



MORGANTOWN BOARD OF ZONING APPEALS

April 25, 2016
6:30 PM
City Council Chambers

Board Members:

- Bill Burton, Chair
- Linda Herbst
- George Papandreas
- Jim Shaffer
- Colin Wattleworth

STAFF REPORT

CASE NO: V16-0 / Fresenius Medical Care / 5000 Greenbag Road

REQUEST and LOCATION:

Request by Rudy Hoffert of City Neon, Inc., on behalf of Fresenius Medical Care, for variance relief from Article 1369 concerning signage at 5000 Greenbag Road.

TAX MAP NUMBER(s) and ZONING DESCRIPTION:

Tax Map 48A, Parcel 2; B-5, Shopping Center District

SURROUNDING ZONING:

B-5, Shopping Center District

BACKGROUND and ANALYSIS:

The petitioner seeks to erect two (2) wall signs for the Fresenius Medical Care currently under interior renovation construction at the Mountaineer Mall. Addendum A of this report illustrates the location of the subject site.

The following table illustrates the proposed signs along with their respective areas by clipped images from the petitioner’s application documents.

Proposed Signs (not illustrated to scale)	Proposed Area
	108.36 sq. ft.
	47.9 sq. ft.
Total Proposed Area	156.26 sq. ft.

Development Services
Christopher Fletcher, AICP
Director

Planning Division

389 Spruce Street
Morgantown, WV 26505
304.284.7431

Article 1369.07(l)(1) provides a maximum wall sign area standard in the B-5 District of 0.6 square feet per linear feet of tenant building frontage. The Fresenius Medical Care’s tenant frontage is 109’-5”, allowing for 65.65 square feet of wall signage. Therefore, variance relief of 90.61 square feet is required for the signs as proposed.



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STAFF RECOMMENDATION:

It is the duty of the Board of Zoning Appeals to 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)].

Addendum B of this report restates the Finds of Fact responses submitted by the petitioner. 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

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STAFF REPORT ADDENDUM A

V16-12 / Fresenius Medical Care / 5000 Greenbag Road



STAFF REPORT ADDENDUM B

V16-12 / Fresenius Medical Care / 5000 Greenbag Road

The following Findings of Fact are restated from the petitioner's 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:

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.

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 storefront is part of a shopping complex with multiple 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.

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

The signs appears to be relatively consistent with other businesses at the shopping complex and 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.



City of Morgantown, West Virginia

APPLICATION FOR VARIANCE PETITION

OFFICE USE	
CASE NO.	V16-12
RECEIVED:	

CK 22306

(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:	5000 Greenbag Road, Suite AN5-A	
Owner:	Jager Managment		Zoning:	48A
Mailing Address:	261 Old York Road, Suite 814		Tax Map No:	02
	Street	Jenkintown, PA 19046	Parcel No:	
	City	State	Zip	
				Phone: 715-690-3220
III. NARRATIVE		Please describe the nature and extent of your variance request(s).		
<p>The petitioner would like to utilize the header space and wall ares of the building for maximum exposure. 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				03/04/2016
Type/Print Name of Applicant/Agent		Signature of Applicant/Agent		Date

PAID PAID PAID
MAR 08 2016
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.	V116-12
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
- 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.	V116-12
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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:

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 storefront is part of a shopping complex with multiple 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.



City of Morgantown, West Virginia

**APPLICATION FOR
VARIANCE PETITION**

OFFICE USE	
CASE NO.	V16-12
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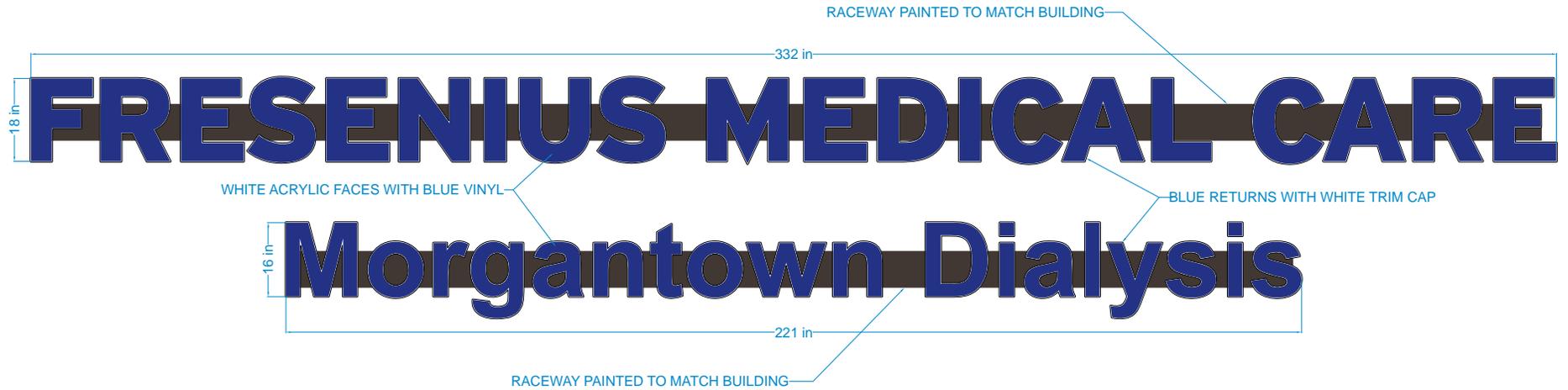
VII. FINDINGS OF FACT	COMPLETE THE FOLLOWING STATEMENTS IN THIRD PERSON.
<p>3. The variance will eliminate an unnecessary hardship and permit a reasonable use of the land, because:</p> <p>The signs appears to be relatively consistent with other businesses at the shopping complex and in the area and other 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>	



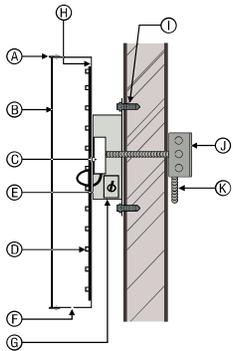
V16-12

109'-5"

From brown Door by Tel-Tech to
the corner of Building at mall entrance.



RACEWAY MOUNTED LED CHANNEL LETTERS



A	1" TRIM CAP
B	1/8" ACRYLIC
C	12V LED POWER SUPPLY
D	WHITE LEDs
E	DISCONNECT SWITCH
F	WEEP HOLE
G	ALUMINUM RACEWAY
H	.040 ALUM. RETURNS
I	3/8" GALVANIZED HARDWARE
J	JUNCTION BOX
K	PRIMARY ELECTRIC SOURCE



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

PROJECT



FRESENIUS
MEDICAL CARE

PRODUCTION WILL NOT BEGIN UNTIL SIGNED APPROVAL IS RECEIVED

THE ARTWORK, DESIGNS AND/OR CREATIVE ELEMENTS OF THIS LAYOUT IS AND REMAINS THE COPYRIGHTED PROPERTY OF CITY NEON, INC. UNTIL PURCHASED AS PART OF THIS PROJECT OR LOGO DEVELOPMENT. 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.

ELEMENT: STOREFRONT SIGNAGE

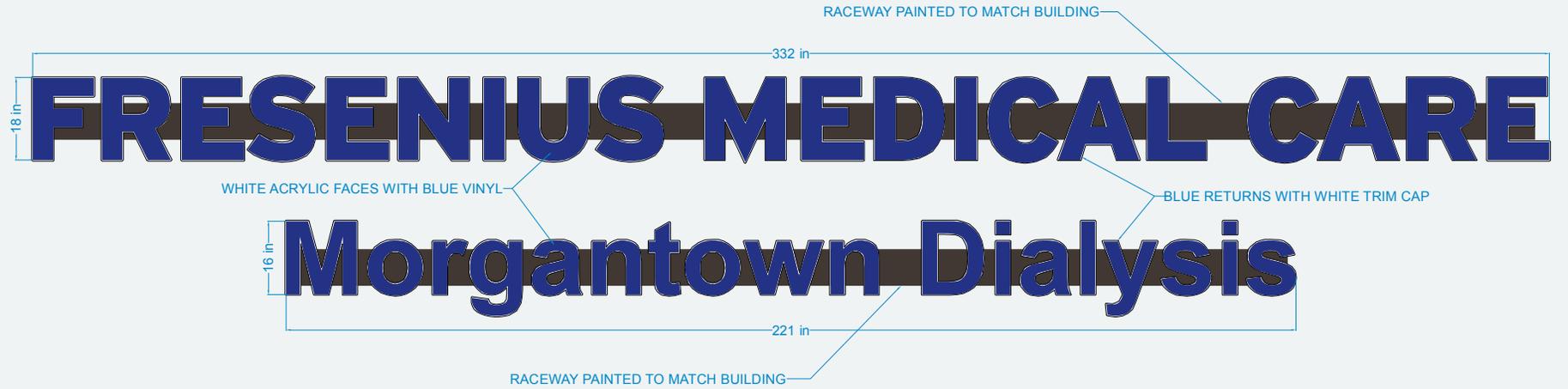
LOCATION: MOUNTAINEER CENTER (MALL)

DATE: 3/3/2016

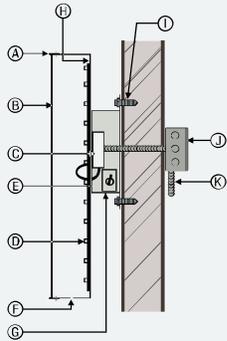
APPROVAL:

SIGNAGE

The initial cost of the artwork used in the preparation of this estimate by our professional graphic arts department is included in the cost of this project, based upon the artwork as shown below. Any changes or edits made in this artwork at customer's request will result in additional charges.



RACEWAY MOUNTED LED CHANNEL LETTERS



A	1" TRIM CAP
B	1/8" ACRYLIC
C	12V LED POWER SUPPLY
D	WHITE LEDs
E	DISCONNECT SWITCH
F	WEEP HOLE
G	ALUMINUM RACEWAY
H	.040 ALUM. RETURNS
I	3/8" GALVANIZED HARDWARE
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ELEMENT: STOREFRONT SIGNAGE

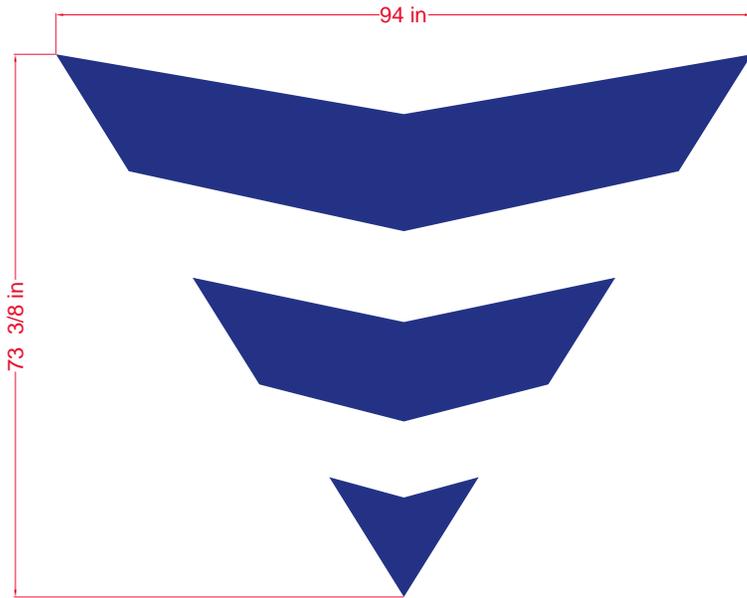
LOCATION: MOUNTAINEER CENTER (MALL)

DATE: 3/3/2016

APPROVAL:

SIGNAGE

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1" THICK PVC LOGO

3/16" ALUMINUM ALL THREAD STUDS

3/8" HOLES WITH CHEMSET 75AM SILICONE ADHESIVE

EXISTING WALL

1" THICK PVC



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PROJECT



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MEDICAL CARE**

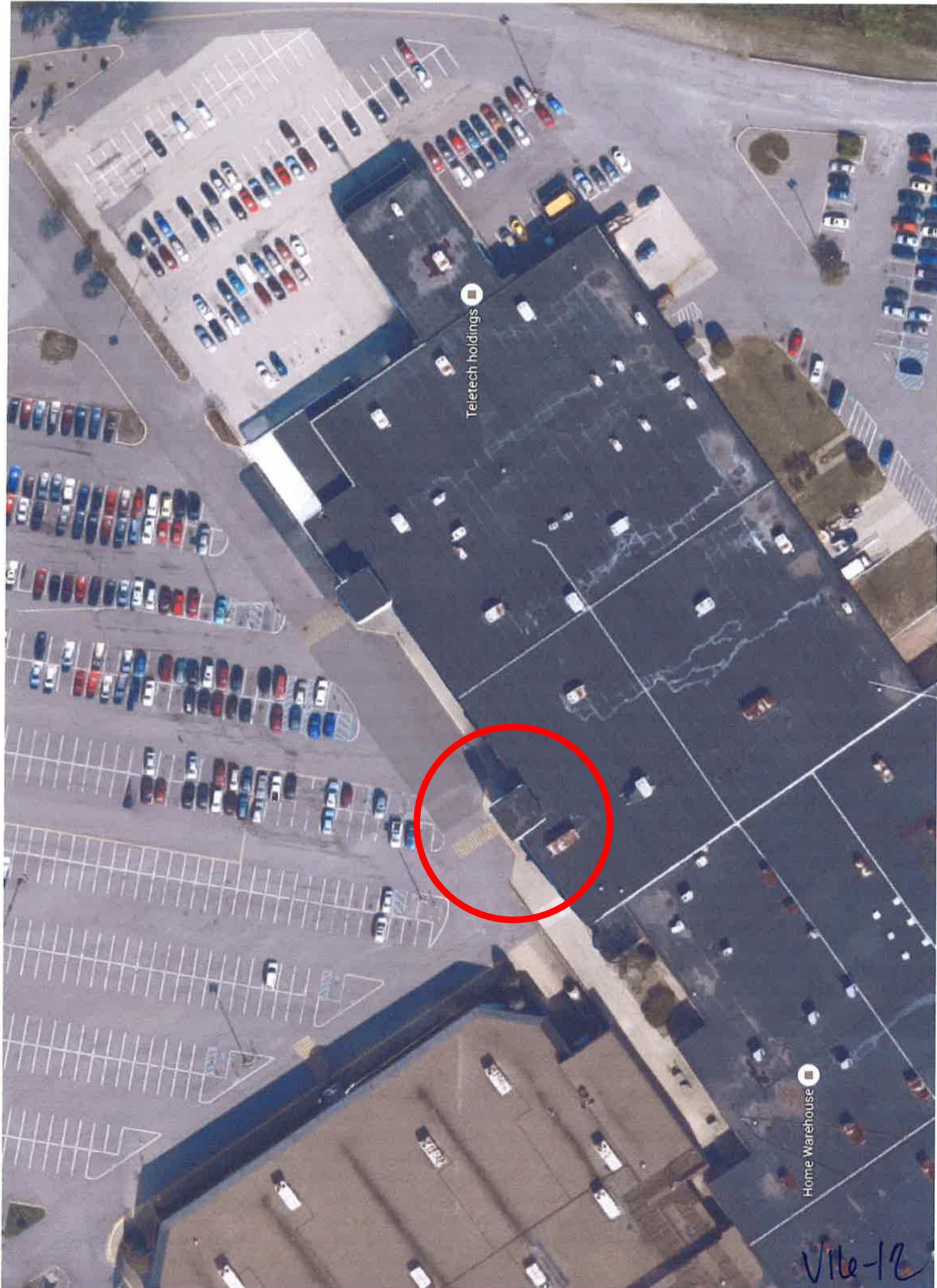
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ELEMENT: STOREFRONT LOGO

LOCATION: MOUNTAINEER CENTER (MALL)

DATE: 3/3/16

APPROVAL:



Teletch holdings

Home Warehouse

V16-12