

**IN RE: APPEAL OF MARIBEL RODRIGUEZ** : **BEFORE THE ZONING HEARING**  
**RELATIVE TO A PROPERTY LOCATED AT** : **BOARD OF THE CITY OF READING,**  
**336-340 SOUTH 18th STREET, CITY OF** : **PENNSYLVANIA**  
**READING, BERKS COUNTY,** :  
**PENNSYLVANIA** : **APPEAL NO. 2018-17**  
: **VARIANCE, INTERPRETATION**  
: **AND/OR SPECIAL EXCEPTION**

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

AND NOW, this 11th day of July, 2018, a hearing having been held on June 13, 2018, upon the application of Maribel Rodriguez, 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 Maribel Rodriguez, an adult individual residing at 328 Clifton Avenue, City of Reading, Berks County, Pennsylvania 19611 (hereinafter referred to as the “Applicant”).
2. Applicant has a leasehold interest in the property located at 336-340 South 18th Street, City of Reading, Berks County, Pennsylvania 19602 (hereinafter referred to as the “Subject Property”).
3. The fee simple owner of the Subject Property, Prestige White House, LLC, has granted Applicant permission to seek the requested zoning relief.
4. 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”).
5. Applicant seeks a variance from Section 600-1603(9) of the Zoning Ordinance with respect to the off-street parking requirements for a day care center.

6. On May 11, 2016, Applicant was granted a special exception to use a portion of the Subject Property as a day care center with conditions, including a parking plan (Appeal No. 2016-12).

7. Applicant did not fulfill the parking requirements set forth in the Decision rendered on May 11, 2016.

8. Applicant is now proposing six (6) on-site parking spaces and leasing twelve (12) off-site parking spaces to satisfy parking needs at the Subject Property.

9. The hardship at the Subject Property was not created by the Applicant.

10. The Subject Property cannot be used without zoning relief.

11. The drop-off and pick-up of children at the Subject Property can be done in a safe manner.

12. There was one objector. The objection was based upon traffic congestion and parking on South 18<sup>th</sup> Street.

13. 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**

Applicant seeks a variance from the off-street parking requirements with respect to a day care center in the R-3 Residential Zoning District. Applicant's 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. Applicant is Maribel Rodriguez.

2. The Subject Property is located at 336-340 South 18th Street, City of Reading, Berks County, Pennsylvania 19602.

3. The Subject Property is located in the R-3 Residential Zoning District.

4. Applicant seeks a variance from Section 600-1603(9) with respect to the off-street parking requirements for a day care center.

5. In order to grant the variance, Applicant must show she has satisfied the relevant sections of the Zoning Ordinance.

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

a. Applicant is hereby granted a variance from the off-street parking requirements of Sections 600-1603(9) of the Zoning Ordinance.

b. Applicant must provide a lease for twelve (12) off-site parking spaces.

c. Applicant must provide to neighboring property owners a contact person and phone number to address any parking concerns.

d. Applicant shall attend a One Stop meeting with the Building and Fire Inspectors to ensure compliance with all applicable Building and Fire Code requirements.

e. Applicant shall apply for all required building, trades and fire permits and submit to all required inspections deemed necessary.

f. Total occupancy shall be determined by the City of Reading Building and Trades Division, the Fire Marshall, and the Pennsylvania Department of Public Welfare.

g. The staff to child ratio shall comply with 55 PA Code Chapter 3270 and the Pennsylvania Department of Public Welfare requirements.

h. Applicant shall contact the Public Works Department to seek approval for and to determine the number of parking spaces to be designated for the drop off/pickup zone in front of 336 South 18th Street.

i. Applicant 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.

j. Signage at the Subject Property shall comply with Section 600-1703 of the Zoning Ordinance. If Applicant does not provide sign drawings and specifications, then a separate zoning permit shall be required prior to the installation of the signage.

k. Applicant shall comply with all relevant building and occupancy codes and ordinances as well as the plans and testimony submitted before the Zoning Board.

l. Applicant 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.

m. 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 5 to 0.

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

  
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PHILIP RABENA, CHAIRMAN

  
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THOMAS FOX

  
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JEFFREY GATTONE

  
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WILLIAM HARST

  
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JARED BARCZ