



MORGANTOWN BOARD OF ZONING APPEALS

December 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: V12-37 / Chestnut Mountain Ranch Community Store
281 Don Knotts Blvd

REQUEST and LOCATION:

Request by Kevin Bode, on behalf of *Chestnut Mountain Ridge Community Store*, for variance relief from Article 1369.07(I) as it relates to wall signage at 281 Don Knotts Boulevard.

TAX MAP NUMBER(s) and ZONING DESCRIPTION:

Tax Map 39, Parcel 43; I-1, Industrial District

SURROUNDING ZONING:

East: R-1A, Single Family Residential District
North and South: I-1, Industrial District
West: Monongahela River

BACKGROUND and ANALYSIS:

The petitioner seeks to erect a 170 square foot wall sign on for *Chestnut Mountain Ranch Community Store* located at 281 Don Knotts Blvd. 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 I-1 District is determined by multiplying the storefront width in feet by 0.6. The petitioner's storefront width is approximately 180 feet. Therefore, the maximum area for the subject wall sign is 108 square feet.

It is the opinion of the Planning Division that the beige background and outlining 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 62 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

December 19, 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).

It should be noted that the petitioner has included in the application exhibits a number of nonconforming signs located in the immediate I-1 District.

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

V12-37 / Chestnut Mountain Ranch / 281 Don Knotts Blvd



STAFF REPORT ADDENDUM B

V12-37 / Chestnut Mountain Ranch / 281 Don Knotts Blvd

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 building is set back approximately 200 feet from the centerline of Don Knotts Boulevard and below the grade of same road making it impossible to see a sign of 50 sq ft and be legible from Don Knotts Blvd. ~~Also the existing businesses have signs larger than the aloud size.~~

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:

The other businesses in the plaza appear to have signs larger than what the sign ordinance require permits. Therefore the a larger size appears to be consistent with the prevalent commercial signage messaging characteristics within the immediate area. ~~is needed to be in line with what already exists.~~

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:

The proposed sign appears to be consistent with the prevalent commercial signage messaging characteristics within the immediate area. ~~will be no different than the other signs in the plaza.~~

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:

~~We are trying to have a sign that is comparable to the 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 within the immediate mixed-commercial area; and, will continue a commercial signage messaging characteristic that appears to be prevalent within the immediate commercial corridor.



City of Morgantown, West Virginia

APPLICATION FOR ZONING VARIANCE

OFFICE USE	
CASE NO.	V12-37
RECEIVED:	11/9/12
COMPLETE:	

(PLEASE TYPE OR PRINT IN BLACK INK)

Fee: \$75

I. APPLICANT		Name:	Chesnut Mountain Ranch	
Mailing Address:	244 Dandrosa Pond Rd		Phone:	304-241-1709
	Street	Morgantown WV 26508	Mobile:	443-375-9327
	City	State	Zip	Email: Kevin@ChesnutMountainRanch.org
II. PROPERTY		Street Address:		
Owner:	Chico Enterprises		Zoning:	Industrial District
Mailing Address:	281 Don Knotts Blvd		Tax Map No:	39
	Street	Morgantown WV 26501	Parcel No:	43
	City	State	Zip	Phone:
III. NARRATIVE		Please describe the nature and extent of your variance request(s).		
<p>To obtain a sign variance to get the proposed sign at a size comparable to the existing signs in the Plaza. Also The Building is far from Don Knotts Blvd so the extra size will allow the sign to be read from the Road.</p> <p>STOREFRONT WIDTH = 180 ft. 180 X 0.6 = 108 sq. ft. (MAX. AREA)</p> <p>PROPOSED SIGN AREA = 170 sq. ft. VARIANCE RELIEF = 62 sq. ft.</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>				
KEVIN BODE		K. C. [Signature]		RSE 11/9/12 14:09:43 2000671 SITE PLAN 11/9/12
Type/Print Name of Applicant/Agent		Signature of Applicant/Agent		PAID Date

75.00

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

OFFICE USE	
CASE NO.	_____
RECEIVED:	_____
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)
- 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:

- 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.



APPLICATION FOR ZONING VARIANCE

OFFICE USE	
CASE NO.	V12-577
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: *The Building is Set Back from the Road Making it impossible to see a sign of 50sqft and be Legible from Don Knotts Blvd. also the existing businesses have Signs Larger than the allowed size.*

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: *The other Businesses in the Plaza have signs larger than what the sign ordinances require. Therefore the larger size is needed to be in line with what already exists.*

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 sign will be no different than the other signs in the Plaza*

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: *We are trying to have a sign that is comparable to the others in the area.*

V12-37



All designs Copyright © 2011 Sign Factory, LLC. Use of this artwork by any party other than Sign Factory, LLC, for any purpose is prohibited without a signed release from Sign Factory, LLC.

****COLORS ON PROOF MAY NOT BE ACCURATE**
Orders without indication of Pantone colors, supplied proofs or requested hard copy proofs are NOT guaranteed for color.

 **signFACTORY**
COMMUNITY SIGNS & GRAPHICS

1706 S Millground Rd
Morgantown, WV 26505

☎ 304/296.5151 | F 304/289.9600

V12-37



All designs Copyright © 2011 Sign Factory, LLC. Use of this artwork by any party other than Sign Factory, LLC for any purpose is prohibited without a signed release from Sign Factory, LLC.

****COLORS ON PROOF MAY NOT BE ACCURATE**
Orders without indication of Pantone colors, supplied proofs or requested hard copy proofs are NOT guaranteed for color.

 **signFACTORY**

1206 B Mileground Rd
Morgantown, WV 26505

p. 304/296-5100 | f. 304/284-9600

V12-37



All designs Copyright © 2011 Sign Factory, LLC. Use of this artwork by any party other than Sign Factory, LLC for any purpose is prohibited without a signed release from Sign Factory, LLC.

****COLORS ON PROOF MAY NOT BE ACCURATE**
Orders without indication of Pantone colors, supplied proofs or requested hard copy proofs are NOT guaranteed for color.

signFACTORY
COMMERCIAL SIGNS & GRAPHICS

1706 B Millground Rd
Morgantown, WV 26505

P 304/296.SIGN | F 304/284.9600

V12-37



All designs Copyright © 2011 Sign Factory, LLC. Use of this artwork by any party other than Sign Factory, LLC for any purpose is prohibited without a signed release from Sign Factory, LLC.

****COLORS ON PROOF MAY NOT BE ACCURATE**
Orders without indication of Pantone colors, supplied proofs or requested hard copy proofs are NOT guaranteed for color.

signFACTORY
COMMERCIAL SIGNS • GRAPHICS

1706 B Mileground Rd
Morgantown, WV 26505

P 304/296.5100 | F 304/284.9600