



MORGANTOWN BOARD OF ZONING APPEALS

December 16, 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: V15-75 / CSC Home & Hardware / 1588 Earl Core Road

REQUEST and LOCATION:

Request by Kisha Dlugos of City Neon, Inc., on behalf of CSC Home & Hardware, for variance relief from Article 1369 as it relates to signage at 1588 Earl Core Road.

TAX MAP NUMBER(s) and ZONING DESCRIPTION:

Tax Map 31, Parcel 109.2; B-2, Service Business District

SURROUNDING ZONING:

B-2, Service Business District

BACKGROUND and ANALYSIS:

The petitioner seeks to erect a wall sign for *CSC Home & Hardware* located 1588 Earl Core Road. 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-2 District is determined by multiplying the linear width of the storefront feet by 0.6. The storefront width of *CSC Home & Hardware* along Earl Core Road is approximately 148 feet. The maximum area for the petitioner's wall signage is therefore 88.8 square feet. The proposed wall sign is 209.4 square feet, which requires a 120.6 square foot variance.

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 petitioner. If the Board disagrees with the petitioner's "Findings of Fact" and determines the proposed request does not meet the standard criteria for a variance, then the Board must state findings of fact and conclusions of law on which it bases its decision to deny the subject variance petition. [See WV State Code 8A-8-11(e) and 8A-7-11(b)].

No recommendations are submitted concerning the petitioner's "Findings of Fact," which are restated in Addendum B of this report, or whether or not variance relief should be granted as requested.

Enclosures: Application and accompanying exhibits

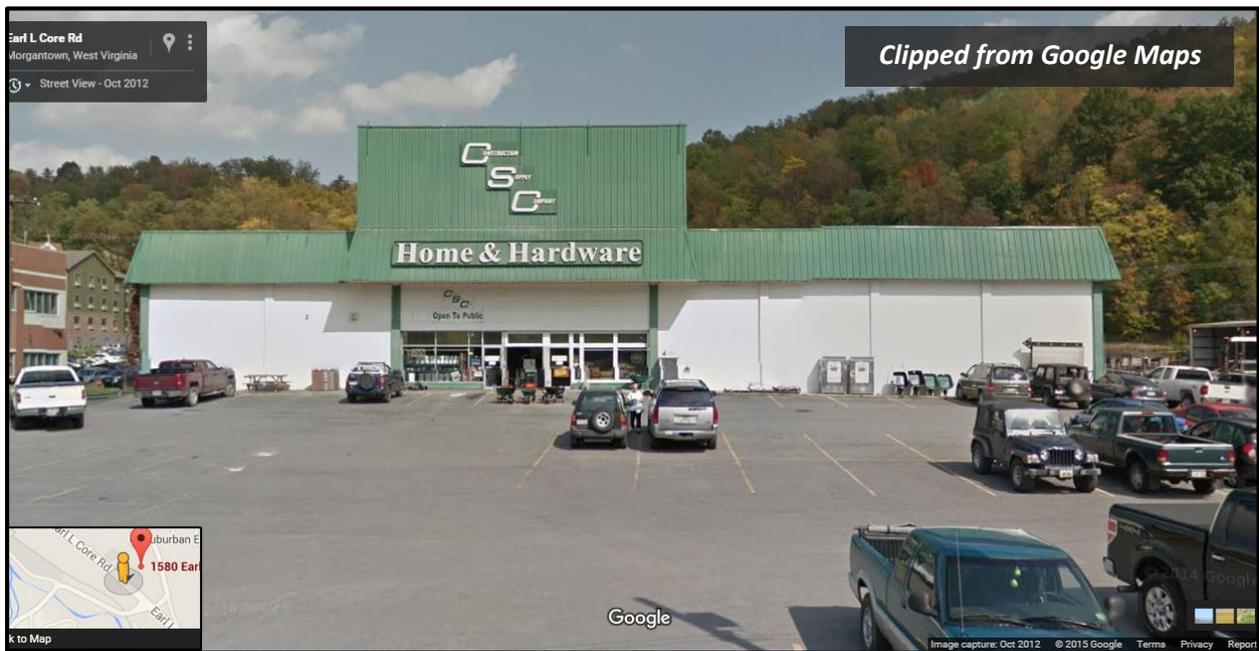
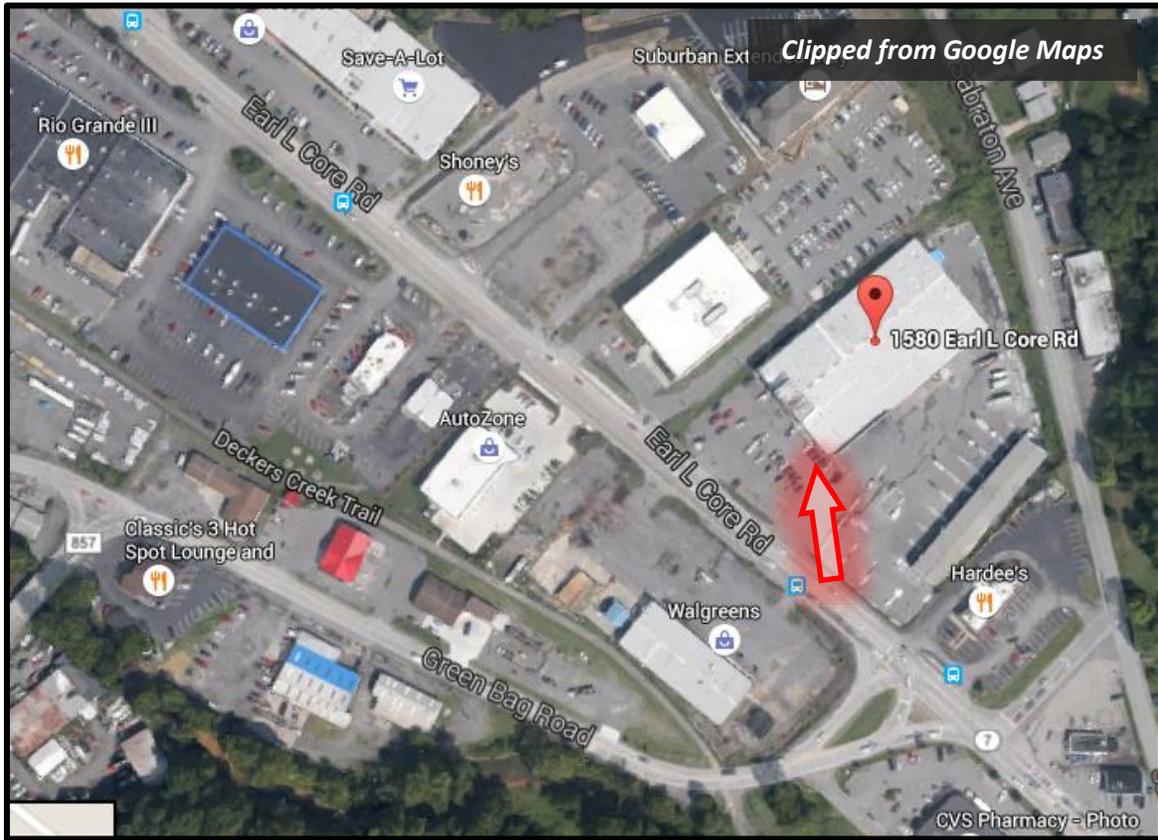
Development Services

Christopher Fletcher, AICP
Director

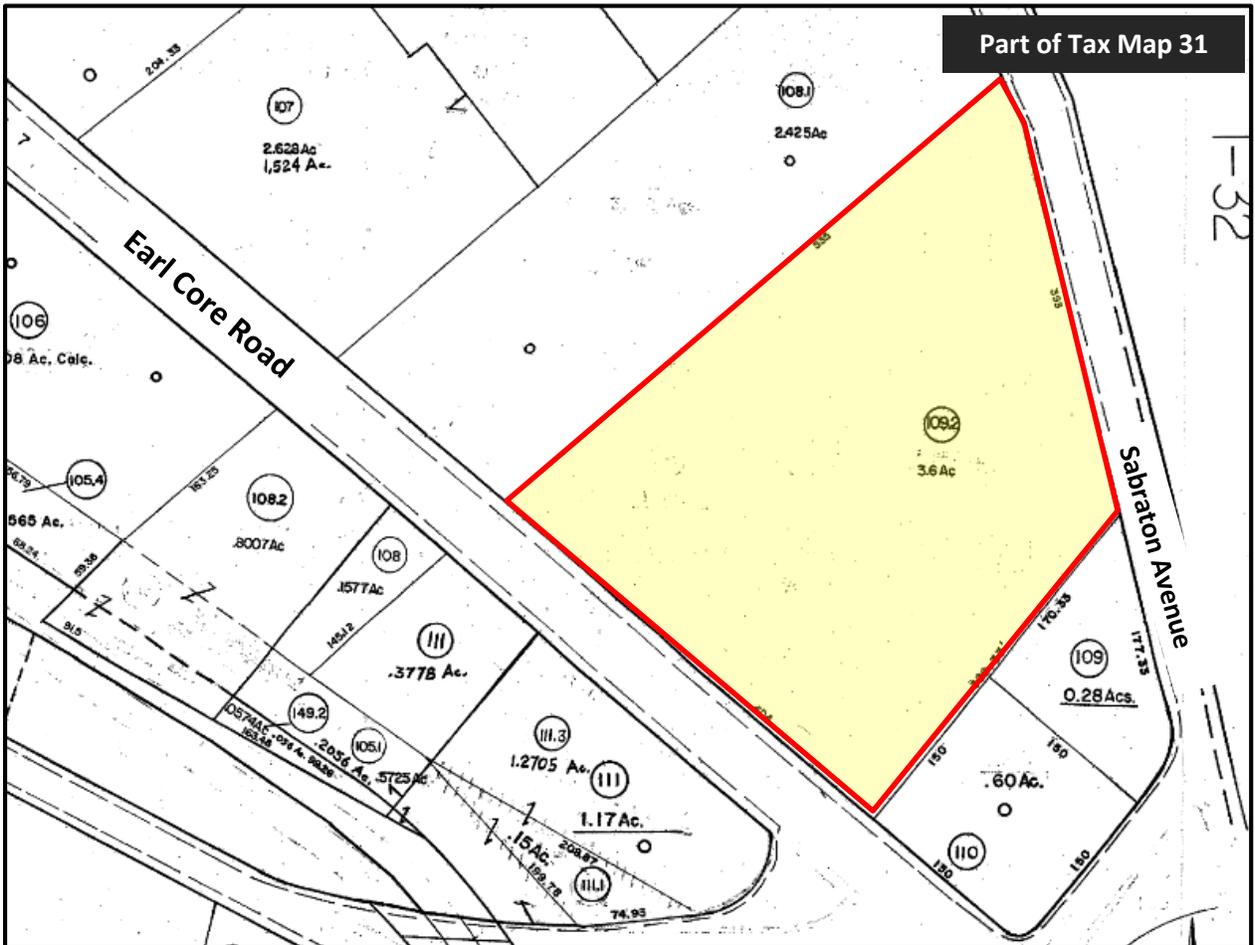
Planning Division

389 Spruce Street
Morgantown, WV 26505
304.284.7431

STAFF REPORT ADDENDUM A
V15-75 / CSC Home & Hardware / 1588 Earl Core Road



STAFF REPORT ADDENDUM A
V15-75 / CSC Home & Hardware / 1588 Earl Core Road



STAFF REPORT ADDENDUM B

V15-75 / CSC Home & Hardware / 1588 Earl Core Road

The following table restates the petitioner's Findings of Fact responses provided on Pages 3 and 4 of the subject variance application.

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:

It will be installed on the building and not a hindrance to the public.

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 sign size is similar to other stores in the area.

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

The visibility will be more in alignment with other stores in the area.

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

It will be similar to other stores.



City of Morgantown, West Virginia

APPLICATION FOR VARIANCE PETITION

OFFICE USE	
CASE NO.	V15-75
RECEIVED:	05 NOV 15

CK 20988

Fee: \$75

(PLEASE TYPE OR PRINT IN BLACK INK)

I. APPLICANT		Name: City Neon, Inc.	
Mailing Address:	Street	Morgantown WV 26508	Phone: 304-599-1854
	City	State	Zip
	Email: kisha@cityneon.com		Mobile:
II. PROPERTY		Street Address: 1588 Earl Core Road Morgantown, WV 26505	
Owner:	John H. Corbin -Dyer Family Limited Partership		Zoning: B-2
Mailing Address:	48 Donley Street Ste. 800		Tax Map No: 31
	Street	Morgantown WV 26501	Parcel No: 109.2
	City	State	Zip
III. NARRATIVE		Please describe the nature and extent of your variance request(s).	
<p>The Channel letters to be installed are larger than permitted.</p> <p>Proposed wall sign is 114" x 209 3/16" or 209.4 sq. ft. Max. area is 148 ft. x 0.6 = 88.8 sq. ft. Proposed sign requires a 120.6 sq. ft. variance (21/4)</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>			
Kisha A. Dlugos		Kisha A. Dlugos	
Type/Print Name of Applicant/Agent		Signature of Applicant/Agent	
		Date: 11/04/2015	

PAID PAID PAID
NOV 05 2015
BY: _____

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.	V15-75
RECEIVED:	05 NOV 15

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
 - Two-Family Dwelling
- Townhouse 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**

OFFICE USE	
CASE NO.	V15-75
RECEIVED:	05 NOV 15

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:

it will be installed on the building and not be a hindrance to the public

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 sign size is ~~is~~ similar to other stores in the area



City of Morgantown, West Virginia

**APPLICATION FOR
VARIANCE PETITION**

OFFICE USE	
CASE NO.	V15-75
RECEIVED:	05 NOV 15

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:

The visibility will be more in alignment with other stores in the area

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

It will be similar to other stores





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

ELEMENT:	Building Sign
LOCATION:	Morgantown, WV
DATE:	10/11/15

Scale: NTS

PROJECT **CSC**

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.