

RESOLUTION NO. 99 2012

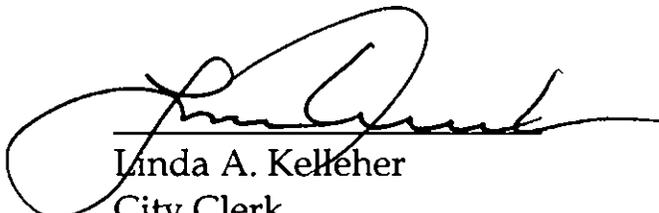
THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS FOLLOWS:

Approving the Conditional Use application submitted by Brian Dietrich requesting a zoning permit to add one residential unit at 918 N 4<sup>th</sup> Street with condition as attached herein.

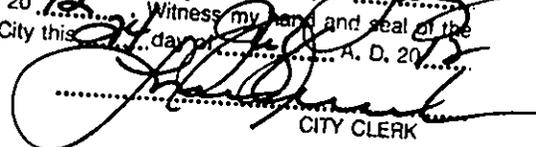
Adopted by Council July 23, 2012

  
Francis G. Acosta  
President of Council

Attest:

  
Linda A. Kelleher  
City Clerk

Council Staff

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 July A. D. 20 12. Witness my hand and seal of the said City this 24 day of July A. D. 20 12.  
  
CITY CLERK

IN RE: APPLICATION OF : BEFORE THE CITY OUNCIL  
BRIAN DIETRICH : OF THE CITY OF READING,  
FOR A CONDITIONAL USE : PENNSYLVANIA  
PERMIT TO ADD ONE RESIDENTIAL :  
UNIT AT 918 N 4<sup>th</sup> ST, :  
READING, BERKS :  
COUNTY, PENNSYLVANIA :

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

**AND NOW**, this 23<sup>rd</sup> day of July, 2012, hearings have been held on July 17, 2012, upon the application of Brian Dietrich, owner of 918 N 4<sup>th</sup> Street, 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 Brian Dietrich, "Applicant" with a registered address of 416 Bingaman Street, Reading PA 19601.
2. Applicant is the fee simple owner of the property of 918 N 4<sup>th</sup> Street at the time of application and at the time of the hearing.

3. The Subject Property is located in the R-3 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 one (1) residential rental unit to the 35 existing multi-unit rental property at 918 North 4<sup>th</sup> Street, as per the City of Reading Zoning Ordinance per §27-1203.D.

5. The Applicant attended the hearing and provided testimony on his application supporting the addition of one residential rental unit.

6. The City Solicitor for the City entered the agenda and all attachments on to the record. The Applicant did not object to entering those documents onto the record.

7. The Applicant testified that he purchased the property in 1999 and the deed was re-recorded in 2005 after his divorce. He also stated that his research shows that this has been a multi unit rental property since 1972.

8. The Applicant testified that he owns many rental properties in Reading and keeps them well maintained. He stated that 918 North 4<sup>th</sup> Street is not a problem property that creates problems for the neighborhood. He stated that adding one additional unit will not negatively impact the neighborhood.

9. The Applicant stated the commercial unit converted to a residential space was last used commercially in 2011. He stated that he has historically has difficulties finding a long-term commercial tenant for the space; therefore, he decided to convert into a rental property.

10. City Planner Andrew Miller testified that the Planning Commission reviewed the application and recommended approval of the Conditional Use Permit via Resolution 23-2012 at their June 26, 2012 Planning Commission Meeting.

11. Zoning Administrator Craig Peiffer provided background on the building, which was entered as an exhibit. He stated that the converted unit meets the space requirements in the Zoning Ordinance. However, he noted that the converted unit was discovered during an inspection by the Property Maintenance Division. He stated that historically the Applicant has paid for 35 housing permit fees. He also testified that the Property Maintenance Division is satisfied that the conversion meets the required codes. He recommended approval of the Conditional Use permit.

## DISCUSSION

The Applicant is seeking a Conditional Use Permit to add one additional rental unit at 918 North 4<sup>th</sup> Street, converted from the pre-existing commercial space. The building is located in an R3 zoning district. The City of Reading Zoning Ordinance §27-1203.D Conversions provides that the following standards are met:

**D. Conversions.** This section applies to an existing building where it is allowed by the zoning district regulations to be converted into new dwelling units:

1. A site plan, drawn to the scale, showing the location and dimensions of all off-street parking, private entrances, walkways and landscaping, shall be submitted, as well as, architectural plans showing the dimensions and square footage of all rooms and storage spaces and indicating the intended use of all rooms.

2. The conversion shall have the minimum floor area as designated by the following schedule:

<b>Apartment Square Feet</b>	
Efficiency or Studio	Not Allowed
One Bedroom	550
Two Bedroom	700
Three or More Bedroom	850

3. For each dwelling unit, there shall be a minimum 1.5 off-street parking spaces per unit.

4. Documents indicating to the City Codes Staff's satisfaction that all plumbing, heating and electrical equipment and facilities are adequate and appropriate for the proposed use. The entire building shall also be made available for a code inspection.

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The Subject Property is located in the R-3 Zoning District.
2. Hearing was held on July 17, 2012.
3. Applicant requests a Conditional Use for the addition of an additional rental unit in the existing 35 unit structure.
4. The burden of proof in an application for a Conditional Use is upon the Applicant.
5. City of Reading City Council is permitted to grant Conditional Uses 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. In order to grant the relief, Applicant must show that it has satisfied §27-1203.D of the City of Reading Zoning Ordinance and met the conditions applied by City Council.

7. At the hearing, Applicant provided proof that he satisfied the conditions of §27-1203.D of the City of Reading Zoning Ordinance.

8 Applicant did not file an application for other relief from the City of Reading Zoning Hearing Board.

9. Applicant did provide sufficient proof that the existing facility conforms to the general character of other properties in the neighborhood and will not adversely affect the safety of the affected property owners. Applicant also provided the required site plan of the units and the off-street parking spaces and documents showing that the property's plumbing, heating and electrical equipment and facilities are adequate and appropriate for the proposed use.

10. The City's Planning Commission approved Resolution 23-2012 which recommends that City Council approve the conversion without requiring additional parking. The Commission voted unanimously to recommend approval of the 918 North 4<sup>th</sup> Street.

11. The City's Zoning Administrator also recommended the approval of the permit with conditions, as stated herein.

### DECISION

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

The application of Brian Dietrich for a conditional use permit for a conversion which will add one rental unit to the existing 35 unit structure located at 918 North 4<sup>th</sup> Street is hereby approved with the following condition:

1. The Applicant, Brian Dietrich, shall pay for the additional dwelling unit from 2005 through 2010 totaling \$400 (\$50 for years 2005-2008 and \$100 for years 2009-2010).

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