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Michael Halloran
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Julie Hirschak, Alternate

ALTOONA ZONING HEARING BOARD

406 E. 26th Ave

Dolores Sabella
701 Beech Street
Northern Cambria, PA 15714

RE: Request for student home "grandfather" status of a rental on premises in a single household residential zone.

Your petitioner appeared on her own behalf.

From the testimony presented at the hearing of July 12, 2017 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.

Your petitioner has utilized the subject property as a student rental for over twenty (20) years.

4.

She began using the subject property as a student home for her own daughter, in order to have a place to stay while she attended Penn State University, Altoona Campus.

5.

Thereafter, she began to rent the same for student housing.

6.

She has done so continuously at a time preceding the student housing ordinance even coming into effect through the present time without abandonment.



7.

As such, she has a pre-existing legitimate non-conforming use.

8.

She has indicated that at all times she has adequate off-street parking for at least three (3) cars.

9.

She likewise indicates she never rents to more than three students, even though there are four (4) bedrooms, the fourth being extremely small.

10.

She likewise is a "hands-on" landlady.

11.

She requires written leases to be signed in strict compliance therewith, including that there be no underage drinking or other police nuisance or ordinance violations, and will evict if there are.

12.

She intends to continue using the same type of lease to ensure compliance therewith.

13.

She herself, as the landlord, provides for garbage, snow removal, and lawn care, and will continue to do so in the future.

14.

All of these she has done continuously in the past and as such, must be "grandfathered" as hereinafter set forth, allowing her to continue that use as she had prior thereto, until such time that use or ownership of the property changes.

From the foregoing testimony, the Board makes the following:

CONCLUSIONS OF LAW

1.

Your petitioner, use of her property, has pre-existed the effective date of the student housing ordinance.

2.

She has used the same for student housing prior to the ordinance, effective date continuously and without abandonment.

Wherefore the Board makes the following:

DECISION

THEREFORE, THIS 24th DAY OF July, A.D., 2017, THE BOARD GRANTS THE REQUEST OF YOUR PETITIONER, PROVIDED, HOWEVER, THAT SHE AT ALL TIMES HAVE OFF-STREET PARKING FOR NO LESS THAN THREE (3) CARS AND DIRECTS HER TENANTS TO UTILIZE THE SAME FOR THEIR PARKING; PROVIDED, FURTHER, THAT SHE LEASE TO NO MORE THAN THREE STUDENTS, PROVIDED, FURTHER, THAT THE LANDLORD SHALL FURTHER MAINTAIN A VALID WRITTEN LEASE WITH WHICH TENANTS MUST ABIDE AND SIGN, AND IN WHICH SAID LEASE THE LANDLORD SHALL HAVE THE POWER TO EVICT ANY SUCH TENANT, IF ANY TENANT BE FOUND VIOLATE ANY POLICE ORDINANCE APPLICABLE TO AND/OR PERTAINING TO NOISE AND/OR NUISANCES APPLICABLE THERETO, AND PROVIDED, FURTHER, THAT THE LANDLORD HERSELF SHALL BE RESPONSIBLE FOR ANY AND ALL NECESSARY TRASH OR SNOW REMOVAL AS WELL AS LAWN CARE AND THE LESSOR SHALL MAINTAIN AT ALL TIMES A FIT AND PROPER APPEARANCE OF THE PROPERTY AS A SINGLE FAMILY RESIDENTIAL HOME AS IT PRESENTLY APPEARS AND, PROVIDED, FURTHER, THAT ANY AND ALL TRASH SHALL BE PICKED UP DURING NORMAL RESIDENTIAL HOURS AND PROVIDED, FINALLY, THAT SAID USE SHALL CHANGE AND TERMINATE SHOULD USE OR OWNERSHIP OF THE PROPERTY CHANGE.

YOUR PETITIONER MUST, OF COURSE, MEET ANY AND ALL OTHER CITY, STATE AND FEDERAL REGULATIONS AND/OR REQUIREMENTS PERTAINING TO THE SUBJECT PROPERTY, WHICH ARLE 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.

IF 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.

THE ZONING HEARING BOARD OF THE
CITY OF ALTOONA,

Michael Halloran 7-18-17
Michael Halloran, Chairman

Richard J. Andrews
Richard Andrews

Donna Royer 7-18-17
Donna Royer

Horace McAnuff 7-17-17
Horace McAnuff

Cory Gehret 7/20/17
Cory Gehret

MAILED TO YOUR PETITIONER: July 24, 2017
Date

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