



MORGANTOWN BOARD OF ZONING APPEALS

August 15, 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: V12-28 / Clear Mountain Bank / 1085 Van Voorhis Road

REQUEST and LOCATION:

Request by Robert E. DeRiggi of J.D. Signs, Inc., on behalf of Clear Mountain Bank, for variance relief from Article 1369 as it relates to signage at 1085 Van Voorhis Road.

TAX MAP NUMBER(s) and ZONING DESCRIPTION:

Tax Map 6, Parcel 69; B-2, Service Business District

SURROUNDING ZONING:

North, South: B-2, Service Business District
East: R-1, Single Family Residential (West Virginia University)
West: PRO, Professional, Residential, and Office District

BACKGROUND and ANALYSIS:

The petitioner seeks to erect a 137.74 square foot, internally illuminated wall sign for the *Clear Mountain Bank* branch that will soon be occupying the former *United Bank* space at 1085 Van Voorhis Road. Addendum A of this report illustrates the location of the subject site.

Article 1369.07(I)(1) provides that the maximum wall sign area in the B-2 District is determined by multiplying the storefront width in feet by 0.6. The storefront width of the *Clear Mountain Bank*, which includes the drive-thru facility, is approximately 130 feet. Therefore, the maximum area for the subject wall sign is 78 square feet.

It is the opinion of the Planning Division that the blue outline surrounding the letters and logo should be considered a part of the extreme limits of the sign's display as it appears to form an integral part of sign's background used to differentiate the sign from the structure as provided in Article 1369.04(A) of the Planning and Zoning Code. As such, the proposed sign requires a 59.74 square foot variance.

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.

Development Services

Christopher Fletcher, AICP
Director

Planning Division

389 Spruce Street
Morgantown, WV 26505
304.284.7431



MORGANTOWN BOARD OF ZONING APPEALS

August 15, 2012
6:30 PM
City Council Chambers

Board Members:

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

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).

The Board has granted a number of similar wall sign area variances within the Van Voorhis Road commercial corridor.

Enclosures: Application and accompanying exhibits

Development Services

Christopher Fletcher, AICP
Director

Planning Division

389 Spruce Street
Morgantown, WV 26505
304.284.7431

STAFF REPORT ADDENDUM A
V12-28 / Clear Mountain Bank / 1085 Van Voorhis



STAFF REPORT ADDENDUM B

V12-28 / Clear Mountain Bank / 1085 Van Voorhis

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:

The subject property is located along one of the most heavily traveled arteries in the region (approximately 44,300 vehicles daily). Placement for wall sign is parallel to the main road which appears to limit its visibility due to orientation. Compensating for visibility only by increasing sign size is appears to be one of the few, if not the only afforded option (while still working within the confines of permitted space above the windows). Locating the Bank for the complete use of its amenities including a fully ~~functionable~~ functional Lobby/Drive-thru/& ATM ~~is imperative~~ appears to be critical to the daily banking business. Increasing the sign size allowing better viewer identification/ affording a favorable reaction time along the corridor, ~~is crucial~~ appears fundamental to for safe navigation and vehicular maneuvering planning.

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:

Several nearby businesses, some within eye-shot, ~~best of~~ appear to have similar and in some cases larger/multiple signs, than that being requested. The Bank is replacing a previously occupied Bank who was afforded larger signage incorporated in the name of the building, to assist in locating. A large percentage of the Bank's business will be contributed to the effective navigation of commuting customers.

Finding of Fact #3 – The granting of this variance 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:

With the limitations of allowable signs, the requested wall sign ~~would~~ should not interfere with vehicular or pedestrian movement. Located mid elevation on the existing building, designed to well fit within the existing space, the proposed sign appears to fits well on premise and its adjoining cityscape.

Finding of Fact #4 – The granting of this variance 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:

~~Since the use would be the same as the previous space occupant, the land use would not be altered. Anticipated traffic patterns would be similar with the same type usage. Construction and type of the proposed sign appears similar in characteristic to others in the area. The nature of the variance relief requested cannot contribute to nor mitigate existing traffic congestion; will not alter the existing land use characteristics of the commercial / office building; and, will continue a commercial signage messaging characteristic that appears to be prevalent within the commercial corridor.~~



City of Morgantown, West Virginia

APPLICATION FOR ZONING VARIANCE

OFFICE USE	
CASE NO.	V12-28
RECEIVED:	7/13/12
COMPLETE:	

(PLEASE TYPE OR PRINT IN BLACK INK)

Fee: \$75

I. APPLICANT		Name: ROBERT E. DeRIGGI, J.D. SIGNS, INC.	
Mailing Address:	1140 AVIATION DRIVE		Phone: 304-363-3211
	Street	FAIRMONT WV 26554	Mobile: 304-288-0070
	City	State Zip	Email: bderiggi@jdsigns.com
II. PROPERTY		Street Address: 1085 VAN VOORHIS ROAD - SUITE 150	
Owner:	CLEAR MOUNTAIN BANK (LESSOR)		Zoning: B-2
Mailing Address:	P O BOX 205		Tax Map No: 6
	Street	BRUCETON MILLS WV 26525	Parcel No: 69
	City	State Zip	Phone:
III. NARRATIVE		Please describe the nature and extent of your variance request(s).	
<p>Bank is requesting Signage Variance consideration for the soon to open Clear Mountain Bank Branch replacing the previous United Bank. Variance is requested for the allowment of 1 set of illuminated identifying channel letters on raceway, allowed to be installed at the listed location. Design typical for the area and also typical for several of the Bank's other existing branch locations.</p> <p>Letters are: 2'- 9.5" tall x 30' - 0.75" long = 84.57 sq/ft Logo is: 3' -4" tall x 9' -6.5" long = 31.77 sq/ft TTL= 116.34 sq/ft (Actual Letters)</p> <p>Supportive Outline needed for letter support and back lighting typical for raceway type channel letters. Letter Outline: 3' - 3.75" x 31' - 2" = 103.16 sq/ft Logo Outline: 3' -7" x 9' -8" = 34.58 sq/ft TTL= 137.74 sq/ft (Actual Outline)</p> <p>Allowed Sq/footage formulated from the Bank & Drive Thru Frontage = 130 lf x .6 = 78 sq/ft allowed. Sign without supportive outline is 38.34 sq/ft over the allowed. Sign with supportive outline is 59.74 sq/ft over the allowed. Letters are positioned onto the existing building mid height/ centralized/ right wing of the primary building facade. Being parallel to the main corrdor, sizing proposed is less than the Cal Tech Chart for Letter Visability.</p>			
V. ATTEST			
<p>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.</p>			
ROBERT E. DeRiggi		 KRISTEN 10:09:00 SITE PLAN Date 7/11/12	
Type/Print Name of Applicant/Agent		Signature of Applicant/Agent	

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.



APPLICATION FOR ZONING VARIANCE

OFFICE USE	
CASE NO.	V12-28
RECEIVED:	7/13/12
COMPLETE:	_____

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)

- | | | |
|---|---|--|
| <input type="checkbox"/> Residential | <input type="checkbox"/> Single-Family Dwelling | <input type="checkbox"/> Townhouse Dwelling |
| <input type="checkbox"/> Non-Residential or Mixed <i>(please explain)</i> | <input type="checkbox"/> Two-Family Dwelling | <input type="checkbox"/> Multi-Family Dwelling |

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: _____

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

**APPLICATION FOR
ZONING VARIANCE**

OFFICE USE	
CASE NO.	V12-28
RECEIVED:	07/13/12
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:

1) Property located along one of the most heavily traveled arteries in the region (approximately 44,300 vehicles daily). Placement for wall sign is parallel to the main road which limits its visibility due to orientation. Compensating for visibility only by increasing sign size is the only afforded option (while still working within the confines of permitted space above the windows). Locating the Bank for the complete use of its amenities including a fully functional Lobby/Drive-thru/& ATM is imperative to the daily banking business. Increasing the sign size allowing better viewer identification/affording a favorable reaction time along the corridor, is crucial for safe navigation and planning.

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:

2) Several nearby businesses, some within eye-shot, boast of similar and in some cases larger/multiple signs, than that being requested. Bank is replacing a previously occupied Bank who was afforded larger signage incorporated in the name of the building, to assist in locating. A large percentage of the Banks business will be contributed to the effective navigation of commuting customers.

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:

3) With the limitations of allowable signs, the requested wall sign, would not interfere with vehicular or pedestrian movement. Located mid elevation on the existing building, designed to well fit within the existing space, the proposed sign fits well on premise and its adjoining cityscape.

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:

4) Since the use would be the same as the previous space occupant, the land-use would not be altered. Anticipated traffic patterns would be similar with the same type usage.

Construction and type of the proposed sign appears similar in characteristic to others in the area.

2011 Road Inventory Inquiry

To see a roadway section by route within a county

Select County: Monongalia

Enter 3 or 5 Digit Route Number: 705 /

11 Records Found

	Route	Sign Sys	Suppl. Designation	District	Start MP	Length	End MP	Year of ADT	ADT	Surf. Type
<input type="button" value="Details..."/>	705 / 00	WV Route	Main	4	000.00	00.51	000.51	'11	32500	(1) Asphaltic Concrete Road
<input type="button" value="Details..."/>	705 / 00	WV Route	Main	4	000.51	00.07	000.58	'11	32500	(1) Asphaltic Concrete Road
<input type="button" value="Details..."/>	705 / 00	WV Route	Main	4	000.58	00.10	000.68	'11	44300	(1) Asphaltic Concrete Road
<input type="button" value="Details..."/>	705 / 00	WV Route	Main	4	000.68	00.55	001.23	'11	44300	(J) Concrete
<input type="button" value="Details..."/>	705 / 00	WV Route	Main	4	001.23	00.40	001.63	'11	35300	(J) Concrete
<input type="button" value="Details..."/>	705 / 00	WV Route	Main	4	001.63	00.18	001.81	'11	35300	(J) Concrete
<input type="button" value="Details..."/>	705 / 00	WV Route	Main	4	001.81	00.35	002.16	'11	35300	(J) Concrete
<input type="button" value="Details..."/>	705 / 00	WV Route	Main	4	002.16	00.46	002.62	'11	35300	(J) Concrete
<input type="button" value="Details..."/>	705 / 00	WV Route	Main	4	002.62	00.06	002.68	'11	35300	(J) Concrete
<input type="button" value="Details..."/>	705 / 00	WV Route	Main	4	002.68	00.08	002.76	'11	35100	(J) Concrete
<input type="button" value="Details..."/>	705 / 00	WV Route	Main	4	002.76	00.79	003.55	'11	28100	(1) Asphaltic Concrete Road

Details	
Route	705 / 00
Sign System	WV Route
County	Monongalia
District	4
Start MP	000.68
Length	00.55
End MP	001.23
Year of ADT	'11
ADT	44300
Suppl. Designation	Main
Rural-Municipal	25000-49999
Rural-Urban	Urbanized
Federal Aid	STP (Surface Transportation Program Eligible)
WV Legal Func. Class	Feeder
Federal Forest Highway	Not in National Forest
Access Control	No Control
Year Survey/Change	'80
Surface Type	(J) Concrete
Pavement Width	34
Grade Width	34
Median Width	00
Opposite Surface Type	(J) Concrete
Opposite Pavement Width	33
Opposite Grade Width	33
Number of Lanes	4
National Highway Functional Class	Principal Arterial - Other
Urban Area Code	Morgantown
Reversible Lanes	Lanes not reversible
Special Systems	Not on a special system
Designated Truck Route	No restriction on use by trucks or commercial vehicles.
Type of Facility	Two way traffic
HPMS Sample	HPMS sample section

letter visibility chart		
Maximum Readable Distance	Readable Distance for Maximum Impact	Letter Height
100'	30'	3"
150'	40'	4"
200'	60'	6"
350'	80'	8"
400'	90'	9"
450'	100'	10"
525'	120'	12"
630'	150'	15"
750'	180'	18"
1000'	240'	24"
1250'	300'	30"
1500'	360'	36"
1750'	420'	42" ✖
2000'	480'	48" ✖
2250'	540'	54"
2500'	600'	60"

The letter visibility chart has been made for you based on information provided by the California Institute of Technology. The distances will vary approximately 10% with various color combinations.

CMB CENTER (Page 4 Option)
Sign Options

W/ STRUCTURAL OUTLINE
 LOGO - $3.58' \times 9.66' = 34.58 \text{ SQ/FT}$
 LETTERS - $3.31' \times 31.167' = 103.16 \text{ SQ/FT}$
 * TIL = 137.74 SQ/FT



W/O STRUCTURAL O.L.
 Logo - $3.33' \times 9.54' = 31.77 \text{ SQ/FT}$
 LETTERS - $2.79' \times 30.31' = 84.57 \text{ SQ/FT}$
 * TIL = 116.34 SQ/FT

pc-ell

1	CLIENT: Clint McCabe	DATE: 27 June 2012	<small>THESE PLANS ARE THE EXCLUSIVE PROPERTY OF J.D. SIGNS INC. AND ARE THE RESULT OF THE ORIGINAL WORK OF ITS EMPLOYEES. THEY ARE SUBMITTED TO YOUR COMPANY FOR THE SOLE PURPOSE OF CONSIDERATION IN PURCHASING A SIGN MANUFACTURED ACCORDING TO THESE PLANS FROM J.D. SIGNS INC. DISTRIBUTION OR EXHIBITION OF THESE PLANS TO CONSTRUCT A SIGN SIMILAR TO THE ONE EMBODIED HERE IS EXPRESSLY FORBIDDEN. IN THE EVENT THAT SUCH EXHIBITIONS OCCUR, J.D. SIGNS INC. SHALL BE REIMBURSED A SUM OF EIGHT HUNDRED DOLLARS. THE TOTAL AMOUNT OF REIMBURSEMENT WILL BE DETERMINED BY ADDING THE CUMULATIVE TIME OF ALL THE EMPLOYEES WHO HAVE CONTRIBUTED TIME TO DESIGN THESE PLANS AND MULTIPLYING THE TOTAL HOURS BY 80 DOLLARS PER HOUR IF COMPENSATION FOR TIME AND EFFORT ENTAILED IN CREATING THESE PLANS. ANY PARTY WHO VIOLATES THIS COPYRIGHT WILL BE RESPONSIBLE FOR COMPLETE REIMBURSEMENT OF ALL ATTORNEYS AND COURT COSTS TO J.D. SIGNS INC.</small>
	POINT OF CONTACT: Bob DeRiggi	DRAWN BY: Reese	
	JOB TITLE:		
<input type="checkbox"/> OK AS IS <input type="checkbox"/> RE-FAX WITH CHANGES PLEASE SIGN & FAX BACK SO WE MAY BEGIN PRODUCTION PROMPTLY		CUSTOMER APPROVAL _____ DATE _____	
PLEASE CHECK SPELLING OF NAMES AND NUMBERS BEFORE APPROVAL			

J.D. SIGNS

INCORPORATED

CMB CENTER
Sign Options

J.D. Signs, Inc.
1140 Aviation Drive
Fairmont, West Virginia

304.363.3211
304.363.3256
artdept@jdsigns.com
www.jdsigns.com



V12-28

2

CLIENT: Clint McCabe
DATE: 27 June 2012
POINT OF CONTACT: Bob DeRiggi
DRAWN BY: Reese
JOB TITLE:

THESE PLANS ARE THE EXCLUSIVE PROPERTY OF J.D. SIGNS INC., AND ARE THE RESULT OF THE ORIGINAL WORK OF ITS EMPLOYEES. THEY ARE SUBMITTED TO YOUR COMPANY FOR THE SOLE PURPOSE OF CONSIDERATION IN PURCHASING A SIGN MANUFACTURED ACCORDING TO THESE PLANS FROM J.D. SIGNS INC. DISTRIBUTION OR EXHIBITION OF THESE PLANS TO CONSTRUCT A SIGN SIMILAR TO THE ONE ENCLOSED HERE IS EXPRESSLY FORBIDDEN IN THE EVENT THAT SUCH EXHIBITIONS OCCUR. J.D. SIGNS INC. SHALL BE REIMBURSED A MINIMUM OF EIGHT HUNDRED DOLLARS. THE TOTAL AMOUNT OF REIMBURSEMENT WILL BE DETERMINED BY ADDING THE CUMULATIVE TIME OF ALL THE EMPLOYEES WHO HAVE CONTRIBUTED TIME TO DESIGN THESE PLANS AND MULTIPLYING THE TOTAL HOURS BY 60 DOLLARS PER HOUR IN COMPENSATION FOR TIME AND EFFORT ENTAILLED IN CREATING THESE PLANS. ANY PARTY WHO VIOLATES THIS COPYRIGHT WILL BE RESPONSIBLE FOR COMPLETE REIMBURSEMENT OF ALL ATTORNEY AND COURT COSTS TO J.D. SIGNS INC.

OK AS IS RE-FAX WITH CHANGES PLEASE SIGN & FAX BACK SO WE MAY BEGIN PRODUCTION PROMPTLY
PLEASE CHECK SPELLING OF NAMES AND NUMBERS BEFORE APPROVAL

DATE:



CLEAR MOUNTAIN BANK

P8

P7

P6

P1

P2

P3

P4

P5

Photos Along Van Voort's Rd Facing Clear Mountain Bank

113-211

© 2012 Google
Image © 2012 DigitalGlobe

V12-28

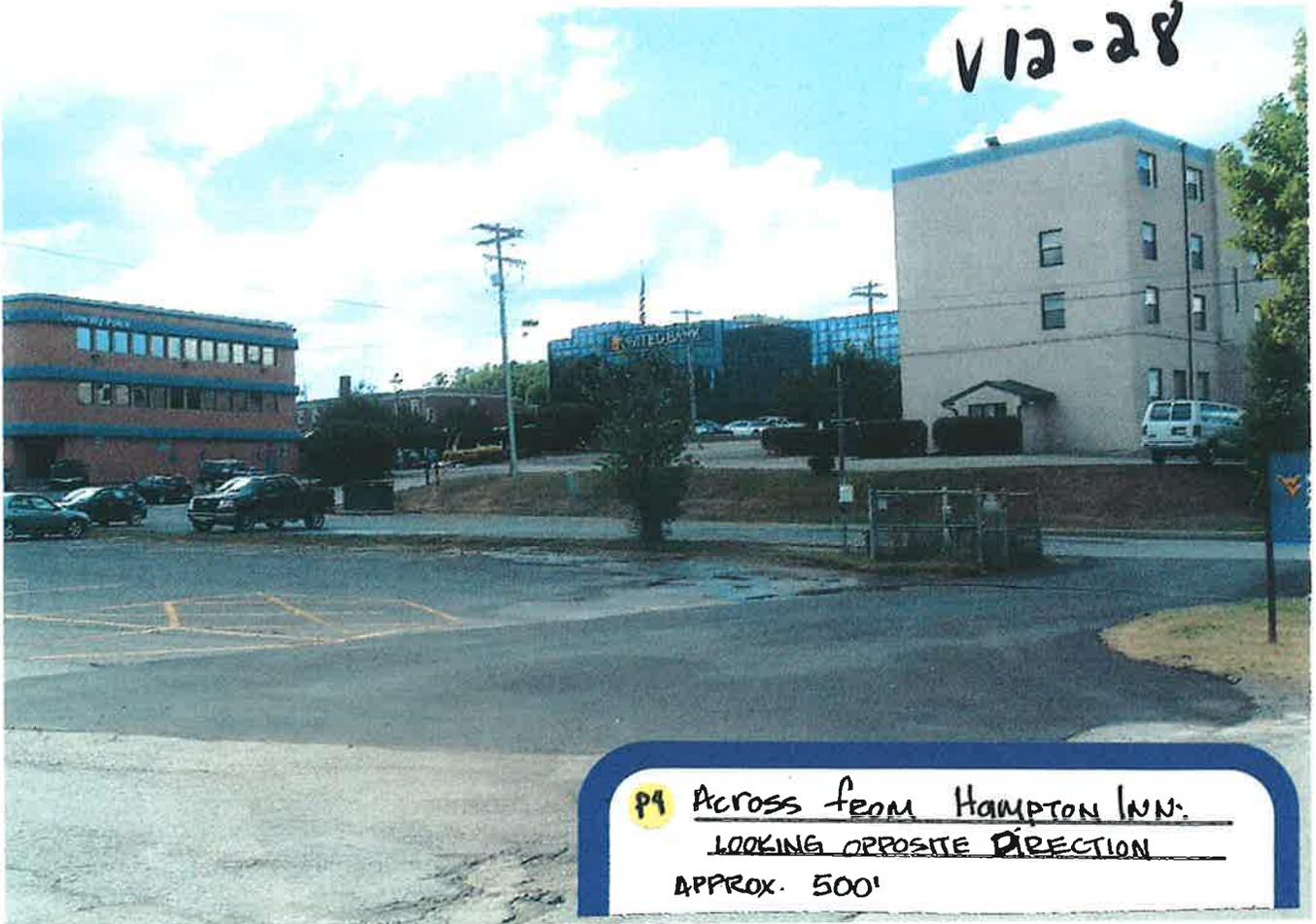


P2 ACROSS FROM Applebees
Approx. 425'



P1 MAIN INTERSECTION
Approx. 275'

V12-28



P1 Across from Hampton Inn.
LOOKING OPPOSITE DIRECTION
APPROX. 500'



P3 Across From Hampton Inn
Approx. 545'

V12-28



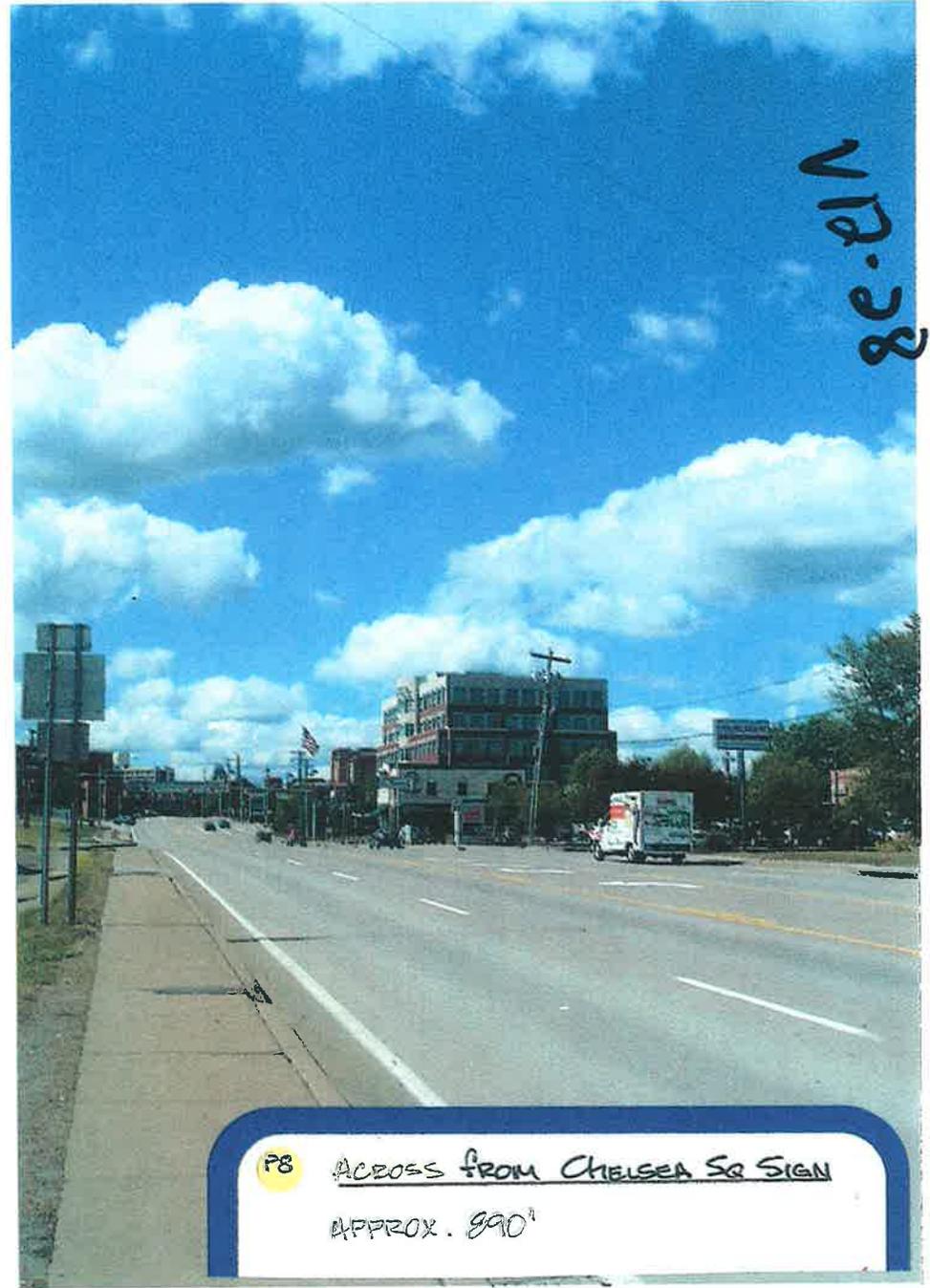
P6 WVU- AREA 81 LOWER ENTRY
 APPROX. 355'



P5 ACROSS FROM SUNCREST U.M. Church
@ CAUTION LIGHT
 APPROX. 685'



P7 HEALTH SOUTH ENTRY
APPROX. 660'



P8 ACROSS FROM CHELSEA SQ SIGN
APPROX. 990'

172-28

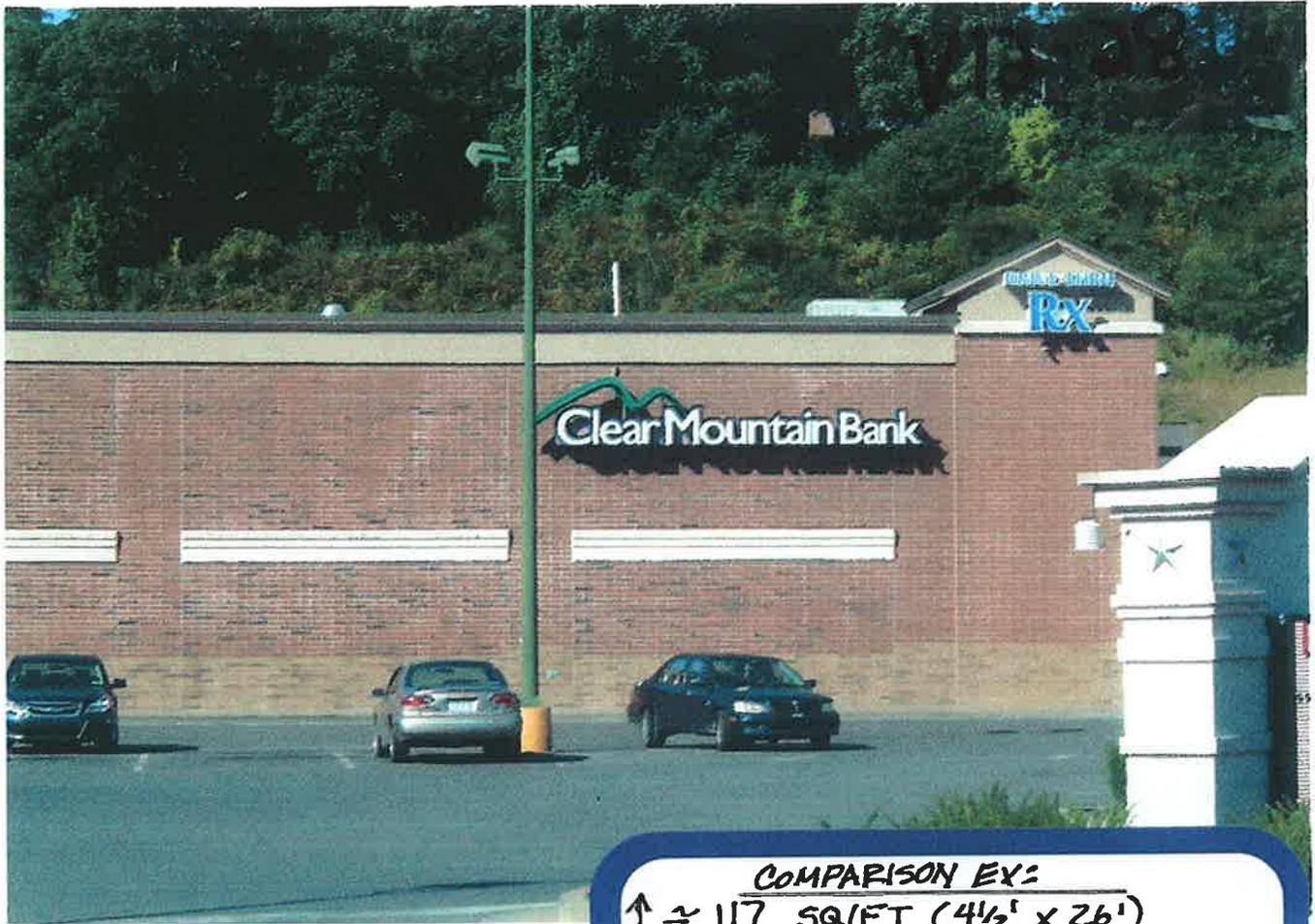
V12-28



Comparison Ex:
≈ 250 sqft w/o outline
X's Z SIDES



MON CO. Home Care



COMPARISON EX:
↑ $\cong 117$ SQ/FT ($4\frac{1}{2}' \times 26'$)
↓ $\cong 135$ SQ/FT ($5' \times 27'$)





V12-28



V12-28

