

IN RE: APPEAL OF ARIADNA P. BONILLA : BEFORE THE ZONING HEARING
AND GERARDO ROSARIO RELATIVE TO A : BOARD OF THE CITY OF READING,
PROPERTY LOCATED AT 844 CENTRE : PENNSYLVANIA
AVENUE, CITY OF READING, BERKS :
COUNTY, PENNSYLVANIA : APPEAL NO. 2019-01
: :
: VARIANCE, INTERPRETATION
: AND/OR SPECIAL EXCEPTION

DECISION OF THE ZONING HEARING
BOARD OF THE CITY OF READING

AND NOW, this 13th day of March, 2019, a hearing having been held on February 13, 2019, upon the application of Ariadna P. Bonilla and Gerardo Rosario, 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 Ariadna P. Bonilla and Gerardo Rosario, adult individuals with a mailing address of 1011 Eddystone Court, Reading, Pennsylvania 19605 (hereinafter referred to as the “Applicants”).
2. Applicants have an equitable interest in the real property located at 844 Centre Avenue, City of Reading, Berks County, Pennsylvania (hereinafter referred to as the “Subject Property”).
3. The fee simple owner of the Subject Property, 844 Centre Avenue, LLC, has granted Applicants permission to seek the requested 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. Applicants have requested a special exception to use the first and second floors of the Subject Property as a daycare center for up to 125 children and a variance for parking.

6. Specifically, Applicants seek relief from Sections 600-607, 600-804, 600-1202, 600-1603 of the Zoning Ordinance and all associated variances, special exceptions and interpretations.

7. Applicants propose to care for up to 125 children between the ages of newborn to age 12.

8. Applicants' proposed hours of operation are Monday through Friday from 6:00 a.m. until 12:00 a.m., prevailing time.

9. Applicants stated there will be approximately 15 employees.

10. Applicants' witness, Miguel Herrera, testified there are 5 existing parking spaces in the rear of the Subject Property and it is possible to provide 3 more parking spaces for a total of 8 parking spaces.

11. The proposed drop off and pick up location will be at the rear of the Subject Property from Thorn Street.

12. The Subject Property is handicap accessible from the rear of the Subject Property.

13. Applicants propose a playground area on the Subject Property consisting of 770 square feet which will be fenced with a gate.

14. The proposed use will substantially increase congestion and/or create a traffic safety hazard.

15. The proposed use will create an undue concentration of population to the detriment of neighboring properties.

16. There is another daycare center located on the same block.

17. The Board finds there is inadequate parking.

18. Three neighboring property owners testified against the proposed use and relief based upon traffic and parking congestion.

19. In addition, the neighboring property owners felt that the use is too intense with respect to the residential uses located in that Zoning District and on that block.

20. 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.

21. The Subject Property can be used in accordance with the terms of the Zoning Ordinance.
22. There is no hardship.

DISCUSSION

Applicants seek a special exception to use the Subject Property as a daycare facility for up to 125 children and a variance for parking. The Subject Property is located in the R-3 Residential Zoning District. The Subject Property can be used in accordance with the strict terms of the Zoning Ordinance. Applicants' 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. In addition, Applicants are unable to provide sufficient parking for their employees and parents which is detrimental to the health, safety and welfare of the children and the neighborhood.

CONCLUSIONS OF LAW

1. Applicants are Ariadna P. Bonilla and Gerardo Rosario.
2. The Subject Property is located at 844 Centre Avenue, City of Reading, Berks County, Pennsylvania.
3. The Subject Property is located in the R-3 Residential Zoning District.
4. Applicants seek a special exception to use the Subject Property as a day care facility and a variance for parking pursuant to the relevant sections of the Zoning Ordinance.
5. In order to grant the special exception and variance, Applicants must show they have satisfied the relevant sections of the Zoning Ordinance.
6. Applicants understand they must apply for the appropriate licenses and reviews by the Commonwealth of Pennsylvania.
7. After reviewing the Applicant's request in detail, the Zoning Hearing Board enters the following decision:
 - a. Applicants are denied the special exception to operate a day care facility because they cannot provide a secure and safe transfer of children to and from the Subject Property, and the

proposed use will cause undue congestion of traffic and undue concentration of population in the neighborhood.

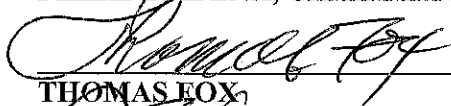
b. Applicants' request for a parking variance is denied because of health, safety and welfare concerns and the reasons expressed in paragraph 7.a.

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

ZONING HEARING BOARD OF THE CITY OF
READING



PHILIP RABENA, CHAIRMAN



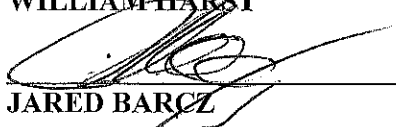
THOMAS FOX



JEFFREY GATTONE



WILLIAM HARST



JARED BARCZ