

IN RE: APPEAL OF NEREIDA ROJAS RELATIVE TO A PROPERTY LOCATED AT 521 ELM STREET, CITY OF READING, BERKS COUNTY, PENNSYLVANIA	: BEFORE THE ZONING HEARING : BOARD OF THE CITY OF READING, : PENNSYLVANIA : : APPEAL NO. 2402-0002 : : VARIANCE, INTERPRETATION : AND/OR SPECIAL EXCEPTION
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**DECISION OF THE ZONING HEARING
 BOARD OF THE CITY OF READING**

AND NOW, this 8th day of May, 2024, a hearing having been initiated on March 13, 2024, and April 10, 2024, upon the application of Nereida Rojas, 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. Pursuant to Applicant’s zoning application, Applicant is Nereida Rojas, an adult individual residing at 146 West Oley Street, Reading, Berks County, Pennsylvania 19601.
2. Applicant submitted an Application to the Zoning Board seeking a special exception to establish a daycare facility and any associated relief for outdoor play area and safe drop off zoning requirements at the property located at 521 Elm Street, Reading, Berks County, Pennsylvania (“Subject Property”).
3. Applicant did not appear at the hearing scheduled on March 13, 2024, and the Zoning Board agreed to grant a continuance to the following month.
4. Applicant again failed to appear at the hearing scheduled on April 10, 2024.
5. Applicant has not demonstrated that she has fulfilled any of the requirements with respect to the requested relief.

DISCUSSION

Applicant filed an Application seeking a special exception to establish a daycare facility and any associated relief for outdoor play area and safe drop off zoning requirements at the Subject Property. Applicant did not appear at the scheduled and advertised hearings. Applicant has not proven her case.

CONCLUSIONS OF LAW

1. Applicant did not appear at the scheduled and advertised zoning hearings; and, therefore, has not proven her case.
2. In order to grant a variance and/or special exception, Applicant must show she has satisfied the relevant sections of the Zoning Ordinance.
3. Due to the fact Applicant did not appear before the Zoning Board and did not provide the Zoning Officer in a timely fashion a written statement requesting another continuance, the Zoning Board hereby denies the requested relief.

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