



MORGANTOWN BOARD OF ZONING APPEALS

March 19th, 2014
6:30 PM
City Council Chambers

Board Members:

Bernie Bossio, Chair
Leanne Cardoso, Vice-Chair
William Blosser
George Papandreas
Jim Shaffer

STAFF REPORT

CASE NO: V14-16 / Beech View Place, LLC / 331 Beechurst Avenue

REQUEST and LOCATION:

Request by Thomas Janidas, on behalf of Beech View Place, LLC, for variance relief from an approved Planned Unit Development Outline Plan relating to signage standards at 331 Beechurst Avenue.

TAX MAP NUMBER(s) and ZONING DESCRIPTION:

Tax Map 19, Parcel 28; PUD, Planned Unit Development District

SURROUNDING ZONING:

North, South, and East: B-2, Service Business District

North and West: R-3, Multi-Family Residential District.

BACKGROUND and ANALYSIS:

The "Beech View Place" PUD Outline Plan was approved by City Council on March 2, 2010 to construct an urban-scaled mixed-use development. Addendum A of this report illustrates the location of the subject site.

Article 1357.03(D)(2) provides that:

Upon such amendment of the Zone Map [approval of the PUD Outline Plan], the use and development of the site shall be governed by the Planned Unit Development Outline Plan, subject to approval of a Development Plan.

Article 1357.04(B)(14) provides that the PUD Outline Plan include a master plan for types, quantities, and maximum square footage allotments for all signs proposed to be placed within the development. Attached hereto are Pages 16-18 of the "Beech View Place" PUD Outline Plan that addresses signage. Highlighted in the attachment is the subject PUD signage regulations, which excludes internally illuminated signage.

In marketing commercial leasable area within *Beech View Place*, the petitioner has found that potential tenants prefer to erect transparent-faced internally illuminated wall signs rather than the precision-cut metal signs illuminated by down, up, or halo lighting techniques as provided in the PUD Outline Plan. It should be noted that internal illumination is a technique permitted by-right within the B-2 District. The B-2 District comprises the majority of the Beechurst Avenue mixed-use corridor.

Because the signage standards enumerated in the "Beech View Place" PUD Outline Plan govern signage development, variance relief from the internal illumination exclusion is required.

Development Services

Christopher Fletcher, AICP
Director

Planning Division

389 Spruce Street
Morgantown, WV 26505
304.284.7431



MORGANTOWN BOARD OF ZONING APPEALS

March 19th, 2014
6:30 PM
City Council Chambers

Board Members:

Bernie Bossio, Chair
Leanne Cardoso, Vice-Chair
William Blosser
George Papandreas
Jim Shaffer

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).

No recommendation is submitted by Staff concerning whether or not variance relief should be granted nor are conditions recommended.

Development Services

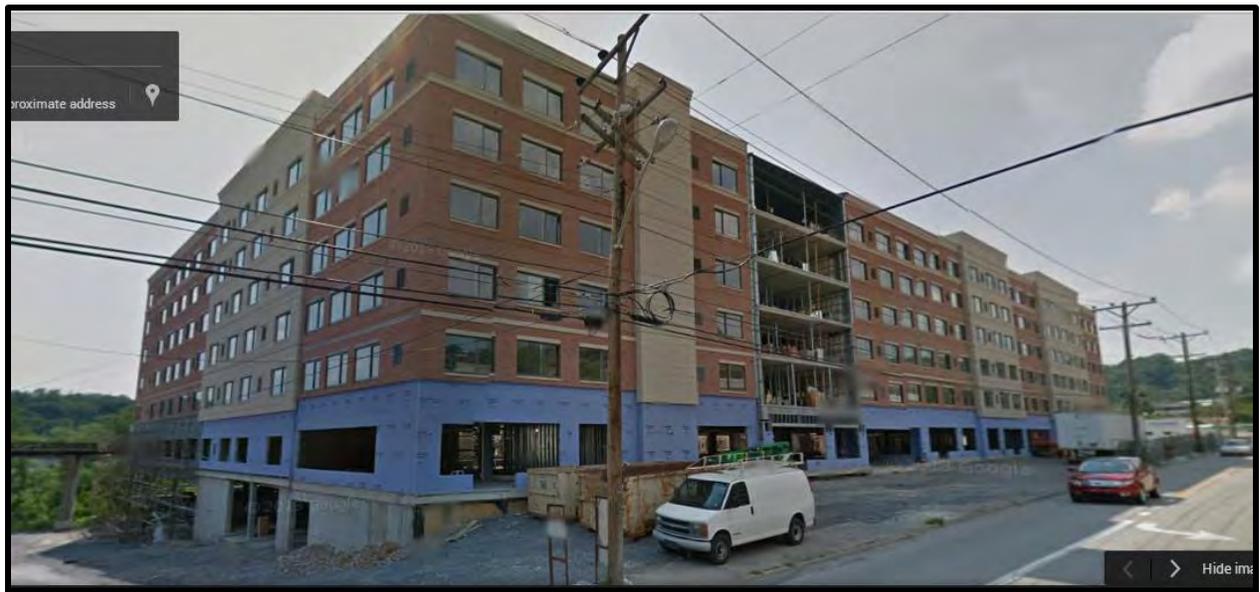
Christopher Fletcher, AICP
Director

Planning Division

389 Spruce Street
Morgantown, WV 26505
304.284.7431

STAFF REPORT ADDENDUM A

V14-16 / Beech View Place, LLC/ 331 Beechurst Avenue



STAFF REPORT ADDENDUM B
V14-16 / Beech View Place / 331 Beechurst Drive

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:

~~Blanket variance for all signs PUD.~~ The zoning classification for the majority of the Beechurst Avenue mixed-use commercial corridor is B-2. Internally illuminated signage is permitted by-right in the B-2 District.

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:

~~Currently zoning.~~ The appears to be a number of internally illuminated signs, which are permitted by-right in the B-2 District, within the Beechurst Avenue mixed-used commercial corridor.

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:

~~Does not affect.~~ Because internally illuminated signs exist and are permitted by-right within the B-2 District areas of the Beechurst Avenue corridor, it is not anticipated that internally illuminated signs with the "Beech View Place" development would result in a detriment to public welfare, properties, or improvements within the immediate area.

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:

~~No affect.~~ Because internally illuminated signs exist and are permitted by-right within the B-2 District areas of the Beechurst Avenue corridor, it is not anticipated that internally illuminated signs with the "Beech View Place" development would diminish the quality, character, or value of the built environment within the immediate area.

CATV and high-speed wireless internet service will be provided. Electric service will be individually metered per tenant. Water service will be separately metered for each commercial tenant, and singly-metered across all residential tenants.

The public utilities are as follows:

- Electric: Allegheny Power
- Telephone: Verizon
- Cable: Comcast
- Gas: Dominion Hope
- Water: Morgantown Utility Board (MUB)
- Sanitary Sewer: Morgantown Utility Board (MUB)

g) Streetscaping, furniture and lighting

The building site will feature attractive landscaping and street accessories consistent with City of Morgantown standards and precedent further along Beechurst. Street lights will be similar or identical to those currently used across the street. Benches, trash cans, and other accessories will be blend seamlessly with the building aesthetic. Street trees and planters will provide a welcome stretch of greenery. Street trees along the front center of the building will be provided at 35 feet minimum on center, with potentially wider spacing at the corners. Plant material will be selected carefully to be native, where possible, and appropriate for this climate and particular urban conditions.

h) Waste management

While Morgantown does not currently have a municipal commercial recycling program, the project team is working with city officials and the municipal waste management service provider to develop a collection system for the building. Recyclables will be collected along with trash at bins in public areas, such as the parking garage and lobby, and in waste chutes located on each floor. Trash and recyclables from the commercial tenants will be disposed of through a separate service corridor and chute. Trash and recyclable bins and carts will be stored under shelter in rooms within the parking garage, and will manually be wheeled out to collection trucks at time of pick-up. Frequency of collection will be determined with the collection service and dependent upon final commercial tenant types.

It is our understanding that Morgantown has been trying to start such a commercial and multi-tenant recycling program, and our hope is that this commitment will motivate others to join the effort. We will begin this process by recycling during construction. Building materials, scrap wood, packaging, cardboard, beverage containers and other products will be collected and sorted. And we will close the loop by specifying products with recycled content to be used in the building. Additionally, preference will be given to products that are manufactured locally, reducing the climate impacts of transporting those products.

i) Signage

Site and building signage will be minimal and incorporated thoughtfully and tastefully. As the site includes multiple tenants, directional and identification signage will be important for wayfinding and will be designed with specific tenants, once known. Signage may include types permitted in the B-2 District, including the following, as defined in the 2009 Replacement of the City of Morgantown Planning and Zoning Code:

Beech View Place Outline Plan

12/21/2009

- Awning or Canopy Signs
- Banners or other decorative and temporary, cloth, flexible plastic or fabric signs
- Building Marker Signs
- Building Signs
- Commercial Messages
- Directional Signs
- Directory Signs
- Identification Signs (address, name of occupant, etc)
- Illuminated Signs, externally or backlit
- Monument Signs, with variations from zoning code as described below
- Public Information Signs
- Sandwich Board Signs (per tenant)
- Shingle or Suspended Signs under covered walkways, awnings or canopies.
- Temporary Signs
- Traffic Signs
- Wall Signs
- Window Signs

Signage specifically excluded from the development:

- Changeable Copy Sign, other than marquee signs typically associated with theaters.
- Electronic, Scrolling Message Sign
- Flagpole Signs
- Flashing Signs
- Internally illuminated signs
- Menu-board Signs typically associated with drive-through establishments
- Neon Signs
- Pole or Pylon Signs, where the sign is pole-mounted six (6) feet or more above the grade.
- Roof Signs
- All other Prohibited Signs and Devices, as described by Section 1369.10 of the City of Morgantown 2009 Replacement Planning and Zoning Code

Signs exempt from regulations will be the same as those outlined in Section 1369.05, Signs Exempt from Regulations in City of Morgantown 2009 Replacement Planning and Zoning Code.

Signage specifications for the property will include:

- Commercial identification signage will consist primarily of window (including door), wall or awning signs. A horizontal band of exterior wall space above awnings may be incorporated for wall signs identifying commercial tenants. Wall signs will consist of free-standing letters of an attractive, durable material, such as precision-cut metal, which are held off the building and backlit to create a soft halo lighting effect. Lettering and logos, or other identifying information, will be permitted on the sloped and vertical portions of awnings, with suspended signs permitted under the awnings. Colors for lettering, logos, etc. will be coordinated between building owner and specific tenants to be complementary to the building aesthetic.
 - Wall signs shall not exceed 0.6 square feet of wall sign area per linear foot of tenant building frontage, in addition to any awning, window or suspended signs.
 - Illuminated signs will be allowed, with preference given to signs that are externally lit or backlit.

Beech View Place Outline Plan

12/21/2009

- Each occupant with an outside entrance serving the general public may have separate wall, window, awning and suspended signs.
- Lettering on wall, window and awning signs will not exceed 24 inches in height.
- Signs may be allowed to hang or stand inside a building, not attached to a window or door and visible from a public street. These may include neon, LED and other illuminated signs, but not electronic scrolling message signs.
- Wall signs, similar to those marking commercial tenants, will be used to mark building entrances, including parking entrances, lobbies and other areas of public access.
- Monument signs shall be included as freestanding sign where the base of the sign structures is on the ground or a maximum of 48 inches above the adjacent grade. Such signs shall not exceed 96 inches in height and 40 square feet in area per side. Monument signs will meet other requirements set out in the code.
- Directory signage indicating building tenants will be provided as monument signs, wall signs, window signs or building signs. These may be located along Beechurst, Third or Fourth Streets or near vehicular and pedestrian entry points to the building and site.
- Suspended signs located under canopies will comply with planning and zoning regulations, except the size shall not exceed four square feet in area.
- Directional signs for guiding vehicular and pedestrian traffic, excluding logos and commercial copy:
 - May be of wood, masonry, metal or other durable, decorative materials with engraved, painted, applied or cut-out letters.
 - May be externally illuminated or backlit.
 - May include multiple colors.
 - Maximum area of twelve (12) square feet.
- A building marker sign, integral to the building construction, may include a decorative “crest” at various locations. This crest may be incorporated through stone or masonry engraving, or a metal or wood cut-out applied to building and may be externally illuminated.
- Construction Signs
 - Temporary construction signage will be included for safety, separation, pedestrian and vehicular traffic direction and general public information.
 - The temporary construction fence may be screened with an attached vinyl or fabric material that displays multi-color marketing graphics, images and information, including identifying text. This may include developer, contractor, architect and engineer names, company logos and contact information.
 - The construction fence and attached signage will not exceed eight (8) feet in height, and may be as long as the full perimeter of the property.



City of Morgantown, West Virginia

APPLICATION FOR ZONING VARIANCE

OFFICE USE	
CASE NO.	V14-16
RECEIVED:	2/10/14
COMPLETE:	

(PLEASE TYPE OR PRINT IN BLACK INK)

Fee: \$75

I. APPLICANT		Name:	Beech View Place		
Mailing Address:	Street	331 Beechurst Ave.		Phone:	
	City	State	Zip	Mobile:	
	Morgantown	W.VA.	26505	724-272-1996	
				Email:	
				tpj129@zcomunicar.net.net	
II. PROPERTY		Street Address:	331 Beechurst Ave		
Owner:	Beech View Place LLC.		Zoning:		
Mailing Address:	Street	129 Carriage Hill Drive		Tax Map No:	
	City	State	Zip	19	
	Mars	PA.	16046	Parcel No:	
				28	
				Phone:	
				724-272-1996	

III. NARRATIVE	Please describe the nature and extent of your variance request(s).

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>			
Thomas P. Javidas		RS2 2/10/2014 201405823	CRYSTAL 14:25:51 SITE PLAN 2/10/2014
Type/Print Name of Applicant/Agent	Signature of Applicant/Agent	PAID 75.00	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.	V14-16
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: _____

Estimated number of employees: 6 No. of dwelling units: 232 No. of bedrooms: 420

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. V14-16

RECEIVED: _____

COMPLETE: _____

Suggested Scale: 1 square = 5'



**APPLICATION FOR
ZONING VARIANCE**

OFFICE USE	
CASE NO.	V14-16
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:

Blanket Variance For All Signs PUD

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:

Current Zoning

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:

Does Not Affect

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:

No Affect

Zimbra

shollar@cityofmorgantown.org

V14-16/Beechview Place/331 Beechurst Avenue

From : decorwin@aol.com

Thu, Feb 27, 2014 09:56 AM

Subject : V14-16/Beechview Place/331 Beechurst Avenue**To :** shollar@cityofmorgantown.org

Planning Department,

With respect to petitioners request for variance of signage standards, this request is wholly within keeping with the character of the neighborhood and we believe it satisfies the conditions for a variance. WinCor Properties as adjacent property owner supports granting this variance as submitted.

Regards,
Don E. Corwin
General Manager
WinCor Properties LLC
wincorproperties.com
304-292-0400
