

IN RE: APPEAL OF READING CITY INVESTMENTS, LLC, RELATIVE TO A PROPERTY LOCATED AT 733 LANCASTER AVENUE, CITY OF READING, BERKS COUNTY, PENNSYLVANIA : **BEFORE THE ZONING HEARING BOARD OF THE CITY OF READING, PENNSYLVANIA**
 : **APPEAL NO. 2019-27**
 : **VARIANCE, INTERPRETATION AND/OR SPECIAL EXCEPTION**

DECISION OF THE ZONING HEARING BOARD OF THE CITY OF READING

AND NOW, this 12th day of February, 2020, a hearing having been held on January 8, 2020, upon the application of Reading City Investments, LLC, 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. The Applicant is Reading City Investments, LLC, a Pennsylvania Limited Liability Company with a principal address of 50 North Fifth Street, Reading, City of Reading, Berks County, Pennsylvania 19601 (hereinafter referred to as the “Applicant”).
2. Applicant is the fee simple owner of the real property located at 733 Lancaster Avenue, City of Reading, Berks County, Pennsylvania (hereinafter referred to as the “Subject Property”).
3. The Subject Property is located in the C-H Commercial Highway 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").

4. Applicant seeks relief to establish a day care center for up to one hundred (112) children at the Subject Property. Zoning Ordinance Section 600-1202.B.(2)(3).

5. Applicant testified initially there will be only one (1) shift but hopes to establish three (3) shifts which would result in a twenty-four (24) hour operation.

6. The operators of the proposed day care facility, namely Maria Vargas and Angel Irizarry, testified they currently operate two (2) other day care facilities in the City of Reading and there have been no problems with those day care facilities from the community or otherwise.

7. Applicant testified there is sufficient parking located at the Subject Property.

8. Applicant testified the day care facility will use a mini-van service to pick up and drop off children at the day care facility thereby reducing the number of parents coming on to the Subject Property.

9. Applicant testified there will be designated parking spaces for drop off and pick up of the children.

10. Applicant testified the parking lot at the Subject Property is being designed to eliminate left hand turns in and out of the parking lot from Lancaster Avenue and traffic will be directed behind the Mercedes dealership to exit the Subject Property.

11. Applicant testified there will be a reception area which will allow persons to be buzzed into the day care facility and there will be extensive security cameras in place.

12. Applicant testified there is a completely sheltered outdoor play area located behind the building.

13. Applicant stated the day care facility should not cause any kind of negative impact on the neighborhood since it is bordered by a railroad track, a car dealership and Reading Truck Body.

14. Two individuals spoke in favor of the requested relief.

15. The Zoning 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 day care facility for up to one hundred twelve (112) children. The Subject Property is located in the C-H Commercial Highway 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 Reading City Investments, LLC.
2. The Subject Property is located at 733 Lancaster Avenue, Reading, Berks County, Pennsylvania.
3. The Subject Property is located in the C-H Commercial Highway Zoning District.
4. Applicant seeks a variance to establish a day care facility for up to one hundred twelve (112) children at the Subject Property.
5. The Zoning Board is permitted to grant applications for variance(s) as set forth in the Zoning Ordinance.
6. In order to grant the variances, Applicant must show it has satisfied the relevant sections of the Zoning Ordinance.
7. The Board incorporates the findings of fact and conclusions of law as though fully set forth at length herein.

8. After reviewing the Applicant's request in detail, the Zoning Board enters the following Decision:

a. Applicant is granted a variance for a day care facility for up to one hundred (112) children.

b. Parking layout must be approved by the Zoning Officer.

c. Applicant shall comply with all applicable State requirements for a licensed day care center with one hundred (112) children and a copy of the required PA Department of Human Services license shall be provided to the Zoning Administrator immediately upon receipt.

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 Human Services.

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

h. 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.

i. Applicant must comply with all relevant building and occupancy codes as well as the plans and testimony submitted before the Zoning Board.

j. 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.


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.

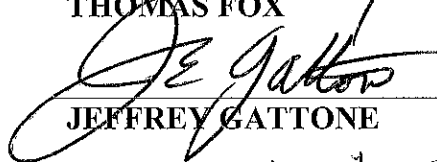
ZONING HEARING BOARD OF THE
CITY OF READING



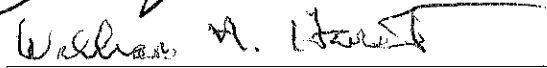
PHILIP RABENA, CHAIRMAN



THOMAS FOX



JEFFREY GATTONE



WILLIAM HARST

JARED BARCZ