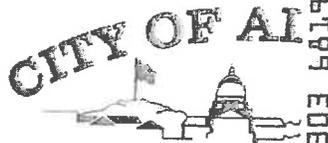


1301 Twelfth Street, Suite 400
Altoona, Pennsylvania 16601

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

planning@altoonapa.gov

Josh Hillard
2310 12th Street
Altoona, PA 16601



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PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

In Re: Request to remove the existing deck and construct a new deck over the same footprint and extend it from the back of the house an additional 13 feet.

Your Petitioner appeared on his own behalf, together with David Biddle of Tussey Landscaping

From the testimony presented at the hearing of November 13, 2019, and the Board's view of the subject premises, the Board makes the following:

FINDINGS OF FACT

1.

Your Petitioner has owned the subject property and has resided therein for some 13 years continuously.

2.

Requisite notices were made, and the property posted.

3.

The deck had already been preexisting and existed in and at the time of the purchase and acquisition, by your Petitioner, in and at the subject property.

4.

In his continued use of his property as a residence, it has become both necessary and reasonable to build a new deck and even extend it further for the use and enjoyment of the property for and its intended purposes.



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5.

The property itself is unreasonably small and is a nonconforming preexisting lot.

6.

The lot size itself is only some 55' x 74' in dimension, less than that required by the present ordinance.

7.

This non-conformity was not created by your Petitioner, but was well in existence from the time of the original construction through the present time.

8.

The deck as it sits will extend to the rear lot from the house.

9.

The adjacent property has a similar deck.

10.

The property to its rear has but a garage that affronts the alley to which this deck would be contiguous.

11.

As such, there would be little or no difference with and/or to the other decks and uses in and about the immediate neighborhood.

12.

The use of the said deck would be totally prohibited if it were made to comply with the setbacks that now exist and would apply to the subject lot, as a 30' setback would basically give them no deck whatsoever or howsoever.

13.

The total prohibition, if the said setbacks were applied makes the same both unreasonable and egregious.

14.

The use as proposed is indeed a reasonable one.

15.

The fence to the rear of that had presently existed will be removed.

16.

There will be grass space remaining even after the said deck is constructed.

17.

While there will be a 6' high railing system in and about the deck, the same is most reasonable and necessary for safety purposes, and will further allow for some additional privacy as well as safety for both your Petitioner and the surrounding neighbors.

18.

The replacement and additional expansion of the non-conforming use is both reasonable and necessary under the particular circumstances, and the unique size and shape of the subject lot as it exists and has existed prior to acquisition by the Petitioner.

From the foregoing testimony, the Board makes the following:

CONCLUSIONS OF LAW

1.

The subject lot is a preexisting nonconforming lot.

2.

There had existed a preexisting deck also in nonconformity with the otherwise setbacks that would presently apply.

3.

The replacement and expansion of the preexisting nonconforming use is both indeed reasonable and necessary to allow and enable a reasonable continued use of the subject property, and for its permitted purposes, to wit, a residence.

DECISION

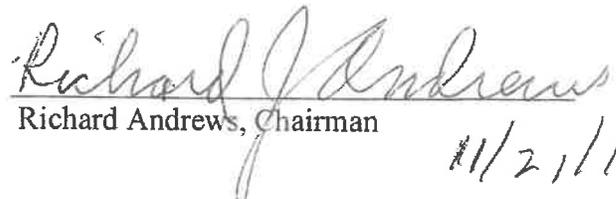
WHEREFORE, THIS 27th DAY OF NOVEMBER, A.D., 2019, THE BOARD GRANTS AND APPROVES THE REQUEST OF YOUR PETITIONER, AND AS AND FOR THE DECK AND RAILING STRUCTURES AS PRESENTED AT THE SUBJECT HEARING ON THE 13TH OF NOVEMBER, 2019.

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

11/21/19

Donna Royer 11-21-19

Donna Royer

Cory R. Gehret 11/21/19

Cory Gehret

Matthew Gindlesperger 11/27/19

Matthew Gindlesperger

MAILED TO YOUR PETITIONERS: December 2, 2019

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

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

planning@altonapa.gov

Martin Oil, Co.
528 North First Street
Bellwood, PA 16617



ALTOONA ZONING HEARING

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City, State, ZIP+4®: Bellwood PA 16617
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

In Re: Request for Special Exception in and at 3205 Sixth Avenue for an Electronic Message Center on an existing sign pole on premises in Light Industrial Zone.

Your Petitioner appeared by and through Tom Martin and Paul Sekula of Sekula Signs.

From the testimony presented at the hearing of November 13, 2019, 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 proposes an updated new sign to replace that which has existed as well as other signs that had existed continuously from 1909 through the present time in and at this Martin's Oil location, generally known as "Reighards".

4.

The subject business and sign will be located in and along Sixth Avenue, a heavily traveled roadway.



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5.

The zone itself is indeed Light Industrial.

6.

There exists no immediate contiguous residences.

7.

The closest residence is across the four lanes of Sixth Avenue, and is basically perpendicular to the subject sign, having little or no impact therein and thereby.

8.

The sign will be, of course, a modern electronic sign and will be compliant with the pertinent brightness regulation(s) applicable thereto.

9.

The electronic screen sign will be less than 0.3 candle above ambient light conditions, and will even be less lit at nighttime than in the day.

10.

Being that it confronts Sixth Avenue, heavily traveled, and will comply with the 30 second requirement, and will not have any strobe lights attached to it, it will not negatively impact motorists due to the specific distances shielding brightness and/or hours of operation.

11.

The sign is most reasonable and necessary for the continuation of the business therein and thereby conducted by Martin Oil.

12.

The sign will not contain any "off-premises" advertising, but will only display messages pertinent to the subject business or general goodwill. It will generate no outside income.

13.

As such, the signs are allowed in this said district of Light Industrial, by this a Special Exception.

14.

Adequate and requisite testimony was presented showing that the sign will indeed not negatively impact residences or motorists and will comply with the requirements otherwise applicable in and to such signs in and at such zones to wit Light Industrial.

From the foregoing testimony, the Board makes the following:

CONCLUSIONS OF LAW

1.

Your Petitioner has adequately shown compliance in and with the request for Special Exception, under and by virtue of 800-63.

2.

The special exception is appropriate under the circumstances and conditions hereinafter imposed as said sign will not impact residences or motorists due to the distance shielding, brightness, hours of operation, and/or location thereof.

DECISION

WHEREFORE, THIS 27th DAY OF NOVEMBER, A.D., 2019, THE BOARD GRANTS AND APPROVES THE REQUEST OF YOUR PETITIONER, PROVIDED THAT THEY COMPLY WITH THE CONDITIONS HEREINAFTER SET FORTH:

THE SIGN SHALL BE PLACED AS INDICATED AT THE HEARING SO THAT ONLY THE SIDES OF THE SIGNAGE ITSELF SHALL BE DIRECTED TOWARD THE RESIDENCES, THAT IS, THE SIGN SHALL BE PLACED IN AND UPON THE VERY PREEXISTING POLES AS INDICATED IN THE HEARING, UPON WHICH PREVIOUS AND PRESENT SIGN WAS PLACED.

FURTHERMORE, THE SIGN SHALL COMPLY WITH ANY AND ALL THE REQUIREMENTS PERTINENT THERETO OF THE CITY OF ALTOONA, INCLUDING, WITHOUT LIMITATIONS, TO IT BEING NO BRIGHTER THAN THE FOOTCANDLE ALLOWANCE THEREIN SET FORTH (0.3 FOOTCANDLE ABOVE AMBIENT LIGHT CONDITIONS);

PROVIDED FURTHER, THE SUBJECT SIGN SHALL NOT DISPLAY ANY OTHER MESSAGES, UNLESS IT IS OF COURSE DIRECTLY CONNECTED TO AND/OR WITH THE USE OF THE BUSINESS CONDUCTED BY YOUR PETITIONER THEREAT. THAT IS, THERE SHALL BE NO OFF-SITE ADVERTISING AT ANY TIME THEREIN CONTAINED;

PROVIDED FURTHER, SAID SIGN WILL OF COURSE NOT CONTAIN ANY FLASHING OR STROBE LIGHTS IN ITS MESSAGE OR DISPLAY;

PROVIDED. FINALLY, THERE SHALL BE NO LESS THAN 30 SECONDS BETWEEN ANY AND ALL CHANGES OF MESSAGES THEREIN CONTAINED.

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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THE ZONING HEARING BOARD
OF THE CITY OF ALTOONA,

Richard Andrews, Chairman

Donna Royer 11-21-19
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Cory Gehret 11/21/19
Cory Gehret

Matthew Gindlesperger 11/27/19
Matthew Gindlesperger

MAILED TO YOUR PETITIONERS: December 2, 2019
Date

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