

MORGANTOWN BOARD OF ZONING APPEALS

MINUTES

December 21, 2005

6:30 P.M.

City Council Chambers

Members Present: Nick Iannone, Bernie Bossio, and Mark Furfari.

Members Absent: Kevin Leyden and Jim Rockis.

Staff Present: Chris Fletcher, Planning Director.

MATTERS OF BUSINESS:

Approval of the minutes of November 16, 2005, were deferred to the next meeting.

OLD BUSINESS:

1. **CU05-21 / Kuehn / 318 High Street:** Request by John Kuehn for conditional use approval to add an additional multi-family unit in a B-4 District at 318 High Street. Tax Map #26A, Parcel #120; a B-4, General Business District.

C. Fletcher presented the staff report stating that Mr. Kuehn would like to add one additional apartment to an established 5-unit multi-family dwelling at 318 High Street. Currently, there is a tattoo parlor in the area that the applicant would like to convert to a dwelling. There will not be changes to the ground floor, which encompasses three retail stores. Since the building is located in a B-4 Pedestrian District, no parking is required.

C. Fletcher reported that staff believes vertical mixing of uses is a sound strategy for improving overall conditions in a downtown, while maintaining the commercial frontage on High Street. Staff recommends approval and the Planning Commission, on November 10, 2005, forwarded a recommendation for approval.

To Finding of Fact #1, staff added, "the applicant is retaining the commercial space on the ground floor. For Finding #5, rewritten to state "the apartment the two-bedroom apartment would create less people entering and leaving the building than the current business. Staff added: to Finding #6, "there will not be exterior alterations", and to Finding #7. "the other units in the upstairs of the building are also residential and that the main floor commercial space will not change."

N. Iannone advised that the packet did not contain the Findings of Fact.

John Kuehn, applicant, stated that the space was Mantini's Photography Studio for many years. It became a tattoo parlor and he wishes to make the whole building upscale.

N. Iannone asked for public comments. There being none, the public portion was closed.

N. Iannone requested the Findings of Fact be read one by one. Findings #1 through #5 and #8 had the written response accepted. Findings #6 and #7 used the staff additions.

Motion by B. Bossio to accept the Findings of Fact as reviewed, second by M. Furfari. Motion carried unanimously.

Motion to approve the request by M. Furfari, second by B. Bossio. Motion carried unanimously.

NEW BUSINESS:

2. **CU05-24 / Hamstead, Williams & Shook, PLLC / 315 High Street:** Request by Hamstead, Williams & Shook, PLLC for conditional use approval for a sign in excess of twelve square feet in the B-4 District at 5315 High Street. Tax Map #37, Parcel #126; a B-4, General Business District.

C. Fletcher read the staff report stating that Mr. Williams would like conditional use approval for a sign in excess of twelve square feet. The proposed sign would be three feet by sixteen feet, equal to 48 square feet, made of econolite metal. The site will not be lighted. The sign would be mounted flush on the rear of the building by Tapcon masonry screws.

C. Fletcher explained that §15.F.3.b. – *Signs in Pedestrian Shopping Areas*, states, “Signs larger than twelve square feet and free-standing signs shall require Conditional Use approval, subject to conditions set by the Board of Zoning Appeals. The Design Review Committee, on November 30, 2005, voted to forward a recommendation for approval with suggestions that there be a two inch black border placed around the proposed sign and that the bottom of the sign be broken up for easier visibility. The applicant has agreed to the suggestions.

C. Fletcher reported that the Planning Commission and the Board of Zoning Appeals must find that A) the proposed sign is within the fitting character of the surrounding area; B) the proposed sign permits adequate natural light, adequate ventilation and adequate wind flow to adjoining properties; C) the proposed sign creates no traffic hazard by obstructing sign zones or by intensely attracting driver’s attention away from the roadway or travel way; D) the proposed sign is suitable to the surrounding area; and E) the proposed sign does not cause an undue concentration of signs (as outlined in Article 19, Conditional Uses and Procedure).

Alex Shook, representing the applicant, had nothing to add to the staff report.

B. Bossio asked if they would follow the Design Review Committee suggestions.

Mr. Shook agreed that they would.

C. Fletcher reported that the Planning Commission, at the December 8, 2005, meeting, also forwarded a recommendation for approval.

M. Furfari questioned if the sign would face Chestnut Street.

Mr. Shook answered the sign would face the parking lot behind the building to identify it to customers.

B. Bossio asked for clarification that it would not be lit.

Mr. Shook replied that they already have enough light in back of the building. There is also an entrance in the back.

N. Iannone questioned if the border will increase the 48 square feet.

Mr. Shook did not believe so.

M. Furfari asked why they wanted such a large sign and for the width of the building.

Mr. Shook responded that it needs to be visible to the naked eye from Chestnut Street. The building is probably 60' wide; it is the same as the front.

C. Fletcher advised that the zoning ordinance states that signs larger than twelve square feet have to go through conditional use approval. He noted that it is a merely a threshold requirement, not should not be considered a measuring standard.

N. Iannone requested the Findings of Fact be read one by one. Findings #1, #4, #6, and #7 had the written response accepted. Finding #2 was changed to "surface mounted flush to the building"; #3 was altered to "flush mounted and the building sets back from the roadway"; and #5 now reads "only sign on the building and in fitting proportion."

Motion by M. Furfari to accept the Findings of Fact with the minor changes, second by B. Bossio. Motion carried unanimously.

Motion to approve the request with the condition of the black border by B. Bossio, second by M. Furfari. Motion carried unanimously.

OTHER BUSINESS:

Public Comments: NONE.

Staff Comments: NONE.

ADJOURNMENT