

IN RE: APPEAL OF ANGEL IRIZARRY-SIERRA AND MARIA VARGAS-PUELLO : **BEFORE THE ZONING HEARING**
RELATIVE TO A PROPERTY LOCATED AT 259 SOUTH 10TH STREET, CITY OF READING, BERKS COUNTY, PENNSYLVANIA : **BOARD OF THE CITY OF READING, PENNSYLVANIA**
: **APPEAL NO. 2018-13**
: **VARIANCE, INTERPRETATION**
: **AND/OR SPECIAL EXCEPTION**

**DECISION OF THE ZONING HEARING
BOARD OF THE CITY OF READING**

AND NOW, this 12th day of September, 2018, hearings having been held on May 9, 2018, and August 8, 2018, upon the application of Angel Irizarry-Sierra and Maria Vargas-Puello, 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. Applicants are Angel Irizarry-Sierra and Maria Vargas-Puello, adult individuals residing at 1308 N. 13th Street, City of Reading, Berks County, Pennsylvania 19604 (hereinafter referred to as the “Applicants”).
2. Applicants are the fee simple owners of the property located at 259 South 10th Street, City of Reading, Berks County, Pennsylvania 19602 (hereinafter referred to as the “Subject Property”).
3. The Subject Property is located in the R-3 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”).

4. Applicants seek relief from Sections 600-406.E., 600-1201 and 600-1202.D., 600-804, 600-1603, and 600-607 of the Zoning Ordinance to operate a day care facility on the Subject Property.

5. Applicants testified they will provide off-street parking for their employees and/or parents and provide written proof of the same to the Zoning Administrator. The number of spaces are to be determined by the Zoning Administrator.

6. Applicants testified they will request a designated drop off location from the Department of Public Works.

7. The Subject Property is suitable for a daycare.

8. Applicants have the appropriate training and licenses to operate a day care facility.

9. There were no objections to the requested relief.

10. The Board finds the Subject Property will be used in a manner which will not be detrimental to the health, safety and welfare of the neighborhood and will improve the neighborhood in general.

DISCUSSION

Applicants seek relief to operate a day care facility at the Subject Property. Applicants' proposed use complies with the requirements of the Zoning Ordinance and will not be a detriment to the health safety and welfare of the neighborhood. Applicants proposed use will enhance the neighborhood.

CONCLUSIONS OF LAW

1. Applicants are Angel Irizarry-Sierra and Maria Vargas-Puello.

2. The Subject Property is located at 259 South 10th Street, City of Reading, Berks County, Pennsylvania 19602.

3. The Subject Property is located in the R-3 Residential Zoning District.
4. Applicants seek relief from the following sections of the Zoning Ordinance:
Sections 600-406.E., 600-1201 and 600-1202.D., 600-804, 600-1603, and 600-607.
5. In order to grant the requested relief, Applicants must show they have satisfied the relevant sections of the Zoning Ordinance.
6. After reviewing the Applicants' request in detail, the Zoning Hearing Board enters the following decision:
 - a. Applicants are hereby granted the requested variances and special exceptions.
 - b. Applicants shall attend a One Stop meeting with the Building and Fire Inspectors to ensure compliance with all applicable Building and Fire Code requirements.
 - c. Applicants shall apply for all required building, trades and fire permits and submit to all required inspections deemed necessary.
 - d. Total occupancy shall be determined by the City of Reading Building and Trades Division, the Fire Marshall, and the Pennsylvania Department of Human Services.
 - e. The staff to child ratio shall comply with 55 PA Code Chapter 3270 and the Pennsylvania Department of Human Services requirements.
 - f. Applicants shall ensure the parking spaces to be used for drop off/pick up are clearly marked and designated for sole use by the day care center.
 - g. Signage at the Subject Property shall comply with Section 600-1703 of the Zoning Ordinance. If Applicants do not provide sign drawings and specifications, then a separate zoning permit shall be required prior to the installation of the signage.
 - h. Applicants shall comply with all relevant building and occupancy codes and ordinances as well as the plans and testimony submitted before the Zoning Board.

- i. Applicants shall provide a written lease for off-street parking.
- j. Applicants may not use, expand, alter or otherwise use the Subject

Property inconsistently with the contents of this Decision without making application requesting further relief from the Zoning Board.

k. Failure to comply with any of these above-referenced conditions shall mean the immediate revocation of the relief granted herein.

The decision of this Board is by a vote of 4 to 0.

**ZONING HEARING BOARD OF THE CITY
OF READING**



PHILIP RABENA, CHAIRMAN



THOMAS FOX



JEFFREY GATTONE

WILLIAM HARST



JARED BARCZ