

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA, PENNSYLVANIA

FIRST JUDICIAL DISTRICT

TRIAL DIVISION - CIVIL SECTION

CITY OF PHILADELPHIA

vs.

NAVISTAR INTERNATIONAL TRANSPORTATION :
CO., INC. AND MATTHEW P. HEHL AND :
KEYSTONE OUTDOOR SIGN CO., INC. :

MARCH TERM, 2003
NO. 3236

COPIES SENT
PURSUANT TO Pa. R.C.P. 236(c)

DEC 19 2003

First Judicial District of Pa.
User I.D.:

ORDER

SILBERSTEIN, J.

AND NOW, to wit, this 19th day of December, 2003, upon consideration of the Pleadings, testimony, and memoranda of the parties, the Court finds:

1. the non-accessory use of the sign at issue became illegal on May 16, 2002;
2. jurisdiction over the appeal from the Zoning Board of Adjustment's refusal to proceed on the violation notice and constitutional issues was remanded and relinquished to the Zoning Board of Adjustment (Keystone Outdoor Sign Co., Inc., et al. v. Zoning Board of Adjustment, et al., CP#0208-0677);
3. the sign at issue is **not** in disrepair, nor does it currently display offensive advertising and thus there is no imminent danger to the public health and welfare;
4. however, in accordance with §14-2020 (3) of the Zoning Code providing for enforcement of license revocations and violation notices, it is hereby **ORDERED** and **DECREED** that:

1. Defendants shall pay a daily fine of \$150.00 per day from May 16, 2002 which sums will be placed in an escrow account with the Prothonotary pending further action of this Court. The amount due as of the date of this order is \$87,300.00;
2. within thirty (30) days of the date of this order, all advertising shall be removed from said sign and should defendants fail to remove all advertising, said fine in the amount of \$150.00 per day will continue with said amount being posted on a monthly basis with the Prothonotary;
3. all amounts posted with the Prothonotary shall be released at a future date by order of this court.

BY THE COURT:


_____ J.

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA
COUNTY - CIVIL TRIAL DIVISION

SOCIETY CREATED TO REDUCE
URBAN BLIGHT (SCRUB) and
MARY CAWLEY TRACY

v.

ZONING BOARD OF ADJUSTMENT
OF THE CITY OF PHILADELPHIA
and CITY OF PHILADELPHIA,
MATTHEW F. HEHL, President of
FREEDOM INTERNATIONAL
TRUCKS, INC. and NEVISTAR
INTERNATIONAL TRANSPORTATION

SEPTEMBER TERM, 1997

NO. 3834

COPIES SENT
PURSUANT TO Pa. R.C.P. 236(b)

SEP 21 2000

First Judicial District of Pa.
User I.D.: SDP

ORDER

AND NOW, this 21st day of September, 2000, upon consideration of the Appeal from the decision of the Zoning Board of Adjustment of the City of Philadelphia ("Zoning Board") rendered on September 3, 1997, granting a variance for the conversion of a freestanding sign at 6601 New State Road from an accessory use to a non-accessory use, briefs submitted by Appellants and Appellees, and argument thereon, and this Court finding that:

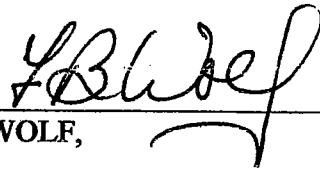
1. The evidence does not support a finding of hardship to the Applicant, Matthew F. Hehl, President of Freedom International Trucks, Inc. and Nevistar International Transportation to support the grant of a variance;

2. The decision of the Zoning Board is not supported by substantial evidence; and

3. The grant of the variance is contrary to public policy as set forth in Philadelphia Zoning Ordinance 14-1604;

NOW THEREFORE, it is hereby ORDERED and DECREED that the decision of the Zoning Board is REVERSED and the variance is REVOKED.

BY THE COURT:


WOLF, _____ J.

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Society Created to Reduce
Urban Blight (SCRUB) and
Mary Cawley Tracy

v.

Zoning Board of Adjustment
of the City of Philadelphia and
City of Philadelphia, Matthew
F. Hehl, President of
Freedom International Trucks, Inc.
and Navistar International
Transportation

Appeal of: Matthew F. Hehl,
Freedom International Trucks, Inc.
and Navistar International
Transportation

No. 2375 C.D. 2000

ORDER

AND NOW, this 11th day of October, 2001, the
order of the Court of Common Pleas of Philadelphia County, dated September 21,
2000, is hereby affirmed.


ROCHELLE S. FRIEDMAN, Judge

Certified from the Record

OCT 11 2001
and Order Exit