



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: V16-28 / Cashland Pawn / 530 Brockway Avenue

REQUEST and LOCATION:

Request by Crystal Miller with City Neon, on behalf of Cashland Pawn, for variance relief from Article 1369 concerning signage at 530 Brockway Avenue.

TAX MAP NUMBER(s) and ZONING DESCRIPTION:

Tax Map 29, Parcels 289, 289.1, and 290; B-2, Service Business District

SURROUNDING ZONING:

B-2, Service Business District

BACKGROUND and ANALYSIS:

The petitioner seeks to erect three (3) wall signs at 530 Brockway Avenue. 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 areas.

Proposed Signs (not illustrated to scale)	Proposed Area
<div style="display: flex; justify-content: space-around;"> <div style="text-align: center;"> <p>EXISTING</p>  </div> <div style="text-align: center;"> <p>PROPOSED</p>  </div> </div> <div style="margin-top: 10px;"> <p>EACH CABINET MOUNTED WITH EIGHT (8) 3/8" GALVANIZED LAGS WITH SHIELDS</p>  <p>TWO NEW 4' X 8' ILLUMINATED SIGN CABINETS</p> </div>	<p>64.0 sq. ft.</p>



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<p>EXISTING</p>  <p>PROPOSED</p>  <p>REFACE EXISTING 4' X 8' ILLUMINATED SIGN CABINET</p>	<p>32.0 sq. ft.</p>
<p>EXISTING</p>  <p>PROPOSED</p>  <p>EACH CABINET MOUNTED WITH EIGHT (8) 3/8" GALVANIZED LAGS WITH SHIELDS</p>  <p>TWO NEW 4' X 8' ILLUMINATED SIGN CABINETS</p>	<p>64.00 sq. ft.</p>
<p style="text-align: right;">Total Proposed Sign Area 160.00 sq. ft.</p>	

Article 1369.07(I)(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 tenant's frontage is 146'-8", allowing for 88 total square feet of wall signage. As such, variance relief of 72 square feet is required for the proposed wall signs.

Staff notes that by eliminating the two (2) lower portions of the signs proposed for the sides of the building, the extent of the variance would be reduced from 72 square feet to 8 square feet.



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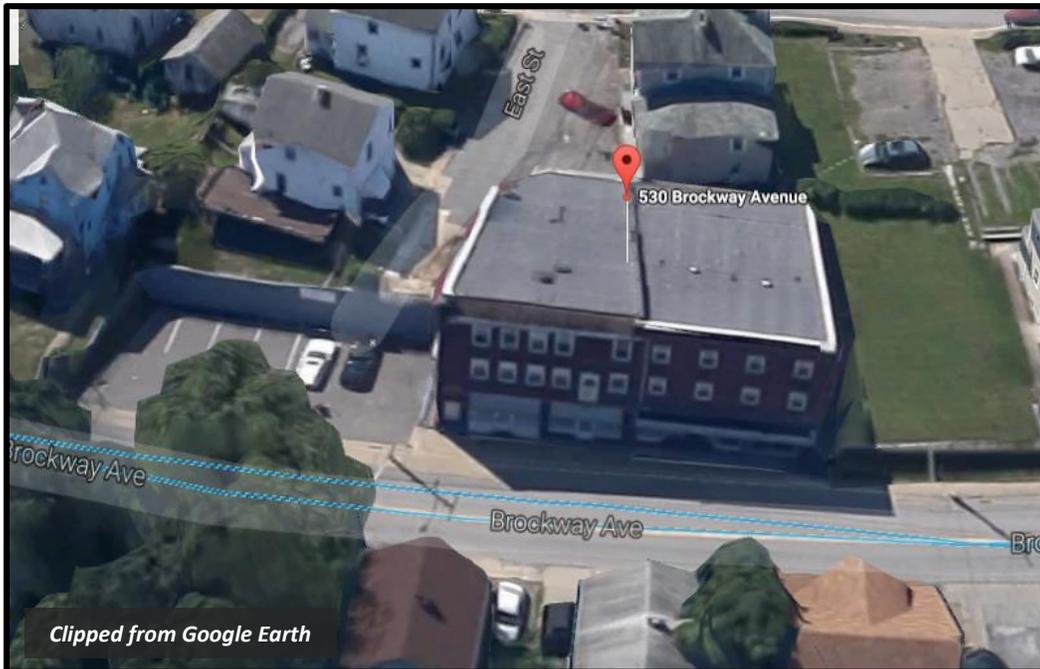
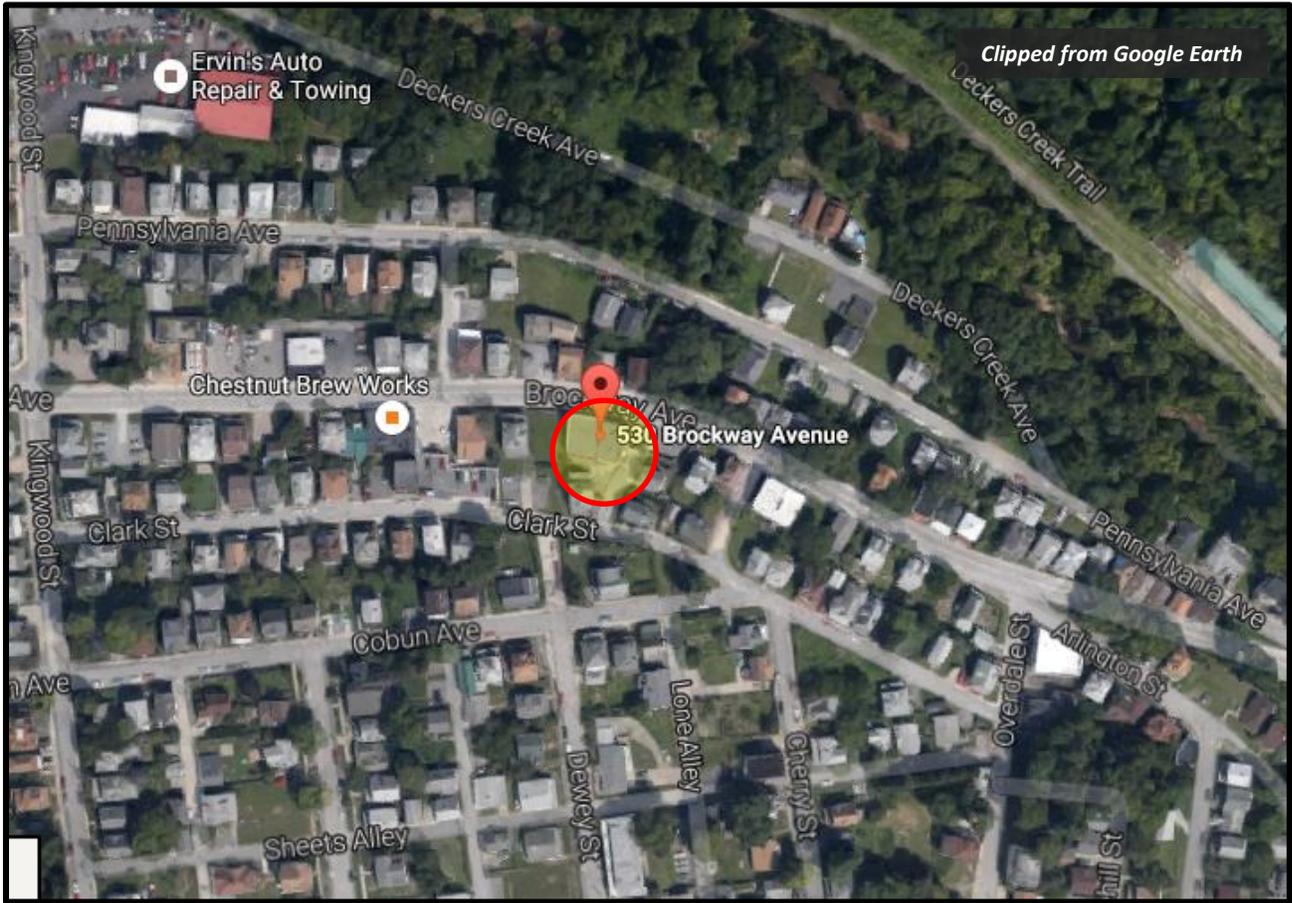
STAFF RECOMMENDATION:

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 Findings of Fact submitted by the petitioner. No recommendation is submitted by Staff concerning whether or not the petitioner's Findings of Fact should be amended. 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

STAFF REPORT ADDENDUM A
V16-28 / Cashland Pawn / 530 Brockway Avenue



STAFF REPORT ADDENDUM B
V16-28 / Cashland Pawn / 530 Brockway Avenue

The following restates the Findings of Fact submitted by the petitioner.

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 proposed sign will not impair adequate light or air to adjacent properties. It will not increase the hazard from fire or other dangers to said property or adjacent properties. It will not diminish or impair property values within the neighborhood. It will not create a nuisance. It will not result in an increase in public expenditures.

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 building is located in a narrow section of Brockway Avenue in which a sign on either side of the building as well as the store front could better help customers to find the location. The former tenant of this building owned a business that was geared to a predominantly female interest. Whereas, the new business is geared more to a male clientele. Many men would not readily identify this building. Advertising and signage becomes crucial to bringing in business.

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 business to reuse and repurpose an existing sign without a large investment in new signage or structural change to the property.

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 help create revenue in the area without harming the public health, safety or welfare, or the rights of adjacent property owners.



City of Morgantown, West Virginia

APPLICATION FOR VARIANCE PETITION

OFFICE USE	
CASE NO.	V16-28
RECEIVED:	

OK 23511

Fee: \$75

(PLEASE TYPE OR PRINT IN BLACK INK)

I. APPLICANT		Name:	CITY NEON, INC - CRYSTAL MILLER		
Mailing Address:	PO Box 40		Phone:	(304) 599-1854	
	Street	MORGANTOWN WV 26507	Mobile:	(304) 322-7057	
	City	State Zip	Email:	Crystal@cityneon.com	
II. PROPERTY		Street Address:	530 BROCKWAY AVENUE		
Owner:	SHELDON DAWKINS		Zoning:	B2	
Mailing Address:	530 BROCKWAY AVENUE		Tax Map No:	29	
	Street	MORGANTOWN WV 26507	Parcel No:	289, 289.1, 290, 4291	
	City	State Zip	Phone:	(304) 290-7111	
III. NARRATIVE		Please describe the nature and extent of your variance request(s).			
<p>Cashland Pawn is moving from Beechurst Avenue to 530 Brockway Avenue. The owner would like to move the original illuminated cabinet sign, but divide it into two separate cabinets (one for each side of the building). And utilize the existing illuminated cabinet on the front of the building for a new sign. The proposed plan would exceed the allowable square footage by approximately 41 square feet. We are asking that the city allow a variance for this plan.</p> <p>Each side cabinet would be 4'x8'</p> <p>Building front sign is 3'x8'</p>					
V. ATTEST		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.			
CRYSTAL MILLER		Crystal Miller		7/1/16	
Type/Print Name of Applicant/Agent		Signature of Applicant/Agent		Date	

PAID JUL 06 2016

20 Jul 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.



APPLICATION FOR VARIANCE PETITION

OFFICE USE	
CASE NO.	V116-28
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 - RETAIL

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):

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



**APPLICATION FOR
VARIANCE PETITION**

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VII. FINDINGS OF FACT	COMPLETE THE FOLLOWING STATEMENTS IN THIRD PERSON.
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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:

The proposed sign will not impair adequate light or air to adjacent properties.
 It will not increase the hazard from fire or other dangers to said property or adjacent properties.
 It will not diminish or impair property values within the neighborhood.
 It will not create a nuisance.
 It will not result in an increase in public expenditures.

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 building is located in a narrow section of Brockway Avenue in which a sign on either side of the building as well as the store front could better help customers to find the location.

The former tenant of this building owned a business that was geared to a predominantly female interest. Whereas, the new business is geared more to a male clientele. Many men would not readily identify this building. Advertising and signage becomes crucial to bringing in business.



City of Morgantown, West Virginia

**APPLICATION FOR
VARIANCE PETITION**

OFFICE USE	
CASE NO.	V16-28
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 business to reuse and repurpose an existing sign without a large investment in new signage or structural change to the property.</p>	
<p>4. The variance will allow the intent of the zoning ordinance to be observed and substantial justice done, because:</p> <p>It will help create revenue in the area without harming the public health, safety or welfare, or the rights of adjacent property owners.</p>	

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.

EXISTING



PROPOSED



REFACE EXISTING 4' X 8' ILLUMINATED SIGN CABINET

PRODUCTION WILL NOT BEGIN UNTIL SIGNED APPROVAL IS RECEIVED



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

PROJECT

CASH LAND PAWN

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.

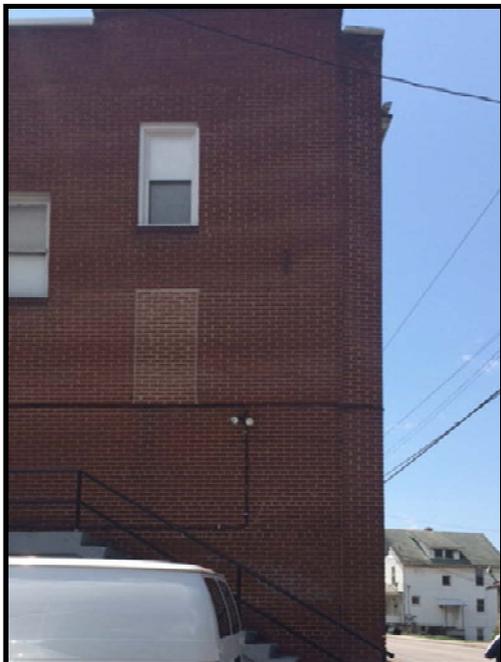
ELEMENT: NEW SIGN FACE

LOCATION: BROCKWAY AVENUE

DATE: 7/27/16

APPROVAL:

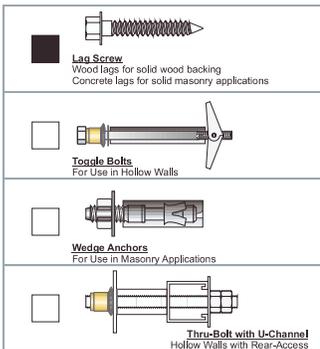
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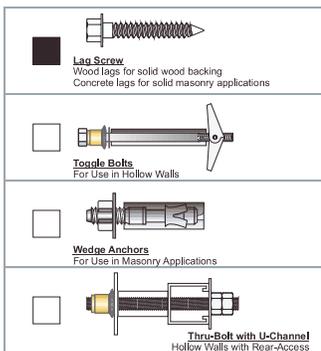
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ELEMENT: NEW WALL CABINETS

LOCATION: BROCKWAY AVENUE

DATE: 7/27/16

APPROVAL: