

AGENDA

A public meeting of the City of Altoona Zoning Hearing Board will be held on **Wednesday, August 13, 2025 at 1:15 p.m.** in the 4th Floor Conference Room at City Hall, 1301 12th Street, Altoona, Pennsylvania.

313 12th St/ Humble Homes and Rentals LLC

Requesting variances from front, side and rear property line setbacks, lot area, and off-street parking for a new single-family residence on a nonconforming lot located in a Multiple-Household Residential zone, §800-50(G), (K), & (N)(1) and §800-18.

2001 7th Ave / Michael & Melissa Dodson

Requesting a variance to utilize a single-family home for storage in a Residential-Commercial Mixed-Use zone, §800-52(B).



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

ZONING APPEAL APPLICATION – ALTOONA PLANNING CODE

(INSTRUCTIONS LOCATED ON REVERSE SIDE)

313 12th Street

PROPERTY LOCATION:	1201 4th Ave ALTOONA, PA 16602
PURPOSE OF APPEAL:	THE ONLY AVAILABLE SPACE ON THE LOT THAT DRIVEWAY CAN FIT IS NOT A VIABLE SPOT DUE TO THE SLOPE
DESCRIPTION OF PREMISES:	SMALL CORNER LOT WITH STEEP SLOPE
USE OF PREMISES:	3FH RESIDENCE
OFF-STREET PARKING:	13th ST & 4th AVE

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

PROPERTY OWNER INFORMATION

NAME:	HUMBLE HOMES AND RENTALS LLC		
ADDRESS:	1106 CHURCH ST HOLLIDAYSBURG, PA 16648		
PHONE:	814-889-9125	EMAIL:	

APPLICANT INFORMATION

NAME:	CASSIE GRAY		
ADDRESS:	507 W. 3RD AVE DERRY, PA 15627		
PHONE:	724-953-1728	EMAIL:	cassie.g@bottega-design.com

DESIGN PROFESSIONAL INFORMATION

NAME:	CASSIE GRAY - BOTTEGA DRAFTING + DESIGN		
ADDRESS:	507 W. 3RD AVE. DERRY, PA 15627		
PHONE:	724-953-1728	EMAIL:	cassie.g@bottega-design.com

Cassandra (Cassie) Gray
SIGNATURE OF APPLICANT

4/30/25
DATE

OFFICE USE ONLY

<input type="checkbox"/> VARIANCE \$500.00	<input type="checkbox"/> APPEAL DETERMINATION \$500.00	<input type="checkbox"/> OTHER
<input type="checkbox"/> SPECIAL EXCEPTION \$500.00	<input type="checkbox"/> APPEAL VIOLATION NOTICE \$500.00	
PREVIOUS APPEAL TO ZONING HEARING BOARD? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN		
SECTIONS AND PROVISIONS OF ZONING ORDINANCE RELIED UPON:		

Summary for Variance Request For Driveway Omission

1201 4th Ave. Altoona PA 16602

Owner: David Hite, Humble Homes and Rental LLC

Designer: Cassie Gray, Bottega Drafting + Design

Site: 1201 4th Ave., Altoona, PA 16602

The objective for this site is to build a small, affordable 3-bedroom, 2-bath single-family home that provides adequate space for a family and is conveniently located near the neighboring elementary school. Mr. Hite, an active member of the Altoona community, is eager to contribute to the city's development by improving areas and providing housing. This project marks his first endeavor, with hopes of many more to come in the future.

We are requesting a variance to omit the requirement for a driveway at 1201 4th Ave., Altoona, PA 16602. The unique characteristics of the property make a driveway unnecessary and impractical. Specifically:

- **Site Constraints:** The lot layout, topography, or existing structures prevent feasible driveway installation.
- **Alternative Parking:** The site is a corner lot with adequate on-street parking to meet residents' or visitors' needs.
- **Environmental Impact:** Removing the driveway reduces impervious surface area, supporting stormwater management.
- **Neighborhood Consistency:** The omission aligns with surrounding properties and does not negatively affect traffic flow or accessibility.

Granting this variance will preserve the property's functionality while maintaining safety and accessibility standards.

Thank you for considering our request for variance.

Cassie Gray

Bottega Drafting + Design

cassieg@bottega-design.com

724-953-1728

Narrative

My intention for the lot at 1201 4th Avenue in Altoona is to acquire it under an LLC that I created. The LLC is Humble Homes & Rentals. The purpose is to build a single 1 story home on the lot as a first home to build and then replicate it to build more homes on vacant lots in the Altoona area. We will also be acquiring homes that need fixed up and then rented or sold. The home on the lot will be one that we will sell. If we cannot sell it we will rent it out.

My goal is to help with the blight and vacant lots in the area to help with making blocks in the area more desirable. The single-family homes we will build are highly sought after in the area. Also, I have been trying to buy properties in the area for the past 2 years now and there is a shortage of inventory which with building homes we can help with this by offering new affordable housing in the area.

Along with building homes that people need in the area and helping with the some of the issues currently facing tenants and people with handicap or disabilities we can accommodate them. Houses that need fixing up we can flip, houses needing fixed up we can make them better and rent them out and build from scratch on the empty lots in town. Once we get the first one built we will buy another lot from the seller and start building the second one. I recently got my real estate license so the company that is formed will also be a builder/real estate sales company.

If you have any questions or concerns please contact me at 814-889-9125. Thank You

BOTTEGA
DRAFTING
+
DESIGN

Designer: Cassie Gray
724-953-1728
cassieg@bottega-design.com
507 W. 3rd Ave.
Derry, PA 15627

Contractor Name:

Company:

Address:

Phone:

Email:

Engineer Name:

Company:

Address:

Phone:

Email:

DATE: 8/21/2024
PROJECT NO.: 031924-01

REVISION	DATE
1	Create Zone Approval Docs 3/22/24
2	Complete 2 Story with crawlspace Const. 7/30/24
3	

NOTES:

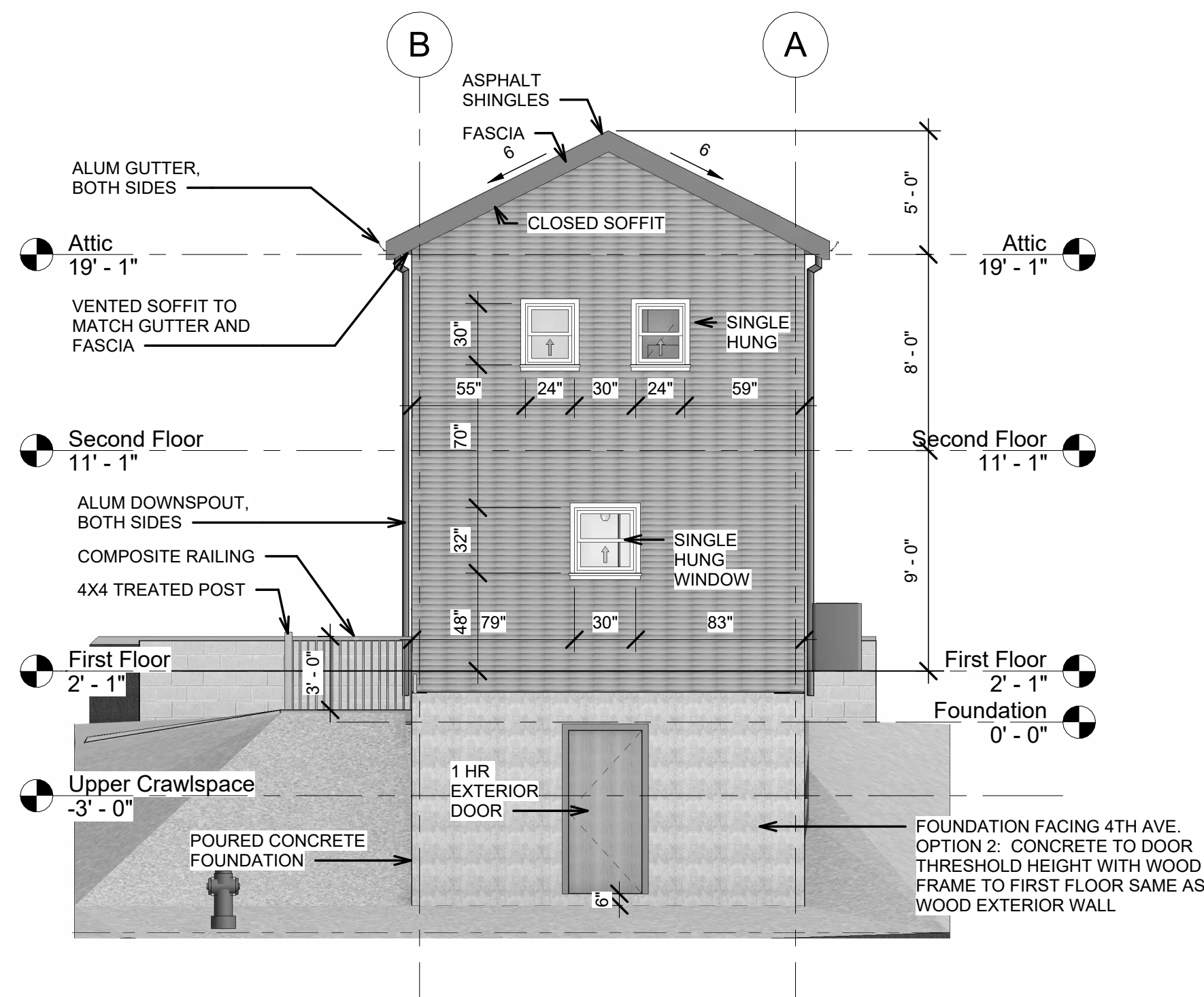
HUMBLE HOMES & RENTAL
LLC
NEW SINGLE FAMILY HOME
DAVID HITE
1201 4TH Ave. Altoona, PA 16602

PERMIT
STAMP

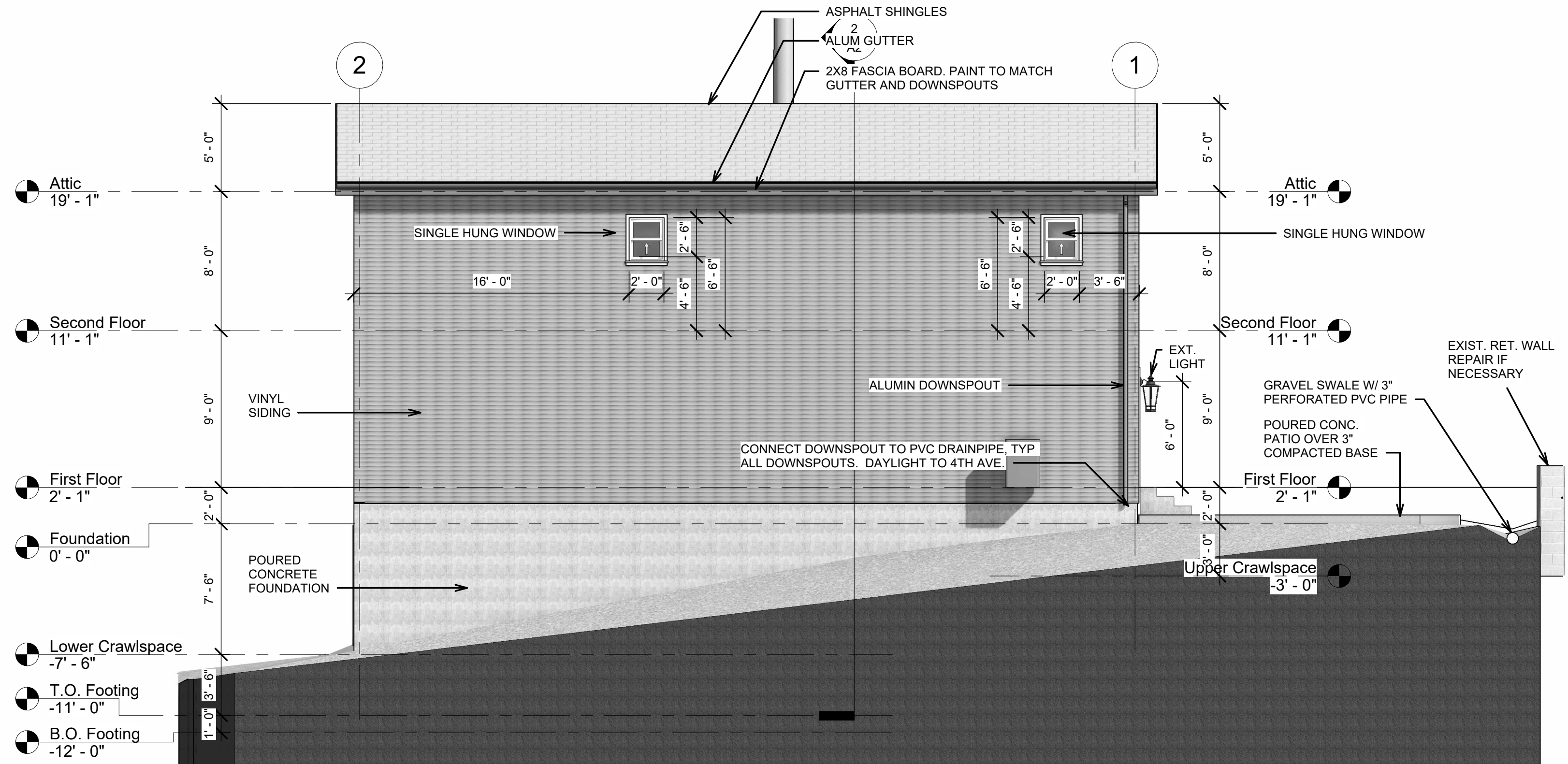
REVIEW ONLY
NOT FOR
PERMIT

A3

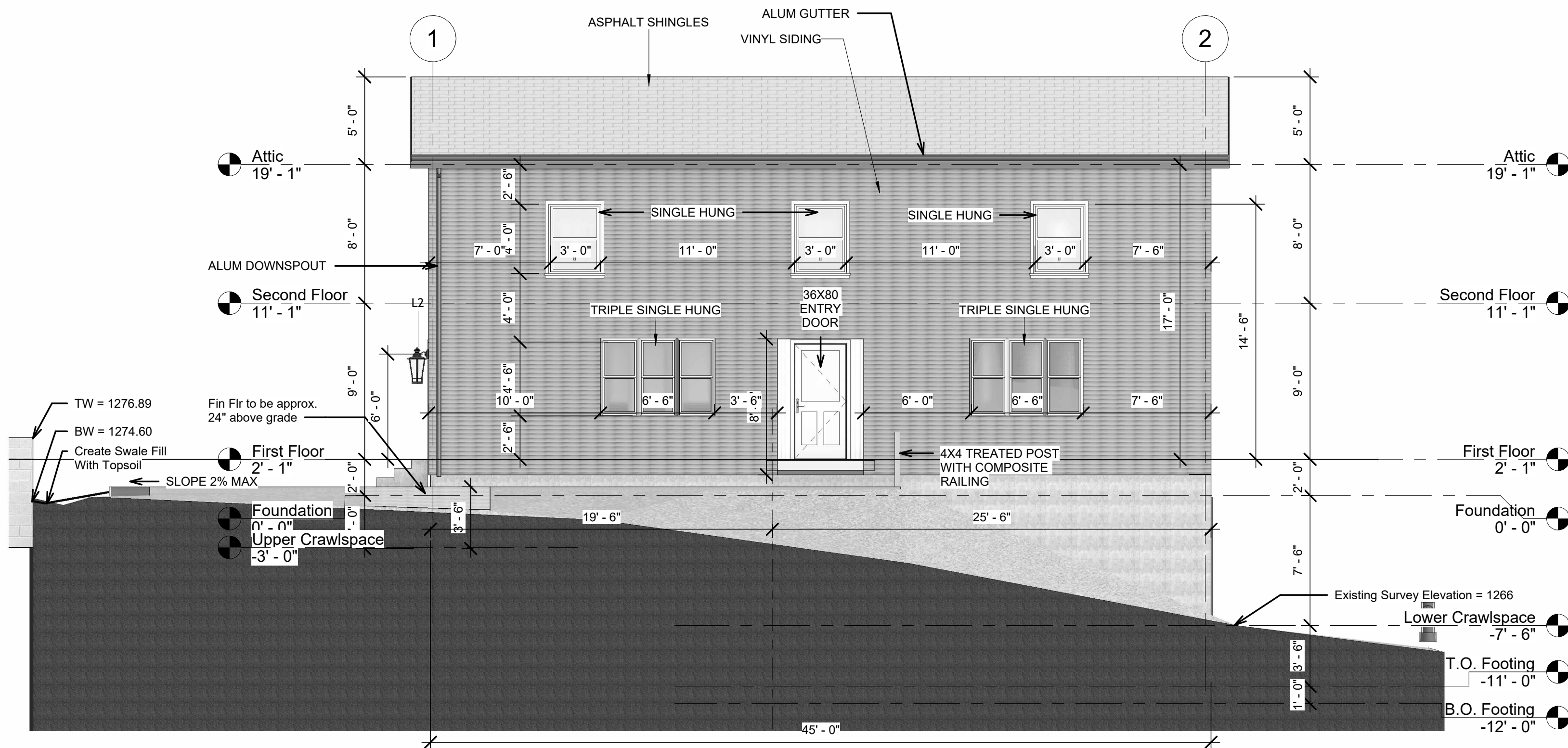
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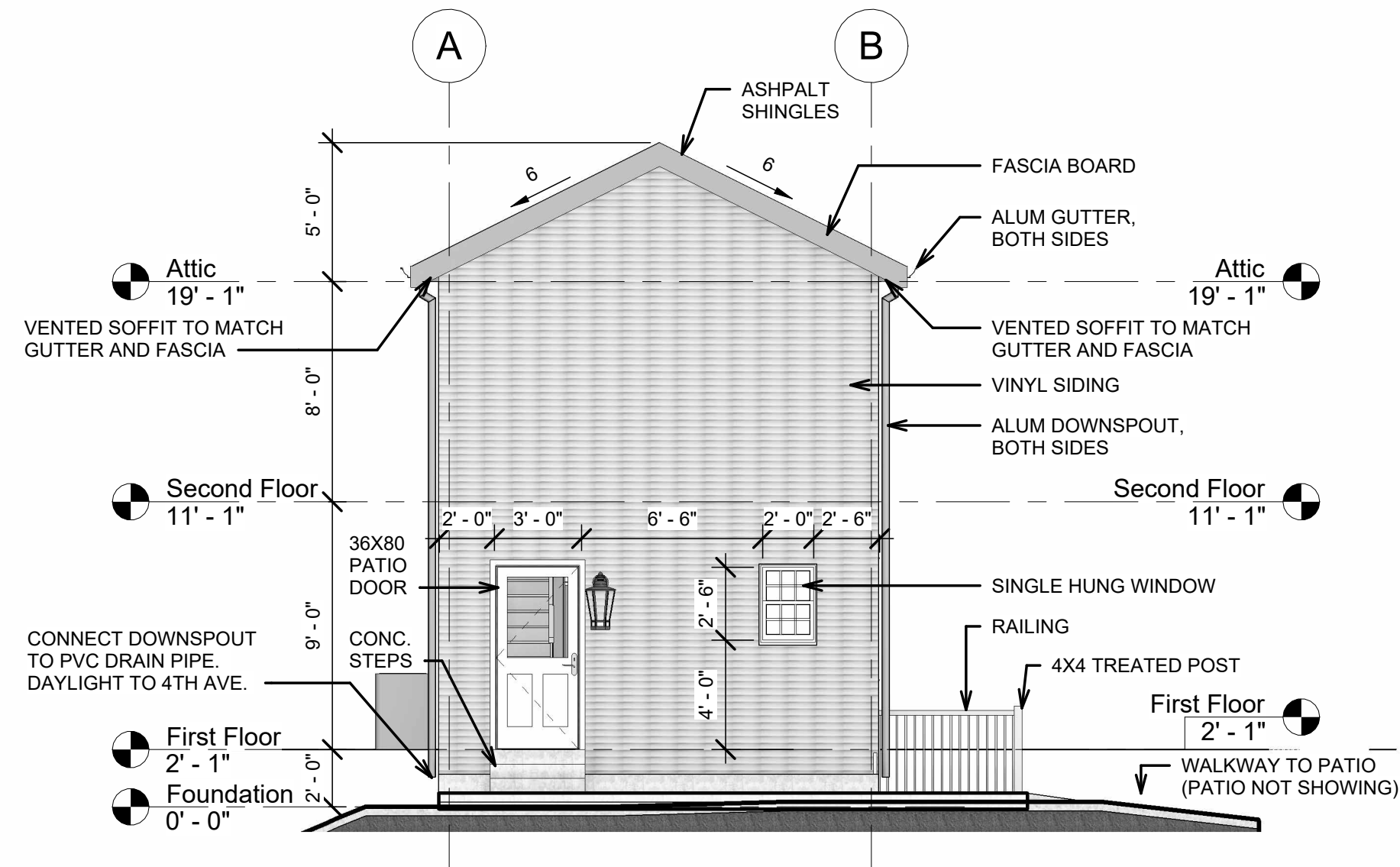
① 4TH AVE. ELEVATION
3/16" = 1'-0"



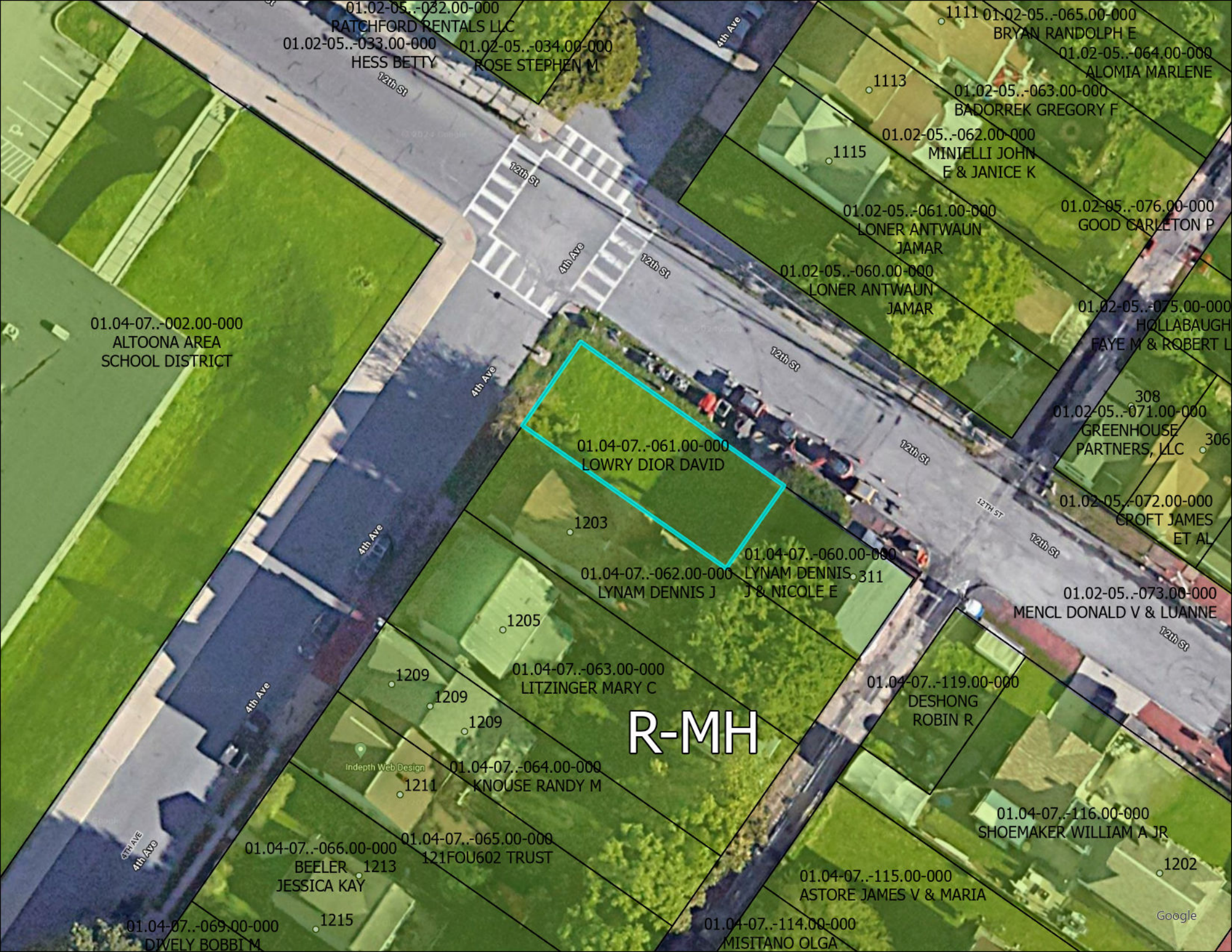
② SOUTHWEST ELEVATION
3/16" = 1'-0"



③ 12TH AVE ELEVATION
3/16" = 1'-0"



④ SOUTH PATIO SIDE ELEVATION
3/16" = 1'-0"



01.02-05.-032.00-000 RATCHFORD RENTALS LLC
01.02-05.-033.00-000 HESS BETTY
01.02-05.-034.00-000 ROSE STEPHEN M

1111 01.02-05.-065.00-000 BRYAN RANDOLPH E
01.02-05.-064.00-000 ALOMIA MARLENE
01.02-05.-063.00-000 BADORREK GREGORY F

1113
1115 01.02-05.-062.00-000 MINIELLI JOHN F & JANICE K

01.02-05.-061.00-000 LONER ANTWAUN JAMAR

01.02-05.-060.00-000 LONER ANTWAUN JAMAR

01.02-05.-076.00-000 GOOD CARLETON P

01.02-05.-075.00-000 HOLLABAUGH FAYE M & ROBERT L

308 01.02-05.-071.00-000 GREENHOUSE PARTNERS, LLC
306

01.02-05.-072.00-000 CROFT JAMES ET AL

01.02-05.-073.00-000 MENCL DONALD V & LUANNE

01.04-07.-119.00-000 DESHONG ROBIN R

01.04-07.-116.00-000 SHOEMAKER WILLIAM A JR

01.04-07.-115.00-000 ASTORE JAMES V & MARIA

01.04-07.-114.00-000 MISITANO OLGA

01.04-07.-002.00-000 ALTOONA AREA SCHOOL DISTRICT

01.04-07.-061.00-000 LOWRY DIOR DAVID

1203

01.04-07.-062.00-000 LYNAM DENNIS J & NICOLE E
311

1205

01.04-07.-063.00-000 LITZINGER MARY C

1209

1209

1209

01.04-07.-064.00-000 KNOUSE RANDY M
1211

01.04-07.-066.00-000 BEELER JESSICA KAY
1213

01.04-07.-065.00-000 121FOU602 TRUST

01.04-07.-069.00-000 DIVELY BOBBI M
1215

R-MH

Google

1301 12th Street, Suite 103
Altoona, PA 16601

Phone (814) 949-2456
Fax (814) 949-2203



Rebecca M. Brown
Director

Cory Gehret
Ted Beam

Matthew Gindlesperger

Horace McAnuff

Mariska Eash

William J. Stokan, Solicitor

David Hite
1106 Church Street
Hollidaysburg, PA 16648

In Re: 1201 Fourth Avenue, Altoona

**REQUEST FOR VARIANCES FROM LOT AREA, REAR SETBACK AND
SIDE SETBACK ABUTTING FOURTH AVENUE FOR A NEW SINGLE-
FAMILY RESIDENCE ON A NONCONFORMING VACANT LOT. THE
PROPOSED LOT IS LOCATED IN A MULTIPLE-HOUSEHOLD
RESIDENTIAL ZONE. CODE §800-50(G)(K) AND §800-18.**

Your Petitioner appeared on his own behalf.

From the testimony presented at the hearing of April 10, 2024, 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 lot is indeed only thirty (30) feet by seventy-five (75) feet.

4.

As such, the lot is a pre-existing nonconforming lot less than that otherwise required in and by the Ordinance.

5.

The size of the lot was not made or created by your Petitioner.

6.

In order to make a reasonable use of the subject property which has been vacant for quite a long period of time, your Petitioner has requested building a 799 square foot home.

7.

In order to accommodate a reasonable structure placed on such an unreasonably small lot, the variances are both reasonable and necessary to accommodate the same.

8.

Likewise, a driveway is to be created to provide for off street parking for use by the subject occupant.

9.

Without the grant as requested, no true “reasonable use” of the property could be made, leaving at most, if compliance were required, a “match box” in effect.

From the foregoing testimony, the Board makes the following:

CONCLUSIONS OF LAW

1.

Your Petitioner has adequately proven there exists such unique circumstances and conditions peculiar to the property that an unnecessary hardship has been created due to which there would be little or no possibly for this property could be otherwise be realistically used or developed in strict conformity with the provisions of the Zoning Ordinance.

2.

The hardship was not created by your Petitioner.

3.

The variance as authorized would not alter the nature or the character of the neighborhood nor impair appropriate use and development of properties adjacent thereto.

4.

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

5.

The variance as authorized represents a slight modification of the Regulations and/or plan at issue while otherwise allowing the relief to Your Petitioner.

DECISION

WHEREFORE, THIS 19th DAY OF APRIL, A.D., 2024, THE BOARD GRANTS THE REQUEST OF YOUR PETITIONER:

PROVIDED, HOWEVER, THAT IT SHALL AND MUST COMPLY WITH ANY AND ALL PERTINENT LAND USE RULES AND/OR REGULATIONS APPLICABLE THERETO.

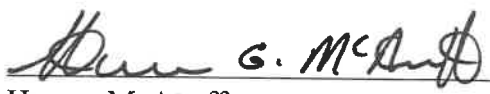
AND PROVIDED FURTHER, THE PETITIONER MUST, OF COURSE, MEET ANY AND ALL OTHER CITY, STATE AND FEDERAL REGULATIONS AND/OR REQUIREMENTS PERTAINING TO THE SUBJECT PREMISES, WHICH MAY BE OTHERWISE OUTSIDE OF THE JURISDICTION OF THE ALTOONA ZONING HEARING BOARD.

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

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

THE ZONING HEARING BOARD
OF THE CITY OF ALTOONA,

 4/10/24
Cory Gehret

 4-16-24
Horace McAnuff

 4-19-24
Ted Beam

MAILED TO YOUR PETITIONER: 4-19-24
Date

cc: William J. Stokan, Zoning Board Solicitor
Rebecca M. Brown, Director of Code, Inspections, Land Development, Zoning GIS

§ 800-50. R-MH Multiple-Household Residential Zone.

- A. Purpose. It is the purpose of this zone to provide areas for medium-density residential use, relatively small lot sizes, duplexes, townhomes, and attached as well as detached dwellings, while protecting the characteristics of these areas. **[Amended 7-12-2017 by Ord. No. 5706]**
- B. Permitted uses.
 - (1) Residential uses.
 - (a) Single-household detached dwellings.
 - (b) Two-household duplex, two-household double dwellings, or row houses/townhomes.
 - (c) Group homes for a class of people protected by the Americans with Disabilities Act, the Fair Housing Act, or their amendments. (Such classes include the elderly, the homeless, recovering drug addicts, persons with AIDS, the mentally challenged, and the mentally ill.)
 - (d) Halfway houses for a class of people protected by the Americans with Disabilities Act, the Fair Housing Act, or their amendments.
 - (e) Accessory buildings and uses on the same lot which are customarily incidental to the permitted residential uses in this section.
 - (2) Nonresidential uses.
 - (a) Cemeteries.
 - (b) Emergency shelters.
 - (c) Forestry activities.
 - (d) Governmental facilities.
 - (e) Houses of worship.
 - (f) Minor-impact home-based businesses.
 - (g) Parks, playgrounds, and open space.
 - (h) Public utility transmission and distribution lines, substations, water pumping stations, and reservoirs.
 - (i) Shelters for victims of domestic abuse.
 - (j) Accessory buildings and uses on the same lot which are customarily incidental to the permitted nonresidential uses in this section.
- C. Special exceptions. The following uses may be permitted by the Zoning Hearing Board if it finds the conditions listed for the use are met. The Zoning Hearing Board may work in conjunction with the Planning Commission and its responsibilities under Chapter 640 in

granting approval.

(1) Bus shelters.

- (a) Shall not impair sight distances at intersections or otherwise pose a hazard to moving traffic.
- (b) Shall not contain advertising of any kind except identification of the bus company and a posting of relevant schedule and service information.
- (c) Shall be perpetually maintained and kept clean and sanitary. This guarantee can be made through an agreement or other binding legal instrument.
- (d) Shall not be placed on private property without the owner's consent.
- (e) Shall be completely removed and the site restored to its original condition if the location no longer warrants a shelter. This guarantee can be made through an agreement or other binding legal instrument.
- (f) Shall not interfere with adjacent property owners' use and enjoyment of property.

(2) Educational services.

- (a) The perceived scale of the proposal shall not detract from the residential character of the surrounding neighborhood.
- (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.).
- (c) Proposed traffic will not severely change the residential nature of the neighborhood, and all public and private roads (existing and proposed) serving the site shall be of adequate design and width to handle such traffic.
- (d) There shall be no exterior loudspeaker systems or other audible signals which can be heard at the property line.
- (e) Signs shall be limited to one freestanding identification sign per street on which the facility has frontage and access and one wall sign. Traffic signs shall be permitted as necessary through the land development process.

(3) Public libraries and museums.

- (a) The perceived scale of the proposal shall not detract from the residential character of the surrounding neighborhood.
- (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.).
- (c) Proposed traffic will not severely change the residential nature of the neighborhood, and all public and private roads (existing and proposed) serving the site shall be of adequate design and width to handle such traffic.
- (d) There shall be no exterior loudspeaker systems or other audible signals which can

be heard at the property line.

- (e) Signs shall be limited to one freestanding identification sign per street on which the facility has frontage and access and one wall sign. Traffic signs shall be permitted as necessary through the land development process.
 - (f) The facilities shall not hold public gathering functions unless specifically permitted by the Zoning Hearing Board. If such function is granted, it shall be conditional on the applicant's ability to comply with the provisions of Chapter 640.
- (4) Major-impact home-based businesses.
- (a) Shall not alter the residential appearance of the building or any accessory buildings.
 - (b) 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.
 - (c) Not more than one nonfamily member is on the premises at any given time who assists or engages in the business.
 - (d) Any use of space outside of the principal structure shall be screened from the street and abutting properties. If the business does not trigger the requirements of Chapter 640, the Zoning Hearing Board shall apply the standards contained in Chapter 640 to the business.
 - (e) Traffic shall not be noticeably increased above that normally associated with a single-household dwelling.
- (5) Bed-and-breakfast facilities.
- (a) The perceived scale of the proposal shall not detract from the residential character of the surrounding neighborhood.
 - (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.).
 - (c) Off-street parking shall be provided at a ratio of one parking space per available room. This shall be in addition to the required parking for a single-family dwelling. The Zoning Hearing Board may approve off-site parking to accommodate this requirement as part of the approval of the special exception for the bed-and-breakfast.
 - (d) Lodging shall not be rented for more than one month for any given person in any six-month period.
 - (e) The property owner must use the building as his or her principal residence and manage the bed-and-breakfast.
 - (f) The area reserved for the owner's residence and the bed-and-breakfast areas shall be connected internally, and each shall share a common main entrance.

- (g) As part of any approval, the Zoning Hearing Board may require an applicant for a bed-and-breakfast to sign an affidavit certifying that the applicant agrees to these provisions and agrees to uphold them for as long as the bed-and-breakfast is in operation.
- (6) Accessory structures on adjacent lots in common ownership.
 - (a) The size, scale and type of structure is normally associated with a single-family home in the affected neighborhood.
 - (b) No public street runs between the principal structure and the proposed accessory structure. An alley shall not be considered a street for this finding.
 - (c) The structure is designed so that it cannot be converted into a second dwelling unit or other principal use unless it is to be directly attached and fully integrated into the principal structure for use by a member of the immediate family of the occupant of the principal structure.
 - (d) The involved parcels of land are legally tied together such that they cannot be individually conveyed into separate ownership until the accessory structure(s) approved under this subsection have been fully removed.
- (7) Conversion apartments. Any single-family dwelling existing at the effective date of this chapter may be converted into a multifamily dwelling, providing that:
 - (a) It does not exceed density standards.
 - (b) The lot area per dwelling unit shall conform to the regulations for the zone in which it is located.
 - (c) Fire escapes, where required, shall be in the rear of the structure and shall not be located on any wall facing a street.
 - (d) Parking shall be provided in accordance with the provision of Subsection N of this section.
- (8) Student homes. Student homes are permitted in all zoning districts that allow residential uses, pursuant to district provisions applicable for one (single) family and twin, semidetached, duplex and/or row house family dwelling use. However, student homes are permitted only when all of the following standards are met:
 - (a) The maximum number of occupants permitted in a student home shall be determined, as it is for all dwellings, by Chapter Four, Section 404 ("Occupancy Limitations") of the applicable version of the International Property Maintenance Code. A Building Inspector from the City's Inspections Department will determine this number at his or her initial inspection.
 - (b) No student home shall be located on a lot any portion of which is closer than 200 feet to another lot used for a student home.
 - (c) No more than one dwelling unit in a twin, semidetached, duplex and/or row house

dwelling may be used as a student home.

- (d) No more than one building on a lot may be used as a student home.
 - (e) A minimum of two paved parking spaces shall be provided per dwelling unit in driveways or off-street parking areas, plus one space for every student over four students. All off-street parking must be provided on the same parcel as the student home.
 - (f) No student home shall be occupied or used as such until a zoning permit and residential rental unit license have been issued. Plans showing the lot layout, parking area, landscaping, interior rooms, and floor area dimensions are required.
- (9) Commercial uses. New office, retail, restaurant uses, and these uses mixed with residences may be established in existing former commercial, public school and industrial buildings and government facilities within this district so long as the Zoning Hearing Board does the following. Note that this special exception is to be used to allow the reuse and preservation of existing buildings and not new construction. Former buildings that have already been converted to residences are not eligible for this special exception. **[Amended 2-13-2019 by Ord. No. 5741]**
- (a) Finds a demonstrated history of the building being used for commercial, retail, office, public school, governmental, or industrial purposes.
 - (b) Finds exterior features of the building demonstrating that it was designed for commercial, retail, office, public school, governmental, or industrial purposes. The essential architectural character of the building is to be preserved.
 - (c) Finds that converting the building into a conforming permitted use or activity would be cost-prohibitive.
 - (d) Finds that the proposed use of the building is similar to the use for which the building was designed and used, or will have less of an impact than that use, especially on traffic and parking.
 - (e) Finds that the required public notice was given.
 - (f) Finds that enough parking exists on site and on the adjacent streets and avenues so that the activity proposed for the building will not compete with the surrounding neighborhood's parking needs. In counting the number of parking spaces available for the building, the on-street spaces adjacent to its lot shall be counted. Estimates of parking needs shall not exceed those given at Chapter 640.
 - (g) Sets reasonable limits on the hours of operation, number of employees, noise levels, and odors of the proposed business.
 - (h) Requires that the building not be expanded more than 20% of its existing height or footprint unless this is otherwise required by building codes. Note that all existing lot coverage and setback requirements shall apply.
 - (i) Finds that the traffic and deliveries generated by the proposed business will not

significantly change the residential nature of the neighborhood, and all public and private roads (existing and proposed) serving the site shall be of adequate design and width to handle such traffic.

- (j) Requires that no exterior loudspeaker systems or other audible signals which can be heard at the property line will be used.
 - (k) Finds that signage will be limited to either the building's existing signage or one wall sign per each street frontage not exceeding 10 square feet. Traffic signs shall be permitted as necessary through the land development process, and new off-premises outdoor advertising shall be prohibited on such buildings.
 - (l) Hears staff recommendations on the above requirements.
 - (m) As part of any approval, the Zoning Hearing Board may attach any reasonable conditions and safeguards, in addition to the requirements of this chapter, that it deems necessary to protect the surrounding neighborhood from the impacts of the building being reused.
 - (n) As part of any approval, the Zoning Hearing Board may require the applicant to sign an affidavit certifying that the applicant agrees to these provisions and agrees to uphold them and any other conditions imposed by the Board for as long as the business is in operation.
- (10) Off-site parking.
- (a) No space exists on the principal lot for adequate parking.
 - (b) The center of the lot is within 400 feet of the principal use.
 - (c) Space is sufficient to allow full compliance with the land development standards set forth in Chapter 640.
 - (d) The lot will not allow the principal use to exceed the maximum parking allowances set forth in the land development standards.
 - (e) The installation of parking at this location will not have a deleterious effect on the overall neighborhood in terms of residential stability and economic development.
 - (f) The installation of the parking facility will not necessitate the demolition of a viable and structurally sound building.
- (11) Group homes for people not in a protected class. **[Added 7-12-2017 by Ord. No. 5706]**
- (a) The owner of the property agrees to the arrangement.
 - (b) The facility may be single-room occupancy if all other codes governing such arrangements can be met.
 - (c) The owner of the property shall agree to make himself readily available to neighbors and City representatives to discuss and correct any problems arising from this use of the property.

- (d) The rental does not impair the normal peace of the neighborhood.
 - (e) The exterior of the property appears as a single- or two-family house.
 - (f) There shall be no signs advertising the property other than a sign informing the public when a room may be available for rent.
 - (g) 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 § 640-63 of this Code. Finally, it shall demonstrate adequate security measures to the Zoning Hearing Board.
- (12) Halfway houses for people not in a protected class. **[Added 7-12-2017 by Ord. No. 5706]**
- (a) The owner of the property agrees to the arrangement.
 - (b) The facility may be single-room occupancy if all other codes governing such arrangements can be met.
 - (c) The owner of the property shall agree to make himself readily available to neighbors and City representatives to discuss and correct any problems arising from this use of the property.
 - (d) The rental does not impair the normal peace of the neighborhood.
 - (e) The exterior of the property appears as a single- or two-family house.
 - (f) There shall be no signs advertising the property other than a sign informing the public when a room may be available for rent.
 - (g) 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 § 640-63 of this Code. Finally, it shall demonstrate adequate security measures to the Zoning Hearing Board.
- D. Conditional uses. None. **[Amended 7-12-2017 by Ord. No. 5706]**
- E. Prohibited uses. Any use not complying with the specifications of this article is prohibited.
- F. Height. The height of a structure shall not be greater than 35 feet and shall not be less than one story.
- G. Area. No lot shall be less than 2,725 square feet in area. The lot area per multifamily dwelling unit shall not be less than 2,160 square feet per unit.
- H. Coverage. Building coverage shall be no more than 60% of the involved lot.
- I. Width. Excepting row houses/townhomes, the lot width at the building line shall not be less than 25 feet.
- J. Frontage. Excepting row houses/townhomes, the lot shall have a minimum of 25 feet frontage at the street right-of-way.

K. Setbacks. Each lot shall have setbacks of not less than the depth or width indicated below:

Location	Setback Characteristic	Lot Characteristics	Minimum Setback (feet)
Front	Depth	—	15 or the average front setback distance on the property's block, whichever is less
Rear	Depth	—	25
Side	Width	Interior lot	2
Side	Width	Corner lot nonstreet	2
Side	Width	Corner lot abutting a street	15

- (1) Low-rise apartments and townhouses must meet the above front and rear setback requirements and meet the following side setback requirements:
 - (a) No individual side yard setback will be required except for end-of-row dwellings. In such case, the side yards' setback shall be of a width not less than 20 feet total, with one side yard of at least eight feet in width. On a corner lot, the side yard abutting the street shall not be less than 20 feet in width, and the other side shall be not less than eight feet.
- (2) Additions to an existing building may be built in line with that building in side yards, so long as:
 - (a) The addition does not encroach any further into the side yard than the existing building already does; and
 - (b) The addition does not encroach on any front or rear setback requirements.

L. Accessory structures.

- (1) An accessory structure and/or swimming pool shall not be erected nor shall its dimensions be increased in front of the main structure.
- (2) An accessory structure, patio and/or swimming pool may be erected within the rear yard or side yard, provided that the height, area, width and coverage requirements contained in this section and the following are met.
 - (a) An accessory structure shall be erected according to the following setbacks:

Setback From	Minimum Setback (feet)
Rear of principal structure	10
Side lot line with lot width 25 feet or less	1 1/2
Side lot line with lot width 26 feet or greater	3
Rear lot line	7

M. Permitted setback encroachments.

- (1) Cornices, eaves, gutters, bay windows, or chimneys may encroach into the required setback of a lot not more than 24 inches. However, no cornices, eaves, gutters, bay windows, or chimneys may be closer than one foot from any side lot line.
- (2) A covered carport or covered patio or porch open on three sides may be erected within one of the side yards or rear yard when attached to a main structure existing at the effective date of this chapter, provided the covered carport or covered patio or porch open on three sides shall be not less than one foot from the side or rear lot line and shall never be enclosed.
- (3) A wheelchair ramp or lift may be installed within setbacks if it is approved by the Zoning Hearing Board as a special exception using the following conditions: the structure has no other available means of ADA access, the incursion into the setback is as small as possible, and the owner agrees to remove the ramp or lift when it is no longer needed and the City requests the removal. As always, the Zoning Hearing Board may attach additional conditions. **[Added 7-12-2017 by Ord. No. 5706]**

N. Off-street parking. Parking for the uses in the Multiple-Household Residential Zone shall be as follows:

- (1) Residential uses not subject to land development review under Chapter 640 shall be provided with a minimum of one and a maximum of three off-street parking spaces per dwelling unit.
- (2) Minor-impact home-based businesses shall neither increase nor decrease the number of spaces required for the property.
- (3) Uses governed by a land development review under Chapter 640 shall meet the parking requirements established as a result of the requisite review.
- (4) All other uses shall be provided with a minimum of one off-street parking space and a maximum of four off-street parking spaces.

O. Signs. Signs, when provided, shall conform to those regulations contained in Article VI of this chapter, Signs.

P. Floodplains. All permitted uses located within a floodplain as identified on the Flood Boundary and Floodway Maps must comply with the provisions and requirements of Chapter

362.

- Q. Buffer yards and screening. Where a nonresidential use is established either abutting or adjoining a residential use, a buffer yard not less than five feet in width shall be provided along the lot lines of the nonresidential use. In addition, the buffer yard shall be in compliance with any decision rendered by the Zoning Hearing Board under a variance or special exception or the Planning Commission under a land development review.
- R. Fences and walls.
- (1) Fences and walls may be erected, altered, and maintained in any residential district within the setbacks, provided that:
 - (a) Any wall or fence forward of the front yard setback shall not exceed four feet in height. Commercial businesses or institutions may build security fences up to 10 feet in height forward of the front setback line if the fences are at least 50% open and do not block visibility at intersections.
 - (b) Any fence in the rear yard or side yard shall be permitted a maximum height of seven feet. Such fences may extend upward a maximum height of 10 feet if the fence is at least 50% open.
 - (c) This provision shall not apply to retaining walls or vegetated screening.
 - (2) Fences and walls may be erected, altered, and maintained in front yards, provided that the provisions of § 800-39, Obstruction to vision, and Subsection R(1)(a) of this section are met.
 - (3) Barbed wire, razor wire and aboveground electric fences shall not be permitted.¹

1. Former Subsection R(4), regarding a special exception from the Zoning Hearing Board, which immediately followed this subsection, was repealed 8-14-2019 by Ord. No. 5748.

§ 800-18. Nonconforming vacant lots.

- A. A "prerecorded nonconforming lot" is a lot consisting entirely of a tract of land that:
- (1) Has less than the prescribed minimum lot size, width, depth, or any combination thereof, for the district in which it is located.
 - (2) 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.
 - (3) 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.
- B. 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. In no case shall any obstruction be permitted in the areas defined by § 800-39, Obstruction to vision.

COUNTY OF BLAIR

911 Address Verification Letter

May 27, 2025

Property Owner/Current Resident:
TAX PARCEL: 01.04-07..-061.00-000

GEOCORD: -78.394151, 40.511431

Through a cooperative effort between The County of Blair and Altoona, the following address has been established according to the guidelines described in the *Blair County Street Naming and Addressing Guide* (SNAG) to ensure compliance with current 911 system requirements and United State Postal Service Standards (USPS).

ADDRESS:

313 12TH ST

Please use your address exactly as it appears above. **This address is valid immediately.**

The address above is your physical/911 address as well as your street address. When calling 911 from this location provide the address above to the dispatcher. This address serves as the first line of your mailing address unless you receive mail at a Post Office Box. The USPS determines the last line of the address: Community, State, and Zip Code.

Begin the process of notifying all concerned parties of your new address as soon as possible. For assistance with what to do next please review the attached documents. We have included information on the most important and common questions, not all of the attached information will pertain to your unique situation. Please contact us if you have questions.

To assist local emergency providers and mail carriers, please post your address in accordance with the guidelines found in **Section III.G** of the SNAG, which is available on the GIS department's webpage: www.blairco.org/Dept/GIS

PREVIOUS ADDRESS:

If you have any questions, please contact:

Blair County GIS
GIS@blairco.org
(814) 693-2535
Monday – Friday
8 A.M. – 4 P.M.



For reference, the address(es) in question is(are) highlighted blue. **If this is incorrect please notify BCGIS immediately before using the new address(es).**



ZONING APPEAL APPLICATION – ALTOONA PLANNING CODE

(INSTRUCTIONS LOCATED ON THE REVERSE SIDE)

PROPERTY LOCATION: 2001 7th Avenue, Altoona, PA 16602 ; Tax Parcel 01.06-08.-100.00-000
PURPOSE OF APPEAL: Variance request for storage use of our property, within the Residential-Commercial Mixed-Use Zone the property is located. Our request for Variance has not been and is not detrimental to the community and/or public. This request is in response to alleged violation: 800-52B – Site is being used for an activity that is not permitted. Please see attached narrative with further explanation.
DESCRIPTION OF PREMISES: older two-story red brick, structurally solid and safe, unoccupied home with no active utilities
USE OF PREMISES: storage use of personal property and household items
OFF-STREET PARKING: no

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

PROPERTY OWNER INFORMATION


NAME: Michael and Melissa Dodson	
ADDRESS: 300 Watson Rd, Manns Choice, PA 15550	
PHONE: 814-934-2187	EMAIL: macaroni444@hotmail.com

APPLICANT INFORMATION

NAME: same as above	
ADDRESS:	
PHONE:	EMAIL:

DESIGN PROFESSIONAL INFORMATION

NAME: not-applicable	
ADDRESS:	
PHONE:	EMAIL:


SIGNATURE OF APPLICANT


07/16/2025

DATE

OFFICE USE ONLY

<input type="checkbox"/> VARIANCE \$500.00	<input type="checkbox"/> APPEAL DETERMINATION \$500.00	<input type="checkbox"/> OTHER
<input type="checkbox"/> SPECIAL EXCEPTION \$500.00	<input type="checkbox"/> APPEAL VIOLATION NOTICE \$500.00	
PREVIOUS APPEAL TO ZONING HEARING BOARD? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN		
SECTIONS AND PROVISIONS OF ZONING ORDINANCE RELIED UPON:		

July 16, 2025

City of Altoona
Planning and Community Development Department
1301 12th Street, Suite 400
Altoona, PA 16601

Re: Zoning Appeal for Variance of our 2001 7th Ave property – Tax Parcel 01.06-08..-100.00-000

To: Zoning Hearing Board,

Narrative:

We are submitting this Zoning Appeal for our 2001 7th Ave property in response to the alleged Violation: 800-52B – “Site is being used for an activity that is not permitted”. We are requesting a Variance for storage use of our property, within the Residential-Commercial Mixed-Use Zone the property is located.

We were recently informed by the Codes and Inspection Department, that using our property for personal, household items, storage purposes; as we have been doing for many years, is now considered an alleged Zoning Violation. We were not previously made aware of this particular Zoning legality, nor have we ever had any prior issues or problems from the community or public by doing so.

The property is an older, red brick, two-story, structurally solid, unoccupied home. It is averagely maintained, other than the windows that are boarded as Codes required. It is in need of replacement windows and remodeling, as most all older construction homes do. We believe our property would be considered of average condition, for an older brick home within the area. There are no utilities (gas, water, electric, etc.) active to the property, as to cause any safety hazard. We have and continue to manage and maintain our property.

Our plans have been to continue to use the property for storage and maintain it, until either we or one of our four children (college through high school age), can adequately afford to remodel, decide to live there in the future, or eventually clear it out and sell. We have begun saving money for very costly roof and window replacements, as well as general remodeling sometime in the future. We cannot afford to do it now.

Therefore, for the reasons stated above, we are kindly requesting that we be granted the Variance request for storage use of our property, within the Residential-Commercial Mixed-Use Zone the property is located, as we have been doing. The continued use of our property for this purpose will not be and has not been a detriment to the community and/or public.

Thank you,

Handwritten signatures of Michael and Melissa Dodson in black ink. The signature of Michael is on top, and Melissa's is below it, both written in a cursive style.

Michael and Melissa Dodson
300 Watson Rd
Manns Choice, PA 15550



M-RC

§ 800-52. M-RC Residential-Commercial Mixed Use Zone.

- A. Purpose. It is the purpose of this zone to provide the intrusion of nonresidential uses in residential areas which are undergoing transition. These areas are predominantly residential but, due to environmental and physical features, are no longer prime residential areas. The permitted nonresidential uses are of a nature and controlled in such a way as to minimize their impacts on the existing residential use.
- B. Permitted uses.
- (1) Residential uses.
- (a) Low-rise apartment structure or group of structures on a single lot.
 - (b) Multi-household dwelling units.
 - (c) Single-household detached dwellings.
 - (d) Townhouses with not more than six units in a row.
 - (e) Two-household or duplex dwellings, twin duplex, semidetached, or twin dwellings.
 - (f) Group homes for a class of people protected by the Americans with Disabilities Act, the Fair Housing Act, or their amendments. (Such classes include the elderly, the homeless, recovering drug addicts, persons with AIDS, the mentally challenged, and the mentally ill.)
 - (g) Halfway houses for a class of people protected by the Americans with Disabilities Act, the Fair Housing Act, or their amendments.
 - (h) Accessory buildings and uses on the same lot which are customarily incidental to the permitted residential uses in this section.
- (2) Nonresidential uses.
- (a) (Reserved)¹
 - (b) Bus shelters.
 - (c) Cemeteries.
 - (d) Child day-care centers not exceeding 5,000 square feet in gross floor area.
 - (e) Emergency shelters.
 - (f) Forestry activities.
 - (g) Funeral homes.
 - (h) Governmental facilities.

1. Former Subsection B(2)(a), regarding boardinghouses and lodging houses, was repealed 8-14-2019 by Ord. No. 5748.

- (i) Houses of worship.
- (j) Home-based businesses (both types).
- (k) Parks, playgrounds, and open space.
- (l) Professional and business offices not exceeding a five-thousand-square-foot building footprint.
- (m) Public libraries and museums.
- (n) Public utility transmission and distribution lines, substations, water pumping stations, and reservoirs.
- (o) Retail sales and services not exceeding a five-thousand-square-foot building footprint.
- (p) Educational services.
- (q) Professional service uses not exceeding a five-thousand-square-foot building footprint.
- (r) Shelters for victims of domestic abuse.
- (s) Accessory buildings and uses on the same lot which are customarily incidental to the permitted nonresidential uses in this section.

C. Special exceptions.

- (1) Conversion apartments. Any single-family dwelling existing at the effective date of this chapter may be converted into a multifamily dwelling, providing that:
 - (a) It does not exceed density standards.
 - (b) The lot area per dwelling unit shall conform to the regulations for the zone in which it is located.
 - (c) Fire escapes, where required, shall be in the rear of the building and shall not be located on any wall facing a street.
 - (d) Parking shall be provided in accordance with the provision of Subsection O of this section.
- (2) Bed-and-breakfast facilities.
 - (a) The perceived scale of the proposal shall not detract from the residential character of the surrounding neighborhood.
 - (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.).
 - (c) Off-street parking shall be provided at a ratio of one parking space per available room. This shall be in addition to the required parking for a single-family dwelling.

The Zoning Hearing Board may approve off-site parking to accommodate this requirement as part of the approval of the special exception for the bed-and-breakfast.

- (d) Lodging shall not be rented for more than one month for any given person in any six-month period.
 - (e) The property owner must use the building as his or her principal residence and manage the bed-and-breakfast.
 - (f) The area reserved for the owner's residence and the bed-and-breakfast areas shall be connected internally, and each shall share a common main entrance.
 - (g) As part of any approval, the Zoning Hearing Board may require an applicant for a bed-and-breakfast to sign an affidavit certifying that the applicant agrees to these provisions and agrees to uphold them for as long as the bed-and-breakfast is in operation.
- (3) Accessory structures on adjacent lots in common ownership.
- (a) The size, scale and type of structure is normally associated with a single-family home in the affected neighborhood.
 - (b) No public street runs between the principal structure and the proposed accessory structure. An alley shall not be considered a street for this finding.
 - (c) The structure is designed so that it cannot be converted into a second dwelling unit or other principal use unless it is to be directly attached and fully integrated into the principal structure for use by a member of the immediate family of the occupant of the principal structure.
 - (d) The involved parcels of land are legally tied together such that they cannot be individually conveyed into separate ownership until the accessory structure(s) approved under this subsection have been fully removed.
- (4) Off-site parking.
- (a) No space exists on the principal lot for adequate parking.
 - (b) The center of the lot is within 400 feet of the principal use.
 - (c) Space is sufficient to allow full compliance with the land development standards set forth in Chapter 640.
 - (d) The lot will not allow the principal use to exceed the maximum parking allowances set forth in the land development standards.
 - (e) The installation of parking at this location will not have a deleterious effect on the overall neighborhood in terms of residential stability and economic development.
 - (f) The installation of the parking facility will not necessitate the demolition of a viable and structurally sound building.

- (5) Student homes. Student homes are permitted in all zoning districts that allow residential uses, pursuant to district provisions applicable for one (single) family and twin, semidetached, duplex and/or row house family dwelling use. However, student homes are permitted only when all of the following standards are met:
- (a) The maximum number of occupants permitted in a student home shall be determined, as it is for all dwellings, by Chapter Four. Section 404 ("Occupancy Limitations") of the applicable version of the International Property Maintenance Code. A Building Inspector from the City's Inspections Department will determine this number at his or her initial inspection.
 - (b) No more than one dwelling unit in a twin, semidetached, duplex and/or row house dwelling may be used as a student home.
 - (c) No more than one building on a lot may be used as a student home.
 - (d) A minimum of two paved parking spaces shall be provided per dwelling unit in driveways or off-street parking areas, plus one space for every student over four students. All off-street parking must be provided on the same parcel as the student home.
 - (e) No student home shall be occupied or used as such until a zoning permit and residential rental unit license have been issued. Plans showing the lot layout, parking area, landscaping, interior rooms, and floor area dimensions are required.
- (6) An operation to clean and/or detail passenger vehicles (not vehicles primarily designed to haul goods/freight or buses) is permitted only when the following conditions are met as determined by the Zoning Hearing Board:
- (a) The entire operation is fully enclosed in a solid walled structure, including any storage; and
 - (b) The entire operation does not exceed 5,000 square feet of gross floor area, including any storage; and
 - (c) The operation emits no noise, dust, smoke, vibration, or odors detectable to reasonable human senses at the property line (excluding standard heating and cooling equipment, but including all washers or dryers used in the operation); and
 - (d) The operation contains one paved off-street parking space per employee in addition to any other parking requirements stipulated by § 640-63 of the Code of the City of Altoona.
 - (e) The architectural appearance of buildings in which the operation is located is of a scale and style that complements, is respectful of, and preserves the character of the surrounding neighborhood. The operation will not generate more traffic than the public street being accessed can accommodate, and alleys shall not be used to access the operation unless there is no alternative. The Zoning Hearing Board may require the operation to conduct a traffic study to verify the traffic information required; and

- (f) Hours of operation shall be set by the Zoning Hearing Board, but no activities or deliveries may occur at night, after dusk or before dawn.
- (7) Rooming house or boardinghouse. **[Added 8-14-2019 by Ord. No. 5748]**
 - (a) Off-street paved parking spaces must be provided on the same lot as the rooming house or boardinghouse. One space, as described at § 640-63C(3)(a),² must be provided for every two beds or each room, whichever is greater.
 - (b) The maximum number of occupants permitted in a rooming house or boardinghouse shall be determined, as it is for all dwellings, by Chapter Four, Section 404, Occupancy Limitations, of the applicable version of the International Property Maintenance Code. However, this number shall not exceed the number of bedrooms with closets in the involved structure.
 - (c) A rooming house or boardinghouse cannot be established on a lot smaller than 6,000 square feet.
 - (d) An effective and acceptable plan for internal and external security and oversight must be provided to the Zoning Hearing Board for consideration and approval at the hearing.
 - (e) For each rooming house or boardinghouse, a responsible party or property manager within 50 miles of Altoona must be identified before the Zoning Hearing Board.
 - (f) The City Fire Department must inspect and approve each rooming house or boardinghouse according to their requirements before the hearing, and annually thereafter.
 - (g) For each rooming house or boardinghouse, updated lists of tenant names, as well as the responsible party or property manager, must be provided to the Zoning Officer. Any change in residents or management must be so reported within 24 hours of the change. The property owner bears the onus for reporting this information as required.
 - (h) All interior and exterior repairs to smoke/carbon dioxide detectors or other life/safety violations required by any City code must be made within 10 days of notice. All other required repairs must be made within 45 days of notice.

D. Conditional uses: none.

E. Prohibited uses. Any use not complying with the specifications of this article is prohibited.

F. Height. The height of a structure shall not be greater than 50 feet and not less than one story.

G. Area. The lot area shall not be less than 3,000 square feet.

H. Coverage. The coverage shall be not more than 60%.

I. Intensity.

2. Editor's Note: See Ch. 640, Subdivision of Land and Land Developments.

- (1) Each building footprint shall not exceed 5,000 square feet.
- (2) The perceived scale of the proposal shall not detract from the residential character of the surrounding neighborhood.
- (3) The appearance of the building shall be residential in character (i.e., gabled rooflines, wood siding or brick, an articulated footprint, varied facade, multistory, etc.).

J. Width. The lot width at the building line shall not be less than 25 feet.

K. Frontage. The lot shall have a minimum of 25 feet frontage at the street right-of-way.

L. Setbacks.

- (1) Each lot shall have setbacks of not less than the depth or width indicated below:

Location	Setback Characteristic	Lot Characteristic	Minimum Setback (feet)
Front	Depth	—	10 or the average front setback distance on the property's block, whichever is less
Rear	Depth	—	15
Side	Width	Interior lot	2
Side	Width	Corner lot nonstreet	2
Side	Width	Corner lot abutting a street	10

- (2) Additions to an existing building may be built in line with that building in side yards, so long as:
 - (a) The addition does not encroach any further into the side yard than the existing building already does; and
 - (b) The addition does not encroach on any front or rear setback requirements.

M. Accessory structures.

- (1) An accessory structure and/or swimming pool shall not be erected nor shall its dimensions be increased within any front yard.
- (2) An accessory structure, patio and/or swimming pool may be erected within the rear yard or side yard, provided that the height, area, width and coverage requirements contained in this section and the following are met:
 - (a) An accessory structure shall be erected according to the following setbacks:

Setback From	Minimum Setback (feet)
Rear of principal structure	10
Side lot line with lot width 25 feet or less	1 1/2
Side lot line with lot width 26 feet or greater	3
Rear lot line	7

N. Permitted setback encroachments.

- (1) Cornices, eaves, gutters, bay windows, or chimneys may encroach into the required setback of a lot not more than 24 inches. However, no cornices, eaves, gutters, bay windows, or chimneys may be closer than one foot from any side lot line.
- (2) A covered carport or covered patio or porch open on three sides may be erected within one of the side yards or rear yard when attached to a main structure existing at the effective date of this chapter, provided the covered carport or covered patio or porch open on three sides shall be not less than one foot from the side or rear lot line and shall never be enclosed.
- (3) A wheelchair ramp or lift may be installed within setbacks if it is approved by the Zoning Hearing Board as a special exception using the following conditions: the structure has no other available means of ADA access, the incursion into the setback is as small as possible, and the owner agrees to remove the ramp or lift when it is no longer needed and the City requests the removal. As always, the Zoning Hearing Board may attach additional conditions. **[Added 7-12-2017 by Ord. No. 5706]**

O. Off-street parking. Parking for the uses in the Mixed Use Residential-Commercial Zone shall be as follows:

- (1) Residential uses not subject to land development review under Chapter 640 shall be provided with a minimum of one and a maximum of three off-street parking spaces per dwelling unit.
- (2) Minor-impact home-based businesses shall neither increase nor decrease the number of spaces required for the property.
- (3) Uses governed by a land development review under Chapter 640 shall meet the parking requirements established as a result of the requisite review.
- (4) All other uses shall be provided with a minimum of one off-street parking space and a maximum of four off-street parking spaces.

P. Signs. Signs, when provided, shall conform to those regulations contained in Article VI of this chapter, Signs.

Q. Floodplains. All permitted uses located within a floodplain as identified on the Flood Boundary and Floodway Maps must comply with the provisions and requirements of Chapter

362.

- R. Buffer yards and screening. Where a nonresidential use is established either abutting or adjoining a residential use, a buffer yard not less than five feet in width shall be provided along the lot lines of the nonresidential use. In addition, the buffer yard shall be in compliance with any decision rendered by the Zoning Hearing Board under a variance or special exception or the Planning Commission under a land development review.
- S. Fences and walls.
- (1) Fences and walls may be erected, altered, and maintained in any mixed use district within the setbacks, provided that:
 - (a) Any wall or fence forward of the front yard setback shall not exceed four feet in height. Commercial businesses or institutions may build security fences up to 10 feet in height forward of the front setback line if the fences are at least 50% open and do not block visibility at intersections.
 - (b) Any fence in the rear yard or side yard shall be permitted a maximum height of seven feet. Such fence may extend upward to a maximum height of 10 feet if the fence is at least 50% open.
 - (c) This provision shall not apply to retaining walls or vegetated screening.
 - (2) Fences and walls may be erected, altered, and maintained in front yards, provided that the provisions of § 800-39, Obstruction to vision, and Subsection S(1)(a) of this section are met.
 - (3) Barbed wire, razor wire and aboveground electric fences shall not be permitted.³

3. Former Subsection S(4), regarding a special exception from the Zoning Hearing Board, which immediately followed this subsection, was repealed 8-14-2019 by Ord. No. 5748.