

1301 Twelfth Street, Suite 400
Altoona, Pennsylvania 16601

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Richard Andrews
Cory Gehret
Matthew Gindlesperger
Horace McAnuff
Donna Royer

ALTOONA ZONING HEARING BOARD

Mr. Stephen Sheetz
Mr. Robert Franks
Sheetz, Inc.
5700 Sixth Avenue
Altoona, PA 16602

**In Re: Request for setback variance for a monument on premises
located at 2601 Fifth Avenue, a/k/a 2600 Union, on a nonconforming
lot in a Single Household Residential Zone, Code 800-48 K**

Stephen Sheetz and Robert Franks appeared on behalf of your Petitioners, and the testimony presented at the hearing of October 9, 2019, and the Board's view of the subject premises, the Board makes the following:

FINDINGS OF FACT

1.

Your petitioners have an ownership interest in the subject property.

2.

Requisite notices were made, and the property posted.

3.

The subject lot is a relatively small remaining triangular parcel from an otherwise dominant lot which was conveyed by your Petitioners to the County in which the same is currently utilized as a Magisterial Office.

4.

The remaining lot is triangular in shape and is located at the intersection of Sixth Avenue and Union Avenue.



5.

Due to the very small size and unique shape of the property which had always existed there can realistically be no reasonable use or development thereof.

6.

In and as this was the original Sheetz store of an otherwise successful business, your Petitioners wish to place a monumental structure to memorialize the same in and upon this uniquely shaped and sized parcel, and thus make some use of the otherwise vacant lot.

7.

The monument will basically be approximately 40 inches in height and run along the Fifth Avenue side in and along the point of the property and curving slightly in and along Union Avenue, as more particularly and fully set forth in the drawings and plans herein and hereby incorporated by reference, which were made part of the record in and from its original Application.

8.

In order to have some reasonable structure therein built, it is indeed necessary to have this slight variance, considering it is triangular and not rectangular in shape, vis a vis, lot lines, setbacks, and placements.

9.

Your Petitioners have indicated that this will allow satisfactory and some reasonable use of this property to be made.

10.

There will be, of course, poles to protect the monument from adjacent parking use in and from the Magisterial Office which will be merely illuminated by solar lights to aid in his assistance of them being seen in the evening, and the sidewalks be repaved after construction.

11.

The subject structure could not otherwise be reasonably built in strict conformity with the Zoning Ordinance.

From the foregoing testimony, the Board makes the following:

CONCLUSIONS OF LAW

1.

Your Petitioners have adequately proven that there exists such unique circumstances and conditions peculiar to the property, specifically, its triangular and smallness in size and shape, whereby an unnecessary hardship has been created due to which there is little or no possibility that the property could otherwise be realistically used or developed in conformity with the provisions of the Zoning Ordinance.

2.

This variance is necessary to enable reasonable use of the property to be made.

3.

This hardship was not created by your Petitioners.

4.

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

5.

The variance as authorized and is not detrimental to the public health, welfare, and safety.

6.

The variance as authorized represents a slight modification of the Regulations and/or Plan at issue while allowing relief to your Petitioners.

DECISION

WHEREFORE, THIS 23rd DAY OF OCTOBER, A.D., 2019, THE BOARD GRANTS AND APPROVES THE REQUEST OF YOUR PETITIONERS, PROVIDED, HOWEVER, THAT A SIDEWALK OF CONCRETE/CEMENT BE MADE AND PROVIDED IN AND ALONG THE ENTIRE BORDER OF THIS SUBJECT TRIANGULAR PIECE UPON WHICH THE SUBJECT MONUMENT IS BEING CONSTRUCTED.

PETITIONERS MUST, OF COURSE, MEET ANY AND ALL OTHER CITY, STATE AND FEDERAL REGULATIONS AND/OR REQUIREMENTS PERTAINING TO THE SUBJECT PROPERTY, WHICH MAY OTHERWISE BE OUTSIDE OF 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 THIS AUTHORIZATION SHALL BECOME NULL AND VOID WITHOUT FURTHER ACTION OF THE BOARD.

ANY PERSON AGGRIEVED BY ANY 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,

Richard J. Andrews 10/23/19
Richard Andrews, Chairman

Donna Royer 10/15/19
Donna Royer

Cory Gehret 10/21/19
Cory Gehret

MAILED TO YOUR PETITIONERS: _____

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

Steve Hess, CPA
Hess & Marino
127 Lexington Avenue
Altoona, PA 16601

**In Re: Request to free standing business sign for non-conforming
use on premises located at 127 Lexington Avenue, a/k/a
1300 Second Street, in a Multiple Household Residential Zone**

Your Petitioners appeared by and through Steven Hess and Susie Zavalanski of Image Signs, Inc.

From the testimony presented at the hearing of October 9, 2019, and the Board's view of the subject premises, the Board makes the following:

FINDINGS OF FACT

1.

Your Petitioners have an ownership interest in the subject property.

2.

Requisite notices were made, and the property posted.

3.

The subject property was granted permission to operate therein and thereat by Decision of October 23, 1989.

4.

Your Petitioners have continuously operated and conducted their business thereat.



5.

Under normal operation of said business the amount thereof has increased, as well as the numbers of employees and/or accountants

6.

In addition thereto, the businesses in and along Chestnut Avenue which were simply across the alley sit in a commercial zone, and have likewise expanded, and increased in number and size.

7.

Since the original acquisition and the initial conduct of business therein, the City of Altoona has changed the zone apparently.

8.

Such an accounting business is indeed allowed in other zones.

9.

In those said other zones where it is permitted, similar to the business which is the subject of this request, the amount of signage can be as much as 100 square feet.

10.

Your Petitioners in order to assist their clients find and locate the subject business has simply asked for not that much signage, but rather a pole sign 10 feet in height and 96" wide by 48" high, single sided, non-illuminated aluminum mill finish cabinet sign.

11.

This said sign will be built on and supported on a 4" round steel post with direct burial in what your Petitioners have indicated would be a brick faced flower box design. This said pole will be located within its sidewalks from the parking lot to the front door, in and at that corner of the yard of his property, and not in his corner of the parking lot, closer to the street.

12.

The size, design, and placement of the sign is thus to stay in tune with the residential character of the structure, and the presently existing zoning of the area, and will furthermore be placed not on the innermost residential side, but rather on the side by the alley closer to the other

commercially zoned properties, and face Chestnut Avenue, so as to assist presently existing, and future potential customers of the said accounting firm find them.

13.

The same is reasonable under the circumstances that pertain to your Petitioners.

From the foregoing testimony, the Board makes the following:

CONCLUSIONS OF LAW

1.

Your Petitioners have adequately shown that the subject property is a pre-existing non-conforming use.

2.

The said signage is both reasonable and necessary to accommodate the reasonable expansion of the subject business that has been and continues to be conducted thereat.

3.

The said non-conforming use has never been abandoned.

4.

This authorization will not alter the nature or character of the neighborhood, nor will it impair appropriate use or development of other properties adjacent thereto.

5.

The grant of this request is not detrimental to the public health, welfare, and safety.

6.

The grant as authorized represents a slight modification of the Regulations and/or Plan at issue while allowing relief to your Petitioners.

DECISION

WHEREFORE, THIS 23RD DAY OF OCTOBER, A.D., 2019, THE BOARD GRANTS AND APPROVES THE REQUEST OF YOUR PETITIONERS, PROVIDED, HOWEVER, THAT THE SAID SIGN WILL BE PLACED IN AND AT THE LOCATION CLOSEST TO THE SUBJECT ALLEY IN THE GRASSY AREA, IN AND AT THE CORNER OF THE SUBJECT PROPERTY WITHIN THE SIDEWALKS, AND PROVIDED FURTHER THAT IT SHALL BE 10 FOOT IN HEIGHT AND NO GREATER THAN 96 INCHES WIDE BY 48 INCHES HIGH, AND PROVIDED FURTHER THAT IT WILL BE SINGLE SIDED ONLY, AND PROVIDE FURTHER THAT IT WILL BE NON-ILLUMINATED AND PLACED IN AND UPON A STEEL POST OF SUCH SIZE AND CONSTRUCTION SO AS TO ADEQUATELY HOLD THE SUBJECT SIGN WITHOUT ANY DANGER TO THE PUBLIC HEALTH, WELFARE, AND SAFETY.

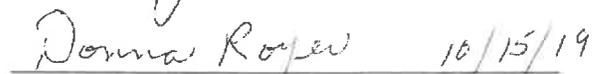
PETITIONERS MUST, OF COURSE, MEET ANY AND ALL OTHER CITY, STATE AND FEDERAL REGULATIONS AND/OR REQUIREMENTS PERTAINING TO THE SUBJECT PREMISES, WHICH MAY BE OTHERWISE OUTSIDE OF THE JURISDICTION OF THE ALTOONA ZONING HEARING BOARD.

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

ANY PERSON AGGRIEVED BY ANY THE 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, Chairman


Donna Royer

Cory Gehret 10/21/19
Cory Gehret

MAILED TO YOUR PETITIONERS: Oct. 24, 2019
Date

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