



# MORGANTOWN BOARD OF ZONING APPEALS

June 17, 2015  
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:** V15-36 / Park & Madison Boutique / 407 High Street

### **REQUEST and LOCATION:**

Request by Shannon Coombs, on behalf of Park & Madison Boutique, for variance relief from Article 1369 as it relates to signage at 310 High Street.

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

Tax Map 26, Parcel 85; B-4, General Business District

### **SURROUNDING ZONING:**

B-4, General Business District

### **BACKGROUND and ANALYSIS:**

The petitioner seeks to erect a 20.8 square foot wall sign for *Park & Madison Boutique* located at 407 High Street. Addendum A of this report illustrates the location of the subject site.

Article 1369.07(I)(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 the *Park & Madison Boutique* is approximately 15 feet and the maximum area for the subject wall sign is calculated to be six (6) square feet. As such, the proposed sign requires a 14.8 square foot variance.

The petitioner's proposed sign was sent via email to the Downtown Design Review Committee members on 13 May 2015 for consultation. Comments received were:

- "Looks nice."
- "P & M sign is ok."
- "I have no objection to the Park & Madison sign."
- "It seems like a simple, elegant sign and my only thought would be spot lighting."
- "I am fine with the 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). As is customary with sign variance petitions, no recommendation is submitted by Staff concerning whether or not variance relief should be granted.

Enclosures: Application and accompanying exhibits

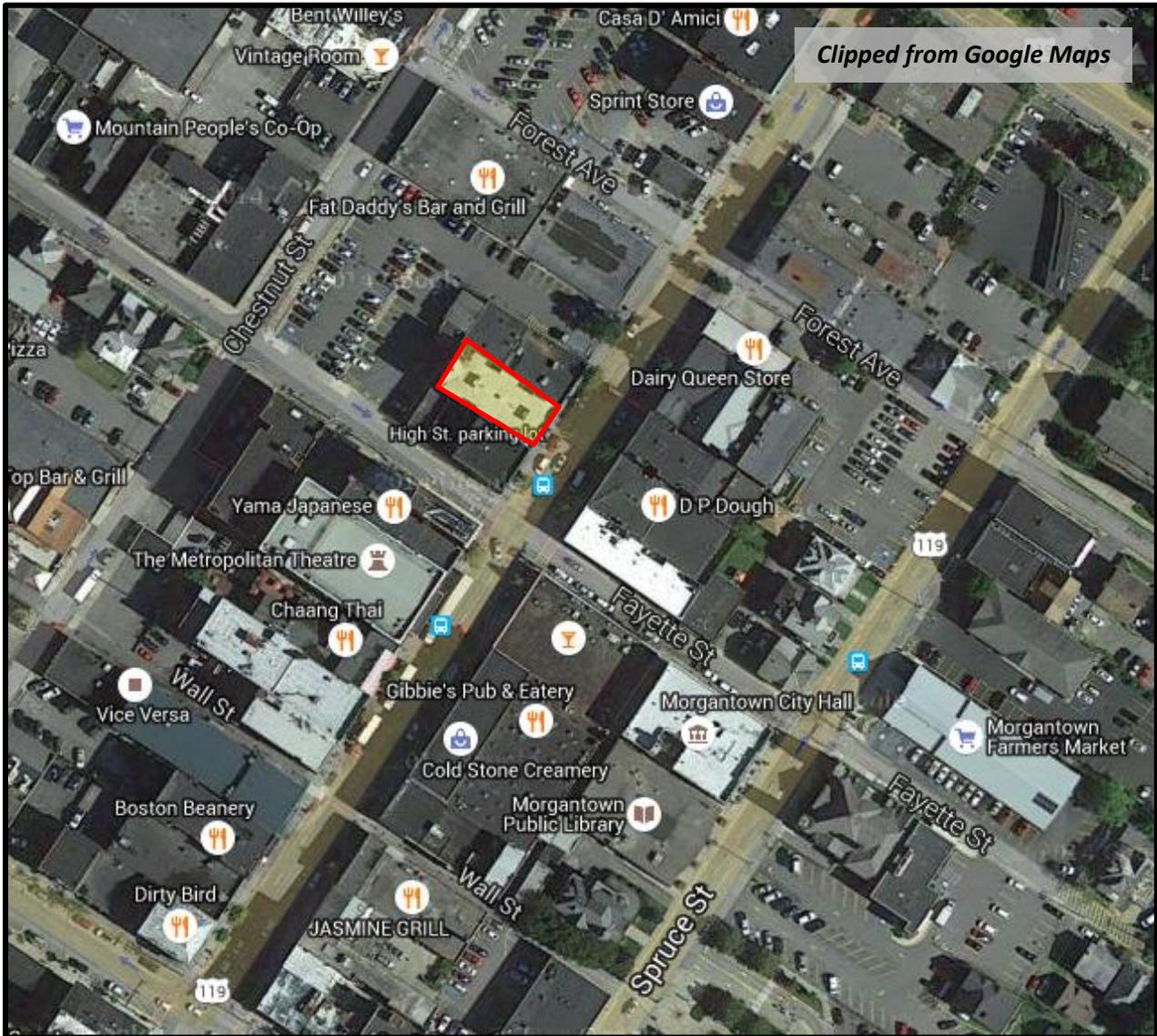
## **Development Services**

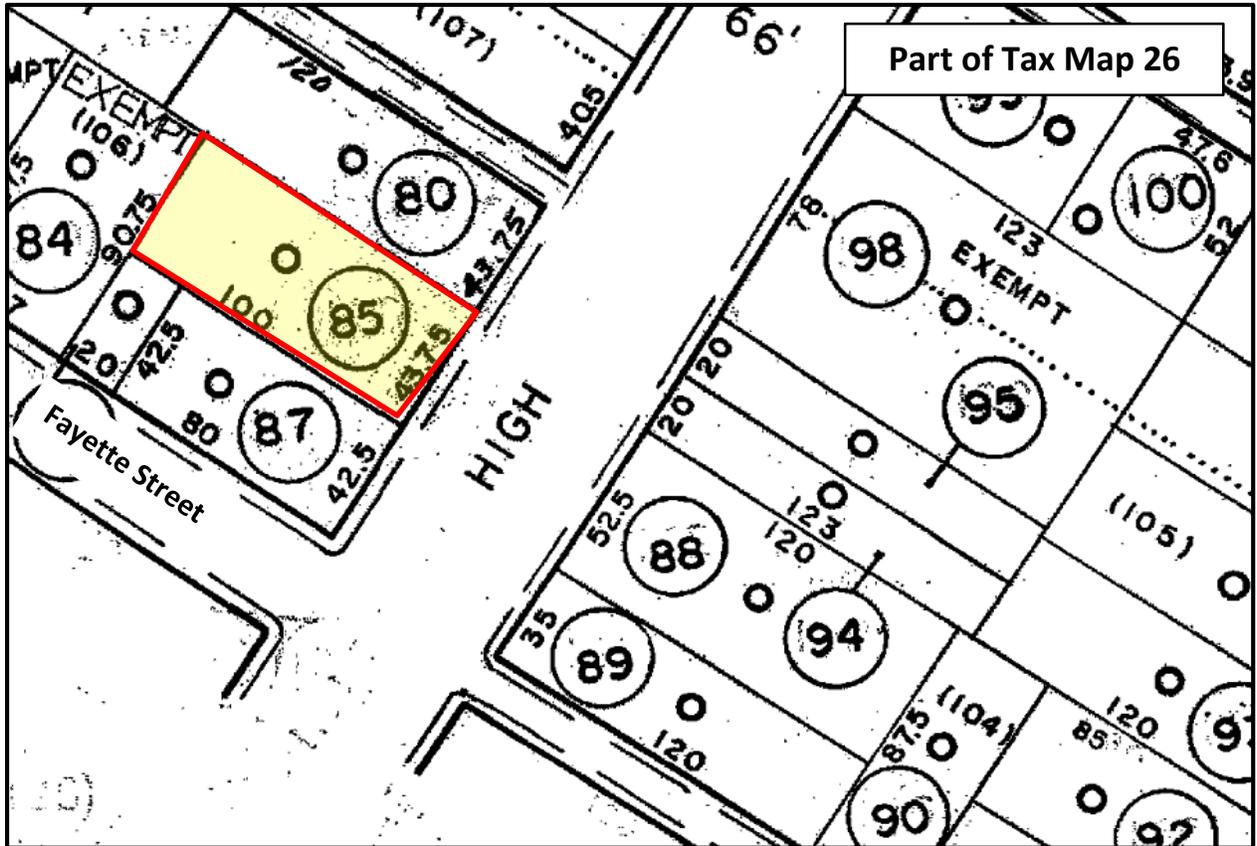
Christopher Fletcher, AICP  
Director

## **Planning Division**

389 Spruce Street  
Morgantown, WV 26505  
304.284.7431

**STAFF REPORT ADDENDUM A**  
**V15-36 / Park & Madison Boutique / 407 High Street**





## STAFF REPORT ADDENDUM B

### V15-36 / Park & Madison Boutique / 407 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:

~~We are only placing letters on a sign, this will not affect anyone on any level.~~ The scale of the proposed wall sign appears to match the scale of the wall sign for the former *Slight Indulgence* establishment that formerly occupied the space as illustrated below, which did not appear to adversely affect public health, safety or welfare or the rights of adjacent property owners or residents.



**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:

~~We had existing 'acrylic' letters and wanted to reuse them for this store. The letters aren't really large at all.~~ The transom area of the storefront frame appears to have been converted to a freeze/sign band several years ago thereby creating a larger backdrop for a wall sign. A wall sign of not more than six (6) square feet would not be legible to the motoring and pedestrian traffic and would appear to be lost in the larger backdrop.

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

~~We invested \$1,800 to have the letters made, so to be able to use them again (upcycle) would be wonderful.~~ It appears that the majority of the storefront transoms along High Street, including the subject property, have been converted to freeze/sign bands decades ago. Most establishments have filled these backdrops with wall signs. This trend has established wall sign patterns and characteristics that are not acknowledged in the maximum wall sign area standard. Additionally, many of the storefront widths along High Street are less than 20 feet wide, which hinders establishment from observing the maximum wall sign standard while effectively communicating to customers.

**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 will be done with good quality materials and will be able to go up quickly once sign is approved.~~ With exception of area, the proposed sign observes all materials and lighting requirements. Additionally, similar variance relief has been granted for a number of establishments along High Street since 2006.



City of Morgantown, West Virginia

APPLICATION FOR VARIANCE PETITION

OFFICE USE	
CASE NO.	VIS-36
RECEIVED:	-

(PLEASE TYPE OR PRINT IN BLACK INK)

Fee: \$75

VISA

<b>I. APPLICANT</b>		Name:	Shannon Coombs / Park + Madison Boutique		
Mailing Address:	Street	407 High Street		Phone:	304-276-4405
	City	State	Zip	Mobile:	
	Morgantown	WV	26505	Email:	

<b>II. PROPERTY</b>		Street Address:	407 High Street		
Owner:	Park + Madison LLC		Zoning:	Downtown	
Mailing Address:	Street	407 High Street		Tax Map No:	
	City	State	Zip	Parcel No:	
	Morgantown	WV	26505	Phone:	

<b>III. NARRATIVE</b>	Please describe the nature and extent of your variance request(s).
<p>Our letters on our sign exceed the square footage limit.</p> <p style="text-align: center;"><b>PAID</b> MAY 08 2015 <b>PAID</b></p>	

<b>V. ATTEST</b>	BY: _____	
<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>		
Shannon Coombs		5/8/15
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  
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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*)

- 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.

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:

We are only placing letters on a sign, this will not affect anyone on any level.

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:

We had existing ~~signs~~ acrylic letters and wanted to reuse them for this store. The letters aren't really large at all...



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VII. FINDINGS OF FACT	COMPLETE THE FOLLOWING STATEMENTS IN THIRD PERSON.
<p>3. The variance will eliminate an unnecessary hardship and permit a reasonable use of the land, because:</p> <p>We invested \$1,800 to have the letters made, so to be able to use them again (upcycle) would be wonderful.</p>	
<p>4. The variance will allow the intent of the zoning ordinance to be observed and substantial justice done, because:</p> <p>The sign will be done w/<sup>good</sup> quality materials and will be able to go up quickly once sign is approved.</p>	

21" tall

21" tall

*Park & Madison* → 3.5" x 3.5"  
**BOUTIQUE** - 6.5" x 6" each letter

**34.5" x 164.5" plank**

- \* Cedar Planks with whitewashed stain
- \* Letters → light weight acrylic *BLACK/BRONZE OPAQUE*
- \* Need variance on square footage for letters,
- \* Letters = 100" wide by 30" tall (that includes the 6" between the two rows.) *20.8 sq. ft*
- \* NOT LIGHTED
- \* *WIDTH OF STORE FRONT*

*PARK & MADISON*  
BOUTIQUE

