



MORGANTOWN BOARD OF ZONING APPEALS

September 21, 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: V16-29 / Salam, LLC / 350 High Street

REQUEST and LOCATION:

Request by Mohammed Alkhaldi, on behalf of Salam, LLC, for variance relief from Article 1369 concerning signage at 350 High Street.

TAX MAP NUMBER(s) and ZONING DESCRIPTION:

Tax Map 26A, Parcel 110; B-4, General Business District

SURROUNDING ZONING:

B-4, General Business District

BACKGROUND and ANALYSIS:

The petitioner seeks to erect one (1) wall sign at 350 High Street, previously the location of Zaytun restaurant. 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
	17.68 sq. ft.
Total Proposed Area	17.68 sq. ft.

Article 1369.07(I)(1) provides a maximum area standard of four tenths (.4) square foot for every one (1) foot of tenant building frontage in the B-4 Zoning District. The applicant has proposed a wall sign 17.68 square feet in area (2.6 feet by 6.8 feet). The tenant's frontage is thirty-one (31) linear feet +/- . Additionally, the proposed sign is made of a PVC material. Article 1369.08 only permits opaque wall signs made of wood, metal, sign-foam, or stone in the B-4 General Business District. Therefore, variance relief of 5.28 square feet in wall sign area and permitted materials to be used are required for the sign as proposed.

Development Services

Christopher Fletcher, AICP
Director

John Whitmore, AICP
Planner III

389 Spruce Street
Morgantown, WV 26505
304.284.7431



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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 petitioner's findings fact responses, which Staff recommends the Board carefully review.

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

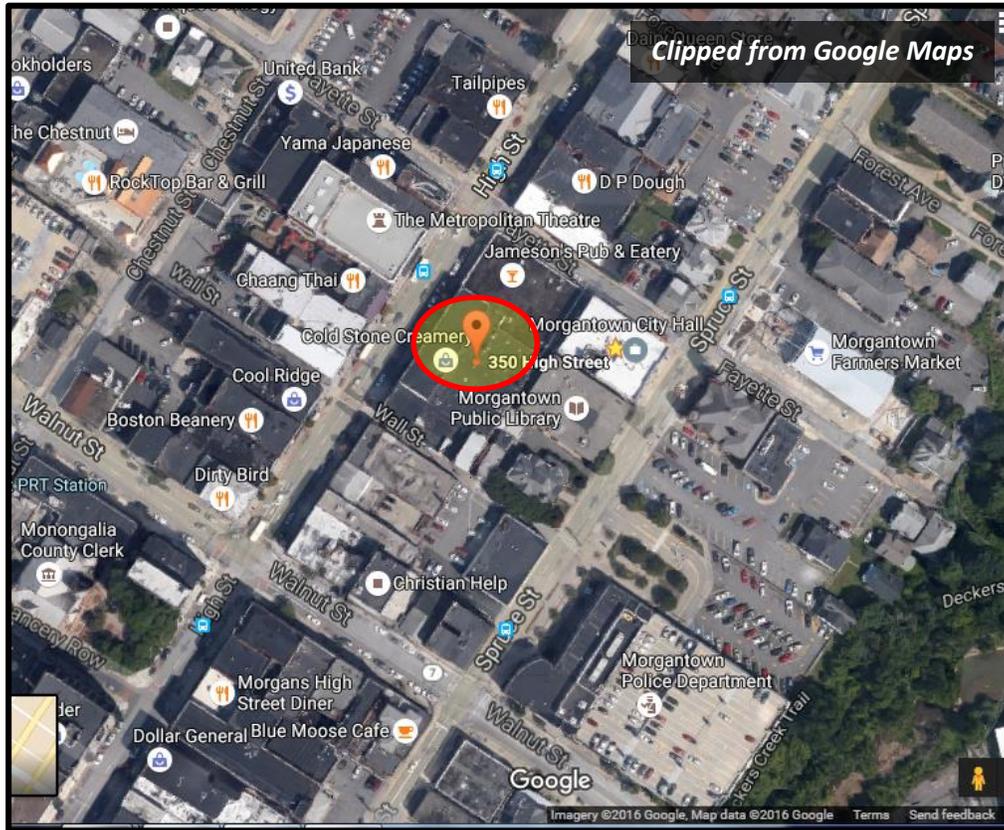
Christopher Fletcher, AICP
Director

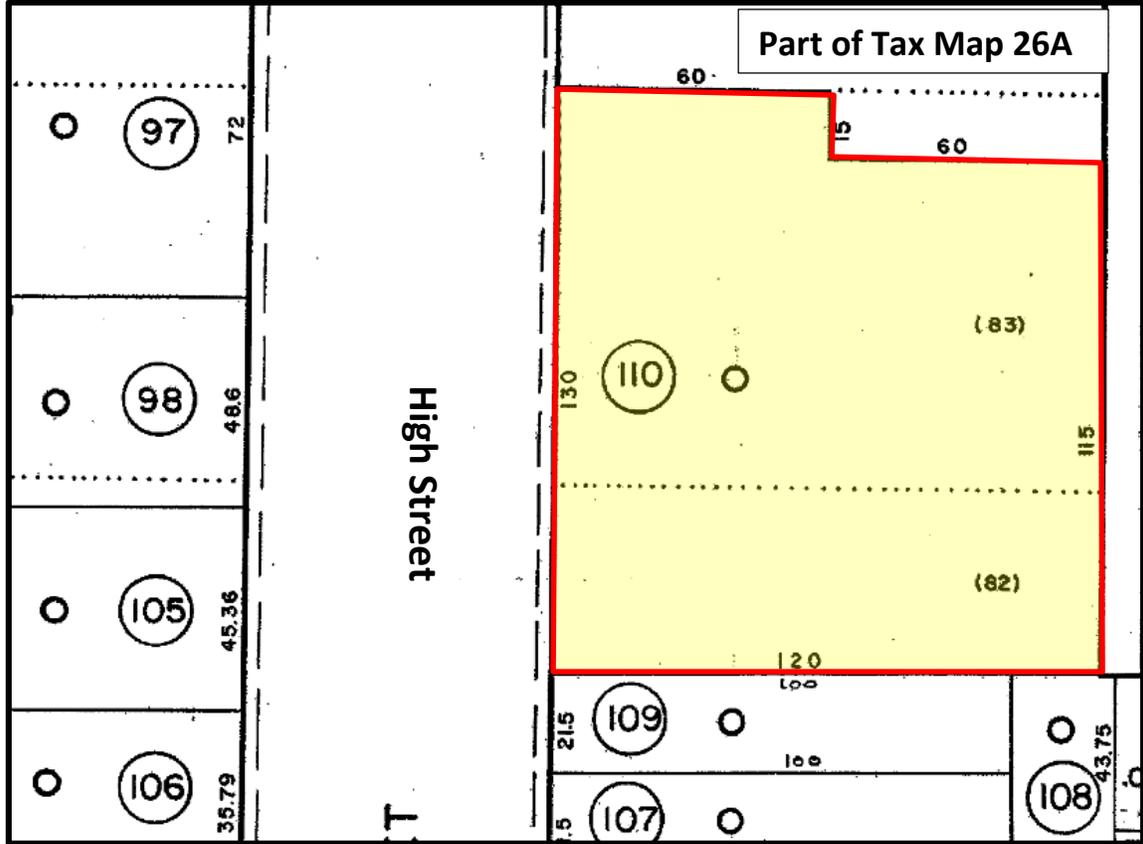
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STAFF REPORT ADDENDUM A

V16-29 / Salam, LLC / 350 High Street





STAFF REPORT ADDENDUM B
V16-29 / Salam, LLC / 350 High Street

Staff recommends the following revisions to the petitioner's Findings of Fact responses (deleted matter struck through; new matter underlined).

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 sign is not obtrusive or too large, and fits the ascetic for the structure. ~~It has been professionally hanged.~~

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:

~~We need sign that allowed to easy for~~ The proposed sign will allow people to see the restaurant use.

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

~~To be clear to people to see our business. (middlest decoration)~~

The use requires adequate signage area made from material that works with the structure and surrounding properties.

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 a specific design to be more~~ The proposed sign is a suitable design ~~to~~ for the downtown area.



PAID
JUL 27 2016

City of Morgantown, West Virginia

APPLICATION FOR
VARIANCE PETITION

OFFICE USE	
CASE NO.	Ville-29
RECEIVED:	27 JUL 16

(PLEASE TYPE OR PRINT IN BLACK INK)

Fee: \$75

MC

I. APPLICANT		Name:	Mohammed Alkhalidi		
Mailing Address:	Street	350 Bayers Avenue Apt. 104		Phone:	304 435 5466
	City	Morgantown WV	26505	Mobile:	" "
			State	Zip	
			Email: malkhalidiwv@hotmail.com		
II. PROPERTY		Street Address: SALAM LLC, 350 High Street, Morgantown, WV			
Owner:	Mohammed Alkhalidi			Zoning:	
Mailing Address:	Street	350 Bayers Ave Apt. 104		Tax Map No:	
	City	Morgantown WV	26505	Parcel No:	
			State	Zip	
			Phone:	304 435 5466	

III. NARRATIVE	Please describe the nature and extent of your variance request(s).
<p>Due to the dimensions of our restaurant store front and the sign, we are submitting this form in order to approve the size of the sign. The sign is 2.6ft x 6.8ft and the building store front is _____ x _____.</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>		
Mohammed Alkhalidi		07/26/16
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.

V16-29



City of Morgantown, West Virginia

APPLICATION FOR VARIANCE PETITION

OFFICE USE	
CASE NO.	V16-29
RECEIVED:	27 JUL 16

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 business

- Structure Characteristics (complete only those that apply)
- Total number of buildings: 1 Gross floor area of each building: _____
- Estimated number of employees: 4 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**

OFFICE USE	
CASE NO.	V116-29
RECEIVED:	27 JUN 16

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:

The sign is not obtrusive or too large for the structure. It has been professionally changed.

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:

we need sign that allowed so easy for people to locate see restaurant.

V16-29



City of Morgantown, West Virginia

APPLICATION FOR
VARIANCE PETITION

OFFICE USE	
CASE NO.	V16-29
RECEIVED:	27 Jul 16

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:

To be clear to people to see
our bussinase. (middlest decoration)

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

It will be in specific design to
~~and~~ decoration
be more saittble to the area.



City of Morgantown Application for Sign Permit

B

A separate application must be completed for EACH proposed Sign

Application Date <u>06/1/2016</u>	Type of Sign: <input type="checkbox"/> Awning <input type="checkbox"/> Changeable Copy <input type="checkbox"/> Construction <input type="checkbox"/> Directional <input type="checkbox"/> Directory <input type="checkbox"/> Marquee <input type="checkbox"/> Menu Board <input type="checkbox"/> Monument <input type="checkbox"/> Portable <input type="checkbox"/> Post & Panel <input type="checkbox"/> Projecting <input type="checkbox"/> Pylon/Pole <input type="checkbox"/> Roof <input type="checkbox"/> Sandwich Board <input type="checkbox"/> Scrolling Message <input type="checkbox"/> Suspended <input checked="" type="checkbox"/> Wall <input type="checkbox"/> Window <input type="checkbox"/> Other	Is Applicant Owner? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Office Use Case # _____ Received _____ Complete _____	Sign to Advertise: _____	

PROPERTY INFORMATION:

Street address: 350 High Street Map# _____ Parcel# _____ Ward _____ Zoning _____

PROPERTY OWNER INFORMATION:

Name: Mohammed Alkhalidi and Wael Abu Shanab Business name: Salam LLC
 Address: 350 Boyers Avenue Apt. 104 Phone: 304 435 5466
 Email: malkhalidiwv@gmail.com property owner contractor

CONTRACTOR INFORMATION:

TYPE:	Contractors Business Name	City License Number
General Contractor		
Sign Contractor	<u>Art Medinun - Elkins, WV</u>	
Excavation		
Concrete		
Carpentry		
Electrical		
Roofing		
Masonry		

Est. value of project \$ 420.00

I hereby certify that I am the owner of record of the named property, or that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his authorized agent and I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the code official or the code official's authorized representative shall have the authority to enter areas covered by such permit at any reasonable hour to enforce the provisions of the code(s) applicable to this permit.

[Signature]
SIGNATURE OF APPLICANT

350 Boyers Avenue, Morgantown, WV 26505
ADDRESS OF APPLICANT

304-435-5466
PHONE *call*

PRINT NAME: Mohammed Alkhalidi

In consideration of the premises and the advertising that will accrue to the undersigned owner of said property, on behalf of myself, heirs, and assigns, I do hereby agree to save the City of Morgantown harmless from any and all damages which may arise from or grow out of the erection and maintenance of said sign or structure.

[Signature] 235 High St #414 Morgantown WV (304)296-5931
 SIGNATURE OF PROPERTY OWNER ADDRESS OF APPLICANT PHONE

PRINT NAME: Meshell Watkins

Detailed Description of Work to be Done:

Sign will be screwed into Exterior Wall
made of wood with Stainless Steel screws,
Holes will be predrilled by sign contractor.

Detailed Description of Materials to be Used:

Stainless Steel Screws, PVC cut out (sign)

ILLUMINATION:

Internally Externally None

PLEASE DESCRIBE: _____

SIGN DIMENSIONS:

Height 2.6 ft Width 6.8 ft Area _____ sq ft

STRUCTURE DIMENSIONS:

Height 16 ft Width 31 ft

DISTANCE from BUILDING (if applicable): X ft

HEIGHT above SIDEWALK (if applicable): 10 ft

*The following information must be submitted with this application:

- Photographic illustration of existing conditions
- Rendering of the sign showing the dimensions
- Photographic illustration of proposed conditions
- Site Plan drawn to scale, if sign is not affixed to existing building
- A copy of the applicant's liability insurance naming the City as coinsured

OFFICE USE ONLY

APPROVALS:

Engineering Department Approval Notes:

Signature of person reviewing: _____ DATE

Planning Department Approval Notes:

Comments: SEE ATTACHED ADDENDUM
Conditions: SEE ATTACHED ADDENDUM

Signature of person reviewing: _____ DATE 6/14/16

Code Enforcement Approval Notes:

Signature of person reviewing: _____ DATE

Fire Department Approval Notes:

Signature of person reviewing: _____

VALIDATION:

Permit Number:	Sign - 2016-00000669	Fee	35.00
Electrical:		Fee	
Sign:		Fee	17.00
Grading:		Fee	
Stop Work Order:		Fee	

Application Accepted and Processed By: _____

Approved By: _____ DATE

Total Fee 52.00

Signature of Person Picking Up Building Permit: _____ DATE

Print Name of Person Picking up Permit: _____

Signs

Required information for plans review to obtain permit.

Wall mounted sign:

Show where sign will be located on building.

What is the makeup of the wall that sign will be attached (plywood, drywall, plaster and lath, block, brick etc.).

How will sign be attached (specific details such as 6, 1 & 1/2 inch wood screws, machine screws, sheet metal screws, toggle bolts, masonry bolts, machine bolts etc.)

Dimensions of sign (height, length and width).

What material is the sign made of (wood, plastic, metal, composite etc.)

Height of sign from walking surface to bottom of sign.

Electrical details if applicable.

Pole sign:

Show where sign will be located in regards to buildings, parking areas, road ways or intersections.

Height of sign from walking or driving surface to bottom of sign.

Dimensions of sign (height, length and width).

What material is sign made of (wood, plastic, metal, composite etc.)

How will sign be attached (specific details such as 6, one and half wood screws, machine screws, sheet metal screws, toggle bolts, masonry bolts machine bolts etc.).

Pole signs, one pole or two or more, pole made of wood if so give size such as 4x4 3x4 6x6 etc. Wood round pole give diameter, If metal give type (Steel pipe A53B standard weight, extra strong, double extra strong or other, give nominal diameter such as 1/2, 3/4, 1 inch etc. Steel tubing A500B square or rectangular, size such as 16x16x1/2, 10x10x1/4 etc. Aluminum 6063 T6 tube, square or rectangular, round pipe.

How is pole attached to ground (imbedded in concrete or bolted to concrete, width, thickness, depth and psi of concrete?)

Wind load in MPH (miles per hour) show how wind load was calculated.

Salam

MIDDLE EASTERN
& MEDITERRANEAN CUISINE

Salam
MIDDLE EASTERN
& MEDITERRANEAN CUISINE

Salam
MIDDLE EASTERN
& MEDITERRANEAN CUISINE

White PVC
32in.x 82

Salam
MIDDLE EASTERN
& MEDITERRANEAN CUISINE

OPEN
Mon. - Sat. 9am - 9pm
CLOSED
Sunday
304-545-1234





ZAYTUN زيتون

Salam

**MIDDLE EASTERN
& MEDITERRANEAN CUISINE**



Salam
MIDDLE EASTERN
& MEDITERRANEAN CUISINE



**PLANNING DIVISION
BUILDING PERMIT REVIEW ADDENDUM**

Building Permit: Sign-2016-00000669
Applicant: Mohammed Alkhaldi
Property Address: 350 High Street
Tax Map: 26A
Parcel(s): 110
Zoning District: B-4
Overlay District: NA

COMMENTS:

1. Replacing similar use

CONDITIONS:

1. The Planning Division assumes a linear frontage of the business at approximately 31 feet.
2. The PVC, 17.68 square foot sign is permitted as a temporary sign, with a use period of 30 days from the date of approval.
3. The use of the PVC, 17.68 square foot sign may be extended for a total of two, 30-day periods, not to exceed a total temporary use period of 90 days.
4. The applicant is required to contact the Planning Division in writing (through mail or email) to request an extension of the temporary sign permit.
5. The applicant will be required to receive Board of Zoning Appeals variance approval related to wall sign area, and the use of PVC materials, to have the sign changed from a temporary sign to a permanent sign.