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ALTOONA ZONING HEARING BOARD

Jeff Fleming, V.I.P.
Financial Matters LLC
1218 Eleventh Avenue
Altoona, PA 16601

**In Re: 1401 9th Avenue/Jeff Fleming, V.I.P. Financial Matters, LLC
Request to remodel and convert an existing 3-story funeral
parlor to office building, additions include entrance canopy,
stair tower, elevator shaft, demolish existing attached garage,
add parking, reconfigure and remodel interior on premises in
an urban residential zone.**

Your petitioner appeared on his own behalf, that is, Mr. Jeff Fleming as owner and his project architect, Patrick Baechle.

From the testimony presented at the hearing of February 13, 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 on the subject property.

2.

Requisite notices were made and the property posted.



3.

The property is one that is a standalone, in a sense, on an island, in a block that is surrounded by other non-residential uses, including but not limited to a McDonalds, the Station Mall Medical Center, and a large parking lot in and for the Altoona Area School District Junior High School.

4.

Your petitioner intends to make no changes to the exterior of the subject property except for the above referenced additions, namely, a canopy and an elevator tower to accommodate an interior used elevator, all of which are intended to remain Victorian in appearance.

5.

Therefore, without some kind of designation in and to the building, one would not know that it was anything but a Victorian residence.

6.

Circumstances are indeed unique as it applies to this particular use of property for as above-mentioned, it is in a block unto itself, surrounded by the aforesaid parking lots and non-residential uses.

7.

The property itself, as testified to, by the architect, is not able to be reasonably used or developed to accommodate residential uses and/or other uses in and subject to the urban residential zoning.

8.

Your petitioner by and through his architect, has explained the same in its inability to have adequate support and/or plumbing for varied apartments or above-ground residential use.

9.

Your petitioner recognizes that it will be solely used for your petitioner's multi-disciplinary practice, and only his practice, which includes, of course, financial planning, estate planning, as well as a law practice.

10.

Your petitioner has ten (10) employees.

11.

There exists adequate off-street parking to accommodate fourteen (14) paved parking spaces.

12.

Your petitioners have indicated that will be more than enough to accommodate their subject use.

13.

There will be no exterior signage, other than to change the face of that which presently exists, and will need not be expanded.

14.

Your petitioners have indicated that they will otherwise comply with all land use rules and regulations pertinent to the same.

15.

The report and study by the architect indicating the need for such a variance is part of the application and herein and hereby incorporated by reference.

16.

This is particularly important as it is unique to this request for as indicated in the applicable zoning ordinance, a lower floor commercial use is indeed provided for, should there be residential floor area above the same. This will allow one commercial use as opposed to many, while,

however, eliminating an additional multi-use to wit: residential on the second floor being dedicated only in and to the first floor uses as well.

17.

As it is not a multiple use request, the same is indeed considered a fair balance to allow some relief of the property to be made while granting some deviation from the subject requirements of the zoning applicable hereto.

From the foregoing testimony, the Board makes the following:

CONCLUSIONS OF LAW

1.

Your Petitioner has adequately shown 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 possibility that the property could otherwise be realistically used or developed in strict conformity with the provisions of the zoning ordinance.

2.

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

3.

The 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 will not be detrimental to the public health, welfare and safety.

This variance as authorized represents a slight modification of the regulations and/or plan at issue while allowing relief to your petitioner.

DECISION

WHEREFORE, THIS 4th DAY OF March, A.D., 2019, THE BOARD GRANTS THE REQUEST OF YOUR PETITIONER, PROVIDED, HOWEVER, THAT THE DAYS OF OPERATION SHALL BE ONLY MONDAY THROUGH FRIDAY, 8:30 A.M. TO 5:30 P.M.,

PROVIDED, FURTHER THAT THERE SHALL BE JUST ONE MULTI-DISCIPLINARY USE IN THE SUBJECT PROPERTY, BEING THAT OF YOUR PETITIONER AS DESCRIBED AND INCORPORATED BY REFERENCE IN AND AT THE SUBJECT HEARING, TO WIT: A LAW/LEGAL AND FINANCIAL PLANNING INCLUDED;

PROVIDED, FURTHER, THERE SHALL BE NO LESS THAN 14 OFF-STREET PARKING SPACES PAVED AND PROVIDED PRIOR TO OCCUPANCY;

PROVIDED, FURTHER, THAT THERE SHALL BE NO EXTERIOR SIGNAGE OTHER THAN THE REPLACEMENT IN AND TO THE EXISTING SIGN ALLOWING THE BUSINESS IDENTIFICATION TO BE MADE THEREON;

PROVIDED, FURTHER, THAT THERE BE COMPLIANCE WITH ALL OTHER LAND USE DEVELOPMENT RULES AND REGULATIONS THAT MAY APPLY THERETO.

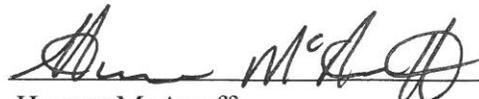
ANY PERSON AGGRIEVED BY THE DECISION OF THE ZONING HEARING BOARD MAY APPEAL HEREFROM TO THE COURT OF COMMON PLEAS WITHIN THIRTY (30) DAYS FROM THE DATE OF THIS NOTICE, IN THE MANNER SO PROVIDED BY LAW.

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

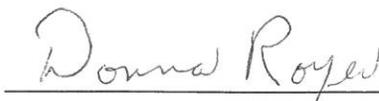
ANY AND ALL NECESSARY PERMITS INVOLVED MUST BE SECURED WITHIN SIX (6) MONTHS FROM THE DATE OF THIS NOTICE, OR THE AUTHORIZATION SHALL BECOME NULL AND VOID WITHOUT FURTHER ACTION OF THE BOARD.

THE ZONING HEARING BOARD OF THE
CITY OF ALTOONA,

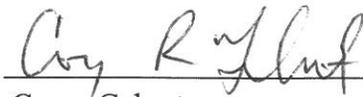
Richard Andrews, Chairman

 2-19-19

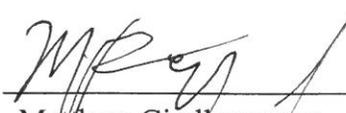
Horace McAnuff

 2-26-19

Donna Royer

 2/21/19

Corey Gehret

 3/13/19

Matthew Gindlesperger

MAILED TO YOUR PETITIONER: March 14 2019
Date

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