



MORGANTOWN BOARD OF ZONING APPEALS

September 19, 2012
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: V12-24 / Chestnut Hotel / 345 Chestnut St

REQUEST and LOCATION:

Request by Joe Panico of Manhattan Place, LLC, on behalf of Chestnut Hotel, for variance relief from Article 1369 as it relates to signage at 345 Chestnut Street.

TAX MAP NUMBER(s) and ZONING DESCRIPTION:

Tax Map 26A, Parcel 79 and 80; B-4, General Business District

SURROUNDING ZONING:

B-4, General Business District

BACKGROUND and ANALYSIS:

The petitioner seeks to erect four (4) wall signs on the Chestnut Hotel that is currently under construction at 345 Chestnut Street. Addendum A of this report illustrates the location of the subject site.

Article 1369.07(l) of the Planning and Zoning Code provides that the maximum area for all wall signs on a building in the B-4 District is 0.4 square feet per linear foot of tenant building frontage. The frontage of the hotel along Chestnut Street is approximately 58 feet. The maximum wall sign area is consequently 23.2 square feet.

The following summarizes the proposed wall sign plan:

- Sheet 1 of 3 – Awning facing Chestnut St.17.0 sq. ft. (15.71'W X 1.08'H)
- Sheet 2 of 3 – Vertical facing south towards Walnut St.....91.59 sq. ft. (2.58'W X 35.5'H)
- Sheet 2 of 3 – Vertical facing north towards Willey St.....91.59 sq. ft. (2.58'W X 35.5'H)
- Sheet 3 of 3 – Rear horizontal facing University Ave294.0 sq. ft. (49.0'W X 6'H)
- Total Proposed Wall Sign Area 494.18 sq. ft.
- **Requested Variance Relief..... 470.98 sq. ft.**
(21.3 times the maximum area standard)

Development Services

Christopher Fletcher, AICP
Director

Planning Division

389 Spruce Street
Morgantown, WV 26505
304.284.7431



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STAFF RECOMMENDATION:

One of the stated purposes within the Planning and Zoning Code for sign regulations is to:

“...encourage the effective use of signs as a means of communication in the City, to maintain and enhance the pleasing look of the City, which attracts to the City continued economic investment; to preserve Morgantown as a community that is attractive to business, to residents and to visitors...” [Article 1369.01(A)]

Size restrictions are one of several means to accomplish this policy objective.

Recognizing that the B-4 District maximum wall sign area standard appears to be scaled for pedestrian messaging and the fact that vehicle travelers appear to be the primary audience to which hotels utilize on-premise signage, variance relief appears prudent.

However, the petitioner’s variance relief appears to be substantially more than that requested for or granted by the Board of Zoning Appeals since the current sign regulations were enacted in January 2006.

As such, Staff recommends that the Board and petitioner consider the following alternates, which are listed in the order of highest to lowest in terms reducing the extent of variance relief and assumes no changes to the awning sign facing Chestnut Street.

Alternate 1: Eliminate the two north and south facing vertical signs and reduce the rear facing horizontal sign by 50% in area, which reduces variance relief from 470.98 sq. ft. to 140.8 sq. ft. or 6.1 times the maximum area standard.

Alternate 2: Eliminate one of the vertical signs, eliminate the contrasting color of the remaining vertical sign, and reduce the rear facing horizontal sign by 50% in area, which reduces variance relief from 470.98 sq. ft. to 194.05 sq. ft. or 8.4 times the maximum area standard.

Alternate 3: Eliminate the contrasting color of the two vertical signs and reduce the rear facing horizontal sign by 50%, which reduces variance relief from 470.98 sq. ft. to 247.3 sq. ft. or 10.7 times the maximum area standard.

Alternate 4: Eliminate the contrasting color of the two vertical and rear horizontal signs, which reduces variance relief from 470.98 sq. ft. to 288.3 sq. ft. or 12.4 times the maximum area standard.

The Board of Zoning Appeals must determine whether the proposed request meets the standard criteria for a variance by reaching a positive determination for *each* of the “Findings of Fact” submitted by the applicant. Addendum B of this report provides Staff recommended revisions to the petitioner’s findings of fact (deleted matter struck through; new matter underlined).

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Should the Board move to grant variance relief for V12-24 under any scenario, Staff recommends that the following conditions be included:

1. That the individual letters comprising the proposed wall signage be opaque and made of an ornamental metal such as bronze, brass, copper, stainless steel, etc. or painted stainless steel or painted aluminum.
2. That the proposed wall signage may only be illuminated by reverse lighting (also referred to as "halo letters") directed to the wall to create a negative space at night; provided, the color of the reverse lighting is cool, pale, or incandescent white (colors normally associated with LED lighting) or an equivalent color should a non-LED lighting system be utilized; provided, all electrical conduit and routing for the reverse lighting are integrated or disguised into the façade of the wall upon which the sign is mounted.

Attachments: Application and accompanying exhibits

ADDENDUM A



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Director

Planning Division

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STAFF REPORT ADDENDUM B

V12-24 / Chestnut Hotel / 345 Chestnut Street

Staff recommended revisions to petitioner's Findings of Fact (deleted matter struck through; new matter underlined)

Finding of Fact #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:

~~Business~~ The hotel use is located on one-way street with low visibility to higher traffic volumes. Most potential customers and guests will be traveling ~~on~~ from University Avenue side and Walnut Street.

Finding of Fact #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:

~~Competitors and nearby adjoining businesses exceed standard.~~ It appears that other hotel uses within the B-4 District have signage that exceeds the maximum wall sign area. Additionally, it appears that there are a number of non-conforming signs within the B-4 District.

Finding of Fact #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:

~~Remains consistent with comprehensive plan and comparable properties in B-4 zone.~~ It appears that nonconforming signs enjoyed by other hotel uses within the B-4 District support the vitality of the respective hotel establishments and contribute to the economic activity of other neighboring commercial establishments.

Finding of Fact #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:

~~Remains consistent with comprehensive plan for downtown zone. The business and new structure has been previous approved by City.~~ It appears that well designed and proportionately scaled signage should effectively message the location of the Chestnut Hotel thereby contributing the character, hospitality offers, and economic activity of the central business district; the nature of the subject variance cannot contribute to nor mitigate existing traffic congestion within the downtown area.



City of Morgantown, West Virginia

APPLICATION FOR ZONING VARIANCE

OFFICE USE	
CASE NO.	V12-24
RECEIVED:	
COMPLETE:	

(PLEASE TYPE OR PRINT IN BLACK INK)

Fee: \$75

I. APPLICANT		Name: CHESTNUT HOTEL	
Mailing Address:	Street	345 CHESTNUT ST	
	City	State	Zip
	Morgantown	WV	26505
	Phone:		
	Mobile:		
	Email:		
II. PROPERTY		Street Address: 345 CHESTNUT ST	
Owner:	Manhattan Place	Zoning:	B4
Mailing Address:	Street	Tax Map No:	26 A
	City	State	Zip
	Parcel No:	79-80	
	Phone:	3046853015	
III. NARRATIVE		Please describe the nature and extent of your variance request(s).	
SIGNAGE Sq FOOTAGE EXCEEDS MAXIMUM REQUIREMENTS CANOPY EXTENDS INTO ROW			
V. ATTEST			
I hereby certify that I am the owner of record of the named property, or that this application is authorized by the owner of record and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. The granting of a variance does not presume to give authority to violate or cancel the provisions of any other federal, state, or local law regulating construction or the performance of construction. I certify that the information submitted herein and attached hereto is true and accurate and understand that if found otherwise may result in the denial of this request or subsequent revocation of any and all related approvals. The undersigned has the power to authorize and does hereby authorize City of Morgantown representatives on official business to enter the subject property as necessary to process the application and enforce related approvals and conditions. I hereby authorize the Planning Department to erect a notification sign on the subject property approximately 15 days prior to the BZA hearing. I further agree to maintain said signage and hereby accept responsibility in case of destruction or removal.			
Joe Panico			
Type/Print Name of Applicant/Agent	Signature of Applicant/Agent	Date	

You or a representative **MUST** be present at the scheduled hearing to present the request and answer questions. Failure to appear at the hearing will result in your request being tabled.



City of Morgantown, West Virginia

APPLICATION FOR ZONING VARIANCE

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VI. SUPPLEMENTAL INFORMATION

Depending on the type of variance request and the scale and scope of the development proposal, supplemental information may be needed to assist the Board of Zoning Appeals in rendering a variance decision. Staff will check the appropriate boxes below that must be addressed.

Land Use Characteristics (complete only those that apply)

- Residential
- Single-Family Dwelling
- Townhouse Dwelling
- Two-Family Dwelling
- Multi-Family Dwelling
- Non-Residential or Mixed (please explain)

Structure Characteristics (complete only those that apply)

Total number of buildings: _____ Gross floor area of each building: _____
 Estimated number of employees: _____ No. of dwelling units: _____ No. of bedrooms: _____

Additional structure-related details:

41 Room Hotel & Conference Center

Additional Information (as required by Staff):

Site Plan A scaled site plan may be required to assist the Board in rendering a variance decision. The following features must be represented, as required by Staff.

- Location, shape, exterior dimensions, and number of stories of each building on the site.
- Standard yard setbacks for the applicable zoning district
- Location, grade, and dimensions of paved surfaces, and all abutting streets
- Existing and proposed contours, at an interval of at least two (2) feet
- Complete traffic circulation plan showing dimensions, entrance/exit drives, planters, and similar improvements
- Location of landscaped areas (to be detailed on landscape plan), fences, walls, and other screen required

For simple variance requests (as determined by Staff), please use the graph area on the following page to illustrate applicable features listed above.



City of Morgantown, West Virginia

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Suggested Scale: 1 square = 5'



APPLICATION FOR ZONING VARIANCE

OFFICE USE	
CASE NO.	_____
RECEIVED:	_____
COMPLETE:	_____

VII. FINDINGS OF FACT

The Board of Zoning Appeals may grant a variance request only if each of the following "Findings of Fact" criteria is determined to be in the positive. Applicants must give their own responses to the following criteria statements.

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:

BUSINESS IS LOCATED ON 1 WAY ST WITH LOW VISABILITY. MOST POTENTIAL CUSTOMERS AND GUESTS WILL BE TRAVELING ON UNIVERSITY AVE SIDE

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:

COMPETITORS AND NEARBY ADJOINING BUSINESSES EXCEED STANDARD

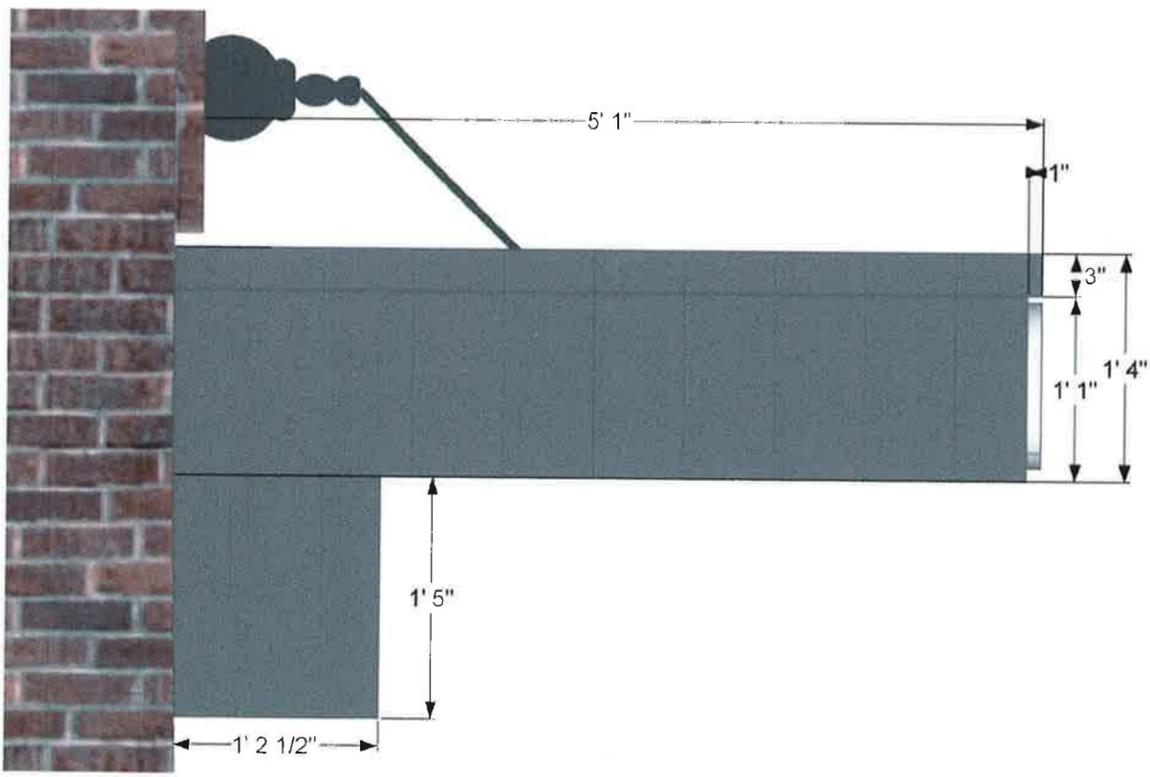
3. The granting of this variance will not be harmful to the public welfare and will not harm property or improvements in the vicinity and zoning district in which the subject property is located, because:

REMAINS CONSISTENT WITH COMPREHENSIVE PLAN AND COMPABLES PROPERTIES IN B-4 ZONE

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:

REMAINS CONSISTENT WITH COMPREHENSIVE PLAN FOR DOWNTOWN ZONE. THE BUSINESS AND NEW STRUCTURE HAS BEEN PREVIOUS APPROVED BY CITY

V12-24



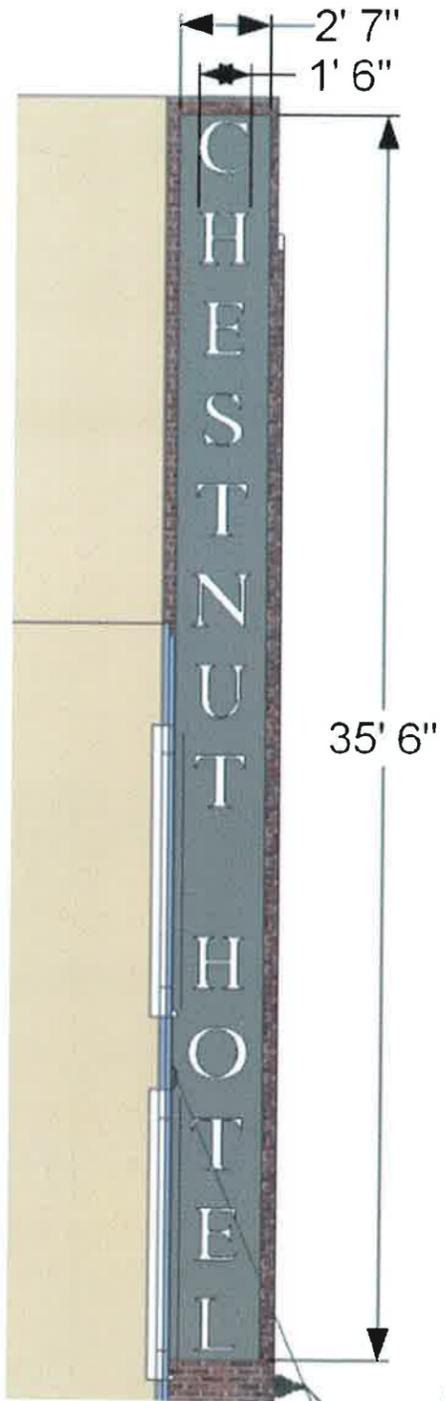
Chestnut Hotel - Morgantown, WV

SHEET #1/3



DATE: JUNE 7, 2012

CHESTNUT HOTEL SIGNAGE



Chestnut Hotel - Morgantown, WV

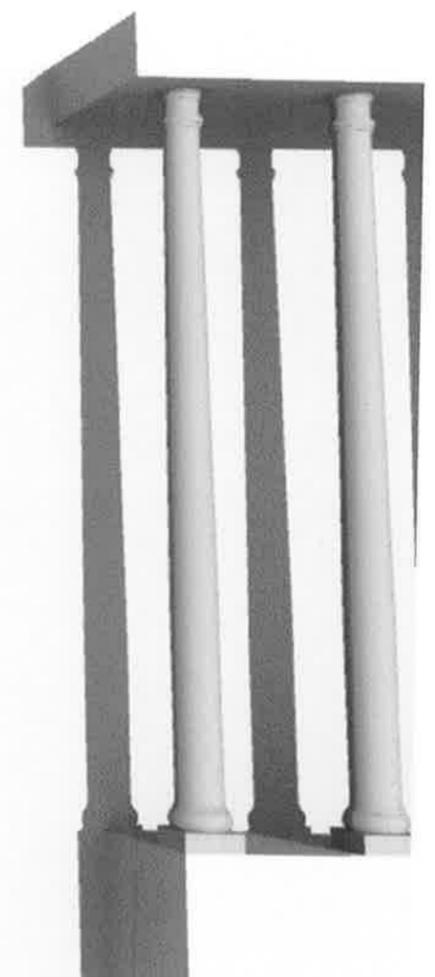
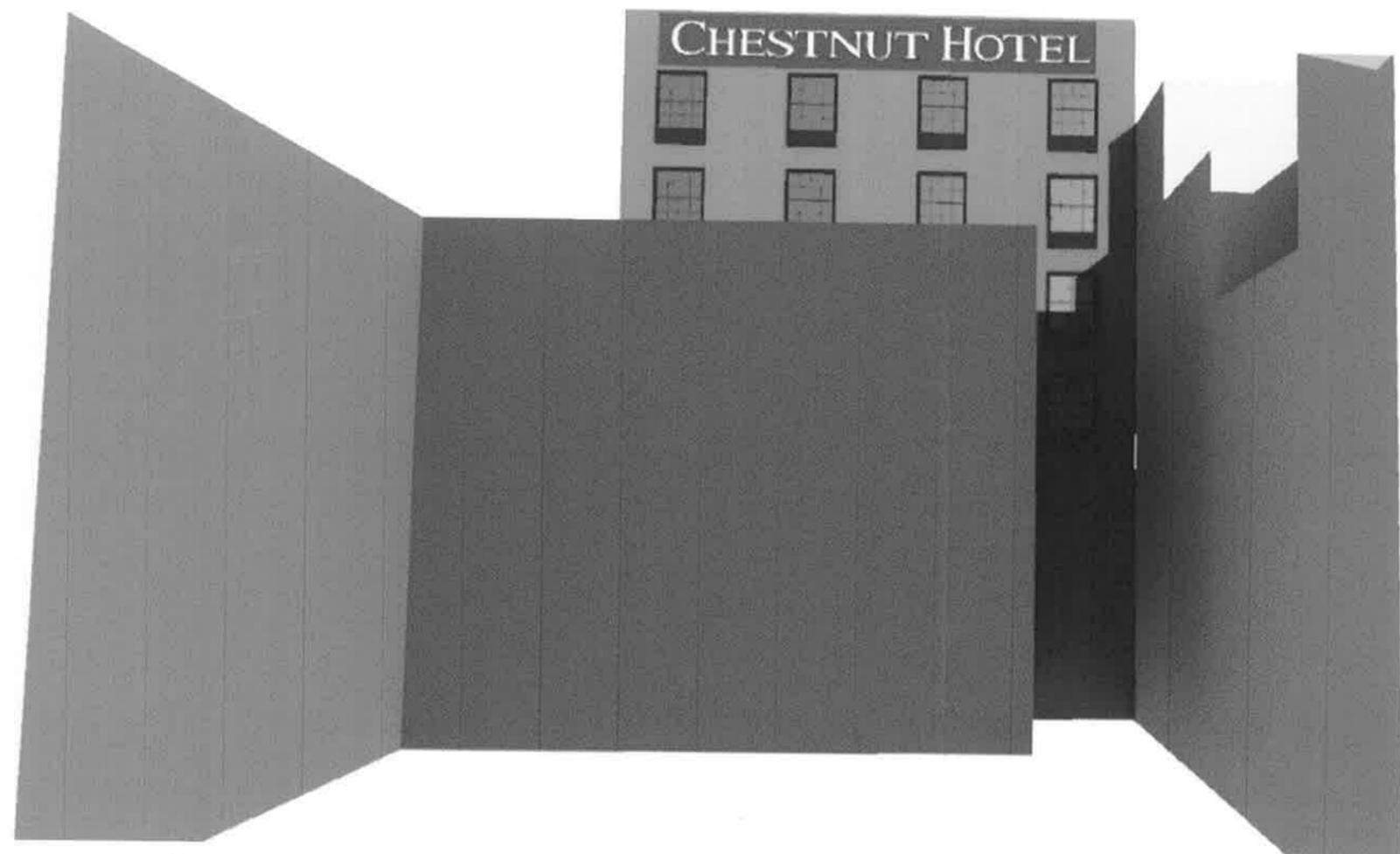
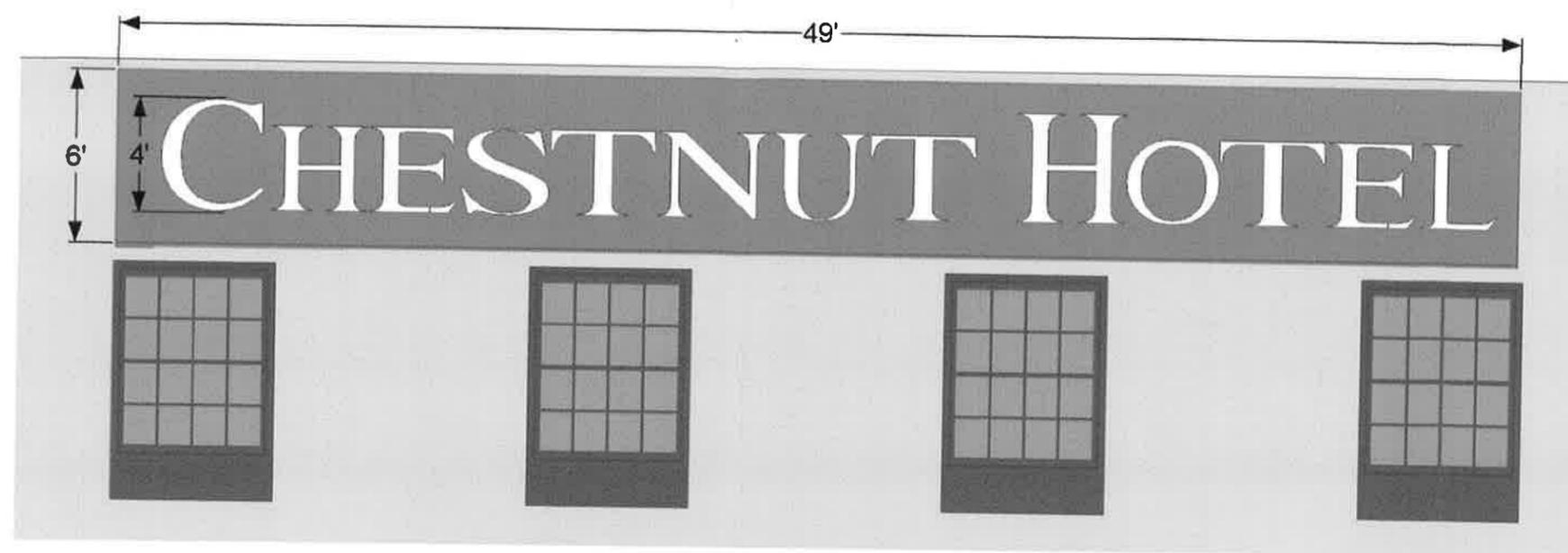


SHEET #2/3

DATE: JUNE 7, 2012

CHESTNUT HOTEL SIGNAGE

V12-24



Chestnut Hotel - Morgantown, WV