



# MORGANTOWN BOARD OF ZONING APPEALS

August 17, 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:** V16-21 / Boost Mobile / 749 Chestnut Ridge Road

**REQUEST and LOCATION:**

Request by Brenda Stipanovich of Fast Signs of Uniontown, on behalf of Boost Mobile, for variance relief from Article 1369 concerning signage at 749 Chestnut Ridge Road.

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

Tax Map 56, Parcel 4; B-2, Service Business District

**SURROUNDING ZONING:**

- North and West: B-2, Service Business District
- East: Unincorporated areas of Monongalia County
- South: R-1, Single-Family Residential District (WVU owned realty)

**BACKGROUND and ANALYSIS:**

The petitioner seeks to erect one (1) wall sign for the *Boost Mobile* tenant located at the Suburban Court development at 749 Chestnut Ridge Road. 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 sign area.

Proposed Sign	Proposed Area
	16.7 sq. ft.
<b>Total Proposed Wall Sign Area</b>	<b>16.7 sq. ft.</b>

**Development Services**

- Christopher Fletcher, AICP  
Director
- John Whitmore, AICP  
Planner III
- 389 Spruce Street  
Morgantown, WV 26505  
304.284.7431

Article 1369.07(l)(1) provides a maximum area standard of six tenths (.6) square foot for every one (1) foot of tenant building frontage in the B-2 Zoning District. The linear width of the tenant's frontage is eleven (11) linear feet +/-, which establishes a maximum wall sign area standard of 6.6 square feet. As such, variance relief of 10.1 square feet is required for the wall sign 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 provides Staff recommended revisions to the Findings of Fact responses submitted by the petitioner (deleted matter struck through; new matter underlined). Staff recommended revisions should not be considered or construed as supporting or opposing the merits of the petitioner's responses.

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

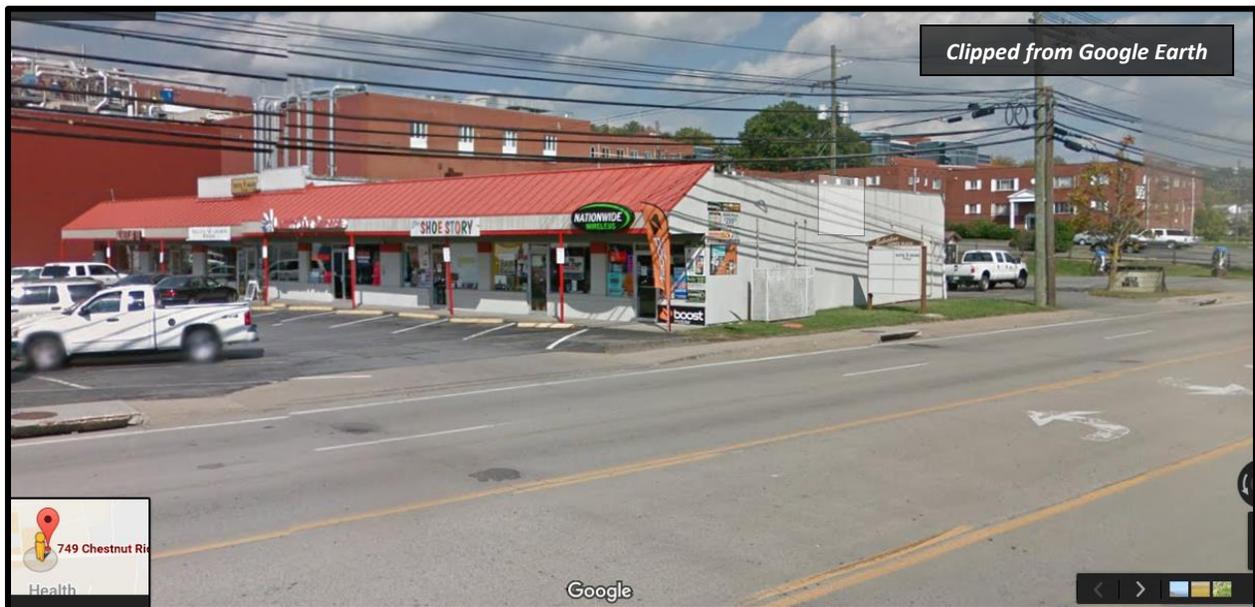
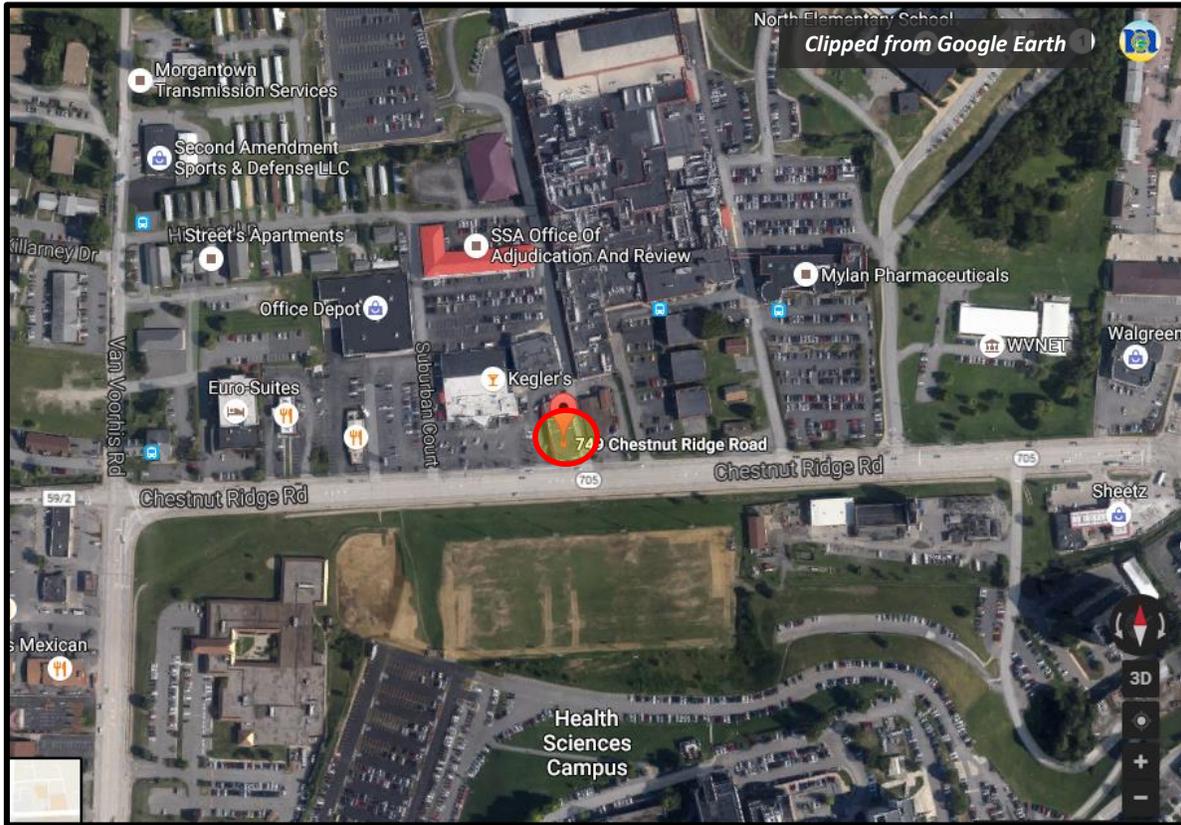
### **Development Services**

Christopher Fletcher, AICP  
Director

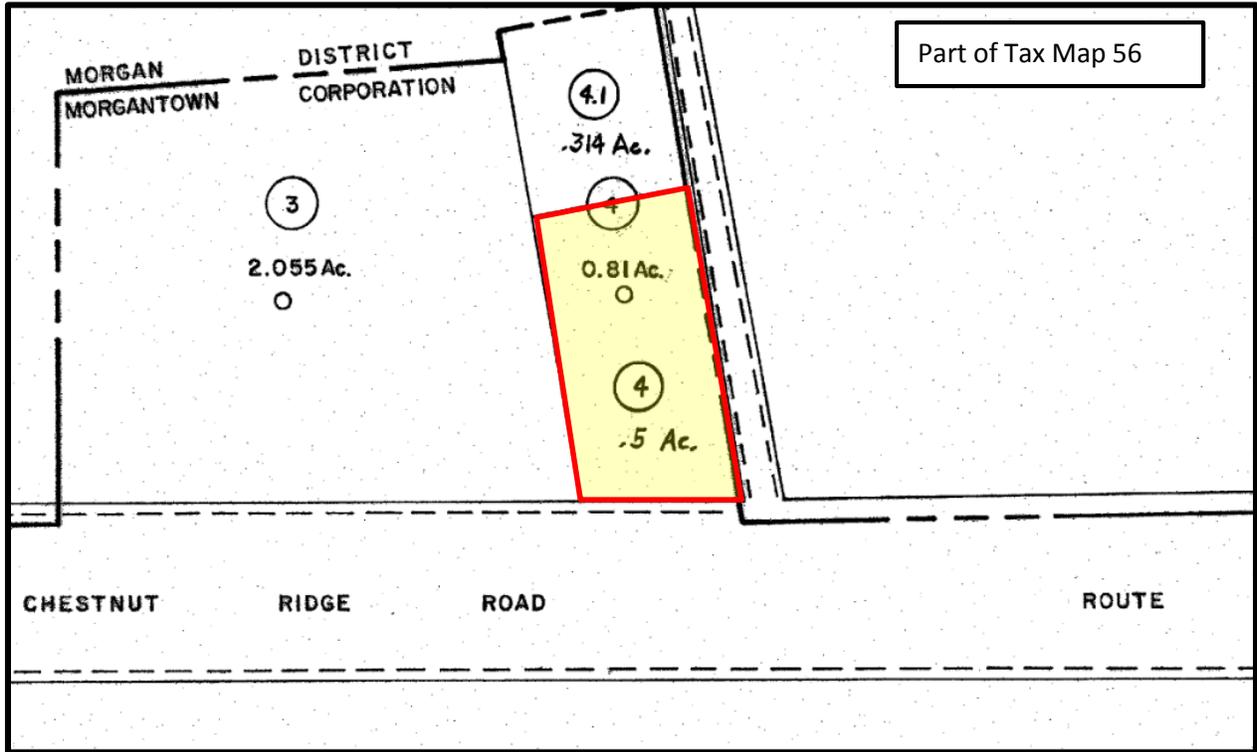
John Whitmore, AICP  
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**STAFF REPORT ADDENDUM A**  
**V16-21 / Boost Mobile / 749 Chestnut Ridge Road**



**STAFF REPORT ADDENDUM A**  
**V16-21 / Boost Mobile / 749 Chestnut Ridge Road**



**STAFF REPORT ADDENDUM B**  
**V16-21 / Boost Mobile / 749 Chestnut Ridge Road**

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Staff recommends the following revisions to the petitioner's Findings of Fact responses (deleted matter struck through; new matter underlined). Staff recommended revisions should not be considered or construed as supporting or opposing the merits of the petitioner's responses

**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:

The signage as designed, creates greater visibility that will enhance business.

**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 business needs greater visibility thru through adequate signage as proposed, due to the location of the business in the shopping center.

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

Commercial business areas require adequate signage.

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

Store footage is only 14 feet which allows only 8.4 square feet of signage which is not adequate for any tenant in this location.



City of Morgantown, West Virginia

APPLICATION FOR VARIANCE PETITION

OFFICE USE	
CASE NO.	V116-21
RECEIVED:	

VISA

(PLEASE TYPE OR PRINT IN BLACK INK)

Fee: \$75

<b>I. APPLICANT</b>		Name:	FASTSIGNS of Uniontown		
Mailing Address:	Street	140 Morgantown St.		Phone:	724-430-7446
	City	State	Zip	Mobile:	724-322-0064
	Uniontown, PA 15401			Email:	owner599@fastsigns.com
<b>II. PROPERTY</b>		Street Address:	749 Chestnut Ridge Rd.		
Owner:	Lorenz			Zoning:	B-2
Mailing Address:	Street	749 Chestnut Ridge Rd		Tax Map No:	56
	City	State	Zip	Parcel No:	4
	Morgantown, WV 26505			Phone:	
<b>III. NARRATIVE</b>		Please describe the nature and extent of your variance request(s).			
<p>We would like to request permission to install signage for new business that is 26" x 92.66' or 16.73 sq ft. on the face of Best Mobile located above address.</p> <p>B-2 zone max is .6 sq ft - 1 ft frontage or 6.6 sq ft</p> <p>Allowance is inadequate for visibility.</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>					
Type/Print Name of Applicant/Agent		Signature of Applicant/Agent		Date	
Brenda Stipanovich		Brenda Stipanovich		2-13-16	

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.

V16-21



City of Morgantown, West Virginia

# APPLICATION FOR VARIANCE PETITION

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## 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*)

**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

V16-21



City of Morgantown, West Virginia

**APPLICATION FOR  
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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:**

*Commercial Business 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:**

*Storefront footage is only 14 ft  
which allows only 8.4 sq ft of  
signage which is not adequate.*



**APPLICATION FOR  
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**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:

*Greater visibility will enhance business.*

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

*Business needs greater visibility than adequate signage as proposed.*

144 Chestnut Ridge

EXISTING



V110-21

149 Chestnut Ridge

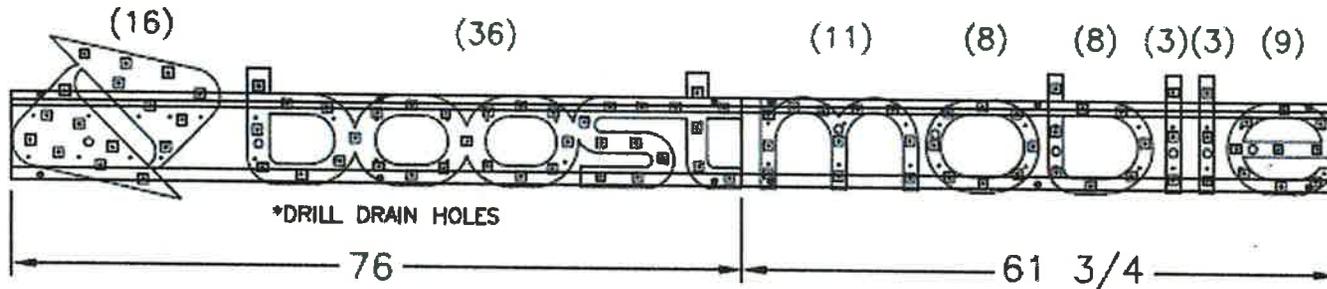
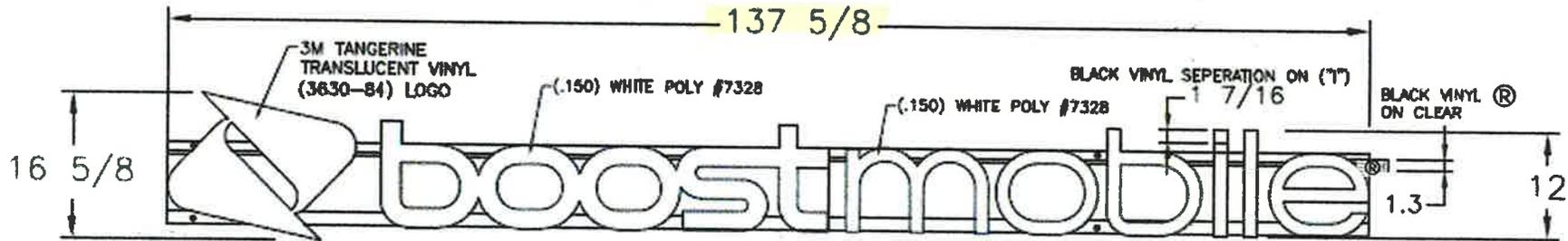
Vile-21

PROPOSED



V16-21

# Boost Exterior Channel Lettering w/Raceway Light Schematics



LTR	LEDS	TTL. LEDS	TRANS.	AMPS	TOTAL AMPS
LOGO	16				2.6 AMPS
BOOST	36	52	96W	1.3 AMPS	
MOBILE	42	42	96W	1.3 AMPS	

(94) NICHIA LEDES TOTAL  
 (19) DRIVERS  
 (2) 96 WATT POWER SUPPLIES

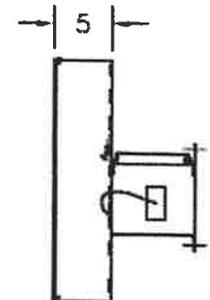
(2) ANP90-30P1 POWER SUPPLIES  
 100-240Vac; 96 WATT; 1.3 AMPS (EACH)  
 2.6 AMPS TOTAL; \*USE (1) 20 AMP CIRCUIT

	THICK	COLOR
FACE	.150 POLY	WHITE (VINYL 1ST SURFACE-LOGO)
BACK	.063 ALUM	WHITE
TRIMCAP	3/4"	BLACK
LED	N/A	WHITE NICHIAS
RETURN	.040 ALUM	BLACK
RCWY	.063 ALUM	AS PER RELEASE

NOTE: 61.66 FT. OF FILLER

APPROVED BY: TONY GORENC      BRIAN G. HALL      DATE: 05/16/11

NOTE: ORDER CANNOT BE PROCESSED FROM ENGINEERING TO MANUFACTURING WITHOUT CUSTOMER APPROVAL. DELAYS IN OBTAINING NECESSARY APPROVAL WILL ALTER PROJECTED SHIP DATE.



		These drawings are the exclusive property of Everbrite, Inc. Use of, or duplication in any manner without express written permission of Everbrite, Inc. is prohibited.	
TITLE: LTR, BM 12" W/LOGO RCWY LED W			
DATE: BQH	DATE: 05/16/11	SCALE: NTS	ORDER NO: E004621B
			REV: A