

1301 Twelfth Street, Suite 400
Altoona, Pennsylvania 16601

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planning@altoonapa.gov



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

Lawruk Realty Limited Partnership
210 West Plank Road
Altoona, PA 16601

Attorney Jackie Bernard
411 South Logan Boulevard, Suite 1
Altoona, PA 16602

RE: 112-16 Byron Avenue/Lawruk Realty Limited Partnership.
Request for extension of time relative to Zoning Hearing Board
Decision of May 19, 2016.

Your Petitioner appeared by and through its attorney, Jackie Bernard and the representative of the owner, Steven Gardner.

From the testimony presented at the hearing of January 11, 2017 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 the property posted.

3.

The subject property was granted permission for its request by a decision dated May 19, 2016, the terms and conditions thereof being herein and hereby incorporated by reference.

4.

Despite and notwithstanding exercise of due diligence by your petitioner, in working with the City of Altoona, it was unable to secure the necessary permits requisite of it within six (6) months from the date of the decision.

5.

Much of the delay was beyond the control of your petitioner and as such has become necessary to appear before this Board for an additional six (6) month period of time.

From the foregoing testimony, the Board makes the following:

CONCLUSIONS OF LAW

1.

Your petitioner exercised due diligence and notwithstanding the same, was unable to timely secure the necessary permits within the date of the subject decision.

DECISION

NOW, THIS 23rd DAY OF January, A.D., 2017, THE REQUEST OF YOUR PETITIONER IS GRANTED AND AN ADDITIONAL SIX (6) MONTH PERIOD OF TIME IS GIVEN IT WITH THE REMAINDER OF THE DECISION DATED MAY 19, 2016, FULLY AND COMPLETELY INCORPORATED HEREIN AND HEREBY REFERENCE.

PETITIONERS 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 1-18-17
Michael Halloran, Chairman

Richard Andrews 1/23/17
Richard Andrews

Donna Royer 1-19-17
Donna Royer

Julie Hirschak 1-20-17
Julie Hirschak

MAILED TO YOUR PETITIONER: January 24, 2017
Date

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

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Providence Presbyterian Church
2401 Broad Avenue
Altoona, PA 16601

RE: Request for a variance for LED sign on premises in a mixed residential-commercial zone.

Your petitioners appeared on its own behalf, by and through, Reverend Dennis Braun and Philip Hall.

From the testimony presented at the hearing of January 11, 2017 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.

Your petitioner has continuously from the time that they had been at the subject parish, maintained signage in and about the location, in the very foundation upon which the new sign is placed.

4.

The pre-existing sign is simply being replaced now due to disrepair and need of replacement.

5.

The placement of this otherwise pre-existing use, will insert new technology and be



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no larger in the face of the sign, and sit in the exact same place and foundation as the sign, which it is to replace.

6.

The ministry has grown so as to necessitate this new technology so it can display and identify various services, times, dates, and places at which the same will take place, basically, furthering its attempt to “outreach” to the community over and above its present membership.

7.

The past signage had necessitated manual replacement of letters, and is far and inadequate for the continued and reasonable conduct of the services therein provided.

8.

The property itself is unique and at this particular location, it is within a mixed of residential and commercial uses, specifically, the angle at which the sign faces to be toward a pharmacy and other business of insurance, an investment services.

9.

The subject Broad Avenue, upon which this property is situate, is a busy thorough fare, and is hardly considered a quiet residential lane or street.

10.

The sign is literally within the very same foundation so that there is no increase in the amount of signage and, in fact, as a single faced sign.

11.

Your petitioner has indicated its willingness, of course, to comply with all the requirements of the Ordinance pertinent to such LED signs, and further, the sign automatically off no later than 9:00p.m., so as to minimize any interference with residential uses mixed in and about the subject property.

12.

Recognizing the special circumstances and needs of the particular property in question, and its pre-existing continuous non-conformity, never abandoned, the Board makes the following:

CONCLUSIONS OF LAW

1.

Your petitioner has adequately shown that there is a need for a change in use which is both reasonable and necessary for the continued reasonable use of the property and its religious

and social services to continue therein and thereat.

DECISION

WHEREFORE, THIS 24th DAY OF January, A.D., 2017, THE BOARD GRANTS THE REQUEST OF YOUR PETITIONER; PROVIDED, HOWEVER, THAT THE SUBJECT SIGN SHALL AT NO TIME DISPLAY ANY OTHER MESSAGE WHATSOEVER, OR HOWSOEVER, UNLESS IT IS DIRECTLY CONNECTED WITH AND FOR THE USE, AND RELIGIOUS AND SOCIAL SERVICES CONDUCTED THEREIN BY YOUR PETITIONER, AND, AS SUCH, WILL NEVER DISPLAY ANY OTHER OFF-PREMISES EVENTS OR BUSINESSES THAT HAVE NO RELATIONSHIP WITH OR TO THE SUBJECT CHURCH; FURTHERMORE; THE SAID SIGNAGE SHALL CONTAIN NO FLASHING OR STROBE LIGHTS, EITHER IN ITS DISPLAY OR MESSAGES; PROVIDED FURTHER, NO MESSAGE SHALL BE DISPLAYED LESS THAN THIRTY (30) SECONDS IN DURATION; FURTHERMORE, THERE SHALL BE NO ADVERTISEMENTS FOR OR CONCERNING ANY OFF-PREMISES USE OR BUSINESS, AND, PROVIDED FINALLY, THE SUBJECT SIGN AND LIGHTS THEREIN CONTAINED SHALL BE "GRAY SCALE", IN AND AS THE SIZE NO GREATER THAN THAT EXISTING AT THE PRESENT TIME AND SHALL AT ALL TIMES COMPLY WITH ANY AND ALL OF THE REQUIREMENTS PERTINENT TO SUCH LED SIGNAGE IN, AND/OR BY THE ORDINANCES OF THE CITY OF ALTOONA, INCLUDING SPECIFICALLY BUT NOT LIMITED TO THE REQUIREMENT PERTINENT TO 5,000 AND 500 NITS IN AND AT DAYLIGHT HOURS AND NON-DAYLIGHT HOURS RESPECTIVELY AND; FINALLY, THE SAID SIGN SHALL BE ALLOWED TO BE OPERATED, THAT IS, "ON" FROM THE HOURS OF 7:00A.M. UNTIL 9:00P.M. DAILY.

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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**THE ZONING HEARING BOARD OF THE
CITY OF ALTOONA,**

Michael P. Halloran 1-24-17
Michael Halloran, Chairman

Richard Andrews 1-23/17
Richard Andrews

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Donna Royer

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Julie Hirschak

MAILED TO YOUR PETITIONERS: January 24, 2017
Date

cc: William J. Stokan, Zoning Board Solicitor
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