

IN RE: APPEAL OF NIURKA ABREU ON BEHALF OF SMILEY KIDS DAYCARE, LLC, RELATIVE TO A PROPERTY LOCATED AT 131-145 NORTH SIXTH STREET, CITY OF READING, BERKS COUNTY, PENNSYLVANIA	: BEFORE THE ZONING HEARING : BOARD OF THE CITY OF READING, : PENNSYLVANIA : : APPEAL NO. 2504-0013 : : VARIANCE, INTERPRETATION : AND/OR SPECIAL EXCEPTION
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**DECISION OF THE ZONING HEARING
BOARD OF THE CITY OF READING**

AND NOW, this 11th day of June, 2025, a hearing having been held on May 14, 2025, upon the application of Niurka Abreu on behalf of Smiley Kids Daycare, 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 Niurka Abreu on behalf of Smiley Kids Daycare, LLC, a Pennsylvania Limited Liability Corporation, with a principal mailing address care of Niurka Abreu, 1424 N. 14th Street, Reading, Berks County, Pennsylvania 19604 (hereinafter referred to as the “Applicant”).
2. Applicant has a leasehold interest in the property located at 131-145 N. Sixth Street, City of Reading, Berks County, Pennsylvania 19601 (hereinafter referred to as the “Subject Property”).
3. The fee simple owner of the Subject Property, Reading Medical Development, LP, has granted Applicant permission to seek the requested zoning relief.
4. The Subject Property is located in the Commercial Residential (C-R) 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 expand the area of a previously approved day care center under Sections 600-808.B.(4)(c), 600-1202.D(2) and 600-1603 of the Zoning Ordinance and all associated variances, special exceptions and interpretation.

7. The Zoning Board previously rendered a Decision in Appeal No. 2408-0020 on October 9, 2024, permitting Applicant to use the Subject Property as a daycare center for up to ninety-nine (99) children from infant to age twelve (Appeal 2408-0020). The contents of said Decision are incorporated into this Decision.

8. Applicant is requesting relief to care for up to one hundred seventy-five (175) children.

9. The Phase Two proposed expansion plan includes adding six (6) classrooms which will be used by toddlers, school age children aged 6 through 8 and 9 through 12 and also includes storage space, an activity room, study room and restrooms.

10. The Phase Three proposed expansion plan includes an area for toddler and school-age children classrooms as well as a kitchen and food preparation area and some additional storage space.

11. The Phase Two expansion area is 8,848 square feet and Phase Three expansion area is 3,549 square feet.

12. The daycare center will continue to operate twenty-four (24) hours a day, Monday through Saturday.

13. Applicant understands she must comply with all State regulations concerning the additional number of employees that will be required due to the additional number of children receiving daycare services.

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

15. If the Zoning Board finds the proposed expansion is more than twenty-five percent of the building floor area of the use, Applicant is requesting that the application be amended to request a variance from Section 600-1201(c)(1).

16. There were no objections to the requested relief.

17. 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 expand the area of a previously approved daycare center under Sections 600-808.B.(4)(c), 600-1202.D(2) and 600-1603 of the Zoning Ordinance and all associated variances, special exceptions and interpretation. The remaining portion of the building is a medical and professional complex. The Subject Property is located in the C-R 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.

CONCLUSIONS OF LAW

1. Applicant is Niurka Abreu on behalf of Smiley Kids Daycare, LLC.

2. The Subject Property is located at 131-145 N. Sixth Street, City of Reading, Berks County, Pennsylvania 19601.

3. The Subject Property is located in the Commercial Residential (C-R) Zoning District.

4. Applicant seeks a special exception to expand the area of a previously approved daycare center under Sections 600-808.B.(4)(c), 600-1202.D(2) and 600-1603 of the Zoning Ordinance and all associated variances, special exceptions and interpretation.

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

6. In order to grant the requested relief, Applicant must show 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 to operate a daycare center at the Subject Property for up to one hundred seventy-five (175) children for ages infant through age twelve (12).

b. Applicant shall comply with all applicable State requirements for a licensed day care center with one hundred seventy-five (175) 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 will continue to work with the City of Reading Public Works Department to secure a safe drop-off and pick up area and the parking plan shall be provided to the Zoning Administrator.

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

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

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

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

h. 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.

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 5 to 0.

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

/s/ Philip Rabena

PHILIP RABENA, CHAIRPERSON

/s/ Thomas Fox

THOMAS FOX

/s/ Jeffrey Gattone

JEFFREY GATTONE

/s/ Jared Barcz

JARED BARCZ

/s/ Charles Jones

CHARLES JONES