
7. The Zoning Administrator testified that a second kitchen was added to the second floor and that the property was used as a rental and as a rooming house.
8. The Applicant did not file an application for other relief from the City of Reading Zoning Hearing Board.
8. The Applicant did not seeking relief from the off-street parking requirements nor did the Applicant provide evidence that there is sufficient off street parking. The Applicant also did not provide evidence that the kitchen installation was permitted properly by Building/Trades.
9. The zoning administrator and Planning Commission recommended denying the application for the addition of one rental unit to this property.

### DECISION

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

1. The application of Ms. Roslie Charles, 522 Douglass St., Reading, PA 19601, to add one (1) residential dwelling unit to this property is hereby denied with the following orders:
  - a. The Applicant shall schedule an inspection by the Building and Trades inspectors who shall perform an inspection 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.

- b. The Applicant shall remove the second kitchen no later than July 25, 2016 and convert this property to a single family rental
  - c. The Applicant shall schedule a Property Maintenance Inspection on or before July 25, 2016.
2. The Applicant shall immediately cease operating this property as a two unit rental and rooming house.

This is the decision of the City of Reading City Council by a vote of \_\_\_ to \_\_\_.