

IN RE: APPEAL OF DELORIS REVIERE : BEFORE THE ZONING HEARING
RELATIVE TO A PROPERTY LOCATED : BOARD OF THE CITY OF READING,
AT 50 NORTH FOURTH STREET, CITY : PENNSYLVANIA
OF READING, BERKS COUNTY, : :
PENNSYLVANIA : APPEAL NO. 2018-35
: :
: VARIANCE, INTERPRETATION
: AND/OR SPECIAL EXCEPTION

DECISION OF THE ZONING HEARING
BOARD OF THE CITY OF READING

AND NOW, this 12th day of December, 2018, a hearing having been held on November 14, 2018, upon the application of Deloris Reviere, 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 Deloris Reviere, an adult individual residing at 1121 Sunset Road, Sinking Spring, Berks County, Pennsylvania 19608 (hereinafter referred to as the “Applicant”).
2. Applicant has a leasehold interest in the property located at 50 North Fourth Street, City of Reading, Berks County, Pennsylvania 19601 (hereinafter referred to as the “Subject Property”).
3. The fee simple owner of the Subject Property, Fifty Washington Towers, LP, has granted Applicant permission to seek the requested zoning relief.
4. The Subject Property is located in the C-C - Commercial Core Zoning District as that term and district is defined by the Zoning Ordinance of the City of Reading, as amended (hereinafter referred to as the “Zoning Ordinance”).

5. Applicant seeks relief to establish an early, high quality learning academy (daycare) at the Subject Property.

6. Specifically, Applicant has requested a special exception under Sections 600-406(E), 600-807(B)(4), 600-1202(D), and 600-1603(A)(9) of the Zoning Ordinance and all associated variances, special exceptions and interpretation.

7. Applicant proposes to care for up to thirty-two (32) children from age two (2) to age six (6).

8. Applicant stated the hours of operation would be Monday through Friday from 7:00 a.m. until 7:00 p.m., prevailing time.

9. Applicant testified there is an outdoor play area which is currently mostly concrete but she will provide a soft surface play area.

10. 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 facility.

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

12. Applicant and the Subject Property owner shall provide sufficient off-street parking for pick-up and drop-off. The location of such off-street parking is in the sole discretion of the Zoning Officer.

13. There were no objections to the requested relief.

14. 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 special exception to establish a daycare center for up to thirty-two (32) children from age two (2) to age six (6). The Subject Property is located in the C-C Commercial Core 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. Applicant's proposed use will enhance the neighborhood.

CONCLUSIONS OF LAW

1. Applicant is Deloris Reviere.
2. The Subject Property is located at 50 North Fourth Street, City of Reading, Berks County, Pennsylvania 19601.
3. The Subject Property is located in the C-C Commercial Core Zoning District.
4. Applicant seeks a special exception to use the Subject Property as a daycare center pursuant to Sections 600-406(E), 600-807(B)(4), 600-1202(D), and 600-1603(A)(9) of the Zoning Ordinance and all associated variances, special exceptions and interpretations.
5. In order to grant the requested relief, Applicant must show she has satisfied the relevant sections of the Zoning Ordinance.
6. Applicant understands she must apply for the appropriate licenses and reviews by the Pennsylvania Department of Human Services and other agencies.
7. After reviewing the Applicant's request in detail, the Zoning Hearing Board enters the following decision:
 - a. Applicant is hereby granted a special exception to operate a daycare center at the Subject Property for up to thirty-two (32) children from age two (2) to age six (6).

b. Applicant shall comply with all applicable State requirements for a licensed day care center with thirty-two (32) children and a copy of the required PA Department of Human Services license shall be provided to the Zoning Administrator immediately upon receipt.

c. Applicant and the Subject Property owner shall provide sufficient off-street parking for pick-up and drop-off. The location of such parking is in the sole discretion of the Zoning Officer.

d. Applicant's hours of operation shall be limited to 7:00 a.m. to 7:00 p.m., prevailing time.

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

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

g. Total occupancy shall be determined by the City of Reading Building and Trades Division, the Fire Marshall, and the Pennsylvania Department of Human Services.

h. The staff to child ratio shall comply with 55 PA Code Chapter 3270 and the Pennsylvania Department of Human Services requirements.

i. 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.

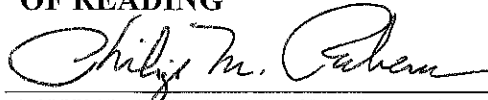
j. Applicant shall comply with all relevant building and occupancy codes and ordinances as well as the plans and testimony submitted before the Zoning Board.

k. 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.

1. 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 3 to 0.

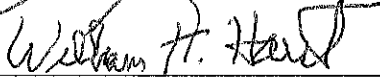
**ZONING HEARING BOARD OF THE CITY
OF READING**



PHILIP RABENA, CHAIRMAN



JEFFREY GATTONE



WILLIAM HARST