



MORGANTOWN BOARD OF ZONING APPEALS

March 18, 2015
6:30 PM
City Council Chambers

Board Members:

Leanne Cardoso, Chair
Bill Burton, Vice-Chair
Linda Herbst
George Papandreas
Jim Shaffer

STAFF REPORT

CASE NO: V15-22 / Denny's Corporation / Hornbeck Road

REQUEST and LOCATION:

Request by Scott Copen of Cheat Road Engineering, Inc., on behalf of Grate Enterprises, Inc., for variance relief from Article 1353.07(C) as it relates to cladding materials.

TAX MAP NUMBER(s) and ZONING DESCRIPTION:

Tax Map 64, Parcel 4; B-5, Shopping Center District

SURROUNDING ZONING:

B-5, Shopping Center District

BACKGROUND and ANALYSIS:

The petitioner seeks to construct a *Denny's Restaurant* on Hornbeck Road. Addendum A of this report illustrates the location of the subject site.

Article 1353.07(C)(1) provides the following cladding material standard:

"Walls shall be clad in stone, brick, marble, approved metal paneling, and/or cast concrete."

The petitioner seeks to utilize an Exterior Insulation Finish System (EIFS) in conjunction with cultured masonry materials (stone and/or brick), which in the B-5 District requires variance relief from the Board. It should be noted that similar variance relief was granted by the Board on 19 JUN 2013 under Case No. V13-18 for *Shoney's Restaurant* in Sabraton.

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.

Staff recommends approval of petition V15-22 with the following conditions:

1. That the location, area, and extent of the cultured masonry materials (stone and/or brick) illustrated on the elevations submitted with the petitioner's variance application may not be reduced.
2. That the EIFS clad facades, to the satisfaction of the Planning Division, must emulate cast concrete including the rear or west elevation.

Enclosures: Application and accompanying exhibits

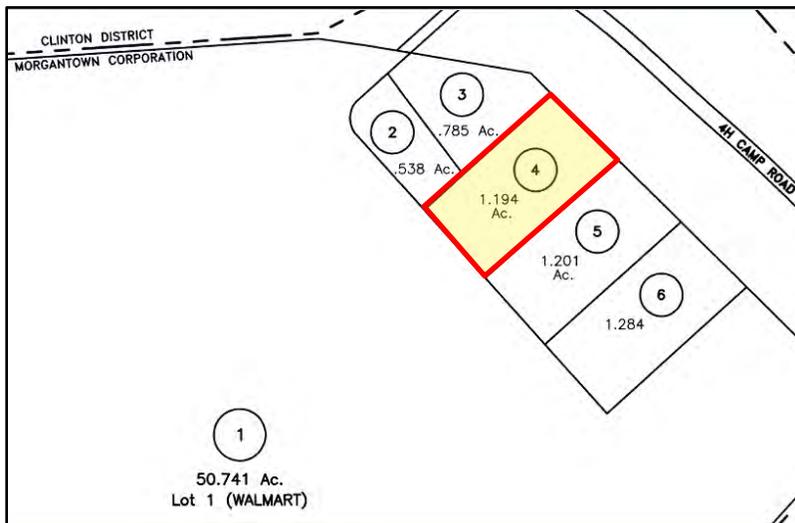
Development Services

Christopher Fletcher, AICP
Director

Planning Division

389 Spruce Street
Morgantown, WV 26505
304.284.7431

STAFF REPORT ADDENDUM A
V15-22 / Denny's Corporation / Hornbeck Road



STAFF REPORT ADDENDUM B

V15-22 / Denny's Corporation / Hornbeck Road

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:

The requested use of alternative exterior building finished has no impact on public health, safety or welfare. The adjacent properties are all commercial and will not be harmed because of the exterior building finishes.

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 variance is requested so the proposed building can be constructed in compliance with corporate standards. Denny's Corporation strives to maintain a uniform look between its individual franchise locations to ensure familiarity to its patrons; however Denny's corporate standards that are required for its franchisees does not meet current zoning requirements.

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

Denny's corporation does not allow alternate building materials, therefore for the proposed project to be feasible, a variance must be granted.

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

Use of the proposed building materials does not allow the property to be used in matter not in compliance with the zoning code. Zoning ordinances with respect to exterior finishes are for the purposed of uniformity. However, the existing commercial properties in this area we constructed prior to incorporation into the City and do not comply with the zoning code. Therefore, granting of this variance will not cause any less uniformity for future development in this area.



City of Morgantown, West Virginia

APPLICATION FOR VARIANCE PETITION

OFFICE USE	
CASE NO.	V15-22
RECEIVED:	2/6/15

(PLEASE TYPE OR PRINT IN BLACK INK)

Fee: \$75 VISA

I. APPLICANT		Name: Grate Enterprises, Inc. (Billy Gatian)	
Mailing Address:	1644 Blue Horizon Drive		Phone:
	Street	Morgantown WV 26501	Mobile: 717-471-8997
	City	State Zip	Email:
II. PROPERTY		Street Address: Hornbeck Road	
Owner:	Grate Enterprises, Inc.		Zoning: B-5
Mailing Address:	1644 Blue Horizon Drive		Tax Map No: 64
	Street	Morgantown WV 26501	Parcel No: 4
	City	State Zip	Phone: 717-471-8997
III. NARRATIVE		Please describe the nature and extent of your variance request(s).	
<p>The applicant requests relief from 1353.07(c)(1) which requires "walls to be clad in stone, brick, marble, approved metal paneling and/or cast concrete". The applicant wishes to use cultured stone veneer and an exterior insulation finishing system in addition to metal paneling.</p> <p style="text-align: center;">PAID </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>			
Scott Copen			02/06/2015
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 VARIANCE PETITION

OFFICE USE	
CASE NO.	V15-22
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 (please explain)

Restaurant

Structure Characteristics (complete only those that apply)

Total number of buildings: 1 Gross floor area of each building: 4800
 Estimated number of employees: 60 (total) No. of dwelling units: 0 No. of bedrooms: 0
 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



City of Morgantown, West Virginia

**APPLICATION FOR
VARIANCE PETITION**

OFFICE USE	
CASE NO.	V15-20
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:

The requested use of alternative exterior building finished has no impact on public health, safety or welfare. The adjacent properties are all commercial and will not be harmed because of the exterior building finishes.

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 variance is requested so the proposed building can be constructed in compliance with corporate standards. Denny's Corporation strives to maintain a uniform look between its individual franchise locations to ensure familiarity to its patrons; however Denny's corporate standards that are required for its franchisees does not meet current zoning requirements.



City of Morgantown, West Virginia

**APPLICATION FOR
VARIANCE PETITION**

OFFICE USE	
CASE NO.	V15-22
RECEIVED:	

VII. FINDINGS OF FACT

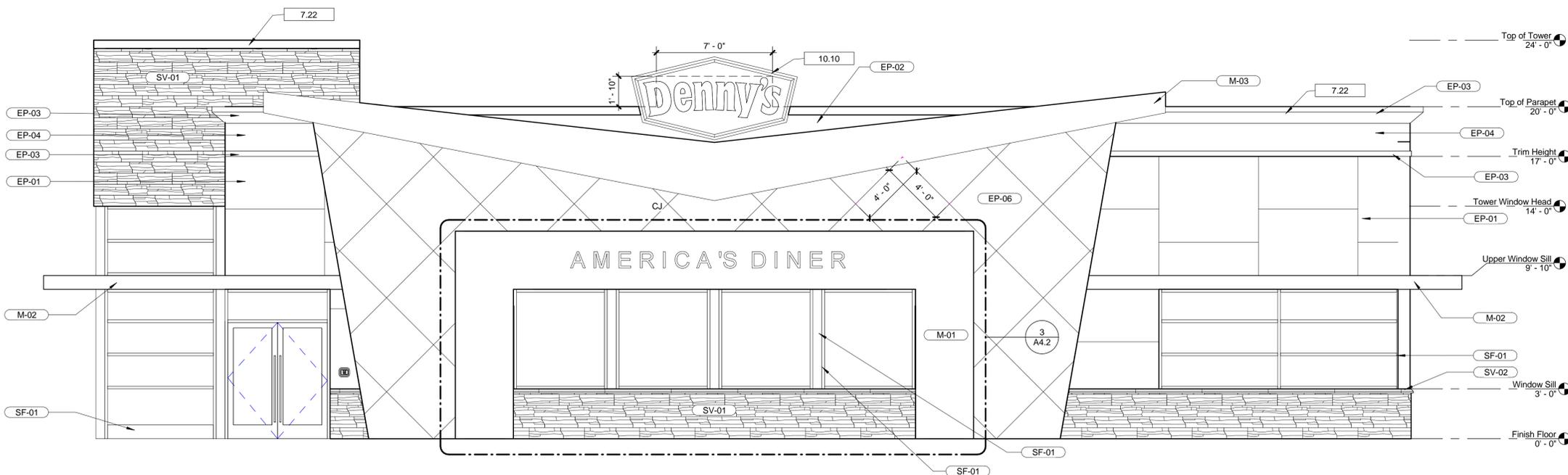
COMPLETE THE FOLLOWING STATEMENTS IN THIRD PERSON.

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

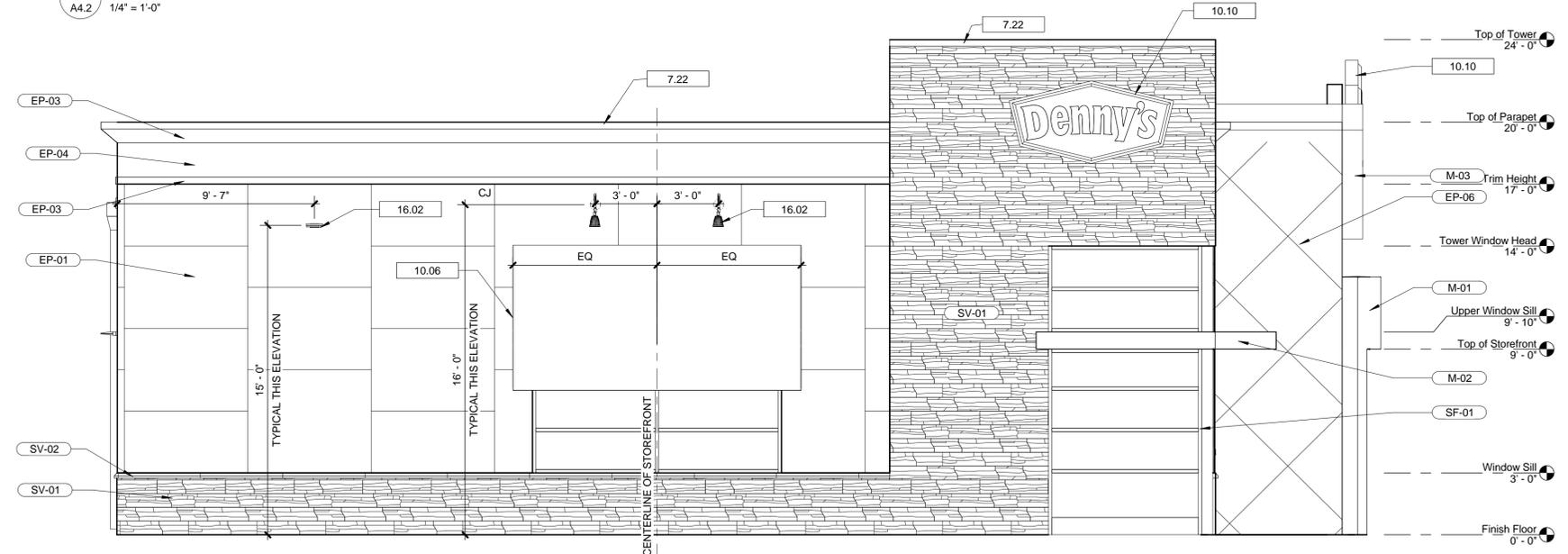
Denny's corporation does not allow alternate building materials, therefore for the proposed project to be feasible, a variance must be granted.

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

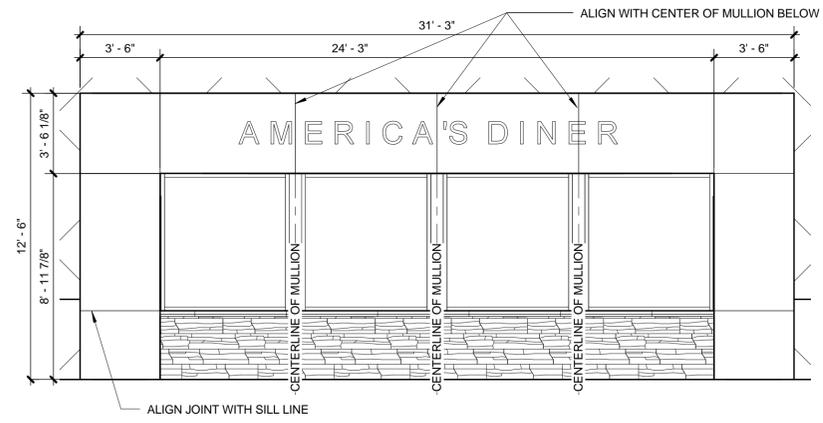
Use of the proposed building materials does not allow the property to be used in manner not in compliance with the zoning code. Zoning ordinances with respect to exterior finishes are for the purpose of uniformity. However, the existing commercial properties in this area we constructed prior to incorporation into the City and do not comply with the zoning code. Therefore, granting of this variance will not cause any less uniformity for future development in this area.



1 East Elevation
A4.2 1/4" = 1'-0"



2 South Elevation
A4.2 1/4" = 1'-0"



3 Metal Panel Joint Detail
A4.2 1/4" = 1'-0"

A4 SERIES GENERAL NOTES

- A. PROVIDE BLOCKING BEHIND ALL ATTACHED BUILDING SIGNAGE.
- B. COORDINATE EXTERIOR ELEVATIONS WITH ELECTRICAL AND MECHANICAL DRAWINGS FOR PLACEMENT OF LIGHTING, WALL HYDRANTS, MECHANICAL LOUVERS, ETC.
- C. PROVIDE BLOCKING BEHIND ALL AWNINGS TO ENSURE A 300 LB PULL OUT OR BETTER
- D. ALL UTILITY BOXES (ELECTRICAL PANELS, GAS METER, ETC.) ARE TO BE PAINTED TO MATCH EIFS IF PERMISSIBLE BY THE LOCAL UTILITY COMPANY.
- E. DOWNSPOUTS AND GUTTERS TO BE PERFORMED AND PREFINISHED COLOR TO MATCH BUILDING FIELD
- F. ALL METAL COMPONENTS ON EXTERIOR ARE TO BE PERFORMED AND PREFINISHED WHERE POSSIBLE.
- G. ALL DOORS AND WINDOWS SHALL BE DARK BRONZE ANODIZED ALUMINUM WITH GLASS AS SELECTED BY OWNER AND ARCHITECT.
- H. CAULK LINE AROUND WINDOWS AND DOOR SHALL BE 3/8" WIDE.
- I. EXTERIOR WALL FINISH TO BE INSTALLED IN STRICT ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS.
- J. ALL EXTERIOR LIGHT FIXTURES SHALL BE PREFINISHED. REFER TO ELECTRICAL DRAWINGS.
- K. ABBREVIATION 'CJ' DENOTES CONTROL JOINT.

KEYNOTES

- 7.22 PREFINISHED ALUMINUM COPING CAP WITH CONTINUOUS CLEAT, COLOR TO MATCH ADJACENT MATERIAL. SLOPE TO DRAIN TO ROOF. TYP.
- 10.06 AWNING AND FRAME, PROVIDE BLOCKING AS REQUIRED FOR INSTALLATION. CONFIRM MOUNTING REQUIREMENTS WITH OWNER'S VENDOR.
- 10.10 SIGN BY OTHERS. GENERAL CONTRACTOR SHALL PROVIDE BLOCKING AND POWER AS REQUIRED. COORDINATE INSTALLATION WITH OWNER'S VENDOR.
- 16.02 LIGHT FIXTURE, REFER TO ELECTRICAL DRAWINGS.

Tag	Description	Manufacturer	Model	Material: Comments	Manufacturer	Comments
EP-01	Building Field	Sherwin-Williams	SW 7038 Tony Taupe	Exterior	Dryvit, Ed West, Circle Supply, 1-800-227-0050, edw@circlenc.com	Painted EIFS material, refer to specifications
EP-02	Accent Color	Sherwin-Williams	SW 7027 Well Bred Brown	Exterior	Dryvit, Ed West, Circle Supply, 1-800-227-0050, edw@circlenc.com	
EP-03	Accent color	Sherwin-Williams	Sherwin Williams Color Match Martha Stewart #MLS026 Barn	Exterior		
EP-04	Accent Color	Sherwin-Williams	SW 7675 Sealskin	Exterior	Dryvit, Ed West, Circle Supply, 1-800-227-0050, edw@circlenc.com	Painted EIFS material, refer to specifications
EP-06	Diamond Scored EIFS	Sherwin-Williams	SW 7009 Pearly White	Exterior	Dryvit, Ed West, Circle Supply, 1-800-227-0050, edw@circlenc.com	Painted EIFS material, refer to specifications. Provide diamond score pattern as shown on drawings, 4'-0"x4'-0"
M-01	Vee Portal Metal Panel System	Alpolic	Alpolic /fr - Titanium	Exterior		
M-02	Metal Accent Band	Sherwin-Williams	Color Match Martha Stewart #MSL026 Barn	Exterior		
M-03	Metal "Vee"	Sherwin-Williams	Color Match Martha Stewart #MSL026 Barn	Exterior		
SF-01	Storefront	Kawneer VG Trifab 451-T or Equal	Dark Bronze Anodized	Exterior		
SV-01	Cultured Stone Veneer Panels	Eldorado Stone	Montecito Cliffstone	Exterior	customerservice@eldoradostone.com (800)925-1491	
SV-02	Cultured Stone Veneer Panels	Eldorado Stone	Montecito Cliffstone sill stone shape	Exterior	customerservice@eldoradostone.com (800)925-1491	

THE INFORMATION CONTAINED HEREIN IS THE SOLE PROPERTY OF THE THRASHER GROUP INC. REPRODUCTION OF THESE DOCUMENTS IN WHOLE OR IN PART, FOR ANY REASON WITHOUT PRIOR WRITTEN PERMISSION, IS STRICTLY PROHIBITED. COPYRIGHT © 2015 THE THRASHER GROUP INC.

NO.	BY	DATE	DESCRIPTION



SCALE: 1/4" = 1'-0"	DATE:
DRAWN: cmc	DATE:
CHECKED:	DATE:
APPROVED:	DATE:
SURVEY DATE:	
FIELD BOOK No.:	

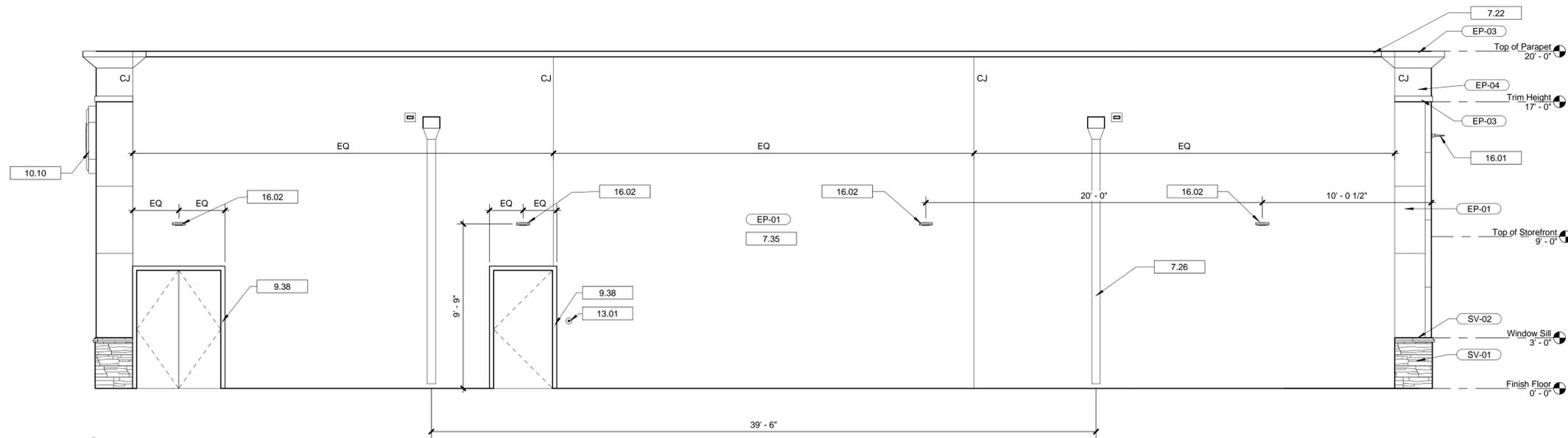
THRASHER
THE THRASHER GROUP INC.
600 WHITE OAKS BOULEVARD, BRIDGEPORT, WV 26330
PHONE (304) 624-4108 (FAX) (304) 624-7931

PHASE No.	
CONTRACT No.	
PROJECT No.	060-0589

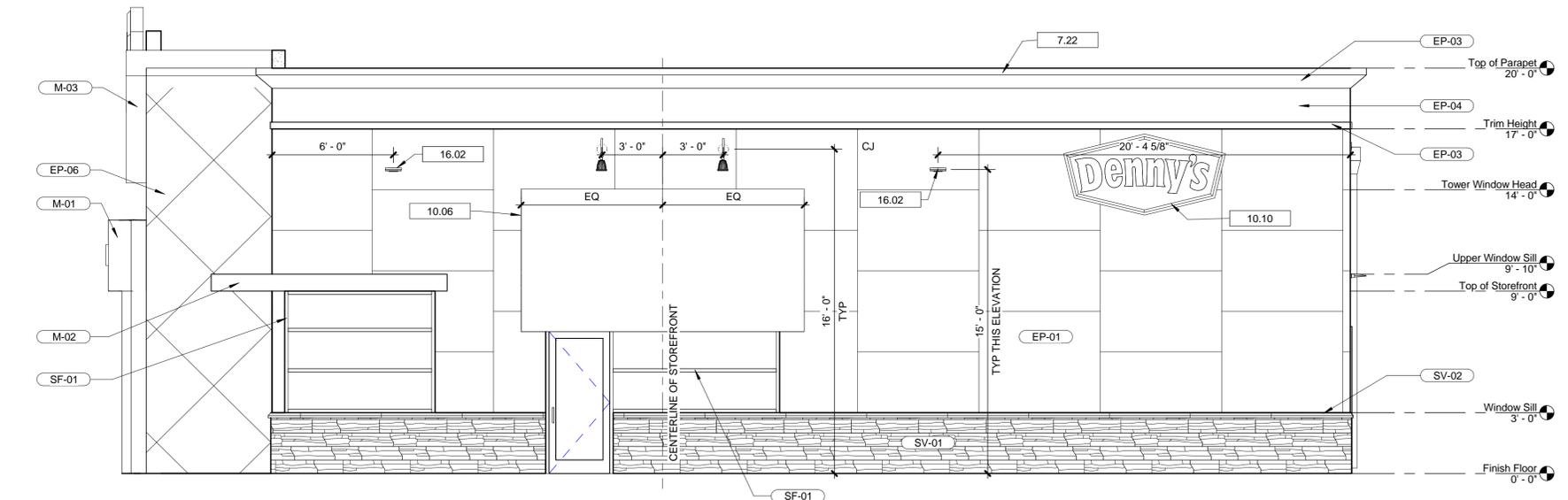
Exterior Elevations
Heritage Prototype
HORNBECK ROAD MORGANTOWN, WV
1/21/15
3D STUDIOS

SHEET No.
A4.2

LAYOUT TAB: Exterior Elevations PLOT DATE/TIME: 1/29/2015 10:14:46 AM USER: cmc CAD FILE: R:\060-0589 - GRATE ENTERPRISE - Denny's_Morgantown\Drawings\1-29-15\15015-Denny's_Prototype_3D_Studios.dwg, Owner: 2/10/15



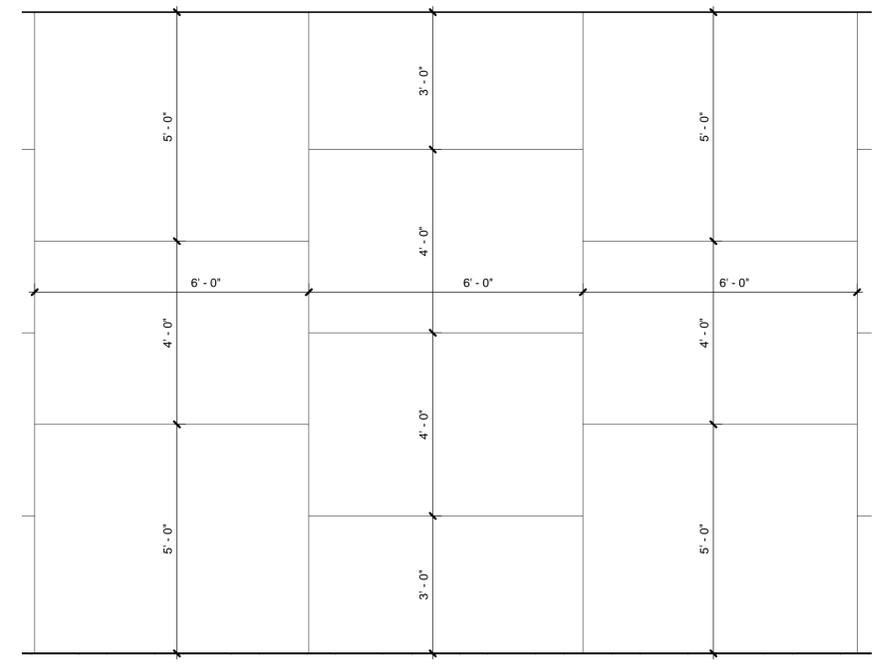
1 West Elevation
A4.1 1/4" = 1'-0"



2 North Elevation
A4.1 1/4" = 1'-0"

Finish Schedule - Exterior

Tag	Description	Manufacturer	Model	Material: Comments	Manufacturer	Comments
EP-01	Building Field	Sherwin-Williams	SW 7038 Tony Taupe	Exterior	Dryvit, Ed West, Circle Supply, 1-800-227-0050, edw@circlenc.com	Painted EIFS material, refer to specifications
EP-02	Accent Color	Sherwin-Williams	SW 7027 Well Bred Brown	Exterior	Dryvit, Ed West, Circle Supply, 1-800-227-0050, edw@circlenc.com	
EP-03	Accent color	Sherwin-Williams	Sherwin Williams Color Match Martha Stewart #MLS026 Barn	Exterior		
EP-04	Accent Color	Sherwin-Williams	SW 7675 Sealskin	Exterior	Dryvit, Ed West, Circle Supply, 1-800-227-0050, edw@circlenc.com	Painted EIFS material, refer to specifications
EP-06	Diamond Scored EIFS	Sherwin-Williams	SW 7009 Pearly White	Exterior	Dryvit, Ed West, Circle Supply, 1-800-227-0050, edw@circlenc.com	Painted EIFS material, refer to specifications. Provide diamond score pattern as shown on drawings, 4'-0"x4'-0"
M-01	Vee Portal Metal Panel System	Alpolic	Alpolic /fr - Titanium	Exterior		
M-02	Metal Accent Band	Sherwin-Williams	Color Match Martha Stewart #MSL026 Barn	Exterior		
M-03	Metal "Vee"	Sherwin-Williams	Color Match Martha Stewart #MSL026 Barn	Exterior		
SF-01	Storefront	Kawneer VG Trifab 451-T or Equal	Dark Bronze Anodized	Exterior		
SV-01	Cultured Stone Veneer Panels	Eldorado Stone	Montecito Cliffstone	Exterior	customerservice@eldoradostone.com (800)925-1491	
SV-02	Cultured Stone Veneer Panels	Eldorado Stone	Montecito Cliffstone sill stone shape	Exterior	customerservice@eldoradostone.com (800)925-1491	



3 Score Pattern Detail (Building Field)
A4.1 1/2" = 1'-0"

A4 SERIES GENERAL NOTES

- A. PROVIDE BLOCKING BEHIND ALL ATTACHED BUILDING SIGNAGE.
- B. COORDINATE EXTERIOR ELEVATIONS WITH ELECTRICAL AND MECHANICAL DRAWINGS FOR PLACEMENT OF LIGHTING, WALL HYDRANTS, MECHANICAL LOUVERS, ETC.
- C. PROVIDE BLOCKING BEHIND ALL AWNINGS TO ENSURE A 300 LB PULL OUT OR BETTER
- D. ALL UTILITY BOXES (ELECTRICAL PANELS, GAS METER, ETC.) ARE TO BE PAINTED TO MATCH EIFS IF PERMISSIBLE BY THE LOCAL UTILITY COMPANY.
- E. DOWNSPOUTS AND GUTTERS TO BE PREFORMED AND PREFINISHED COLOR TO MATCH BUILDING FIELD
- F. ALL METAL COMPONENTS ON EXTERIOR ARE TO BE PREFORMED AND PREFINISHED WHERE POSSIBLE.
- G. ALL DOORS AND WINDOWS SHALL BE DARK BRONZE ANODIZED ALUMINUM WITH GLASS AS SELECTED BY OWNER AND ARCHITECT.
- H. CAULK LINE AROUND WINDOWS AND DOOR SHALL BE 3/8" WIDE.
- I. EXTERIOR WALL FINISH TO BE INSTALLED IN STRICT ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS.
- J. ALL EXTERIOR LIGHT FIXTURES SHALL BE PREFINISHED. REFER TO ELECTRICAL DRAWINGS.
- K. ABBREVIATION "CJ" DENOTES CONTROL JOINT.

KEYNOTES

- 7.22 PREFINISHED ALUMINUM COPING CAP WITH CONTINUOUS CLEAT. COLOR TO MATCH ADJACENT MATERIAL. SLOPE TO DRAIN TO ROOF. TYP.
- 7.26 PREFINISHED ALUMINUM CONDUCTOR HEAD AND DOWNSPOUT. ROUTE BELOW GRADE TO STORM DRAIN. REFER TO SPECIFICATIONS.
- 7.35 UNSCORED EIFS THIS ELEVATION ONLY. ALL OTHER ELEVATIONS SHALL BE SCORED AS INDICATED ON DRAWINGS. PROVIDE CONTROL JOINTS AS INDICATED.
- 9.38 DOOR AND FRAME TO BE PAINTED TO MATCH ADJACENT EIFS.
- 10.06 AWNING AND FRAME, PROVIDE BLOCKING AS REQUIRED FOR INSTALLATION. CONFIRM MOUNTING REQUIREMENTS WITH OWNER'S VENDOR.
- 10.10 SIGN BY OTHERS. GENERAL CONTRACTOR SHALL PROVIDE BLOCKING AND POWER AS REQUIRED. COORDINATE INSTALLATION WITH OWNER'S VENDOR.
- 13.01 DOORBELL.
- 16.01 LIGHT FIXTURE BEYOND, REFER TO ELECTRICAL DRAWINGS.
- 16.02 LIGHT FIXTURE, REFER TO ELECTRICAL DRAWINGS.

LAYOUT TAB: Exterior Elevations
 PLOT DATE/TIME: 1/29/2015 10:14:40 AM
 CAD FILE: \\p01-0589 - GRATE ENTERPRISES - Denny's_Morgantown\Drawings\1-29-2015_Denny's_Prototype_3D_Studies_Arch_A4.1.dwg
 USER: cmc

THE INFORMATION CONTAINED HEREIN IS THE
 SOLE PROPERTY OF THE THRASHER GROUP INC.
 REPRODUCTION OF THESE DOCUMENTS IN WHOLE
 OR IN PART, FOR ANY REASON WITHOUT PRIOR
 WRITTEN PERMISSION, IS STRICTLY PROHIBITED.
 COPYRIGHT © 2015 THE THRASHER GROUP INC.

NO.	BY	DATE	DESCRIPTION



SCALE: (As Indicated)	DATE:
DRAWN: cmc	DATE:
CHECKED:	DATE:
APPROVED:	DATE:
SURVEY DATE:	
SURVEY BY:	
FIELD BOOK No.:	

THRASHER
 THE THRASHER GROUP INC.
 600 WHITE OAKS BOULEVARD, BRIDGEPORT, WV 26330
 PHONE (304) 624-4108 FAX (304) 624-7831

PHASE No.	
CONTRACT No.	
PROJECT No.	060-0589

Exterior Elevations
 Heritage Prototype
 HORNBECK ROAD MORGANTOWN, WV
 1/21/15
 3D STUDIES

SHEET No.
A4.1