



# MORGANTOWN BOARD OF ZONING APPEALS

January 16, 2013  
6:30 PM  
City Council Chambers

## **Board Members:**

Bernie Bossio  
Leanne Cardoso  
George Papandreas  
Jim Shaffer  
Tom Shamberger

## **STAFF REPORT**

**CASE NO:** V13-01 / MVB Bank / 10 Sterling Drive

### **REQUEST and LOCATION:**

Request by Robert E. Deriggi of J.D. Signs, Inc., on behalf of MVB Bank, for variance relief from Article 1369.07 as it relates to signage at 10 Sterling Drive.

### **TAX MAP NUMBER(s) and ZONING DESCRIPTION:**

Tax Map 31, Parcel 107; B-5, Shopping Center District

### **SURROUNDING ZONING:**

North and West: B-5, Shopping Center District  
South and East: B-2, Service Business District

### **BACKGROUND and ANALYSIS:**

The petitioner seeks to erect a post-and-panel sign for the MVB bank branch development currently under construction in Sabraton along Earl Core Road. Addendum A of this report illustrates the location of the subject site.

The following table identifies the area and height standards for post-and-panel signs provided in Article 1369.07(F) along with the proposed dimensions and associated variances requested by the petitioner.

<b>Standard</b>	<b>Proposed Dimension</b>	<b>Requisite Variance</b>
Max. Height – 6.0 ft.	23.83 ft.	17.83 ft.
Max. Area – 32 sq. ft.	96 sq. ft.	64 sq. ft.

The area calculation includes the following three sign faces:

- “MVB” logo panel – 64 sq. ft.
- Electronic / scrolling message panel – 24 sq. ft.
- “Drive-Thru & ATM” panel – 8 sq. ft.

Please note that electronic / scrolling message signs are permitted within the B-5 District.

## **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.

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 ground sign height and area variances along the Sabraton commercial corridor.

Enclosures: Application and accompanying exhibits

## **Development Services**

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Director

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**STAFF REPORT ADDENDUM A**

**V13-01 / MVB Bank / 10 Sterling Drive**



## STAFF REPORT ADDENDUM B

### V13-01 / MVB Bank / 10 Sterling Drive

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 five major Morgantown access arteries. According to the petitioner's submitted exhibits, the site has an exposure to over 13,000 daily vehicles. Many banks and other businesses in the area appear to have a similar type signage in comparison to the petitioner's requested sign. Sign will provide not only the Banks visible logo identity in a competitive market, but also serve as a navigational/way finding tool for approaching traffic and customers who wish to use this full service lobby/drive thru or ATM. The site also sits in the shadow of a larger multi-tenant sign serving the adjacent development on its west side along with a commercial multi-story building on its east side.

**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:

Bank's prime location along Earl Core presents an excellent signage displaying opportunity. With the areas extensive business arena, the improved property land use would have great concerns should they not be afforded the same ID/sign exposure as has been to other nearby businesses. Identification concerns are noteworthy since a considerable amount of the bank's site business will be directly related to the proposed signs usage as a navigational tool. There appears to be a number of ground signs within the Earl Core Road commercial corridor that enjoy grounds signs that exceed maximum area and maximum height standards. Additionally, the BZA has granted similar relief within the immediate area since the sign standards were revised in the 2006 major zoning ordinance amendment.

**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 natural design of a typical post and panel sign with adequate grade line clearance above the normal traffic line of site allows for uninterrupted visibility between the columns for vehicles existing onto Earl Core Road from Sterling Drive. Placement outside the existing State right-of-way, also being compliant with State regulations, the proposed sign will be located within a newly landscaped green space, therefore should not interfere with the normal pedestrian patterns.

**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:

The improved land use of the site along with the requested signage, should not contribute to additional traffic congestion any more than the present businesses located along the same. With the land use being similar/same to the other business within the region commercial corridor, along with the requested signage type and design being characteristic of the B-5 Zoning District, predicting additional congestion or decreasing the market value of nearby neighboring properties or uses is most unlikely not anticipated.



City of Morgantown, West Virginia

APPLICATION FOR ZONING VARIANCE

OFFICE USE	
CASE NO.	V13-01
RECEIVED:	12/6/12
COMPLETE:	

(PLEASE TYPE OR PRINT IN BLACK INK)

Fee: \$75

<b>I. APPLICANT</b>		Name:	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
<b>II. PROPERTY</b>		Street Address:	10 STERLING DRIVE/MORGANTOWN, WV	
Owner:	MVB BANK		Zoning:	B-S
Mailing Address:	2400 CRANBERRY SQUARE		Tax Map No:	TM 31
	Street	MORGANTOWN WV 26505	Parcel No:	P/O 107
	City	State	Zip	Phone: 304-594-3500
<b>III. NARRATIVE</b>		Please describe the nature and extent of your variance request(s).		
<p>MVB is making its debut in the City Limits of Morgantown doing a significant land improvement on a purchased parcel located along the Earl Core Artery in Sabraton. Bank is requesting a Variance Relief consideration (from Article 1369.07 F) for a Post and Panel sign that is 23'-10" tall and a total of 96 sq/ft of signage including all backgrounds. The proposed height is 19' above the 6' tall allowed, and 64 sq/ft over the 32 sq/ft allowed. It is worth noting that the "MVB" occupies only 12 sq/ft (2' tall x 6' long) of the 8' sq (64 sq/ft) ID panel. If we were to use this for the combined formulation, the requested combined sign would total only 44 sq/ft or just 12 sq/ft over the allowed. The sign will be the only freestanding of its type requested for the single use property. The request for Variance appears to be similar in comparison to nearby similar freestanding signs and others located throughout the region.</p>				
<b>V. ATTEST</b>		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.		
Robert DeRiggi - JD Signs Inc		[Signature]		CRYSTAL 12/5/12
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.



APPLICATION FOR ZONING VARIANCE

OFFICE USE	
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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.



City of Morgantown, West Virginia

**APPLICATION FOR  
ZONING VARIANCE**

OFFICE USE	
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COMPLETE:	

Suggested Scale: 1 square = 5'

SEE ATTACHED



**APPLICATION FOR  
ZONING VARIANCE**

OFFICE USE	
CASE NO.	V13-01
RECEIVED:	12/6/12
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:**

The subject property is located along one of the 5 major Morgantown Access Arteries. Site has an exposure to over 13,000 daily vehicles. Many Banks and other Business's in the area have similar type signage in comparison to the requested. Sign will provide not only the Banks visible logo identity in a competitive market, but also serve as a navigational/way-finding tool for approaching traffic and customers who wish to use this full service lobby/drive-thru or ATM. Site also sits in the shadow of a larger multi tenant sign serving the adjacent development on its west side along with a commercial multi story building on its east 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:**

Banks prime location along Earl Core presents an excellent signage displaying opportunity. With the areas extensive business arena, the improved property land use would have great concerns should they not be afforded the same ID/Sign exposure as has been to other nearby business's. Identification concerns are noteworthy since a considerable amount of the Banks site business will be directly related to the proposed signs usage as a Navigational Tool.

**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 Natural design of a typical Post and panel sign with adequate grade line clearance above the normal traffic line of site, allows for uninterrupted visibility between the columns. Placement outside the existing State ROW, also being compliant with State Regs., the proposed sign will be located within a newly landscaped green space, therefore should not interfere with the normal pedestrian patterns.

**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 Improved land use of the site along with the requested signage, should not contribute to additional traffic congestion any more than the present business's located along the same. With the land use being similar/same to other business in the Region, along with the requested signage type and design being characteristic of the B-5 zoning District, predicting additional congestion or decreasing the Market Value of nearby neighbors is most unlikely.

MVB - Morgantown  
Sign Options



O.A. Proposed HEIGHT  
= 23'-10"

- ⊕ ID SIGN - 64 SQ/FT
- ⊕ MESSAGE BD - 24 SQ/FT
- ⊕ DRIVE-THRU - 8 SQ/FT

TTL = 96 SQ/FT D.F.

1	CLIENT:	DATE:
	POINT OF CONTACT:	DRAWN BY:
	JOB TITLE:	

Bob DeRiggi      Brandi H.      MVB Morgantown

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 REPRODUCTION OF THESE PLANS TO CONSTRUCT A SIGN SIMILAR TO THE ONE EMBODIED HERE IS EXPRESSLY FORBIDDEN. IN THE EVENT THAT SUCH EXHIBITORS OCCUR, J.D. SIGNS INC. SHALL BE REIMBURSED A FEE OF FIFTY 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 40 DOLLARS PER HOUR. IF COMPENSATION FOR TIME AND EFFORT INCURRED BY 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.

V13-01

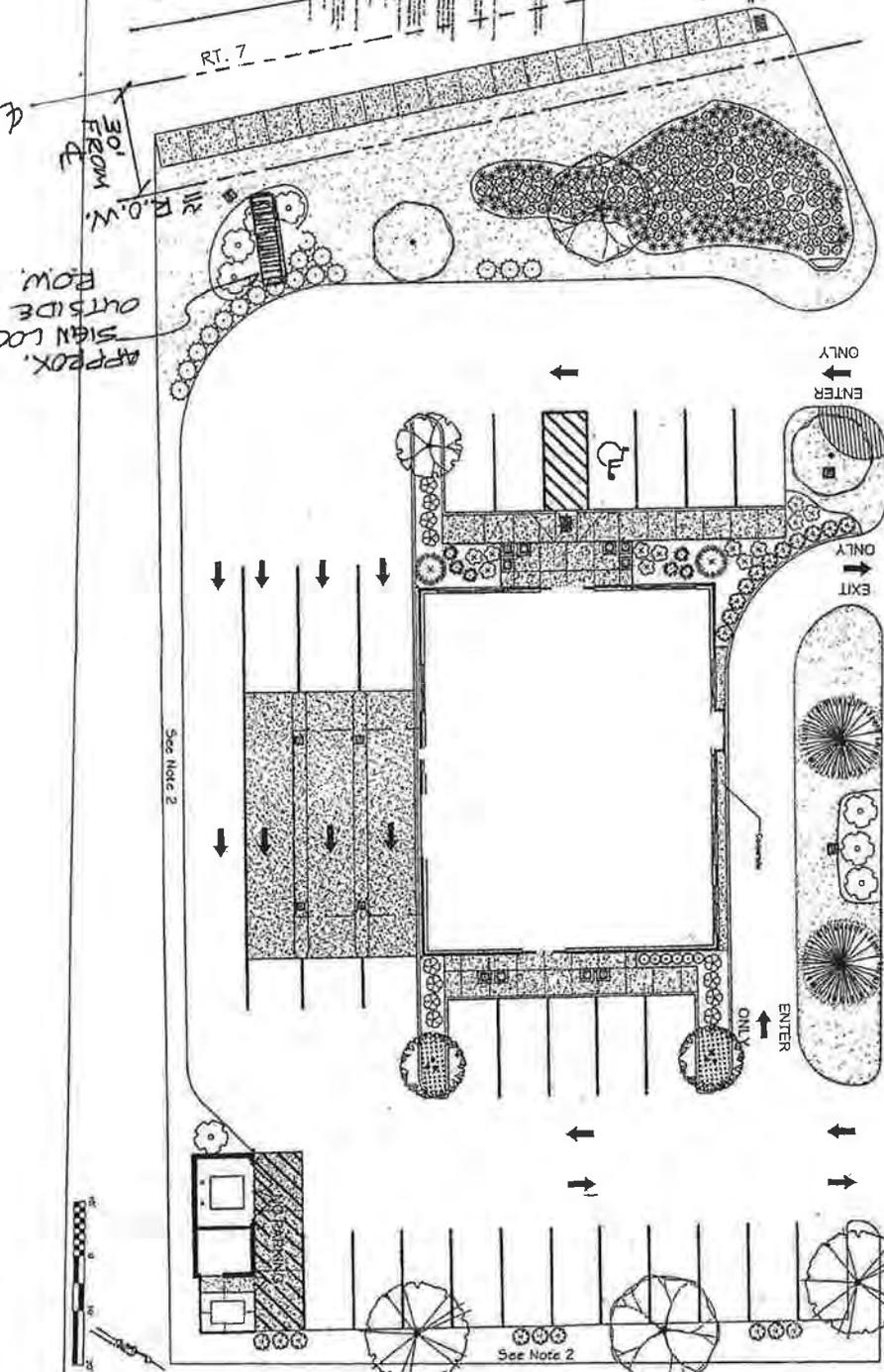
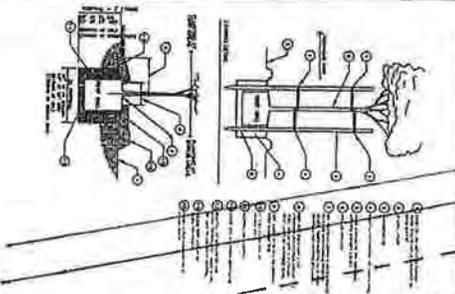
**PLANT SCHEDULE**

NO.	DESCRIPTION	QTY	UNIT	REMARKS
1	Planting Bed	1	Sq. Ft.	
2	Planting Bed	1	Sq. Ft.	
3	Planting Bed	1	Sq. Ft.	
4	Planting Bed	1	Sq. Ft.	
5	Planting Bed	1	Sq. Ft.	
6	Planting Bed	1	Sq. Ft.	
7	Planting Bed	1	Sq. Ft.	
8	Planting Bed	1	Sq. Ft.	
9	Planting Bed	1	Sq. Ft.	
10	Planting Bed	1	Sq. Ft.	
11	Planting Bed	1	Sq. Ft.	
12	Planting Bed	1	Sq. Ft.	
13	Planting Bed	1	Sq. Ft.	
14	Planting Bed	1	Sq. Ft.	
15	Planting Bed	1	Sq. Ft.	
16	Planting Bed	1	Sq. Ft.	
17	Planting Bed	1	Sq. Ft.	
18	Planting Bed	1	Sq. Ft.	
19	Planting Bed	1	Sq. Ft.	
20	Planting Bed	1	Sq. Ft.	
21	Planting Bed	1	Sq. Ft.	
22	Planting Bed	1	Sq. Ft.	
23	Planting Bed	1	Sq. Ft.	
24	Planting Bed	1	Sq. Ft.	
25	Planting Bed	1	Sq. Ft.	
26	Planting Bed	1	Sq. Ft.	
27	Planting Bed	1	Sq. Ft.	
28	Planting Bed	1	Sq. Ft.	
29	Planting Bed	1	Sq. Ft.	
30	Planting Bed	1	Sq. Ft.	
31	Planting Bed	1	Sq. Ft.	
32	Planting Bed	1	Sq. Ft.	
33	Planting Bed	1	Sq. Ft.	
34	Planting Bed	1	Sq. Ft.	
35	Planting Bed	1	Sq. Ft.	
36	Planting Bed	1	Sq. Ft.	
37	Planting Bed	1	Sq. Ft.	
38	Planting Bed	1	Sq. Ft.	
39	Planting Bed	1	Sq. Ft.	
40	Planting Bed	1	Sq. Ft.	
41	Planting Bed	1	Sq. Ft.	
42	Planting Bed	1	Sq. Ft.	
43	Planting Bed	1	Sq. Ft.	
44	Planting Bed	1	Sq. Ft.	
45	Planting Bed	1	Sq. Ft.	
46	Planting Bed	1	Sq. Ft.	
47	Planting Bed	1	Sq. Ft.	
48	Planting Bed	1	Sq. Ft.	
49	Planting Bed	1	Sq. Ft.	
50	Planting Bed	1	Sq. Ft.	

**NOTES:**

1. Provide mulch bed around trees (not grass) for 1 year after planting and to retain moisture.
2. All disturbed areas outside of parking perimeter to receive Kentucky Bluegrass. (Seed mix to be approved by Landscape Architect)
3. Provide 2" to include 1 year warranty upon substantial completion.
4. Contractor is to indicate new lawn and be sure not to bury.
5. All shrub beds to receive 3" mulched bark. (Seed mix to be approved by Landscape Architect)
6. Small beds to receive a minimum of 4" of topsoil.
7. Sodded areas to receive a minimum of 4" of topsoil.

**TREE PLANTING DETAIL**



LANDSCAPING PLAN  
MVB BANK  
NEW BANK DESIGN  
MORGANTOWN, WV

**THRASHER**  
ENGINEERING

PROJECT NO. 1411-01-100  
DATE 01/11/10  
BY J. W. HARRIS  
CHECKED BY J. W. HARRIS

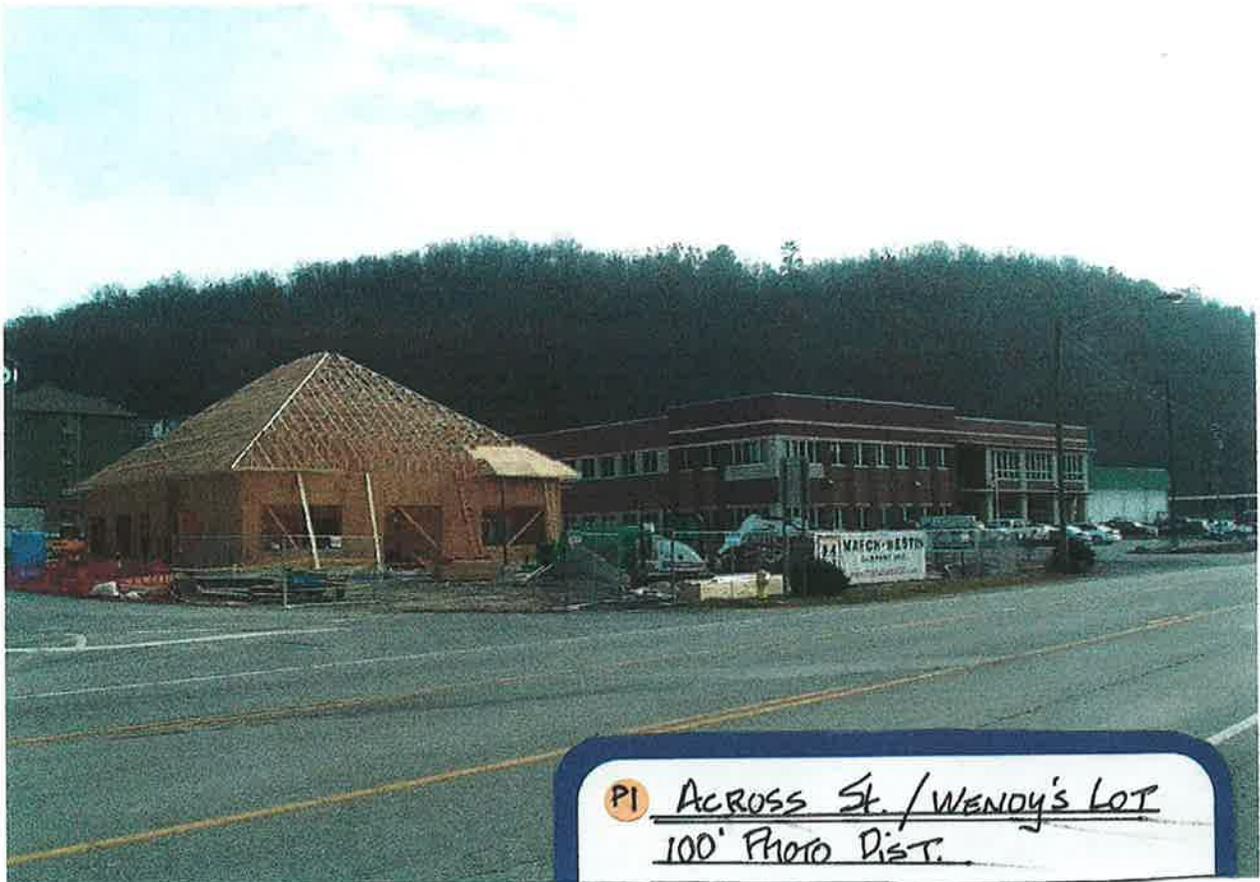
NO.	DATE	DESCRIPTION
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2	01/11/10	ISSUED FOR PERMIT
3	01/11/10	ISSUED FOR PERMIT
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5	01/11/10	ISSUED FOR PERMIT
6	01/11/10	ISSUED FOR PERMIT
7	01/11/10	ISSUED FOR PERMIT
8	01/11/10	ISSUED FOR PERMIT
9	01/11/10	ISSUED FOR PERMIT
10	01/11/10	ISSUED FOR PERMIT

V13-01

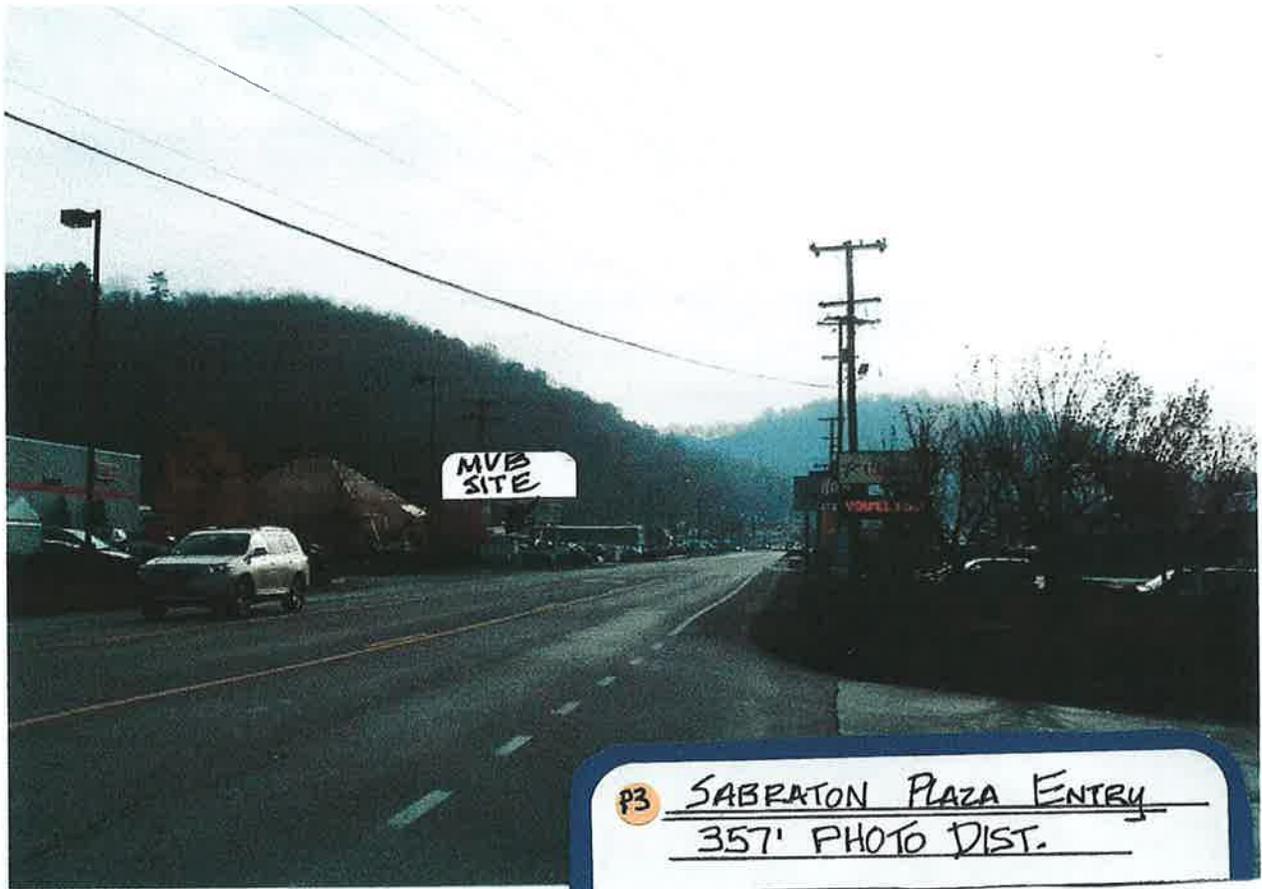
V13-01



MVB - SABRATON  
SATELLITE PHOTO



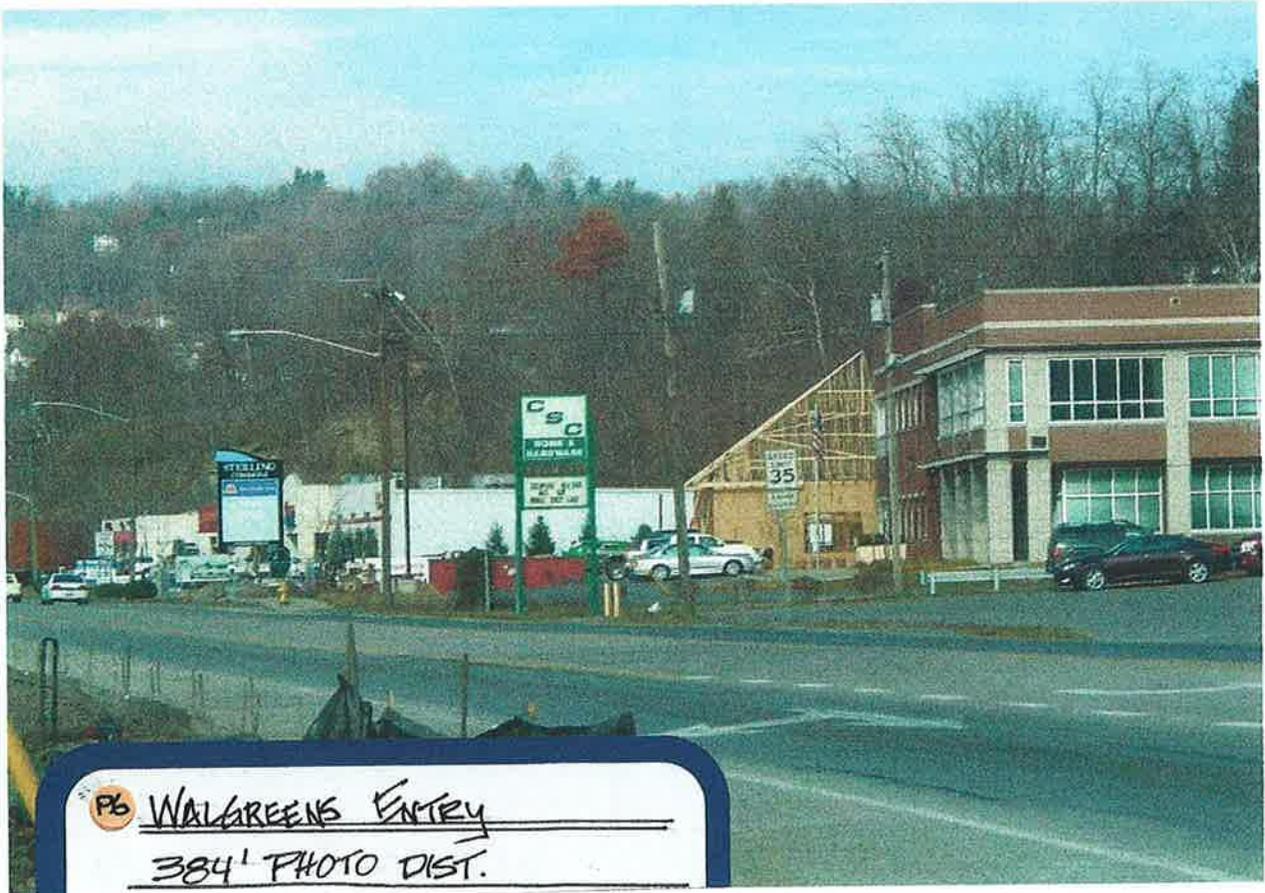
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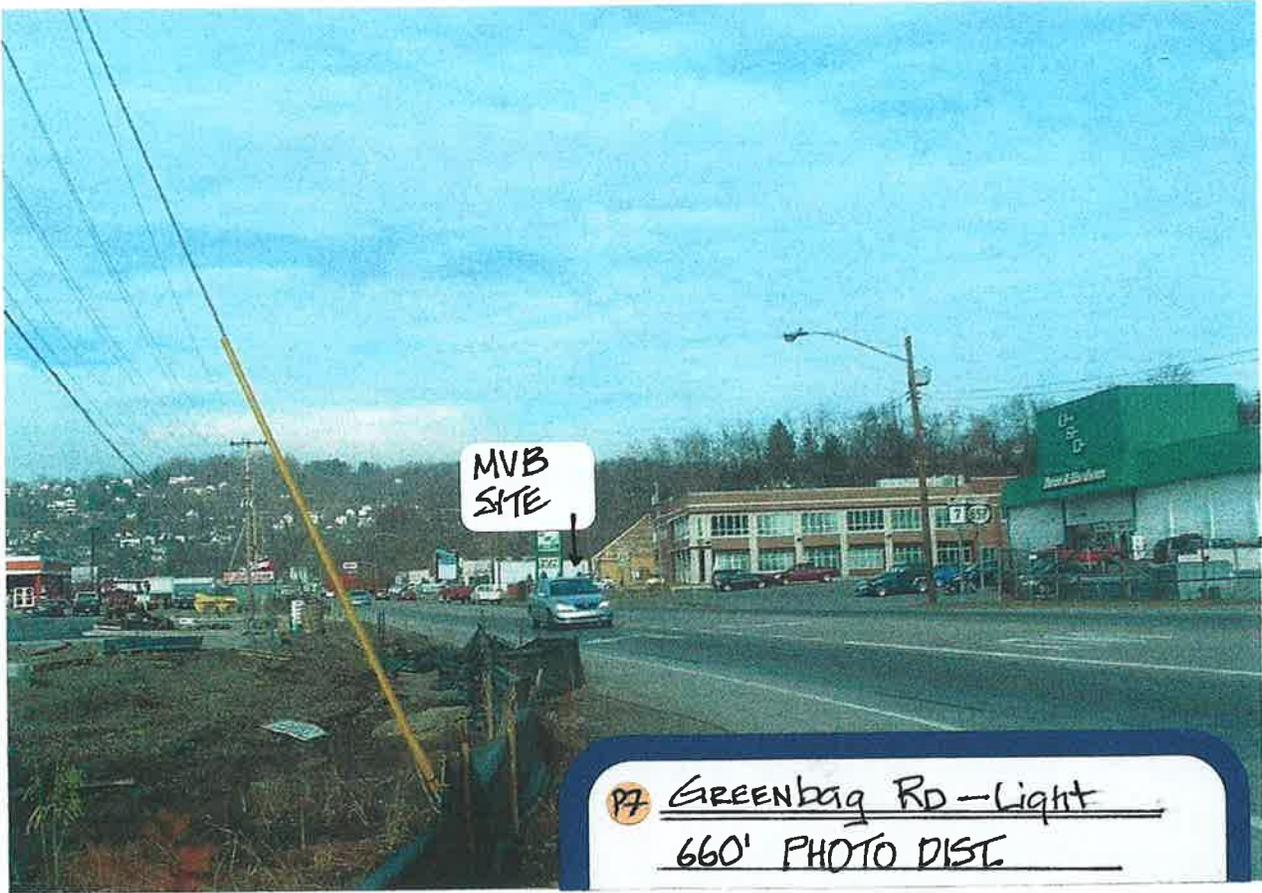
V13-01



P5 AUTO ZONE PARKING LOT  
200' PHOTO DIST.



P6 WALGREENS ENTRY  
384' PHOTO DIST.



V13-01



# CUSTOMIZED TRAFFIC ANALYSIS

Drivers passing by your business are your potential customers. That's why Watchfire provides you with a free traffic analysis of your location – because the best way to know the impact an LED sign can have is to know who will be seeing it every day.

## WATCHFIRE CUSTOMIZED TRAFFIC ANALYSIS

Prepared For: MVB Bank  
Date: 11/29/2012

Prepared By: Erik King (kas)

Address: Green Bag Rd. & Earl Core Rd., Morgantown, WV 26505  
Intersection: \*\*count on Earl Core Rd.

### ROAD TRAFFIC

The two-way average daily traffic for your location is 13,000 vehicles. That is 390,000 vehicles per month and 4,745,000 per year. That totals approximately 7,117,500 exposures annually.

### DEMOGRAPHICS

#### AGE AND INCOME

- 34.4 Median age of people who live within a one-mile radius of your area
- \$ 36,520 Median household income of people within a one-mile radius
- \$ 42,461 Projected median income in five years

#### FAMILIES

- 51.4 % of the households in your area are families
- 48.5 % are singles
- 21.9 % Overall percentage of homes with children

#### EDUCATION

- 0.0 % People in your area, age 25 and over, that possess a high school degree
- 0.0 % People that have a bachelors degree

#### HOME VALUE

- \$ 127,755 Median home value in your area

### RECOMMENDATIONS

- 2-sided electronic message center for most applications
- 1-sided electronic message center may be advised if on limited one-way street or wall mounted

#### Recommended Viewing Distances

12mm	85 - 115 ft
16mm	120 - 150 ft
19mm	150 - 185 ft
25mm	200 - 245 ft
35mm	290 - 350 ft

#### Your local Watchfire dealer partner:

Company: J.D. Signs Inc.  
 Contact Name: Bob DeRiggi  
 Phone: 304-363-3211  
 Fax: 304-363-3256  
 E-mail: bderiggi@jdsigns.com

\*Watchfire Signs makes no representation concerning the accuracy of data obtained from state or national geodatabase websites.

1015 Maple Street, Danville, IL 61832 • Phone 800-637-2645 • Fax 217-442-1020 • watchfiresigns.com

**DID YOU KNOW?**

The SBA points out that an LED sign almost immediately becomes a landmark in its community. Passing viewers look forward to reading new messages and may even come to rely on your business sign for public service announcements, civic event information, personal holiday greetings, and current time and temperature.

V13-01



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"
<p>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.</p>		

- MVB

V13-01

V13-01

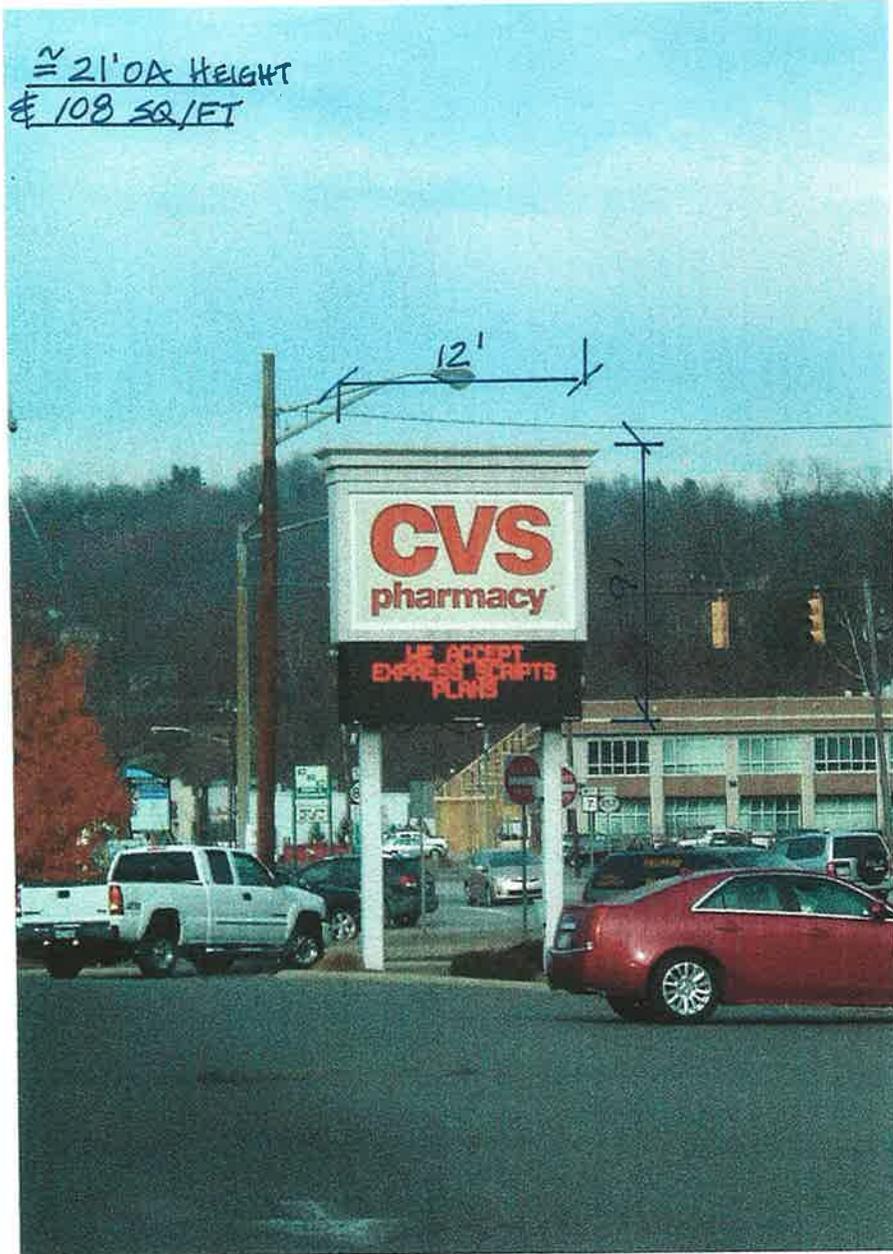
MORGANTOWN COMPARISONS

≈ 30' O.A. HEIGHT  
≈ 200 SQ/FT



V13-01

MORGANTOWN COMPARISONS



MORGANTOWN COMPARISONS

V13-01



V13-01

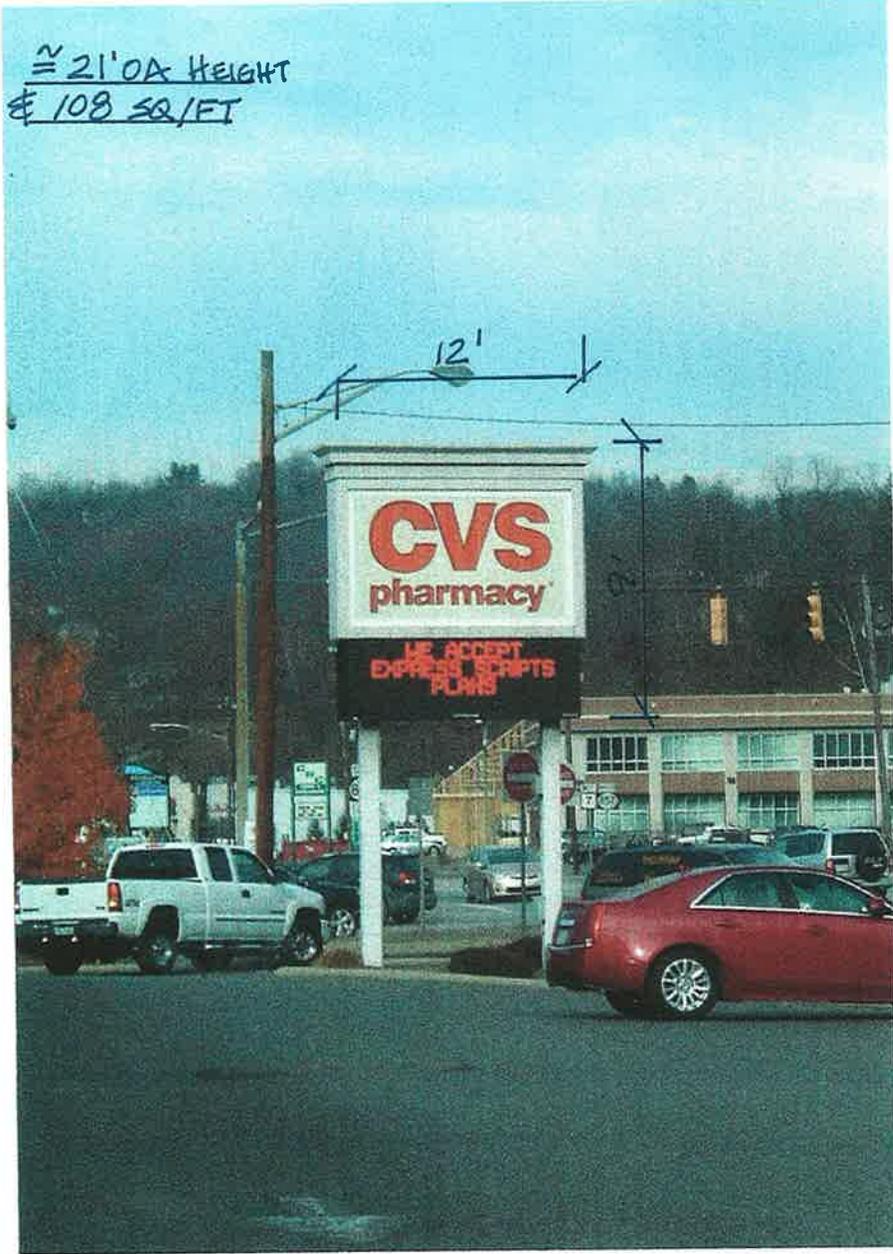
MORGANTOWN COMPARISONS

≈ 35' OA HEIGHT  
≈ 186 SQ/FT



V13-01

MORGANTOWN COMPARISONS



10-81A

≈ 20' TALL  
≈ 90 SQ/FT

