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CITY OF ALTOONA



ALTOONA ZONING H

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**In Re: 2634 Maple Avenue, Altoona, PA
Request for Special Exception for the Reuse of an Existing
Commercial Building with the History of Commercial Uses in
and on Premises in a Single Household Residential Zone**

Your Petitioner appeared on his own behalf.

From the testimony presented at the hearing of December 11, 2019, and the Board's view of the subject premises, the Board makes the following:

FINDINGS OF FACT

1.

Your Petitioner has an ownership interest in the subject property.

2.

Requisite notices were made, and the property posted.

3.

The subject property is and has continuously been a legitimate as a non-residential commercial use for some seventy (70) years.

4.

Uses of the subject building have been construction cable offices and a second hand store.



5.

Your Petitioner proposes to become the new home of "McGee's Custom Furniture". As such the use of the property will be utilized for the making and the sewing of hand-made furniture.

6.

Any and all commercial and architectural characters of the said building will remain in effect.

7.

The building and its use will be far less traffic and far less need for parking than the previous businesses.

8.

As such, the subject use as requested will be far less of a nuisance to the surrounding neighborhood.

9.

To many of the customers for the custom-built furniture, there will be home deliveries so there will be very little traffic coming and going, and as such the parking available for the said use is more than sufficient for the needs.

10.

As a sole employee, there will be only one parking space necessary for your Petitioner, with the remaining parking in and about the property being left for an occasional customer and other neighbors to use.

11.

The hours of operation will be between 9:00 a.m. to 6:00 p.m., and while the owner may be in and at the property working on furniture orders, said hours will be limited to the daylight hours.

12.

There will be no hazardous building materials, sounds, gases, or noise.* The tools being everyday tools and equipment that might be found in a residential home or garage, or typical woodshop.

13.

There will be no change, condition, or alterations to the building, and it will remain in its existing form.

14.

While signs to mark the location of the shop that will be had, they will be in strict compliance with and not exceed what the code allows him to do.

From the foregoing testimony, the Board makes the following:

CONCLUSIONS OF LAW

1.

There exists a demonstrated history of the building being used for commercial and retail use.

2.

Exterior features of the building demonstrates it was indeed designed, built, and utilized for commercial and retail purposes, and as such, the architectural character of the building will be preserved.

3.

To convert this subject building into a residential use would be cost prohibitive.

4.

The subject use is obviously similar to those uses for which the building was designed and previously used, and even have less of an impact vis-a-vis traffic and parking and the uses that it is to replaced.

5.

Public notice as above indicated was given.

6.

Adequate off-street parking on the adjacent streets and avenues exist and do not compete with neighborhood's parking needs.

7.

Reasonable limits on the hours of operation are and shall be set not only by the owner but the Board hereinafter.

8.

The building is not being expanded whatsoever or howsoever.

9.

Traffic and deliveries will not significantly change the residential nature of the neighborhood. Said roads and streets being of adequate design and with the handle the same

10.

There are no loud speakers' systems or other audible signals to be heard at the property line.

11.

The signage will be limited to conform of that, otherwise permitted in the said zone.

12.

Staff recommendations have been heard.

13.

Reasonable conditions are set forth hereinafter.

DECISION

WHEREFORE, THIS 17th DAY OF DECEMBER, A.D., 2019, THE BOARD GRANTS AND APPROVES THE REQUEST OF YOUR PETITIONER;

PROVIDED, THAT THE DAYS AND HOURS OF OPERATION SHALL BE 10:00 A.M. to 6:00 P.M., MONDAY THROUGH SATURDAY, AND ON SAID DAYLIGHT HOURS SAID PETITIONER WILL BE ALLOWED TO WORK WITHIN THE SUBJECT PROPERTY WHILE NOT OPENED TO THE GENERAL PUBLIC UNTIL 9:00 P.M.;

PROVIDED FURTHER, THERE SHALL BE NO SOUNDS, HAZARDOUS MATERIALS, GASES OR NOISE EMANATING FROM THE SUBJECT PROPERTY;

PROVIDED FURTHER, THE SUBJECT BUILDING SHALL NOT BE EXPANDED;

PROVIDED FURTHER, THERE SHALL BE NO EXTERIOR LOUD SPEAKERS' SYSTEMS OR OTHER AUDIBLE SIGNALS TO BE HEARD BEYOND THE PROPERTY LINE, AND ANY LIGHTING SHALL REMAIN WITHIN THE FOUR CORNERS OF THE PROPERTY.

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

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

ANY PERSON AGGRIEVED BY ANY THE DECISION OF THE ZONING HEARING BOARD MAY APPEAL THEREFROM TO THE COURT OF COMMON PLEAS WITHIN

THIRTY (30) DAYS FROM THE DATE OF THIS NOTICE, IN THE MANNER SO PROVIDED BY LAW.

THE ZONING HEARING BOARD
OF THE CITY OF ALTOONA,

Richard Andrews 16 Dec 2019
Richard Andrews, Chairman

Donna Royer 12/17/19
Donna Royer

Cory Gehret 12/17/19
Cory Gehret

MAILED TO YOUR PETITIONERS: December 17, 2019
Date

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