

IN RE: APPEAL OF G&A : **BEFORE THE ZONING HEARING**
INVESTMENT CORPORATION : **BOARD OF THE CITY OF READING,**
RELATIVE TO A PROPERTY : **PENNSYLVANIA**
LOCATED AT 1010 ELM STREET, :
244R MULBERRY STREET, 232, 234, : **APPEAL NO. 2020-04**
240 AND 242 MULBERRY STREET, :
CITY OF READING, BERKS : **VARIANCE, INTERPRETATION**
COUNTY, PENNSYLVANIA : **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 G&A Investment Corporation, 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 G&A Investment Corporation, a Pennsylvania Professional Corporation having its registered office at 1011 Eddystone Court, City of Reading, Berks County, Pennsylvania 19605 (hereinafter referred to as the “Applicant”).
2. Applicant is the fee simple owner of the real property located at 1010 Elm Street, 244R Mulberry Street, 232, 234, 240 and 242 Mulberry Street, City of Reading, Berks County, Pennsylvania (hereinafter referred to as the “Subject Property”).
3. Miguel Herrera of Milan Consulting Group also presented testimony on behalf of the Applicant.
4. The Subject Property is located in the R-3 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”).

5. Applicant seeks relief to establish a day care center for up to one hundred twenty-five (125) children at the Subject Property. Zoning Ordinance Sections 600-804.B(4)(e), 600-1202.D and 600-1603.

6. The Subject Property consists of six (6) parcels.

7. The primary building at the Subject Property which fronts on Elm Street is an old industrial warehouse and manufacturing building dating back to approximately 1904 and has housed various businesses over the years.

8. The day care will be operated on the first and second floors of the existing building located at 1010 Elm Street.

9. The existing building located at 244R Mulberry Street will be designated for open/storage space.

10. A small interior building which is located between 1010 Elm Street and 244R Mulberry Street will be redeveloped into an outdoor child play area and consists of approximately 467 square feet in area.

11. The western boundary of the Subject Property is a small brick alley known as Saul Court.

12. Off-street parking is available directly behind 1010 Elm Street and 244R Mulberry Street on the existing paved lots known as 232, 234, 240 and 242 Mulberry Street.

13. The rear parking lot has been redesigned to include appropriate parking space widths and sizes and includes twenty-eight (28) parking spaces and two (2) ADA spaces.

14. There will be sufficient parking for Applicant’s employees and for the pickup and drop-off of children.

15. There will be a designated pickup and drop-off area for the children in the rear parking lot.
16. The day care center will be open Monday through Friday from 6:00 a.m. to midnight, prevailing time.
17. Applicant states there will be a total of eighteen (18) employees.
18. Applicant may also use buses or vans to transport children to and from the day care facility.
19. Applicant will install sufficient lighting, security doors and security cameras which will cover the perimeter of the day care facility.
20. The Zoning Board was aware that there were various individuals at the hearing to support the Applicant's requested relief.
21. 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 relief to establish a day care facility at the Subject Property for up to one hundred twenty-five (125) children. The Subject Property is located 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. Applicant's proposed use will enhance the neighborhood.

CONCLUSIONS OF LAW

1. Applicant is G&A Investment Corporation.
2. The Subject Property is located at 1010 Elm Street, 244R Mulberry Street and 232, 234,

240 and 242 Mulberry Street, City of Reading, Berks County, Pennsylvania.

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

4. Applicant seeks a variance to establish a day care facility for up to one hundred twenty-five (125) 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 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 relief to operate a day care facility for up to one hundred twenty-five (125) children subject to the hereinafter set forth conditions.

b. The outdoor playground area shall be secured with a solid or semi solid fence 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. All six (6) parcels shall be combined into one deed and proof thereof shall be provided to the Zoning Administrator.

d. Access to the day care facility will be through the parking lot at the rear of the Subject Property and there will be no access to the day care facility from Elm Street.

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. Applicant shall comply with all applicable State requirements for a licensed day care center with one hundred twenty-five (125) 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.

i. The unlicensed auto repair business operating at the Subject Property must be discontinued and any signage for such business or other obsolete businesses must be removed from the Subject Property prior to the issuance of a zoning permit.

j. All debris, commercial vehicles (other than those used in the operation of the daycare) and tires must be removed from the parking lot prior to the issuance of a zoning permit.

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