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Richard Andrews
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Horace McAnuff
Donna Royer

ALTOONA ZONING HEARING BOARD

Jason Mapes
1468 Veterans Memorial Highway
Altoona, PA 16601

In Re: 2929-31 Broad Avenue. Request for a change of nonconforming use, auto service and repair to small engine repair, sales and rentals, and a nonconforming structure on premises at 2929-31 Broad Avenue, multiple household residential zone.

Your petitioner appeared on his own behalf.

From the testimony presented at the hearing of April 10, 2019, the Board makes the following:

FINDINGS OF FACT

1.

Your petitioner has an ownership/lease interest in the subject property.

2.

The subject request was duly advertised, and the property posted.

3.

The subject property is basically the same now as it has been before.



4.

The property has been utilized in the past for various commercial uses, including but not limited to a gasoline and service station, Star rebuilders/construction land development, and most recently, Hoss's Complete Auto and service repair.

5.

The subject use has been commercial and has not been abandoned.

6.

The immediate preceding use was an automobile and service repair, of which, numerous cars were on and about, in and about the property, parked not only in the back but stored in the front as well, maybe even nine (9) or twelve (12) at a time, waiting for parts and repairs to be made.

7.

The previous hours of operation were almost 24-7, being that the owner and mechanic lived on the second floor of the structure, thus, combining a use of residential with a much more intensive use of commercial, towing, and repairs to automobiles and trucks.

8.

The proposed hours of operation will be Monday through Saturday, 10:00 a.m. to 7:00 p.m.

9.

Your petitioner will not live on the property but merely utilize the second floor as his breakroom and parts storage.

10.

Your petitioner will be now not repairing automobiles or heavy equipment, but rather small engine repair as evidenced by its name "Altoona Small Engine".

11.

The signage is exactly the same as it had been before.

12.

The exterior lights will be no longer on at all times but will be turned off by your petitioner when they are not in use.

13.

The repairs will chiefly be to lawnmowers, saws, and other similar "small engine repairs", after which, at time to time, when a lawnmower, for example, is repaired, it may be sold second-hand once it has been rehabilitated.

14.

When the items are not being worked on, they will be stored either in the interior or in the rear fence-in/enclosed rear yard.

15.

While during operation, some items may be in the front, when the business is closed, they shall be removed from the front and stored inside or as above indicated in the rear fence-in enclosed area.

16.

Your petitioner, at the present time, will be the sole employee.

17.

There is adequate off-street parking to accommodate customers coming and going, dropping off, and picking up their respective items.

18.

The traffic coming and going is and will be far less than the use for which it is to replace.

19.

The nuisance characteristics, such as dust, odor, and noise, will therefore be far less than the use that it is to replace.

As such, this change is more conforming to the neighborhood than the use that it is replacing.

DECISION

WHEREFORE, THIS 24th DAY OF APRIL, A.D., 2019, THE BOARD GRANTS THE REQUEST OF YOUR PETITIONER, PROVIDED, HOWEVER, THAT THE DAYS AND HOURS OF OPERATIONS SHALL BE MONDAY THROUGH SATURDAY, 10:00A.M. TO 7:00P.M., AND,

PROVIDED, FURTHER, THAT AT THE END OF A BUSINESS DAY, ANY AND ALL PRODUCT AND MATERIALS SHALL BE PLACED, STORED, AND/OR KEPT INSIDE OR IN THE REAR ENCLOSED BACK AREA AND **NOT** IN THE FRONT PARKING AREA.

ANY PERSON AGGRIEVED BY THE DECISION OF THE ZONING HEARING BOARD MAY APPEAL HEREFROM TO THE COURT OF COMMON PLEAS WITHIN THIRTY (30) DAYS FROM THE DATE OF THIS NOTICE, IN THE MANNER SO PROVIDED BY LAW.

YOUR PETITIONER MUST, OF COURSE, MEET ANY AND ALL OTHER CITY, STATE AND FEDERAL REGULATIONS AND/OR REQUIREMENTS PERTAINING TO THE SUBJECT PROPERTY, WHICH ARE OUTSIDE THE JURISDICTION OF THE ALTOONA ZONING HEARING BOARD.

ANY AND ALL NECESSARY PERMITS INVOLVED MUST BE SECURED WITHIN SIX (6) MONTHS FROM THE DATE OF THIS NOTICE, OR THE AUTHORIZATION SHALL BECOME NULL AND VOID WITHOUT FURTHER ACTION OF THE BOARD.

THE ZONING HEARING BOARD OF THE
CITY OF ALTOONA,


Richard Andrews, Chairman

 4-17-2019
Horace McAnuff

Donna Royer

4-22-19

Donna Royer

Corey Gehret

4/18/2019

Corey Gehret

Matthew Gindlesperger

4-23-19

Matthew Gindlesperger

MAILED TO YOUR PETITIONER: April 24, 2019
Date

Cc: William J. Stokan, Zoning Board Solicitor
Lee Slusser, Director of Planning
Marilyn Morgan, Planner II, Zoning Office