

IN RE: APPEAL OF ANGEL	:	BEFORE THE ZONING HEARING
IRIZARRY ON BEHALF OF A&M	:	BOARD OF THE CITY OF READING,
REAL ESTATE MANAGEMENT	:	PENNSYLVANIA
CORP., RELATIVE TO A PROPERTY	:	
LOCATED AT 1116 PERRY STREET,	:	APPEAL NO. 2403-0005
CITY OF READING, BERKS	:	
COUNTY, PENNSYLVANIA	:	VARIANCE, INTERPRETATION
	:	AND/OR SPECIAL EXCEPTION

**DECISION OF THE ZONING HEARING
BOARD OF THE CITY OF READING**

AND NOW, this 10th day of July, 2024, a hearing having been held on June 12, 2024, upon the application of Angel Irizarry on behalf of A&M Real Estate Management Corp., 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 Angel Irizarry, President of A&M Real Estate Management Corp., an adult individual, with a mailing address of 1308 N. 13th Street, Reading, Berks County, Pennsylvania 19604 (hereinafter referred to as the “Applicant”).
2. A&M Real Estate Management Corp. is the fee simple owner of the property located at 1116 Perry Street, City of Reading, Berks County, Pennsylvania (hereinafter referred to as the “Subject Property”).
3. 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”).

4. Applicant was represented by Todd Allen Reiner Mays, Esquire, of 1235 Penn Avenue, Suite 202, Wyomissing, PA 19610.

5. Applicant has requested a special exception to expand a nonconforming use of a daycare facility to the first and lower levels of the existing building and a variance for off-street parking requirements under Sections 600-607.D(1) and 600-1603.A. of the Zoning Ordinance and any associated relief.

6. The daycare facility is located in a three-story building located on the Subject Property and is attached to a church with a stairwell that connects the daycare facility to the sanctuary of the church.

7. The building located on the Subject Property, which includes the church, encompasses approximately 9,700 square feet.

8. The daycare facility currently occupies 2,700 square feet of space within the building.

9. Applicant currently has a Certificate of Occupancy to provide daycare services for fifty children with the following conditions: no infants, children older than two years.

10. The new expanded space would allow infants.

11. Applicant currently has forty-five children enrolled and five employees and the hours of operation are from 6:00 a.m. to 6:00 p.m.

12. The proposed area located on the first floor of the existing building consists of approximately 1,660 square feet and will be used as an additional play area for the children.

13. The first floor area has been updated with new flooring, painted walls and added cubicles.

14. The proposed area on the lower level of the existing building consists of approximately 200 square feet and will be used as a nursery.

15. The lower level area has been updated with new flooring, painted walls and the addition of cribs.

16. Applicant states there will be no structural changes to the building.

17. If Applicant is granted the special exception to increase the floor space of the daycare facility, Applicant would like to increase the enrollment by thirty children, for a total of eighty children.

18. Applicant is also requesting a variance from the off-street parking requirements under Section 600-1603(a)(9) of the Zoning Ordinance.

19. Applicant is currently utilizing on-street parking on Locust and Perry Streets as well as a public parking lot with an entrance on Perry Street.

20. The public parking lot has approximately 32 available spaces and during the hours of 7:00 a.m. and 4:30 p.m., Monday through Friday, it is reserved for Reading School District employees but it is public parking at all other hours.

21. Applicant states approximately half of the children receiving daycare are within walking distance to the Subject Property.

22. Applicant states four employees currently walk or take public transportation and one utilizes a parking space on Locust Street behind the 12th and Marian School.

23. Applicant states they have very efficient drop-off and pickup arrangements in place whereby the person transporting the child does not even need to utilize a parking space; and if needed, the public parking lot is utilized when it is not reserved for Reading School District employees.

24. Applicant states many parents and guardians are within walking distance of the daycare facility; and therefore, do not require parking spots to be provided.

25. Applicant states no daycare or parking violation notices have been issued.

26. Applicant states the requested relief will not create any negative impact to the safety of the public, is within the spirit and intent of the Zoning Ordinance, and will not be detrimental to the health, safety and welfare of the neighborhood or the zoning district.

27. There were no objectors to the proposed relief.

28. The Board finds as a fact that the Subject Property will be used in a manner which will not be detrimental to the health, safety and welfare of the neighborhood.

DISCUSSION

Applicant has requested a special exception to expand a nonconforming use of a daycare facility to the first and lower levels of the existing building and a variance for off-street parking requirements under Sections 600-607.D(1) and 600-1603.A. of the Zoning Ordinance and any associated relief. The Board finds the existing daycare use has been run in accordance with all applicable rules, regulations, ordinances and laws and the proposed expansion will not be detrimental to the health, safety and welfare of the children, the neighborhood, or the zoning district.

CONCLUSIONS OF LAW

1. Applicant is Angel Irizarry on behalf of A&M Real Estate Management Corp.
2. The Subject Property is located at 1116 Perry Street, City of Reading, Berks County, Pennsylvania.
3. The Subject Property is located in the R-3 Zoning District.
4. Applicant has requested a special exception to expand a nonconforming use of a daycare facility to the first and lower levels of the existing building and a variance for off-street parking requirements under Sections 600-607.D(1) and 600-1603.A. of the Zoning Ordinance and any associated relief.

5. The Zoning Board incorporates the findings of fact as though fully set forth at length herein.

6. In order to grant the special exception and/or variance, Applicant must show that it has satisfied the relevant sections of the Zoning Ordinance.

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

a. Applicant is hereby granted a special exception from the requirements of the relevant Sections of the Zoning Ordinance to expand the daycare center as proposed and also allow infants.

b. Applicant is hereby granted a variance for the off-street parking requirements.

c. Applicant shall submit a security plan to the Zoning Administrator indicating how people entering the church facility do not have unsupervised access to the daycare facility.

d. Applicant shall submit a plan to the Zoning Administrator setting forth how it will monitor the activities on the three different levels and in the hallways.

e. Applicant shall attend a One Stop Meeting with the building and fire inspectors to insure compliance with all applicable building and fire code requirements.

f. Applicant shall provide a copy of the required PA Department of Public Welfare license to the Zoning Administrator.

g. 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.

h. Applicant shall obtain occupancy load permission from the City of Reading Division of Building and Trades, Fire Marshall, and Pennsylvania Department of Public Welfare.

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

j. 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.

k. 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 3 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