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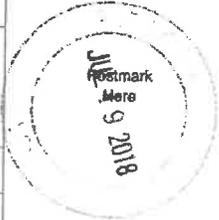
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ALTOONA ZONING HEARING BOARD

Michael Halloran
 Horace McAnuff
 Richard Andrews
 Donna Royer
 Cory Gehret
 Julie Hirschak, Alternate



Carl W. Nixon
 326 Baker Lane
 Altoona, PA 16601

Brian Detwiler
 106 Lexington Avenue
 Altoona, PA 16601

Nick Ardizzone
 123 Howard Avenue
 Altoona, PA 16601

Edward Field
 127 Howard Avenue
 Altoona, PA 16601

RE: 118-30 Lexington Avenue, request to establish a Millwork shop in a non-conforming structure previously an automobile service garage on premises located in a multiple household residential zone.

Your petitioner appeared on his own behalf.

From the testimony presented at the hearing of July 11, 2018 and the Board's view of the subject premises, the Board makes the following:

FINDINGS OF FACT

1.

Your petitioner has an ownership interest on the subject property.

2.

Requisite notices were made and the property posted.

3.

The subject property is one that was last used by the previous owners as an automobile repair facility.

4.

The subject structure was obviously designed, built, and always used as a

commercial non-residential use.

5.

Even previous to the subject building and the automobile repair use, the property had been non-residential including a schoolhouse, obviously then torn down and replaced with this commercial concrete block two (2) garage door structure.

6.

Obviously, in and as its condition as it exists and was built and designed, it is not reasonably able to be realistically used as presently for a residential use.

7.

No evidence, during the period of time that the use was last abandoned, was produced showing any interest in acquiring the same for residential use.

8.

Other non-residential uses and commercial uses exist, including but not limited to the immediately adjacent property below, or near to, the subject request being an accountant office.

9.

The property itself is a standalone structure on the subject lot.

10.

The lot itself is fenced with barb-wire, as well as the front and side of it paved with bituminous paving, which is in further need of repair and/or replacement, but does, however, provide quite adequate off-street parking area for the attendant and requested use.

11.

The petition was objected to by surrounding neighbors indicating fears of noise, odors, and/or other interference with the quiet use and enjoyment of their subject residences.

12.

The Board believes that the conditions imposed upon the applicant will solve those problems, especially based upon the testimony and evidence presented by your petitioner that little, if any, would exist therefrom considering the limited nature of the proposed use of the subject structure.

13.

The property is going to be extensively rehabilitated by your petitioner, including

without limitation, to façade work, parking lot work, and limitations upon its use, in and to millwork specifically regarding wood products, trim and doors.

14.

The cabinet work relative to the business will be continued to be conducted separately in its Hollidaysburg location.

15.

Your petitioner proposes hours of Monday through Saturday, to be 7:00 a.m. to 7:00 p.m., but indicates that the hours of any machinery work would be only from 9:00 a.m. until 5:00 p.m.

16.

While your petitioner hopes that he will be able to eventually have up to four (4) employees, at the present time and during the initial operations, as presently exist, there is but himself and his wife, the latter being principally engaged in the operating of the Hollidaysburg location.

17.

The reason for the "hours" request is so that the individual owner can be there between 7:00 a.m. and 7:00 p.m., even though he will not be operating machinery with any noises connected therewith.

18.

As such, the machinery and noises connected therewith will only be from 9:00 a.m. to 5:00 p.m. during the days of the week that he is open.

19.

As to the comings and goings of vehicles to which the neighbors had expressed concern, the Board defines that there is a de minimis usage of such, it being testified and believed that a delivery truck will come maybe once a month, be of the box type variety, and not a large tractor-trailer, and would be no more, in his testimony, than twice a month based upon his experience and belief.

20.

The Board believes that this is a de minimis interference while allowing relief to being able to use an obvious commercial structure, rather than deny it a reasonable use.

21.

As such, the nature of the structure makes it next to impossible to realistically utilize the same in a residential use.

22.

While work will be done in the subject property, there is less traffic generated than for example other commercial uses that would engage retail with coming and goings of customers and product deliveries relative to and/or for the sale and acquisition, stocking, and obtainment, and, as such, will have far less traffic generated and nuisance characteristics therefrom than many other commercial uses that would otherwise be a potential use in and to the subject property, which would entail a much greater traffic flow than the use as proposed.

23.

Testimony was presented that little, if any, noise and/or odors would be emanated and, if any did exist, it would be the same that would be the resulting use from a residential use of stain or paint, if one were to do so from one's residential garage.

24.

Your petitioner has indicated that it will obtain state of the art machinery so that there will be little or no omissions of either odor or sound.

25.

This similar process was observed by your petitioner in his use of his existing Hollidaysburg facility, which is in a much more dense residential area and for over a year he has received no complaints whatsoever, or howsoever from the adjoining or neighboring residents.

26.

Furthermore, the business concerns him delivering his finished product to site and as such as above and previously recognized, creates little or no traffic flow coming and going in and about the area.

27.

There is adequate off-street parking.

28.

Signage is going to be de minimis and obviously within that allowable in the zone for his use.

29.

The garbage that is generated will be de minimis and will be in a dumpster within the "L" of the building so as to be next to impossible to be seen.

30.

Any and all lighting will be self-contained within the four (4) corners of the lot and

not be shining off the subject property.

31.

Your petitioner has indicated they will be able to and comply with land use and development, rules, and regulations.

From the foregoing testimony, the Board makes the following:

CONCLUSIONS OF LAW

1.

Your petitioner has adequately shown there exist unique circumstances, conditions procured to the property under which an unnecessary hardship has been created due to which there is little or no realistic possibility that the property can otherwise be realistically used or developed in strictest conformity with the provisions of the Zoning Ordinance.

2.

A grant of an variance is therefore necessary to enable a reasonable use of the property to be made.

3.

The subject hardship was not created by your petitioner.

4.

The variance as authorized will not alter the nature and character of the neighborhood nor impair appropriate use or development of properties adjacent thereto.

5.

The variance as authorized will not be detrimental to the public health, welfare, or the safety and will otherwise reasonably afford relief to your petitioner herein.

DECISION

WHEREFORE, THIS 14th DAY OF July, A.D., 2018, THE BOARD GRANTS THE REQUEST OF YOUR PETITIONER; PROVIDED, HOWEVER; THAT THE DAYS AND HOURS OF THE OPERATION SHALL BE NO GREATER THAN FOLLOWS: MONDAY THROUGH SATURDAY 7:00 A.M. TO 7:00 P.M., HOWEVER, NOTING THE OPERATION OF THE MACHINERY SHALL BE LIMITED FROM THE HOURS OF 9:00 A.M. TO 5:00 P.M.; PROVIDED, FURTHER; THAT YOUR PETITIONER SHALL INSTALL AN INTERIOR VACUUM SYSTEM, SELF-CONTAINED; PROVIDED, FURTHER; THAT ANY AND ALL TIMES WITHIN WHICH THE MACHINERY IS OPERATED WITHIN SAID BUILDING ALL EXTERIOR DOORS SHALL BE CLOSED;

AND PROVIDED, FURTHER: THAT ANY AND ALL EXTERIOR LIGHTING SHALL BE SELF-CONTAINED, THAT IS, SHALL BE DIRECTED AND MAINTAINED ENTIRELY WITHIN THE FOUR (4) CORNERS OF THE SUBJECT PROPERTY; AND PROVIDED FINALLY: THE PETITIONER MUST AND SHALL COMPLY WITH ANY AND ALL LAND USE AND DEVELOPMENT RULES AND REGULATIONS PERTINENT THERETO.

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,**

Michael Halloran 7/16/18
Michael Halloran, Chairman

Richard J. Andrews 7/18/18
Richard Andrews

Horace G. McAnuff 7-17-18
Horace McAnuff

Donna Royer 7-19-18
Donna Royer

Cory Gehret 7/19/18
Cory Gehret

MAILED TO YOUR PETITIONER: July 19, 2018
Date

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

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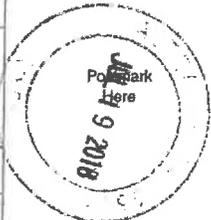
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PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



Michael Halloran
 Horace McAnuff
 Richard Andrews
 Donna Royer
 Cory Gehret

ZONING HEARING BOARD



Kranbros, LLC
 5580 Goods Lane, Suite 1079
 Altoona, PA 16602

RE: Request to exclude pre-existing billboards in order to obtain signage for business identification flat wall signs at new Plaza on premises located at 505-15 East Plank Road, in a commercial highway business zone.

Your petitioners appeared by and through Michael and Charles Kranich.

From the uncontradicted testimony presented at the hearing of July 11, 2018 and the Board's view of the subject premises, the Board makes the following:

FINDINGS OF FACT

1.

Your petitioners have an ownership interest on the subject property.

2.

Requisite notices were made and the property posted.

3.

Your petitioner is presented with a very unique and unusual circumstance and condition peculiar to its property.

4.

During the purchase of the subject property, plans were presented to the City, including various signage and structures.

5.

Your petitioners mistakenly believed that by the approval of the plans that it included approval of all of what had been drawn or presented thereon, including but not limited to the amount, placement, and examples of signs.

6.

Of course, the simple approval of plans does not approve drawings no more than the drawings having previously included the existence of a clock tower, which, of course, was neither built nor now is intended to be built provided and/or maintained at the location.

7.

Notwithstanding, when your petitioners bought the subject property, the property already had contained a long, well established and pre-existing billboard structure, which structure includes no less than three (3) billboard faces.

8.

The amount of that signage on the subject property, therefore, eliminates any other additional signage.

9.

That presents an obvious hardship to your petitioners as the petitioners otherwise are unable to identify the names, locations, and/or existence of the business therein contained.

10.

Had the subject billboards, not be pre-existing, the property could have 600 square foot of signage in total, 300 per side.

11.

Your petitioners, however, indicate that it will be adequate to afford relief for a total of no greater than 250 feet in signage.

12.

Your petitioners already have identification on the one billboard by agreement with the pre-existing billboard operator, which is believed to be there under a pre-existing long term lease, the exact term of which is not known by your petitioners.

13.

Your petitioners obviously, however, being the beneficiary of the placement of that sign on its property, is entitled to, already has, and/or can obtain, the copy of the subject lease which will be hereinafter required to be presented to the City for its use and recordation under and

per the terms and conditions imposed by this unique situation by the Board in its decision set forth hereinafter.

14.

The general hardship imposed upon the property by this pre-existing billboard was not created by your petitioners.

15.

If a variance is not hereinafter granted to afford some relief, the result would be somewhat absurd and definitely unreasonable.

16.

In order to accommodate both the property owner and provide a de minimis variance from the Ordinance, your Board believes that a compromise is necessary, as is hereinafter provided.

From the foregoing testimony, the Board makes the following:

CONCLUSIONS OF LAW

1.

Your petitioners have adequately shown there exist such unique circumstances and conditions peculiar to the property that unnecessary hardship has been created, due to which there is little or no possibility that the property can otherwise be realistically used or developed, relative to the signage, in the strictest conformity with the provisions of the Zoning Ordinance.

2.

A variance is therefore necessary to enable reasonable use of the property to be made relative to signage.

3.

This hardship was not created by your petitioners.

4.

The variance as authorized will not alter the nature or character of the neighborhood, nor impair appropriate use of the development of the properties adjacent thereto.

5.

The variance as authorized and hereinafter conditioned is a slight modification of the regulations and/or plans at issue while allowing relief to your petitioners.

DECISION

WHEREFORE, THIS 14th DAY OF July, A.D., 2018, THE BOARD GRANTS THE REQUEST OF YOUR PETITIONERS IN AND ONLY UPON THE COMPLIANCE WITH THE CONDITIONS HEREINAFTER SET FORTH:

YOUR PETITIONER IS GRANTED TOTAL FLAT WALL SIGNAGE AS SHOWN ON THE PLANS AT THE HEARING, FOR A TOTAL OF NO MORE THAN 250 SQUARE FEET; PROVIDED, THAT YOUR PETITIONER, FORTHWITH, PROVIDES THE CITY OF ALTOONA, DEPARTMENT OF ZONING, A COPY OF THE LEASE PERTAINING TO THE SUBJECT BILLBOARDS AND THAT UPON LEASE EXPIRATION, AS PRESENTLY EXIST IN SAID LEASE, THE SUBJECT SIGNS BE FORTHWITH REMOVED TO SUCH AN EXTENT THAT NO MORE THAN THE ALLOWABLE TOTAL OF 600 SQUARE FEET OF SIGNAGE FOR THAT PROPERTY EXIST;

PROVIDED FURTHER THAT THE SUBJECT BILLBOARD SIGN CONTINUES IN AND ONLY FOR "KRANICHS" AS IT DOES PRESENTLY, THROUGH AND UNTIL THE AFOREMENTIONED EXPIRATION DATE; AND, PROVIDED FINALLY, THAT THE 250 SQUARE FEET OF SIGNAGE AND ONLY THAT AMOUNT OF SIGNAGE, SHALL BE ALLOWED AS PROPOSED AND DEMONSTRATED BY YOUR PETITIONER AT THE SUBJECT HEARING, AND THE PETITIONER MUST OF COURSE COMPLY WITH ANY AND ALL LAND USE AND DEVELOPMENT RULES AND REGULATIONS PERTINENT THERETO.

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,

Michael Halloran 7/16/18
Michael Halloran, Chairman

Richard J. Andrews 7/18/18
Richard Andrews

Horace G. McAnuff 7/17/18
Horace McAnuff

Donna Royer 7-19-18
Donna Royer

Cory Gehret 7/19/18
Cory Gehret

MAILED TO YOUR PETITIONER: July 19, 2018
Date

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

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Altoona, PA 16601

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



Michael Halloran
 Horace McAnuff
 Richard Andrews
 Donna Royer
 Cory Gehret
 Julie Hirschak, Alternate

TOWN OF ALTOONA
ZONING HEARING BOARD

RE: Request to have a bed and breakfast and be granted a Special Exception therefore on premises in a suburban residential zone.

Your petitioners appeared on their own behalf.

From the uncontradicted testimony presented at the hearing of July 11, 2018 and the Board's view of the subject premises, the Board makes the following:

FINDINGS OF FACT

1.

Your petitioners have an ownership interest on the subject property.

2.

Requisite notices were made and the property posted.

3.

The subject property is and has been the continued residence of your petitioners where they will continue to reside hereafter.

4.

They are requesting, of course, that they be allowed to operate a bed and breakfast facility therefrom.

5.

They wish to add a very small 11 x 17 inch sign, "Walnut Manor", to indicate to a potential tenant that they have arrived, and that the location is proper, which sign is a de minimis one, will help identify the use, while presenting little or no change in the residential nature, or

character of the structure, being that it will be posted at the entryway against the house as a flat wall sign.

6.

The scale of the operation will be small and will not detract from the residential character of the neighborhood.

7.

No construction is proposed and the residential character and appearance will be exactly the same as presently exists.

8.

The appearance of the building is and shall be continued as residential in character.

9.

Adequate off-street parking exists for four (4) vehicles, two of which belong to the principal owners and your petitioners, and two other spaces allowed for the tenant or user of the bed and breakfast.

10.

Off-street parking is at the ratio of one parking space per available room, even though it is expected that whoever the users are will be arriving in simply one vehicle as a family.

11.

However, it is noted that there will only be rented a one-two bedroom unit to one family per rental. Thus, having a total of four (4) off-street parking spaces will allow adequate parking for the renters and the owners.

12.

The lodging shall not be rented for more than one month to any given person in any six (6) month period.

13.

The petitioners will continue to use the building as their principal residence as well as manage the bed and breakfast therein contained.

14.

The area reserved for the owners' residence and the bed and breakfast is connected internally and each has and shares a common main entrance one flight of steps going up to the residence and one flight going down to the bed and breakfast area.

15.

Your petitioners agrees that should an Affidavit be required, they will sign the same, although the Zoning Hearing Board, by its conditions hereinafter opposed, does not find the same as necessary.

From the foregoing testimony, the Board makes the following:

CONCLUSIONS OF LAW

1.

Your petitioners have adequately shown compliance with, in and to the requisite provisions required of it for a grant of a special exception under and per Section 47, Article 5, Chapter 800 of the Applicable Zoning Ordinance.

DECISION

WHEREFORE, THIS 14th DAY OF July, A.D., 2018, THE BOARD GRANTS THE REQUEST OF YOUR PETITIONERS; PROVIDED, HOWEVER; THAT TWO (2) OFF-STREET PARKING SPACES SHALL AT ALL TIMES BE RESERVED AND DEDICATED FOR AND TO THE USERS OF THE BED AND BREAKFAST; PROVIDED FURTHER: THAT NO LODGING SHALL BE RENTED FOR MORE THAN ONE MONTH FOR ANY GIVEN PERSON IN ANY SIX (6) MONTH PERIOD AND, PROVIDED FURTHER: THAT APPLICANTS SHALL AGREE TO THE PROVISIONS OF THE SUBJECT ORDINANCE AND AGREES TO UPHOLD THEM FOR AS LONG AS THE BED AND BREAKFAST IS IN OPERATION, AND PROVIDED FINALLY: THAT THE SIGN SHALL BE A FLAT WALL SIGN NO GREATER IN SIZE THAN 11 INCHES BY 17 INCHES.

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,

Michael Halloran 7/16/18
Michael Halloran, Chairman

Richard Andrews 7/18/18
Richard Andrews

Horace C. McAnuff 7-17-18
Horace McAnuff

Donna Royer 7-19-18
Donna Royer

Cory Gehret 7/19/18
Cory Gehret

MAILED TO YOUR PETITIONER: July 19, 2018
Date

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