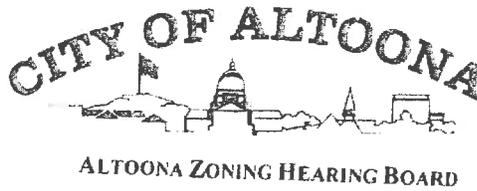


1301 Twelfth Street, Suite 400
Altoona, Pennsylvania 16601

Voice - 814-949-2470
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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

Altoona Bible Church
3017 Union Avenue
Altoona, PA 16601

RE: Altoona Bible Church is requesting to replace a freestanding changeable copy sign with an internally lit electronic screen sign in and at premises in a suburban residential zone.

Your Petitioner appeared by and through Buddy Hann, Nancy McClelland, and Pastor Stewart.

From the testimony presented at the hearing of March 8, 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 and sign associated therewith, has been in continuous existence since 1967.

4.

It is a manual letter changing sign.

5.

It is now due to the continued development and progress of the Church, its school and bible study, and other programs associated therewith in need of updating and becoming modern with their signage.

6.

They have indicated, of course, a willingness to be good neighbors so as to de minimize any interference with the surrounding owners.



Printed on Recycled Paper

7.

The past sign that is to be replaced is presently perpendicular to the roadway and the subject sign will be similarly perpendicular at the same location as exists the subject sign.

8.

The message board of the sign will be only for the Church and its own related uses.

9.

As such, the replacement of this otherwise pre-existing use will insert new technology and be no larger in the fact, parts of the sign which displays messages and identifies the business and purposes therein contained, i.e., Church services, than the sign which it is to replace.

10.

The subject ministry has grown and increased normally so as to necessitate this new technology so it can display and identify the various services, times, and dates of which the same are being offered.

11.

The property itself is unique in that its particular location. there are no residents whatsoever on either side adjacent to it, but only across the street.

12.

It is further unique in that the street itself is Union Avenue, a thoroughfare, somewhat unique in and about an otherwise single family suburban residential zone.

13.

Basically, the sign is literally to be built on the same foundation and area and replace the old sign so as there is no increase in the amount of signage, simply the replacement of old technology with the new.

14.

As above, the petitioner has indicated its willingness, of course, to comply with any and all other requirements of the ordinance pertaining to such signs, the rule as is conditioned hereinafter turn the sign off automatically, which in this case is to be no later than 9:00p.m. so as to de minimize any interference with residential uses that are in and about the area, and for which the area is zoned.

15.

Recognizing the special circumstances of this particular property and sign in question, the Board makes the following:

CONCLUSIONS OF LAW

1.

Your petitioner has adequately demonstrated the change in use as both reasonable and necessary and vital to and/or for the reasonable continued use and operation of the subject property in and for its religious and social services in and upon the subject property.

DECISION

WHEREFORE, THIS 16th DAY OF March, A.D., 2017, THE REQUEST OF YOUR PETITIONER IS GRANTED, PROVIDED, HOWEVER, THAT SAID SIGN SHALL NOT DISPLAY ANY OTHER MESSAGES WHATSOEVER, OR HOWSOEVER, UNLESS THEY ARE DIRECTLY CONNECTED WITH AND FOR THE USE OF RELIGIOUS AND SOCIAL SERVICES THEREIN CONDUCTED BY YOUR PETITIONER ONLY. FOR EXAMPLE, BUT NOT LIMITED TO NOT DISPLAYING ANY OTHER OFF PREMISES EVENTS OR BUSINESSES THAT HAVE NO RELATIONSHIP WITH OR TO THE ALTOONA BIBLE CHURCH. FURTHERMORE, THE SAID SIGN SHALL CONTAIN NO FLASHING OR STROBE LIGHTS ON ITS DISPLAY OR MESSAGES, AND, PROVIDED, FURTHER, THAT NO MESSAGE SHALL BE DISPLAYED LESS THAN THIRTY (30) SECONDS IN DURATION, AND AS SUCH THERE SHALL BE NO FLASHING OR CONTINUOUS ANIMATION, SUCH AS CARTOONS AND THE LIKE, AND, FURTHERMORE, THERE SHALL BE NO ADVERTISEMENTS FOR OR CONCERNING ANY OFF-PREMISES USE OR BUSINESSES, AND, PROVIDED, FURTHER, THE SUBJECT SIGN AND THE LIGHTS THEREIN CONTAINED MUST COMPLY WITH ANY AND ALL OF THE REQUIREMENTS PERTINENT TO SUCH SIGNAGE, IN, FOR, OR BY THE ORDINANCES OF THE CITY OF ALTOONA, PROVIDED, FURTHER, THAT THE SUBJECT SIGN PECULIAR TO AND BECAUSE OF ITS LOCATION SHALL BE LIMITED TO 5,000 NITS IN AND AT DAYLIGHT HOURS AND 250 NITS IN AND AT NON-DAYLIGHT HOURS, AND, PROVIDED, FURTHER, THAT THE SAID SIGN SHALL ONLY BE ALLOWED TO OPERATE, THAT IS, TO BE "ON" FROM THE HOURS OF 7:00A.M. UNTIL 9:00P.M. DAILY, AND PLACEMENT OF SAID SIGN SHALL BE AS THE PRE-EXISTING SIGN PERPENDICULAR TO UNION AVENUE, PROVIDED, FURTHER, THAT IT SHALL BE LOCATED AND CONSTRUCTED IN AND AT THE EXACT LOCATION OF THE EXISTING SIGN, AND, FURTHERMORE, SAID SIGN SHALL BE NO GREATER IN SIZE OR SQUARE FEET THAN THE SIGN WHICH IT IS TO REPLACE, WHICH IS BOTH DEMONSTRATED AND SET FORTH IN THE DRAWING AND ATTACHMENTS INTRODUCED TO AND MADE A PART OF THE ZONING HEARING BOARD HEARING OF MARCH 8, 2017, HEREIN AND HEREBY INCORPORATED BY REFERENCE.

PETITIONERS 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 3-14-17
Michael Halloran, Chairman

Horace McAnuff 3-15-2017
Horace McAnuff

Richard Andrews 3-16-17
Richard Andrews

Cory Gehret 3/16/17
Cory Gehret

MAILED TO YOUR PETITIONER: March 20, 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, Pennsylvania 16601

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Altoona Neon & Sign Service, Inc.
For Dollar General Corp.
809 South 10th Street
Altoona, PA 16602
Attention: Tom Bennett

RE: Dollar General with Altoona Neon & Sign, requesting a freestanding sign to exceed the height limit for a retail business on premises on a commercial neighborhood business zone.

Your petitioner appeared by and through Tom Bennett of Altoona Neon & Sign Service, Inc., and Sean Caplan of Dollar General Stores.

From the testimony presented at the hearing of March 8, 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 is located in and where a Sheetz Convenient Store had been previously located.

4.

The store, its parking lot and everything was totally razed.

5.

As such, your petitioner is left with an open slate upon which to place its building, driveway, signage, etc.



6.

In the course of its drawings, plans, and specifications, your petitioner, indicated where it wishes to place the freestanding sign, has now requested that it be allowed to exceed the height limit applicable to all signs in and for all such businesses in and upon such a commercial neighborhood business zone.

7.

The reason that is cited by them, is that where they have placed the sign on their plans and proposed construction area, they feel may be struck by high trucks, such as boxed vans and/or tractor trailers.

8.

Notwithstanding the allegation, measures can be had to protect the sign and keep trucks at a safe distance therefrom.

9.

Furthermore, the replacement or other placement of the sign would further avoid impact or possible impact by and from such trucks.

10.

It is further recognized that there is plenty of room for trucks to navigate into and out of the subject area, in and upon the designs submitted and made a part of this record and herein and hereby incorporated by reference, without actually hitting the sign.

11.

Careful driving would obviously eliminate the hitting of the sign.

12.

Signs of this height exist throughout the City.

13.

It is not a cognizable basis for a variance that potential negligent driving could result in a possible impact when and where the ingress, egress and placement of the sign are all under the control of the petitioner.

14.

Reasonable use of the property can obviously be made without a sign and/or without a higher sign than is otherwise being allowed in the zone and for the subject property.

From the foregoing testimony, the Board makes the following:

CONCLUSIONS OF LAW

1.

Your petitioner has failed to adequately prove that there exists such a unique circumstances, 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 or developed in conformity with the persons of the Zoning Ordinance.

2.

The hardship, if any, would have been that as created by your petitioner by and through the subject placement of the sign, itself, and/or its surrounding area(s).

3.

A variance, if authorized, would alter the nature and character of the neighborhood and/or impair appropriate use and development of the properties adjacent thereto.

4.

A variance, if authorized, may well be detrimental to the public health welfare or safety.

5.

No variance is necessary as the property can obviously be used without the granting of the same.

DECISION

WHEREFORE, THIS 16TH DAY OF MARCH, 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,**

T. J. Hall, Jr. 3/19/17

Michael Halloran, Chairman


Richard Andrews


Cory Gehret


Horace McAnuff/Dissent

MAILED TO YOUR PETITIONER: MARCH 20, 2017
Date

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

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Mihalko's General Contracting
1 Hillside Drive
Duncansville, PA 16635
Attention: Jeff Holland

RE: Snyder Fair Housing & Services LLC with Mihalko's General Contracting, requesting enlargement of nonconforming structure and expansion of a nonconforming use at a multi-family building on premises in a multiple household residential zone.

Jeff Holland on behalf of Mihalko's and Diana Termin on behalf of Snyder Fair Housing & Services, LLC, on behalf of the petitioner.

From the testimony presented at the hearing of March 8, 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 had and suffered a fire loss in and about the units of the subject property.

4.

In the course of restoration, it has been requested that the 4-unit property be allowed to be expanded to a 6-unit property and use.

5.

In order to access the additional two units that would be on the third floor, an off property access thereto would need to be built so that the third floor could be independently accessed.



6.

The subject zone does not permit the use as requested by your petitioner.

7.

There is no parking whatsoever available off-street in and/or for the use of the subject property.

8.

Your petitioner has indicated that while they would prefer to have 6-unit structure, that they both recognize that a 4-unit structure is indeed not only feasible, but actually even more practical, in that no off-property access would need to be created and/or built, and far easier to comply "with code".

9.

Obviously, therefore, reasonable use of the property can be made without further variance and without further additions and without further encroachment into and upon other property, the result of which would be a lessening and a creation of otherwise illegal and nonconforming lots.

10.

Obviously, therefore, use of the property can be reasonably made without the grant of the variance requested.

From the foregoing testimony, the Board makes the following:

CONCLUSIONS OF LAW

1.

Your petitioner has failed to adequately prove that there exists unique circumstances and conditions peculiar to the property whereby an unnecessary hardship has been created due to which there would be no possibility that the property could otherwise be realistically used, developed in strict conformity with the persons of the Zoning Ordinance.

2.

On the contrary, it has been shown that reasonable use can indeed be made.

3.

The hardship, if any, would be that as created by your petitioner, as evidenced by the fact that it is only in adding two (2) units that "off premises" access would need be provided.

4.

A variance, if authorized, would indeed alter the nature and character of the neighborhood in which the property is located and/or substantially or otherwise impair appropriate use of development, properties adjacent thereto, quite literally creating nonconformity in its effort to access the third floor.

DECISION

WHEREFORE, THIS 16th DAY OF March, 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 3-14-17
Michael Halloran, Chairman

Horace McAnuff 3-15-2017
Horace McAnuff

Richard Andrews 3-16-17
Richard Andrews

Cory R. Gehret 3/16/17
Cory Gehret

MAILED TO YOUR PETITIONER: March 20 2017
Date

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