



MORGANTOWN BOARD OF ZONING APPEALS

August 20, 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: V14-36 / Silver Pennies Jewelry Design Co. / 310 High Street

REQUEST and LOCATION:

Request by Robin Dallas, on behalf of Silver Pennies Jewelry Design Company, for variance relief from Article 1369 as it relates to signage at 310 High Street.

TAX MAP NUMBER(s) and ZONING DESCRIPTION:

Tax Map 26A, Parcel 122; B-4, General Business District

SURROUNDING ZONING:

B-4, General Business District

BACKGROUND and ANALYSIS:

The petitioner seeks to erect a 14.9 square foot suspended sign for *Silver Pennies Jewelry Design Co.* located at 310 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 is six (6) square feet. As such, the proposed sign requires an 8.9 square foot variance.

The following graphic was clipped from the petitioner's plan and illustrates the areas in square feet for elements of the proposed sign.



A = 7.4 sq. ft.

B = 2.2 sq. ft.

C = 5.25 sq. ft.

Development Services
Christopher Fletcher, AICP
Director

Planning Division
389 Spruce Street
Morgantown, WV 26505
304.284.7431



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The petitioner's proposed suspended sign plan was sent via email to the Downtown Design Review Committee members on 04 AUG 2014 for consultation. Comments received were:

- "I am fine with this."
- "Silver Pennies sign design is so much more interesting and reflective of their creative business. Great job."
- "The sign is tasteful. It would be helpful to see it in relation to the building."
- "Show them some examples of acceptable signs."

It appears that the petitioner intends to confirm to sign material standards. Additionally, suspended signs may not be separated illuminated and the petitioner has not indicated a desire to illuminate the subject sign.

It should be noted that an alternate sign design could be accomplished without harming or undermining the petitioner's desired design objectives. An example would be removing the blank black panel below the black copy panel and reducing the height of the wood-appearing background by 16 inches below the copy panel. This modification would reduce the total area of the sign from 14.9 square feet to 9.3 square feet. Additionally, a 9.3 square foot sign would be similar to the variance granted for the neighboring *Kuehn Sisters Diamonds* establishment under Case No. V14-25, which permitted a 9 square foot suspended sign.

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. 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.

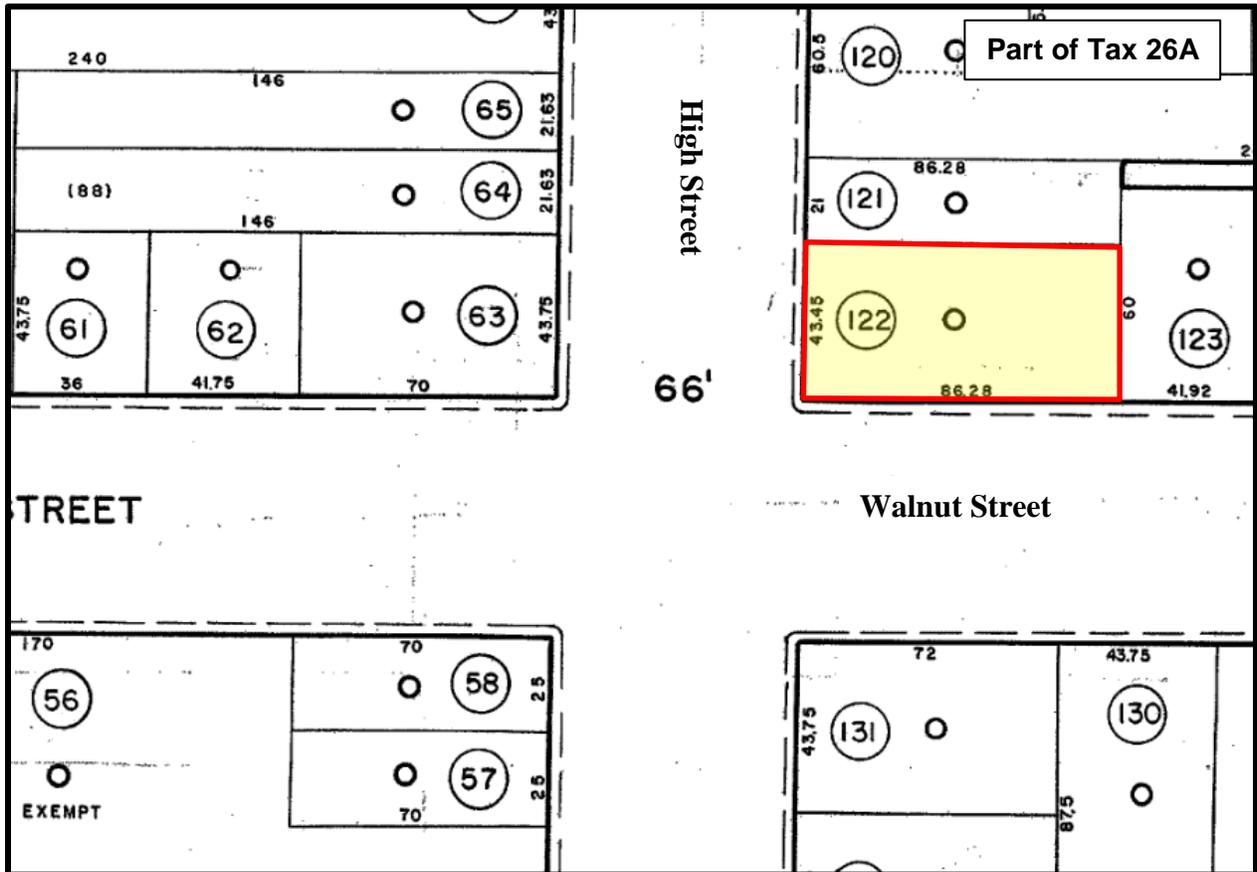
Development Services

Christopher Fletcher, AICP
Director

Planning Division

389 Spruce Street
Morgantown, WV 26505
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Enclosures: Application and accompanying exhibits



STAFF REPORT ADDENDUM B

V14-36 / Silver Pennies Jewelry Design Co. / 310 High Street

Staff recommended revisions to the petitioner's Findings of Fact responses (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:

~~Public Health~~ — will not affect

~~Safety on welfare~~ — will not affect

~~Rights of adj. prop. Owners or residents~~ — will not affect

There appears to be at least two other suspended signs on High Street that are larger than six square feet including *D.P. Dough* and the *Sew Inn*. A three-foot variance was approved on 18 JUN 2014 for the neighboring *Kuehn Sisters Diamonds* establishment under Case No. V14-25 so that a nine (9) square foot suspended sign can be erected. Other suspended signs that exceed the maximum area standard along High Street do not appear to manifest harm to public interest, 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:

~~A bigger sign is needed to attract customers and advertise for the business.~~ The special condition appears to result from the nature of the vertical elements of the petitioner's desired 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.

ALTERNATIVE 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:

~~Signage will help attract pedestrian traffic and vehicle traffic to our store.~~ The petitioner's design appears to emulate the size and scale of suspended sign designs that exist within the B-4 District or have been granted similar variance relief.

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

~~We previously had an awning but over time it became old and worn looking, so new signage is needed to update the façade and provide a better visual environment.~~ The removal of the deteriorating and functionally obsolete awning sign appears to be a welcome improvement that should not be diminished by the size of the proposed suspended sign.



City of Morgantown, West Virginia

APPLICATION FOR VARIANCE PETITION

OFFICE USE	
CASE NO.	V14-36
RECEIVED:	7/8/14

(PLEASE TYPE OR PRINT IN BLACK INK)

Fee: \$75

I. APPLICANT		Name:	ROBIN DALLAS - SILVER PENNIES JEWELRY DESIGN CO.	
Mailing Address:	Street	310 HIGH ST	Phone:	304-288-0963
	City	MORGANTOWN WV	Mobile:	304-292-3237
	State	26505	Email:	info@silverpenniesjewelry.com
II. PROPERTY		Street Address:	310 HIGH ST	
Owner:	JOHN KUHN		Zoning:	B-4
Mailing Address:	Street	310 HIGH ST.	Tax Map No:	26A
	City	MORGANTOWN	Parcel No:	121
	State	26505	Phone:	
III. NARRATIVE		Please describe the nature and extent of your variance request(s).		
SEEKING 5.5 ft ² variance on SIZING.				
V. ATTEST		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 Development Services 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.		
ROBIN DALLAS		 Signature of Applicant/Agent		03 July 2014 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 VARIANCE PETITION

OFFICE USE table with columns for CASE NO. and RECEIVED:

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 (checked)

- Structure Characteristics (complete only those that apply)
Total number of buildings: Gross floor area of each building:
Estimated number of employees: 4 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



**APPLICATION FOR
VARIANCE PETITION**

OFFICE USE	
CASE NO.	
RECEIVED:	

VII. FINDINGS OF FACT

COMPLETE THE FOLLOWING STATEMENTS IN THIRD PERSON.

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. The variance will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents, because:

PUBLIC HEALTH - WILL NOT AFFECT

SAFETY OR WELFARE - WILL NO AFFECT

RIGHTS OF ADJ. PROP. OWNERS OR RESIDENTS: WILL NOT AFFECT

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:

*A BIGGER SIGN IS NEEDED TO ATTRACT CUSTOMERS
AND ADVERTISE FOR THE BUSINESS.*



**APPLICATION FOR
VARIANCE PETITION**

OFFICE USE	
CASE NO.	
RECEIVED:	

VII. FINDINGS OF FACT

COMPLETE THE FOLLOWING STATEMENTS IN THIRD PERSON.

3. The variance will eliminate an unnecessary hardship and permit a reasonable use of the land, because:

*SIGNAGE WILL HELP ATTRACT PEDESTRIAN TRAFFIC
& VEHICLE TRAFFIC TO OUR STORE.*

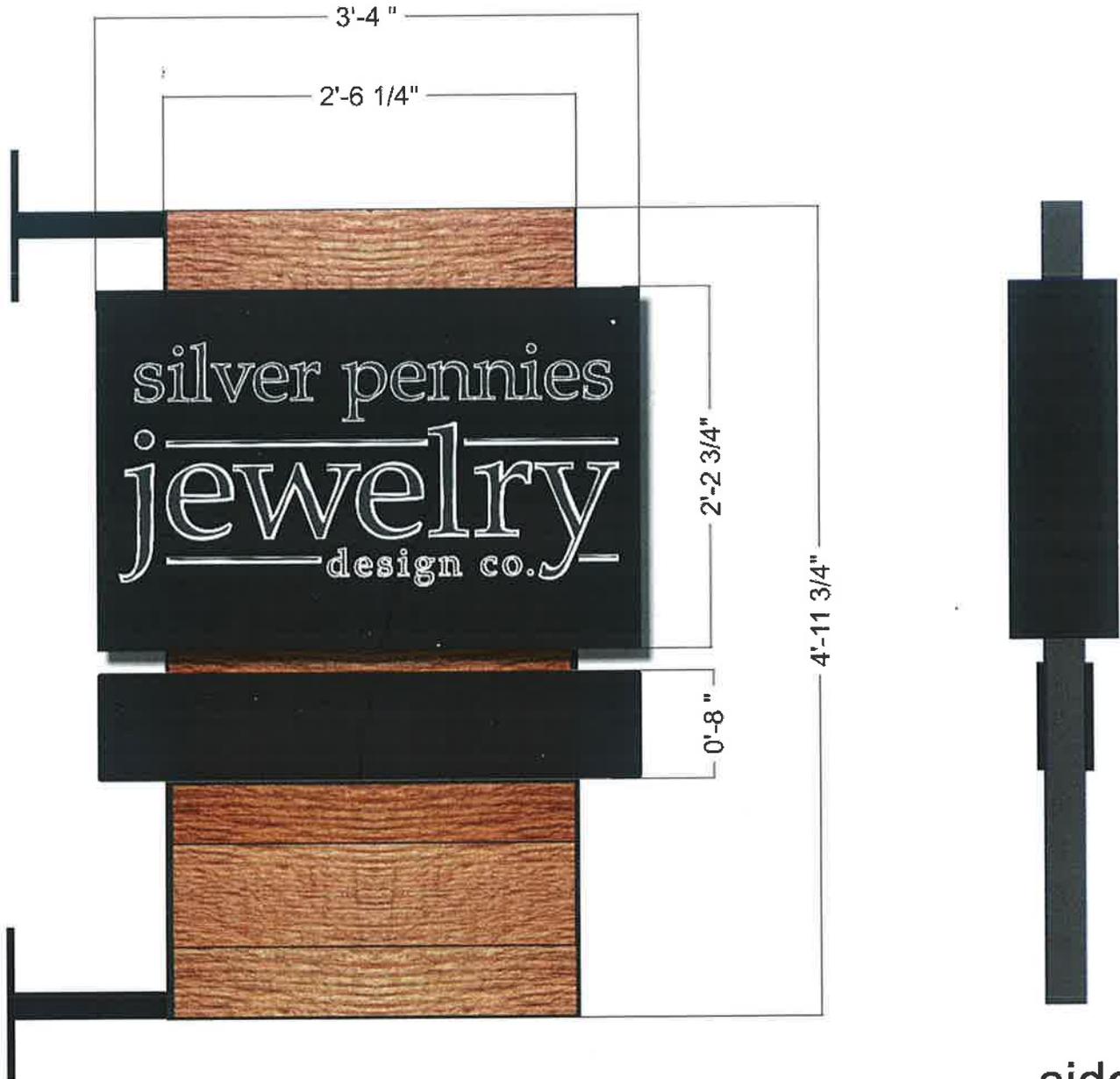
4. The variance will allow the intent of the zoning ordinance to be observed and substantial justice done, because:

*WE PREVIOUSLY HAD AN AWNING BUT OVER TIME
IT BECAME OLD & WORN LOOKING, SO NEW SIGNAGE
IS NEEDED TO UPDATE THE FACADE & PROVIDE A
BETTER VISUAL ENVIRONMENT.*

Silver Pennies
Sign Options

J.D. Signs, Inc.
1140 Aviation Drive
Fairmont, West Virginia

304.363.3211
304.363.3256
artdept@jdsigns.com
www.jdsigns.com



side view

1

PROJECT NAME: **Silver Pennies**

CLIENT: **Marcus Rice**

POINT OF CONTACT: **Thomas**

DATE: **22 July, 2014**

DESIGN BY: **Reese**

CUSTOMER IS RESPONSIBLE FOR THE SPELLINGS OF NAMES AND NUMBERS. ANY CORRECTIONS OF MISTAKES AFTER JOB HAS BEEN PUT INTO PRODUCTION. *** CUSTOMER IS RESPONSIBLE FOR COST***

APPROVED FOR PRODUCTION

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CLIENT APPROVAL

DATE: