

IN RE: APPEAL OF FANELY ALMONTE : BEFORE THE ZONING HEARING
RELATIVE TO A PROPERTY LOCATED : BOARD OF THE CITY OF READING,
AT 247 NORTH FIFTH STREET, CITY : PENNSYLVANIA
OF READING, BERKS COUNTY, :
PENNSYLVANIA : APPEAL NO. 2018-11
: :
: VARIANCE, INTERPRETATION
: AND/OR SPECIAL EXCEPTION

DECISION OF THE ZONING HEARING
BOARD OF THE CITY OF READING

AND NOW, this 13th day of June, 2018, a hearing having been held on May 9, 2018, upon the application of Fanely Almonte, notice of such hearing having been first sent and advertised in accordance with the provisions of the Pennsylvania Municipalities Planning Code and the City of Reading Zoning Ordinance, as amended, the Zoning Hearing Board of the City of Reading (hereinafter referred to as the “Zoning Board”) renders the following decision:

FINDINGS OF FACT

The Zoning Board finds the following facts:

1. Applicant is Fanely Almonte, an adult individual residing at 109 Apache Lane, Royersford, Pennsylvania 19468 (hereinafter referred to as the “Applicant”).
2. Applicant has a leasehold interest in the real property located at 247 N. Fifth Street, City of Reading, Berks County, Pennsylvania (hereinafter referred to as the “Subject Property”).
3. The fee simple owner of the Subject Property, Elvira Lopez, has granted Applicant permission to seek the requested relief.
4. The Subject Property is located in the C-R Commercial Residential Zoning District as that term and district are defined by the Zoning Ordinance of the City of Reading, as amended (hereinafter referred to as the “Zoning Ordinance”).

5. Applicant has requested a special exception to operate a daycare center on the first and second floors of the Subject Property.

6. Specifically, Applicant seeks relief from Sections 600-406(E), 600-808, 600-1201, 600-1202, 600-301 of the Zoning Ordinance and all associated variances, special exceptions and interpretations.

7. Applicant testified the first floor of the Subject Property would be utilized for child care and the second floor would be used for offices and storage.

8. Applicant stated there is a residential unit on the third floor.

9. Applicant testified there would be no access to the child care area from the third floor.

10. Applicant testified the hours of operation would be from 7:00 a.m. until 6:00 p.m., prevailing time, five (5) days a week.

11. Applicant proposes to care for up to ten (10) children between the ages of two and one-half (2-1/2) years to twelve (12) years.

12. Applicant testified there would be one (1) employee in addition to herself.

13. Applicant testified there is a suitable play area.

14. Applicant is unable to provide safe off street or on street drop off.

15. Applicant understands she must first receive the required licenses from the Pennsylvania Department of Human Services and other agencies before she can operate the daycare center.

16. Applicant understands the number of children she will be caring for as well as employees depends on the approvals from the State.

17. There were no objectors to the proposed relief.

18. The Board finds the Subject Property will be used in a manner which will be detrimental to the health, safety and welfare of the neighborhood.

19. The Subject Property can be used in accordance with the terms of the Zoning Ordinance.

20. There is no hardship.

DISCUSSION

Applicant seeks a special exception to use the Subject Property as a daycare center for up to ten (10) children between the ages of two and one-half (2-1/2) years to twelve (12) years. The Subject Property is located in the C-R Commercial Residential District. Applicant's proposed use does not comply with the requirements of the Zoning Ordinance and will be a detriment to the health safety and welfare of the neighborhood.

CONCLUSIONS OF LAW

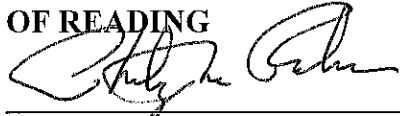
1. Applicant is Fanely Almonte.
2. The Subject Property is located at 247 North Fifth Street, City of Reading, Berks County, Pennsylvania.
3. The Subject Property is located in the C-R Commercial Residential Zoning District.
4. Applicant seeks a special exception to use the Subject Property as a day care center pursuant to Sections 600-406(E), 600-808, 600-1201, 600-1202, 600-301 of the Zoning Ordinance.
5. Applicant understands she must apply for the appropriate licenses and reviews by the Commonwealth of Pennsylvania.
6. In order to grant the special exception, Applicant must show she has satisfied the relevant sections of the Zoning Ordinance.

7. After reviewing the Applicant's request in detail, the Zoning Hearing Board enters the following decision:

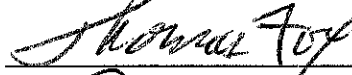
a. Applicant is denied the special exception to operate a day care center because she cannot provide a secure and safe transfer of children to and from the Subject Property.

The decision of this Board is by a vote of 5 to 0.

ZONING HEARING BOARD OF THE CITY OF READING



PHILIP RABENA, CHAIRMAN



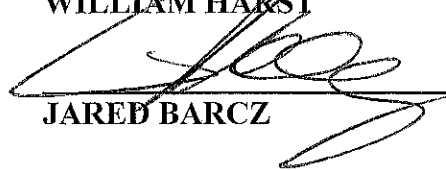
THOMAS FOX



JEFFREY GATTONE



WILLIAM HARST



JARED BARCZ