



MORGANTOWN BOARD OF ZONING APPEALS

January 21, 2015
6:30 PM
City Council Chambers

Board Members:

Leanne Cardoso
Linda Herbst
George Papandreas
Jim Shaffer
Tom Shamberger

STAFF REPORT

CASE NO: V15-01 / Games Galore / 40 High Street

REQUEST and LOCATION:

Request by Chris Hendershot, on behalf of Games Galore, LLC, for variance relief from Article 1369.07(l) as it relates to wall signs at 40 High Street.

TAX MAP NUMBER(s) and ZONING DESCRIPTION:

Tax Map 28, Parcel 75; B-4, General Business District

SURROUNDING ZONING:

B-4, General Business District

BACKGROUND and ANALYSIS:

The petitioner seeks to erect a 20 square foot wall sign for *Cartridges Galore* located at 40 High Street. Addendum A of this report illustrates the location of the subject site.

Article 1369.07(l)(1) provides that the maximum wall sign area in the B-4 District is determined by multiplying the storefront width in feet by 0.4. The storefront width of *Cartridges Galore* is approximately 24 feet and the maximum area for the subject wall sign is calculated to be 9.6 square feet. As such, the proposed sign requires a 14.4 square foot variance.

The proposed sign will be constructed of sign foam, which is a permitted material. No illumination of the sign is currently proposed.

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, which are provided in Addendum B of this report.

No Staff recommendation is submitted concerning the petitioner's Findings of Fact or whether or not variance relief should be granted.

Development Services

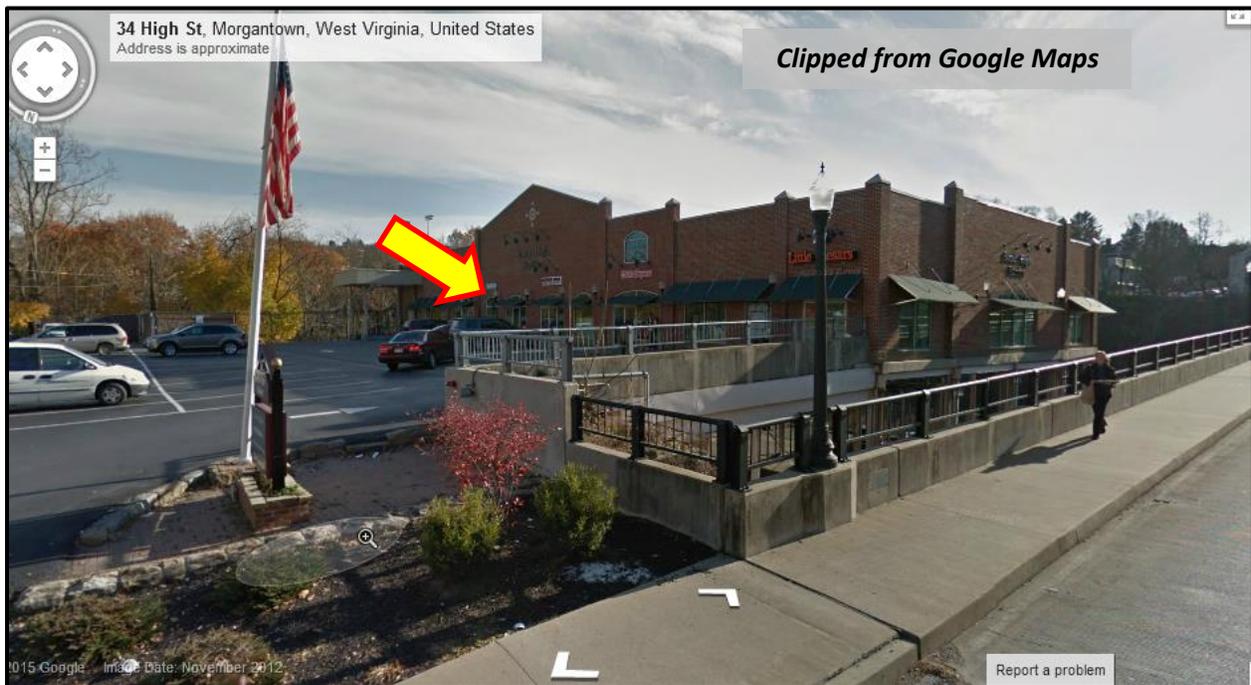
Christopher Fletcher, AICP
Director

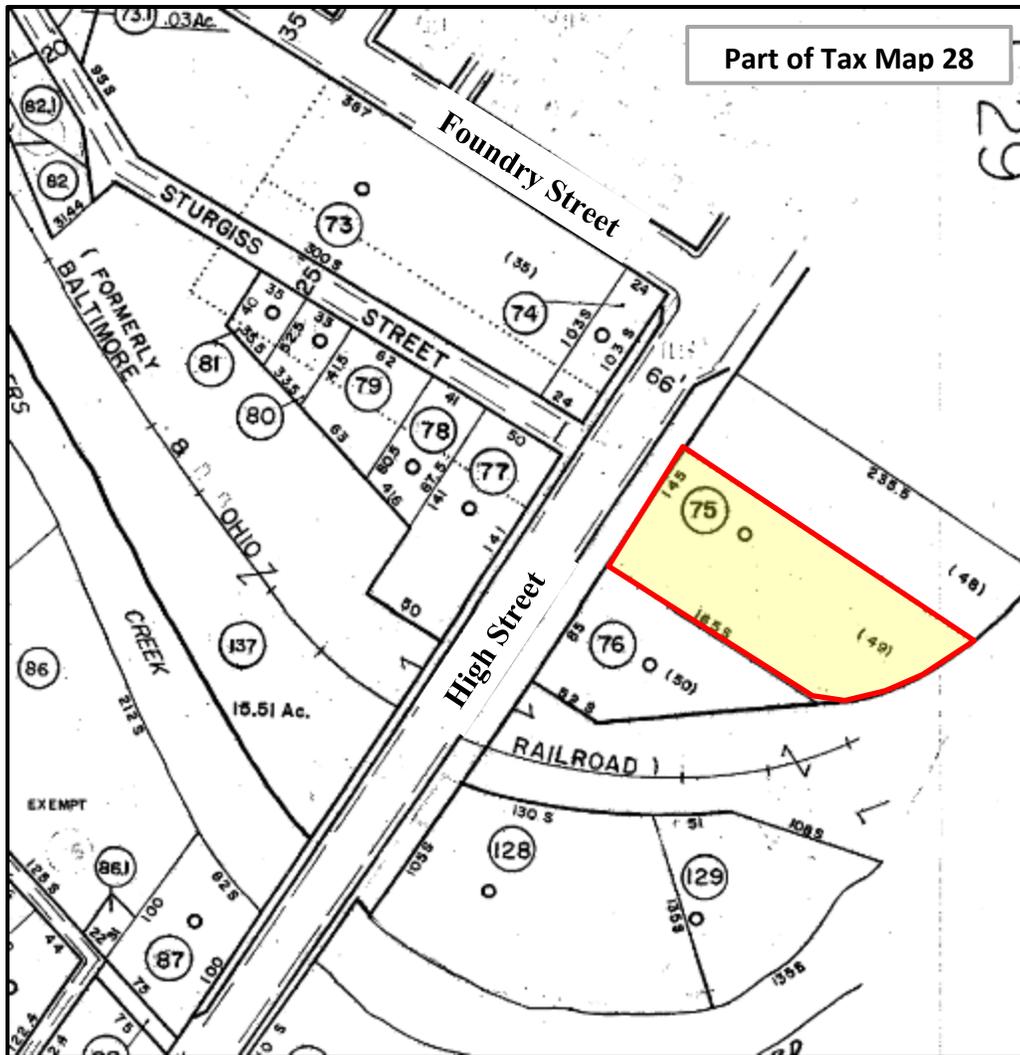
Planning Division

389 Spruce Street
Morgantown, WV 26505
304.284.7431

Enclosures: Application and accompanying exhibits

STAFF REPORT ADDENDUM A
V15-01 / Games Galore / 40 High Street





STAFF REPORT ADDENDUM B

V15-01 / Games Galore / 40 High Street

Petitioner's Findings of Fact

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:

The sign that Games Galore, LLC would like to permanently use will not adversely affect those conditions because the sign is neither obnoxious or disproportionate to its surroundings. In other words – it fits in with the rest of the plaza and surrounding High Street area. The sign is proportionate in size and is made of similar materials to our neighbors.

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 sign that would fit into the 9 square foot parameters called for by city zoning is unusually small for a store in a shopping plaza and simply not visible from the road.

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

The variance Games Galore is requesting will eliminate the hardship of multiple signs being created, designed, and paid for. The sign will allow the business more visibility and to experience more success in the City of Morgantown.

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

The variance, if approved, will allow for the intent of the zoning ordinance to be observed and justice done because it will allow a new business in the City to advertise its store front to potential customers within a reasonable way that fits in with the existing surroundings and conditions.



City of Morgantown, West Virginia

APPLICATION FOR VARIANCE PETITION

OFFICE USE	
CASE NO.	V15-01
RECEIVED:	

PAID NOV 25 2014

(PLEASE TYPE OR PRINT IN BLACK INK)

Fee: \$75

VISA

I. APPLICANT		Name:	Chris Hendershot, Games Galore	
Mailing Address:	Street	31 South St.	Phone:	301 876 1022
	City	Cumberland MD 21502	Mobile:	
	State		Zip	
		Email:	c.hendershot10@gmail.com	

II. PROPERTY		Street Address:	40 High St.	
Owner:	Jane Haines, Icon Properties		Zoning:	
Mailing Address:	Street		Tax Map No:	
	City	Morgantown WV 26505	Parcel No:	
	State		Zip	
		Phone:		

III. NARRATIVE	Please describe the nature and extent of your variance request(s).
We (Games Galore) are requesting a variance that will allow for a bigger sign to be used above the store front, than what the city zoning initially calls for (9 sq. ft.)	

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.		
Chris Hendershot		11-20-14
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.

V15-01



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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: _____ 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

X



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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:

The sign that Ganes Galore LLC would like to permanently use will not adversely affect those conditions because the sign is neither obnoxious or disproportionate to its surroundings. In other words - it fits in with the rest of the plaza and surrounding High St. area. The sign is proportionate in size and is made of similar materials to our neighbors.

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 sign that would fit into the 9 square foot parameters called for by city zoning is unusually small for a store in a shopping plaza and simply not visible from the road.

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VII. FINDINGS OF FACT	COMPLETE THE FOLLOWING STATEMENTS IN THIRD PERSON.
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3. The variance will eliminate an unnecessary hardship and permit a reasonable use of the land, because:

The variance Games Galore is requesting will eliminate the hardship of multiple signs being created, designed, and paid for. The sign will allow the business more visibility and to experience more success in the city of Morgantown.

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

The variance, if approved, will allow for the intent of the zoning ordinance to be observed and justice done because it will allow a new business in the city to advertise its store front to potential customers within a reasonable way that fits in with the existing surroundings and conditions.



90"



32.3"

