

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

John D. Gillen
Ontario U.S. Capital, LLC
PO Box 6502
Altoona, PA 16603

In Re: 1901 Fourth Avenue, Altoona

Request for an Expansion of a Non-Conforming Use for an Non-Conforming Building, Creating Eight Apartment Units in a Four Unit Apartment Building in a Multiple Household Residential Zone, Code 800-21D, and Permitted Uses, Code 800-50B

Your Petitioner, Ontario U.S. Capital, LLC, appeared by and through John D. Gillen, together with its witness, Mike Rupert.

From the testimony presented at the hearing of June 10, 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.

Your Petitioner is the owner of a property which had previously been a non-conforming use of structure, being a four unit apartment building in an otherwise multiple household residential zone.



Printed on Recycled Paper

4.

He wants to change the subject apartment building from four to eight units, indicating that smaller apartments with individuals that will more likely be using public transportation than personal vehicles, and will be more appropriate and accommodating.

5.

The structure, of course, was built obviously before the time of the present Zoning Ordinance, and was obviously built, designed, and constructed in and as an apartment building, and not as present properties are permitted; and therefore it is "grandfathered".

6.

Considering the other uses in the very block and the density of the subject properties, it would not appear that the request would tend to alter the character or nature of the neighborhood, provided off-street parking can be had and made available to and for the tenants.

7.

The only case in which it may be detrimental is to double the density, and while the hopes are that public transportation use would be more likely than not, if each individual in the apartment had a vehicle, it would introduce eight (8) rather than four (4) additional vehicles into the neighborhood, creating parking problems, in and to the neighborhood and property zoned uses.

8.

The Petitioner believes he is able to provide and obtain off-street parking that would eliminate this detriment in and to the neighborhood, recognizing that, of course, otherwise with the density of the properties in that zone, there already exists a problem therein and therefor.

9.

It does appear by the physical layout of the neighborhood that doubling the number of units doubles the risks, of indeed, creating a problem interfering with use and development of other properties that are otherwise legitimate in and about the subject zone.

10.

From the foregoing testimony, the Board makes the following:

CONCLUSIONS OF LAW

1.

Your Petitioner has adequately proven that the subject property is indeed a legitimate pre-existing non-conforming use.

2.

If and upon the applicant being able to provide off-street parking first; then in and upon that event, the expansion and extension will not be detrimental to nor tend to alter the nature and character of the neighborhood.

DECISION

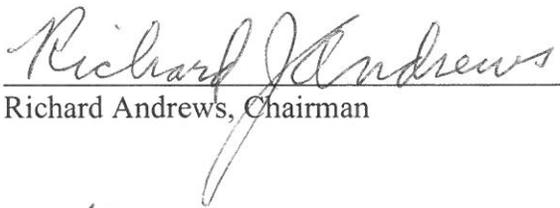
WHEREFORE, THIS 24th DAY OF JUNE, A.D., 2020, THE BOARD GRANTS THE RELIEF OF YOUR PETITIONER, PURSUANT TO SECTION 800-21D OF THE ZONING ORDINANCE, PROVIDED, HOWEVER, THAT YOUR PETITIONER PRIOR TO USE FIRST OBTAINS OFF-STREET PARKING IN AND FOR ANY AND ALL NECESSARY TENANTS AT THE SUBJECT PROPERTY, AND THAT IT COMPLIES WITH ANY AND ALL LAND USE, DEVELOPMENT, RULES AND REGULATIONS OF THE CITY OF ALTOONA.

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.

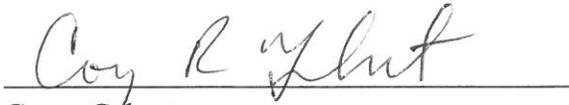
ANY AND ALL OTHER NECESSARY PERMITS INVOLVED MUST BE SECURED WITHIN SIX (6) MONTHS FROM THE DATE OF THIS NOTICE, OR THIS AUTHORIZATION SHALL BECOME NULL AND VOID WITHOUT FURTHER ACTION OF THE BOARD.

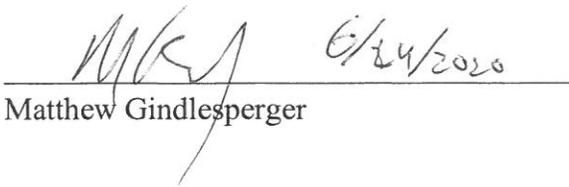
ANY PERSON AGGRIEVED BY ANY THE DECISION OF THE ZONING HEARING BOARD MAY APPEAL THEREFROM TO THE COURT OF COMMON PLEAS WITHIN THIRTY (30) DAYS FROM THE DATE OF THIS NOTICE, IN THE MANNER SO PROVIDED BY LAW.

THE ZONING HEARING BOARD
OF THE CITY OF ALTOONA,


Richard Andrews, Chairman


Horace McAnuff


Corey Gehret


Matthew Gindlesperger

MAILED TO YOUR PETITIONERS: June 24, 2020
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



Richard Andrews
Cory Gehret
Matthew Gindlesperger
Horace McAnuff
Donna Royer

ALTOONA ZONING HEARING BOARD

Charles R. Nearhoof
Mary L. Nearhoof
117 Howard Avenue
Altoona, PA 16601-4929

**In Re: 116 Lexington Avenue, Altoona
Request for Special Exception for Off-site Parking for a Residence at 117
Howard Avenue on Premises 116 Lexington Avenue in a Multiple Household
Residential Zone. Code 800-50 C 10.**

Your Petitioners appeared on their own behalf.

From the testimony presented at the hearing of June 10, 2020, 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 the property posted.

3.

The subject property is a 25 x 120 foot lot.



4.

Your Petitioners do not themselves have any area in which they can accommodate off-street parking, on their dominant lot.

5.

Your Petitioners are “on oxygen” and cannot walk very far, and parking is otherwise very difficult to find in and about the area of your Petitioners dominant structure.

6.

As such, your Petitioners seek a special exception to provide parking in, and for, their use on the lot in question, and at issue.

7.

No space indeed exists on the principal lot for adequate off-street parking.

8.

The center of the subject lot of issue is within 400 feet of the Petitioners’ principal use.

9.

There is indeed space efficient to allow full compliance with the land development standards set forth in Chapter 640.

10.

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

11.

The installation of parking at this location will not have a deleterious effect on the overall neighborhood, but rather, indeed, improve it; particularly, in terms of residential stability and economic development.

12.

The installation of the parking will not necessitate the demolition of a viable and structurally sound building being that it is indeed already vacant.

13.

From the foregoing testimony, the Board makes the following:

CONCLUSIONS OF LAW

1.

Your Petitioners have satisfied each and every condition as necessary for a special exception as such forth in Section 800-50(c)(10)(a-f).

DECISION

WHEREFORE, THIS 24th DAY OF JUNE, A.D., 2020, THE BOARD GRANTS THE REQUEST OF YOUR PETITIONERS,

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

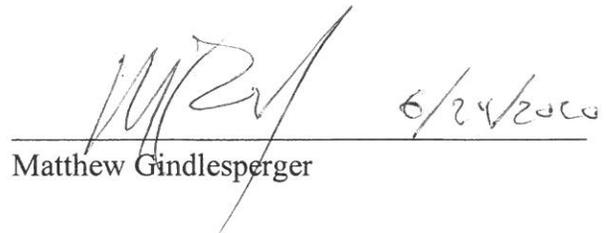
THIRTY (30) DAYS FROM THE DATE OF THIS NOTICE, IN THE MANNER SO PROVIDED BY LAW.

THE ZONING HEARING BOARD
OF THE CITY OF ALTOONA,


Richard Andrews, Chairman


Horace McAnuff


Corey Gehret


Matthew Gindlesperger

MAILED TO YOUR PETITIONERS: June 24, 2020
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



Richard Andrews
Cory Gehret
Matthew Gindlesperger
Horace McAnuff
Donna Royer

ALTOONA ZONING HEARING BOARD

Henry Faretty, Jr.
8 Beechwood Avenue
Frazier, PA 19355

**In Re: 516-26 23rd Avenue, Altoona
Request for Personal Storage Use in a Non-Conforming Building and with
History of Non-Conforming Uses on Premises Located at 516-26 23rd Avenue
in a Single Family Household Residential Zone, Code 800-21F and Permitted
Uses 800-48B**

Your Petitioner appeared on his own behalf.

From the testimony presented at the hearing of June 10, 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 is one that was obviously built, used, and designed for uses, such as a bakery and storage facilities continuously, and never as a single household residence.



4.

As such, the subject property is indeed a pre-existing non-conforming structure and use.

5.

The property has otherwise recently fallen in and about poor maintenance, with broken windows, and downspouts.

6.

Use by your Petitioner should improve the subject property therefore, and hopefully eliminate the otherwise presently objectionable condition of the subject property.

7.

Prior to use, of course, the subject property will need to be inspected and pass the International Property Maintenance Code, and any and all other codes applicable, in and by said inspections of the City of Altoona and applicable hereto.

8.

Your Petitioner indicates that he will indeed maintain the condition in good use and will, of course, utilize the same for said storage.

9.

The property is, of course, irregular in shape, and truly defined as a triangle, and as such, necessitates relief in and to the property owner.

10.

From the foregoing testimony, the Board makes the following:

CONCLUSIONS OF LAW

1.

Your Petitioner has adequately proven that the same is a pre-existing non-conforming use of a pre-existing non-conforming building and lot, and that use as proposed is the same as that which pre-existed and is, indeed, therefore and thereby reasonable.

2.

In, as, and per Section 800-21 of the Zoning Ordinance, the Board makes the following:

DECISION

WHEREFORE, THIS 24th DAY OF JUNE, A.D., 2020, THE BOARD GRANTS THE REQUEST OF YOUR PETITIONER, PROVIDED, HOWEVER, THAT THE SUBJECT PROPERTY HAS TO PASS ANY AND ALL OF THE CITY'S MAINTENANCE AND INSPECTION CODES, INCLUDING, BUT NOT LIMITED TO, THE INTERNATIONAL PROPERTY MAINTENANCE CODE PRIOR TO USE AND OCCUPANCY BY 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


Horace McAnuff


Corey Gehret


Matthew Gindlesperger

MAILED TO YOUR PETITIONERS: June 24, 2020
Date

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