



# MORGANTOWN BOARD OF ZONING APPEALS

August 19, 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:** V15-45 / Pizza Hut / 345 East Brockway Avenue

**REQUEST and LOCATION:**

Request by Nicholas Atkins of City Neon, Inc., on behalf of Pizza Hut, for variance relief from Article 1369 as it relates to signage at 345 East Brockway Avenue.

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

Tax Map 35, Parcel 15; B-2, Service Business District

**SURROUNDING ZONING:**

North, South and West: B-2, Service Business District  
East: IND, Industrial District

**BACKGROUND and ANALYSIS:**

The petitioner seeks to erect five (5) wall signs at 345 East Brockway Avenue. 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-2 District is determined by multiplying the storefront width in feet by 0.6. The storefront width of the proposed *Pizza Hut* is approximately 48 feet 9 inches, which results in a maximum wall sign area standard of 29.25 square feet.

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 Illustration (not to scale)	Proposed Area
<b>Front Façade</b>	
	42.1 sq. ft.
	5.0 sq. ft.

**Development Services**  
Christopher Fletcher, AICP  
Director

**Planning Division**  
389 Spruce Street  
Morgantown, WV 26505  
304.284.7431



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Sign Illustration (not to scale)	Proposed Area
	5.03 sq. ft.
	6.1 sq. ft.
<b>Side Façade</b>	
	42.1 sq. ft.
<b>TOTAL PROPOSED AREA</b>	100.3 sq. ft.
<b>TOTAL REQUISITE VARIANCE RELIEF</b>	<b>71.08 sq. ft.</b>

**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. No recommended revisions to the petitioner’s findings of fact are submitted by Staff.

As is typically performed for sign variance petitions, no recommendation is submitted by Staff concerning whether or not variance relief should be granted. However, should the Board decide to grant variance relief, Staff does not recommend conditions be included with variance approval.

Enclosures: Application and accompanying exhibits

**Development Services**

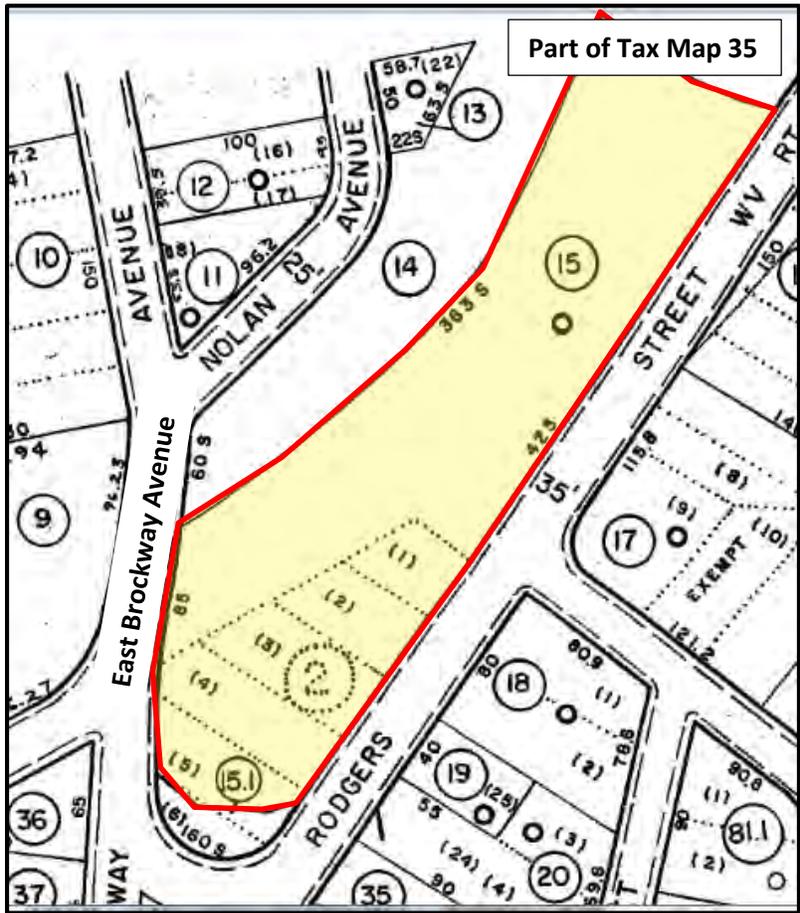
Christopher Fletcher, AICP  
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**STAFF REPORT ADDENDUM A**  
**V15-45 / Pizza Hut / 345 East Brockway Avenue**







City of Morgantown, West Virginia

APPLICATION FOR VARIANCE PETITION

OFFICE USE	
CASE NO.	V15-45
RECEIVED:	

(PLEASE TYPE OR PRINT IN BLACK INK)

Fee: \$75

<b>I. APPLICANT</b>		Name: City Neon, Inc.	
Mailing Address:	1095 Chaplin Road		Phone: 304-599-1852
	Street Morgantown, WV 26501		Mobile:
	City	State	Zip
		Email: nick@cityneon.com	
<b>II. PROPERTY</b>		Street Address: 345 S. Brockway	
Owner:	Gene Siegwarth		Zoning: B-2
Mailing Address:	103 Marcus Drive		Tax Map No: 35
	Street Morgantown, WV 26501		Parcel No: 15
	City	State	Zip
		Phone: 304 290 1332	
<b>III. NARRATIVE</b>		Please describe the nature and extent of your variance request(s).	
<p>The building is located on a corner lot and has visibility from two sides of the street. The petitioner would like to utilize both sides of the building for maximum exposure. The variance would also be to let the customers know the nature of their business.</p>			
<b>V. ATTEST</b>			
<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>			
Nicholas Atkins		<i>Nick Atkins</i>	06/16/2015
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**

JUN 22 2015  
Page 1 of 4  
Form Rev. 20140601

BY: *CRS*

**PAID**



APPLICATION FOR VARIANCE PETITION

OFFICE USE table with CASE NO. V15-45 and 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.	V15-45
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<b>VII. FINDINGS OF FACT</b>	<b>COMPLETE THE FOLLOWING STATEMENTS IN THIRD PERSON.</b>
<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><b>1. The variance will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents, because:</b></p> <p>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.</p>	
<p><b>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:</b></p> <p>The petitioner's building is designed as a corner street building with two visible sides 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.</p>	

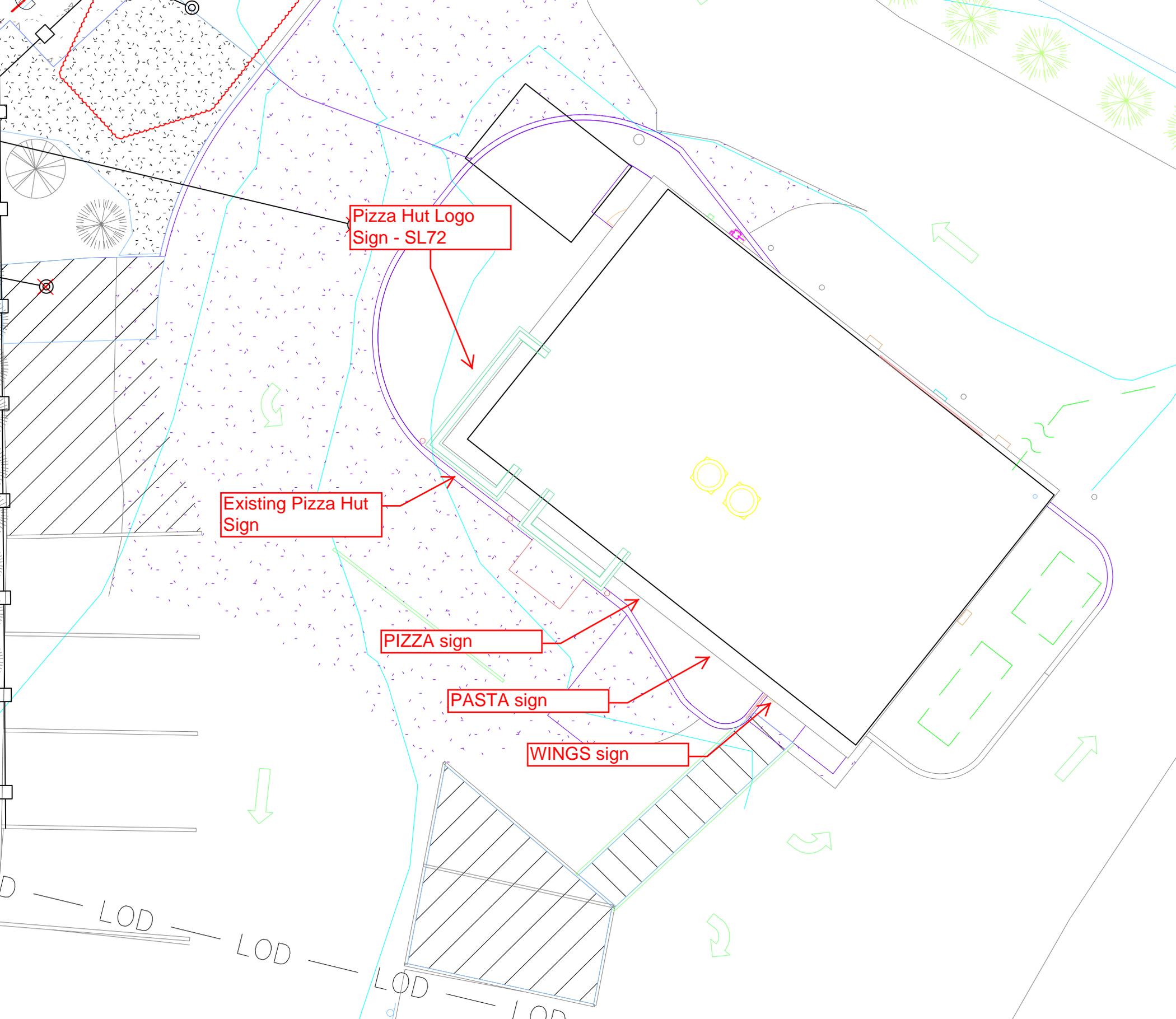


City of Morgantown, West Virginia

**APPLICATION FOR  
VARIANCE PETITION**

OFFICE USE	
CASE NO.	V15-45
RECEIVED:	

VII. FINDINGS OF FACT	COMPLETE THE FOLLOWING STATEMENTS IN THIRD PERSON.
<p><b>3. The variance will eliminate an unnecessary hardship and permit a reasonable use of the land, because:</b></p>	<p>The signs appears to be relatively consistent with other businesses in the area and other shopping locations throughout Morgantown.</p>
<p><b>4. The variance will allow the intent of the zoning ordinance to be observed and substantial justice done, because:</b></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>



Pizza Hut Logo Sign - SL72

Existing Pizza Hut Sign

PIZZA sign

PASTA sign

WINGS sign

D

LOD

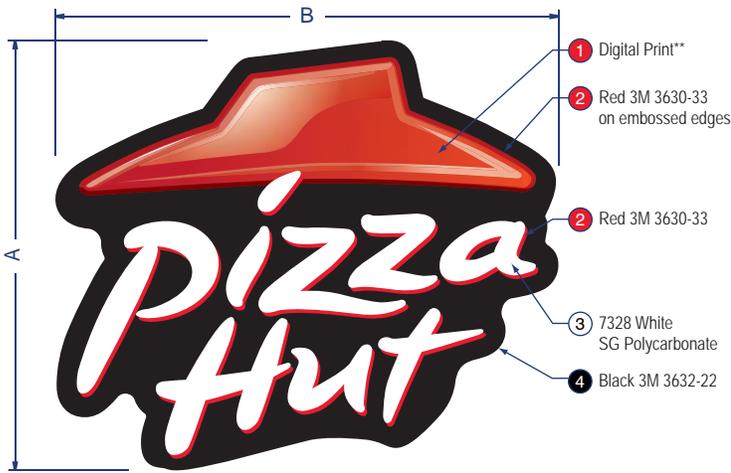
LOD

LOD

LOD



# 2011 SL STACKED LOGO SIGN



### DESIGN PARAMETERS:

- Structural adequacy shall be the manufacturer's responsibility using the following criteria:
- 110 mph wind speed 3-second gust-Exposure C or as required locally.
- Attachment may vary based on wall conditions.
- Compliant with latest edition national building codes and standards (IBC, AISC, ASCE 7, & Aluminum Design Manual)
- Refer to written documentation for material specifications
- All electrical must be compliant with UL 48 & NEC

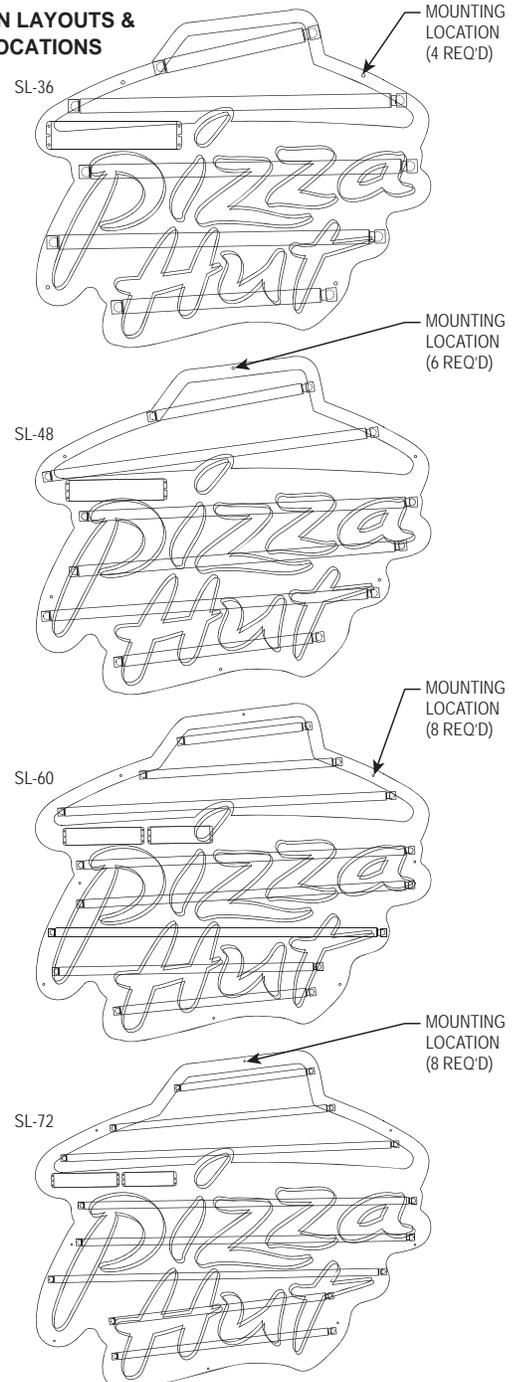
### SL STACKED LOGO SIGN:

- SL-36 & SL-48
  - .063 thk. aluminum back with .050 aluminum returns.
  - .150 pan-formed and embossed 7328 white SG polycarbonate with 1st surface vinyl graphics\*.
- SL60 & SL72
  - .125 thk. aluminum back with .063 aluminum returns.
  - .150 pan-formed and embossed 7328 white SG polycarbonate with 1st surface vinyl graphics\*.

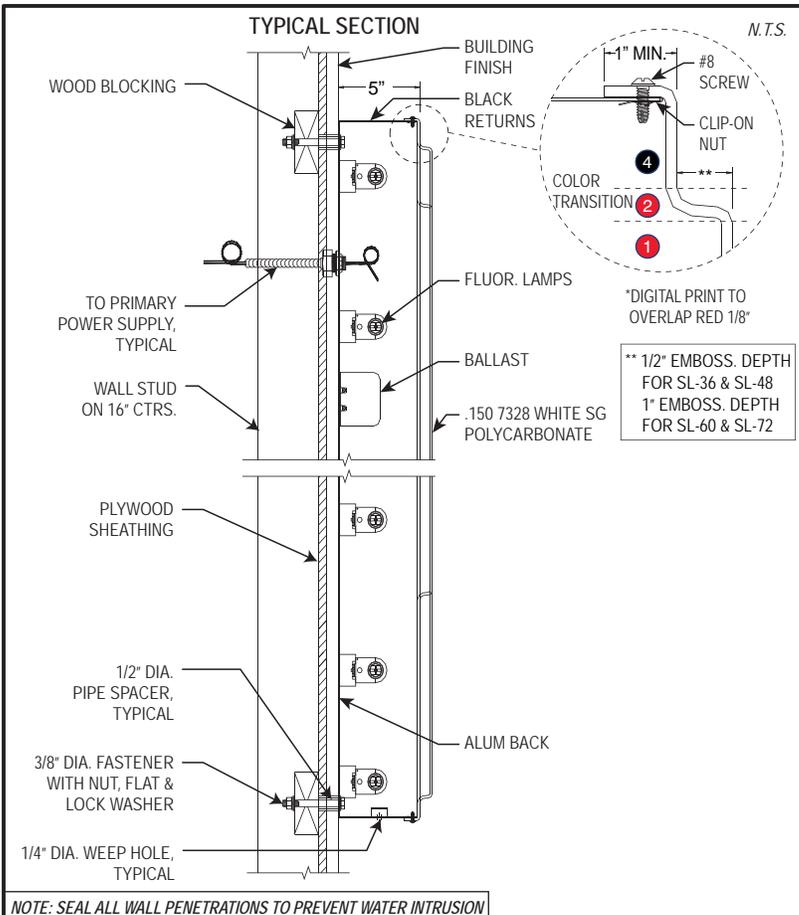
\* Vinyl graphics applied prior to thermoforming. Strip-weed leaving voids for digital print area (red perimeter under digital print 1/8"). Apply digital print as shown.

\*\* 3M MCS warranty for 1st surface application - exterior exposure - using solvent based inks and over-laminate clear film - color density, both reflective and transmissive, requires prior customer approval.

### ILLUMINATION LAYOUTS & MOUNTING LOCATIONS



SIGN	A	B	NOM. SQ. FT.	HAT FLUOR. LAMP(S)	BALLAST(S)	TOTAL AMPS/CIRCUIT
SL-36	3'-0"	3'-6 1/16"	11	(3) F36T12HO/D (1) F18T12HO/D	(1) 5 Lamp elect. ballast	1.7 amps/120 volts (1) 20 amp circuit 60 HZ
SL-48	4'-0"	4'-8 1/8"	19	(4) F48T12HO/D (1) F24T12HO/D	(1) 6 Lamp elect. ballast	1.7 amps/120 volts (1) 20 amp circuit 60 HZ
SL-60	5'-0"	5'-10 1/8"	29	(4) F60T12HO/D (1) F48T12HO/D (3) F36T12HO/D (1) F24T12HO/D	(1) 3 Lamp elect. (1) 5 Lamp elect.	2.8 amps/120 volts (1) 20 amp circuit 60 HZ
SL-72	6'-0"	7'-0 1/8"	42	(4) F72T12HO/D (1) F30T12HO/D (3) F48T12HO/D	(1) 3 Lamp elect. (1) 5 Lamp elect.	2.8 amps/120 volts (1) 20 amp circuit 60 HZ



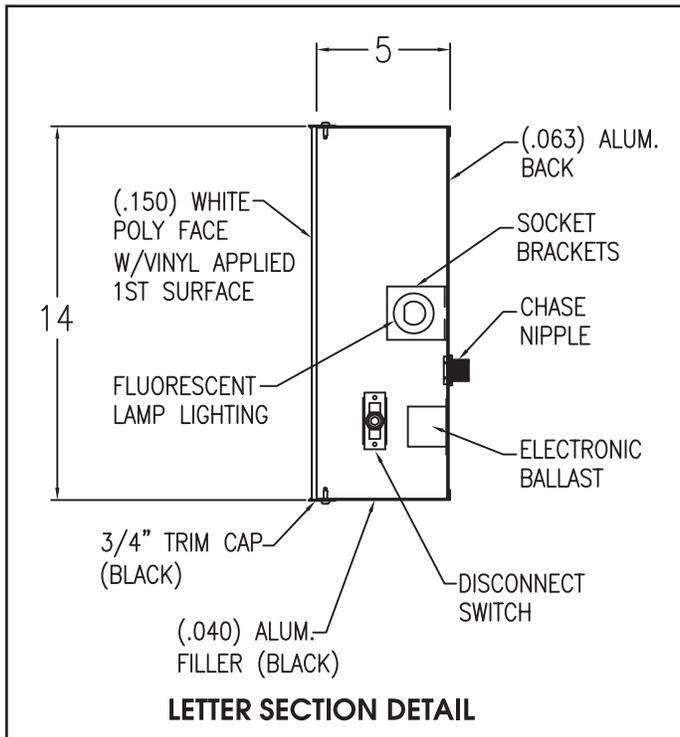
NOTE: SEAL ALL WALL PENETRATIONS TO PREVENT WATER INTRUSION

NOT FOR CONSTRUCTION  
REV. 05/13/11



# 14.25" "PIZZA" CLOUD SIGN

PART#: E004458B



## SIGN SPECIFICATIONS

### Materials

- .150 White Polycarbonate w/ 3/4" black jewelite trim cap

### Decoration

- Vinyl on first Surface

### Accesses

- Remove face

### Area

- Squared: 4.99 Sq.Ft.

### Weight (Est.)

- 50 lbs.

### Wind Load

- 35 psf

## ELECTRICAL SPECIFICATIONS

### Lamps

- (1) F18T12, (1) F36T12, CW/HO

### Ballast

- (1) EESB-1808-1L

### Line Load

- .85 Amps @ 120 VAC
- (1) 20 Amp circuit, 60 Hz UL 48 & NEC Compliant

## COLOR SPECIFICATIONS

Exterior: Satin Black

Graphic & Color Specifications

Color	PMS	3M
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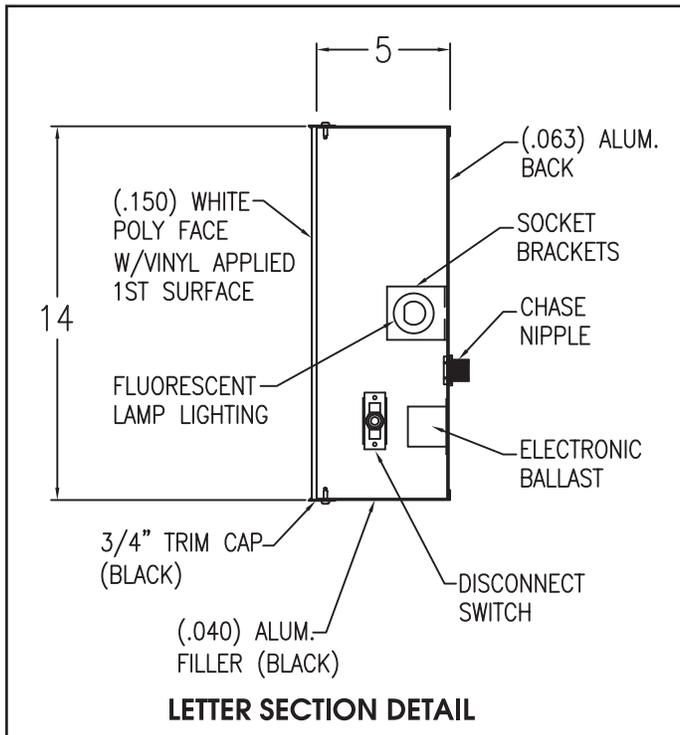
Yellow	1235	
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Black	Black c	3630-22
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# 14.25" "PASTA" CLOUD SIGN

PART#: E004459B



## SIGN SPECIFICATIONS

### Materials

- .150 White Polycarbonate w/ 3/4" black jewelite trim cap

### Decoration

- Vinyl on first Surface

### Accesses

- Remove face

### Area

- Squared: 5.03 Sq.Ft.

### Weight (Est.)

- 50 lbs.

### Wind Load

- 35 psf

## ELECTRICAL SPECIFICATIONS

### Lamps

- (1) F18T12, (1) F36T12, CW/HO

### Ballast

- (1) EESB-1808-1L

### Line Load

- .85 Amps @ 120 VAC
- (1) 20 Amp circuit, 60 Hz UL 48 & NEC Compliant

## COLOR SPECIFICATIONS

Exterior: Satin Black

Graphic & Color Specifications

Color	PMS	3M
-------	-----	----

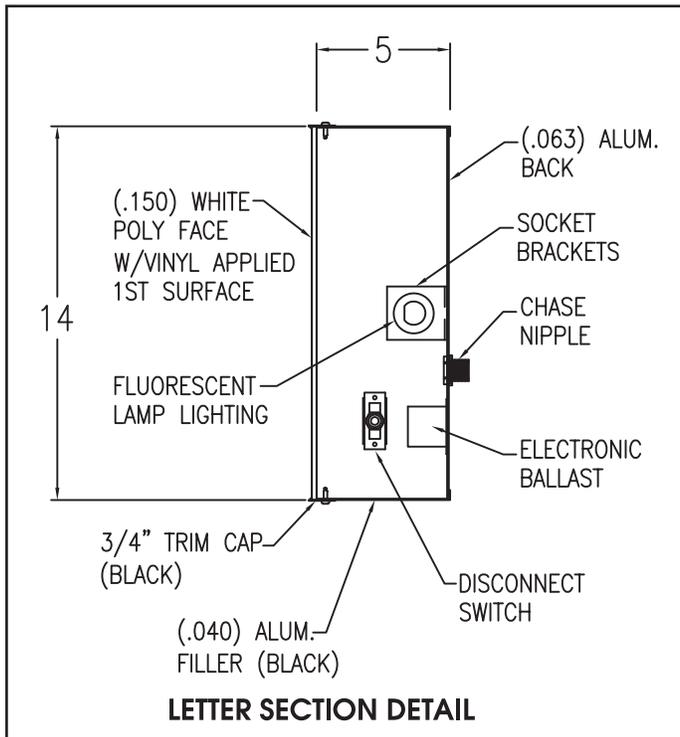
Yellow	1235	
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Black	Black c	3630-22
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# 14.25" "WINGS" CLOUD SIGN

PART#: E004460B



## SIGN SPECIFICATIONS

### Materials

- .150 White Polycarbonate w/ 3/4" black jewelite trim cap

### Decoration

- Vinyl on first Surface

### Accesses

- Remove face

### Area

- Squared: 6.09 Sq.Ft.

### Weight (Est.)

- 50 lbs.

### Wind Load

- 35 psf

## ELECTRICAL SPECIFICATIONS

### Lamps

- (1) F18T12, (1) F48T12, CW/HO

### Ballast

- (1) EESB-1808-1L

### Line Load

- .85 Amps @ 120 VAC
- (1) 20 Amp circuit, 60 Hz UL 48 & NEC Compliant

## COLOR SPECIFICATIONS

Exterior: Satin Black

Graphic & Color Specifications

Color	PMS	3M
-------	-----	----

Yellow	1235	
--------	------	--

Black	Black c	3630-22
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