



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: V13-35 / Panera Bread Bakery / 407 Willey Street

REQUEST and LOCATION:

Request by Gregory Spon, on behalf of Covelli Enterprises, LLC, for variance relief from Article 1369 as it relates to signage at 407 Willey Street.

TAX MAP NUMBER(s) and ZONING DESCRIPTION:

Tax Map 26, Parcel 120; B-4, General Business District

SURROUNDING ZONING:

North and West: B-1, Neighborhood Business District
South and East: B-4, General Business District

BACKGROUND and ANALYSIS:

The petitioner seeks to erect two (2) wall signs and two (2) suspended signs on the *Panera Bread Bakery* currently under construction at 407 Willey Street. Addendum A of this report illustrates the location of the subject site.

Wall Signs

Article 1369.07(l)(1) provides that the maximum area for wall signs in the B-4 District is determined by multiplying the storefront width in feet by 0.4. The storefront width of *Panera Bread Bakery* is planned to be approximately 43.25 feet, which results in a maximum wall sign area standard of 17.3 square feet.

The following table summarizes the current proposed wall signs along with the areas of the initial proposed sign plan reviewed by Staff to demonstrate changes made by the petitioner to reduce the extent of requisite variances.

Wall Sign No. 1		
	Location	front facade
	Initial Area	27.27 sq. ft.
	Current Area	27 sq. ft.
	Difference	- .27 sq. ft.

Development Services
Christopher Fletcher, AICP
Director

Planning Division
389 Spruce Street
Morgantown, WV 26505
304.284.7431



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Wall Sign No. 2			
		Location	rear facade
		Initial Area	55 sq. ft.
		Current Area	31.02 sq. ft.
		Difference	- 23.98 sq. ft.
TOTAL WALL SIGN SUMMARY			
Total Initial Wall Sign Area	82.27 sq. ft.	Requisite Initial Variance	64.97 sq. ft.
Total Current Wall Sign Area	58.02 sq. ft.	Requisite Current Variance	40.72 sq. ft.

Suspended Signs

Article 1369.07(G)(1) provides that the maximum area for suspended signs is six (6) square feet. Additionally, Article 1369.07(G)(4) permits only one suspended sign by any one tenant.

The following table summarizes the current proposed suspended signs along with the areas of the initial proposed sign plan reviewed by Staff to demonstrate changes made by the petitioner to reduce the extent of requisite variances.

Suspended Signs No. 1 and No. 2			
		Location 1	front facade
		Initial Area	40 sq. ft.
		Current Area	8.13 sq. ft.
		Difference	- 31.87 sq. ft.
		Location 2	side facade
		Initial Area	40 sq. ft.
Current Area	8.13 sq. ft.		
Difference	- 31.87 sq. ft.		
TOTAL SUSPENDED SIGN SUMMARY			
Total Initial Wall Sign Area	80 sq. ft.	Requisite Initial Variance	68 sq. ft.
Total Current Wall Sign Area	16.26 sq. ft.	Requisite Current Variance	4.26 sq. ft.

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The proposed master sign plan requires the following variance relief:

- A. A 40.72 square foot variance from the maximum wall sign area standard;
- B. A variance from the maximum number of suspended signs permitted for one tenant; and,
- C. A 2.13 square foot variance from the maximum suspended sign area standard for each of the proposed suspended signs (total 4.26 square foot variance).

STAFF RECOMMENDATION:

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).

Should the Board grant variance relief, Staff recommends that the following conditions be included:

1. That the faces of the wall and suspended signs for which variance relief is granted herein shall be opaque and may not be internally illuminated.
2. That the wall and suspended signs for which variance relief is granted herein shall be made of wood, sculpted "sign foam", ornamental metals (such as bronze, brass, copper, etc.), painted aluminum panels, stone, or masonry (with concrete blocks being covered with stucco).
3. That the wall and suspended signs for which variance relief is granted herein shall be restricted to the name and logo of the business establishment and no other copy shall be permitted.
4. That, with the exception of address, no additional signage, commercial messaging, or copy may be affixed to the exterior or interior surface of any door or window glazing without first obtaining additional variance relief approval from the Board of Zoning Appeals.

Enclosures: Application and accompanying exhibits

Development Services

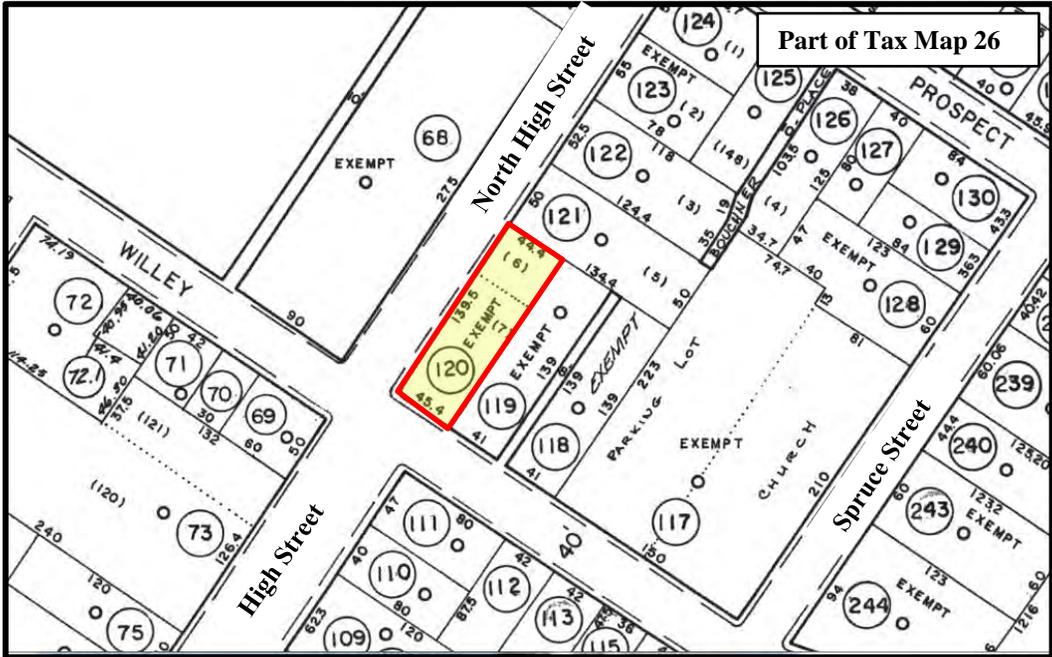
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STAFF REPORT ADDENDUM A
V13-35 / Panera Bread / Willey Street





STAFF REPORT ADDENDUM B

V13-35 / Panera Bread Bakery / Willey Street

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

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:

~~Panera Bread would like to increase trade dress and signage for public visibility. The Panera Bread Bakery location is at the corner of Willey Street and North Spruce Street, which creates multiple pedestrian and vehicular directional approaches. Having multiple directional approaches at the intersection appears to create unique commercial messaging challenges and opportunities; particularly within the downtown central business district. Specifically, pedestrian approaches will come from Prospect Street and North High Street to the north; from High Street to the south; and, from along Willey Street to the east and west. Vehicular approaches will come from the north along North High Street and from the east and west from Willey Street. Additionally, the establishment will have two entrances; a front entrance on Willey Street and a side accessible entrance on North High Street.~~

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:

~~The proposed master sign plan exceeds maximum wall signage per Article 1369.07(I). There are other signs within the B-4 District that exceed the maximum area standards for both wall signs and suspended signs, some of which have obtained variance relief from the Board including, but not limited to, Tudor's Biscuit World (wall sign under Case No. V12-40) and Joe Mama's (suspended sign under Case No. V13-16).~~

Finding of Fact No. 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:

~~The master sign plan is specific to Panera Bread. The proposed master signage plan for Panera Bread Bakery appears to be consistent with similar suspended and wall signage along High Street and within the downtown central business district.~~

Finding of Fact No. 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:

~~Panera Bread will comply with Article 1369.08(B) and standards for signs in the B-4 district. The nature of the variance relief requested cannot contribute to nor mitigate existing traffic congestion and will not alter the existing land use characteristics of the downtown commercial district.~~



City of Morgantown, West Virginia

APPLICATION FOR ZONING VARIANCE

OFFICE USE	
CASE NO.	V13-35
RECEIVED:	10/28/13
COMPLETE:	

(PLEASE TYPE OR PRINT IN BLACK INK)

Fee: \$75

I. APPLICANT		Name: GREGORY SPON, AIA	
Mailing Address:	142 E. MARKET ST		Phone: 330-395-9518
	Street		
	City	WARREN OH 44483	Mobile:
	State	Zip	Email: GREGORY@PSA.OH.COM
II. PROPERTY		Street Address: 407 WILLEY ST	
Owner:	DACH HOLDINGS dba PANERA BREAD COVELLI ENTERPRISES		Zoning: B4
Mailing Address:	3900 EAST MARKET ST		Tax Map No: #26
	Street		
	City	WARREN OH 44483	Parcel No: #120
	State	Zip	Phone: 330-856-3176
III. NARRATIVE		Please describe the nature and extent of your variance request(s).	
<p>WE RESPECTFULLY REQUEST A VARIANCE FROM CERTAIN PORTIONS OF THE MASTER SIGN PLAN.</p> <p>WE HAVE REDUCED WALL SIGN AREA FROM THE PRELIMINARY REVIEW. THE WALL SIGN AREA WAS 82.0 SQ.FT AND IS NOW PROPOSED AT 43.61 SQ.FT.</p> <p>WE ARE REQUESTING RELIEF OF 26.31 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>			
GREGORY SPON, AIA			6-28-13
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

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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: 1 Gross floor area of each building: 6,091 S.F.

Estimated number of employees: 12-14 No. of dwelling units: - No. of bedrooms: -

PER SHIFT

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.

V13-35

RECEIVED: _____

COMPLETE: _____

Suggested Scale: 1 square = 5'

PLEASE SEE ATTACHED DRAWINGS



APPLICATION FOR ZONING VARIANCE

OFFICE USE	
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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:

PANERA BREAD WOULD LIKE TO INCREASE TRADE DRESS AND SIGNAGE FOR PUBLIC VISIBILITY.

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 PROPOSED MASTER SIGN PLAN EXCEEDS MAXIMUM WALL SIGNAGE PER ARTICLE 1369.07(1)

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 MASTER SIGN PLAN IS SPECIFIC TO PANERA BREAD

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:

PANERA BREAD WILL COMPLY WITH ARTICLE 1369.08(B) AND STANDARDS FOR SIGNS IN THE B-4 DISTRICT.