

**IN RE: APPEAL OF YLUMINADA ARIAS : BEFORE THE ZONING HEARING
RELATIVE TO A PROPERTY LOCATED AT : BOARD OF THE CITY OF READING,
1506 N. 13th STREET, CITY OF READING, : PENNSYLVANIA
BERKS COUNTY, PENNSYLVANIA :
: APPEAL NO. 2411-0035
:
: VARIANCE, INTERPRETATION
: AND/OR SPECIAL EXCEPTION**

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

AND NOW, this 12th day of February, 2025, a hearing having been held on January 8, 2025, upon the application of Yluminada Arias, 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 Yluminada Arias, an adult individual residing at 1506 N. 13th Street, City of Reading, Berks County, Pennsylvania 19604 (hereinafter referred to as the “Applicant”).
2. Applicant is the fee simple owner of the property located at 1506 N. 13th Street, City of Reading, Berks County, Pennsylvania 19604 (hereinafter referred to as the “Subject Property”).
3. The Subject Property is located in the R-2 Residential Zoning District and the Heights Conservation District as those terms and districts are defined by the Zoning Ordinance of the City of Reading, as amended (hereinafter referred to as the “Zoning Ordinance”).
4. Applicant has requested a special exception to operate a home daycare on the first floor and basement of the Subject Property.
5. Applicant is also seeking an appeal of the Zoning Administrator’s determination that a daycare center is not permitted in the R-2 Zoning District. In the alternative, she is requesting a variance

to operate a daycare center at the Subject Property and a variance from the required off-street parking requirements.

6. Applicant resides at the Subject Property with her husband and two adult sons.

7. Applicant stated that she has been operating the daycare without permits and a license from the PA Department of Health and Welfare for approximately eight months.

8. Applicant stated that she proposes providing daycare for 13 children.

9. Applicant's proposed hours of operation are from 6:00 a.m. to 6:00 p.m., prevailing time, Monday through Friday and until midday on Saturday.

10. Applicant stated she has a bathroom in the basement and on the first floor of the Subject Property.

11. Applicant stated she will provide food for the children and they can also bring their own food.

12. Applicant stated she has an outdoor fenced in play area.

13. Applicant stated the children would be dropped off in the front and the rear of the Subject Property.

14. Applicant stated a neighboring property owner did complain about cars stopping at the rear of the Subject Property.

15. The Zoning Board finds the lack of a sufficient secure drop off area is a detriment to the health, safety and welfare of the children and/or the parents dropping off and picking up children at the Subject Property.

16. The Zoning Board finds the Subject Property is not capable of providing a safe environment for the children.

17. There were no objections to the requested relief and one nearby property owner testified in favor of the relief.

DISCUSSION

Applicant has requested a special exception to operate a home daycare on the first floor and basement of the Subject Property. Applicant is also seeking an appeal of the Zoning Administrator's determination that a daycare center is not permitted in the R-2 Zoning District. In the alternative, she is requesting a variance to operate a daycare center at the Subject Property and a variance from the required off-street parking requirements.

The Zoning Board believes Applicant cannot provide a secure drop off and pick up area. The Zoning Board is also aware of a number of safety violations which were reported in the state's inspection report. The Zoning Board finds as a fact and concludes as a matter of law that the proposed use is too intense for the Subject Property.

CONCLUSIONS OF LAW

1. Applicant is Yluminada Arias.
2. The Subject Property is located at 1506 N. 13th Street, City of Reading, Berks County, Pennsylvania 19604.
3. The Subject Property is located in the R-2 Residential Zoning District and the Heights Conservation District.
4. The Zoning Board is permitted to provide interpretation and grant applications for variances and/or special exceptions as set forth in the relevant sections of the Zoning Ordinance.
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, Applicant must show she has satisfied the relevant sections of the Zoning Ordinance.
7. After reviewing the Applicant's request in detail, the Zoning Hearing Board finds the Applicant has not demonstrated that she has met the requirements of the special exception because the use is too intense for the residential neighborhood, would cause a decrease in neighboring property values, and there is no safe parking for parents to drop off and pick up children.

8. The Zoning Hearing Board enters the following decision: Applicant is hereby denied the requested special exception to operate a home daycare at the Subject Property.

The decision of this Board is by a vote of 4 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/ Charles Jones

CHARLES JONES