

IN RE: APPEAL OF MY FIRST PATH IN LIFE CHILD CARE CORP. RELATIVE TO A PROPERTY LOCATED AT 317 FRANKLIN STREET, CITY OF READING, BERKS COUNTY, PENNSYLVANIA	: BEFORE THE ZONING HEARING BOARD OF THE CITY OF READING, PENNSYLVANIA : APPEAL NO. 2403-0007 : 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 held on April 10, 2024, upon the application of My First Path in Life Child Care 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 My First Path in Life Child Care Corp., a Pennsylvania business corporation, with a principal address of 317 Franklin Street, Reading, Berks County, Pennsylvania 19601 (hereinafter referred to as the “Applicant”).
2. Applicant has a leasehold interest in the property located at 317 Franklin Street, City of Reading, Berks County, Pennsylvania 19601 (hereinafter referred to as the “Subject Property”).
3. The fee simple owner of the Subject Property, Batista Investments, LLC, has granted Applicant permission to seek the requested zoning relief.

4. The Subject Property is located in the Commercial Core (CC) 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, Pennsylvania 19610.

6. Applicant seeks a special exception to establish a day care center for up to thirty-five (35) children on the first floor commercial space of the Subject Property and modification of parking; or in the alternative, a variance from the off-street parking requirements.

7. Applicant seeks relief from Sections 600-807.B.(4), 600-1202.D(3)(b), and 600-1603.A(9) of the Zoning Ordinance and all associated variances, special exceptions and interpretation.

8. The day care center use is permitted by special exception in the CC Zoning District.

9. The proposed daycare center will operate on the first floor commercial space of the Subject Property having a total area of approximately 84.25’ x 77’.

10. The first floor commercial space is currently empty.

11. Applicant proposes to care for up to thirty-five (35) children and the ages served will be infants, toddlers, and older children.

12. There will be separate areas for the care of the infants, toddlers and older children.

13. Applicant stated the hours of operation would be Monday through Friday from 6:00 a.m. until 11:00 p.m., prevailing time.

14. The enrollment will be staggered throughout the day and evening to serve parents working different shifts.

15. The Subject Property consists of an indoor and outdoor fenced play area which is suitable for large muscle activity and complies with the State's Code requirements.

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 day care center.

17. Applicant understands the number of children it will be caring for as well as employees depends on the approvals from the State but it expects to have five (5) employees.

18. Applicant will have a security system in place which complies with the State 3270 regulation (security cameras and card access).

19. The variance for parking is necessary due to pre-existing constraints of the lot.

20. There are five (5) spaces on-site located on Carpenter Street which are available for the pickup and dropping off of children.

21. There are no other residences or businesses adjacent to the Subject Property so the five (5) spaces on Carpenter Street would be a secure pickup and curbside drop off area.

22. Additional parking at the Fourth and Cherry Street Garage may be required by the Zoning Administrator if congestion at the Subject Property requires it in the Zoning Administrator's sole discretion.

23. Applicant stated the activities of the day care center, other than daytime outdoor play, will take place inside the building and there will be no glare, vibration, noise, odors or other impacts created by and/or evident beyond the Subject Property.

24. Applicant stated the proposed use will be beneficial to the community by providing safe, licensed childcare.

25. There were no objections to the requested relief.

26. 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 center for up to thirty-five (35) children on the first floor of the Subject Property and modification of parking; or in the alternative, a variance from the off-street parking requirements. Applicant seeks relief from Sections 600-807.B.(4), 600-1202.D(3)(b), and 600-1603.A(9) of the Zoning Ordinance and all associated variances, special exceptions and interpretation. The Subject Property is located in the Commercial Core (CC) 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 My First Path in Life Child Care Corp.
2. The Subject Property is located at 317 Franklin Street, City of Reading, Berks County, Pennsylvania 19601.
3. The Subject Property is located in the Commercial Core (CC) Zoning District.
4. Applicant seeks a special exception to establish a daycare center for up to thirty-five (35) children on the first floor commercial space of the Subject Property and modification of parking; or in the alternative, a variance from the off-street parking requirements.
5. Applicant seeks relief from Sections 600-807.B.(4), 600-1202.D(3)(b), and 600-1603.A(9) of the Zoning Ordinance and all associated variances, special exceptions and interpretation.

6. In order to grant the requested relief, Applicant must show it has satisfied the relevant sections of the Zoning Ordinance.

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 hereby granted a special exception to operate a daycare center at the Subject Property for up to thirty-five (35) children for ages infant, toddler and older children.

b. Applicant shall comply with all applicable State requirements for a licensed day care center with thirty-five (35) 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. The location of such parking is in the sole discretion of the Zoning Officer.

d. Applicant's hours of operation shall be limited to 6:00 a.m. to 11:00 p.m., prevailing time.

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