

1301 Twelfth Street, Suite 400  
Altoona, Pennsylvania 16601

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Richard Andrews  
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Matthew Gindlesperger  
Horace McAnuff  
Donna Royer

## ALTOONA ZONING HEARING BOARD

Vincent J. Good  
Good's Funeral Home  
328 Fifth Avenue  
Altoona, PA 16602

**In Re: 321 - 323 Fifth Avenue, Altoona, PA  
Request to Build a Garage and Parking Lot for 328 Fifth Avenue Funeral  
Home Property Within a Multiple Household Residential Zone**

Your Petitioner appeared on his own behalf.

From the testimony presented at the hearing of January 8, 2020, 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 request surrounds and is directly related to the operation of a Funeral Home by Your Petitioner, which has been a Funeral Home at its location since 1951, continuously operated and never abandoned, and operated by Your Petitioner since 1988.



4.

There is a parking lot across the street adjacent to which Your Petitioner proposes a garage for the storing and keeping of his hearse and vehicles directly connected with and to the operation of the Funeral Home.

5.

The need for such an enclosed garage and additional parking has come from the gradual and continual operation of the dominant property as the Funeral Home, thus becoming both necessary and reasonable in and for the continued operation of the dominant property as the long-existing preexisting legitimate nonconforming use to wit, a Funeral Home.

6.

The subject accessory building is customarily incidental to the permitted nonresidential use.

7.

There exists no space on the principal property for adequate parking or the building of a garage.

8.

The center of the lot being subdivided is within 400 feet of the principal use.

9.

There is sufficient space to allow complete and full compliance with land development standards of the City of Altoona and its Rules and Regulations pertinent thereto.

10.

The lot does not allow the principal use to exceed maximum parking allowances in and of the land development standards.

11.

The installation of parking as requested will not have a deleterious effect on the overall neighborhood in terms of stability and economic developments, but on the contrary, actually aid and assist in allowing the residents to park on the street that would otherwise be interfered with but for this grant.

12.

The installation of a parking facility as requested, and the garage, does not necessitate a demolition of a viable and structurally sound building.

From the foregoing testimony, the Board makes the following:

**CONCLUSIONS OF LAW**

1.

Your Petitioner has adequately shown that the dominant use is indeed a preexisting legitimate nonconforming use, and the request being made is in fact both reasonable and necessary for the continuation of said use.

2.

The off-street parking as requested and the construction of said garage does indeed satisfy the requirements of Code 800-50, BJ and C10, applicable hereto.

**DECISION**

WHEREFORE, THIS 23<sup>rd</sup> DAY OF JANUARY, A.D., 2020, THE BOARD GRANTS AND APPROVES THE REQUEST OF YOUR PETITIONER;

PROVIDED, HOWEVER, IF THERE IS INDEED ANY LIGHT FOR THE PARKING GARAGE OR PARKING LOT IT SHALL AT ALL TIMES REMAIN STRICTLY AND ONLY WITHIN THE FOUR CORNERS OF SAID LOT;

AND PROVIDED, FURTHER, THAT THE GARAGE AND PARKING LOT SHALL BE IN FULL AND COMPLETE COMPLIANCE WITH THE RULES AND REGULATIONS OF LAND USE AND DEVELOPMENT.

PETITIONER 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.

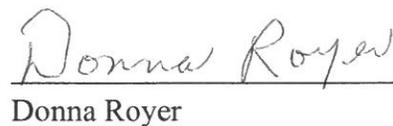
ANY AND ALL OTHER NECESSARY PERMITS INVOLVED MUST BE SECURED WITHIN SIX (6) MONTHS FROM THE DATE OF THIS NOTICE, OR THIS AUTHORIZATION SHALL BECOME NULL AND VOID WITHOUT FURTHER ACTION OF THE BOARD.

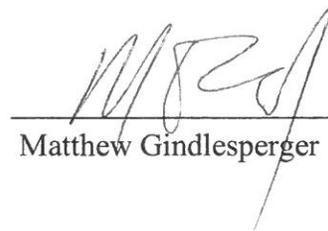
ANY PERSON AGGRIEVED BY ANY THE DECISION OF THE ZONING HEARING BOARD MAY APPEAL THEREFROM TO THE COURT OF COMMON PLEAS WITHIN THIRTY (30) DAYS FROM THE DATE OF THIS NOTICE, IN THE MANNER SO PROVIDED BY LAW.

THE ZONING HEARING BOARD  
OF THE CITY OF ALTOONA,

  
Richard Andrews, Chairman 1/17/20

  
Horace McAnuff 1-10-2020

  
Donna Royer 1-15-20

  
Matthew Gindlesperger 1/23/2020

MAILED TO YOUR PETITIONERS: January 24, 2020  
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

Bishop Guilfoyle Catholic High School  
Board of Trustees  
2400 Pleasant Valley Boulevard  
Altoona, PA 16602

### **In Re: Request for Electronic Screen Sign to Replace an Existing Non-Illuminated Pre-Standing Sign in and on Premises of Your Petitioner**

Your Petitioner appeared by and through Scott Durbin and Joe DeLeo, Board of Trustees and Joseph Adams, President.

From the uncontradicted testimony presented at the hearing of January 8, 2020, 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, Bishop Guilfoyle High School, has long existed at the subject premises and has long, therefore, had a sign identifying the same in and at the subject property.



4.

There had previously been, and at the precise location of the existing sign requested, an old style manual plastic letter sign and the present sign existing now for over ten to twelve years.

5.

It has become reasonable and necessary for the continued operation of said school at that site to update and modernized the sign so as to provide adequate notices and general information pertinent to the use of the said school at said location.

6.

The sign requested is identical in size and may be a very small fraction smaller than the sign which it is to replace.

7.

The sign can be operated by a computer that can regulate both the light output, as well as the messages and length of time between the same.

8.

The sign will only be utilized for the purposes of the school.

9.

There will be no outside advertising in or by the messaging of the said sign.

10.

While the donors will be noted on the sign, it will be by NAME ONLY, and no advertising therefrom of the same.

11.

The sign to be replaced will be just as it is now, and thus will have little impact on surrounding residences.

12.

Of course, directly across the street from the said subject use is a cemetery, Calvary Cemetery, and it certainly will not be interfered by or with the request of Your Petitioner.

13.

Further note, that any signage will be for the sake of the vehicles of the four-lane highway and not toward any other uses or residences.

14.

It is also noted that Your Petitioner can and will comply with the entire ordinance as it pertains to said signs and light output.

15.

Said change of use and sign has obviously become reasonable and necessary for the continued reasonable use of the subject property and the signage associated therewith.

16.

Said sign will, of course, be in the same exact position as the sign which it is to replace and will be so regulated as to not negatively impact motorists or other surrounding uses.

From the foregoing testimony, the Board makes the following:

**CONCLUSIONS OF LAW**

1.

Your Petitioner has adequately shown that the sign being a legitimate preexisting nonconforming use and the change thereto as requested is both indeed reasonable and necessary in and for the continued operation of said use in an otherwise residential zone.

**DECISION**

WHEREFORE, THIS 23<sup>rd</sup> DAY OF JANUARY, A.D., 2020, WHEREFORE, THE REQUEST OF YOUR PETITIONER IS APPROVED, PROVIDED:

SAID SIGN SHALL COMPLY WITH ANY AND ALL THE REQUIREMENTS PERTINENT THERETO OF THE CITY OF ALTOONA, INCLUDING, WITHOUT LIMITATION, TO IT BEING NO BRIGHTER THAN THE FOOT CANDLE ALLOWANCE THEREIN SET FORTH;

PROVIDED, FURTHER, THAT THE SUBJECT SHALL NOT DISPLAY ANY OTHER MESSAGES WHATSOEVER OR HOWSOEVER UNLESS IT IS, OF COURSE, DIRECTLY CONNECTED TO OR WITH THE USE CONDUCTED BY YOUR PETITIONER THEREAT;

PROVIDED, ADDITIONALLY, THAT THERE SHALL THEREFORE UNDER NO CIRCUMSTANCES BE ANY OFF-SITE ADVERTISING AT ANY TIME THEREIN CONTAINED;

PROVIDED, FURTHER, THAT WHILE THE NAME OF THE DONORS AS APPLICABLE MAY BE AFFIXED THERETO, IT SHALL CONTAIN THE NAMES ONLY WITH NO FURTHER VERBIAGE OR ADVERTISING CONNECTED THEREWITH;

PROVIDED, FURTHER, THAT THERE SHALL NOT BE ANY FLASHING OR STROBE LIGHTS IN THE SAID SIGN MESSAGES OR DISPLAY;

PROVIDED, FURTHER, THERE SHALL BE NO LESS THAN THIRTY (30) SECONDS BETWEEN THE CHANGE OF ANY MESSAGES THEREIN CONTAINED OR DISPLAYED;

AND PROVIDED, FINALLY, THAT SAID SIGNS SHALL BE AS DESCRIBED AT THE HEARING, AND THEREFORE, NO GREATER IN SIZE OR PLACEMENT OR HEIGHT AS THE SIGN WHICH IT IS REPLACING.

PETITIONER 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.

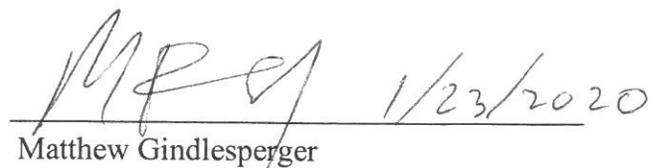
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