



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: V15-44 / Lotsa Mozza / 419 High Street

REQUEST and LOCATION:

Request by Rudy Hoffert on behalf of City Neon, Inc., for variance relief from Article 1369 as it relates to signage at 419 High Street.

TAX MAP NUMBER(s) and ZONING DESCRIPTION:

Tax Map 26, Parcel 80; B-4, General Business District

SURROUNDING ZONING:

B-4, General Business District

BACKGROUND and ANALYSIS:

The petitioner seeks to erect five (5) wall signs and one (1) suspended sign on the proposed *Lotsa Mozza* establishment currently under construction at 419 High Street, which was the former *Daniel's Men's Clothing* store. Addendum A of this report illustrates the location of the subject site.

Wall Signs

Article 1369.07(l)(1) provides that the maximum area for wall signs in the B-4 District is determined by multiplying the storefront width in feet by 0.4. The storefront width of the proposed *Lotsa Mozza* tenant space is approximately 44 feet, which results in a maximum wall sign area standard of 17.6 square feet.

Additionally, Article 1369.08(B) provides that signs in the B-4 District are limited in materials to wood; sculpted "sign foam"; ornamental metals such as bronze, brass, copper, etc.; painted aluminum panels, stone or masonry (with concrete blocks being covered with stucco).

The following table summarizes the individual and total sign areas illustrated in the petitioner's master sign plan along with the requisite variance relief as proposed.

Sign ID	Sign Illustration (not to scale)	Proposed Area
F-1 Front Awning		23.95 sq. ft.
F-2 Front Awning		5.93 sq. ft.

Development Services
Christopher Fletcher, AICP
Director

Planning Division
389 Spruce Street
Morgantown, WV 26505
304.284.7431



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Sign ID	Sign Illustration (not to scale)	Proposed Area
S-1 Side		34.5 sq. ft.
S-2 Side		5.93 sq. ft.
S-3 Side		11.75 sq. ft.
TOTAL		82.06 sq. ft.
REQUISITE VARIANCE		64.46 sq. ft.

In addition to exceeding the maximum wall sign area, the three (3) proposed wall signs on the side of the building are of a PVC material rather than “sign foam,” which requires variance relief.

Suspended Sign

The following table provides related regulations for “suspended” type signs in the B-4 District along with whether or not the proposed suspended sign on the side of the building is in conformity with the standard.

Article	Standard	Conformity
1369.07(G)(1)	Maximum area is six (6) square feet	Y
1369.07(G)(2)	May not be separately illuminated	Y
1369.07(G)(5)	May protrude into the right of way only if the building is within two (2) feet of the sidewalk.	N
1369.08(B)(3)	Materials are limited to wood; sculpted “sign foam”; ornamental metals such as bronze, brass, copper, etc.; painted aluminum panels, stone or masonry (with concrete blocks being covered with stucco).	Y

Although there is a 10- to 12-foot wide right-of-way running along the side of the subject realty, it does not include a sidewalk. It appears that an exact interpretation of this standard requires variance relief so that the proposed suspended sign may protrude into the adjoining right-of-way even though a sidewalk does not exist.

The petitioner’s proposed master sign plan was sent via email to the Downtown Design Review Committee members on 24 JUN 2015 for consultation. All comments received were in the affirmative and are attached hereto for the Board’s record.

Development Services

Christopher Fletcher, AICP
Director

Planning Division

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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).

Should the Board find that variance relief is warranted, Staff recommends the following revisions to the petitioner's proposed master sign plan, which serve to reduce the extent and scope of requested variance relief.

1. That variance relief of 37.75 square feet from the maximum wall sign area standard is granted rather than the petitioner's request of 64.46 square feet; provided, the following revisions to the petitioner's master sign plan are made:
 - a. That the wall signs identified in the Staff Report as S-2 and S-3 be eliminated.
 - b. That the wall sign identified in the Staff Report as S-1 be reduced in area from 34.5 square feet to 23.95 square feet to match the dimensions of the similar awning sign (identified as F-1 in Staff Report).
2. That variance relief from Article 1369.07(G)(5) is granted thereby permitting the proposed suspended sign to be erected so that it protrudes into the public right-of-way where a sidewalk has not been developed; provided, said suspended sign must maintain a clearance of ten (10) feet to preserve a nine (9) foot clearance in the event a sidewalk is constructed within said right-of-way below the subject suspended sign.
3. That variance relief of three (3) square feet from the maximum area standard for suspended signs is granted; provided, the "WOOD FIRED PIZZA" copy is removed from said suspended sign and replaced with "CARRY OUT" thereby reducing the extent of wall sign variance granted above while preserving a practicable means of communicating the primary programming purpose of the side entrance door.
4. That signs reviewed herein shall conform to the lighting and design standards set forth in Article 1369.08 for the B-4 District, except that:
 - a. Variance relief is granted so that the wall sign identified in the Staff Report as S-1 may be constructed of a PVC material provided the face of said wall sign is opaque and no internal illumination may shine through said sign face.
 - b. Variance relief is granted so that the copy "Wood Fired Pizza" may be utilized in the wall sign identified in the Staff Report as F-2.
 - c. Variance relief is granted so that the copy "Wood Fired Pizza" may be utilized in the proposed suspended sign as described in Condition No. 3 above.

Development Services

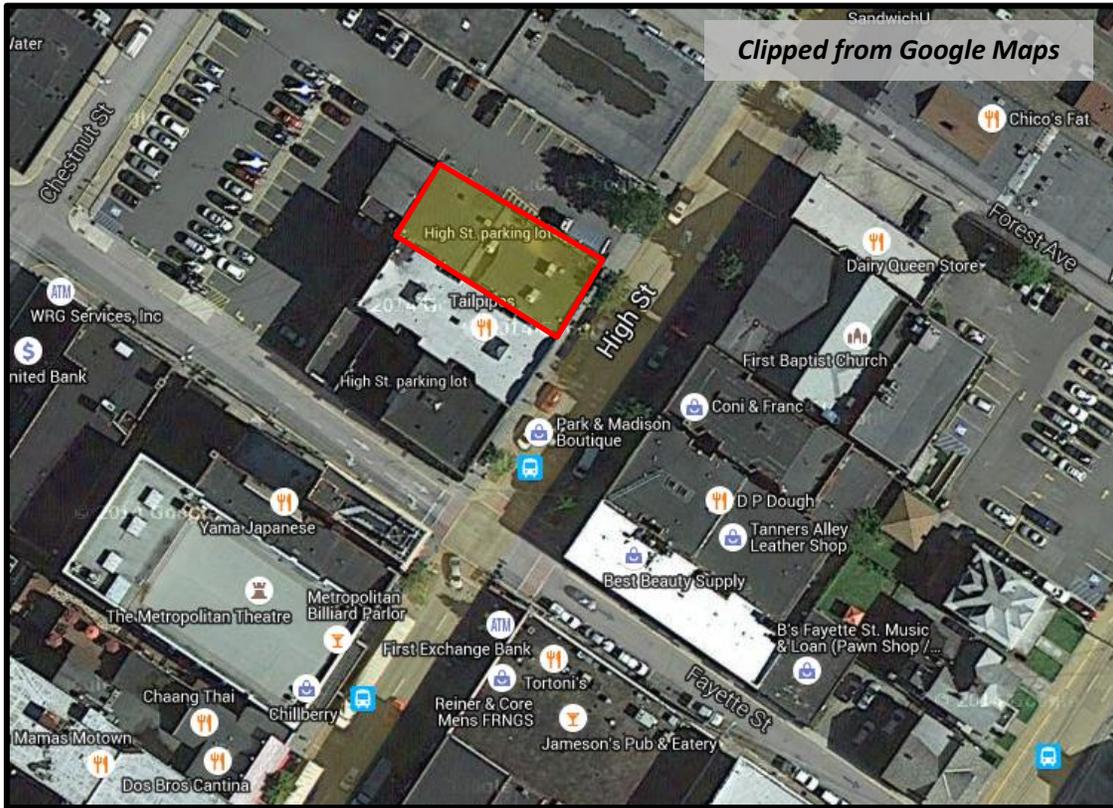
Christopher Fletcher, AICP
Director

Planning Division

389 Spruce Street
Morgantown, WV 26505
304.284.7431

Enclosures: Application and accompanying exhibits

STAFF REPORT ADDENDUM A
V15-44 / Lotsa Mozza / 419 High Street



STAFF REPORT ADDENDUM B

V15-44 / Lotsa Mozza / 419 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:

~~Other business establishments in the area and Morgantown have existing signs that are similar in size and style, which provides the type of visibility to the public for which the petitioner seeks to emulate and enjoy. The size of the proposed sign appears to be comparable in size to other businesses in the area which do not appear to adversely impact public health, safety or welfare or property rights within the immediate area. The scale of the proposed master sign plan appears to match the scale of other similar signs within the immediate area and appears to be significantly less than the wall signage for the former *Daniel's Men's Clothing* store that previously occupied the subject space, which does not appear to adversely impact 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:

The petitioner's building is designed and similar to corner street building with two visible sides but is not on a corner lot but at a parking lot entrance which appears to place the visible signage space at a commercial messaging and customer wayfinding disadvantage given the fact that maximum sign standards are based on storefront width rather than the architectural context of the building as a whole, the conditions of which are not created by the petitioner.

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

~~The signs appear to be relatively consistent with other business in the area and other shopping locations throughout 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 signs should help to promote business for the tenant and the community within the context and wall sign development pattern within the subject area. Additionally, similar variance relief has been granted for a number of establishments along High Street since 2006.

Stacy Hollar

From: Michael Mills <mmills@millsgrouponline.com>
Sent: Sunday, June 28, 2015 11:36 PM
To: Stacy Hollar
Cc: morgantowncellar@yahoo.com; Bill Kaweck; bobcard33@gmail.com; coniangfranc@hotmail.com; tom@allegHENYrestoration.com
Subject: Re: NEED RESPONSE

I am fine with it.

All the best,

Michael Mills
Sent from my iPhone

On Jun 24, 2015, at 3:46 PM, Stacy Hollar <shollar@morgantownwv.gov> wrote:

Good afternoon,

Please review the attached application for Lotza Mozza that will be located at 419 High Street. Please provide your comments for the signage proposed at your earliest convenience.

Thank you.

*Stacy Hollar
Executive Secretary
Development Services Department
304-284-7431*

<V15-44_Scanned-Application.pdf>

Stacy Hollar

From: connie merandi <coniandfranc@hotmail.com>
Sent: Saturday, June 27, 2015 8:04 AM
To: Stacy Hollar
Subject: RE: NEED RESPONSE

I do not mind the signage that is proposed, what is intended for the second floor or will the business occupy it? will they request additional signage in the future?

From: shollar@morgantownwv.gov
To: morgantowncellar@yahoo.com; citycouncilward2@cityofmorgantown.org; bobcard33@gmail.com; coniandfranc@hotmail.com; mmills@millsgroup.biz; tom@allegHENYrestoration.com
Subject: NEED RESPONSE
Date: Wed, 24 Jun 2015 19:46:12 +0000

Good afternoon,

Please review the attached application for Lotza Mozza that will be located at 419 High Street. Please provide your comments for the signage proposed at your earliest convenience.

Thank you.

Stacy Hollar
Executive Secretary
Development Services Department
304-284-7431

Stacy Hollar

From: Bill <wm_a_kawecki@comcast.net>
Sent: Sunday, June 28, 2015 10:03 PM
To: Stacy Hollar
Cc: morgantowncellar@yahoo.com; Bill Kawecki; Carubia, Bob; Merandi, Coni; Mills, Michael; Anderson, Tom
Subject: Re: NEED RESPONSE

I'm OK with this.

From: "Stacy Hollar" <shollar@morgantownwv.gov>
To: morgantowncellar@yahoo.com, "Bill Kawecki" <citycouncilward2@cityofmorgantown.org>, bobcard33@gmail.com, coniangfranc@hotmail.com, mmills@millsgroup.biz, tom@alleghenyrestoration.com
Sent: Wednesday, June 24, 2015 3:46:12 PM
Subject: NEED RESPONSE

Good afternoon,

Please review the attached application for Lotza Mozza that will be located at 419 High Street. Please provide your comments for the signage proposed at your earliest convenience.

Thank you.

*Stacy Hollar
Executive Secretary
Development Services Department
304-284-7431*

Stacy Hollar

From: Tom Anderson <tom@allegHENYrestoration.com>
Sent: Sunday, June 28, 2015 10:53 AM
To: Stacy Hollar; morgantowncellar@yahoo.com; Bill Kawecki; bobcard33@gmail.com; conianfranc@hotmail.com; mmills@millsgroup.biz
Subject: Re: NEED RESPONSE

Looks ok to me

--

From: Stacy Hollar <shollar@morgantownwv.gov>
Date: Wednesday, June 24, 2015 at 3:46 PM
To: "morgantowncellar@yahoo.com" <morgantowncellar@yahoo.com>, Bill Kawecki <citycouncilward2@cityofmorgantown.org>, "bobcard33@gmail.com" <bobcard33@gmail.com>, "conianfranc@hotmail.com" <conianfranc@hotmail.com>, "mmills@millsgroup.biz" <mmills@millsgroup.biz>, Tom <tom@allegHENYrestoration.com>
Subject: NEED RESPONSE

Good afternoon,

Please review the attached application for Lotza Mozza that will be located at 419 High Street. Please provide your comments for the signage proposed at your earliest convenience.

Thank you.

*Stacy Hollar
Executive Secretary
Development Services Department
304-284-7431*



City of Morgantown, West Virginia

APPLICATION FOR VARIANCE PETITION

OFFICE USE	
CASE NO.	V15-44
RECEIVED:	6/5/15

(PLEASE TYPE OR PRINT IN BLACK INK)

Fee: \$75

I. APPLICANT		Name:	City Neon, Inc.	
Mailing Address:	1095 Chaplin Road		Phone:	304-599-1852
	Street	Morgantown, WV 26501	Mobile:	
	City	State	Zip	Email: rudy@cityneon.com
II. PROPERTY		Street Address:	419 High Street, Morgantown, WV 26505	
Owner:	Blue Sky Realty, LLC		Zoning:	B-4
Mailing Address:	1221 Chalfant Lane		Tax Map No:	
	Street	Morgantown, WV 26505	Parcel No:	
	City	State	Zip	Phone: 304 216 6363
III. NARRATIVE		Please describe the nature and extent of your variance request(s).		
<p>The building is located next to a large parking lot giving the building a large area for signage but since there is no labeled street going into the parking lot the signage is based on the narrow storefront of the building only. The petitioner would like to utilize the open wall space for an additional sign. The variance would also be to let the customers know the nature of their business.</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>				
Rudy Hoffert				06/04/2015
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.

PAID
PAID
 JUN 08 2015
 Page 1 of 4
 Form Rev. 20140601
 BY:



City of Morgantown, West Virginia

APPLICATION FOR VARIANCE PETITION

OFFICE USE	
CASE NO.	V15-44
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.

[X] Land Use Characteristics (complete only those that apply)

- Residential Single-Family Dwelling Townhouse Dwelling
- Two-Family Dwelling Multi-Family Dwelling

[X] Non-Residential or Mixed (please explain)

Commercial retail space

[X] Structure Characteristics (complete only those that apply)

Total number of buildings: 1 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):

[X] 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.	V15-44
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:

Other business establishments in the area and Morgantown have existing signs that are similar in size and style, which provides the type of visibility to the public for which the petitioner seeks to emulate and enjoy. The size of the proposed sign appears to be comparable in size to other businesses in the area which do not appear to adversely impact public health, safety or welfare or property rights within the immediate area.

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 petitioner's building is designed and similar to a corner street building with two visible sides but is not on a corner lot but at a parking lot entrance which appears to place the visible signage space at a commercial messaging and customer wayfinding disadvantage given the fact that maximum sign standards are based on storefront width rather than the architectural context of the building as a whole, the conditions of which were not created by the petitioner.



City of Morgantown, West Virginia

**APPLICATION FOR
VARIANCE PETITION**

OFFICE USE	
CASE NO.	115-44
RECEIVED:	

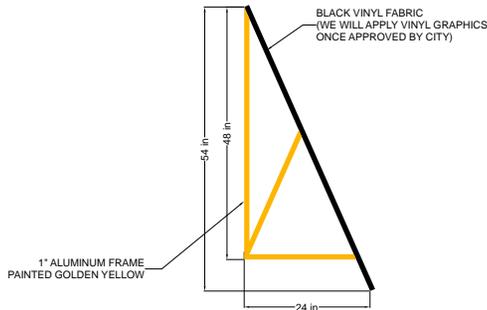
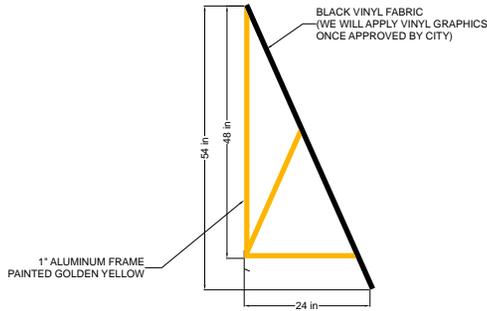
VII. FINDINGS OF FACT	COMPLETE THE FOLLOWING STATEMENTS IN THIRD PERSON.
<p>3. The variance will eliminate an unnecessary hardship and permit a reasonable use of the land, because:</p> <p>The signs appears to be relatively consistent with other businesses in the area and other shopping locations throughout Morgantown.</p>	
<p>4. The variance will allow the intent of the zoning ordinance to be observed and substantial justice done, because:</p> <p>The signs should help to promote business for the tenant and the community within the context and wall sign development pattern within the subject area.</p>	



1
A9.01

EXTERIOR VIEW

SIGNAGE



1095 Chaplin Hill Road
Morgantown, WV 26501
Phone: 304-599-1854
Fax: 304-599-5852

ELEMENT:	Awnings
LOCATION:	419 High Street, Morgantown, WV
DATE:	6/11/15

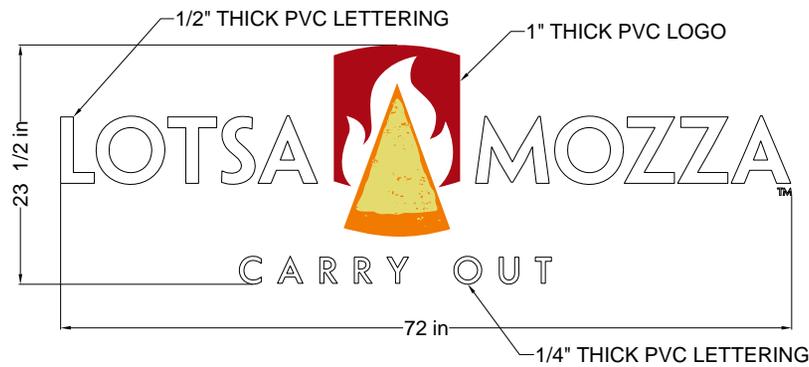
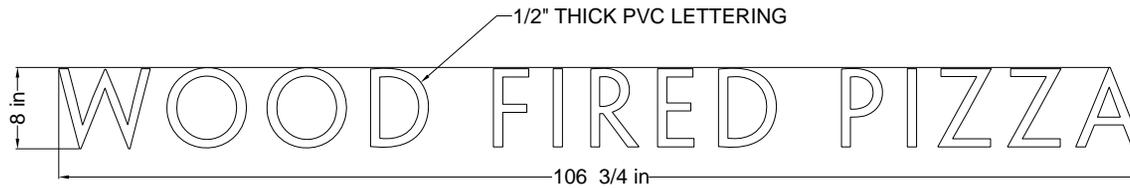
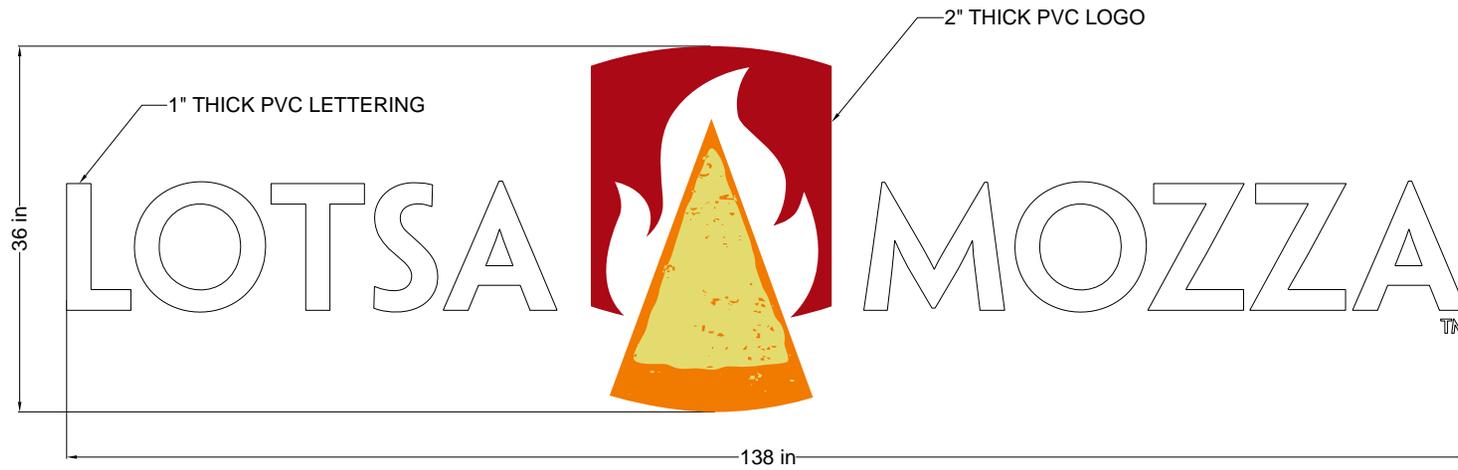
Scale: NTS

PROJECT



INFORMATION SHOWN IN THIS DRAWING IS PROPRIETARY AND SOLE PROPERTY OF CITY NEON INC., AND IS NOT TO BE REPRODUCED, DISCLOSED OR TRANSMITTED TO OTHERS FOR ANY PURPOSE NOT AUTHORIZED BY CITY NEON INC.

SIGNAGE



1095 Chaplin Hill Road
Morgantown, WV 26501
Phone: 304-599-1854
Fax: 304-599-5852

ELEMENT:	PVC Lettering
LOCATION:	419 High Street, Morgantown, WV
DATE:	6/11/15

Scale: NTS

PROJECT

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3" THICK SANDBLASTED
OR ROUTED HDU

