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## ALTOONA ZONING HEARING BOARD

Kranbros, LLC  
Attention: Michael Kranich  
515 East Plank Road  
Altoona, PA 16602

In Re: Kranbros, LLC, 503 E. Plank Road – Request to reduce a required 10' rear yard building setback, reduce required 15' side yard building setback and removed 5' landscape screening buffer requirements on premises in a commercial highway business zone.

Your petitioner appeared by and through Michael Kranich and their engineer/architect, David Pike, of Gwin Dobson & Foreman.

From the testimony presented at the hearing of September 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 that which had been, and is known as, The Wick Copy Center.



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4.

The subject property consists of a residential structure in which the business is conducted as well as a separate detached residential garage abutting the very alley upon which your petitioner has requested the subject building be allowed to be constructed along the same lines.

5.

Your petitioner is the owner of the adjacent properties, both across the alley to the rear of the subject property, and the development immediately beside the subject property.

6.

Your petitioner was granted the very variance as requested herein, by Decision of this Board, dated April 12, 2017, upon which Kranich built the adjacent structure to which the proposed structure is to be built and attached, subject to and upon lot merger approval by the City of Altoona, which, of course, the subject request is subject to.

7.

The subject property was indeed originally a residential structure and residential garage.

8.

As such, by the pre-existing construction of the property, the lot upon which it is situated, is a lot of very small size in dimension which, of course, was all that would have been necessary to support a residential use, at said time and place, well prior to the existing Zoning.

9.

The property, therefore, was a continuous non-conforming use as it became a commercial use, therein.

10.

The subject lot is, of course, now and has been for some period of time zoned commercial, and with that zoning new setbacks and conditions imposed upon any and all new development thereof.

11.

It is recognized that if the current setbacks upon this size lot were to be followed, then the result would be a deprivation of a reasonable commercial use or development of the subject lot as the application of the setback requirements to said lot would result in a “match box” structure.

12.

The same rationale supporting the decision of the April 12, 2017 grant is likewise applicable herein and hereto, and herein and hereby incorporated by reference.

13.

The setbacks as proposed will only affect your petitioner’s own properties and the street across from McDonalds, with little or no impact whatsoever by the said variance as requested.

14.

The grant will allow a reasonable use and development as to ingress and egress and necessary parking, allowing a reasonable use of the property to therefore and thereby be made.

15.

Of course, the dimensions of the subject lot existed well before acquisition of the same by your petitioner and, as such, it is obviously not created by or due to any actions or omissions of your petitioner.

16.

A grant of the subject request and placement of the building, accordingly, will maximize sight, distances, and otherwise as hereinafter required, comply with the rules and regulations of land use development applicable in and to the City of Altoona.

From the foregoing testimony, the Board makes the following:

**CONCLUSIONS OF LAW**

1.

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

2.

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

3.

This hardship was not created by your petitioner.

4.

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

5.

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

**DECISION**

WHEREFORE, THIS 23<sup>rd</sup> DAY OF September, A.D., 2019, THE BOARD GRANTS THE REQUEST OF YOUR PETITIONER, PROVIDED, HOWEVER, THAT IT SHALL COMPLY WITH ALL THE RULES AND REGULATIONS OF THE CITY OF ALTOONA LAND USE AND DEVELOPMENT.

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

 9-13-19  
Horace McAnuff

 9-17-19  
Donna Royer

 9-16-19  
Matthew Gindlesperger

MAILED TO YOUR PETITIONER: September 23, 2019  
Date

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