

1301 Twelfth Street, Suite 400
Altoona, Pennsylvania 16601

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

planning@altoonapa.gov



ALTOONA ZONING HEARING BOARD

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

Casey Campbell
1233 South Logan Boulevard
Hollidaysburg, PA 16648

RE: 845 – 37th Street, request to expand a non-conforming use day care
in a non-conforming building in a suburban residential zone.

Your petitioner and her engineer/architect appeared on behalf of your petitioner.

From the uncontradicted testimony presented at the hearing of June 15, 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 property posted.

3.

The property is one which had been previously permitted as a pre-existing
legitimate non-conforming use by Decision dated June 22, 1998.

4.

It has continued in and for such a use and within the provisions of that Decision
herein and hereby incorporated by reference.

5.

In the normal and ordinary use of the property for that said purpose, it has grown
and naturally enlarged to the point where this request has now become necessary.

6.

The use of the subject property will now, therefore, only be one, the residential
rental of the second floor being changed to the primary use of the subject property, to wit, a



daycare.

7.

Occupying the second floor and using that as and for its daycare use is a natural expansion of the previous non-conforming use.

8.

It has now become necessary to accommodate up to six (6) employees.

9.

The elimination of the three (3) spaces previously dedicated to the upstairs tenants will allow that to be accomplished, that is, off-street parking for the additional employees and/or additional users of the subject property.

From the foregoing testimony, the Board makes the following:

CONCLUSIONS OF LAW

1.

The subject property is and was a legitimate non-conforming use.

2.

The expansion of the non-conforming uses, both a natural and reasonable expansion of the prior use of the property that had been continuous at the present time.

DECISION

WHEREFORE, THIS 28th DAY OF June, A.D., 2017, THE BOARD GRANTS THE REQUEST OF YOUR PETITIONER, PROVIDED, HOWEVER, THAT OFF-STREET PARKING BE PROVIDED FOR THE ADDITIONAL EMPLOYEES AND THAT THERE SHALL BE NO MORE THAN SIX (6) EMPLOYEES IN OR AT THE SUBJECT DAYCARE.

YOUR PETITIONER MUST, OF COURSE, MEET ANY AND ALL OTHER CITY, STATE AND FEDERAL REGULATIONS AND/OR REQUIREMENTS PERTAINING TO THE SUBJECT PROPERTY, 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 6/21/17
Michael Halloran, Chairman

Richard Andrews 6/28/17
Richard Andrews

Horace G. McAnuff 6-25-17
Horace McAnuff

Donna Royer 6-27-17
Donna Royer

Cory R. Gehret 6/21/17
Cory Gehret

MAILED TO YOUR PETITIONER: June 28, 2017
Date

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

1301 Twelfth Street, Suite 400
Altoona, Pennsylvania 16601

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ALTOONA ZONING HEARING BOARD

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

Robert Keith, Jr.
536 Grandview Road
Altoona, PA 16601

RE: 213 N. 8th Avenue, request to reinstate a triplex use of a non-conforming building in a limited residential zone.

Your petitioner appeared on his own behalf.

From the uncontradicted testimony presented at the hearing of June 15, 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 wishes to utilize the property that he owns and had previously resided in as a triplex or at least a duplex.

4.

The property itself had obviously been designed and built for the use of at least a duplex and at times as a triplex.

5.

However, this triplex use was obviously abandoned for more than a year prior hereto.

6.

Notwithstanding, your petitioner, while residing in part of the premises at times had originally rented it as a triplex and, thereafter, rented it as a duplex.



7.

Eventually, while keeping it as a duplex, namely, having two (2) meters, separate entries and exits, different kitchens on different floors, etc., his family became extended and he actually utilized all of the property for his single family use.

8.

He has since relocated to a new property and lives in a new single family home.

9.

The property itself could have over seven (7) bedrooms, which due to his universal family that was residing therein had almost all been utilized but in turn, makes it obviously difficult for continued use and/or sale as a solely single family residence.

10.

Notwithstanding the same, since the property was and continued as having two separate meters and continued almost as a duplex, it only seems fair and reasonable to allow your petitioner to at least utilize the same as such.

11.

There can be two off-street parking spaces at least developed from the alley access to its rear so that such permission would not interfere with other surrounding residence.

12.

Your petitioner also indicates that he, by lease, will be solely responsible as the owner for garbage, maintenance, snow removal, and the like so that it will not change in any way, shape, or form than he had previously lived there and maintained the property himself.

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 applicant whereby the property cannot otherwise be realistically used and/or developed in strictest conformity with the provisions of the Zoning Ordinance.

2.

The variance is therefore necessary for a reasonable use of the property to be made and continued.

3.

This hardship was not created by your petitioner.

4.

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

5.

The variance as authorized is a slight modification of the regulations from the plan at issue while allowing relief to your petitioner.

WHEREFORE, this Board makes the following:

DECISION

WHEREFORE, THIS 28th DAY OF June, A.D., 2017, THE BOARD GRANTS THE REQUEST OF YOUR PETITIONER TO THE EXTENT THAT IT BE ALLOWED TO BE USED AS A DUPLEX OR SINGLE FAMILY USE ONLY, BUT NOT AS A TRIPLEX; AND IF IT IS TO BE USED AS A DUPLEX, IT IS CONDITIONED THAT THE OWNER MAINTAIN THE PROPERTY AND PROVIDE FOR ALL GARBAGE, SNOW REMOVAL, ETC, HIMSELF AS THE OWNER AND PROVIDED, FURTHER, THAT AT LEAST TWO OFF-STREET PARKING SPACES MUST BE PROVIDED AND MUST BE PAVED PRIOR TO OCCUPANCY FOR USE OF THE SAID TENANTS, AND IN SAID LEASE, SAID TENANTS SHALL BE TOLD THAT THEY ARE TO PARK IN THEIR RESPECTIVE PLACES RESERVED FOR THEM PARTICULARLY.

YOUR PETITIONER MUST, OF COURSE, MEET ANY AND ALL OTHER CITY, STATE AND FEDERAL REGULATIONS AND/OR REQUIREMENTS PERTAINING TO THE SUBJECT PROPERTY, 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 6/21/17
Michael Halloran, Chairman

Richard J. Andrews 6/28/17
Richard Andrews

Horace G. McAnuff 6-25-17
Horace McAnuff

Donna Royer 6-27-17
Donna Royer

Cory R. Gehret 6/21/17
Cory Gehret

MAILED TO YOUR PETITIONER: June 28, 2017
Date

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

1301 Twelfth Street, Suite 400
Altoona, Pennsylvania 16601

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ALTOONA ZONING HEARING BOARD

Michael Halloran
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Eric Wible
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Julie Hirschak, Alternate
Sherry Peck, Alternate
Anthony Rhine, Alternate

Matthew P. Luther
1308 N. 7th Avenue
Altoona, PA 16601

RE: 1308 N. 7th Avenue, request to place accessory structure pool in front of main structure on premises in a suburban residential zone.

Your petitioner appeared on his own behalf.

From the contradicted testimony presented at the hearing of June 15, 2017 and the Board's view of the subject premises, the Board makes the following:

FINDINGS OF FACT

1.

Your petitioner is the owner of the subject premises.

2.

Requisite notices were made and property posted.

3.

Your petitioner is the owner and resident in and of the subject property having only recently acquiring the property.

4.

As such, the property, its layout, and location of the house, vis a vis the setbacks and property lines were already previously existing and, as such, legally non-conforming.

5.

However, since the subject house itself is basically up against the rear property line, there is absolutely no place to do anything to the rear of the property itself, such as, having a pool.



6.

In the normal use and ordinary occupying the subject property in and for his family and himself individually, he has wanted to put in an above-ground pool for his family, himself, and his children.

7.

There is absolutely no place within which he can do so to the rear yard.

8.

The lot obviously is non-conforming.

9.

The previous owner had a pool, above-ground as requested by your petitioner.

10.

This pool was basically located almost in the exact place that your petitioner is now requesting.

From the foregoing testimony, the Board makes the following:

CONCLUSIONS OF LAW

1.

The property is a non-conforming lot.

2.

In order to reasonably continue and utilize the subject property for its permitted use, it is both reasonable and necessary that the variance be granted from the Ordinance and permission provided.

3.

Your petitioner has adequately proven there exist, therefore, unique circumstances, conditions peculiar to his property, whereby the subject property cannot otherwise be realistically used or developed in strict conformity with the provisions of the Zoning Ordinance.

4.

The variance is therefore necessary for the reasonable use of the property to be made and continued.

5.

This hardship was not created by your petitioner.

6.

The hardship was all pre-existing and already non-conforming at the time of purchase.

7.

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

8.

This variance is authorizing is a slight modification of the regulations and/or plan of issue while allowing relief to your petitioner.

DECISION

WHEREFORE, THIS 28th DAY OF June, A.D., 2017, THE BOARD GRANTS THE REQUEST OF YOUR PETITIONER TO BUILD AN ABOVE-GROUND POOL IN HIS FRONT YARD AT THE PLACE AND LOCATION AS HE HAD DESCRIBED AND PRESENTED TO THE BOARD HEREIN INCORPORATED BY REFERENCE.

YOUR PETITIONER MUST, OF COURSE, MEET ANY AND ALL OTHER CITY, STATE AND FEDERAL REGULATIONS AND/OR REQUIREMENTS PERTAINING TO THE SUBJECT PROPERTY, 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.

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THE ZONING HEARING BOARD OF THE
CITY OF ALTOONA,

Michael Halloran 6/21/17
Michael Halloran, Chairman

Richard Andrews 6/28/17
Richard Andrews

Horace C. McAnuff 6-25-17
Horace McAnuff

Donna Royer 6-27-17
Donna Royer

Cory R. Gehret 6/21/17
Cory Gehret

MAILED TO YOUR PETITIONER: June 28, 2017
Date

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

1301 Twelfth Street, Suite 400
Altoona, Pennsylvania 16601

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ALTOONA ZONING HEARING BOARD

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Eric Wible
Donna Royer
Jude Hirschak, Alternate
Sherry Peck, Alternate
Anthony Rhine, Alternate

Dazzling Realty, LLC
1600 Broadway
Altoona, PA 16601

RE: 1600 Broadway request for a special exception for off-site parking at 2309 Broadway/1529 Broadway for a commercial use known as Mama Randazzo's at 1600 Broadway in a single household residential zone.

Your petitioners appeared by and through Paul Randazzo and his contractor.

From the uncontradicted testimony presented at the hearing of June 15, 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.

Your petitioner has continuously utilized his structure known as Mama Randazzo's as a restaurant and beer store.

4.

In the use and success of running that business, albeit, in a residential zone, it has increased in size to the extent that he wishes now to add 22 more seats within the structure, and increase employees from 13 to 16 to 19 in number.

5.

At busy hours, the parking lot that he has to the rear, which was never totally developed but limited so as to not deal with storm water management, and the parking that he has in and along Broadway Avenue, is not enough for the desired increase in business



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6.

The petitioner has an ownership interest in the property across Broadway street and then across the West 16th Avenue/East 24th Avenue location.

7.

The lot upon which the parking is requested presently is and within an area still designated and obviously utilized as single family residence.

8.

The request will further encroach therefore into a single family residential zone by such a business use including but not limited to traffic, headlights, dust, noise, and all such nuisance characteristics associated with a parking lot.

9.

The request is obviously a stand alone parking lot within, and on the side of a street otherwise single family residential.

10.

The said lot is actually surrounded by and abuts other single family residential uses and certainly not business ones.

11.

In fact, the subject lot in question is licensed by the City of Altoona and permit granted in November of 2016 for continued residential and/or rental use.

12.

Your petitioner admits that he bought the subject property solely for and with the intent of using it as a parking lot.

13.

Obviously, the subject lot could be utilized and developed for use otherwise permitted in single family residential and indeed had been continuously so used prior to sale by the previous owner.

14.

The property obviously had been inspected by the City of Altoona and after the same, rental license issued for that subject property, i.e., the property at issue.

15.

Your petitioner in conversations with neighbors in and around the subject property, indeed recognizes the interferences of such a parking lot in a residential neighborhood, agreeing to build a solid vinyl fence so as to de-minimize headlights at evening times into residential owner's property, and use, immediately to the rear of the property at issue.

16.

Your petitioner failed to adequately prove to the satisfaction of this Board, therefore, that the installation of parking at this location would not have a deleterious effect of the overall neighborhood in terms of residential stability and economic development.

17.

It is obvious that this parking lot placed now across the street may well have a domino affect on and negatively affect the use and enjoyment of properties otherwise within that which had been and continues to be single family residential only.

18.

It is obvious that having a parking lot next to and/or across the street from your subject property will have a negative impact on the resale ability and/or fair market value of residences for a residential value immediately adjacent thereto.

19.

Your petitioner has further indicated in recognition of the same that he will attempt by signage and even a chain, if permitted, to de minimize the comings and goings to users of that as a parking lot.

20.

However, your petitioner admits that while his restaurant use is usually no greater than 10:00 p.m., he does in fact remain open for sale of alcohol and 6-packs until 1:00 a.m. in the morning.

21.

As such, further inroad of users could well be into and from the subject parking lot in and about the residential neighborhood until such time (1:00a.m.), further interfering with appropriate use and/or development of the properties adjacent thereto for their otherwise permitted residential uses and values.

22.

As above indicated, there is already a viable building in and upon the subject lot.

23.

In order to have a parking facility thereon, the subject structure must be demolished.

24.

Obviously, the structure is viable for use as recognized by the permit even though further updates might otherwise be necessary thereto.

From the foregoing testimony, the Board makes the following:

CONCLUSIONS OF LAW

1.

Your petitioner failed to satisfy and meet its burden of proof to show full compliance in and/or with Section 800-48 (c) 9, pertinent to off-street parking.

2.

The installation of parking at that location at issue would have a deleterious effect on the overall neighborhood in terms of residential stability and economic development and value.

3.

The installation of the parking facility would indeed necessitate the demolition of a viable and structurally sound building.

4.

Your petitioner has failed to adequately prove otherwise, that is that it would not have a deleterious effect on the overall neighborhood in terms of residential stability and economic development and/or adequately prove that the installation of a parking facility would not otherwise necessitate the demolition of a viable and structurally sound building to the satisfaction of the Board.

Wherefore the Board makes the following:

DECISION

WHEREFORE, THIS 28th DAY OF June, A.D., 2017, THE BOARD DENIES THE REQUEST OF YOUR PETITIONER.

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

THE ZONING HEARING BOARD OF THE
CITY OF ALTOONA,

Michael Halloran 6/21/17
Michael Halloran, Chairman

Richard Andrews 6/28/17
Richard Andrews

Donna Royer 6-27-17
Donna Royer

Horace McAnuff 6-25-17
Horace McAnuff/Dissent

Cory Gehret 6/21/17
Cory Gehret/Dissent

MAILED TO YOUR PETITIONER: June 29, 2017
Date

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

1301 Twelfth Street, Suite 400
Altoona, Pennsylvania 16601

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ALTOONA ZONING HEARING BOARD

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

James Columbo
GAJE Downtown Development LP
400 Pemberly Drive
Hollidaysburg, PA 16648

Tom Bennett
Altoona Neon Sign
809 South 10th Street
Altoona, PA 16602

RE: Request of 909 Chestnut Avenue for an LED message board on premises in a central business commercial zone.

Your petitioners appeared on behalf of petitioner.

From the uncontradicted testimony presented at the hearing of June 15, 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 sign is one which faces a one-way street in a downtown central business district.

4.

There are absolutely no other residences or other businesses with which any type of signage could interfere.

5.

The sign is necessary in the reasonable and ordinary course of business to continue and maintain the business thereat to identify to individuals the type of specials, restaurant foods,



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and the like, concerning the subject businesses conducted therein.

6.

Even more importantly, there is a Ordinance to take effect which forthwith would allow the very request of your petitioner in this type of zone and for this type of sign requested.

7.

In the meantime, however, there are limitations for such signs and where they are allowed.

8.

The petitioner has indicated that there will be no off-premises businesses advertised therein and as such it will not be used for advertisement or billboard for third party businesses.

9.

Furthermore, the petitioner has verified that this is the type of sign that a computer can control so as to prevent flashing or extreme brightness that could interfere with a driver's attention to the roadway along which the sign faces.

10.

As such, being a one-way street, it is only a one faced sign.

11.

The subject sign allows state of the art signage while not interfering with surrounding uses.

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 no possibility that the property can otherwise be realistically used and/or developed in strictest conformity with the provisional zoning ordinance.

2.

A variance is therefore necessary for a reasonable use of the property to be made.

3.

This hardship was not created by your petitioner.

4.

The variance as authorized will not alter the nature or character of the neighborhood, nor will it impair appropriate uses or development of the properties adjacent thereto.

5.

The variance as authorized and conditioned is only a slight modification of the regulations and/or plan at issue, while allowing relief to your petitioner, especially, in light of the upcoming change and new ordinance

Wherefore the Board makes the following:

DECISION

WHEREFORE, THIS 26th DAY OF June, A.D., 2017, THE BOARD GRANTS THE REQUEST OF YOUR PETITIONER, PROVIDED, HOWEVER, THAT THE SUBJECT SIGN SHALL NOT DISPLAY ANY OTHER MESSAGES WHATSOEVER, OR HOWSOEVER, UNLESS DIRECTLY CONNECTED TO AND/OR WITH THE USES AND BUSINESS CONDUCTED BY YOUR PETITIONER IN AND ON THE SUBJECT SITE. FURTHERMORE, THE SAID SIGN SHALL NOT CONTAIN ANY FLASHING OR STROBE LIGHTS IN ITS DISPLAY OR MESSAGES, AND, PROVIDED FURTHER, THAT THE MESSAGE DISPLAY SHALL THEREFORE NEVER BE LESS THAN THIRTY SECONDS IN DURATION, AND, FURTHERMORE, THERE SHALL BE NO ADVERTISEMENTS FOR OR CONCERNING ANY OFF-PREMISES USES OR BUSINESSES AND, PROVIDED, FINALLY, THE SUBJECT SIGN IN PARTICULARLY, THE LIGHTS THEREIN CONTAINED, MUST COMPLY WITH ANY AND ALL OF THE REQUIREMENTS PERTINENT TO SUCH SIGNAGE AND BY THE ORDINANCE OF THE CITY OF ALTOONA, INCLUDING BUT NOT LIMITED TO THE REQUIREMENTS PERTINENT TO 5,000 AND 500 NITS, IN AND AT DAYLIGHT AND NON DAYLIGHT HOURS RESPECTIVELY.

YOUR PETITIONER MUST, OF COURSE, MEET ANY AND ALL OTHER CITY, STATE AND FEDERAL REGULATIONS AND/OR REQUIREMENTS PERTAINING TO THE SUBJECT PROPERTY, 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 6/21/17
Michael Halloran, Chairman

Richard J. Andrews 6/25/17
Richard Andrews

Horace C. McAnuff 6-25-17
Horace McAnuff

Donna Royer 6-27-17
Donna Royer

Cory R. Gehret 6/21/17
Cory Gehret

MAILED TO YOUR PETITIONER: June 28, 2017
Date

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

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ALTOONA ZONING HEARING BOARD

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

Design Box
ATTN: Lloyd Bryant and/or
Scott Cochrane
4327 Butler Street
Pittsburgh, PA

Engineering Office
UPMC-Altoona
Attention: Jim DeStefano
620 Howard Avenue
Altoona, PA 16601

RE: 620 Howard Avenue, UPMC Altoona/Design Box request for
sign variances from Section 800-61 C(2) table B square feet
of signage per linear foot of lot width at the building line as follows:

1. 620 Howard Avenue frontage, 525 square feet permitted 1,050 square feet requested.
2. 800 Howard Avenue, Howard Avenue frontage, 125 square feet allowed or permitted, 251 square feet requested.
3. 400 Howard Avenue, Howard Avenue frontage, 87 square feet allowed, 174 square feet requested.
4. 400 Howard Avenue, Building G, Willow Avenue frontage, 97.5 square feet allowed or permitted, 195 square feet requested, all within a light industrial zone.

Jim DeStefano of UPMC Altoona Hospital, Lloyd Bryant on behalf of the Design Company appeared on behalf of your petitioner.

From the uncontradicted testimony presented at the hearing of June 15, 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.



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2.

Requisite notices were made and properties posted.

3.

Your petitioners are addressing five (5) different parcels in and as a part of an overall "campus" presently spread throughout various properties all owned by UPMC and all contiguous in and within a literal hospital campus.

4.

There are no provisions whatsoever pertinent to such a situation for such a "campus" within the Zoning Ordinance of the City of Altoona.

5.

As such, reasonable requests are permitted, and furthermore present thereby a unique circumstance and condition to the petitioner.

7.

The request is being made at the minimum to afford relief less than even normally had by your petitioners, illustrated by the fact they will be using 3½ rather than 4 inch lettering.

8.

Furthermore, the signage, in order to allow a directional findings and business identifications of the various uses within the campus, require a 4-sided sign, which while the sign itself may be smaller than the signs which they are going to replace, nevertheless, being 4-sided rather than 2, almost "double" the square footage usually being requested or utilized.

9.

This development of the various properties within the campus has necessitated the identification and directional signage, especially, in light of the increase in size of the campus and its use now by various individuals, patients, and family member/visitors that come from extended areas and out-of-town, not particularly thereby and therefore acquainted with the layout of the Altoona Hospital and the various independent uses and facilities therein provided and located.

10.

The request is indeed to be the minimum reasonable to accomplish the goal and afford relief and are obviously replacing signs that had pre-existed in and with the format that is standard within all of the present owners' facilities, that is "UPMC" throughout Pennsylvania.

From the foregoing testimony, the Board makes the following:

CONCLUSIONS OF LAW

1.

Your petitioner has adequately proven there exists unique circumstances and conditions peculiar through the properties, to wit, the campus scenario, whereby the subject properties cannot otherwise be realistically used or developed in strictest conformity with the provisions of the Zoning Ordinance.

2.

The variance is therefore necessary for the continued reasonable use of the properties to be made.

3.

This hardship was not created by your petitioner.

4.

The variance as authorized will not alter the nature or character of the neighborhood, nor impair appropriate uses for development of properties adjacent thereto, particularly realizing that almost all of the subjects of the request are on-site of your petitioner and its campus.

5.

The variance as authorized and conditioned is a slight modification of the regulations from the plan at issue while allowing relief to your petitioner.

WHEREFORE, this Board makes the following:

DECISION

WHEREFORE, THIS 28th DAY OF June, A.D., 2017, THE BOARD GRANTS THE REQUEST OF YOUR PETITIONER IN AS AND PER THE PARTICULARS AS PRESENTED TO THE CITY THROUGH ITS APPLICATION AND TO THE ZONING HEARING BOARD AT THE HEARING, ALL THE SAME HEREIN AND HEREBYBY INCORPORATED BY REFERENCE.

YOUR PETITIONER MUST, OF COURSE, MEET ANY AND ALL OTHER CITY, STATE AND FEDERAL REGULATIONS AND/OR REQUIREMENTS PERTAINING TO THE SUBJECT PROPERTY, 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 6/21/17
Michael Halloran, Chairman

Richard J. Andrews 6/28/17
Richard Andrews

Horace McAnuff 6-25-17
Horace McAnuff

Donna Royer 6-27-17
Donna Royer

Cory R. Gehret 6/21/17
Cory Gehret

MAILED TO YOUR PETITIONER: June 28, 2017
Date

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