

IN RE: APPEAL OF HAPPY VILLAGE DAYCARE, LLC, RELATIVE TO A PROPERTY LOCATED AT 100 N. FIFTH STREET, CITY OF READING, BERKS COUNTY, PENNSYLVANIA	: BEFORE THE ZONING HEARING : BOARD OF THE CITY OF READING, : PENNSYLVANIA : : APPEAL NO. 2601-0002 : : VARIANCE, INTERPRETATION : AND/OR SPECIAL EXCEPTION
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**DECISION OF THE ZONING HEARING
BOARD OF THE CITY OF READING**

AND NOW, this 11th day of March, 2026, a hearing having been held on February 11, 2026, upon the application of Happy Village Daycare, 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. Applicant is Happy Village Daycare, LLC, a Pennsylvania Limited Liability Company with a mailing address of 4 Chipmunk Lane, Fleetwood, Berks County, Pennsylvania 19522 (hereinafter referred to as the “Applicant”).
2. Applicant has a leasehold interest in the property located at 100 N. Fifth Street, City of Reading, Berks County, Pennsylvania 19601 (hereinafter referred to as the “Subject Property”).
3. The fee simple owner of the Subject Property, Middle Holdings, LLC, has granted Applicant permission to seek the requested zoning relief.
4. The Subject Property is located in the C-C Commercial Core 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 was represented by Keith Mooney, Esquire, of Barley Snyder, 2755 Century Boulevard, Wyomissing, Pennsylvania 19610.

6. Applicant requests a special exception to establish a daycare facility in a portion of the basement and first floor of the building located on the Subject Property for up to twenty (20) children and a variance for the required outdoor play area under Section 600-1202.D. of the Zoning Ordinance.

7. The Subject Property is commonly referred to as the Abraham Lincoln Hotel.

8. Applicant is leasing more than 480 square feet of habitable floor area exclusive of halls, bathrooms, offices, kitchens, locker rooms and related areas.

9. Applicant proposes to care for up to twenty (20) children.

10. It was noted that the floor plans submitted by Applicant indicate there is a maximum occupant load of one hundred seventeen (117) within the identified classrooms that would accommodate children and staff.

11. Section 600-1202.D(2)(c) requires an outdoor play area of 400 square feet or more unless the daycare facility is within 500 feet of a public playground.

12. Applicant cannot provide the required outdoor play area, so it is requesting a variance to allow an indoor play space in a portion of the basement of the Subject Property which is approximately 1,500 square feet.

13. Applicant stated 1,500 square feet is more than three times the size of the required amount of outdoor square footage.

14. Applicant will install padded floors in the indoor play area.

15. Applicant's proposed play space will meet the state requirements for area based on the age of the enrollees.

16. Applicant understands it must first receive the required licenses from the Pennsylvania Department of Human Services and other agencies before it can operate the daycare facility.

17. Applicant understands the number of children being cared for as well as employees depends on the approvals from the State.

18. Applicant stated it will comply with the requirements for appropriate separation between the children and any other tenant at the Subject Property.

19. Applicant proposes to use the cutout area on Fifth Street in front of the Subject Property for the drop-off and pick-up area for the children.

20. After being questioned by members of the Zoning Board, Applicant stated it does have an alternate plan for drop-off and pick-up if the daycare grows too large.

21. The alternate plan would utilize the parking garage located at the Subject Property which is controlled by the owner of the Subject Property.

22. The parents would park their car in the parking garage and then walk the children down the ramp to the daycare area.

23. Applicant stated the proposed use will not increase traffic congestion along a street or create a traffic safety hazard, will not create an undue concentration of population, will not impair an adequate supply of light and air to adjacent properties, will not create a significant threat to the public's health or safety, will not be detrimental to the appropriate use of adjacent properties and will not generate significant nuisances or hazards.

24. The proposed zoning relief is in keeping with the spirit and intent of the Zoning Ordinance and the ongoing revitalization of downtown Reading.

25. The Board finds the requested relief will not be a detriment to the health, safety and welfare of the neighborhood.

26. There were no objections to the requested relief.

DISCUSSION

Applicant requests a special exception to establish a daycare facility in a portion of the basement and first floor of the building located on the Subject Property for up to twenty (20) children and a variance for the required outdoor play area under Section 600-1202.D. of the Zoning Ordinance. The Subject Property is located in the C-C 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 as long as it complies with the condition hereinafter set forth.

CONCLUSIONS OF LAW

1. Applicant is Happy Village Daycare, LLC.
2. The Subject Property is located at 100 N. Fifth Street, City of Reading, Berks County, Pennsylvania 19601.
3. The Subject Property is located in the C-C Zoning District.
4. Applicant requests a special exception to establish a daycare facility in a portion of the basement and first floor of the building located on the Subject Property for up to twenty (20) children and a variance for the required outdoor play area under Section 600-1202.D. of the Zoning Ordinance.
5. If the number of children increases, zoning relief will be required.
6. In order to grant the requested relief, Applicant must show it has satisfied the relevant sections of the Zoning Ordinance.
7. The Zoning Board incorporates the findings of fact as though fully set forth at length herein.

8. Applicant understands it must apply for the appropriate licenses and reviews by the Pennsylvania Department of Human Services and other agencies.

9. After reviewing the Applicant's request in detail, the Zoning Hearing Board enters the following decision:

a. Applicant is granted a special exception to operate a daycare facility in a portion of the basement and first floor of the Subject Property as set forth in the plans submitted to the Zoning Board for up to twenty (20) children.

b. Applicant must submit to the Zoning Administrator a revised plan to include the location and size of the proposed indoor play area in the basement of the Subject Property.

c. Applicant shall comply with all applicable State requirements for a licensed day care center with twenty (20) 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 must establish a drop-off and pick-up parking arrangement in the parking garage located at the Subject Property and a parking plan and agreement with the Subject Property owner shall be submitted to the Zoning Administrator.

e. Applicant shall provide a narrative to the Department of Public Works to determine if Sewer Planning Modules will be required. If required, modules will need to receive DEP approval prior to the issuance of occupancy permits.

f. Applicant shall attend a One Stop meeting with the Building and Fire Inspectors to ensure compliance with all applicable Building and Fire Code requirements.

g. Applicant shall apply for all required building, trades and fire permits and submit to all required inspections deemed necessary.

h. Total occupancy shall be determined by the City of Reading Building and Trades Division, the Fire Marshall, and the Pennsylvania Department of Human Services.

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

j. 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.

k. Applicant shall comply with all relevant building and occupancy codes and ordinances as well as the plans and testimony submitted before the Zoning Board.

l. 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.

m. 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**

/s/ Jared Barcz

JARED BARCZ, CHAIRMAN

/s/ Philip Rabena

PHILIP RABENA

/s/ Thomas Fox

THOMAS FOX

/s/ Jeffrey Gattone

JEFFREY GATTONE

Recused

CHARLES JONES