



# MORGANTOWN BOARD OF ZONING APPEALS

June 18, 2014  
6:30 PM  
City Council Chambers

## **Board Members:**

Bernie Bossio, Chair  
Leanne Cardoso, Vice-Chair  
Bill Burton  
George Papandreas  
Jim Shaffer

## **STAFF REPORT**

**CASE NO:** V14-25 / Kuehn / 320 High Street

### **REQUEST and LOCATION:**

Request by John P. Kuehn, on behalf of Kuehn Sisters Diamonds, for variance relief from Article 1369 as it relates to signage at 320 High Street.

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

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

### **SURROUNDING ZONING:**

B-4, General Business District

### **BACKGROUND and ANALYSIS:**

The petitioner seeks to erect a nine (9) square foot suspended sign for *Kuehn Sisters Diamonds* located at 320 High Street. Addendum A of this report illustrates the location of the subject site.

Article 1369.07(G)(1) provides that the maximum suspended sign area in the B-4 District may not exceed six (6) square feet. As such, the proposed sign requires a three (3) square foot variance.

Additionally, Article 1369.07(G)(3) provides that suspended signs are restricted to the address, suite number, logo or name of the occupant or business served by the entrance. The "When it Has to Be Unique" copy of the proposed suspended sign appears to be commercial copy messaging in addition to the logo and name of the *Kuehn Sisters Diamonds* establishment.

The petitioner's proposed suspended sign plan was sent via email to the Downtown Design Review Committee members on 4 JUN 2014 for consultation. Comments received were (see attached emails):

- "I think the sign looks good and the extra 1 foot is not disturbing."
- "The sketch of the proposed hanging sign showing its relationship to the storefront is acceptable to me. The logo appears to be 2X2 on a 3X2 hanging sign and should be sufficient for visibility of message."
- "I'm not in favor of this request. My objection is not just to the sign but to a creeping erosion of a standard that turns our downtown into a collection of billboards."
- "The Keuhn sisters sign looks great."
- "I am OK with the increase in size of sign to 3X3."
- "I have no problem with the proposal."

## **Development Services**

Christopher Fletcher, AICP  
Director

## **Planning Division**

389 Spruce Street  
Morgantown, WV 26505  
304.284.7431



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A summary of requisite variance relief as requested is:

- To exceed the maximum area standard by 3 square feet.
- To permit commercial copy messaging in addition to the logo or name of the *Kuehn Sisters Diamonds* establishment as illustrated on the proposed sign design.

### **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. Please note that Staff has taken the petitioner's Findings of Fact responses submitted with the old variance application, associated said responses to similar Findings of Fact provided in the new variance application, and included recommended revisions (deleted matter struck through; new matter underlined).

No recommendation is submitted by Staff concerning whether or not variance relief should be granted. However, should the Board decide to grant variance relief, Staff recommends that the following conditions be included:

1. That the suspended sign for which variance is granted herein may not be separately illuminated.
2. That the suspended sign for which variance relief is granted herein must be made of wood; sculpted "sign foam"; ornamental metals such as bronze, brass, copper, etc.; painted aluminum panels; and/or, stone or masonry.

Enclosures: Application and accompanying exhibits

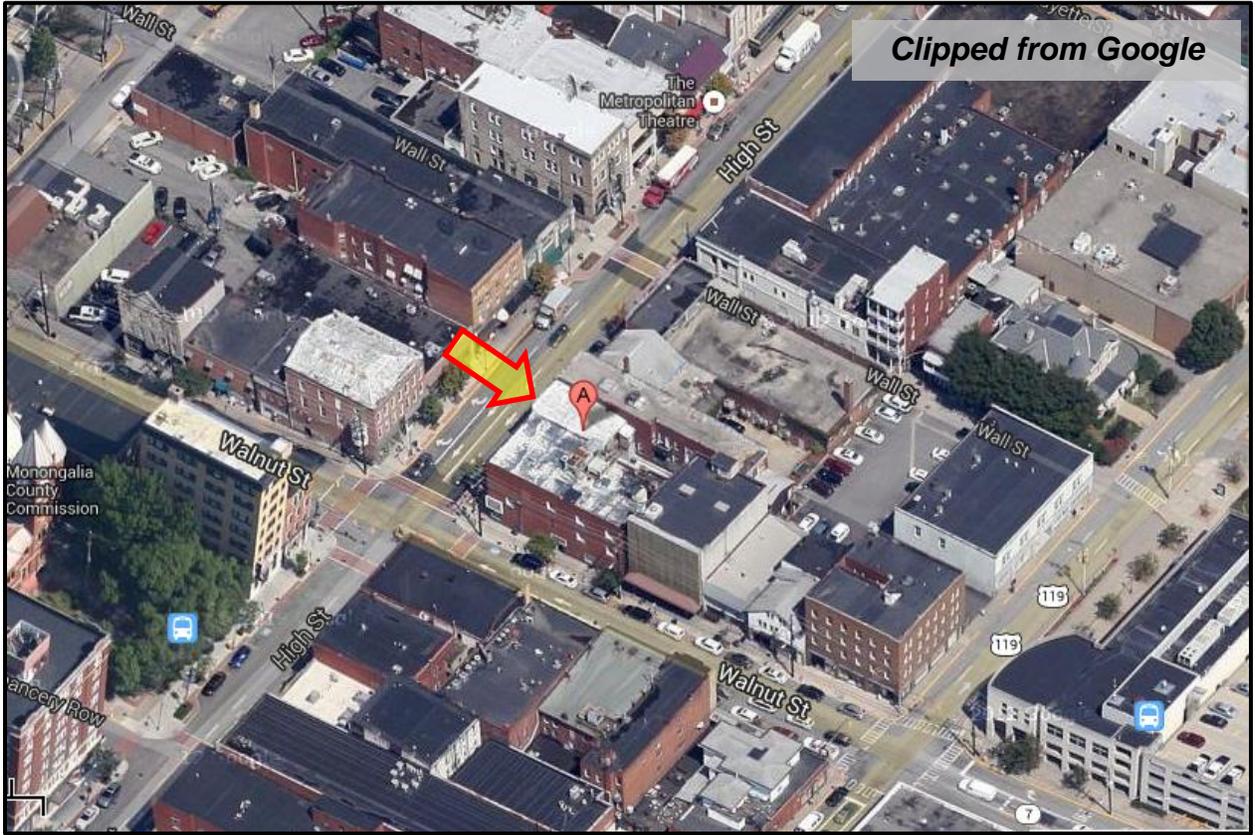
### **Development Services**

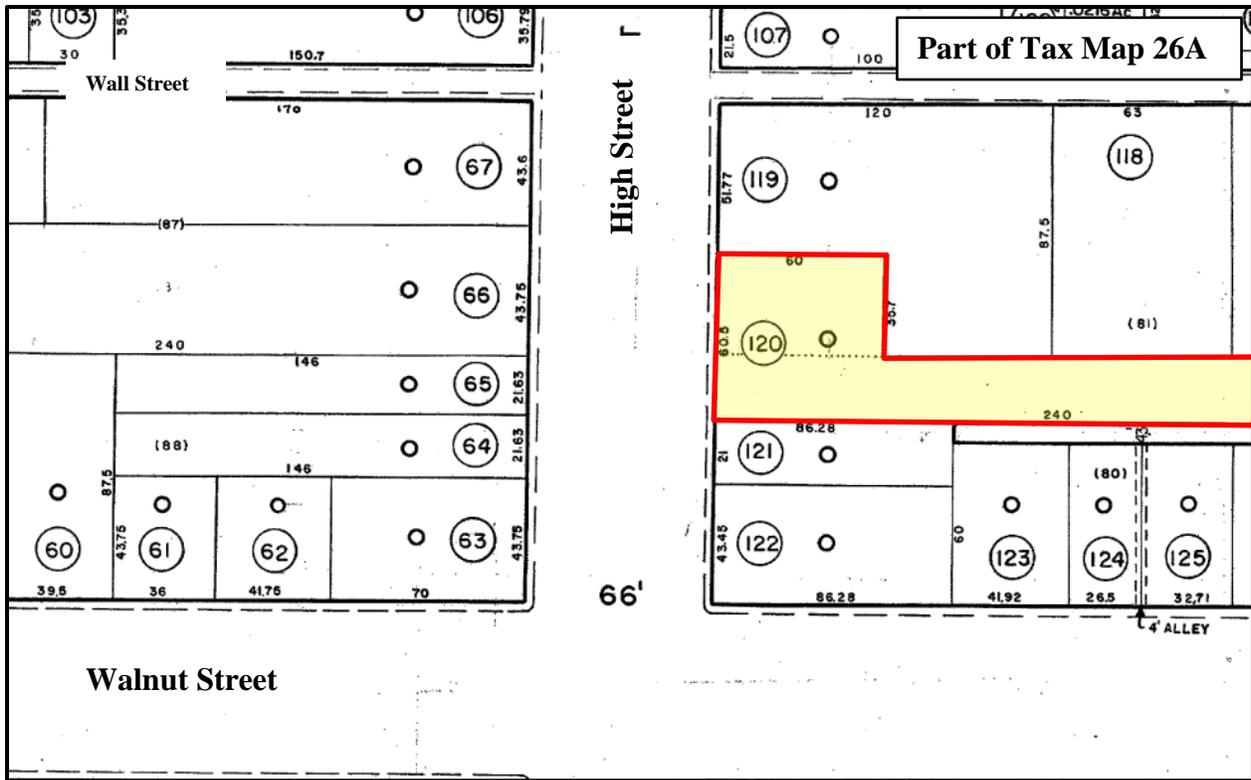
Christopher Fletcher, AICP  
Director

### **Planning Division**

389 Spruce Street  
Morgantown, WV 26505  
304.284.7431

**STAFF REPORT ADDENDUM A**  
**V14-25 / Kuehn / 320 High Street**





## STAFF REPORT ADDENDUM B

### V14-25 / Kuehn / 320 High Street

Staff has taken the petitioner's Findings of Fact responses submitted with the old variance application, associated said responses to similar Findings of Fact provided in the new variance application, and included recommended revisions (deleted matter struck through; new matter underlined).

**Finding of Fact No. 1** – The variance will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents, because:

There are at least two other projecting signs on High Street and both are larger than 3' X 3' (*D.P. Dough* and the *Sew In*). The small increase in size ~~will~~ does not appear to be a significant variation from the requirement. Other suspended signs that exceed the maximum area standard along High Street do not appear to manifest harm to public interests, the public realm, or the rights of adjoining property owners.

**Finding of Fact No. 2** – The variance arises from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance, because:

The special condition appears to result from the nature of the vertical elements and right angles of the petitioner's logo design. There appears to be a number of suspended sign design, shape, and size variations along High Street, which appears to positively contribute to prevailing related characteristics.

ALTERNATE NEGATIVE FINDING: The variance DOES NOT ARISE from special conditions or attributes which pertain to the property for which a variance is sought because the requested variance is created by the petitioner's design of the proposed suspended sign.

**Finding of Fact No. 3** – The variance will eliminate an unnecessary hardship and permit a reasonable use of the land, because:

The logo is square so it ~~will not look good in an~~ does not appear to fit an oval. A 2' X 3' sign dimension will not permit a square larger than 2 feet. ~~That will be too small.~~ A two-foot by two-foot sign may not be visible to the motoring or pedestrian passersby.

**Finding of Fact No. 4** – The variance will allow the intent of the zoning ordinance to be observed and substantial justice done, because:

~~It will~~ The additional three (3) square feet of suspended sign does not appear to be noticeably different than most other signs on High Street.



City of Morgantown, West Virginia

APPLICATION FOR ZONING VARIANCE

OFFICE USE	
CASE NO.	V14-25
RECEIVED:	4/16
COMPLETE:	

(PLEASE TYPE OR PRINT IN BLACK INK)

Fee: \$75

<b>I. APPLICANT</b>		Name: John P. Kuehn	
Mailing Address:	Street	320 High St	Phone: 304-296-9669
	City	Morgantown WV	Mobile: 304-276-4496
	State	Zip	Email: john@kuehn.wv
		26505	
<b>II. PROPERTY</b>		Street Address: 320 High St	
Owner:	(Same)	Zoning:	
Mailing Address:	Street	Tax Map No:	
	City	State	Parcel No:
		Zip	Phone:
<b>III. NARRATIVE</b>		Please describe the nature and extent of your variance request(s).	
I would like to be able to put up a 3' x 3' sign rather than 2' x 3'. The Logo is square and will only look good in a square sign.			
<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.			
John P. Kuehn			
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.



City of Morgantown, West Virginia

APPLICATION FOR ZONING VARIANCE

OFFICE USE	
CASE NO.	V14-25
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)

Downtown Morgantown

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	
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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 logo is square so it will not look good in an oval. And 2' x 3' will not permit a square larger than 2'. That would be too small

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:

There are two other projecting signs on High St and both are larger than 3' x 3' (D.P. Dough and the Sew In)

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 small increase in size will not be a significant variation from the requirement

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:

It will not be noticeably different than most other signs on High St



*Kuehn Sisters*  
— DIAMONDS —

*When it Has  
to Be Unique*



V14-25



V14-25





V14-25



Each of these  
is significantly larger  
than 3' x 3'

Zimbra

shollar@cityofmorgantown.org

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**Re: Keughn Sisters - Sign Comments Needed Immediately**

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**From :** Tom Anderson <tom@alleghenyrestoration.com>

Mon, Jun 09, 2014 07:24 AM

**Subject :** Re: Keughn Sisters - Sign Comments Needed Immediately**To :** Stacy Hollar <shollar@cityofmorgantown.org>

Stacy,'

I think the sign looks good and the extra 1 foot is not disturbing.

Tom

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**From:** Stacy Hollar <[shollar@cityofmorgantown.org](mailto:shollar@cityofmorgantown.org)>**Date:** Wednesday, June 4, 2014 at 9:43 AM**To:** "Kawecki, William" <[citycouncilward2@cityofmorgantown.org](mailto:citycouncilward2@cityofmorgantown.org)>, "Loretta, Sam" <[samdee2@frontier.com](mailto:samdee2@frontier.com)>, bob carubia <[bobcard33@gmail.com](mailto:bobcard33@gmail.com)>, Coni Merandi <[coniandfranc@hotmail.com](mailto:coniandfranc@hotmail.com)>, Michael Mills <[mmills@millsgroup.biz](mailto:mmills@millsgroup.biz)>, Steve McBride <[smcbride@wvu.edu](mailto:smcbride@wvu.edu)>, Terri Cutright <[exdirector@downtownmorgantown.com](mailto:exdirector@downtownmorgantown.com)>, Tom <[tom@alleghenyrestoration.com](mailto:tom@alleghenyrestoration.com)>**Subject:** Keughn Sisters - Sign Comments Needed Immediately

Hello All,

Please see the attached sign application for Keughn Sisters located at 320 High Street. I need your comments or suggestions no later than Tuesday of next week (June 10, 2014).

Thank you,

**Stacy Hollar**Executive Secretary  
Development Services Department  
389 Spruce Street  
Morgantown, WV 26505  
304-284-7431  
[shollar@cityofmorgantown.org](mailto:shollar@cityofmorgantown.org)

Zimbra

shollar@cityofmorgantown.org

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**Re: Keughn Sisters - Sign Comments Needed Immediately**

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**From** : bob carubia <bobcard33@gmail.com>

Sun, Jun 08, 2014 08:26 PM

**Subject** : Re: Keughn Sisters - Sign Comments Needed Immediately**To** : Stacy Hollar <shollar@cityofmorgantown.org>**Cc** : William Kawecki <citycouncilward2@cityofmorgantown.org>, Sam Loretta <samdee2@frontier.com>, Coni Merandi <coniandfranc@hotmail.com>, Michael Mills <mmills@millsgroup.biz>, Steve McBride <smcbride@wvu.edu>, Terri Cutright <ExDirector@downtownmorgantown.com>, Tom Anderson <tom@alleghenyrestoration.com>

**The sketch of the proposed hanging sign showing its relationship to the storefront is acceptable to me. The logo appears to be 2x2 on a 3x2 hanging sign and should be sufficient for visibility of message.**

On Wed, Jun 4, 2014 at 9:43 AM, Stacy Hollar <[shollar@cityofmorgantown.org](mailto:shollar@cityofmorgantown.org)> wrote:

Hello All,

Please see the attached sign application for Keughn Sisters located at 320 High Street. I need your comments or suggestions no later than Tuesday of next week (June 10, 2014).

Thank you,

**Stacy Hollar**

Executive Secretary  
Development Services Department  
389 Spruce Street  
Morgantown, WV 26505  
[304-284-7431](tel:304-284-7431)  
[shollar@cityofmorgantown.org](mailto:shollar@cityofmorgantown.org)

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Zimbra

shollar@cityofmorgantown.org

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**Re: Keughn Sisters - Sign Comments Needed Immediately**

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**From :** Bill <wm\_a\_kawecki@comcast.net>

Mon, Jun 09, 2014 05:14 AM

**Subject :** Re: Keughn Sisters - Sign Comments Needed Immediately**To :** Stacy Hollar <shollar@cityofmorgantown.org>**Cc :** William Kawecki <citycouncilward2@cityofmorgantown.org>, Sam Loretta <samdee2@frontier.com>, Bob Carubia <bobcard33@gmail.com>, Coni Merandi <coniandfranc@hotmail.com>, Michael Mills <mmills@millsgroup.biz>, Steve McBride <smcbride@wvu.edu>, Terri Cutright <ExDirector@downtownmorgantown.com>, Tom Anderson <tom@alleghenyrestoration.com>

I'm not in favor of this request. My objection is not to just this sign but to a creeping erosion of a standard that turns our downtown into a collection of billboards.

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**From:** "Hollar, Stacy" <shollar@cityofmorgantown.org>**To:** "William Kawecki" <citycouncilward2@cityofmorgantown.org>, "Loretta, Sam" <samdee2@frontier.com>, "Carubia, Bob" <bobcard33@gmail.com>, "Merandi, Coni" <coniandfranc@hotmail.com>, "Mills, Michael" <mmills@millsgroup.biz>, "McBride, Steve" <smcbride@wvu.edu>, "Cutright, Terri" <ExDirector@downtownmorgantown.com>, "Anderson, Tom" <tom@alleghenyrestoration.com>**Sent:** Wednesday, June 4, 2014 9:43:53 AM**Subject:** Keughn Sisters - Sign Comments Needed Immediately

Hello All,

Please see the attached sign application for Keughn Sisters located at 320 High Street. I need your comments or suggestions no later than Tuesday of next week (June 10, 2014).

Thank you,

**Stacy Hollar**Executive Secretary  
Development Services Department  
389 Spruce Street  
Morgantown, WV 26505  
304-284-7431  
shollar@cityofmorgantown.org

Zimbra

shollar@cityofmorgantown.org

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**Re: Keughn Sisters - Sign Comments Needed Immediately**

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**From** : samdee2@frontier.com

Mon, Jun 09, 2014 10:25 AM

**Subject** : Re: Keughn Sisters - Sign Comments Needed Immediately**To** : Stacy Hollar <shollar@cityofmorgantown.org>

The Keughn sisters sign looks great-----sam

**From:** [Stacy Hollar](#)**Sent:** Wednesday, June 04, 2014 9:43 AM**To:** [Kawecki, William](#) ; [Loretta, Sam](#) ; [bob carubia](#) ; [Coni Merandi](#) ; [Michael Mills](#) ; [Steve McBride](#) ; [Terri Cutright](#) ; [Tom Anderson](#)**Subject:** Keughn Sisters - Sign Comments Needed Immediately

Hello All,

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Thank you,

**Stacy Hollar**

Executive Secretary

Development Services Department

389 Spruce Street

Morgantown, WV 26505

304-284-7431

[shollar@cityofmorgantown.org](mailto:shollar@cityofmorgantown.org)

\_\_\_\_\_ Information from ESET Smart Security, version of virus signature database 9916 (20140609) \_\_\_\_\_

The message was checked by ESET Smart Security.

<http://www.eset.com>

\_\_\_\_\_ Information from ESET Smart Security, version of virus signature database 9916 (20140609) \_\_\_\_\_

The message was checked by ESET Smart Security.

<http://www.eset.com>

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Zimbra

shollar@cityofmorgantown.org

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**RE: Keughn Sisters - Sign Comments Needed Immediately**

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**From :** connie merandi <coniandfranc@hotmail.com>

Wed, Jun 04, 2014 06:26 PM

**Subject :** RE: Keughn Sisters - Sign Comments Needed Immediately**To :** Stacy Hollar <shollar@cityofmorgantown.org>

I am OK with the increase in size of sign to 3x3.

Connie Merandi

Sent from my U.S. Cellular® Smartphone

----- Original message -----

From: Stacy Hollar

Date:06/04/2014 9:44 AM (GMT-05:00)

To: "Kawecki, William" ,"Loretta, Sam" ,bob carubia ,Coni Merandi ,Michael Mills ,Steve McBride ,Terri Cutright ,Tom Anderson

Subject: Keughn Sisters - Sign Comments Needed Immediately

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Thank you,

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Development Services Department

389 Spruce Street

Morgantown, WV 26505

304-284-7431

shollar@cityofmorgantown.org

---

Zimbra

shollar@cityofmorgantown.org

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**Re: Keughn Sisters - Sign Comments Needed Immediately**

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**From** : Michael Mills <mmills@millsgrouponline.com>

Wed, Jun 04, 2014 09:51 PM

**Subject** : Re: Keughn Sisters - Sign Comments Needed Immediately**To** : Stacy Hollar <shollar@cityofmorgantown.org>

Stacy

I have no problem with the proposal

Sent from my iPad

On Jun 4, 2014, at 9:45 AM, "Stacy Hollar" <[shollar@cityofmorgantown.org](mailto:shollar@cityofmorgantown.org)> wrote:

Hello All,

Please see the attached sign application for Keughn Sisters located at 320 High Street. I need your comments or suggestions no later than Tuesday of next week (June 10, 2014).

Thank you,

**Stacy Hollar**

Executive Secretary

Development Services Department

389 Spruce Street

Morgantown, WV 26505

304-284-7431

[shollar@cityofmorgantown.org](mailto:shollar@cityofmorgantown.org)

&lt;V14-25\_Scanned-Application.pdf&gt;