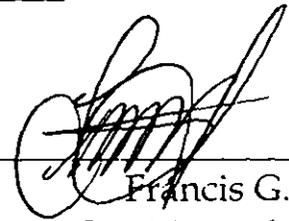


RESOLUTION NO. 46-2013

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

Denying the Conditional Use application for a two unit rental (2 bedroom first floor unit and 3 bedroom unit on the combined 2nd and 3rd floors) floor unit at 1146 North 6th Street submitted by James Kintzer, owner, 3214 Fulton Street, Laureldale, and approving a Conditional Use permit for 1146 North 6th Street for a two unit rental (1 bedroom first floor unit and 3 bedroom unit on the combined 2nd and 3rd floors) with conditions.

Adopted by Council May 28, 2013



Francis G. Acosta
President of Council

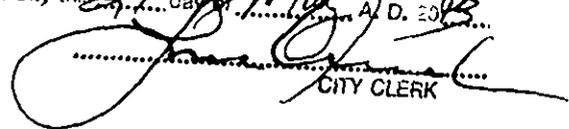
Attest:



Linda A. Kelleher CMC
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 28 day of May, A. D. 2013. Witness my hand and seal of the said City this 29 day of May, A. D. 2013.



CITY CLERK

IN RE: APPLICATION OF	: BEFORE THE CITY COUNCIL
JAMES KINTZER	: OF THE CITY OF READING,
FOR A CONDITIONAL USE	: PENNSYLVANIA
PERMIT FOR A TWO UNIT	:
CONVERSION AT 1146	:
NORTH 6th STREET,	:
READING, BERKS COUNTY,	:
PENNSYLVANIA	:

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

AND NOW, this 28th day of May, 2013, hearing have been held on May 7, 2013, upon the application of James Kintzer, owner 3214 Fulton Street, Laureldale, 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 James Kintzer, 3214 Fulton St., Laureldale PA 19605.
2. Applicant is the simple owner of the property of 1146 N 6th Street (hereinafter referred to as "Subject Property").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 for a two unit rental as per the Zoning Ordinance per §27-1203.4.
5. The Applicant attended the hearing.
6. The Solicitor for the City entered the agenda and all attachments on to the record, without objection from the Applicant.

7. The Applicant stated that when he purchased the property in 2006 it was converted to a two unit rental and he was unaware that the proper zoning was not in place. He also stated that he knew nothing about the City's rental regulations.

8. The Applicant testified that he knew nothing about the need for zoning approval or rental permits until the fire that occurred in March 2013.

9. The Applicant stated that he requires at least two units to make owning the property economically viable. He stated that the property is insured as a two unit and that the majority of the homes in this neighborhood are multi-unit rentals

10. The Applicant stated that his realtor did not advise him that the property was an illegal rental or inform him about the City's rental property regulations.

11. The Zoning Administrator submitted a report on this property that states on or around 2001, this single family structure was illegally converted to a two unit rental. In 2008 the property was placarded by Property Maintenance due to an illegal residential unit in the basement. After the March 8, 2013, fire Property Maintenance and the Fire Department found the property still had three rental units, one of which was the unit in the basement. The property was again placarded by Property Maintenance and Zoning. Trades permits were withheld until the applicant is granted zoning. The applicant is seeking a two bedroom unit for the first floor; however, the first floor does not meet the size requirements for a two bedroom unit. He recommended approving this application for a two unit rental, with only a one-bedroom unit on the first floor, with conditions.

12. The City Planner stated that the Planning Commission reviewed the application at their April 23rd meeting and recommended the approval of the application for a two unit property contingent on all necessary architectural plan approvals, permits and inspections.

13. No one present offered public comment and the Applicant refused the opportunity to provide rebuttal

DISCUSSION

The Applicant is seeking a Conditional Use Permit for a two unit rental at 1146 N 6th Street. The building is located in an R3 zoning district. The City of Reading Zoning Ordinance §27-1203.4 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:

Apartment Square Feet	
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 May 7, 2013.

3. Applicant requests a Conditional Use for a conversion of the Subject Property to a two (2) unit property, with a two bedroom unit on the first floor and a three bedroom unit on the combined second and third floors

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 meets the conditions applied by City Council.

7. At the hearing, Applicant failed to provide proof that he satisfied some conditions of §27-1203.4 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 failed to provide documents showing that the property's plumbing, heating and electrical equipment and facilities are adequate and appropriate for the proposed use and he failed to provide documentation or testimony regarding the need to provide 1.5 off street parking spaces for rental units.

DECISION

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

The application of James Kintzer for a conditional use permit for a two unit rental property at 1146 North 6th Street (a first floor one bedroom unit and a three bedroom unit on the combined 2nd and 3rd floors) is hereby denied because the square footage of the first floor space does not comply with the Zoning Ordinance.

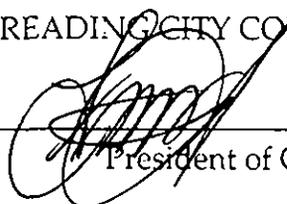
However, a Conditional Use permit at 1146 North 6th Street for a two unit rental with a one bedroom first floor unit and a three bedroom unit in the combined second and third floors, is approved with the following conditions:

3. The Applicant must seek a variance from the Zoning Hearing Board for the required off street parking, and
4. The Applicant must undertake all building improvements, including installing a secondary egress, with licensed contractors and with the required permits.

City Council further orders that the Conditional Use permit will not be issued until the property is in compliance with Property Maintenance and Building/Trade code regulations and all required permits are issued by Property Maintenance and Building/Trades. The Conditional Use permit will be immediately revoked if the City finds additional units or bedroom spaces at this property.

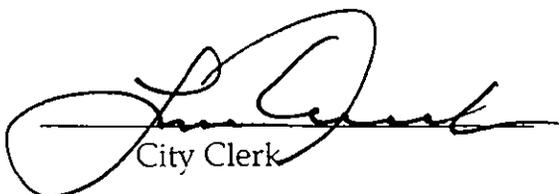
This is the decision of the City of Reading City Council by a vote of 6 to 1.

CITY OF READING CITY COUNCIL



President of Council

Attest:



City Clerk