



MORGANTOWN BOARD OF ZONING APPEALS

December 18, 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: V13-64 / Sanders Properties, LLC / 2908 University Avenue

REQUEST and LOCATION:

Request by Michelle Boyers of City Neon, on behalf of Sanders Properties, LLC, for variance relief from Article 1369 as it relates to signage at 2908 University Avenue.

TAX MAP NUMBER(s) and ZONING DESCRIPTION:

Tax Map 11, Parcel 184; B-1, Neighborhood Business District

SURROUNDING ZONING:

North: R-3, Multi-Family Residential District

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

BACKGROUND and ANALYSIS:

The petitioner seeks to erect three (3) walls signs for *Daniel's Men's Store* at its new 2908 University Avenue location. Addendum A of this report illustrates the location of the subject site.

Article 1369.08(B) provides that signs in the B-1 District must comply with the following:

- Sign faces must be opaque.
- Signs may not be internally illuminated except for neon signs.
- Signs must 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).

Article 1369.08(C) provides that signs in the B-1 District are restricted to the name and logo of the business establishment and may not contain any additional copy.

Article 1369.07(I)(1) provides that the maximum area for wall signs in the B-1 District is determined by multiplying the storefront width in feet by 0.4. The width of the petitioner's storefront is 162 feet, which provides a maximum wall area standard of 64.8 square feet.

The following table summarizes the proposed sign plan along with the areas of each sign.

Development Services

Christopher Fletcher, AICP
Director

Planning Division

389 Spruce Street
Morgantown, WV 26505
304.284.7431



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Wall Sign No. 1			
	Location:	West facade	
	Area:	52.5 sq. ft.	
Wall Sign No. 2			
	Location:	West facade	
	Area:	30 sq. ft.	
Wall Sign No. 3			
	Location:	East facade	
	Area:	9 sq. ft.	
TOTAL WALL SIGN SUMMARY			
Total Wall Sign Area	91.5 sq. ft.	Requisite Variance	26.7 sq. ft.

It should be noted that the petitioner has erected Signs 1 and 3 above; the total area for which is 61.5 square feet and less than the maximum wall area standard of 64.8 square feet. To erect Sign 2 above, variance relief of 26.7 square feet must be approved by the Board.

Additionally, the Board must grant variance relief:

- To permit the use of a transparent polycarbonate sign face for Signs 1 and 2, which is a prohibited material;
- To permit internal illumination for Signs 1 and 2; and,
- To permit the use of a PVC plastic sign face for Sign 3, which is a prohibited material.

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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).

The Board has granted similar variance relief for wall sign area and internal illumination for the *McDonald's Restaurant* at 2932 University Avenue under Case No. V10-09.

Enclosures: Application and accompanying exhibits

Development Services

Christopher Fletcher, AICP
Director

Planning Division

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STAFF REPORT ADDENDUM A
V13-64 / Sanders Property / 2908 University Avenue



STAFF REPORT ADDENDUM B

V13-64 / Sanders Properties, LLC / 2908 University Avenue

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:

~~Sign consistent with building size to be seen.~~ It appears that the petitioner's business establishment is located within a commercial corridor where the predominant commercial messaging pattern is nonconforming within the B-1 District. As such, the proposed size and internal illumination may be necessary to communicate the location of Daniel's Men's Store to the motoring traffic that is accustomed to the existing commercial messaging styles within the immediate area.

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 petitioner's business establishment is in close proximity to the business is McDonalds, Exxon, Little Caesars Pizza, and the BP BFS business establishment all of which have illuminated signage while some appear to exceed maximum wall sign area standards. Additionally, the McDonald's Restaurant establishment received variance relief in 2010 to exceed the maximum wall sign area standard and to provide internally illuminated wall signs.

Finding of Fact No. 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 location is in an area that already has illuminated signage.~~ The petitioner's proposed signage appears to be consistent with surrounding walls signage in terms of area and internal illumination, which do not appear to present harm to the public welfare or improvement within the vicinity or B-1 District within which the petitioner's property is situated.

Finding of Fact No. 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 adjoining properties have illuminated signage.~~ The character of the petitioner's proposed signage appears to be consistent with surrounding walls signage in terms of area and internal illumination, which do not appear to diminish the market value of the adjoining commercial establishments or the surrounding neighborhood. The nature of the variance requested cannot contribute to or mitigate existing traffic congestion on University Avenue.



City of Morgantown, West Virginia

APPLICATION FOR ZONING VARIANCE

OFFICE USE	
CASE NO.	V13-64
RECEIVED:	10/23/13
COMPLETE:	

(PLEASE TYPE OR PRINT IN BLACK INK)

Fee: \$75

I. APPLICANT		Name:	CITY NEON, INC.		
Mailing Address:	PO BOX 40		Phone:	304-599-1852	
	Street	MORGANTOWN	WV	26507	Mobile:
	City	State	Zip	Email: SIGNS@CITYNEON.COM	
II. PROPERTY		Street Address:	2908 University Ave		
Owner:	Sanders Properties LLC			Zoning:	
Mailing Address:	425 Inglewood Blvd Suite #1		Tax Map No:		
	Street	Morgantown, WV	26505	Parcel No:	
	City	State	Zip	Phone:	304-599-4502
III. NARRATIVE		Please describe the nature and extent of your variance request(s).			
<p>A variance is requested for two illuminated signs facing Evansdale on the side of the building 3'6" x 15' illuminated sign cabinet "Daniel's" 2'x15' illuminated sign cabinet "Men's Store"</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>					
MICHELLE L. BOYERS				10/22/2013	
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
CASE NO. V13-64
RECEIVED: 10/25/13
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)
COMMERCIAL - Former Sander Floor Covering Store

Structure Characteristics (complete only those that apply)

Total number of buildings: 1 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.	V13-104
RECEIVED:	10/25/13
COMPLETE:	_____

Suggested Scale: 1 square = 5'

****SEE ATTACHED DRAWINGS**



**APPLICATION FOR
ZONING VARIANCE**

OFFICE USE	
CASE NO.	V13-64
RECEIVED:	10/25/13
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:**

Sign consistent w/ Building size to be seen

- 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:**

In close proximity to the business is McDonalds, Exxon, Little Caesars Pizza, and the BP all of which have illuminated signage

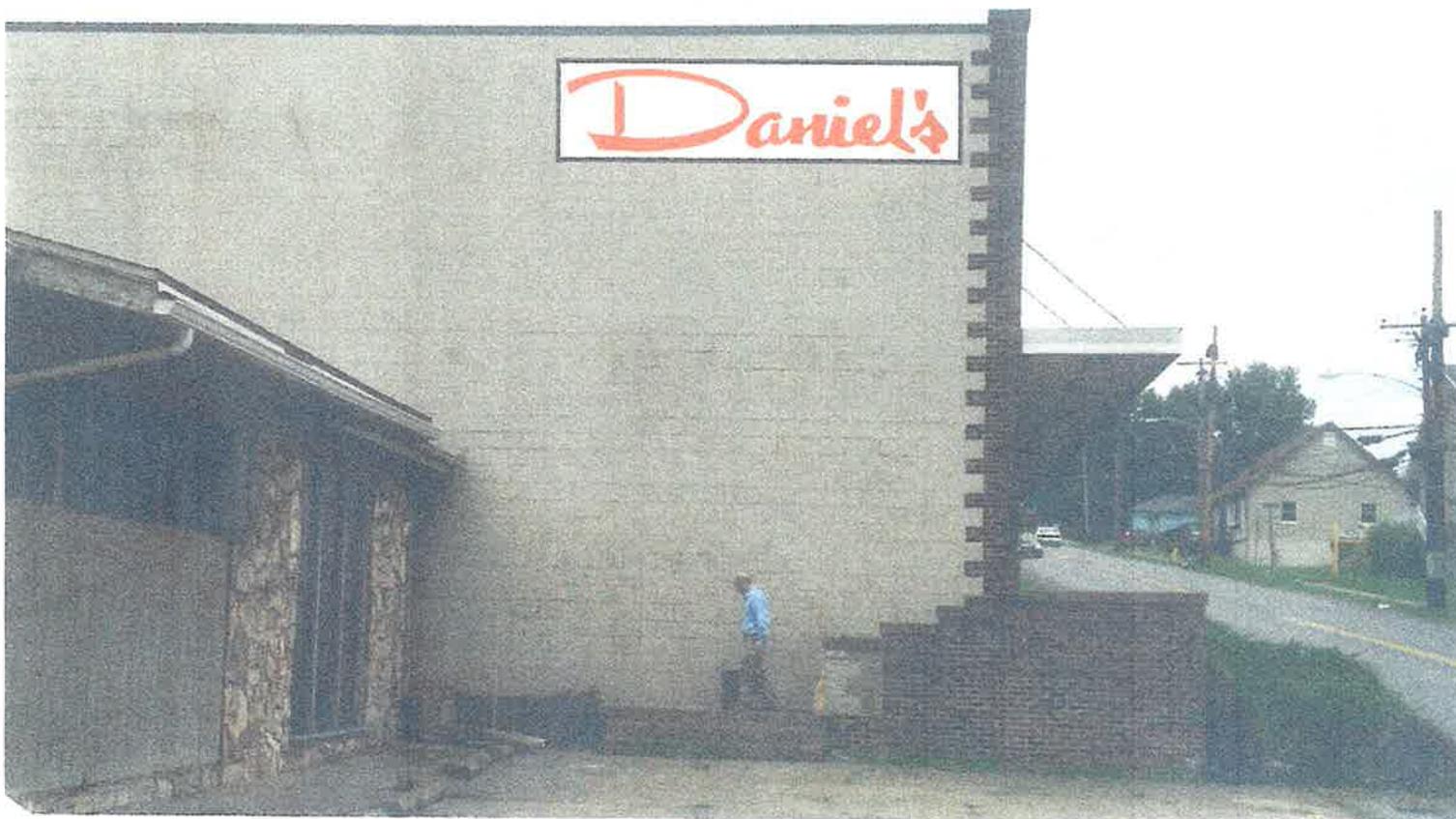
- 3. The granting of this variance will not be harmful to the public welfare and will not harm property or improvements in the vicinity and zoning district in which the subject property is located, because:**

The location is in an area that already has illuminated signage

- 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 adjoining properties have illuminated signage

3'-6" X 15'-0" NON-ILLUMINATED SIGN CABINET WITH FLAT PANEL



428 Industrial Avenue
Morgantown, WV 26505
Phone: 304-599-1854
Fax: 304-599-5852

PO Box 40
Morgantown, WV 26507
304-225-2056

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BY CITY NEON INC.

CLIENT/PROJECT

Daniel's
Mens Store
Morgantown, WV

CUSTOMER APPROVAL

FILE NAME:
Daniels03-3.plt

DRAWING NO.

SCALE
N/A

DRAWN BY:
Rudy

DATE:
10/2/13

SALESMAN

REVISIONS

REV.1:

REV.2:

V13-64

3'-6" X 15'-0" ILLUMINATED SIGN CABINET



2'-0" X 15'-0" ILLUMINATED SIGN CABINET



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 Fax: 304-599-5852

PO Box 40
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 304-225-2056

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CLIENT/PROJECT

Daniel's
 Mens Store
 Morgantown, WV

CUSTOMER APPROVAL

FILE NAME:

Daniels04.plt

DRAWING NO.

SCALE

N/A

DRAWN BY:

Rudy

DATE:

10/11/13

SALESMAN

REVISIONS

REV.1:

REV.2:

V13-64

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CLIENT/PROJECT

**Daniel's
Mens Store**
Morgantown, WV

CUSTOMER APPROVAL

FILE NAME:
Daniels03-4.plt

DRAWING NO.

SCALE
N/A

DRAWN BY:
Rudy

DATE:
10/2/13

SALESMAN

REVISIONS
REV:1:

REV:2:

12 in
108 in
**D
A
N
I
E
L
S**

