

IN RE: APPEAL OF CHRISTINA A. MAMBRU RELATIVE TO A PROPERTY LOCATED AT 1501 SCHUYLKILL AVENUE, CITY OF READING, BERKS COUNTY, PENNSYLVANIA

: BEFORE THE ZONING HEARING BOARD OF THE CITY OF READING, PENNSYLVANIA
: APPEAL NO. 2021-18
: VARIANCE, INTERPRETATION AND/OR SPECIAL EXCEPTION

DECISION OF THE ZONING HEARING BOARD OF THE CITY OF READING

AND NOW, this 10th day of November, 2021, a hearing having been held on October 20, 2021, upon the application of Christina A. Mambro, 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 Christina A. Mambro, an adult individual residing at 1330 Green Street, Reading, Berks County, Pennsylvania 19604 (hereinafter referred to as the “Applicant”).
2. Applicant is the fee simple owner of the property located at 1501 Schuylkill Avenue, City of Reading, Berks County, Pennsylvania (hereinafter referred to as the “Subject Property”).
3. The Subject Property is located in the R-1 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”).
4. The Subject Property is located on a 20,050 +/- square foot residential property (UPI 19530730185226).
5. The Subject Property has a documented history of use as one commercial and one residential unit beginning with a zoning permit issued on May 8, 1961, for construction of a doctor’s

office with one dwelling unit (ZP 1961-1511). This use may be classified as a pre-existing nonconforming use within the R-1 Zoning District.

6. Applicant submitted two zoning permit applications which are the subject of the instant appeal. The first application sought to convert a portion of the first floor of the building into a commercial daycare (Zoning Permit Application 2020-562). The second application sought to convert a portion of the first floor into a one-bedroom dwelling unit and to convert the second floor into two dwelling units, namely one 1-bedroom unit and one 2-bedroom unit (Zoning Permit Application 2021-133). Both permit applications were denied because the proposed uses (daycare and multifamily) are not allowed uses within the R-1 Zoning District.

7. Applicant is seeking relief under Sections 600-802.A. and 600-802.B. of the Zoning Ordinance to convert the former medical office space as a childcare center (daycare) with three residential dwelling units, one to be occupied by the property owner and the other two as rental units.

8. Applicant was represented by Scott Hoh, Esquire.

9. Applicant currently operates a daycare center on North 13th Street in the City of Reading, Berks County, Pennsylvania.

10. Applicant proposes to care for up to forty (40) children.

11. Applicant proposes two (2) shifts with four (4) employees at each shift.

12. Applicants' proposed hours of operation are from 6:00 a.m. until 11:00 p.m., prevailing time.

13. The Subject Property is located across the street from the Glenside Elementary School

14. During the school year there is substantial traffic congestion and pedestrian congestion.

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

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

17. The Board finds there is adequate parking for the residential unit.

18. The Board finds the Subject Property use as a daycare will be detrimental to the health, safety and welfare of the neighborhood.

19. The Subject Property's commercial space can be used in accordance with the terms of the Zoning Ordinance as a medical or professional office.

20. There is no hardship to support the approval of a daycare.

DISCUSSION

Applicant is seeking relief under Sections 600-802.A. and 600-802.B. of the Zoning Ordinance to convert the former medical office space located at the Subject Property to a childcare center (daycare) with three residential dwelling units, one to be occupied by the property owner and the other two as rental units. The Subject Property is located in the R-1 Residential Zoning District. The Subject Property can be used in accordance with the strict terms of the Zoning Ordinance. Applicant's proposed commercial 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. The proposed residential uses are in keeping with the spirit and intent of the Zoning Ordinance.

CONCLUSIONS OF LAW

1. Applicant is Christina Mambru.
2. The Subject Property is located at 1501 Schuylkill Avenue, City of Reading, Berks County, Pennsylvania.
3. The Subject Property is located in the R-1 Residential Zoning District.
4. Applicant is seeking relief under Sections 600-802.A. and 600-802.B. of the Zoning Ordinance to convert the former medical office space as a childcare center (daycare) with three residential dwelling units, one to be occupied by the property owner and the other two as rental units.
5. In order to grant the special exception and variance, Applicant must show she has satisfied the relevant sections of the Zoning Ordinance.
6. After reviewing the Applicant's request in detail, the Zoning Hearing Board enters the following decision:

a. Applicant is denied the requested relief to operate a daycare facility because she 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. Applicant's request for three (3) residential dwelling units is approved because there is sufficient parking, and it is in keeping with the spirit and intent of the Zoning Ordinance.

The decision of this Board is by a vote of 4 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