

1301 Twelfth Street, Suite 400  
Altoona, Pennsylvania 16601

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



Richard Andrews  
Cory Gehret  
Matthew Gindlesperger  
Horace McAnuff  
Donna Royer

planning@altoonapa.gov

## ALTOONA ZONING HEARING BOARD

Kevin Horvath  
Auto Doctor Plus  
338 Pound Lane  
Duncansville, PA 16635

**In Re: 2030 Pleasant Valley Boulevard/Auto Doctor Plus II, Kevin Horvath  
Request to Establish an Auto Repair Shop and Tire Sales in a  
Vacant Structure on Premises in a Single Household Residential Zone.  
Nonconforming Buildings and Structures Used for Nonconforming Uses,  
Discontinuance of Nonconforming Use 800-21 F and/or 800-48 C**

Your Petitioner appeared on his own behalf.

From the testimony presented at the hearing of February 12, 2020, 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, and has been from 1985 through the present, originally built and thereafter utilized always as a non-residential use, and continuously until recently used as an auto repair and/or tire sales establishment. From 1985, it was already a tire company through most



recently Precision Tire and Auto. Recently, for about a year and a half period of time, the subject use ceased.

4.

Immediately prior to cessation, the property began to receive complaints, particularly regarding cars being parked in and around the neighborhood, as well as on private property.

5.

Your Petitioner has indicated that the problem will be totally solved in that the six (6) garage bays and the parking lot in and around the business itself will be the sole places where his cars and/or customers cars will be kept at all times, and not in and about the public street or right of way.

6.

Your Petitioner has indicated that he will be engaged in the retail business of selling tires, as well as the retail and servicing of car parts, and auto repair business.

7.

This business he intends to operate will be for five (5) days a week, Monday through Friday, only, from 8:00 a.m. through 4:30 p.m., as the times and days opened to the public.

8.

Your Petitioner proposes that he will repair the existing garage doors and the structure, as well as repaving and relining the parking lot, generally updating the same to make it both more attractive to potential customers, as well as the neighborhood in and of itself.

9.

Your Petitioner will have only presently one (1) mechanic and one (1) desk person. He will not be storing vehicles in or upon the lot or building that are neither customers nor employees.

10.

The subject use is one that it had obviously been originally built, used, and designed for, a nonresidential commercial purpose, to wit, tires and car servicing, as evidenced by its continued use in those areas. The history of the building, obviously, is of that of commercial and retail use.

11.

The exterior features and the various garage bays demonstrate it was indeed designed for such commercial and retail use and purpose.

12.

Converting the subject building into a conforming permitted use or activity would, obviously, be cost prohibitive and have no real interest considering the factors of paved lots and the location in and at the corner of two busy streets/boulevards.

13.

The proposed use of the building is not only similar to, but identical to, the use for which the building had been designed and used.

14.

As above indicated, required public notice has been given.

15.

It is believed that there is adequate onsite parking so that the adjacent streets and avenues will not be utilized by this use for on street or avenue parking.

16.

The proposed hours of operation are indeed reasonable.

17.

The building will not be expanded more than twenty (20%) percent of the existing height or footprint, as its height and footprint are to remain the same as presently exists.

18.

The character of the area will not be changed, but with the limitation now set forth, will rather be improved.

19.

There will be no exterior loud speaking system or audible signals beyond the property line.

20.

The signage will be the same as that which had previously existed.

21.

The staff of the City of Altoona has indicated it has no opposition to the request.

22.

That said use as requested is indeed the most reasonable under the totality of circumstances and conditions, which said circumstances and conditions were not created by your Petitioner.

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 strict conformity with the provisions of the zoning ordinance.

2.

The hardship was not created by your Petitioner.

3.

The grant as authorized is a de minimis grant of 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 Petitioner.

8.

If and as applicable, your Petitioner has further demonstrated compliance in and with the requirements of 800-48.C (8).

**DECISION**

WHEREFORE, THIS 20<sup>th</sup> DAY OF FEBRUARY, A.D., 2020, THE BOARD GRANTS THE RELIEF OF YOUR PETITIONER,

PROVIDED, HOWEVER, THAT THE DAYS AND HOURS OF OPERATION SHALL BE OPEN TO THE PUBLIC ONLY MONDAY THROUGH FRIDAY, 8:00 A.M. TO 4:30 P.M.;

AND PROVIDED, FURTHER, THERE SHALL BE NO "ON STREET PARKING", BUT THAT ANY AND ALL PARKING MUST BE HAD AND MAINTAINED IN THE BAYS AND/OR ON THE PARKING LOT OF THE SUBJECT BUSINESS;

AND PROVIDED, FURTHER, THAT SAID SIGNAGE SHALL BE NO GREATER IN AREA OR SIZE AS THAT WHICH HAD EXISTED PREVIOUSLY;

AND PROVIDED, FURTHER, THERE SHALL BE NO POLE SIGNS;

AND PROVIDED, FURTHER, THAT ANY AND ALL LIGHTING MUST BE CONTAINED WITHIN THE FOUR CORNERS OF THE PROPERTY;

AND PROVIDED, FINALLY, THAT THE SAID PROPERTY SHALL BE SUBJECT TO AND COMPLY WITH ANY AND ALL RULES AND REGULATIONS PERTINENT TO LAND USE AND DEVELOPMENT OF THE CITY OF ALTOONA;

PROVIDED, FINALLY, THAT THERE SHALL BE NO GREATER THAN TEN (10) CARS ON PREMISES AT ANY ONE TIME FOR SAID SERVICE AND/OR RETAIL SALES;

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.

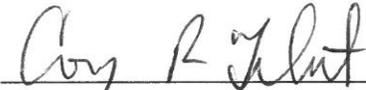
ANY AND ALL OTHER NECESSARY PERMITS INVOLVED MUST BE SECURED WITHIN SIX (6) MONTHS FROM THE DATE OF THIS NOTICE, OR THIS AUTHORIZATION SHALL BECOME NULL AND VOID WITHOUT FURTHER ACTION OF THE BOARD.

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 18 Feb '20

  
Horace McAnuff 2-14-20

  
Corey Gehret 2/20/20

MAILED TO YOUR PETITIONERS: February 20, 2020  
Date

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