

1301 Twelfth Street, Suite 400
Altoona, Pennsylvania 16601

Voice - 814/949-2470
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planning@altoonapa.gov



Richard Andrews
Cory Gehret
Matthew Gindlesperger
Horace McAnuff
Donna Royer

ALTOONA ZONING HEARING BOARD

Benjamin Irvin
211 South 8th Street
Altoona, PA 16602

Stephen Steinbugl
126 Haymaker Lane
Altoona, PA 16601

In Re: 800-02 Bell Avenue/211 South 8th Street. Request to change a non-conforming use from taxidermy studio to an accounting office and existing business storage to continue on premises in a Multiple Household Residential Zone.

Your petitioners appeared on their own behalf.

From the testimony presented at the hearing of March 13, 2019, the Board makes the following:

FINDINGS OF FACT

1.

Your petitioner has an ownership interest in the subject property.

2.

The subject request was duly advertised, and the property posted.



3.

The subject property is basically the same now, in appearance, as it was before.

4.

Little or no change except for the face of the sign that presently exists, will need to be done.

5.

Previous permission was granted to your petitioner who utilized the subject structure for a taxidermy business, which hours of operation were Monday through Friday, 9:00 a.m. to 5:00 p.m., and Saturday, 9:00 a.m. to 12:00 p.m.

6.

The taxidermy studio in which taxidermy services were provided are self-explanatory and as such entailed the bringing of a carcass and work thereon, dealing with odors and sanitary conditions, that will not possibly be existent in the proposed accounting offices.

7.

In fact, an accountant office is presently a "home-based business" in and at the very property, on the second floor in which petitioner Irvin resides.

8.

The old taxidermy studio will now be converted to a business use for accounting offices, which hours of operation are to 7:00 a.m. to 7:00 p.m. Monday through Friday, and 8:00 a.m. to 1:00 p.m. Saturday.

9.

Most, if not all the work, will be by appointment only, with little if any "walk-in" trade.

10.

There exists six (6) parking spaces for this one accountant, who hopes to maybe add one or two additional employees in the future, but, presently, is himself only, and this off-street parking spaces are, therefore, adequate for the intended use.

11.

The noise, dust, odors, and other nuisance characteristics shall be far less in and with an accounting office than there was with a taxidermy business with which it will be replaced.

12.

The subject property prior to the last taxidermy use had been utilized as an auto repair shop and a sign company.

13.

The previous storage by your owner will continue as it had in the past and the only change therefore will be from a taxidermy to an accounting business.

14.

As such, this change is much more conforming for uses allowed and adjacent property uses, than for the use which it is to replace.

DECISION

WHEREFORE, THIS 25th DAY OF MARCH, A.D., 2019, THE BOARD GRANTS THE REQUEST OF YOUR PETITIONER, PROVIDED, HOWEVER, THAT THE DAYS OF OPERATION SHALL BE MONDAY THROUGH SATURDAY, AND HOURS SHALL BE MONDAY THROUGH FRIDAY, 7:00 A.M. TO 7:00 P.M., AND SATURDAY 8:00 A.M. TO 1:00 P.M., AND,

PROVIDED, FURTHER, THAT THE SUBJECT PROPERTY IN USE SHALL COMPLY WITH THE CITY OF ALTOONA'S LAND USE RULES, AND REGULATIONS AS SUBJECT HERETO.

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,

Horace McAnuff 3-21-2019
Horace McAnuff, Acting Chairman

Donna Royer 3-20-19
Donna Royer

Corey Gehret 3/25/2019
Corey Gehret

MAILED TO YOUR PETITIONER: March 25, 2019
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

J. Michael Sanders, III
Nita L. Sanders
901 West Third Street
Altoona, PA 16601

In Re: 217 N. 9th Avenue. Request for Special Exception, accessory structure on a lot adjacent to principal structure which is at 901 N 3rd Street on premises in a Limited Residential Zone.

Your petitioners appeared on their own behalf.

From the uncontradicted testimony presented at the hearing of March 13, 2019, 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 proposes to build a garage for his residential use on a lot immediately adjacent to its dominant structure which he uses as a primary residence.



4.

Your petitioner indicated that while he had been parked off-street, he has had his cars keyed, damaged and tires flattened.

5.

The property upon which he proposes building the garage is immediately across an alley from his home and is a vacant lot from which a structure had been destroyed and razed after a fire, which was not of his doing.

6.

The size, scale and type of garage proposed is indeed a two-car one-story garage and as such is one normally associated in and about a single-family home in the subject neighborhood.

7.

There is no public street which runs between the principal structure, the home of your petitioner, and the proposed accessory structure, the subject garage.

8.

The only throughway is an alley and not a street, between the two.

9.

The garage is designed and shall be a one-story structure only, so that it cannot be converted into a second "dwelling unit" or other "principal use".

10.

The involved parcels of land, namely, the property upon which your petitioner has its home and the subject garage are currently and will be maintained in the names of your petitioner, husband and wife, and if conveyed shall be jointly conveyed as if one property and the other lot upon which the garage is situate, can and will only be conveyed separately if and when the said structure garage is fully first removed.

From the foregoing testimony, the Board makes the following:

CONCLUSIONS OF LAW

1.

Your Petitioner is accordingly in compliance with the provisions and requirements of and for a special exception under 800-49 (c) 6, provided and subject to compliance with the conditions hereinafter imposed.

DECISION

WHEREFORE, THIS 25th DAY OF March, A.D., 2019, THE BOARD GRANTS THE REQUEST OF YOUR PETITIONER:

PROVIDED, HOWEVER, THAT THE INVOLVED PARCELS OF LAND ARE AND SHALL HEREINAFTER BE LEGALLY TIED TOGETHER; AS SUCH THEY CANNOT BE INDIVIDUALLY CONVEYED INTO SEPARATE OWNERSHIP UNTIL THE SUBJECT ACCESSORY STRUCTURE/GARAGE HEREIN APPROVED, HAS BEEN FIRST FULLY REMOVED AND;

PROVIDED, FURTHER, THAT YOUR PETITIONERS SHALL COMPLY AND BE SUBJECT TO ALL RULES AND REGULATIONS OF THE CITY'S LAND DEVELOPMENT, AND;

PROVIDED, FURTHER, THAT THE GARAGE SHALL BE ONE-STORY ONLY.

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,

Horace McAnuff 3-21-2019
Horace McAnuff, Acting Chairman

Donna Royer 3-20-19
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ALTOONA ZONING HEARING BOARD

Kathy Stevens-Hatch
703 Beaumont Drive
Altoona, PA 16602

**In Re: 711 Hudson Avenue/Kathy Stevens-Hatch
Request to use a secondary structure as a residential rental
which would be a violation of Permitted Uses and the
Zoning Hearing Board Decision of 2/20/2013 on premises
in a Single Household Residential Zone.**

Your petitioner and her husband appeared on their own behalf.

From the testimony presented at the hearing of March 13, 2019, 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 located in a single household residential zone.



4.

The same property was subject to a Zoning Decision rendered by the subject Zoning Hearing Board, with a Decision in its entirety, herein and hereby incorporated by reference, of which said hearing was rendered and dated February 20, 2013.

5.

The subject property, at the time, allowed the structure above the garage to be utilized in and for residential purposes for the older children of the single family residents, since, as indicated, by the petitioner at the time, there was simply not enough room between herself and her fiancé in the main house for all of the children to have their own bedrooms, being seven (7) children in number at said time.

6.

The Board, therefore, granted a very limited permission and strictly limited it to family, and only family use.

7.

As set forth in the Decision, the request was provided and conditioned expressly: "that the subject structure will be for "family only", and, therefore, there shall be no rentals whatsoever, howsoever, or at any time to any "non-family individuals".

8.

As such, the only permitted use of the subject property was to therefore remain single family residential but allowing the separate structure to be used in direct connection and only in direct connection therewith.

9.

Notwithstanding the same, your petitioner has since acquired a separate residence and has moved thereto, and has rented, therefore, the dominant structure to one tenant, and separately rented the subject garage and rooms above it to a totally different tenant.

10.

Your petitioner has, therefore, inadvertently changed a single-family use into a multi-family one, contrary to the Zoning applicable to it.

11.

Your petitioner has therefore appeared before the Board asking for permission to do the same.

12.

Your petitioner had received an inspection and thus a license from the rental office and thus indicates that she had inadvertently believed that once she had paid for her renting license, that allowed the subject use to be had.

13.

Your petitioner further recognizes and testified that, of course, the house and the separated garage on the one lot of which they are situate, can be used, has been used, and can in the future continue to be used for its intended use and original design, to wit, single family residential.

14.

Since the property has and can be used for its permitted purpose, there is no basis for a variance which your petitioner has requested to be granted.

15.

The hardship as such is purely financial as compliance with the Ordinance would result in the rental for one single family use as is otherwise permitted throughout that subject zone, wherein the property is specifically situated.

From the foregoing testimony, the Board makes the following:

CONCLUSIONS OF LAW

1.

Your Petitioner has failed to show and prove that there exist such a unique circumstances and conditions peculiar to the property itself, that an unnecessary hardship has been created due to which there is no possibility that the property could otherwise be realistically used or developed in strict conformity with the provisions of the Zoning Ordinance.

2.

On the contrary, the property has been and can be used in compliance with the Zoning Ordinance with no changes necessary thereto.

3.

A variance is therefore not necessary to enable a reasonable use of the property to be made.

4.

A variance, if authorized, would indeed alter the nature and character of the neighborhood and/or would impair appropriate use or development of other single-family homes and properties adjacent thereto.

5.

A variance, if granted, would indeed be a modification of the regulations and plans at issue.

6.

The denial is necessary to continue to insure the public health, welfare and safety is protected as provided in and by such Zoning Ordinances applicable in and to the City.

Therefore, the Board makes the following:

DECISION

WHEREFORE, THIS 25th DAY OF March, A.D., 2019, THE BOARD DENIES 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 DATE OF THIS NOTICE, IN THE MANNER SO PROVIDED BY LAW.

THE ZONING HEARING BOARD OF THE CITY OF ALTOONA,

Horace McAnuff 3-21-2019
Horace McAnuff, Acting Chairman

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