

**IN RE: APPEAL OF SOR ANGEL** : **BEFORE THE ZONING HEARING**  
**FERRERAS RELATIVE TO A** : **BOARD OF THE CITY OF READING,**  
**PROPERTY LOCATED AT 936-938** : **PENNSYLVANIA**  
**PENN STREET, CITY OF READING,** :  
**BERKS COUNTY, PENNSYLVANIA** : **APPEAL NO. 2020-03**  
: **VARIANCE, INTERPRETATION**  
: **AND/OR SPECIAL EXCEPTION**

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

**AND NOW**, this 13th day of May, 2020, a hearing having been held on March 11, 2020, upon the application of Sor Angel Ferreras, 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 Sor Angel Ferreras having a mailing address of 1360 N. 10<sup>th</sup> Street, City of Reading, Berks County, Pennsylvania 19604 (hereinafter referred to as the “Applicant”).
2. Applicant has an equitable interest in the real property located at 936-938 Penn Street, City of Reading, Berks County, Pennsylvania (hereinafter referred to as the “Subject Property”).
3. The fee simple owners of the Subject Property, Roy A. Smith and Janice C. Smith, have granted Applicant permission to seek the requested relief.
4. Miguel Herrera of Milan Consulting Group also presented testimony on behalf of the Applicant.
5. The Subject Property is located in the C-R Commercial Residential 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”).

6. Applicant seeks a special exception to establish a day care center for up to sixty-five (65) children at the Subject Property. Zoning Ordinance Sections 600-808.B(4)(c) and 600-1202.D(2)(3).

7. Applicant currently operates a day care facility at 1360 North Tenth Street in the City of Reading and desires to relocate the day care facility to the Subject Property.

8. The real property at 938 Penn Street consists of a one-story building with a basement having a total area of approximately 1,800 square feet.

9. Behind the building at 938 Penn Street is an existing parking lot with nine (9) designated parking spaces having access from Cherry Street.

10. 936 Penn Street is an empty lot.

11. Applicant proposes an outdoor play area in the front portion of 936 Penn Street with seven (7) designated parking spaces to the rear of 936 Penn Street having access from Cherry Street.

12. Applicant testified there is sufficient parking at the Subject Property.

13. Applicant states the day care center will be open twenty-four (24) hours a day, seven (7) days per week.

14. Applicant states there will be eight (8) employees per shift.

15. The day care will be operated on the first floor of the building located at 938 Penn Street and the south portion of the basement will be used for a kitchenette and an office.

16. Applicant will use buses or vans to transport children to and from the day care facility.

17. The pickup/drop off area will be at the rear of 938 Penn Street with ingress and egress from Cherry Street.

18. Applicant will resurface the outdoor play area and install an approved fence around the outdoor play area.

19. Applicant will install sufficient lighting, security doors and security cameras which will cover the perimeter of the day care facility.

20. Applicant desires to change the two (2) curb cuts presently located on Cherry Street having a combined total width of approximately forty-five feet (45') by relocating the curb cut to the center of the Subject Property and decrease the width to twenty-feet (20').

21. The Zoning Board was aware that there were various individuals at the hearing to support the Applicant's requested relief.

22. 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 at the Subject Property for up to sixty-five (65) children. The Subject Property is located in the C-R Commercial 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. Applicant's proposed use will enhance the neighborhood.

### **CONCLUSIONS OF LAW**

1. Applicant is Sor Angel Ferreras.
2. The Subject Property is located at 936-938 Penn Street, Reading, Berks County, Pennsylvania.
3. The Subject Property is located in the C-R Commercial Residential Zoning District.
4. Applicant seeks a variance to establish a day care facility for up to sixty-five (65) children at the Subject Property.

5. The Zoning Board is permitted to grant applications for special exceptions and/or variances as set forth in the Zoning Ordinance.

6. In order to grant the special exception and/or variance, Applicant must show she 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 special exception for a day care facility for up to sixty-five (65) children subject to the hereinafter set forth conditions.

b. The outdoor playground area at 936 Penn Street shall be secured with a solid fence on Penn Street and Cherry Street and a semi-solid fence on the long side of the play area and Applicant must apply for a separate zoning permit for the new fencing which shall not be installed until issuance of the required zoning permit.

c. The properties located at 936 and 938 Penn Street shall be combined into one deed and proof thereof shall be provided to the Zoning Administrator.

d. The outdoor playground area at the Subject Property shall be the only location for outdoor activity by the children.

e. Electronic security doors, gates and cameras shall be installed on the inside and outside of the Subject Property, including the outdoor play area.

f. A lighting plan in accordance with Section 600-912 of the Zoning Ordinance shall be submitted for approval by the Zoning Administrator.

g. The parking lot shall be clearly marked for the pickup and drop off of the children.

- h. The parking layout and curb cut on Cherry Street must be approved by the Zoning Administrator.
- i. There shall be no access whatsoever to the Subject Property from Penn Street, including vehicular pickup and drop off and contact with the children in the outdoor play area.
- j. Applicant shall comply with all applicable State requirements for a licensed day care center with sixty-five (65) children and a copy of the required PA Department of Human Services license shall be provided to the Zoning Administrator prior to the issuance of a certificate of occupancy.
- k. Applicant shall attend a One Stop meeting with the Building and Fire Inspectors to ensure compliance with all applicable Building and Fire Code requirements.
- l. Applicant shall apply for all required building, trades and fire permits and submit to all required inspections deemed necessary.
- m. Total occupancy shall be determined by the City of Reading Building and Trades Division, the Fire Marshall, and the Pennsylvania Department of Human Services.
- n. The staff to child ratio shall comply with 55 PA Code Chapter 3270 and the Pennsylvania Department of Human Services requirements.
- o. 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.
- p. Applicant must comply with all relevant building and occupancy codes as well as the plans and testimony submitted before the Zoning Board.
- q. 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.

r. 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**

*/s/ Philip Rabena*

**PHILIP RABENA, CHAIRMAN**

*/s/ Thomas Fox*

**THOMAS FOX**

*/s/ Jeffrey Gattone*

**JEFFREY GATTONE**

*/s/ William Harst*

**WILLIAM HARST**

*/s/ Jared Barcz*

**JARED BARCZ**