

1301 Twelfth Street, Suite 400  
Altoona, Pennsylvania 16601

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planning@altoonapa.gov

2300 North Branch Avenue, LLC  
413 Grandview Road  
Altoona, PA 16601

**CITY OF ALTOONA**



**ALTOONA ZONING HEARING**

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



In Re: 2301-2323 Beale Avenue/2300 North Branch Avenue LLC.  
Request for front yard setback variance for construction of  
"The Drenning Center" community action building/housing non-  
profits in and at premises in a light industrial zone.

Your petitioners appeared by and through Bryan Durbin, Scott Durbin, and their  
engineer, John Sepp.

From the testimony presented at the hearing of June 12, 2019, 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 property posted.

3.

The subject property is one in which the proposed development and construction has been  
a long time in work and planning with the City of Altoona.

4.

The City is in favor of and has no opposition to the request of the petitioner.



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5.

The property will be a 10,000 square foot office space building.

6.

In order to reasonably accommodate both pedestrian and the type of individuals that need to access the Blair County Community Action to be provided thereat, a setback variance is both reasonable and necessary to allow access, particularly, with a drop off zone, otherwise protected for the type of individuals that access the same, being, to wit: a hard constructed "canopy" allowing weather protected ingress and egress.

7.

The setback as utilized will be in and at the same, if not, more compliant than the properties in and along the subject roadway as they exists thereon.

8.

As indicated above, the zone itself is a light industrial one and not even residential.

9.

The majority of buildings in the area, as above indicated, go to the very right of way along both Branch and Beale Avenues.

10.

Comparing this request to the other properties as situated, makes this request even more compliant, and allows the project to both visually and functionally otherwise succeed, making the request therefore both necessary and reasonable, under the circumstances peculiar to it.

11.

If the setback were indeed complied with, then, due to the nature of the lot, the otherwise necessary parking would not be able to be satisfied.

12.

The off-street parking need is much greater in light of the neighborhood, than strict compliance with the setback Ordinance pertinent thereto.

13.

Your petitioners have been and will continue to work and comply with any and all land, use, rules, and regulations applicable to it.

From the foregoing testimony, the Board makes the following:

**CONCLUSIONS OF LAW**

1.

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

2.

As such, the property cannot otherwise be realistically used or developed in strictest conformity with the provisions of the Zoning Ordinance.

3.

The variance is therefore necessary to enable the reasonable use of property and project to be made.

4.

The variance as authorized neither alters the nature nor the character of the neighborhood nor will it impair appropriate use or development of other properties and uses adjacent thereto.

5.

The variance as authorized is a slight modification of the regulations and/or plans at issue, while affording relief to your petitioner.

6.

The grant of the said variance is neither detrimental to the public health, welfare, or safety of the City, therefore, the Board makes the following:

**DECISION**

WHEREFORE, THIS 1<sup>st</sup> DAY OF July, A.D., 2019, THE BOARD GRANTS THE REQUEST OF YOUR PETITIONER, PROVIDED, HOWEVER, THAT YOUR PETITIONERS COMPLY WITH ANY AND ALL RULES AND REGULATIONS OF LAND USE DEVELOPMENT APPLICABLE 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.

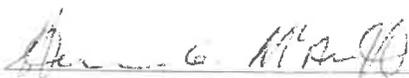
YOUR PETITIONER MUST, OF COURSE, MEET ANY AND ALL OTHER CITY, STATE AND FEDERAL REGULATIONS AND/OR REQUIREMENTS PERTAINING TO THE SUBJECT PROPERTY, WHICH ARE OUTSIDE THE JURISDICTION OF THE ALTOONA ZONING HEARING BOARD.

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,

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Richard Andrews, Chairman

 6-18-19  
Horace McAnuff

Cory R. Gehret 6/20/19  
Cory Gehret

Donna Royer 6-21-19  
Donna Royer

MAILED TO YOUR PETITIONER: July 1, 2019  
Date

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

1301 Twelfth Street, Suite 400  
Altoona, Pennsylvania 16601

Voice - 814/949-2470  
Fax - 814/949-0372  
TDD - 711

planning@altoonapa.gov

Union Square Ventures, LLC  
413 Grandview Road  
Altoona, PA 16601



ALTOONA ZONING HEARING

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PS Form 3800, April 2015 PSN 7520-02-000-9047 See Reverse for Instructions

In Re: 2515 – 7<sup>th</sup> Avenue, 2524 – 6<sup>th</sup> Avenue, 2601 – 7<sup>th</sup> Avenue/  
Union Square Ventures, LLC. Request to first setback variance  
for front, rear, and side yard for construction of  
“Union Square Townhomes”, to wit: 18 townhouses  
along 7<sup>th</sup> Avenue and 3 duplex, 3 townhouses along 6<sup>th</sup> Avenue  
in and on premises in a C-Neighborhood Business Zone.

Your petitioner appeared by and through Bryan Durbin, Scott Durbin, and John Sepp/Penn Terra Engineering, Inc.

From the testimony presented at the hearing of June 12, 2019, 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 property posted.

3.

Your petitioner has been working in and with the City of Altoona and the appropriate offices in the development of the plan being presented to the Board, which said plan necessitates a slight variance for a setback requirements otherwise applicable to it.



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4.

The Ordinance allows comparison to and with setbacks of other similarly situated properties in and along the subject and applicable avenues and streets when making a determination as to what the setbacks should be.

5.

While there is no particularly specific and/or remaining residence in and on the very lot which your petitioners own, immediately adjacent to it, to wit: across the street, are indeed other homes on both sides of the respective avenues that do sit back and/are situate in and at setbacks, closer to the street, than that as being requested by your petitioner.

6.

If such a home did, therefore, exist in the exact block of your petitioner, the setback requests would not even be necessary.

7.

Furthermore, your petitioner's entire development is and will be a "gated" community, i.e. self-contained.

8.

The only properties within the same block as that of the proposed development, are not residential but are rather commercial, for example, "Pedal Power".

9.

Therefore, considering these particularly self-contained structures that are proposed to be built within a gated community, limiting ingress and egress to those living in the subject development and square, there is nobody but themselves that would be impacted by and/or from any variance to the subject setbacks.

10.

Considering the self-containment therefore, the proposed variance will allow full use and development with which the City is in an agreement and has no objection to.

11.

Furthermore, the subject development can and must continue to be in compliance with all of the land use rules and regulations of the City, pertinent to it.

12.

The subject property is and has been vacant for some period of time, not otherwise acquired and/or used in strict conformity with the Zoning Ordinance.

13.

This subject grant enables full use and development of the subject blocks at issue, while again presenting little or no interference with and/or to other adjacent uses and/or properties.

From the foregoing testimony, the Board makes the following:

#### **CONCLUSIONS OF LAW**

1.

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

2.

A variance is therefore necessary to enable a reasonable use of the properties to be made.

3.

The variance as authorized would not alter the nature or character of the neighborhood, nor would it appear appropriate use or development of other properties adjacent thereto.

4.

The variance as authorized is only a slight modification of the regulations or plans at issue while affording relief to your petitioner.

5.

The grant of the variance will not be detrimental to the public health, welfare or safety.

**DECISION**

WHEREFORE, THIS 1<sup>st</sup> DAY OF July, A.D., 2019, THE BOARD GRANTS THE REQUEST OF YOUR PETITIONER, PROVIDED, HOWEVER, THAT IT DOES INDEED CONTINUE TO AND AT ALL TIMES COMPLY WITH THE LAND USE, RULES AND REGULATIONS APPLICABLE 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,

\_\_\_\_\_  
Richard Andrews, Chairman

  
\_\_\_\_\_  
Horace McAnuff

Cory Gehret 6/20/19  
Cory Gehret

Donna Royer 6-21-19  
Donna Royer

MAILED TO YOUR PETITIONER: July 1, 2019  
Date

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

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Voice - 814-949-2470  
Fax - 814-949-0372  
TDD - 711

planning@altoonapa.gov

Mike & April Mitchell  
1437 N. 4<sup>th</sup> Avenue  
Altoona, PA 16601



ALTOONA ZONING HEARING

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PS Form 3800, April 2015 PSN 7530-02-000-90347 See Reverse for Instructions	

In Re: 1429-31 N. 4<sup>th</sup> Ave. Request to place a residential garage on lot not adjacent to owner's residential property at 1437 N. 4<sup>th</sup> Avenue.

Your petitioners appeared on their own behalf.

From the testimony presented at the hearing of June 12, 2019, the Board makes the following:

**FINDINGS OF FACT**

1.

Your petitioners have an ownership interest in the subject property.

2.

Requisite notices were made, and property posted.

3.

Your petitioners live one house away from the subject vacant lot.

4.

Your petitioners have purchased the subject lot at a tax sale, which had fallen into a grave state of disrepair.



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5.

The property itself was basically used as a "garbage dump".

6.

Your petitioners have cleared the property and in the course of so doing, have the need for and the desire to build a garage to store various antiques and other properties that they own and are unable to do so at the property at which their house is located.

7.

The property at which their dominant house is located is a corner lot and fronted therefore by an avenue and a street, as well as an alley.

8.

There is inadequate space considering that gas lines and water lines, and the abutting streets to actually build any type of garage on their existing property.

9.

They, therefore, request that the subject vacant lot be utilized for some reasonable purpose, to wit, their own garage.

10.

The requested garage would be accessed both to and from and only by and from the alley, and not the avenue.

11.

The properties on either side of the requested use, would be impacted little, if any at all, considering their particular circumstances and conditions.

12.

Immediately across the avenue, making this property further unique, it is zoned.

13.

The commercial use of the property across the avenue, is one in which tractor trailers, and mobile homes, come and go, are stored and parked and is basically a very large undeveloped graveled lot.

14.

Considering the particular lot, and where and how it is situate, and the limitations connected therewith upon your petitioners' lot, the request is indeed unique due to those circumstances and conditions fronting it across the avenue, totally different and more invasive than residential.

15.

Your petitioners have attempted to purchase the property in between and further intend to continue to try to do so, whereafter, they can merge the subject lots, which is their eventual hope and desire.

From the foregoing testimony, the Board makes the following:

**CONCLUSIONS OF LAW**

1.

Your petitioners have proven unique circumstances and conditions peculiar to the property, whereby an unnecessary hardship has been created due to which there is little or no likelihood that the property can and/or would be utilized land or developed, for a permitted use.

2.

The hardship was not created by your petitioners.

3.

The grant as authorized is a de minimis grant which will forward relief.

4.

The proposed use will not be detrimental to the public health, welfare, and safety.

5.

The variance as authorized will allow reasonable use of the property to be made.

6.

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

7.

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

#### **DECISION**

WHEREFORE, THIS 1<sup>ST</sup> DAY OF July, A.D., 2019, THE BOARD GRANTS THE REQUEST OF YOUR PETITIONER, PROVIDED, HOWEVER, THAT IT SHALL OTHERWISE COMPLY WITH ANY AND ALL OTHER RULES AND/OR REGULATIONS, INCLUDING SETBACKS AS IMPOSED BY THE CITY OF ALTOONA AND APPLICABLE HERETO;

AND, PROVIDED, FURTHER; THAT THE SUBJECT GARAGE SHALL BE, OF COURSE, LIMITED TO THE USE, AND ONLY TO THE USE OF THE RESIDENCE OF YOUR PETITIONERS AND NO TIME, NOR IN ANY WAY, SHAPE OR FORM, BE USED FOR ANY COMMERCIAL ENDEAVOR, AND BE LIMITED TO THE USE AS A RESIDENTIAL GARAGE;

PROVIDED, FINALLY, THAT YOUR PETITIONERS SHALL COMPLY WITH ANY AND ALL LAND USE, 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.

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THE ZONING HEARING BOARD OF THE  
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Donna Royer 6-21-19  
Donna Royer

MAILED TO YOUR PETITIONER: July 1, 2019  
Date

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