



MORGANTOWN BOARD OF ZONING APPEALS

January 21, 2015
6:30 PM
City Council Chambers

Board Members:

Leanne Cardoso
Bill Burton
Linda Herbst
George Papandreas
Jim Shaffer

STAFF REPORT

CASE NO: V15-02 / Suburban Lanes Plaza / 749 Chestnut Ridge Road

REQUEST and LOCATION:

Request by Samantha Wade of City Neon, Inc., on behalf of Jerry Lorenze, for variance relief from Article 1369 as it relates to signage at 749 Chestnut Ridge Road.

TAX MAP NUMBER(s) and ZONING DESCRIPTION:

Tax Map 56, Parcel 3; B-2, Service Business District

SURROUNDING ZONING:

B-2, Service Business District

BACKGROUND and ANALYSIS:

The petitioner seeks variance relief from Article 1369 as it relates to signage. Addendum A of this report illustrates the location of the subject site.

Article 1369.07(F)(1) provides that post-and-panel signs shall not exceed six (6) feet in height and shall not exceed 32 square feet in area per side. However, Article 1369.07(F)(4) provides that:

“For multi-tenant buildings, the only post-and-panel sign allowed on the property shall be a directory sign. All other signs for tenants shall be wall signs or sandwich board signs.”

Article 1369.07(B) provides the following standards for directory signs (***emphasis added***).

- (B) Directory Sign. Directory signs shall be allowed where a particular site includes more than one tenant, provided that:
- (1) Logo/name directory signs in shopping centers may be located near entrances to parking areas, but not less than 20 feet from any public right-of-way, and at principal intersections within the site, where such intersections are not less than 20 feet from any public right-of-way. There may be one directory sign per entrance, which shall be in accordance with (B)(3) below if more than one tenant. Such signs ***shall not exceed 18 square feet in area and 6 feet in height***. Such signs may contain logos or business names with arrows or other directional information but shall not contain any commercial message. ***Such sign shall not be illuminated***. In addition to such directory signs, any shopping center may have one detailed directory sign as described below.
 - (2) All other signs for individual tenants must be wall signs, suspended signs, or sandwich board signs.
 - (3) All directory signs ***shall be of the monument style***.

Development Services

Christopher Fletcher, AICP
Director

Planning Division

389 Spruce Street
Morgantown, WV 26505
304.284.7431



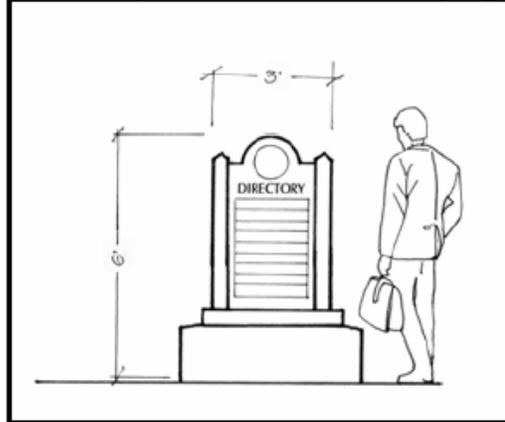
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Graphic 1369.07.01: Directory Sign



Details of the proposed ground sign include:

- An approximate 2.25 foot clearance between the bottom of the sign and the adjoining grade, which results in a post-and-panel type sign rather than a monument type sign.
- Sign area is approximately 35 square feet.
- Sign height is approximately 8.83 feet.
- Internal illumination.

As such, the following variance relief must be granted for the ground sign as proposed:

1. To permit a post-and-panel type sign rather than a monument type sign.
2. To exceed the maximum area standard by 17 square feet.
3. To exceed the maximum height standard by 2.83 feet.
4. To permit internal illumination.

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. However, Staff recommends that the following condition be included if variance relief is granted:

1. To safeguard a clear site line for motorists exiting the subject site, the proposed ground sign must be situated in the approximate location of the previous ground sign, in terms of perpendicularity to the adjacent roadway, and may not be located closer than nine (9) feet measured from the front face of the adjacent curb.

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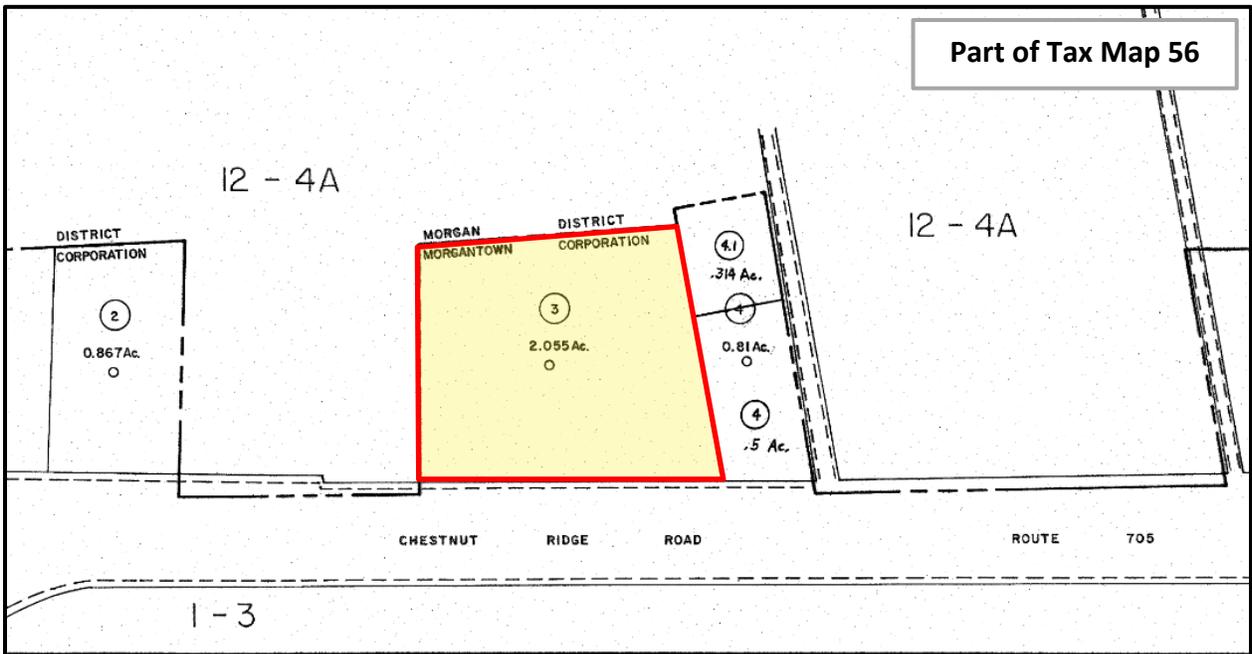
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Morgantown, WV 26505
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Enclosures: Application and accompanying exhibits

STAFF REPORT ADDENDUM A

V15-02 / Suburban Lanes Plaza / 749 Chestnut Ridge Road





STAFF REPORT ADDENDUM B

V15-02 / Suburban Lanes Plaza / 749 Chestnut Ridge Road

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:

Other business establishments in Morgantown have existing multi-tenant post-and-panel style signs that exceed the maximum height and area standards and are internally illuminated, which provide the type of visibility to the public for which the petitioner seek to emulate and enjoy.

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:

It appears that the auto-dependent nature of the development and the commercial uses require enough sign area and illumination for existing and future tenants of the existing shopping plaza. It appears that, given the number of tenants within the multi-tenant development, a monument sign that meets the maximum area and height standards would not permit a functional directory sign that can be legible from visitors arriving to the site by vehicle.

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

The sign appears to be relatively consistent with other shopping plazas throughout Morgantown, including Earl Core Road, Patteson Drive, and Van Voorhis Drive commercial corridors.

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

The sign should help promote business for the tenants and the community. The addition of the sign should serve to increase the market interest in the development and economic activity for existing and future tenants give the heavily auto-dependent nature of the development.



City of Morgantown, West Virginia

APPLICATION FOR VARIANCE PETITION

OFFICE USE	
CASE NO.	V15-02
RECEIVED:	11/19/14

(PLEASE TYPE OR PRINT IN BLACK INK)

Fee: \$75 ^{OK} 17704

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: 749 Chesnut Ridge Rd. Morgantown, WV 26505	
Owner:	Jerry Lorenze	Zoning:	B-2
Mailing Address:	735-A Chesnut Ridge Rd	Tax Map No:	56
	Street Morgantown, WV 26505	Parcel No:	3
	City State Zip	Phone:	304-599-3522
III. NARRATIVE		Please describe the nature and extent of your variance request(s).	
<p>The client would like to construct a multi-tenant pylon sign for the existing shopping plaza. The proposed pylon sign would be 9' tall by 8' wide. The sign will be illuminated with high output fluorescent lamps with electronic ballasts.</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 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.</p>			
Samantha Wade		Samantha D Wade	
Type/Print Name of Applicant/Agent	Signature of Applicant/Agent	Date	
		11/17/14	

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

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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)

The purposed sign will be at an existing shopping plaza.

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



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VII. FINDINGS OF FACT	COMPLETE THE FOLLOWING STATEMENTS IN THIRD PERSON.
<p>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.</p>	
<p>1. The variance will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents, because:</p> <p>Other business establishments in Morgantown have existing multi-tenant post-and-panel style signs that exceed the maximum height and area standards and are internally illuminated, which provide the type of visibility to the public for which the petitioner seek to emulate and enjoy.</p>	
<p>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:</p> <p>It appears that the auto-dependent nature of the development and the commercial uses require enough sign area and illumination for existing and future tenants of the existing shopping plaza. It appears that, given the number of tenants within the multi-tenant development, a monument sign that meets the maximum area and height standards would not permit a functional directory sign that can be legible from visitors arriving to the site by vehicle.</p>	



City of Morgantown, West Virginia

**APPLICATION FOR
VARIANCE PETITION**

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VII. FINDINGS OF FACT

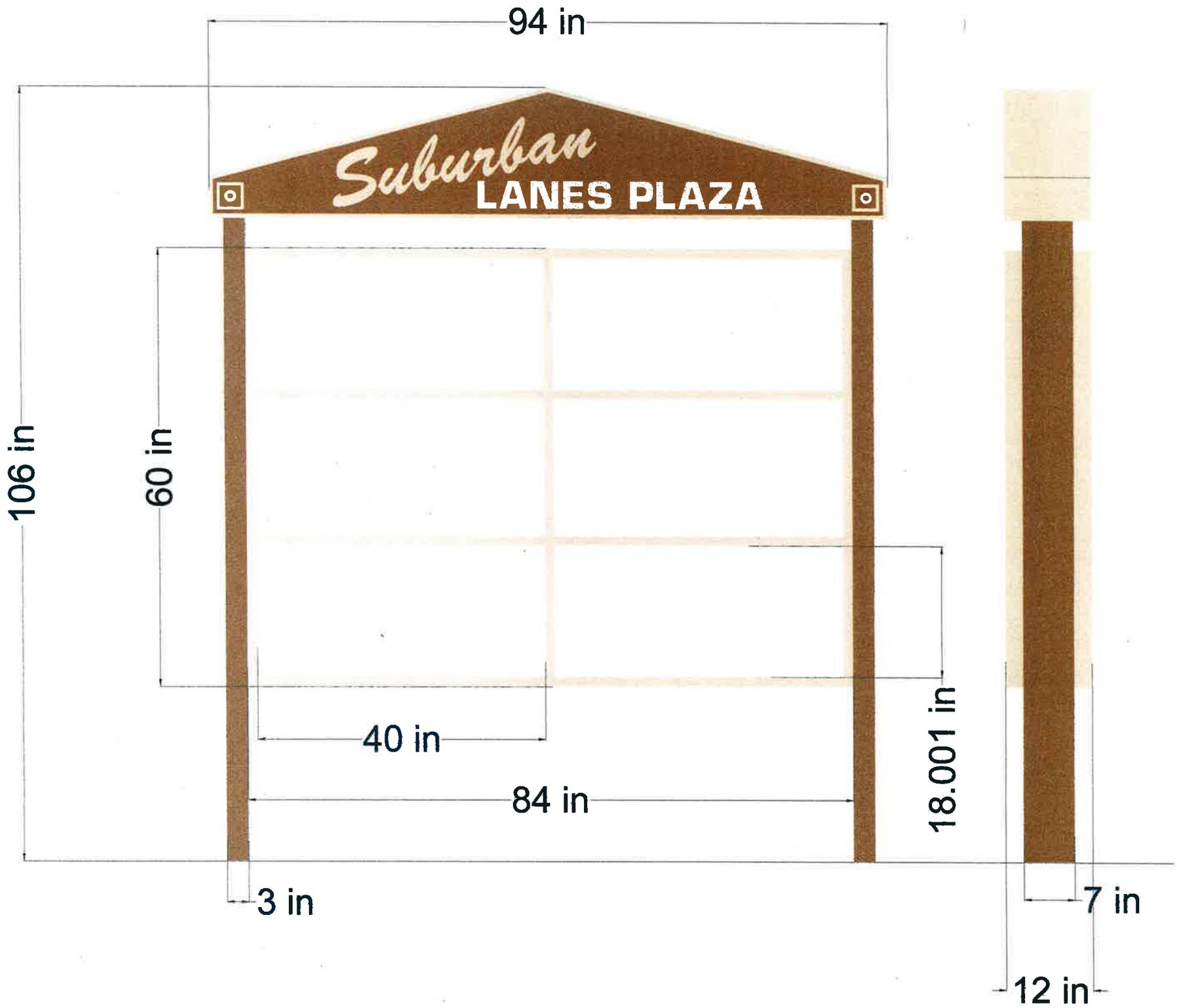
COMPLETE THE FOLLOWING STATEMENTS IN THIRD PERSON.

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

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V15-02



SIGN TO REPLACE EXISTING WOODEN POST AND PANEL SIGN



Chestnut Road



Suburban Lanes
Bowling Center

SIGN TO REPLACE EXISTING
WOODEN POST AND PANEL SIGN

Chestnut Ridge Rd