

## AGENDA

A public meeting of the City of Altoona Zoning Hearing Board will be held on **Wednesday, February 11, 2026 at 1:15 p.m.** in the 4<sup>th</sup> Floor Conference Room at City Hall, 1301 12<sup>th</sup> Street, Altoona, Pennsylvania.

### 706 E Caroline Ave | Kurtis Hamilton

Requesting a Special Exception to operate a major-impact home based business for a private tattoo studio in a Residential Neighborhood A zone, §800-29 & §800-44.

### 4601 6<sup>th</sup> Ave | Starr Storage Partners LLC

Requesting a Special Exception for an expansion of use to build an additional 40x50 self-storage building in a Residential Neighborhood A zone, §800-85(F).

### 3709 Beale Ave | T&R Trading LLC

Requesting a Special Exception for an expansion of use and lot coverage to build a 4,089 SF canopy in an Industrial Flex zone, §800-22 & §800-85(F).



CODES & INSPECTIONS DEPARTMENT  
1301 12<sup>TH</sup> STREET, SUITE 103  
ALTOONA, PA 16601  
(814) 949-2456

## ZONING APPEAL APPLICATION – ALTOONA PLANNING CODE

(INSTRUCTIONS LOCATED ON REVERSE SIDE)

PROPERTY LOCATION: 706 E Caroline Ave Altoona PA 16607

PURPOSE OF APPEAL: Request for Special Exception approval to operate  
a low-impact, appointment-only private tattoo studio as  
a home-based professional service.

DESCRIPTION OF PREMISES: Single family Residential dwelling / outbuilding

USE OF PREMISES: Appointment only private tattoo studio

OFF-STREET PARKING: One off street parking space available, Appointment only

PLEASE FILL IN ALL PORTIONS BELOW, "SAME" AND "NON-APPLICABLE" IF NEEDED

### PROPERTY OWNER INFORMATION

NAME: Kurtis Hamilton

ADDRESS: 706 E Caroline Ave Altoona PA 16607

PHONE: 814-507-3508

EMAIL: Kurtis.Hamilton1986@gmail.com

### APPLICANT INFORMATION

NAME: Kurtis Hamilton

ADDRESS: 706 E Caroline Ave Altoona PA 16607

PHONE: 814-507-3508

EMAIL: Kurtis.Hamilton1986@gmail.com

### DESIGN PROFESSIONAL INFORMATION

NAME:

N/A

ADDRESS:

PHONE:

EMAIL:

SIGNATURE OF APPLICANT

12-16-25

DATE

### OFFICE USE ONLY

VARIANCE \$500.00

APPEAL DETERMINATION

\$500.00

OTHER

SPECIAL EXCEPTION \$500.00

APPEAL VIOLATION NOTICE

\$500.00

PREVIOUS APPEAL TO ZONING HEARING BOARD?  YES  NO  UNKNOWN

SECTIONS AND PROVISIONS OF ZONING ORDINANCE RELIED UPON:

## Narrative Statement – Special Exception Request

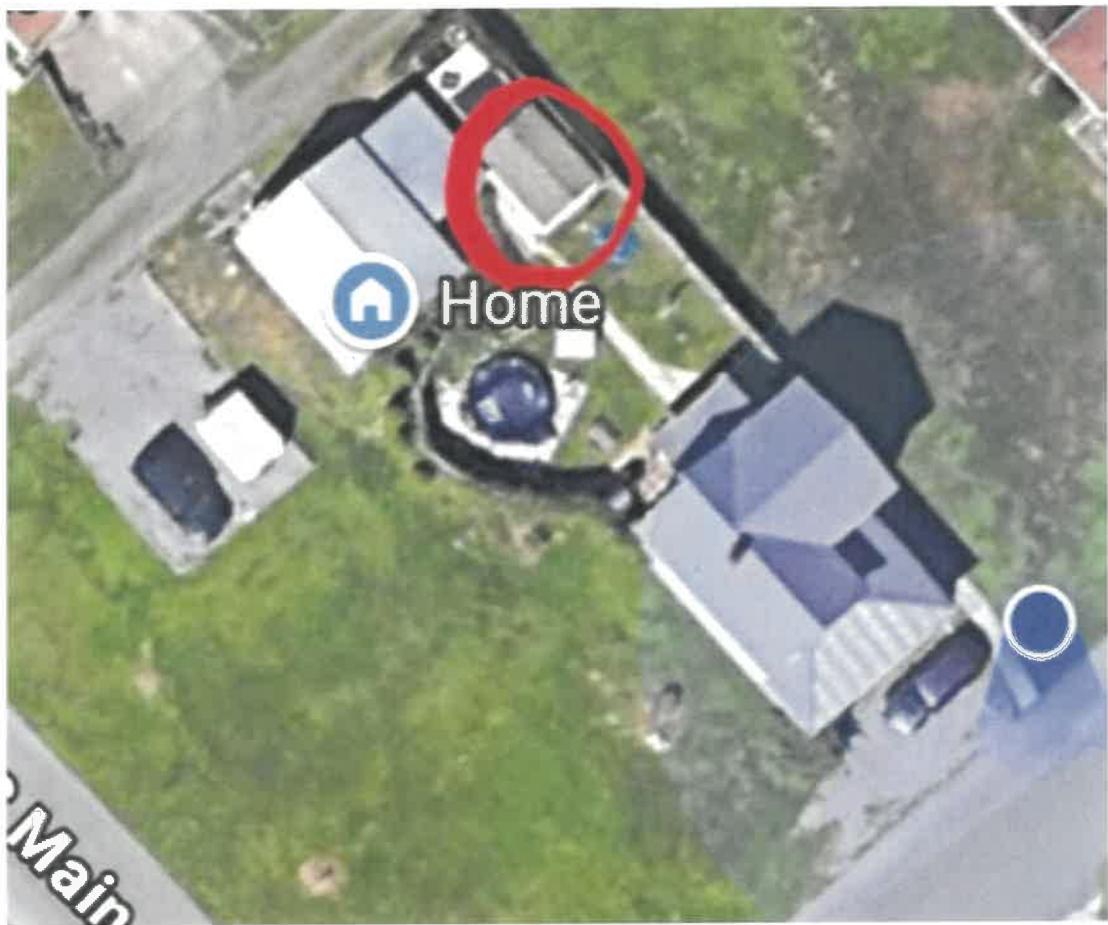
> The applicant seeks Special Exception approval to operate a low-impact, appointment-only private tattoo studio within an existing single-family residential dwelling located at 706 E Caroline Ave, Altoona, Pennsylvania.

The proposed use is limited in scope and designed to maintain the residential character of the neighborhood. The studio will operate strictly by appointment only, with no walk-in clients, no retail sales, and no employees. Only one client will be present at any given time.

All tattoo services will be performed indoors within a single dedicated room. No exterior signage, exterior alterations, or structural changes to the property are proposed.

Off-street parking is available on-site, and appointment-only scheduling will prevent any increase in traffic or parking congestion. The use will generate no noise, odors, or disturbances beyond that typical of a residential dwelling.

The proposed use meets the intent of the zoning ordinance by allowing a compatible, low-impact professional service within a residential district while protecting public health, safety, and neighborhood welfare.









F. All required licenses and certificates, including the certificate of occupancy, must be obtained before this special exception may be granted. In addition, the group home shall provide off-street parking as detailed by Article 4. Finally, it shall demonstrate adequate security measures to the Zoning Hearing Board.

## **Section 800-43**

### **Health Services**

## **Health Services**

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- A. The standards in this section shall apply to health services in a residential district.
- B. The appearance of the building shall be residential in character (i.e., gabled rooflines, wood siding or brick, an articulated footprint, varied facade, etc.).
  1. Space is available on the property to accommodate the required number of off-street parking spaces required by Chapter 640 for health services. This shall be determined by allowing 350 square feet of area for each space in addition to the area consumed by the building. (The Board need not consider layout, actual number of spaces to be provided, or any other factor considered under Chapter 640, as this will be done by the Planning Commission. This calculation will simply allow enough space on the lot for the Planning Commission to do its job.)
  2. Hours of operation shall not detract from the neighborhood.
  3. Proposed traffic shall not severely change the residential nature of the neighborhood.
  4. The use shall not produce any glare, noise, sound, fumes, odors, or other noxious elements that can be readily detected at the property line.

## **Section 800-44**

### **Home-based Businesses**

## **Home-based Businesses**

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- A. Types of home-based businesses; purposes; applicability.
  1. A home-based business is defined as a business that is conducted entirely within a dwelling unit; entirely by the members of the household residing in that unit; and in a manner that is clearly incidental, accessory, and subordinate to the unit's primary residential use. Most modern zoning ordinances regulate home-based businesses because of the deleterious effects that these businesses can have on their neighborhoods. A home-based business can congest its neighborhood's parking spaces and streets; generate intrusive amounts of noise, vibration, glare, electrical interference, odors, and radio/television signal disruption; draw large trucks for delivery purposes; erect a disturbing number of signs; utilize unsightly outdoor storage areas; and generally change the character of its neighborhood from residential to commercial. Many zoning ordinances attempt to minimize such damaging effects by designating all home-based businesses as special exceptions and requiring each to procure the approval of the Zoning Hearing

Board, which is to reject any such business that will adversely affect its neighborhood.

2. However, more and more home-based businesses are being created that have little or no deleterious effects on their neighborhoods. Many professionals now "telecommute" from home, draw no extra parking or traffic activity, generate no noise or other interference, and have no signs. While home-based businesses that could have a significant effect on their neighborhoods clearly should still lie under the Zoning Hearing Board's jurisdiction, those that have little or no such effects should be excused from the paperwork, time, and expense involved in a special exception application.
3. This chapter attempts to establish such a system by dividing home-based business into two categories: no-impact home-based businesses (which will have little or no effect on their neighborhoods) and major-impact home-based businesses (which may have some effects on their neighborhoods). The Zoning Officer shall determine which of these categories a particular home-based business falls into according to the standards of Subsection B below. If a particular home-based business is determined to be a no-impact home-based business according to these standards, then it may be established without any further approvals. However, if it is determined to be a major-impact home-based business, then Subsection C below requires that it must be approved by the Zoning Hearing Board as a special exception.
4. This section applies to all home-based businesses within the City of Altoona, regardless of the zoning district in which they are located.

B. Distinguishing no-impact home-based businesses from major-impact home-based businesses.

1. Any person who wishes to establish a home-based business within the City is required to apply for a home-based business license with the Zoning Officer on a form supplied by the City. This application shall not be considered complete unless enough information is included on the form to enable the Zoning Officer to determine whether the proposed home-based business is a no-impact home-based business or a major-impact home-based business according to the standards below.
2. After a complete notarized application has been filed, the Zoning Officer shall have 45 days to determine the status of the proposed home-based business. When the Zoning Officer fails to make this determination within 45 days, then the proposed home-based business shall automatically be classified as a no-impact home-based business.
3. The Zoning Officer shall determine that a proposed home-based business would be a major-impact home-based business unless it meets the standards below, in which case it shall be classified as a no-impact home-based business and may be established without any further approvals.

- a. A no-impact home-based business shall be a business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use.
- b. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- c. The business shall employ no employees other than family members residing in the dwelling.
- d. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- e. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
- f. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- g. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- h. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
- i. The business may not involve any illegal activity.
- j. Nursery schools, day-care centers, tutoring or teaching services, dancing schools, exercise or health centers, funeral homes, mortuaries, eating or drinking establishments, animal kennels, animal hospitals, veterinarian offices, boardinghouses, medical or dental clinics or offices, transportation vehicle repair or rental facilities, theaters, and any other business that does not meet the definition of home-based businesses given under Subsection B above shall not be classified as no-impact home-based businesses.

C. **Major-impact home-based businesses.** If a proposed home-based business is determined to be a major-impact home-based business by the Zoning Officer, and is not a permitted use in the district in which it is located, then its proprietor must apply for a special exception use before the Zoning Hearing Board and meet the requirements stated below. Note that any off-street parking space or loading berth requirements for these occupations (beyond the requirements of the involved dwelling unit) shall be set by the Zoning Hearing Board at the involved hearing.

- 1. Shall not alter the residential appearance of the building or any accessory buildings.
- 2. The business shall be owned and operated by the person (or a member of his or her immediate family) owning and occupying the premises on which the business is to be conducted.



## ZONING APPEAL APPLICATION – ALTOONA PLANNING CODE

(INSTRUCTIONS LOCATED ON THE REVERSE SIDE)

PLANNING & COMMUNITY  
DEVELOPMENT DEPARTMENT  
1301 12<sup>TH</sup> STREET, SUITE 400  
ALTOONA, PA 16601  
(814) 949-2465

PROPERTY LOCATION: 4601 6th Ave, Altoona PA 16602

PURPOSE OF APPEAL:

To request approval to continue a lawful pre-existing nonconforming self-storage use and to obtain a dimensional variance to reduce the required front yard setback from twenty (20) feet to fifteen (15) feet for construction of one additional self storage building.

DESCRIPTION OF PREMISES: Existing self-storage facility with two buildings and an associated gravel lot.

USE OF PREMISES: Self-storage facility

OFF-STREET PARKING: Existing gravel parking and drive aisles provided on site.

PLEASE FILL IN ALL PORTIONS BELOW, "SAME" AND "NON-APPLICABLE" IF NEEDED

### PROPERTY OWNER INFORMATION

NAME: Starr Storage Partners LLC

ADDRESS: 6957 Pawling St Phila PA 19128

PHONE: 215-808-8531

EMAIL: kevinstarr325@gmail.com

### APPLICANT INFORMATION

NAME: Kevin Starr

ADDRESS: 6957 Pawling St Phila PA 19128

PHONE: 215-808-8531

EMAIL: kevinstarr325@gmail.com

### DESIGN PROFESSIONAL INFORMATION

NAME: n/a

ADDRESS: n/a

PHONE: n/a

EMAIL: n/a

Signed by:

kevin l. starr

89A4C00C15194E6..  
SIGNATURE OF APPLICANT

01/06/2025

DATE

### OFFICE USE ONLY

VARIANCE \$500.00  APPEAL DETERMINATION \$500.00  OTHER

SPECIAL EXCEPTION \$500.00  APPEAL VIOLATION NOTICE \$500.00

PREVIOUS APPEAL TO ZONING HEARING BOARD?  YES  NO  UNKNOWN

SECTIONS AND PROVISIONS OF ZONING ORDINANCE RELIED UPON:

## ZONING HEARING BOARD NARRATIVE

Request for Approval of Continuation of a Lawful Pre-Existing Nonconforming Use and Related Dimensional Relief

Applicant

Kevin Starr

Starr Storage Partners LLC

Property

4601 6th Avenue

City of Altoona, Blair County, Pennsylvania 16602

Parcel ID's 01.14-11..-016.00-000 and 01.14-11..-017.00-000

### SECTION 1 — ZONING CONTEXT AND EXISTING USE

The subject property located at 4601 6th Avenue operates as a self-storage facility and has done so for many years. The self-storage use has existed prior to current ownership and is a lawful pre-existing nonconforming use.

The property functions today as a self-storage facility and has an established layout, access, and pattern of use that has been in place for a long time.

The applicant is not requesting a rezoning of the property and is not proposing a new or different use. The request before the Zoning Hearing Board is limited to continuing the existing self-storage use of the property by constructing one modestly sized storage building consistent with the existing use and operation of the site.

The proposed building fits within the existing layout of the site and blends in with the surrounding area. It will not change how the property operates, will not introduce new activity, and does not alter the character of the neighborhood. From the street and from nearby properties, the site would continue to look and function the same way it has for years.

The proposed improvement follows the way the property already operates and represents a continuation of an established use, rather than a change in use or introduction of a new activity.

Photos Below Show a few Pictures of the Property





## SECTION 2 — EXISTING SITE CONDITIONS

A Site Plan has been prepared for the property and is included with this application. The Site Plan shows the existing buildings, gravel areas, lot lines, setbacks, and the proposed location of the additional storage building.

The property consists of a single, bench area that was created years ago by prior ownership through hillside grading. All existing storage buildings, the access drive, and the gravel surface are located within this developed area. Steep banks and grade changes surround the back side of this bench and limit where any construction can reasonably occur.

The location proposed for the new building is currently an open gravel lot/area. Before the property was purchased by the current owner, this space lacked defined use and consistent management and was used intermittently for the storage of run-down vehicles, construction materials, and miscellaneous items. Because the area was open and unstructured, it did not function as an organized part of the facility.

Since acquiring the property, the applicant has cleaned this area up, and it is now empty. The Gravel Open Area currently sits empty and vacant; it has no defined purpose. Filling this space in with one additional storage building will bring it into the same organized, managed-use as the rest of the facility and prevent the area from reverting back to the conditions of pre-ownership.

The proposed building is located entirely within the existing developed gravel area shown on the Site Plan and Photos Below. Additionally, a limit of disturbance has been included on the Site Plan. No expansion into the surrounding hillside is proposed.

Below are Photos of Proposed location of Building, and respective Gravel area.

Photo showing the existing gravel area and general site conditions



Open gravel area where the proposed building will be located



### SECTION 3 — PROPOSED DEVELOPMENT

The Applicant proposes to construct one additional single-story self-storage building measuring approximately 2,000 square feet (40 feet by 50 feet). The building will consist solely of enclosed, drive-up storage units.

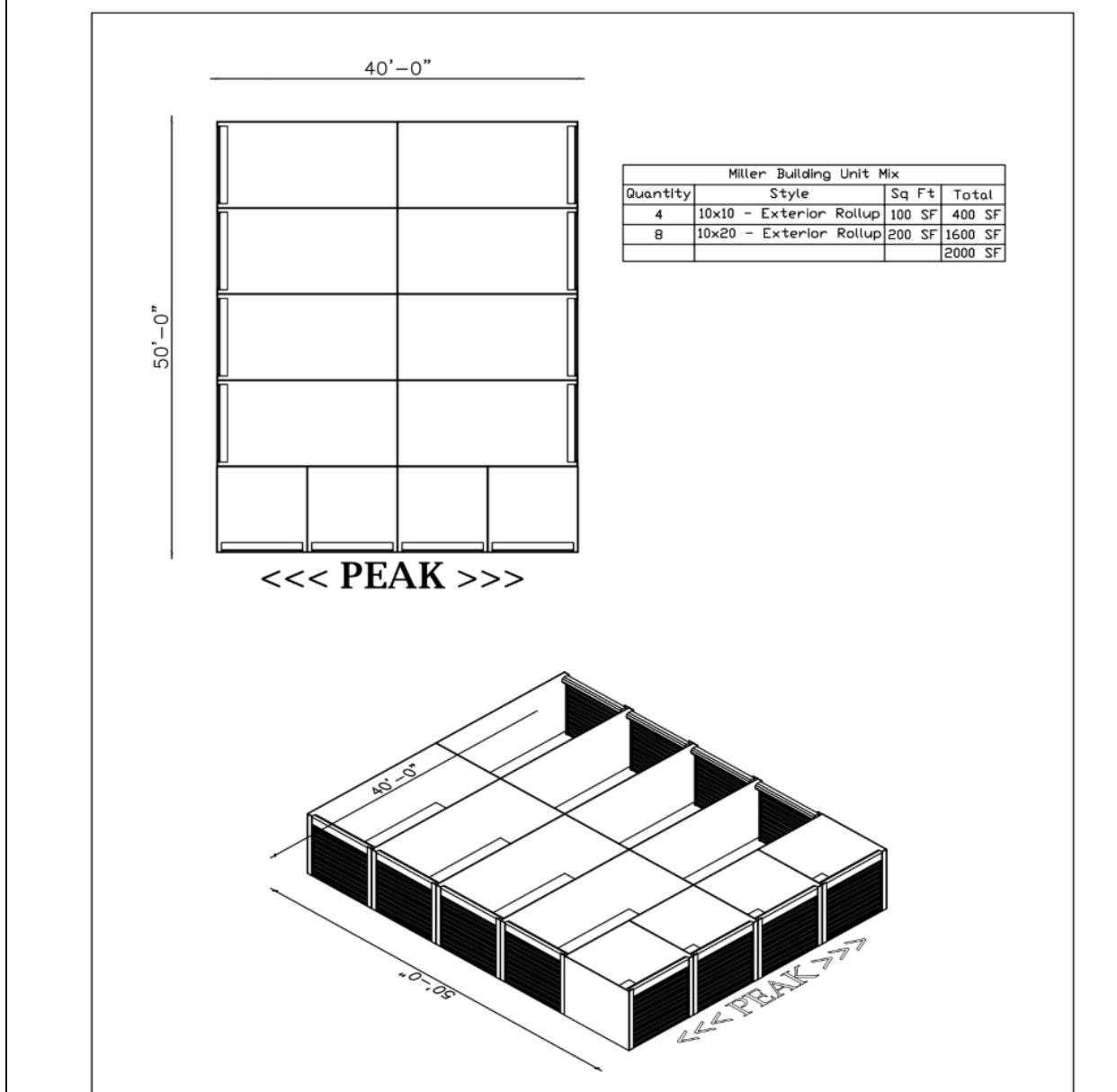
No office space, retail space, or on-site employees are proposed. The building will be used in the same manner as the existing storage buildings currently on the property. Tenant activity would be limited to occasional access for storage purposes, consistent with existing operations.

The proposed structure would not introduce a new use, would not intensify activity beyond the current operation, and would not change the nature of the site. There will be no outdoor storage, vehicle servicing, or other ancillary commercial activity associated with the building.

The portion of the site proposed for the new building is currently open gravel. In its current condition, this area does not serve an active function and can attract littering or informal/unwanted use. Filling this Open Gravel Area with the Proposed building would allow it

to be incorporated into the same orderly, managed use as the remainder of the property and prevent the area from reverting back to unstructured or informal use.

Below is a 2D/3D rendering showing the general appearance of and layout of the proposed building.



#### SECTION 4 — RELIEF REQUESTED

The applicant respectfully requests approval to continue a lawful pre-existing nonconforming self-storage use on a residentially zoned property by constructing one additional single-story self-storage building. In connection with this request, the applicant seeks a dimensional variance from the required front yard setback of approximately twenty (20) feet to permit a front yard setback of approximately fifteen (15) feet for the proposed building.

The proposed building is designed to be placed modestly within the existing development line of the site, consistent with the established layout and orientation of the existing storage buildings. The main existing storage building on the property is already located closer to the front lot line than the proposed building, and the proposed placement maintains a clean, orderly, and consistent site arrangement.

The requested relief is limited solely to the front yard setback. All other zoning requirements can be met without relief due to the size, configuration, and established development pattern of the property. Granting this limited variance allows the building to be located in the only practical developable area within the existing developed portion of the site, without expanding the use or pushing development into less suitable areas.

Below is a photo showing the existing buildings distance from the front lot line.



## SECTION 5 — BASIS FOR THE REQUEST

The basis for this request is straightforward.

The property contains a single, open gravel area, that is undeveloped. This open area represents the only practical location for an additional building. The proposed building's location is entirely within this undeveloped area, as shown on the Site Plan.

The placement of the building would follow the same orientation and alignment as the existing storage buildings, continuing the existing look of the storage facility.

Currently, the main Storage Building that sits parallel to 6<sup>th</sup> Ave is located approximately 12ft from the Front Lot Line. The requested front setback for the proposed building, would be set 15

ft back from the Front Lot Line, which would exceed the existing condition and remain consistent with the established pattern of the main building.

The proposed building represents a limited continuation of a lawful pre-existing nonconforming use. It does not introduce a new use, expand operations beyond the existing activity, add employees, or change how the property functions.

Approving the request allows the property to continue being used in an orderly, predictable manner consistent with its long-standing use.

## SECTION 6 — STORMWATER AND DRAINAGE

The proposed development will maintain existing drainage patterns on the site. The gravel surface will continue to allow for infiltration, and surface water will follow existing grades.

Under existing conditions, surface water generally flows toward the lower portion of the property, from that point, any runoff passes through an established grass buffer along 6<sup>th</sup> Avenue, which slows and filters water before it reaches the street and subsequent storm drain.

Any surface water reaching the roadway is conveyed to an existing municipal storm inlet by the natural slope of the road. The proposed building will not alter site grading, will not redirect runoff toward adjacent properties, and will not change established drainage behavior.

No additional stormwater facilities are required, and existing drainage conditions will remain unchanged.

## SECTION 7 — STATEMENT OF COMPLIANCE WITH PA MPC §910.2

### Unique Physical Conditions

The subject property contains unique physical conditions, including an existing bench area created through prior hillside grading, upon which all existing storage buildings, gravel drive aisles, and site improvements are located. Surrounding hillside conditions limit where any additional development can reasonably occur. These physical characteristics distinguish the property from others in the zoning district.

**The existing developed area also sits at a lower elevation than surrounding properties, so a building placed within this area would not be prominently visible to nearby properties. In**

**addition, the property is located across the street from existing industrial uses, further reducing any potential visual or character impact.**

**Hardship Not Self-Created**

The conditions behind this request existed before the applicant acquired the property. The current site layout, prior grading, and long-standing self-storage use were already established and have not been altered by the applicant. The developed portion of the site sits at a lower elevation than surrounding properties and is located across from existing industrial uses, both of which are pre-existing conditions. The applicant is simply working within the layout and footprint that has historically been used and did not create the circumstances giving rise to this request.

**No Alteration of Neighborhood Character**

The proposed building represents a continuation of an existing self-storage use and will not alter the essential character of the neighborhood. The building will function identically to the existing structures on the site and will not introduce new activity, traffic patterns, noise, or intensity of use beyond what has historically existed.

Placing a building within the existing open gravel area will also improve site management by enclosing an area that is currently open and difficult to control. A secured, enclosed structure is easier to monitor and maintain than an open area and will help discourage dumping, loitering, or other unwanted activity, resulting in a more orderly and better maintained property.

**Minimum Variance Necessary**

The applicant is requesting relief for a nonconforming building use and a reduction in the front yard setback. The requested 15-foot setback allows the proposed building to remain in line with the existing storage buildings on the property and maintain a consistent site layout. Shifting the building forward or backward from this alignment would interfere with the functional use of the site and could prevent the building from being constructed altogether. No additional relief is requested, and the setback reduction represents the minimum adjustment necessary to reasonably accommodate the proposed building.

**Public Health, Safety, and Welfare**

Granting the requested relief will not be detrimental to public health, safety, or welfare. The proposed building will function as part of the existing self-storage facility and will utilize existing access and circulation on the site. Filling in an open gravel area with a secured, managed building will reduce opportunities for loitering or dumping that can occur in open, unmanaged areas. The proposed improvement results in a more controlled, orderly, and maintainable site without creating new hazards or impacts to surrounding properties.

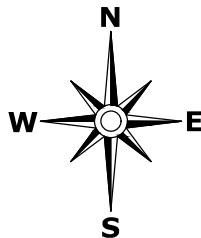
## SECTION 8 — CONCLUSION

The applicant's request represents a limited and reasonable continuation of a lawful, pre-existing nonconforming self-storage use on a residentially zoned property. The proposed building is modest in size, consistent with the existing development on the site, and located entirely within the area that has already been developed and used for this purpose.

The requested front yard setback relief is minimal, exceeds the setback of existing buildings on the property, and allows the proposed building to remain aligned with the established site layout. Granting this relief will allow the property to continue functioning in an orderly and predictable manner consistent with its historical use.

For these reasons, the applicant respectfully requests approval of the proposed building and the associated dimensional relief.





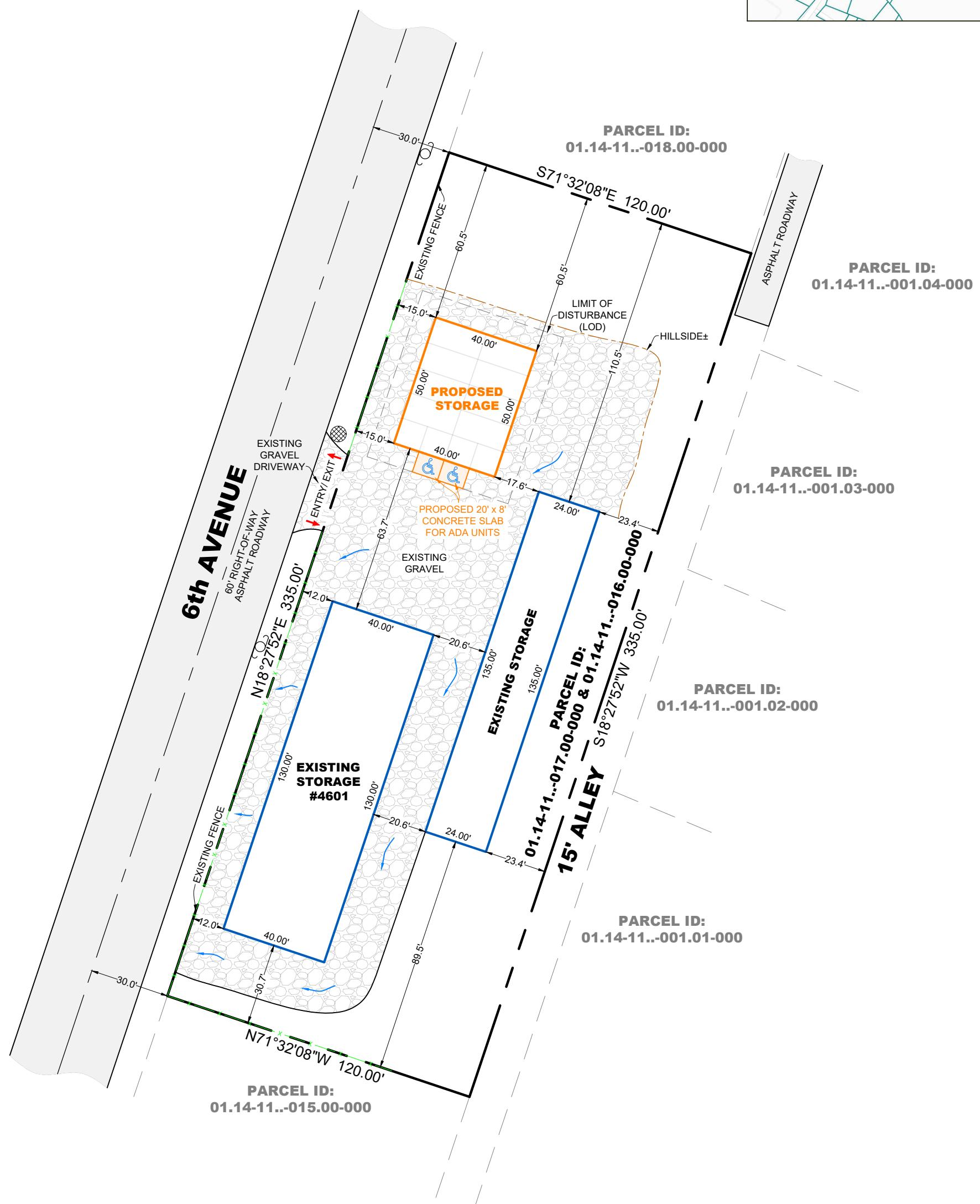
SCALE: 1" = 40'

# SITE PLAN

4601 6th AVENUE, ALTOONA, PA 16602

## LOCATION SKETCH

**NOT TO SCALE**



#### GENERAL NOTES:

1. THIS SURVEY IS BASED UPON RECORD INFORMATION PROVIDED BY CLIENT.  
NO SPECIFIC SEARCH OF THE PUBLIC RECORD HAS BEEN MADE BY THIS OFFICE  
UNLESS OTHERWISE NOTED.
2. GRAPHIC REPRESENTATIONS MAY HAVE BEEN EXAGGERATED TO MORE  
CLEARLY ILLUSTRATE MEASURED RELATIONSHIPS - DIMENSIONS SHALL HAVE  
PREFERENCE OVER COALIGNED POSITIONS.

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**LEGEND:**

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#### PROJECT INFORMATION

PARCEL ID: 01.14-11-..017.00-000 & 01.14-11-..016.00-000  
OWNER NAME: SAYLOR RICHARD H & MARCIA  
LOT AREA: 40200.00 SQ.FT.  
0.922 ACRES

**LEGAL DESCRIPTION:**

THE SUBJECT PROPERTY CONSISTS OF LOTS 12 THROUGH 17, BLOCK G, TOGETHER WITH A 50-FOOT UNOPENED STREET, AND LOTS 1 THROUGH 11, BLOCK H.

Size: 11"x17" Date of Field Work :12/22/2025 Drawn by: DanPlans

have not been approved in the specified time period, a permit extension may be requested through the Zoning Hearing Board. In such cases, the zoning permit shall remain valid until the Board renders its decision.

- F. Inspections. In order to determine if the information submitted on or with an application is true and is being adhered to, the Zoning Officer shall have the authority to enter any building, structure, premises, property, or development in the City at any reasonable hour upon presentation of proper credentials. If the party seeking a zoning permit believes that the denial of a zoning permit was made in error, he or she may appeal.
- G. Revocation of permits. If the Zoning Officer discovers that the development does not comply with the approved application or any applicable laws or ordinances, or if the permit fee required by this chapter has not been paid, or if the Zoning Officer determines that an applicant has made any false statements or misrepresentations regarding the development, the Zoning Officer shall revoke the zoning permit and proceed with whatever legal action is necessary to correct the violation.
- H. Permits issued in error. Any zoning permits issued in error shall be null and void.
- I. Appeals. The applicant may appeal the denial of a zoning permit, and aggrieved persons may appeal the issuance of a zoning permit.

## Section 800-84

### Vested Rights and Development Changes

- A. Nothing in this chapter shall require any change in the development or use of a lot or structure for which a zoning permit was officially filed prior to September 8, 2025, or the effective date of an amendment to this chapter; however, no properties or buildings shall deviate from the plans and other information submitted and approved under prior ordinances. Conditional uses, special exceptions, and variances issued under prior ordinances shall become nonconforming uses or structures on September 8, 2025, and all changes from the original plans shall be treated as changes to nonconforming uses under Article III of this chapter, unless such changes comply with this chapter.
- B. If a zoning permit is issued, the involved development shall not deviate from the plans and other information submitted to the Zoning Officer without the written approval of the Zoning Officer, or the City Council in the case of a conditional or temporary use, and the Zoning Hearing Board in the case of a special exception or variance. Requests for all such approvals shall be submitted in writing to the Zoning Officer.

## Section 800-85

### Nonconforming Buildings and Uses

- A. Purpose.
  - 1. The districts established by this chapter constitute the proper location for the specific enumerated uses, buildings, and other structures permitted therein. Within such districts, however, there exist nonconformities that were lawfully in existence before September 8, 2025 (or the effective dates of subsequent amendments), but are prohibited under the terms of this chapter. Future amendments to this chapter may be expected to create additional nonconformities.

2. The legitimate interests of those who established these nonconformities are recognized in this chapter by permitting such nonconformities to continue, subject to regulations for and limitations upon their completion, restoration, reconstruction, extension, and substitution. It is recognized, however, that nonconformities substantially and adversely affect the orderly development, maintenance, use, and taxable value of other property in the district – property that is itself subject to the regulations of this chapter. In order to secure eventual compliance with the standards of this chapter, it is, therefore, necessary to strictly regulate nonconformities and to prevent the reestablishment of nonconformities that have been discontinued.
3. Accordingly, the following sections divide nonconformities into five classes and provide appropriate regulations for each class. These classes are:
  - a. Vacant lots smaller than the minimum size, width, depth, or any combination thereof, required by this chapter.
  - b. Nonconforming buildings and structures used for a permitted use.
  - c. Nonconforming uses of conforming buildings and structures.
  - d. Nonconforming buildings and structures used for a nonconforming use.
  - e. Nonconforming use of land.
4. In the case of existing residential uses and structures in any nonresidential zone, regulations for the geographically closest residential district for setbacks, height, areas and coverage shall apply.

B. Nonconforming vacant lots.

1. A "prerecorded nonconforming lot" is a lot consisting entirely of a tract of land that:
  - a. Has less than the prescribed minimum lot size, width, depth, or any combination thereof, for the district in which it is located.
  - b. Is shown by a recorded plat or deed to have been owned separately and individually from adjoining tracts of land at a time when the creation of a lot of such size, width, depth, or any combination thereof, at such location would not have been prohibited by any zoning ordinance.
  - c. Has remained in separate and individual ownership from adjoining tracts or land continuously during the entire time that the creation of such lot has been prohibited by the applicable zoning ordinance.
2. If the development on such a lot cannot conform to the side yard requirements of the district in which it is located, then the development must conform to a requirement of three feet for each side yard. On a corner lot, the side yard abutting the street shall not be less than 10 feet.

C. Nonconforming buildings and structures used for permitted uses.

1. A lawfully existing building or other structure which contains a conforming use, but which does not comply with the applicable lot size requirements, building bulk limitations, or off-street parking requirements, may be continued so long as it remains otherwise lawful. Such buildings or other structures are referred to in this article as "nonconforming buildings" and are subject to all of the following regulations:
2. Ordinary repair and maintenance.
  - a. Ordinary maintenance and repair work, or repair and replacement of nonbearing walls, fixtures, wiring, or plumbing may be accomplished; provided, however, that this paragraph shall not be deemed to authorize any violation of this section.
  - b. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of a nonconforming building, subject to the provisions of this section, in accordance with the order of a public official who is charged with protecting the public safety and who declares such building to be unsafe and orders its restoration to a safe condition.
3. Repairs and alterations. Repairs, maintenance, and alterations may be made to a nonconforming building or structure, except that no structural alteration shall be made in or to such building or structure except those required by law and except those making the building or structure and use thereof conform, or more closely conform, to the regulations of the district in which it is located.
4. Enlargements. No nonconforming building shall be enlarged or added to in any manner unless such building and the use thereof shall thereafter conform to, or more closely conform to, the regulations of the district in which it is located.
5. Reconstruction. In the event that a nonconforming building or structure used for a permitted use is damaged or destroyed by any means to such an extent that the cost of restoring it to its condition prior to damage or destruction exceeds 50% of the current replacement cost of the entire building, exclusive of foundations, such building and use shall not be restored unless it shall thereafter conform to the regulations for the district in which it is located.
6. Moving. No nonconforming building or other structure shall be moved in whole or in part, for any distance whatever, to any other relocation on the same lot or any other lot, unless the entire building and the use thereof shall thereafter conform to the regulations of the district in which it is located after being moved.
7. Multiple buildings on a lot. In the event that a lot is occupied by two or more buildings, and the use of the buildings is a permitted use under this chapter, and the owner desires to sell one or more of said structures, thus requiring a lot split or subdivision plan to be prepared and approved by the Planning Commission, effectively making the remaining lots not comply with the yard area and

lot coverage requirements as set forth in this chapter, then said requirements shall not apply.

D. Conforming buildings and structures used for nonconforming uses.

1. A lawfully existing nonconforming use of part or all of a building or structure may be continued, subject to all of the following provisions:
2. Expansion of nonconforming use. A nonconforming use of a part of a building or structure may be expanded or extended into any other portion of such building or structure, provided that such expansion or extension shall not in any case be detrimental to or tend to alter the character of the neighborhood and that approval therefor be granted by the Zoning Hearing Board.
3. Change of nonconforming use. A nonconforming use all or partially conducted in a structure or structures may be changed to another nonconforming use only upon determination by the Zoning Hearing Board, after public hearing, that the proposed new use will be more conforming to its neighborhood and surroundings than the use it is to replace. With the application, the applicant shall submit a brief report. This report shall take into consideration such factors, among others, as traffic generated; nuisance characteristics, such as emission of noise, dust, odors and smoke, creation of vibrations and fire hazards; the hours and manner of operation. [Amended 7-12-2017 by Ord. No. 5706]
4. Discontinuance of nonconforming use. A use occupying a building or structure, not conforming to the regulations of the district in which it is located, that is discontinued during any continuous period of 12 months shall not be continued, and said building or structure shall only be occupied by a use which conforms to the district in which it is located.
5. Reconstruction. In the event that a conforming building or structure containing a nonconforming use is damaged or destroyed by any means, voluntary or involuntarily, said building may be restored. If the owner chooses to reconstruct the conforming building or structure, the nonconforming use must be reinstated within 12 months.
6. Moving. No building or other structure that is devoted in whole or in part to a nonconforming use shall be moved in whole or in part, for any distance whatsoever, to any other lot, unless the entire building or other structure and the use thereof shall thereafter conform to the regulations of the district in which it is located after being so moved. Moreover, no nonconforming use of land shall be moved in whole or in part, for any distance whatsoever, to any other location on the same or any other lot, unless such use shall thereafter conform to the regulations of the district in which it is located after being moved.

E. Nonconforming buildings and structures used for nonconforming uses.

1. A lawfully existing nonconforming building or other structure which contains a lawfully existing nonconforming use of part or all of said building or structure may be continued, subject to all the following provisions:

2. Ordinary repair and maintenance of nonconforming building or structure.
  - a. Ordinary maintenance and repair work or repair and replacement of nonbearing walls, fixtures, wiring, or plumbing may be accomplished; provided, however, that this paragraph shall not be deemed to authorize any violation of this section.
  - b. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of a nonconforming building subject to the provisions of this section in accordance with the order of a public official who declares such building to be unsafe and orders its restoration to a safe condition.
3. Repairs and alterations to a nonconforming building or structure. Repairs, maintenance, alterations, and modernization may be made to a nonconforming building or structure, except that no structural alteration shall be made in or to such building or structure except those required by law and except those making the building or structure and use thereof conform, or more closely conform, to the regulations of the district in which it is located.
4. Enlargements of nonconforming building or structure. No nonconforming building or structure shall be enlarged or added to in any manner unless such building or structure shall thereafter conform to, or more closely conform to, the regulations of the district in which it is located.
5. Expansion of nonconforming use. A nonconforming use of a part of a nonconforming building or structure may be expanded or extended into any portion of such building or structure, provided that such expansion or extension shall not in any case be detrimental to or tend to alter the character of the neighborhood and that approval therefor be granted by the Zoning Hearing Board.
6. Change of nonconforming use. A nonconforming use all or partially conducted in a nonconforming structure or structures may be changed to another nonconforming use only upon determination by the Zoning Hearing Board, after public hearing, that the proposed new use will be more conforming to its neighborhood and surroundings than the use it is to replace. With the application, the applicant shall submit a brief report. This report shall take into consideration such factors, among others, as traffic generated; nuisance characteristics, such as emission of noise, dust, odors, and smoke, creation of vibrations and fire hazards; the hours and manner of operation. [Amended 7-12-2017 by Ord. No. 5706]
7. Discontinuance of nonconforming use. A use occupying a nonconforming building or structure not conforming to the regulations of the district in which it is located that is discontinued during any continuous period of 12 months shall not be continued, and said building or structure shall only be occupied by a use which conforms to the district in which it is located.

8. Reconstruction. In the event that a nonconforming use within a nonconforming building or structure damaged or destroyed by any involuntary means to such an extent that the cost of restoring it to its condition prior to damage or destruction exceeds 50% of the current replacement cost of the entire building, exclusive of foundations, such building and use shall not be restored unless it shall thereafter conform to the regulations for the district in which it is located.
9. Moving. No nonconforming building or other structure that is devoted in whole or in part to a nonconforming use shall be moved in whole or in part, for any distance whatsoever, to any other lot, unless the entire building or other structure and the use thereof shall thereafter conform to the regulations of the district in which it is located after being so moved. Moreover, no nonconforming use of land shall be moved in whole or in part, for any distance whatever, to any other location on the same or any other lot, unless such use shall thereafter conform to the regulations of the district in which it is located after being moved.
10. Multiple buildings on a lot. In the event that a lot is occupied by two or more buildings, and the use of the buildings is a permitted use under this chapter, and the owner desires to sell one or more of said structures, thus requiring a lot split or subdivision plan to be prepared and approved by the Planning Commission, effectively making the remaining lots not comply with the yard area and lot coverage requirements as set forth in this chapter, then said requirements shall not apply.

**F. Nonconforming use of land.**

1. The nonconforming use of land may be continued, subject to all of the following provisions:
  - a. Expansion of use. A nonconforming use of land may be expanded, provided that such expansion not be detrimental to or tend to alter the character of the neighborhood and that approval therefor be granted by the Zoning Hearing Board.
  - b. Discontinuance of use. A use not conforming to the regulations of the district in which it is located prior to the ordinance's date of enactment, which is discontinued and is not renewed during any continuous period of 12 months, shall not be renewed except by a use that conforms to the use regulations of the district in which the land is located.

**G. Other legal nonconformities.**

1. All variances, special exceptions, conditional uses, and uses by special permission issued under previous zoning ordinances are hereby extinguished and are converted to legal nonconformities so long as such nonconformities continue as they were under the previous ordinance(s).
2. Uses, land, and buildings which were illegal under previous ordinances shall remain illegal under this chapter. It shall be incumbent on the owner to prove the legality of such uses if the legality is in question.

H. Registration of nonconforming uses.

1. All nonconforming uses, structures and lots may be continued, subject to the provisions set forth in this Article III. The Zoning Officer shall identify properties and maintain a file for the registration of nonconforming uses, structures and lots. The owner of any nonconforming structure or lot, or the owner who maintains or allows any nonconforming use, may apply for a certificate of nonconformity on forms prepared by the Zoning Officer. The Zoning Officer shall investigate each request for a certificate of nonconformity to determine the existence and extent of the nonconformity. Upon determining that such nonconformity exists, the Zoning Officer shall prepare a report describing the nature and extent of the nonconformity. If no valid nonconformity is determined to exist, the Zoning Officer shall make a report of the results of the Zoning Officer's investigation. Such report shall constitute a certificate of nonconformity to the extent such a valid nonconformity is reported to exist and is described. A copy of such report and determination shall be sent to the applying owner and to any other interested party. A copy of such report shall be placed in the registration file, regardless of the determination. Any person aggrieved by the report shall have a right to appeal to the Zoning Hearing Board as from the decision of the Zoning Officer.
2. The lawful use of any building, structure or land existing at the time of enactment of the ordinance causing such use to be nonconforming may be continued as provided by law although such use does not conform with the provisions of such ordinance.

## Section 800-86

### Enforcement of Provisions

A. Where relevant and not specified elsewhere in this chapter, enforcement for any provision and/or regulation in this chapter shall be conducted as specified in the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as reenacted and amended. See 53 P.S. § 10101 et seq.

B. The Zoning Administrator, or their authorized designee, shall be responsible for administering and enforcing the provisions of this Zoning Ordinance. This authority includes investigating potential violations, conducting site inspections, issuing written notices of violation, and initiating enforcement actions in accordance with this Ordinance and applicable state law.

C. Notice of Violation

1. When the Zoning Administrator determines that a violation of the Zoning Ordinance has occurred or is occurring, they shall issue a written Notice of Violation to the property owner, tenant, or other responsible party. The notice shall include:
  - a. A description of the violation and the specific code section(s) violated;
  - b. The corrective action required to remedy the violation;
  - c. A deadline for compliance; and
  - d. A statement of potential penalties and appeal procedures.



PLANNING & COMMUNITY  
DEVELOPMENT DEPARTMENT  
1301 12<sup>TH</sup> STREET, SUITE 400  
ALTOONA, PA 16601  
(814) 949-2465

## ZONING APPEAL APPLICATION – ALTOONA PLANNING CODE

(INSTRUCTIONS LOCATED ON THE REVERSE SIDE)

PROPERTY LOCATION: 3709 BEALE AVENUE, ALTOONA, PA 16601

PURPOSE OF APPEAL:

PLEASE SEE THE ATTACHED NARRATIVE.

DESCRIPTION OF PREMISES: PLEASE SEE THE ATTACHED NARRATIVE.

USE OF PREMISES: LIGHT MANUFACTURING

OFF-STREET PARKING:

PLEASE FILL IN ALL PORTIONS BELOW, "SAME" AND "NON-APPLICABLE" IF NEEDED

### PROPERTY OWNER INFORMATION

NAME: T&R TRADING, LLC

ADDRESS: 934 SYBERTON ROAD, GALLITZIN, PA 16641

PHONE: (800) 829-6337

EMAIL: tbuck@amerway.com

### APPLICANT INFORMATION

NAME: AMERWAY, INC.

ADDRESS: 3701 BEALE AVENUE, ALTOONA, PA 16601

PHONE: (800) 829-6337

EMAIL: tbuck@amerway.com

### DESIGN PROFESSIONAL INFORMATION

NAME: GWIN, DOBSON & FOREMAN, INC.

ADDRESS: 3121 FAIRWAY DRIVE, ALTOONA, PA 16602

PHONE: (814) 943-5214

EMAIL: kbeldin@gdfengineers.com

*Rachel B. Buck*

*1/20/2026*

DATE

SIGNATURE OF APPLICANT

### OFFICE USE ONLY

VARIANCE \$500.00

APPEAL DETERMINATION

\$500.00

OTHER

SPECIAL EXCEPTION \$500.00

APPEAL VIOLATION NOTICE

\$500.00

PREVIOUS APPEAL TO ZONING HEARING BOARD?  YES  NO  UNKNOWN

SECTIONS AND PROVISIONS OF ZONING ORDINANCE RELIED UPON:

**Zoning Hearing Board Request Narrative  
City of Altoona, Blair County, Pennsylvania  
Amerway, Inc.**

**Request for the Continuance of Nonconforming Use of Land**

**PROJECT SCOPE AND PURPOSE**

Amerway, Inc. (Amerway) is a manufacturer of solder and flux for use in stained glass, industrial applications and in the electronics industry. These products are manufactured at Amerway's production facility located at 3701 – 3709 Beale Avenue, Altoona, PA 16601. The production facility is situated within the Industrial Flex (I-F) Zoning District as reflected on the official City of Altoona Zoning Map dated September 2025. The existing use of the property for light manufacturing is a permitted use by right in the I-F District as per Section 800-29. (Principal Use Table) of the City of Altoona Zoning Ordinance as adopted under Ordinance No. 5833 on September 8, 2025.

Amerway is pursuing a No Exposure Certification under the National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges of Stormwater Associated with Industrial Activity (PAG-03) through the Pennsylvania Department of Environmental Protection (DEP). The No Exposure Certification is intended to provide evidence to DEP that any stored materials, products, wastes or operations associated with the manufacturing process are not subject to exposure to precipitation which may generate point source pollution in runoff from the site. Currently, Amerway stores some materials in areas that are exposed directly to the elements. The purpose of the proposed 4,089 square foot canopy addition to the building located at 3709 Beale Avenue as shown on the enclosed drawings is to provide a covered storage area that is protected from precipitation.

**ZONING HEARING BOARD REQUEST**

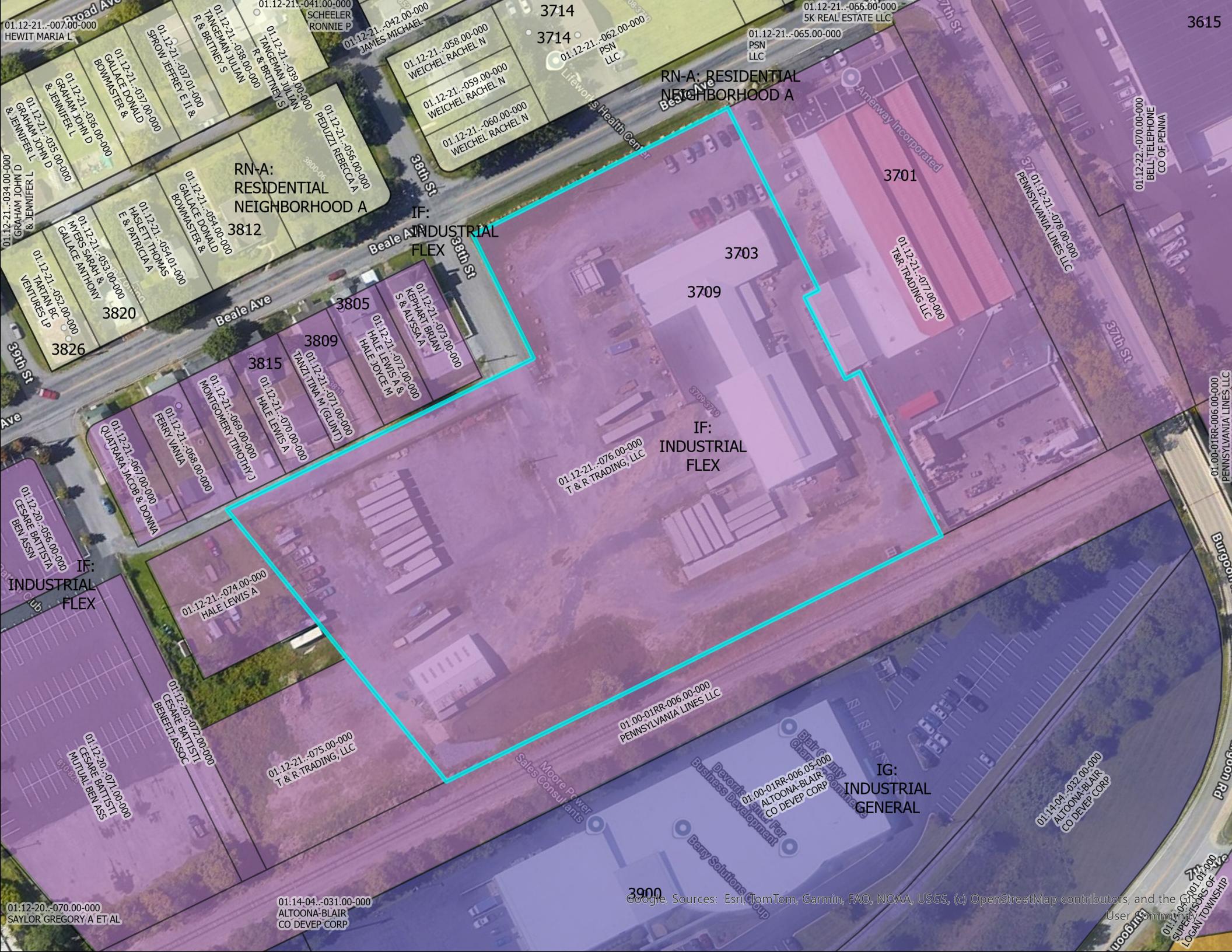
As indicated on the enclosed drawings, the parcel on which the proposed canopy addition is to be constructed generally conforms to the bulk district regulations of the I-F District as presented in Section 800-22. of the City's Zoning Ordinance. The exception to this conformance is in regards to the maximum lot coverage of 75% stipulated in Section 800-22.B.1.D. of the Zoning Ordinance. Parcel ID No. 01.12-21..-076.00-000 has an area of 194,132 square feet or 4.457 acres. The maximum allowable lot coverage by ordinance is therefore 145,599 square feet.

Parcel ID No. 01.12-21..-076.00-000 currently has building coverage of 24,228 square feet, impervious coverage of 132,668 square feet and total lot coverage of 156,896 square feet. This equates to an existing lot coverage of 80.8% and the parcel is currently in nonconformance relating to maximum lot coverage.

The proposed canopy will create an additional 4,089 square feet of building coverage over an area that is currently occupied by concrete and compacted aggregate surfaces. As such, there will be no net increase in impervious surfaces and the lot coverage will remain the same after installation of the canopy.

As per Section 800-85.F.1.a. of the Zoning Ordinance, the nonconforming use of land may be expanded, provided that such expansion not be detrimental to or tend to alter the character of the neighborhood and that approval therefor be granted by the Zoning Hearing Board (ZHB). The installation of the canopy is proposed to mitigate the potential for the generation of point source pollution that is currently not available at the facility. The canopy is to be constructed on the northeastern corner of the building that occupies 3709 Beale Avenue. The existing building will provide visual screening of the canopy to the adjacent residences to the southwest and the view will remain unchanged. The remaining adjacent properties are industrially zoned which requires no additional screening and visual impacts are less of a concern. No increased traffic or parking demand will be generated as the canopy will not increase production capacity that would necessitate additional employees entering and exiting the facility. As such, the essential character of the neighborhood will remain unchanged while providing enhanced protection from the possible generation and conveyance of pollutants to the environment.

Due to these factors, Amerway, Inc. respectfully requests that the City of Altoona Zoning Hearing Board grant a special exception for the continued use of the nonconforming land relating to maximum lot coverage for a permitted use by right in the I-F Zoning District as described above.



## **Section 800-22**

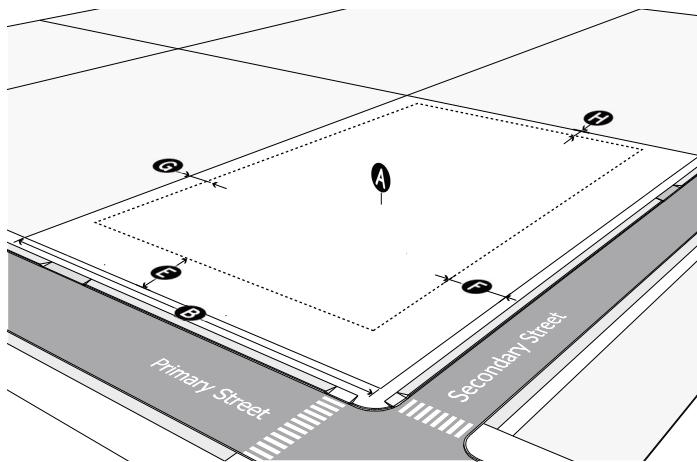
## Industrial Flex - (IF)

## Industrial Flex (I-F)

## A. Purpose

Industrial Flex (I-F) is intended to provide areas for large footprint buildings and surface parking lots to accommodate a variety of light industrial and manufacturing uses while allowing for some retail, service, and commercial activity.

## **B. Lots & Parking**



## 1. LOT AREA AND COVERAGE

A	Lot area [min]	6,000 sf
B	Lot width [min]	75 ft
C	Frontage	75 ft
D	Lot coverage [max]	75% <sup>1</sup>

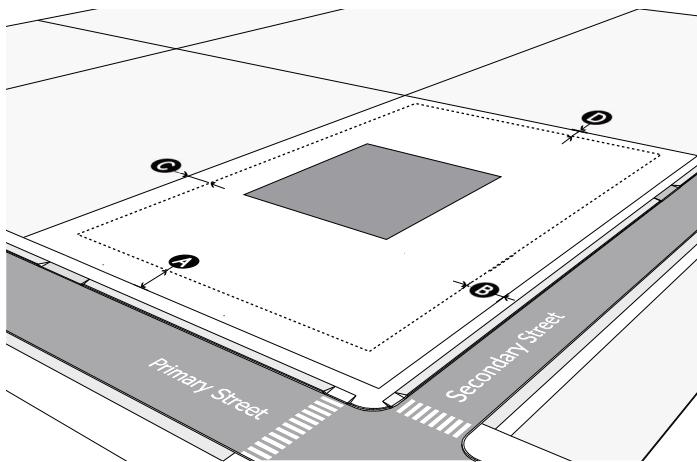
<sup>1</sup> Includes all impervious surfaces.

## 2. PARKING LOCATION, SETBACKS, AND ACCESS

<b>E</b>	Primary street yard [min]	20 ft
<b>F</b>	Secondary street yard setback [min]	20 ft
<b>G</b>	Side yard setback [min]	15 ft
<b>H</b>	Rear yard setback [min]	10 ft
<b>I</b>	Driveway width [max]	See Chap 300

11

## C. Building Placement



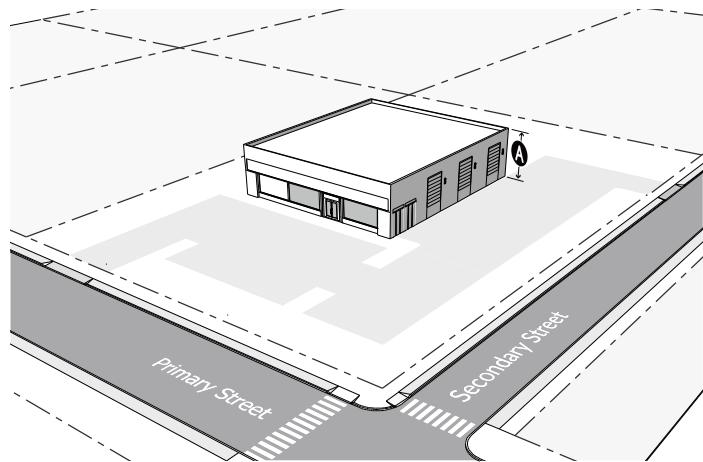
### 1. PRIMARY STRUCTURE SETBACKS

A	Primary street setback [min]	15 ft
B	Secondary street setback [min]	15 ft
C	Side setback [min]	15 ft
	Abutting a residential lot line	20 ft
D	Rear setback [min]	10 ft

### 2. ACCESSORY STRUCTURE SETBACKS

E	Rear of principal structure	10 ft
F	Side lot line with lot width 25 feet or less	18 in
G	Side lot line with lot width greater than 25 feet	3 ft
H	Rear lot line	7 ft

## D. Building Composition



### 1. HEIGHT

A	Building height	
	Primary building height [max]	100 ft
	Accessory building / structure	25 ft

### 2. WIDTH

B	Primary street facing building width [max]	N/A
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### 3. ENTRANCE

C	Primary street facing entrance	None
D	Sidewalk from entrance to public sidewalk	None

have not been approved in the specified time period, a permit extension may be requested through the Zoning Hearing Board. In such cases, the zoning permit shall remain valid until the Board renders its decision.

- F. Inspections. In order to determine if the information submitted on or with an application is true and is being adhered to, the Zoning Officer shall have the authority to enter any building, structure, premises, property, or development in the City at any reasonable hour upon presentation of proper credentials. If the party seeking a zoning permit believes that the denial of a zoning permit was made in error, he or she may appeal.
- G. Revocation of permits. If the Zoning Officer discovers that the development does not comply with the approved application or any applicable laws or ordinances, or if the permit fee required by this chapter has not been paid, or if the Zoning Officer determines that an applicant has made any false statements or misrepresentations regarding the development, the Zoning Officer shall revoke the zoning permit and proceed with whatever legal action is necessary to correct the violation.
- H. Permits issued in error. Any zoning permits issued in error shall be null and void.
- I. Appeals. The applicant may appeal the denial of a zoning permit, and aggrieved persons may appeal the issuance of a zoning permit.

## Section 800-84

### Vested Rights and Development Changes

- A. Nothing in this chapter shall require any change in the development or use of a lot or structure for which a zoning permit was officially filed prior to September 8, 2025, or the effective date of an amendment to this chapter; however, no properties or buildings shall deviate from the plans and other information submitted and approved under prior ordinances. Conditional uses, special exceptions, and variances issued under prior ordinances shall become nonconforming uses or structures on September 8, 2025, and all changes from the original plans shall be treated as changes to nonconforming uses under Article III of this chapter, unless such changes comply with this chapter.
- B. If a zoning permit is issued, the involved development shall not deviate from the plans and other information submitted to the Zoning Officer without the written approval of the Zoning Officer, or the City Council in the case of a conditional or temporary use, and the Zoning Hearing Board in the case of a special exception or variance. Requests for all such approvals shall be submitted in writing to the Zoning Officer.

## Section 800-85

### Nonconforming Buildings and Uses

- A. Purpose.
  - 1. The districts established by this chapter constitute the proper location for the specific enumerated uses, buildings, and other structures permitted therein. Within such districts, however, there exist nonconformities that were lawfully in existence before September 8, 2025 (or the effective dates of subsequent amendments), but are prohibited under the terms of this chapter. Future amendments to this chapter may be expected to create additional nonconformities.

2. The legitimate interests of those who established these nonconformities are recognized in this chapter by permitting such nonconformities to continue, subject to regulations for and limitations upon their completion, restoration, reconstruction, extension, and substitution. It is recognized, however, that nonconformities substantially and adversely affect the orderly development, maintenance, use, and taxable value of other property in the district – property that is itself subject to the regulations of this chapter. In order to secure eventual compliance with the standards of this chapter, it is, therefore, necessary to strictly regulate nonconformities and to prevent the reestablishment of nonconformities that have been discontinued.
3. Accordingly, the following sections divide nonconformities into five classes and provide appropriate regulations for each class. These classes are:
  - a. Vacant lots smaller than the minimum size, width, depth, or any combination thereof, required by this chapter.
  - b. Nonconforming buildings and structures used for a permitted use.
  - c. Nonconforming uses of conforming buildings and structures.
  - d. Nonconforming buildings and structures used for a nonconforming use.
  - e. Nonconforming use of land.
4. In the case of existing residential uses and structures in any nonresidential zone, regulations for the geographically closest residential district for setbacks, height, areas and coverage shall apply.

B. Nonconforming vacant lots.

1. A "prerecorded nonconforming lot" is a lot consisting entirely of a tract of land that:
  - a. Has less than the prescribed minimum lot size, width, depth, or any combination thereof, for the district in which it is located.
  - b. Is shown by a recorded plat or deed to have been owned separately and individually from adjoining tracts of land at a time when the creation of a lot of such size, width, depth, or any combination thereof, at such location would not have been prohibited by any zoning ordinance.
  - c. Has remained in separate and individual ownership from adjoining tracts or land continuously during the entire time that the creation of such lot has been prohibited by the applicable zoning ordinance.
2. If the development on such a lot cannot conform to the side yard requirements of the district in which it is located, then the development must conform to a requirement of three feet for each side yard. On a corner lot, the side yard abutting the street shall not be less than 10 feet.

C. Nonconforming buildings and structures used for permitted uses.

1. A lawfully existing building or other structure which contains a conforming use, but which does not comply with the applicable lot size requirements, building bulk limitations, or off-street parking requirements, may be continued so long as it remains otherwise lawful. Such buildings or other structures are referred to in this article as "nonconforming buildings" and are subject to all of the following regulations:
2. Ordinary repair and maintenance.
  - a. Ordinary maintenance and repair work, or repair and replacement of nonbearing walls, fixtures, wiring, or plumbing may be accomplished; provided, however, that this paragraph shall not be deemed to authorize any violation of this section.
  - b. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of a nonconforming building, subject to the provisions of this section, in accordance with the order of a public official who is charged with protecting the public safety and who declares such building to be unsafe and orders its restoration to a safe condition.
3. Repairs and alterations. Repairs, maintenance, and alterations may be made to a nonconforming building or structure, except that no structural alteration shall be made in or to such building or structure except those required by law and except those making the building or structure and use thereof conform, or more closely conform, to the regulations of the district in which it is located.
4. Enlargements. No nonconforming building shall be enlarged or added to in any manner unless such building and the use thereof shall thereafter conform to, or more closely conform to, the regulations of the district in which it is located.
5. Reconstruction. In the event that a nonconforming building or structure used for a permitted use is damaged or destroyed by any means to such an extent that the cost of restoring it to its condition prior to damage or destruction exceeds 50% of the current replacement cost of the entire building, exclusive of foundations, such building and use shall not be restored unless it shall thereafter conform to the regulations for the district in which it is located.
6. Moving. No nonconforming building or other structure shall be moved in whole or in part, for any distance whatever, to any other relocation on the same lot or any other lot, unless the entire building and the use thereof shall thereafter conform to the regulations of the district in which it is located after being moved.
7. Multiple buildings on a lot. In the event that a lot is occupied by two or more buildings, and the use of the buildings is a permitted use under this chapter, and the owner desires to sell one or more of said structures, thus requiring a lot split or subdivision plan to be prepared and approved by the Planning Commission, effectively making the remaining lots not comply with the yard area and

lot coverage requirements as set forth in this chapter, then said requirements shall not apply.

D. Conforming buildings and structures used for nonconforming uses.

1. A lawfully existing nonconforming use of part or all of a building or structure may be continued, subject to all of the following provisions:
2. Expansion of nonconforming use. A nonconforming use of a part of a building or structure may be expanded or extended into any other portion of such building or structure, provided that such expansion or extension shall not in any case be detrimental to or tend to alter the character of the neighborhood and that approval therefor be granted by the Zoning Hearing Board.
3. Change of nonconforming use. A nonconforming use all or partially conducted in a structure or structures may be changed to another nonconforming use only upon determination by the Zoning Hearing Board, after public hearing, that the proposed new use will be more conforming to its neighborhood and surroundings than the use it is to replace. With the application, the applicant shall submit a brief report. This report shall take into consideration such factors, among others, as traffic generated; nuisance characteristics, such as emission of noise, dust, odors and smoke, creation of vibrations and fire hazards; the hours and manner of operation. [Amended 7-12-2017 by Ord. No. 5706]
4. Discontinuance of nonconforming use. A use occupying a building or structure, not conforming to the regulations of the district in which it is located, that is discontinued during any continuous period of 12 months shall not be continued, and said building or structure shall only be occupied by a use which conforms to the district in which it is located.
5. Reconstruction. In the event that a conforming building or structure containing a nonconforming use is damaged or destroyed by any means, voluntary or involuntarily, said building may be restored. If the owner chooses to reconstruct the conforming building or structure, the nonconforming use must be reinstated within 12 months.
6. Moving. No building or other structure that is devoted in whole or in part to a nonconforming use shall be moved in whole or in part, for any distance whatsoever, to any other lot, unless the entire building or other structure and the use thereof shall thereafter conform to the regulations of the district in which it is located after being so moved. Moreover, no nonconforming use of land shall be moved in whole or in part, for any distance whatsoever, to any other location on the same or any other lot, unless such use shall thereafter conform to the regulations of the district in which it is located after being moved.

E. Nonconforming buildings and structures used for nonconforming uses.

1. A lawfully existing nonconforming building or other structure which contains a lawfully existing nonconforming use of part or all of said building or structure may be continued, subject to all the following provisions:

2. Ordinary repair and maintenance of nonconforming building or structure.
  - a. Ordinary maintenance and repair work or repair and replacement of nonbearing walls, fixtures, wiring, or plumbing may be accomplished; provided, however, that this paragraph shall not be deemed to authorize any violation of this section.
  - b. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of a nonconforming building subject to the provisions of this section in accordance with the order of a public official who declares such building to be unsafe and orders its restoration to a safe condition.
3. Repairs and alterations to a nonconforming building or structure. Repairs, maintenance, alterations, and modernization may be made to a nonconforming building or structure, except that no structural alteration shall be made in or to such building or structure except those required by law and except those making the building or structure and use thereof conform, or more closely conform, to the regulations of the district in which it is located.
4. Enlargements of nonconforming building or structure. No nonconforming building or structure shall be enlarged or added to in any manner unless such building or structure shall thereafter conform to, or more closely conform to, the regulations of the district in which it is located.
5. Expansion of nonconforming use. A nonconforming use of a part of a nonconforming building or structure may be expanded or extended into any portion of such building or structure, provided that such expansion or extension shall not in any case be detrimental to or tend to alter the character of the neighborhood and that approval therefor be granted by the Zoning Hearing Board.
6. Change of nonconforming use. A nonconforming use all or partially conducted in a nonconforming structure or structures may be changed to another nonconforming use only upon determination by the Zoning Hearing Board, after public hearing, that the proposed new use will be more conforming to its neighborhood and surroundings than the use it is to replace. With the application, the applicant shall submit a brief report. This report shall take into consideration such factors, among others, as traffic generated; nuisance characteristics, such as emission of noise, dust, odors, and smoke, creation of vibrations and fire hazards; the hours and manner of operation. [Amended 7-12-2017 by Ord. No. 5706]
7. Discontinuance of nonconforming use. A use occupying a nonconforming building or structure not conforming to the regulations of the district in which it is located that is discontinued during any continuous period of 12 months shall not be continued, and said building or structure shall only be occupied by a use which conforms to the district in which it is located.

8. Reconstruction. In the event that a nonconforming use within a nonconforming building or structure damaged or destroyed by any involuntary means to such an extent that the cost of restoring it to its condition prior to damage or destruction exceeds 50% of the current replacement cost of the entire building, exclusive of foundations, such building and use shall not be restored unless it shall thereafter conform to the regulations for the district in which it is located.
9. Moving. No nonconforming building or other structure that is devoted in whole or in part to a nonconforming use shall be moved in whole or in part, for any distance whatsoever, to any other lot, unless the entire building or other structure and the use thereof shall thereafter conform to the regulations of the district in which it is located after being so moved. Moreover, no nonconforming use of land shall be moved in whole or in part, for any distance whatever, to any other location on the same or any other lot, unless such use shall thereafter conform to the regulations of the district in which it is located after being moved.
10. Multiple buildings on a lot. In the event that a lot is occupied by two or more buildings, and the use of the buildings is a permitted use under this chapter, and the owner desires to sell one or more of said structures, thus requiring a lot split or subdivision plan to be prepared and approved by the Planning Commission, effectively making the remaining lots not comply with the yard area and lot coverage requirements as set forth in this chapter, then said requirements shall not apply.

**F. Nonconforming use of land.**

1. The nonconforming use of land may be continued, subject to all of the following provisions:
  - a. Expansion of use. A nonconforming use of land may be expanded, provided that such expansion not be detrimental to or tend to alter the character of the neighborhood and that approval therefor be granted by the Zoning Hearing Board.
  - b. Discontinuance of use. A use not conforming to the regulations of the district in which it is located prior to the ordinance's date of enactment, which is discontinued and is not renewed during any continuous period of 12 months, shall not be renewed except by a use that conforms to the use regulations of the district in which the land is located.

**G. Other legal nonconformities.**

1. All variances, special exceptions, conditional uses, and uses by special permission issued under previous zoning ordinances are hereby extinguished and are converted to legal nonconformities so long as such nonconformities continue as they were under the previous ordinance(s).
2. Uses, land, and buildings which were illegal under previous ordinances shall remain illegal under this chapter. It shall be incumbent on the owner to prove the legality of such uses if the legality is in question.

H. Registration of nonconforming uses.

1. All nonconforming uses, structures and lots may be continued, subject to the provisions set forth in this Article III. The Zoning Officer shall identify properties and maintain a file for the registration of nonconforming uses, structures and lots. The owner of any nonconforming structure or lot, or the owner who maintains or allows any nonconforming use, may apply for a certificate of nonconformity on forms prepared by the Zoning Officer. The Zoning Officer shall investigate each request for a certificate of nonconformity to determine the existence and extent of the nonconformity. Upon determining that such nonconformity exists, the Zoning Officer shall prepare a report describing the nature and extent of the nonconformity. If no valid nonconformity is determined to exist, the Zoning Officer shall make a report of the results of the Zoning Officer's investigation. Such report shall constitute a certificate of nonconformity to the extent such a valid nonconformity is reported to exist and is described. A copy of such report and determination shall be sent to the applying owner and to any other interested party. A copy of such report shall be placed in the registration file, regardless of the determination. Any person aggrieved by the report shall have a right to appeal to the Zoning Hearing Board as from the decision of the Zoning Officer.
2. The lawful use of any building, structure or land existing at the time of enactment of the ordinance causing such use to be nonconforming may be continued as provided by law although such use does not conform with the provisions of such ordinance.

## Section 800-86

### Enforcement of Provisions

A. Where relevant and not specified elsewhere in this chapter, enforcement for any provision and/or regulation in this chapter shall be conducted as specified in the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as reenacted and amended. See 53 P.S. § 10101 et seq.

B. The Zoning Administrator, or their authorized designee, shall be responsible for administering and enforcing the provisions of this Zoning Ordinance. This authority includes investigating potential violations, conducting site inspections, issuing written notices of violation, and initiating enforcement actions in accordance with this Ordinance and applicable state law.

C. Notice of Violation

1. When the Zoning Administrator determines that a violation of the Zoning Ordinance has occurred or is occurring, they shall issue a written Notice of Violation to the property owner, tenant, or other responsible party. The notice shall include:
  - a. A description of the violation and the specific code section(s) violated;
  - b. The corrective action required to remedy the violation;
  - c. A deadline for compliance; and
  - d. A statement of potential penalties and appeal procedures.