

1301 Twelfth Street, Suite 400
Altoona, Pennsylvania 16601

Voice - 814-949-2470
Fax - 814-949-0372
TDD 711

planning@altoonapa.gov



Michael Halloran
Horace McAnuff
Richard Andrews
Eric Wible
Donna Royer
Julie Hirschak, Alternate
Sherry Peck, Alternate
Anthony Rhine, Alternate

City Line Hospitality Holdings LP
Attention Gary Fennell
4991 New Design Road, Suite 109
Frederick, MD 21703

RE: 2915, 3001 Pleasant Valley Blvd, request for additional signage
pylon at hotel entry on and at premises in a C-Highway
business zone.

Your petitioner appeared by and through Gary Fennell and Peter Plamondon.

From the uncontradicted testimony presented at the hearing of December 14, 2016
and the Board's view of the subject premises, the Board makes the following:

FINDINGS OF FACT

1.

Your petitioners have an ownership interest on the subject property.

2.

Requisite notices were made and properties posted.

3.

The subject property at issue is one in which not one but two (2) different hotels,
albeit with common entryway, has been built.

4.

Your petitioners, in an effort to comply with the Zoning Ordinance, have reduced
their plan for 400 square footage of signage in and upon the hotels for business identification signs
to 300 square feet.



5.

In so doing, however, they have learned that they need additional signage of approximately 177 square feet, more or less, in and at the entryway.

6.

Documents specifically describing both the dimensions and the type of signs have been introduced and accepted as evidenced of the request being much more specific in size, than the above referenced approximations.

7.

Nevertheless, the hotels themselves at issue are situate on what is otherwise a unique layout than is otherwise commonly applicable to such hotels and entryways.

8.

The property, in a sense, is "T" in shape, with a long driveway extending up and down a large hill, an elevation, before one arrives at the flat area upon which the hotels are situate.

9.

The signage in and for the amount as particularly requested, which, if this scrivener reads correct, and which is attached hereto and incorporated by reference, designates on each of the structure, TownePlace Suites, Marriott on one, and Fairfield Inn & Suites, Marriott on the other, which configurations are required by the Marriott Corporation/Franchisor to such Franchisees, as your petitioner.

10.

The same is likewise necessary for identifications as there are two distinct, although commonly connected hotels, at issue.

11.

Turning back to the property, one cannot see the actual hotels from the highway from which one must enter the property and, as such, adequate and reasonable signage * likewise necessary to identify where to turn from the subject boulevard.

12.

The signs as indicated on the attached petition and incorporated by reference, is 145.81 square feet and the other 147.09 square feet and in the exact signage as requested is what will be approved to be placed on the building, as this is the smallest amount your petitioners indicated will adequately allow a patron to realize that they have "arrived" and to which particular building their reservations pertain.

13.

Similarly, your petitioners indicated that the signage pursuant to the exhibit, attached hereto, to be placed on the existing pole, will verify the location and entry, and ingress and egress, in and for the two respective hotels, in and along the boulevard, some 300 yards away from the building at a point and place much lower than the elevation of the hotels that cannot be seen from the roadway.

14.

Your petitioners have indicated that this is the smallest, practical signage that can effectuate reasonable observation as to the point and place of ingress and egress.

15.

The lighting in and for the sign shall be self contained and shall otherwise comply with all the requirements into and for said signs within the City and under the Zoning Ordinance.

From the foregoing testimony, the Board makes the following:

CONCLUSIONS OF LAW

1.

Your petitioner has adequately shown that there exist unique circumstances and conditions peculiar to the property, whereby an unnecessary hardship has been created, due to which there is little or no possibility that the property can otherwise be realistically used and/or developed in strict conformity with the provisions of the Zoning Ordinance.

2.

The subject hardship was not created by your petitioner.

3.

The variance as authorized will not alter the nature or character of the neighborhood, in which the property is located nor substantially or permanently impair the 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 minimal variance that will afford relief and represents the least reasonable modification necessary of the regulations and/or plan at issue.

DECISION

WHEREFORE, THIS 24th DAY OF December, A.D., 2016, THE BOARD GRANTS THE REQUEST OF YOUR PETITIONER; PROVIDED, THAT, IT BE EXACTLY IN THE SIZE AND AS DESCRIBED IN THE TWO (2) RESPECTIVE EXHIBITS THAT WERE PRESENTED AT THE HEARING AND WHICH ARE ATTACHED HERETO, AND HEREIN AND HEREBY AS SPECIFICALLY INCORPORATED BY REFERENCE.

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

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

ANY PERSON AGGRIEVED BY A 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,**

Michael Halloran 12/23/16
Michael Halloran, Chairman

Richard Andrews 12/27/16
Richard Andrews

Donna Royer 12/27/16
Donna Royer

Julie Hirschak 12-29-16
Julie Hirschak

MAILED TO YOUR PETITIONERS: January 3, 2017
Date

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

1301 Twelfth Street, Suite 406i
Altoona, Pennsylvania 16601

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Brian Moore
423 Beech Avenue
Altoona, PA 16601

RE: 423 Beech Avenue, request for a front yard setback variance due to and for an addition of vertical platform lift on premises in a multiple household residential zone.

Your Petitioner and various other representatives, all on his behalf, appeared for the petitioner. No one appeared in opposition.

From the uncontradicted testimony presented at the hearing of December 14, 2016 and the Board's view of the subject premises, 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 property posted.

3.

Your petitioner is an individual with physical disabilities, for which he is limited in his ability to stand, walk, and especially climb steps.

4.

In direct connection therewith, it is reasonable and necessary that he obtain a device and/or access to his house, other than by steps.

5.

Your petitioner, by and with the assistance of local agencies, has indeed been able to accomplish the same, by and for a proposed installation of a lift immediately beside the front steps of his house, which said steps will remain for other ingress and egress for individuals not



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needing such lift assistance.

6.

The property is a unique property, pre-existing the effective Zoning Ordinance, and that is it has a 25 foot frontage, as are the adjacent properties presently to either side of his.

7.

As such, there is limited ingress or egress to the rear portion of the subject lot, being further blocked by gas meters and other obstacles, making ingress and egress even for a person without any limitations difficult to say the least.

8.

Likewise, the rear portion of the property, due to the sloping, topography and the nature of the rear yard, and access, would make placement therein difficult, if not, practically impossible.

9.

Furthermore, and even more important as above said, in light of the petitioner's limitations, to try to access the rear even if the lift could be placed thereat, would be difficult, if not, practically impossible considering his limitations and/or disabilities.

10.

Focusing upon the impact of the placement of the device, and installation thereof, its total size and placement would extend but inches beyond where the pre-existing stairs as it approaches the sidewalk in and along the front of the property.

11.

Furthermore, the installation of the lift does need to be "permanent".

12.

Testimony was indeed presented that while it will be bolted into concrete, it can be removed merely by the unbolting of the same, and taken, sold and/or moved to a new location, if, when, and should, your petitioner sell the property and move elsewhere.

13.

As such, it is arguably as much of an "appliance" as it is a "fixture" or "structure".

14.

Notwithstanding, the same, there is such a hardship overall and such a de minimus variance involved, when one compares the placement of the lift with the existing steps, and the

similar steps up and down the street at issue on neighboring properties, that relief should certainly be granted under the totality of these unique circumstances and conditions applicable hereto.

From the foregoing testimony, the Board makes the following:

CONCLUSIONS OF LAW

1.

Your petitioner has adequately proven there exist such unique circumstances and conditions peculiar to the property, whereby said property cannot be otherwise be reasonably used and/or developed for its intended purpose by your petitioner.

2.

Reasonable use of this property cannot be made by this petitioner without the grant of a variance.

3.

The variance as authorized will not impair appropriate use and/or development of properties adjacent thereto.

4.

The variance as authorized represents a mere minor modification of the regulations and/or plan at issue.

5.

The Board concludes that your petitioner has satisfied the requirements for a grant and permission of his request.

DECISION

WHEREFORE, THIS 29th DAY OF December, A.D., 2016, THE BOARD GRANTS THE REQUEST OF YOUR PETITIONER TO PLACE THE LIFT IN THE SIZE AND AT THE PLACE AS DESCRIBED BY YOUR PETITIONER AT THE SUBJECT HEARING AND AS MORE FULLY AND PARTICULARLY SET FORTH IN HIS EXHIBITS ATTACHED TO HIS REQUEST HEREIN AND HEREBY INCORPORATED BY REFERENCE, AND, FURTHER PROVIDED; THAT WHEN AND IF THE PROPERTY IS SOLD, AND/OR YOUR PETITIONER MOVES FROM THE SAME, THAT THE SUBJECT LIFT BE REMOVED AND EITHER SOLD, TAKEN AND/OR OTHERWISE USED FOR HIS INDIVIDUAL BENEFIT.

PETITIONER MUST, OF COURSE, MEET ANY AND ALL OTHER CITY, STATE AND FEDERAL REGULATIONS AND/OR REQUIREMENTS PERTAINING TO THE SUBJECT PREMISES, WHICH ARE OUTSIDE THE JURISDICTION OF THE ALTOONA

ZONING HEARING BOARD.

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Michael Halloran, Chairman

Richard J. Andrews 12/27/16
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Donna Royer 12-27-16
Donna Royer

Julie Hirschak 12-29-16
Julie Hirschak

MAILED TO YOUR PETITIONERS: January 3, 2017
Date

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

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Anthony Rhine, Alternate

William Kech/B&C Real Properties, LLC
2543 Union Avenue
Altoona, PA 16602

RE: Request for additional signage including external lighting,
relative to Zoning Hearing Decision of March 22, 2016.

From the testimony presented at the hearing of December 14, 2016
and the Board's view of the subject premises, the Board makes the following:

FINDINGS OF FACT

1.

Your petitioner has an ownership interest on the subject property.

2.

Requisite notices were made and property posted.

3.

This property is subject to a request by the same petitioner regarding the subject property for which a decision was rendered and applicable hereto, dated March 22, 2016 and herein and hereby incorporated by reference.

4.

At the time in and as the petitioner had represented, he believed and testified that no signage was necessary and as such, the condition of the approval was that there be "no signs", except for one that he had indicated would be sufficient that he had in his window.

5.

Likewise, the entire grant was particularly subject to and conditioned by Zoning Law, that the subject property be merged into one, which while the application has now taken place is not yet complete or approved, upon which approval, not only the original grant, but this



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decision is conditioned herein and hereby.

6.

There is some signage that is otherwise allowed in and pursuant to the Zoning Ordinance in and for such properties in the zone in which it is located.

7.

All prior signage and all prior use had been abandoned for more than one year prior to your petitioner's acquisition of the same, being 3-3½ years.

8.

As such, any signage that had previously existed in and on the prior business is irrelevant and abandoned and must now comply with the present Zoning Ordinance.

9.

Your petitioner had placed the sign, where the previous owner had had theirs, believing at the time of installation, based on the representation of the prior owner, that it was okay.

10.

Now that he realizes it is not okay and he requests the Board to grant him permission for either it, and/or other signage, of which, again, he indicates he believed he could place in and upon his property, which he now knows he cannot.

11.

As such, your petitioner believes he is a corner property and the same can be recognized as such, if and upon completion of the merger of the building upon which he wishes to place this signage.

12.

As such merger is necessary for the amount of the square footage being requested and being granted.

13.

This Board has been advised through a representative of the City, that the allowable square footage is 40 feet on such a property together with a different 6 square foot sign that indicates the name of the subject property.

14.

As such, due to the unique circumstances and merge concerning the property, the

Board will allow rather than two 20 square foot signs, your petitioner to utilize the 40 square feet, in and as he deems most appropriate and reasonable for his property and business.

15.

The Shield Trophies sign has long pre-existed the subject Zoning Ordinance as a pre-existing non-conformed namely, a Shields Trophy sidewalk overhang sign, will not be included, that is not deducted from the additional 40 feet being granted to your petitioner.

16.

In light of the first hearing, and in light of the testimony presented at the second hearing, it is truly believed that this is more than reasonable and adequate for your petitioner to continue to reasonably utilize his subject property.

17.

Finally, the hearing and decision with all of its conditions, following the hearing of March 9, 2016, by Decision dated March 22, 2016, was received by your petitioner and never appealed.

From the foregoing testimony, the Board makes the following:

CONCLUSIONS OF LAW

1.

Your petitioner did not appeal the previous hearing and decision, dated March 22, 2016, which is herein and hereby incorporated by reference.

2.

The signage as herein granted, is more than reasonable and adequate to allow reasonable use of the property to be made.

DECISION

WHEREFORE, THIS 24th DAY OF December, A.D., 2016, THE BOARD GRANTS THE REQUEST OF YOUR PETITIONER FOR ONE SIX SQUARE FOOT NAME IDENTIFICATION SIGN, AND GRANTS YOUR PETITIONER A TOTAL OF FORTY (40) SQUARE FEET TO BE PLACED IN AND UPON THE SIDE(S) OF THE BUILDING AS YOUR PETITIONER DEEMS PRACTICAL AND IN NO CIRCUMSTANCES SHOULD THAT TOTAL SQUARE FOOTAGE EXCEED FORTY (40) SQUARE FEET. THE SEPARATE SIX (6) SQUARE FOOT SIGN AND THE SEPARAGE PRE-EXISTING SHIELDS TROPHY SIGN SHALL NOT BE USED IN DEDUCTING OR TOTALING THE OTHER REFERENCED 40 SQUARE FEET; FOR EXAMPLE, IF THE REMAINDER OF THE SIGN THAT INDICATES "THE SPORTS SHOP AT SHIELDS TROPHY, 814-943-4443". IS 40 SQUARE FEET OR LESS, AFTER THE LOGOS OF SPORTS TEAMS AND LEAGUES ARE

PAINTED OVER. THEN THAT, FOR EXAMPLE, WOULD BE ALLOWABLE.

FURTHERMORE, THERE SHALL BE NO EXTERIOR LIGHTING IN OR UPON ANY OF THE SIGNAGE.

ALL OF THE ABOVE REFERENCED PERMITS ARE EXPRESSLY CONDITIONED UPON AND SUBJECT TO THIS PROPERTY BEING GRANTED A MERGER BY THE CITY OF ALTOONA, AS WELL AS ANY AND ALL CONDITIONS OF THE PREVIOUS DECISION OTHER THAN RELATED TO SIGNAGE BEING HERewith AND HEREBY INCORPORATED BY REFERENCE.

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

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MAILED TO YOUR PETITIONERS: January 3, 2017
Date

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Lee Slusser, Director of Planning
Marilyn Morgan, Planner II, Zoning Office