



MORGANTOWN BOARD OF ZONING APPEALS

May 18, 2016
6:30 PM
City Council Chambers

Board Members:

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

STAFF REPORT

CASE NO: V16-13 / Research Park Shoppes / 51 Donahue Drive

REQUEST and LOCATION:

Request by Kisha Dlugos of City Neon, Inc., on behalf of Research Park Shoppes, for variance relief from Article 1369 concerning signage at 51 Donahue Drive.

TAX MAP NUMBER(s) and ZONING DESCRIPTION:

Tax Map 4, Parcels 18.5, 19, and 20; B-5, Shopping Center District

SURROUNDING ZONING:

B-5, Shopping Center District

BACKGROUND and ANALYSIS:

The petitioner seeks to erect one (1) directory type sign for the *Research Park Shoppes* development to be constructed at 51 Donahue Drive. Addendum A of this report illustrates the location of the subject site.

The following table provides an illustration clipped from the petitioner's application documents along with the respective area.

Proposed Sign (not illustrated to scale)	Proposed Area
	32.0 sq. ft.
Total Proposed Area	32.0 sq. ft.

Article 1369.07(B)(1) provides a maximum area standard of eighteen (18) square feet for directory type signs. The applicant has proposed a directory sign that is thirty-two (32) square feet in area (4 feet x 8 feet). Therefore, variance relief of fourteen (14) square feet is required for the sign as proposed.

Development Services
Christopher Fletcher, AICP
Director

Planning Division
John Whitmore, AICP
Planner III

389 Spruce Street
Morgantown, WV 26505
304.284.7431



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Additionally, directory type signs are not permitted to be illuminated. The petitioner seeks to internally illuminate the proposed ground sign because some of the tenants will be open for business during evening hours through the year. Illumination of the proposed ground sign requires variance relief from the Board.

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 provides Staff recommended revisions to the Findings of Fact responses submitted by the petitioner. Staff recommended revisions should not be considered or construed as supporting or opposing the merits of the petitioner's responses (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

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STAFF REPORT ADDENDUM A
V16-13 / Research Park Shoppes / 51 Donahue Drive



STAFF REPORT ADDENDUM B

V16-13 / Research Park Shoppes / 51 Donahue Drive

The following restates the petitioner's responses to the Findings of Fact portion of the variance application. No revisions are recommended by Staff.

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 requesting a variance to allow for a multi-tenant monument sign with enough space for the proposed tenants and future tenants. We believe the "Directory" signage of 18 sq. ft. allowed by the code does not allow for this.~~ The variance will allow for a multi-tenant monument sign with interior lighting while recognizing unique conditions of the site and surrounding built environment without compromising public health, safety, or welfare. The proposed design of the sign appears to be consistent with other commercial messaging within the immediate area of State Route 705.

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:

Other business establishments located along West Virginia State Route 705, but outside the City's corporate boundary, in the area have existing pylons with visibility to the public and they the petitioner desires would like to have similar visibility. It appears that the distance from the roadway of the proposed sign along with the speed and volume of vehicles along West Virginia State Route 705 warrants a ground sign larger than the maximum area standard to ensure visibility to the motoring public. Additionally, some tenants may be open during evening hours through the year, which appears to warrant illumination of the proposed ground sign.

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

It will allow the petitioner to promote the shops of the new plaza more effectively than ~~that a conforming~~ directory sign ~~will not~~ would allow.

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 help to promote business for tenants and the community. The addition of the larger and illuminated sign will also increase the ~~value~~ visibility of future tenants.



City of Morgantown, West Virginia

APPLICATION FOR VARIANCE PETITION

OFFICE USE	
CASE NO.	Ville-15
RECEIVED:	

(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: signs@cityneon.com
II. PROPERTY		Street Address:	51 Donahue Drive, Morgantown, WV 26505	
Owner:	Research Park Shoppes		Zoning:	B-5
Mailing Address:	645 South View Street		Tax Map No:	18.5, 19, 20
	Street	Morgantown, WV 26505	Parcel No:	
	City	State	Zip	Phone: 304-376-9025
III. NARRATIVE		Please describe the nature and extent of your variance request(s).		
<p>The client would like to construct a multi-tenant monument sign for a new shopping plaza. The proposed monument sign would be 6' tall x 8' wide.</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		<i>Kisha A. Dlugos</i>		04/06/2016
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.



APPLICATION FOR VARIANCE PETITION

OFFICE USE	
CASE NO.	V110-13
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)

Commercial

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.	V116-13
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:

we are requesting a variance to allow for a multi-tenant monument sign with enough space for the proposed tenants and future tenants. We believe the "Directory" signage of 18 sq.ft. allowed by the code does not allow for this.

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:

Other Business establishments in the area have existing pylons with visibility to the public and they would like to have similar visibility.



City of Morgantown, West Virginia

**APPLICATION FOR
VARIANCE PETITION**

OFFICE USE	
CASE NO.	V110-13
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>It will allow the petitioner to promote the shops of the new plaza that a directory sign will not allow</p>	
<p>4. The variance will allow the intent of the zoning ordinance to be observed and substantial justice done, because:</p> <p>The sign will help to promote business for the tenants and the community. The addition of the sign will also increase the value for future tenants.</p>	

SIGNAGE



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

ELEMENT:	Tenant Sign
LOCATION:	Research Park Shoppes
DATE:	10/6/15

Scale: NTS

PROJECT **FEOH**

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.