

IN RE: APPEAL OF TOOLS 2 LEARN CHILD CARE, LLC, RELATIVE TO A PROPERTY LOCATED AT 364 BLAIR AVENUE, CITY OF READING, BERKS COUNTY, PENNSYLVANIA	: BEFORE THE ZONING HEARING : BOARD OF THE CITY OF READING, : PENNSYLVANIA : : APPEAL NO. 2024-04 : : VARIANCE, INTERPRETATION : AND/OR SPECIAL EXCEPTION
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**DECISION OF THE ZONING HEARING
BOARD OF THE CITY OF READING**

AND NOW, this 13th day of March, 2024, a hearing having been held on February 14, 2024, upon the application of Tools 2 Learn Child Care, 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 Tools 2 Learn Child Care, LLC, a Pennsylvania Limited Liability Company with a mailing address of 3522 Kutztown Road, Laureldale, Berks County, Pennsylvania 19605 (hereinafter referred to as the “Applicant”).
2. Applicant has a leasehold interest in the property located at 364 Blair Avenue, City of Reading, Berks County, Pennsylvania 19601 (hereinafter referred to as the “Subject Property”).
3. The fee simple owner of the Subject Property, Reading Storage, LLC, has granted Applicant permission to seek the requested zoning relief.

4. The Subject Property is located in the M-C Manufacturing Commercial 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 Joan E. London, Esquire, of Kozloff Stoudt, 2640 Westview Drive, Wyomissing, PA 19610.

6. Applicant requests a special exception to establish a daycare facility in a currently vacant building located on the Subject Property for up to fifty (50) children under Section 600-811.B(4)(a) of the Zoning Ordinance and a variance for the outdoor play area under Section 600-1202.D(2)(c).

7. Applicant proposes to care for up to fifty (50) children from infant to age twelve (12).

8. Applicant stated the hours of operation would be Monday through Friday from 5:00 a.m. until 9:00 p.m., prevailing time.

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

10. Applicant cannot provide the required outdoor play area, so it is requesting a variance to allow an indoor play space in the lower level of the Subject Property which is approximately two thousand two hundred three (2,203) square feet.

11. Indoor play space is permitted under 55 Pa. Code 3270.62, and Applicant's proposed play space will meet the state requirements for area based on the age of the enrollees.

12. 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.

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

14. Applicant expects to have ten (10) employees.

15. The Board finds there is another daycare facility located in a separate building on the Subject Property which is generally filled to capacity and has shortened hours compared to Applicant's proposed hours of operation.

16. Applicant states there is sufficient off-street parking for pick-up and drop-off in addition to the area being used for the other daycare facility located on the Subject Property.

17. There are nine (9) available parking spaces in the front of the building and twelve (12) parking spaces in the rear of the building designated for the proposed daycare facility.

18. Applicant states there will be protocol developed with marked entrance and exit for parent pick up and drop off.

19. Applicant stated the daycare facility will provide extended hours compared to the other daycare facility located at the Subject Property to help parents who work later in the afternoon and evening shifts.

20. Applicant states the proposed extended hours will be beneficial as hours outside of the usual workday are in demand and necessary to support economic development.

21. Applicant states the requested relief will not alter the essential character of the neighborhood or zoning district, nor substantially or permanently impair the appropriate use or development of neighboring property, nor be detrimental to the public welfare.

22. Applicant states the proposed use will benefit the neighborhood by placing an empty building into productive use, and will provide a safe and licensed daycare facility for working parents which is in great demand.

23. There were no objections to the requested relief.

24. The 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 daycare facility in a currently vacant building located on the Subject Property for up to fifty (50) children under Section 600-811.B(4)(a) of the Zoning Ordinance and a variance for the outdoor play area under Section 600-1202.D(2)(c). The Subject Property is located in the M-C Manufacturing Commercial 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 Tools 2 Learn Child Care, LLC.
2. The Subject Property is located at 364 Blair Avenue, City of Reading, Berks County, Pennsylvania 19601.
3. The Subject Property is located in the M-C Manufacturing Commercial Zoning District.
4. Applicant seeks relief to establish a daycare facility in a currently vacant building located on the Subject Property for up to fifty (50) children under Section 600-811.B(4)(a) of the Zoning Ordinance and a variance for the outdoor play area under Section 600-1202.D(2)(c), and all associated variances, special exceptions and interpretations.
5. In order to grant the requested relief, Applicant must show it has satisfied the relevant sections of the Zoning Ordinance.

6. The Zoning Board incorporates the findings of fact and conclusions of law as though fully set forth at length herein.

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

8. 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 center in a currently vacant building located on the Subject Property for up to fifty (50) children from infant age twelve (12).

b. Applicant shall comply with all applicable State requirements for a licensed day care center with fifty (50) children and a copy of the required PA Department of Human Services License shall be provided to the Zoning Administrator immediately upon receipt.

c. Applicant and the Subject Property owner shall provide sufficient off-street parking for pick-up and drop-off and a site plan of the entire lot showing all existing buildings and clearly lined parking spaces shall be provided to the Zoning Administrator. The issuance of a zoning permit is dependent on there being sufficient parking spaces for all uses on the lot located on the Subject Property.

d. Applicant's hours of operation shall be limited to 5:00 a.m. to 9:00 p.m., prevailing time, Monday through Friday.

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

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

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

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

i. 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.

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

k. 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.

l. 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