

1301 Twelfth Street, Suite 400
Altoona, Pennsylvania 16601

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

planning@altoonapa.gov



Michael Halloran, Chairman
Richard Andrews
Horace McAnuff
Donna Royer
Cory Gehret

ALTOONA ZONING HEARING BOARD

Michael & Crystal Helsel
169 Gameland Road
Altoona, PA 16602

**In Re: Request to operate a personal care home with 20 rooms, one office,
staff lounge in a former group home in a limited residential zone.**

Your petitioners appeared on their own behalf.

From the uncontradicted testimony presented at the hearing of October 10, 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 petitions circulated and the subject property was last used as Skills as a high end personal care living area.

3.

The property had previously, without abandonment, been used as a boarding house as well for 20 rooms and an apartment, by a variance granted January 29, 1987.

4.

The last use without abandonment had been that of Skills.



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5.

Your petitioners now propose that they be allowed to presently utilize the first floor for a personal care home.

6.

They would, thereafter, like to expand into the second floor.

7.

They would utilize that as well, if and when, they were able to obtain "State" approval, which oversees and licenses such uses as that requested by the petitioner.

8.

For the time being they have indicated that they have the requisite permission for the first floor use.

9.

As such, they are requesting zoning permission for the change and use for offices on the first floor for three (3) employees, and the fourth, as the manager/petitioner, and four (4) residents on the first floor.

10.

There is already paved parking to the rear, that your petitioners have indicated could go up to fifteen (15) spaces, although presently, perhaps, a little less.

11.

Nevertheless, for the presently requested use, there is adequate off-street parking.

12.

The change in use will be equally conforming and/or even less deleterious than the use that it is to replace in and about the area being personal care of individuals, being even more residential than the uses that they are replacing, and for which the variance had first been granted.

13.

As to additional use and space, if and upon the obtainment of the necessary state licenses, the Board may revisit the same if deemed appropriate and desirous by your petitioners.

From the foregoing testimony, the Board makes the following:

CONCLUSIONS OF LAW

1.

The subject property is and has been a pre-existing nonconforming use ever since 1987.

2.

The previous use has not been abandoned.

3.

The uses requested by your petitioner, at the present time, is less deleterious and even more conforming than the use that it is to replace.

Wherefore, the Board makes the following:

DECISION

WHEREFORE, THIS 30th DAY OF October, A.D., 2018, THE BOARD GRANTS THE REQUEST OF YOUR PETITIONER, PROVIDED, HOWEVER, THAT AT THE PRESENT TIME IT BE LIMITED TO THE FIRST FLOOR, SUBJECT TO REVISITING, IF AND UPON APPROVAL BY THE APPROPRIATE STATE GOVERNING AGENCIES.

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

ANY AND ALL OTHER NECESSARY PERMITS 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 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,

Richard Andrews 10/30/18
Richard Andrews, Acting Chairman

Horace McAnuff 10-17-18
Horace McAnuff

Donna Royer 10-17-18
Donna Royer

Cory Rehret 10/18/18
Cory Rehret

MAILED TO YOUR PETITIONER: October 30, 2018
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

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ALTOONA ZONING HEARING BOARD

GPD Group for AT&T
Attention: Edward Block
520 S. Main Street, Suite 2531
Akron, OH 44311

In Re: Request for a special exception for a telecommunication equipment and antennae and radio equipment in and on existing water tank in Highland Park on premises in a suburban residential zone.

Your petitioner appeared by and through Edward Block.

From the uncontradicted testimony presented at the hearing of October 10, 2018 and the Board's view of the subject premises, the Board makes the following:

FINDINGS OF FACT

1.

Your petitioner has the requisite ownership interest in the subject property.

2.

Requisite notices were made made and the property posted.

3.

The subject request is, in and per a Ordinance that provides for a special exception in such cases, in and at 800-42 D, E and F.

4.

Previous request in and about the subject water tank for similar communications equipment but for different petitioners have been similarly requested and granted.



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5.

The subject request complies with any and all requirements of the FCC Rules and Regulations, pertinent thereto.

6.

A generator will be provided within a fenced area adequately secured thereby and therefore, provide backup power in the event of power failure.

7.

The subject installation is necessary and reasonable due to increased needs and technology.

8.

The proposed antenna and radio equipment will be similarly placed as that already in existence by a different petitioner.

9.

Being mounted on the existing water tower, it is not subject to design parameters of a new tower.

10.

The subject antenna and supporting equipment are neutral in color and is not obviously being mounted on any single or other family dwelling.

11.

The height of the proposed equipment does not exceed the height of the water tank for existing telecommunication equipment already in place.

12.

No omnidirectional or whip type antennas are included.

13.

The total square foot area in question will be less than that otherwise allowable.

14.

Construction drawings have been introduced and made a part of the record and application.

15.

The lease is with the City of Altoona Pennsylvania Water Authority.

16.

The subject equipment will not interfere with other communication facilities or equipment and can otherwise be easily corrected if and as necessary which your petitioner agrees to do.

17.

The ground equipment of a walk-in-cabinet and generator are non-occupied, nor will they be occupied and therefore not subject to setback requirements, and will indeed be located within a secured fenced in area which security your petitioner will maintain and ensure will continue.

18.

Your petitioner is indeed licensed by the FCC to operate such equipment.

19.

Should the subject antenna that are the subject of this request and its supporting equipment become no longer operational, your petitioner shall have them removed.

20.

Access by easement to the subject compound is available by public street.

21.

Your petitioner's request otherwise complies with and satisfies the elements and requirements of the FCC and Section 800-42 as it applies hereto.

From the foregoing testimony, the Board makes the following:

CONCLUSIONS OF LAW

1.

Your petitioner has adequately satisfied and meets the requirements of the special exception as set forth and required in and by 800-42 D, E. and F.

DECISION

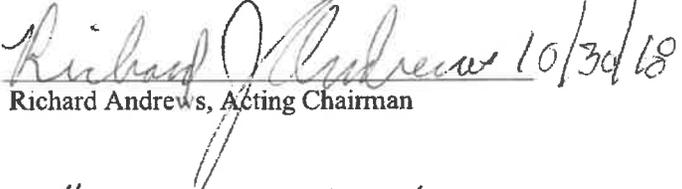
WHEREFORE, THIS 30th DAY OF October, A.D., 2018, THE BOARD GRANTS THE REQUEST OF YOUR PETITIONER.

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 DTE OF THIS NOTICE, IN THE MANNER SO PROVIDED.

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 AUTHORIZATIONS SHALL BECOME NULL AND VOID WITHOUT FURTHER ACTION OF THE BOARD.

THE ZONING HEARING BOARD OF THE
CITY OF ALTOONA


Richard Andrews, Acting Chairman 10/30/18


Horace McAnuff 10-17-18


Donna Royer 10-17-18


Cory Gehret 10/18/18

MAILED TO YOUR PETITIONER: October 30, 2018
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

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ALTOONA ZONING HEARING BOARD

Peter Joudry
The Nehemiah Project Properties, LLC
1809 - 11th Street
Altoona, PA 16601

In Re: Request for a special exception for multi-use activities at a former school known as Wright Elementary Code 800-50 (C)9

Your petitioner appeared by and through the applicant, Peter Joudry, James Balzano, and its architect, Robert Reffner.

From the testimony presented at the hearing of October 10, 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 property posted.

3.

The subject property is owned by your petitioner, which is a 501-C(3) corporation, recognized by the federal government with a non-profit educational charitable purpose and mission.



4.

The mission as described by your petitioners will be furthered in what appears in general concept to be a "school-like use" of what had previously been a public school, known as Wright Elementary.

5.

Your petitioner proposes in connection therewith to utilize the same and incorporate into said uses the very items such as gymnasium, cafeteria, and kitchen that had been previously used and is indeed already present in said school.

6.

Furthermore, offices will be maintained, and classrooms changed, developed, and constructed, so as to accommodate additional uses all to further the mission statement of your petitioner and further benefit the community at large in a spiritual/charitable and educational development and purpose.

7.

For instance, your petitioner wants to utilize the kitchen area for instructional use as well as potentially providing meals for individuals, such as the needy in and about the area; daycare for individuals in the area; after school care; spiritual/church activities; gymnasium use; agriculture hydroponics and aquaponic; virtual reality classrooms; GED classrooms; the TNPP; LLC offices; a parental resource center; visual and performing arts; and computer/lab instructional areas as well.

8.

The use itself is not to be furthered for separate third party businesses, such as a mall, for general retail restaurants, or grocery stores, or retail facilities, but rather to be strictly developed and utilized in furtherance of the Nehemiah Project Properties, 501-C3 purposes.

9.

The petitioner will be associating, obviously, with other individuals and/or organizations to help further the same, for example, the YMCA, being involved in various educational and instructional basis.

10.

Thus, while some rent, lease or subleases may be involved, it will be to help shoulder the costs but not obviously not make a "profit", in light of the fact of the petitioner's status as a 501(C)(3) corporation.

11.

The various uses as proposed to be utilized in the subject facility will necessitate obvious comings and goings.

12.

There exists various areas in which such users may park, perhaps up to 116 spaces, which, albeit, is only an "estimate" at present.

13.

More realistically, given the offset activities proposed and considered of this facility, your petitioner estimates that no more than 45 spaces will actually be needed off-street parking.

14.

Due to the fact that there not specifics connected presently to the uses, comings, and goings, the Board is without adequate information to link the various uses to the necessity of parking and/or even whether the subject property itself has adequate off-street parking available for said uses.

15.

Furthermore, as interior constructions and renovations have not been done, it is impossible for this Board at this point in time to be able to consider whether the facility can adequately support any particular individual use in connection with, for example, the building code, and/or whether any variances are even necessary for the type and nature of the use particularly being described and requested at this time.

16.

As such, this Board is unable to give any carte blanche approval to the uses without more information being presented as to each and every one in and as permits are applied for and the City makes a decision pertinent thereto.

17.

All of the drop-offs can be utilized through the pre-existing driveway in and to the front of the building.

18.

Your petitioner does not plan to expand the exterior of the building in anyway, shape or form at this point in time, as all renovations would be interior.

19.

There is no loud speaker system exterior or other audible noises from the outside and no signage is being requested other than is otherwise allowable under the existing Ordinance and no variances being requested therefore.

20.

The subject building is and has been a "school" and thus is in a sense an ideal setting for further educational-uses of the subject building, albeit, by this, a private non-profit organization/corporation.

From the foregoing testimony, the Board makes the following:

CONCLUSIONS OF LAW

1.

There exists a history of the building being used for obvious educational and public school purposes.

2.

The building itself, obviously, demonstrates it was designed for such a school for educational use, the conversion of the subject building, considering it having been the Wright School, would obviously be cost prohibitive to conform the same into that otherwise zone or permitted without this request.

3.

The obvious and proposed use of the building is similar to the use which it is to replace.

4.

Adequate off-street parking, in general, appears to be sufficient.

5.

The hours of operation shall be only those that will otherwise not interfere with the nature of the neighborhood, the traffic and deliveries as requested will not be different and actually be less than the use which it is to replace, the Wright Elementary School.

6.

There will be no exterior or loud speaker system or audibles signals outside of the subject property line, the signage other than is permitted has not been requested.

7.

The City of Altoona staff has no opposition to the request, provided that the particular uses shall otherwise come before the same by either the City Departments to ensure compliance therewith to be first had and obtained.

8.

Your petitioner has otherwise provided with and complies with the requirements of 800-50 (C)9 for the special exception applicable to the petitioner's request.

DECISION

WHEREFORE, THIS 30th DAY OF October, A.D., 2018, THE BOARD GRANTS THE REQUEST FOR THE ABOVE TWELVE (12) GENERIC USES SET FORTH AND IDENTIFIED AT THE SUBJECT HEARING, PROVIDED, AND CONDITIONED UPON THE SAME BEING AT ALL TIMES, WITHIN THE MISSION STATEMENT AND CHARITABLE PURPOSES: EDUCATIONAL, RELIGIOUS, SCIENTIFIC, SPORTS, COMPETITION, AND/OR OTHER MISSION STATEMENT FOR WHICH THE FEDERAL GOVERNMENT HAS RECOGNIZED YOUR PETITIONER IN AND AS A 501-C3 ORGANIZATION/CORPORATION, AS DEFINED THEREIN AND THEREBY AND HEREIN AND HEREBY INCORPORATED BY REFERENCE;

THEREFORE, THE USE AND DEVELOPMENT OF THE SUBJECT PROPERTY BY YOUR PETITIONER MUST AT ALL TIMES BE WITHIN ITS 501-C3 APPROVED PURPOSES;

PROVIDED FURTHER AND PROVIDED FURTHER AND CONDITIONED UPON EACH AND EVERY REQUEST SHALL BE SUBJECT TO ANY AND ALL RULES AND REGULATIONS OF THE CITY OF ALTOONA, INCLUDING BUT NOT LIMITED TO PARKING ASSOCIATED WITH EACH SAID USE; AND,

PROVIDED FURTHER, OF COURSE, EACH AND EVERY SUCH USE SHALL COMPLY WITH ANY AND ALL OTHER RULES, REGULATIONS, OF ANY OTHER GOVERNMENTAL AGENCY, INCLUDING STATE AND FEDERAL AND, OF COURSE, SHALL BE SUBJECT TO AND CONTROLLED BY THE RULES AND REGULATIONS OF LAND USE DEVELOPMENT AND ANY AND ALL OTHER ORDINANCES OF THE CITY OF ALTOONA PERTINENT TO ANY PARTICULAR USE IN THE SUBJECT PROPERTY, WHEN AND AS MORE SPECIFICS BECOME AVAILABLE TO YOUR PETITIONER, SUCH AS, THE NUMBERS OF PEOPLE ATTENDING AND THE PARKING NECESSARY IN ASSOCIATION THEREWITH, AS HAD BEEN DISCUSSED AT THE SUBJECT HEARING OF OCTOBER 10, 2018.

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

ANY AND ALL OTHER NECESSARY PERMITS 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 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,

Richard Andrews 10/30/18
Richard Andrews, Acting Chairman

Horace McAnuff 10-17-18
Horace McAnuff

Donna Royer 10-17-18
Donna Royer

Cory Gehret 10/10/18
Cory Gehret

MAILED TO YOUR PETITIONER: October 31, 2018
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

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Michael Halloran, Chairman
Richard Andrews
Horace McAnuff
Donna Royer
Cory Gehret

planning@altoonapa.gov

ALTOONA ZONING HEARING BOARD

Randy Condon
1202 Broadway
Altoona, PA 16601

**In Re: Request for a special exception for off-site parking in and at
226 N. 6th Avenue on a pre-existing parking lot on premises
in a commercial neighborhood business zone.**

Your petitioner appeared on his own behalf.

From the testimony presented at the hearing of October 10, 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 in the subject property.

2.

Requisite notices were made made and the property posted.

3.

The subject property has been owned continuously by your petitioner for over 31 years in which the same has been utilized as a parking lot by him for his own personal use as well as overflow parking for his car repair business.

4.

He had already secured permission by the City to use the same which has continued without abandonment for over 31 years.



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5.

The subject parking lot as situate is obviously a pre-existing nonconforming use.

6.

As above indicated said use has not been abandoned.

7.

However, the business with which he had previously used for this lot for overflow parking has now been sold by him to a third party.

8.

Your petitioner seeks permission to allow it to continue to be used by overflow parking and/or for whatever other parking that he wishes to maintain it as.

9.

Since this has been legally in existence and has not been abandoned, the Board recognizes the same as a legitimate nonconforming use.

From the foregoing testimony, the Board makes the following:

CONCLUSIONS OF LAW

1.

Your petitioner has adequately proven that the subject lot in question was duly licensed and approved by the City quite a while ago, in fact, some 31 years.

2.

The subject nonconforming uses has not been abandoned and has been continuously operated as the very use that he has requested, the only thing differing being the dominant ownership of the car repair business which has little or no effect upon the subject request.

3.

The change on conforming uses is identical and, in fact, more conforming in that there is not a direct tie to ownership of the dominant business as it had been before.

DECISION

WHEREFORE, THIS 30th DAY OF October, A.D., 2018, THE REQUEST OF YOUR PETITIONER IS APPROVED.

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 DTE OF THIS NOTICE, IN THE MANNER SO PROVIDED.

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 AUTHORIZATIONS SHALL BECOME NULL AND VOID WITHOUT FURTHER ACTION OF THE BOARD.

THE ZONING HEARING BOARD OF THE
CITY OF ALTOONA

Richard Andrews 10/30/18
Richard Andrews, Acting Chairman

Donna Royer 10-17-18
Donna Royer

Cory Gehret 10/18/18
Cory Gehret

MAILED TO YOUR PETITIONER: October 30, 2018
Date

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