MORGANTOWN BOARD OF ZONING APPEALS

July 15, 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: V15-36 / 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.

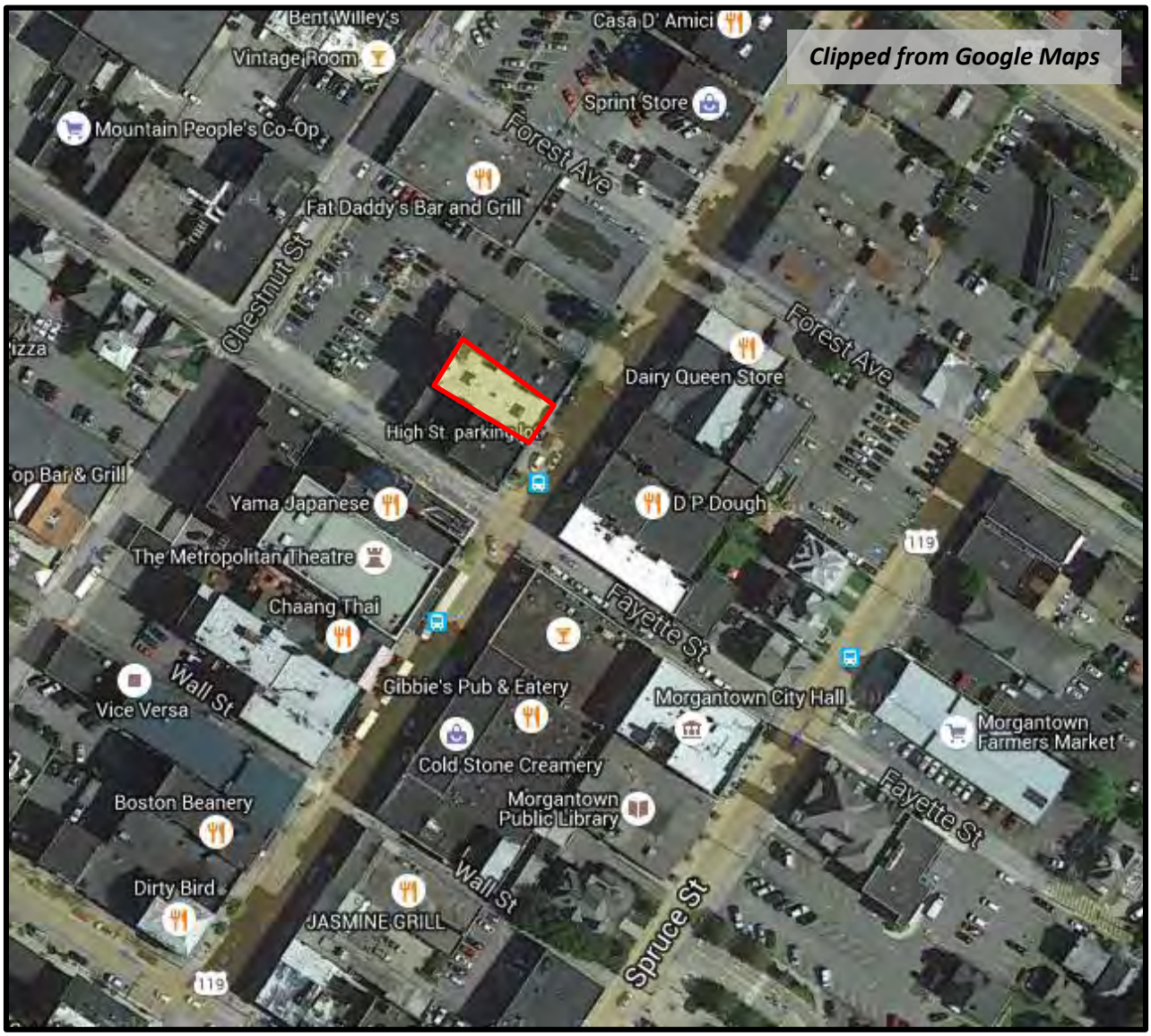
Enclosures: Application and accompanying exhibits

Development Services
Christopher Fletcher, AICP
Director

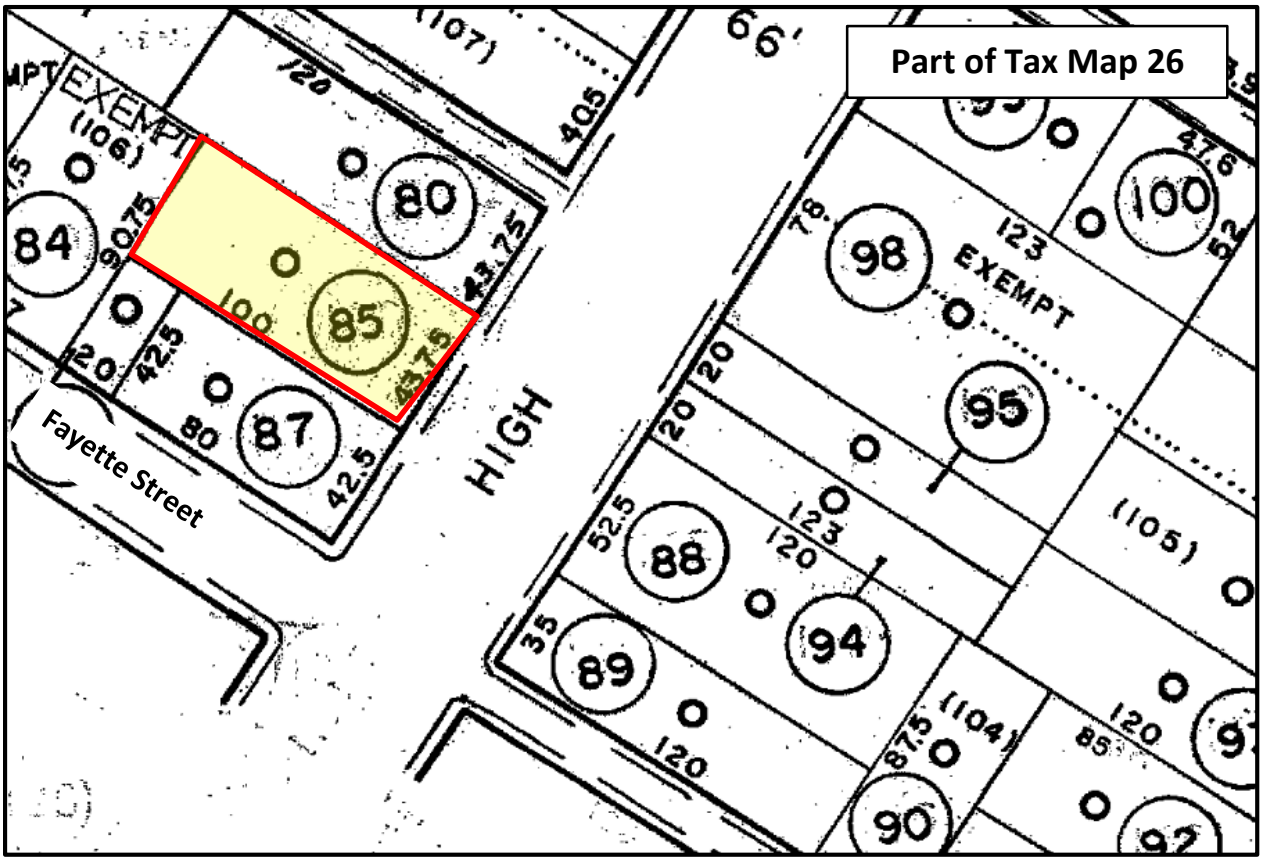
Planning Division
389 Spruce Street
Morgantown, WV 26505
304.284.7431

STAFF REPORT ADDENDUM A

V15-36 / Park & Madison Boutique / 407 High Street



Clipped from Google Maps
417 US-119
Exit Street
JIMMY JOHN'S
GOURMET SANDWICHES
Slight INDULGENCE
GOURMET FOOD & WINE
Grill
OPEN
225-2535


Part of Tax Map 26
Fayette Street
HIGH
EXEMPT
(106)
(107)
(105)
(104)
84
80
85
87
88
89
90
94
95
98
100
66'
405
120
90.75
43.75
42.5
52.5
35
123
EXEMPT

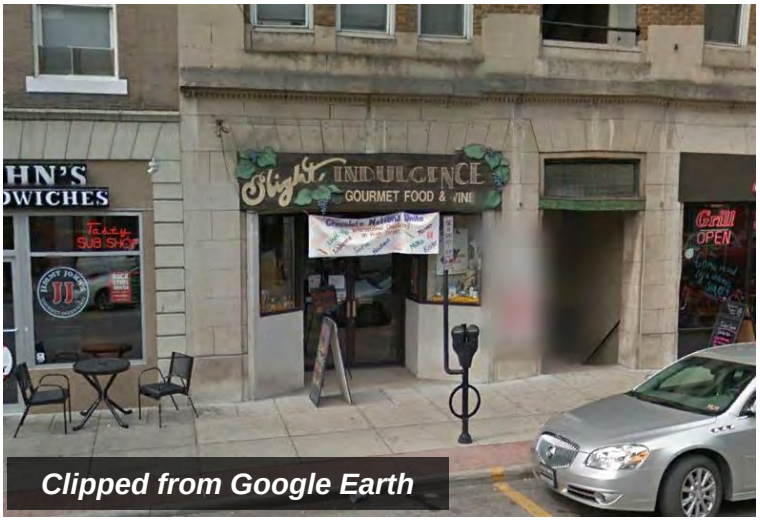
STAFF REPORT ADDENDUM B

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.



Clipped from Google Earth

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.	V15-36
RECEIVED:	-

VISA

(PLEASE TYPE OR PRINT IN BLACK INK)

Fee: $75

I. APPLICANT			
Name:	Shannon Coombs / Park + Madison Boutique		
Mailing Address:	Street: 407 High Street	Phone:	304-276-4485
		Mobile:	
	City: Morgantown State: WV Zip: 26505	Email:	

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

III. NARRATIVE Please describe the nature and extent of your variance request(s).

Our letters on our sign exceed the square footage limit.

PAID MAY 08 2015 BY:

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.

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 VARIANCE PETITION

OFFICE USE	
CASE NO.	V15-36
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

City of Morgantown, West Virginia

APPLICATION FOR VARIANCE PETITION

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CASE NO.	V15-36
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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 ~~[illegible]~~ acrylic letters and wanted to reuse them for this store. The letters aren't really large at all...

City of Morgantown, West Virginia

APPLICATION FOR VARIANCE PETITION

OFFICE USE	
CASE NO.	V15-36
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:

We invested $1,800 to have the letters made, so to be able to use them again (upcycle) would be wonderful.

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

The sign will be done w/ good quality materials and will be able to go up quickly once sign is approved.

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

Zimbra **shollar@cityofmorgantown.org**

Re: Sign - Park & Madison - Need Comments

From : Tom <tom@alleghenyrestoration.com> Wed, May 13, 2015 05:43 PM

Subject : Re: Sign - Park & Madison - Need Comments

To : Stacy Hollar <shollar@cityofmorgantown.org>

Cc : Downtown Design Review Committee <morgantowncellar@yahoo.com>, William Kawecki <citycouncilward2@cityofmorgantown.org>, bob carubia <bobcard33@gmail.com>, Coni Merandi <coniandfranc@hotmail.com>, Michael Mills <mmills@millsgroup.biz>

Looks nice

Sent from my iPhone

On May 13, 2015, at 8:37 AM, Stacy Hollar <shollar@cityofmorgantown.org> wrote:

Good morning,

Please review the attached proposed signage for Park & Madison which is located at 407 High Street.

Kindly respond with your comments and/or suggestions for the proposed sign at your earliest convenience.

Thank you,

Stacy Hollar
Executive Secretary
Development Services Department
389 Spruce Street
Morgantown, WV 26505
304-284-7431
shollar@cityofmorgantown.org

<Park & Madison storefront in PA sign to scale 2015.JPG>

<V15-36_Scanned-Application.pdf>

Zimbra **shollar@cityofmorgantown.org**

Re: Sign - Park & Madison - Need Comments

From : Michael Mills <mmills@millsgrouponline.com> Wed, May 13, 2015 06:05 PM

Subject : Re: Sign - Park & Madison - Need Comments

To : Stacy Hollar <shollar@cityofmorgantown.org>

Cc : Downtown Design Review Committee <morgantowncellar@yahoo.com>, William Kawecki <citycouncilward2@cityofmorgantown.org>, bob carubia <bobcard33@gmail.com>, Coni Merandi <coniandfranc@hotmail.com>, Tom Anderson <tom@alleghenyrestoration.com>

I am fine with the sign

All the best,

Michael Mills
Sent from my iPhone

On May 13, 2015, at 8:37 AM, Stacy Hollar <shollar@cityofmorgantown.org> wrote:

Good morning,

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shollar@cityofmorgantown.org

<Park & Madison storefront in PA sign to scale 2015.JPG>

<V15-36_Scanned-Application.pdf>

Zimbra **shollar@cityofmorgantown.org**

RE: Sign - Park & Madison - Need Comments

From : connie merandi <coniandfranc@hotmail.com> Wed, May 13, 2015 09:27 AM
Subject : RE: Sign - Park & Madison - Need Comments
To : Stacy Hollar <shollar@cityofmorgantown.org>

It seems like a simple, elegant sign and my only thought would be spot lighting.

Connie Merandi

Date: Wed, 13 May 2015 08:37:41 -0400
From: shollar@cityofmorgantown.org
To: morgantowncellar@yahoo.com; citycouncilward2@cityofmorgantown.org; bobcard33@gmail.com; coniandfranc@hotmail.com; mmills@millsgroup.biz; tom@alleghenyrestoration.com
Subject: Sign - Park & Madison - Need Comments

Good morning,

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304-284-7431
shollar@cityofmorgantown.org

Zimbra **shollar@cityofmorgantown.org**

Re: Sign - Park & Madison - Need Comments

From : Bill <wm_a_kawecki@comcast.net> Wed, May 13, 2015 03:03 PM

Subject : Re: Sign - Park & Madison - Need Comments

To : Stacy Hollar <shollar@cityofmorgantown.org>

Cc : Downtown Design Review Committee <morgantowncellar@yahoo.com>, William Kawecki <citycouncilward2@cityofmorgantown.org>, Bob Carubia <bobcard33@gmail.com>, Coni Merandi <coniandfranc@hotmail.com>, Michael Mills <mmills@millsgroup.biz>, Tom Anderson <tom@alleghenyrestoration.com>

I have no objection to the Park & Madison sign.

From: "Stacy Hollar" <shollar@cityofmorgantown.org>
To: "Downtown Design Review Committee" <morgantowncellar@yahoo.com>, "William Kawecki" <citycouncilward2@cityofmorgantown.org>, "bob carubia" <bobcard33@gmail.com>, "Coni Merandi" <coniandfranc@hotmail.com>, "Michael Mills" <mmills@millsgroup.biz>, "Tom Anderson" <tom@alleghenyrestoration.com>
Sent: Wednesday, May 13, 2015 8:37:41 AM
Subject: Sign - Park & Madison - Need Comments

Good morning,

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Development Services Department
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Morgantown, WV 26505
304-284-7431
shollar@cityofmorgantown.org

Zimbra **shollar@cityofmorgantown.org**

Re: Sign - Park & Madison - Need Comments

From : bob carubia <bobcard33@gmail.com> Thu, May 14, 2015 12:58 PM
Subject : Re: Sign - Park & Madison - Need Comments
To : Stacy Hollar <shollar@cityofmorgantown.org>

P&M sign is ok
bob

On Wed, May 13, 2015 at 8:37 AM, Stacy Hollar <shollar@cityofmorgantown.org> wrote:

> Good morning,
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> shollar@cityofmorgantown.org