



MORGANTOWN BOARD OF ZONING APPEALS

August 21, 2013
6:30 PM
City Council Chambers

Board Members:

Bernie Bossio, Chair
Leanne Cardoso, Vice-Chair
George Papandreas
Jim Shaffer
Tom Shamberger

STAFF REPORT

CASE NO: V11-48 / Jim Prete / 3040 University Avenue

REQUEST and LOCATION:

Request by Rudy Hoffert of City Neon, on behalf of Jim Prete, for an amendment to a previously approved variance petition relating to signage at 3040 University Avenue.

TAX MAP NUMBER(s) and ZONING DESCRIPTION:

Tax Map 6, Parcel 13; B-2, Service Business District

SURROUNDING ZONING:

North: R-1, Single-Family Residential District
South: B-2, Service Business District
East: R-2, Single- and Two-Family Residential District
West: B-2, Service Business District

BACKGROUND and ANALYSIS:

On 22-Dec-2011, the Board approved variance relief to erect two (2) multi-tenant post-and-panel signs at each of the two (2) primary driveway entrances from University Avenue into the *Prete Building* site. The following table identifies the extent of the variances granted from the maximum height and maximum area standards.

Standard	Proposed	Approved Variance
Height – maximum 6 feet	18.7 feet	12.7 feet
Area – maximum 32 SF	88.5 SF	56.5 SF

On 16-Jan-2013, the Board approved the petitioner's request for an extension under Article 1381.05 of the City's Planning and Zoning Code so that the expiration date of the subject variance approval expired on 21-June-2013. The petitioner fulfilled this obligation by applying for a building permit prior to the noted date.

As noted in Staff's 22-Dec-2013 Staff Report, the *Prete Building* has been predominantly occupied over the years by West Virginia University related offices, services, and programming. As such, commercial messaging for tenants has not been necessary. However, most of these WVU related uses have begun relocating to other sites as a part of the University's ongoing facility upgrades and new construction. Therefore, the present demand for multi-tenant signage is logical.

Staff met with Mr. Prete on 15-Jul-2013 and learned that market interest in the *Prete Building* is shifting from institutional and professional services uses to a mix of professional services, personal services, and retail-type uses.

Development Services

Christopher Fletcher, AICP
Director

389 Spruce Street
Morgantown, WV 26505
304.284.7431



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According to the petitioner, a more effective method for future tenants to message their location to passersby will be through one multi-tenant post-and-panel sign rather than the two post-and-panel signs approved by the Board. The following graphic illustrates the locations of the two approved ground signs and the location of the one proposed ground sign.



The proposed post-and-panel sign will include two additional rows of two 18" X 48" flat face tenant panels in each row, which, according to the petitioner, will eliminate the need for the second post-and-panel sign.

The following table illustrates the difference in area and associated variance relief between the two approved signs and the one proposed sign.

Sign	Area	Variance
Approved Post-and-Panel Sign No. 1	88.5 SF	56.5 SF
Approved Post-and-Panel Sign No. 2	88.5 SF	56.5 SF
Total Approved Area	177 SF	113 SF
Proposed Post-and-Panel Sign	112.5 SF	80.5 SF
Difference	- 64.5 SF	- 32.5 SF

Although the total area and overall extent of requisite variance relief granted will decrease significantly with the elimination of one of the approved post-and-panel signs, the proposed sign requires an amendment to the approved area variance from 56.5 square feet to 80.5 square feet.

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To ensure the proposed sign maintains sufficient ground clearance given the two additional rows of flat face tenant panels, the petitioner seeks to increase the overall height of the sign by three (3) feet, which requires an amendment to the approved height variance from 12.7 feet to 15.7 feet.

Article 1369.07(F)(2) provides that:

Both sides of a two-sided post-and-panel sign shall be identical in design and content.

In addition to the noted variance approval amendments relating to sign area and height, the petitioner also seeks an amendment that would allow the proposed post-and-panel sign to be different on each side. According to the petitioner, the following circumstances address the merits of this amendment request:

- The two primary driveway entrances to the *Prete Building* access two different levels of the building. Specifically, driveway closest to Koontz Avenue and related parking lot are situated at the building's first or lowest level while the driveway entrances north of the *Prete Building* are situated at the building's second level.
- The new location of the proposed sign is generally centered at the building's frontage along University Avenue rather than at one of the site's primary driveway entrances.
- Depending on tenant location, different sign faces on either side should serve to assist in directing visitors to the appropriate level of the site for the purposes of parking and then entering the building to access the related tenant.
- The total number of 18" X 48" tenant panels between the two approved signs is 24, given that both sides of each sign must be identical. The total number of 18" X 48" tenant panels for the one proposed post-and-panel sign is 16 if both sides of the sign conform to "identical in design and content" standard. However, if the Board amends the approved variance by relieving the petitioner from said standard, the total number of tenant panels increases from 16 to 32, which will aid in supporting tenant space and messaging needs in a building that exceeds 160,000 square feet of gross floor area.

Although the matter before the Board is a request to amend its 22-Dec-2011 approval of V11-48, Staff recommends that the Board, as it customarily does for approval amendment requests, hear public comments.

STAFF RECOMMENDATION:

Staff recommends that the Board amend the findings of fact accepted in its 22-Dec-2013 approval of Case No. V11-48 as follows (deleted matter struck through; new matter underlined).

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Finding of Fact No. 1 – There are exceptional or extraordinary circumstances or conditions applicable to this property or to the intended use, that generally do not apply to other properties or uses in the same vicinity, because:

The subject site is situated in a heavily traveled corridor where the predominant commercial signage and messaging patterns exceed the maximum height and area standards set forth in the Planning and Zoning Code. Compliance with said maximum standards may result in a competitive disadvantage for tenants occupying the uniquely large professional office building. Additionally, the approximate six-foot clearance between grade and the lowest horizontal plain or bottom of the sign appears necessary to preserve safe visibility for exiting vehicles. Further, the site's two primary driveway entrances from University Avenue access two different levels. Restricting both sides of the two-sided post-and-panel sign to be identical in design and content hinders tenant location messaging in a manner that would otherwise assist in directing visitors to the appropriate level of the site for the purposes of parking and then entering the building at the desired level.

Finding of Fact No. 2 – The variance is necessary for the preservation and enjoyment of a substantial property right that is possessed by other properties in the same vicinity and zoning district, but which denied to this property, because:

It appears that the majority of commercial signs within the vicinity of the Prete Building, particularly those serving multi-tenant developments, are nonconforming as all do not meet maximum area and maximum height standards set forth in Article 1369 of the Planning and Zoning Code.

Finding of Fact No. 3 – The granting of this variance will not be harmful to the public welfare and will not harm property or improvements in the vicinity and zoning district in which the subject property is located, because:

The height and area of the proposed multi-tenant sign appears to be consistent with the predominant commercial signage within the vicinity of the Prete Building, which do not presently appear to harm public welfare, adjoining properties, or improvements. Additionally, the approximate six-foot clearance between grade and the lowest horizontal plain or bottom of the sign appears necessary to preserve safe visibility for exiting vehicles. Granting relief from the restriction that both sides of the proposed two-sided post-and-panel sign be identical in design and content should serve to assist in directing visitors to the appropriate level of the site for the purposes of parking and then entering the building at the desired level thereby promoting efficient and effective access from University Avenue.

Finding of Fact No. 4 – The granting of this variance will not alter the land-use characteristics of the vicinity and zoning district, or diminish the market value of adjacent properties, or increase traffic congestion on public streets, because:

The height and area of the proposed multi-tenant sign appears to be consistent with the predominant commercial signage patterns within the vicinity of the Prete Building, which do not appear to diminish the market value or vitality of the well-established commercial corridor. Variance relief relative to sign height and area cannot contribute to nor mitigate existing traffic volumes on neighboring streets. Eliminating one of the approved nonconforming ground signs should serve to reduce sign clutter within the commercial corridor.

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Staff recommends that the Board grant the subject variance approval amendment as requested for Case No. V11-48 and that related conditions be amended as follows (deleted matter struck through; new matter underlined).

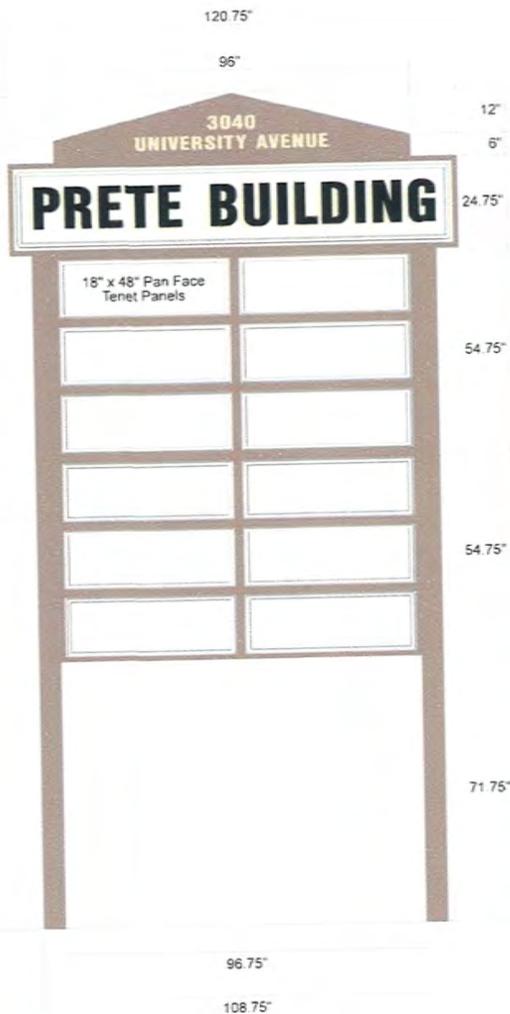
- ~~1.~~ ~~That each post and panel sign must be identical in design and content on both sides.~~
- ~~2.~~ 1. That the location of the post and panel signs may not, to the satisfaction of the City Engineer, obstruct the clear line of site needed for vehicles exiting onto University Avenue. To accomplish this objective, the locations of the sign must be staked and inspected by the City Engineer prior to building permit issuance.
- ~~3.~~ 2. That the copy/display included on the post and panel signs ~~must~~ shall be limited to logos and/or business names of establishments located within the *Prete Building* development and may not contain any additional commercial messaging or off-premise signage.
3. That no ground signs, in addition to the one (1) post-and-panel sign for which variance relief is granted herein, may be erected on the subject site without prior approval of the Board of Zoning Appeals.

Enclosures: Approved Sign Plan
 Proposed Sign Plan

Development Services

Christopher Fletcher, AICP
Director

389 Spruce Street
Morgantown, WV 26505
304.284.7431



**BZA
APPROVED**



428 Industrial Avenue
Morgantown, WV 26505
Phone: 304-599-1854
Fax: 304-599-5852

PO Box 40
Morgantown, WV 26507
304-225-2056

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CLIENT/PROJECT

**Prete
Building**
Morgantown, WV

CUSTOMER APPROVAL

FILE NAME:
PreteBuilding11.plt

DRAWING NO.
PB.MARQ_18.8

SCALE
N/A

DRAWN BY:
Rudy

DATE:
11/28/11

SALESMAN

REVISIONS

REV.1:

REV.2:

V11-418



428 Industrial Avenue
Morgantown, WV 26505
Phone: 304-599-1854
Fax: 304-599-5852

PO Box 40
Morgantown, WV 26507
304-225-2056

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CLIENT/PROJECT
Prete Building
Morgantown, WV

CUSTOMER APPROVAL

FILE NAME:
PreteBuilding11.plt

DRAWING NO.
PB.MARQ_18.8

SCALE
N/A

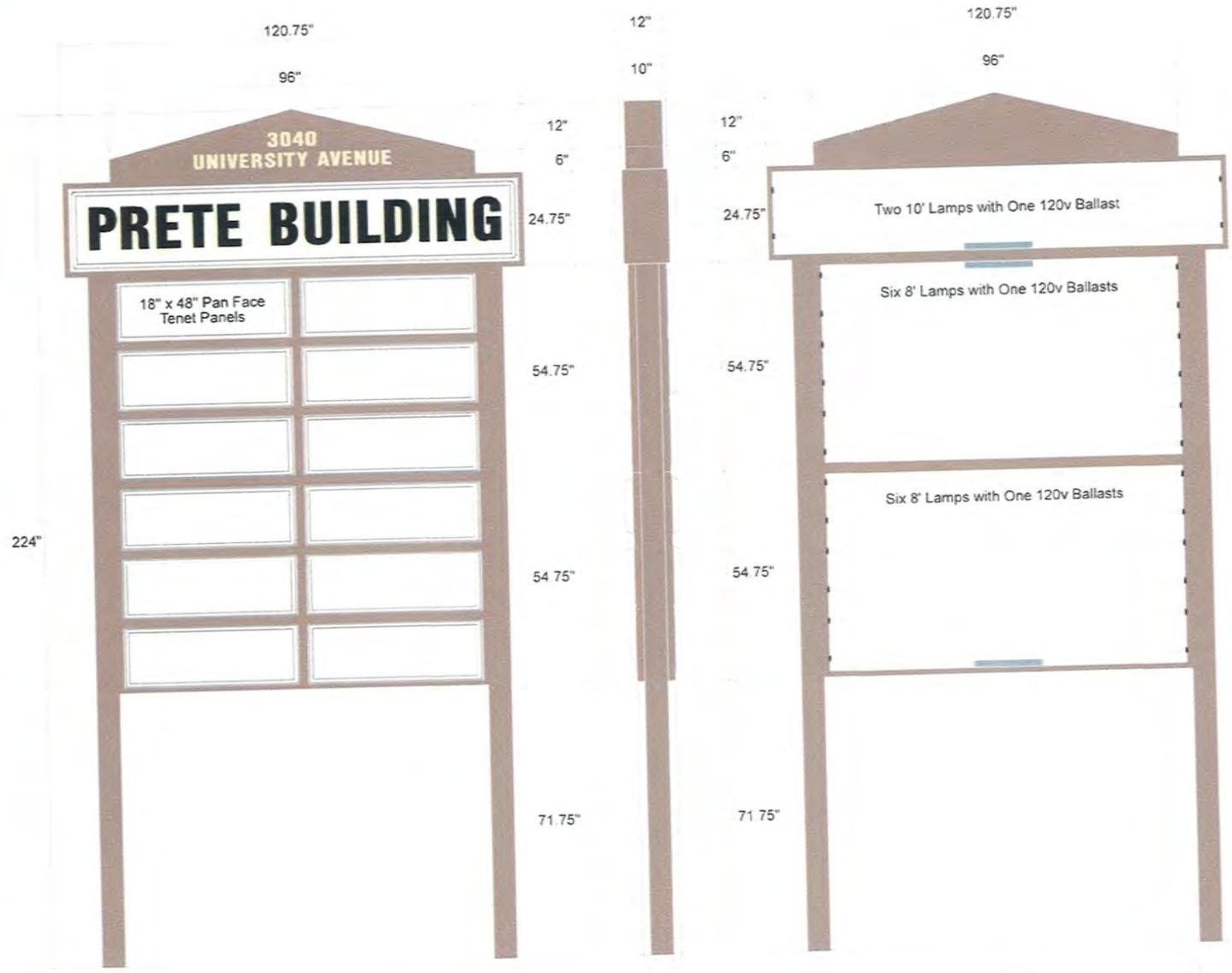
DRAWN BY:
Rudy

DATE:
11/28/11

SALESMAN

REVISIONS
REV.1:

REV.2:



BZA APPROVED

VII-18



428 Industrial Avenue
 Morgantown, WV 26505
 Phone: 304-599-1854
 Fax: 304-599-5852

PO Box 40
 Morgantown, WV 26507
 304-225-2056

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Prete Building
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CUSTOMER APPROVAL

FILE NAME:
 PreteBuilding13.plt

DRAWING NO.
PB.PYL_21

SCALE
 N/A

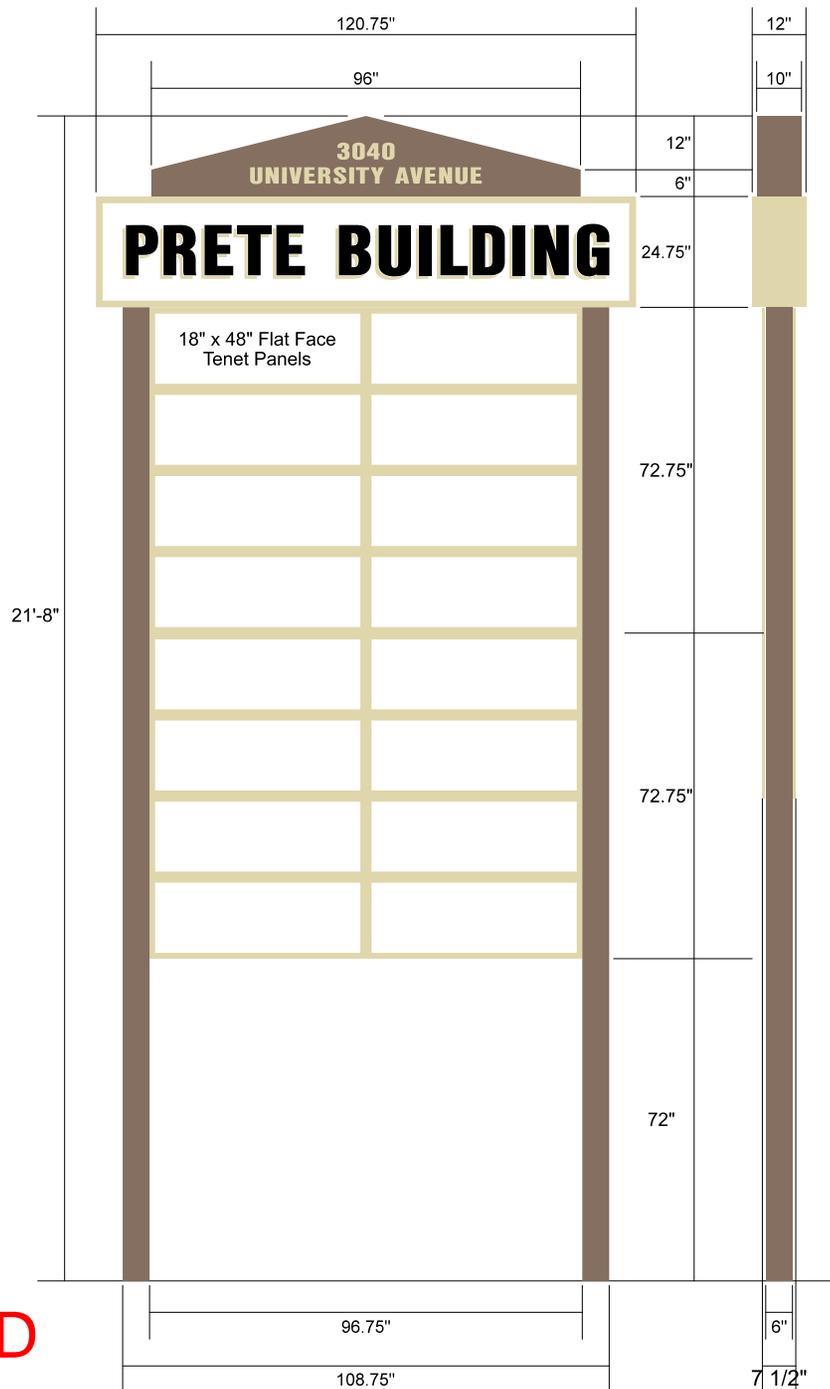
DRAWN BY:
Rudy

DATE:
5/9/13

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REVISIONS
 REV.1:

REV.2:



PROPOSED