

1301 Twelfth Street, Suite 400
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Richard Andrews
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Matthew Gindlesperger
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ALTOONA ZONING HEARING BOARD

Troy Sprankle
1610 19th Avenue
Altoona, PA 16602

**In Re: 1613 20th Avenue, Altoona, PA
Request for Special Exception, Accessory Structure
on an Adjacent Lot, Common Ownership, in and at
premises located at 1613 20th Avenue in a Single
Household Residential Zone, Code 800-48 C 6**

Your Petitioner appeared on his own behalf.

From the testimony presented at the hearing of August 12, 2020, 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 at issue is immediately adjacent to the rear of the subject property in which your Petitioner resides.



4.

In his normal use of his dominant property as his residence it has become reasonable and necessary to build a storage shed for his use and enjoyable of the dominant property.

5.

This proposed structure will be a woodshed, 14 x 32 in size, and made as indicated of a wooden construction.

6.

The shed will be built on 4 x 6 skids with $\frac{3}{4}$ inch flooring, and can be totally removed accordingly, if necessary, by a standard shed mover.

7.

The structure will obviously be used for storage and no residence or dwelling.

8.

There will be no running water, no sewer, no capability for use as a secondary dwelling, and no gas usage therein or thereat.

9.

There is of course adequate room in and upon the subject lot to comply with setbacks and to comply with an existing easement for a shed of such a size to be placed.

10.

Your Petitioner has indicated that if he should ever sell his house at 1610 19th Avenue, it would conclude the property at 1613 20th Avenue, and if not, could obviously have the storage shed removed as aforementioned.

11.

There exists no public street or alley between the subject lots.

12.

Indeed, the alley had been abandoned and acquired by the predecessors entitled and conveyed to your Petitioner when he acquired the subject property.

13.

From the foregoing testimony, the Board makes the following:

CONCLUSIONS OF LAW

1.

The size, scale and type of structure is normally associated with a single family home in the subject neighborhood.

2.

No public street runs between the principal structure and the proposed accessory structure.

3.

The subject structure is designed so that it cannot be converted into a second dwelling unit or rather principal use unless it would be directly attached and fully integrated into the principal structure.

4.

The involved parcels of land are legally tied together such that they cannot be individually conveyed into separate ownership, unless and/or until the accessory structure is approved shall be first and fully removed.

DECISION

WHEREFORE, THIS 1st DAY OF September
AUGUST, A.D., 2020, THE BOARD
GRANTS THE RELIEF OF YOUR PETITIONER,

PROVIDED, HOWEVER, THAT HE SHALL OF COURSE COMPLY WITH THE SET-
BACK REQUIREMENTS PERTINENT THERETO, AND ALSO COMPLY WITH THE SET-
BACKS TO THE SUBJECT EASEMENT;

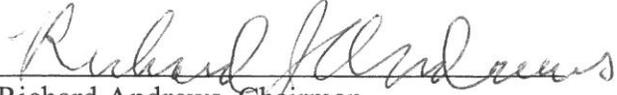
AND PROVIDED, FINALLY, THAT THE SUBJECT PARCELS OF LAND SHALL
NOT BE INDIVIDUALLY CONVEYED INTO SEPARATE OWNERSHIP UNLESS AND
UNTIL THE SUBJECT ACCESSORY STRUCTURE BE FIRST FULLY REMOVED.

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

ANY AND ALL OTHER NECESSARY PERMITS INVOLVED 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.

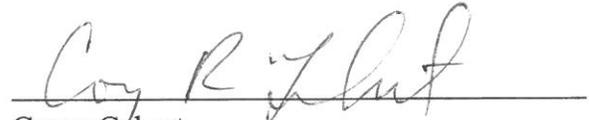
ANY PERSON AGGRIEVED BY ANY THE DECISION OF THE ZONING HEARING
BOARD MAY APPEAL THEREFROM TO THE COURT OF COMMON PLEAS WITHIN
THIRTY (30) DAYS FROM THE DATE OF THIS NOTICE, IN THE MANNER SO
PROVIDED BY LAW.

THE ZONING HEARING BOARD
OF THE CITY OF ALTOONA,


Richard Andrews, Chairman

Sept 01, 2020


Horace McAnuff


Corey Gehret


Matthew Gindlesperger

MAILED TO YOUR PETITIONERS: September 1, 2020
Date

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

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ALTOONA ZONING HEARING BOARD

Lou Ventura
c/o Green Realty
800 North Third Avenue
Altoona, PA 16602

**In Re: 1501-07 Fourth Avenue, Altoona, PA
Request for Special Exception, Off-Site Parking on premises
1501-07 Fourth Avenue for new apartment development
at 1400 Fourth Avenue in a Multiple Household Residential
Zone, Code 800-50 C 10**

Your Petitioner appeared on his own behalf.

From the testimony presented at the hearing of August 12, 2020, the Board makes the following:

FINDINGS OF FACT

1.

Your Petitioner has an ownership interest in the subject properties.

2.

Requisite notices were made, and the properties posted.

3.

The subject property at issue is that known as the Belmar Hotel and Restaurant in which had been located a bar and restaurant abandoned in use for at least two years through the present.



4.

The other subject property at issue is that known as the St. Mary's School.

5.

The St. Mary's School was intended to be demolished, and your Petitioner has been able to acquire the same, and through proposal will prevent the same from being demolished.

6.

The use proposed is indeed a reasonable one and will maintain the historical integrity of the exterior structure.

7.

Your Petitioner will redo the interior to make it into various apartments.

8.

The subject building is preexisting and not created by your Petitioner and encompasses thereby the entire lot.

9.

As such, there is no off-street parking whatsoever or howsoever available on the lot upon which the St. Mary's School and proposed apartment complex is situate.

10.

Your Petitioner has therefore acquired conditionally the subject Belmar properties and proposes to change those into off-street parking.

11.

The off-street parking that already exist there will more than accommodate the off-street parking necessary for the use of the apartment residents.

12.

The parking will be assigned and controlled by your Petitioner.

13.

The Petitioner will obviously take care of snow removal and other needs associated with such a parking lot.

14.

As above indicated there exist no space on the principal lot for adequate off-street parking.

15.

The center of the lot is either four hundred (400) feet to the principal use and/or very close thereto.

16.

There is space sufficient to allow full compliance with land development standards as set forth in Chapter 640.

17.

The lot will not allow the principal use to exceed maximum parking allowance as set forth in the land development standards.

18.

The installation of parking at the subject location will not have a deleterious effect on the overall neighbor in terms of residential stability and economic development, rather actually be a benefit thereto.

19.

The City has the favorable position as to the request.

20.

The proposal is both reasonable and necessary as it allows the use of the property and maintains its historical integrity, i.e. the St. Mary's School, and prevents it from being demolished while allowing off-street parking so as to minimize interference with already existing residences and property uses.

21.

The particular hardship proposed upon development was not created by your Petitioner but preexisted by the nature of the construction long well in existence in and at the St. Mary School.

22.

The grant of some of 20 to 30 to 40 extra feet is of de minimis effect while effectuating a totality of relief.

From the foregoing testimony, the Board makes the following:

CONCLUSIONS OF LAW

1.

Your Petitioner has adequately shown that there exists unique circumstances and conditions peculiar to the property, whereby an unnecessary hardship has been created due to which there is little or no realistic possibility that the property could otherwise be used in strictest conformity with the provisions of the ordinance which then hardship was not created by the Petitioner.

2.

The proposed use will not be detrimental to public health, welfare, and safety, and is a de minimis grant while affording the said relief to the said hardship not created by your Petitioner, to wit no off-street parking.

3.

The variance of the four (400) hundred feet will allow reasonable use of the property to be made.

4.

The grant will not alter the nature or character of the neighborhood nor impair appropriate uses or development of properties adjacent thereto.

5.

The grant as authorized is at most a slight modification of the regulations and/or plans at issue.

6.

Your Petitioner has otherwise fully demonstrated compliance in and with the requirements for a special exception in and as set forth in Section 800-50 C (10).

DECISION

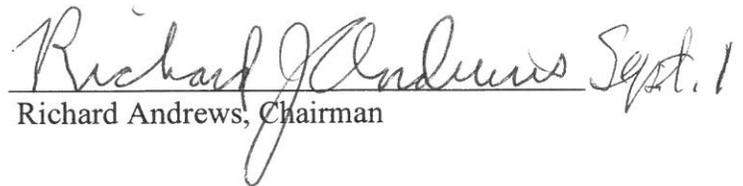
WHEREFORE, THIS 1ST DAY OF September AUGUST, A.D., 2020, THE BOARD GRANTS THE RELIEF OF YOUR PETITIONER,

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

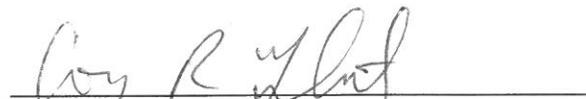
ANY AND ALL OTHER NECESSARY PERMITS INVOLVED MUST BE SECURED WITHIN SIX (6) MONTHS FROM THE DATE OF THIS NOTICE, OR THIS AUTHORIZATION SHALL BECOME NULL AND VOID WITHOUT FURTHER ACTION OF THE BOARD.

ANY PERSON AGGRIEVED BY ANY THE DECISION OF THE ZONING HEARING BOARD MAY APPEAL THEREFROM 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, Chairman


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MAILED TO YOUR PETITIONERS: September 1, 2020
Date

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