

**AGENDA**  
**ZONING HEARING BOARD**  
**August 10, 2016**  
**4<sup>th</sup> Floor Conference Room at City Hall – 1:15 pm**

4400 Lynndale Road / Highland Park / T-Mobile USA

Request for Special Exception to replace antennas and related equipment on water tank at Highland Park on premises in a Suburban Residential Zone, Code §535-62 D, E.

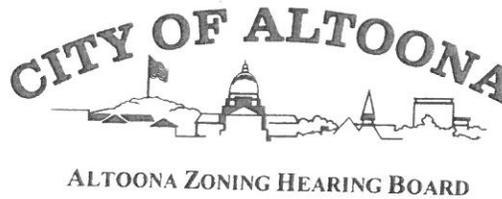
820 12th Street / Lindsey Vesey

Request to create a child care center in a vacant building on premises in a General Industrial Zone, Code §535-77 B, Permitted Uses

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

T-Mobile  
Attention: Dave Chrzan  
179 Cruikshank Road  
Sarver, PA 16055

RE: 4400 Lynndale Road, T-Mobile USA, Request for a special exception to replace antennas and related equipment on water tank at Highland Park on premises in a suburban residential zone,

The petitioners appeared by and through the above identified individual representative by and for T-Mobile USA.

From the testimony presented at the hearing of August 10, 2016 and the Board's view of the subject premises, the Board makes the following:

**FINDINGS OF FACT**

1.

Your petitioner had an ownership interest in the subject property.

2.

Requisite notices were made and property posted.

3.

The subject property is one in which your petitioner has long maintained equipment for communication purposes in and upon the subject water tank/tower.

4.

In direct connection with and the necessity of the continuation of use thereat due to changes in technology, it has now become necessary to expand and/or change some of the units provided thereat for optimal use and effect.



5.

All of the same complies in and with the requirements of FCC.

6.

In order to reasonably continue use of the subject equipment and services, the proposed replacements are necessary.

7.

The use of the aforesaid equipment has continuously been in existence without abandonment or cessation for more than a year.

From the foregoing testimony, the Board makes the following:

**CONCLUSIONS OF LAW**

1.

Your petitioner has established compliance with the FCC and the subject Acts, rules and/or regulations pertinent thereto.

2.

The requested use is necessary to reasonably continue the subject use that has been in existence without abandonment.

3.

The Board recommends that petitioner add slats to the portion of the fence surrounding the equipment which is under petitioner's control.

WHEREFORE, the Board makes the following:

**DECISION**

WHEREFORE, THIS 23<sup>rd</sup> DAY OF AUGUST, A.D., 2016, THAT THE REQUEST OF YOUR PETITIONER IS GRANTED; PROVIDED, OF COURSE, THAT THE SAME SHALL TERMINATE SHOULD USE, OR OWNERSHIP OF SAID SUBJECT PROPERTY CHANGE.

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,**

Richard Andrews 19 Aug '16  
Richard Andrews, Acting Chairman

Donna Royer 8-18-16  
Donna Royer

Julie Hirschak 8/22/16  
Julie Hirschak

MAILED TO YOUR PETITIONER: August 23, 2016  
Date 0

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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Sherry Peck, Alternate  
Anthony Rhine, Alternate

Lindsey Vesey  
1117 Ninth Avenue  
Altoona, PA 16602

RE: 820 – 12<sup>th</sup> Street, request to create a childcare center in a vacant building on premises in a general industrial zone.

The petitioner appeared on August 10, 2016. The owner of the property did not appear. The Board finds it necessary for the owner to appear so that the ownership interest in the subject property can be established. Additionally, the Board would find it helpful for the owner to appear to address structural questions about the premises and the proposed changes to the premises. Accordingly, the matter has been continued until the September, 2016 hearing, wherein petitioner and the owner of the subject premises are directed to appear.

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

Richard J. Andrews 19 Aug '16  
Richard Andrews, Acting Chairman

Donna Royer 23 Aug 16  
Donna Royer

Julie Hirschak 22 Aug. 16  
Julie Hirschak

MAILED TO YOUR PETITIONER: AUGUST 23, 2016  
Date

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



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