

Date Application Filed \_\_\_\_\_ Date Deemed Filed \_\_\_\_\_

Date Fee Paid \_\_\_\_\_ Case No. \_\_\_\_\_

Date Hearing Advertised \_\_\_\_\_ - \_\_\_\_\_

Notice of Appeal: To the Borough of Lewistown Zoning Hearing Board

By: The Friends of the Embassy Theatre, Inc.  
114 Second Ave Burnham, PA 17009 (Mailing Address)  
Telephone (717) 248-0321

The Friends of the Embassy Theatre, Incorporated, request a determination be made by the Zoning Hearing Board on the following appeal for the reason that it was a matter, which, in the opinion of the Zoning Officer, should properly come before the Board.

The description of the property involved is as follows:

The Theatre Marquee and poster cases of the historic Embassy Theatre.  
Location: 6 South Main Street Tax No. : 02, 03-0100--,000  
Lot Size: 0.2 acres Zone Dist.: Commercial  
Present Use: Theatre under restoration Proposed Use: Theatre/performing arts center

This is a request to the Zoning Hearing Board for a variance from §807.4.F, and for a variance from §807.2.B and C of the Lewistown Borough Zoning Ordinance, to wit:

**§807.4.F** would prohibit the approximately 1,000 electric light bulbs in the proposed replica of the original theatre marquee from being animated in various patterns and sequences.

**§807.2.B and C** could preclude the replicated theatre marquee and poster cases from being used for public service announcements or messages, public or community event announcements, and personal “happy” messages.

We believe that the Board should approve these requests for the reasons set forth in the following paragraphs.

**BACKGROUND:**

The Friends of the Embassy Theatre, Inc. (*hereafter* Friends) is a not-for-profit 501c(3) organization and the legal owner of the Embassy Theatre property located at 6 South Main Street. The Friends are in the process of restoring the Embassy Theatre to its original 1927 appearance, with the ultimate goal of operating it as a *historic theatre and community arts center*. The Embassy Theatre is a recognized *historic property*, and was listed on the National Register of Historic Places on July 23, 1998. The Embassy Theatre is recognized under two criteria, architectural significance and cultural significance. The nomination states in part, that the Embassy Theatre is “...an outstanding surviving example of a Georgian Revival motion picture/vaudeville theatre of the “golden era” of movie palaces of the 1920’s. The Embassy’s design was inspired by contemporary theatres in New York City, Philadelphia, Pittsburgh, and Chicago and enjoys the distinction of having been designed by renowned Theatre Architect Albert Douglas Hill. This theatre constitutes an example of metropolitan theatre architecture in a small town setting.” (*Embassy Theatre Nomination Form, Sec 8*) An essential element of this design included an elaborately lit marquee, incorporating approximately 1,000 lights that could be animated in various patterns and sequences. (See attached documentation and photos.)

The Friends have recently received a \$40,000 PA Department of Community & Economic Development (DCED) revitalization grant from Senator Jake Corman, for the purpose of replicating the Embassy's original marquee as part of the *historic façade*. The original marquee was fabricated of galvanized metal, and was deteriorated to a state of advanced disrepair and was considered a hazard to the public. It was removed in 1992 and stored in a nearby warehouse location. Prior to being stored, current Friends President Paul T. Fagley documented, through photos and measurements, the size and styling of the original panels and contributing pieces. Following this careful documentation, and using historic photographs and interviews with knowledgeable persons (such as Bob Hambright), the Friends intend to replicate the marquee as close to its original appearance as possible. The only changes will be to its construction (to allow easier access for repairs and maintenance) and the use of aluminum rather than galvanized steel for the casings.

As a part of the restoration of the historic façade, the Friends will, at a later date, replicate the four walnut poster cases that originally adorned the front of the theatre. These were replaced by aluminum cases in 1942. The replication will be based on historic photos and measurements scaled from the photos.

#### VARIANCE REQUESTS:

**§807.4.F** The Friends request a variance based upon *historical preservation* grounds to install and operate a marquee that replicates the original lighted marquee at the Embassy Theatre with its various animated lighting patterns and sequences.

The following information is offered concerning the details of the marquee:

Under §807.4.C of the Zoning Ordinance, a *theatre marquee* is excepted from the prohibition that a sign or sign structure is not to project into or over a public sidewalk. This exception for a theatre marquee is based on the *historical acceptance* of a theatre marquee as the type of sign or sign structure or architectural feature that by custom, usage, and tradition projected over the sidewalk entrance to a theatre. The entire structure includes not only the sign panels, but also a roof and ceiling that protect the sidewalk entrance of the building from the elements.

Specifically, the Embassy marquee and its attendant roof structure extends out over the sidewalk in a projection approximately 11 feet from the sidewalk entrance to the building, and features decorated panels visible on three sides and a lighted ceiling. The marquee panels are fastened to steel beams that are integral with the building's steel frame.

The marquee panels incorporate approximately 1,000 lights animated in chase lights, sunbursts, and spellers for the name "EMBASSY." Historically, theatre marquees were elaborately lit with hundreds and sometimes thousands of individual bulbs. The Embassy marquee was said to be the most elaborate theatre marquee between Philadelphia and Pittsburgh when it was installed in 1927. These bulbs are special colored sign bulbs, rated at 11-watts apiece.

One concern that might arise is the times in which the marquee will be operated. The Friends propose to animate the marquee on a periodic basis under the following circumstances (Note that these guidelines represent the maximum times proposed).

- (a) Until the theatre is open and operating, the Friends plan to highlight public and community events using the marquee venue no more than one week prior to and through the event with animation to begin one hour before the start or opening of the event and to cease no later than 11:00 p.m. each night, except where such event may be ongoing past 11 pm, where the marquee would cease at the stated end time of the event. Such events may include:

- Community events such as Kid Connection, the Festival of Ice, Festival of Arts, and other downtown events in which the Friends participate and where the Friends can help promote these community events to the general public and thus lead to greater coordination and cooperation for all concerned.
  - For special occasions and events sponsored by or conducted by the Friends either at the theatre or in the downtown area (such as at the festival grounds at South Main and West Elizabeth Streets).
  - On other special occasions that may arise, or on the occasion of a public or community event, when the community is desirous to have the marquee in operation.
    - On special family occasions, to highlight or celebrate birthdays, anniversaries, and the like using personal “happy” messages in return for a contribution to the Embassy Theatre “Restoration Project.” Under this option, the entire marquee would only be operated for up to 15 minutes, for the purposes of photography.
- (b) When the theatre itself is operational, in addition to paragraph (a), the Friends propose to operate the animated marquee one hour before a movie, show, or other venue in the theatre, up until the start of the performance or movie. During the performance or during other times, the Friends plan to illuminate all or part of the marquee in a static fashion. Typically, only the theatre name, letter boards, and ceiling lights would be turned on at this time, and lit in a static or unchanging fashion.

**The Friends request a variance under §807.4.F to allow the animation of the marquee in patterns typical or identical to its original patterns, as stated above.**

**§807.2.B & C** The Friends request a variance that would permit the marquee letterboards and the poster cases to carry “signs,” that is, announcements and messages for community events and special occasions of the types described in subparagraph (a) above. These types of announcements and messages are not permitted under §807.2.B & C. Thus, the need for a variance.

The following information is offered concerning the details of the marquee letterboards and the poster cases and their intended use:

The marquee incorporates changeable letterboards on the end panels. Following *historical precedence and operation*, theatre marquees include areas where information denoting the featured attraction is placed. The arrangement of this area uses individual letters or slides that can be changed with ease. Utilizing historic photos, the Friends have chosen reverse letters for this area, in which the letters are lighted against a black background. This arrangement is similar to the original configuration of the letterboards.

Poster cases are flush-mounted enclosures on the façade of the theatre. Following *historical precedence and operation*, poster cases are where featured and coming attractions to the theatre are advertised. In the case of motion pictures, movie studios provide large posters, known in the industry as “one-sheets,” that are full-colored graphics of the movie. A good example of one-sheets would be those displayed in the cases and windows at the Miller Cinemas. For other attractions, graphics would be created to advertise the feature. The cases are enclosed to protect the contents from the elements. The original cases carried the name “Embassy” at the top, and may have had wording such as “Now Showing” or “Coming Attractions,” and were internally lit.

The announcements and messages proposed are not commercial advertising messages, and the marquee and poster cases will not become billboards with advertising signs. The types of announcements and messages proposed to be carried are in the nature of: public service announcements or messages, announcements of public or community events; and personal, “happy” messages or congratulatory messages. Any mention of businesses and/or use of corporate logos would be limited to a “byline” as a corporate sponsor of a community, public, or Friends-sponsored event. That is, a business would be recognized as sponsoring or underwriting an event, not advertising the business’s products or services. This is not limited to local events. Often, traveling theatrical productions are underwritten or sponsored by major corporations.

These types of announcements and messages will be “signs” posted or carried on the marquee letterboards or in the poster cases for a very short duration. When the purpose or reason for the announcement or message “sign” ceases or no longer applies, the announcement or message “sign” will be removed as per §807.4.B.

These types of announcement and message “signs” do not adversely affect the public health or public safety. To the contrary, these types of “signs” promote the community good, promote a sense of community involvement, are in the public interest, and are not obtrusive.

**To the extent that the types of announcements and messages referred to in subparagraph (a) above might be determined to be signs which are not within the scope of the signs permitted under §807.2.B and C, the Friends request a variance which would permit the marquee letterboards and the poster cases to carry the types of announcements and messages referred to in subparagraph (a).**

## CONCLUSION.

The Friends request these variances on *historic preservation* grounds and for the benefit of the community at large. The marquee and poster cases placed on the building will be nearly identical to the originals. Today, the impetus for restoring a theatre marquee of this type has less to do with advertising the theatre than for *historic preservation and aesthetic* reasons. This consideration would allow the Friends to not only restore the historic façade of the building, but also restore the “ambiance” of the theatre experience typical of long ago. The Friends feel that illuminating and animating the marquee and promoting or sponsoring the types of “signs” referred to in subparagraph (a) on the marquee letterboards and the poster cases will help to bring vitality to the Downtown and contribute to the continuing revitalization effort. Similar projects in communities throughout the state and nation have led to the economic resurgence in neighborhoods containing historic theatre restoration projects and have been key contributors to the overall stability and further enhancement of the community’s tax base.

For the Friends of the Embassy Theatre, Inc.

Paul T. Fagley  
President of the Board  
Feb 11, 2003