



MORGANTOWN BOARD OF ZONING APPEALS

October 19, 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: V16-33 / First Baptist Church / 432 High Street

REQUEST and LOCATION:

Request by Richard Deamer, on behalf of First Baptist Church, for variance relief from Article 1369 concerning signage at 432 High Street.

TAX MAP NUMBER(s) and ZONING DESCRIPTION:

Tax Map 26A, Parcel 98; B-4, General Business District

SURROUNDING ZONING:

B-4, General Business District

BACKGROUND and ANALYSIS:

The petitioner seeks to erect one (1) non-illuminated wall sign on the rear façade of First Baptist Church. The sign will face a parking lot that opens to Spruce Street. Addendum A of this report illustrates the location of the subject site.

The following table provides an illustration of the proposed wall sign clipped from the petitioner’s sign permit application documents along with the respective area.

Proposed Sign (not illustrated to scale)	Proposed Area
	18.56 sq. ft.
Total Proposed Wall Signage Area	18.56 sq. ft.

First Baptist Church currently has a permanent non-conforming wall sign in the form of a changeable copy sign (illustrated to the right) that is approximately five feet by five feet, seven inches (5' x 5'-7") or 27.92 square feet in area.

Article 1369.07(l)(1) provides a maximum wall area standard of four tenths (0.4) square foot for every one (1) foot of tenant building frontage in the B-4 Zoning District. The church has 72 feet +/- of frontage along High Street, which establishes a maximum wall sign area standard of 28.8 square feet. As such, variance relief of 17.68 square feet is required for existing and proposed permanent wall signage.





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Additionally, Article 1369.08(B) only permits opaque wall signs made of wood, metal, sign-foam, or stone in the B-4 District. The proposed wall sign is not opaque nor does it observe requisite sign material standards, which requires variance relief.

STAFF RECOMMENDATION:

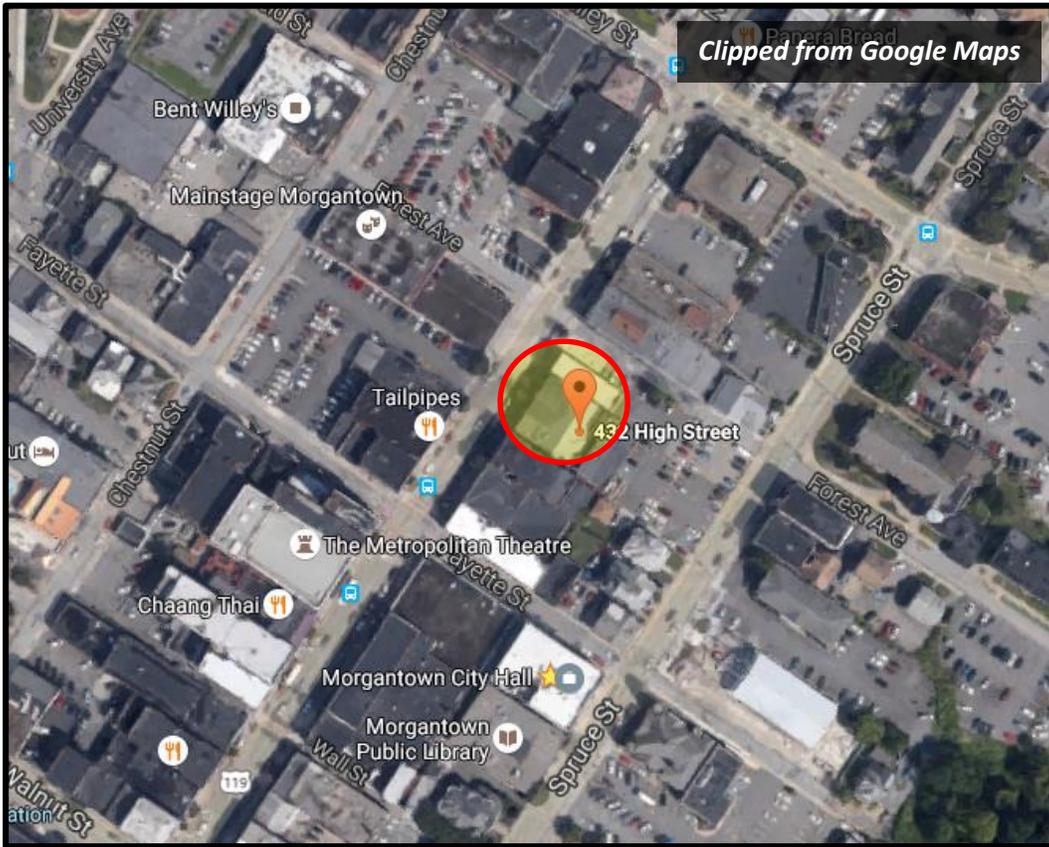
It is the duty of the Board of Zoning Appeals to determine whether the proposed request meets the standard criteria for a variance by reaching a positive determination for *each* of the "Findings of Fact" submitted by the petitioner. If the Board disagrees with the petitioner's "Findings of Fact" and 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)].

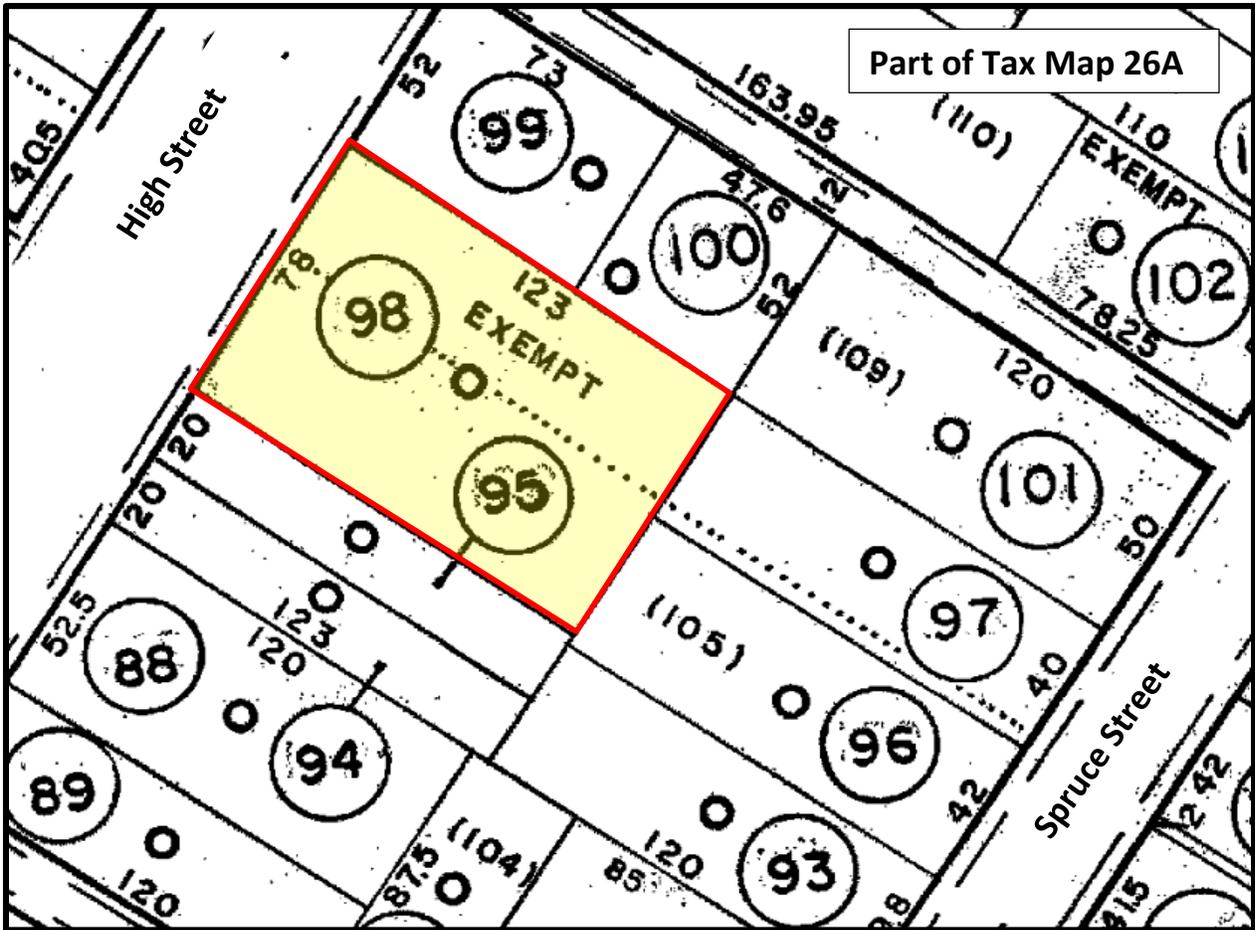
Addendum B of this report provides Staff recommended revisions to the Findings of Fact responses submitted by the petitioner. Staff recommended revisions should not be considered or construed as supporting or opposing the merits of the petitioner's responses (deleted matter struck through; new matter 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

STAFF REPORT ADDENDUM A
V16-33 / First Baptist Church / 432 High Street





STAFF REPORT ADDENDUM B
V16-33 / First Baptist Church / 432 High Street

Staff recommends the following revisions to the petitioner's Findings of Fact responses (deleted matter struck through; new matter underlined). Recommended revisions should not be considered or construed as supporting or opposing the merits of the petitioner's "Findings of Fact" 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 proposed sign is 80' away from Spruce Street and will be put into place to locate but not draw attention to the back entrance to First Baptist Church.

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 signage was donated, but the current rules do not make any provisions of the usage of the constructed materials in the B-4 District.~~ The proposed signage should enhance wayfinding to the Church's rear entrance located approximately 80 feet from Spruce Street accessed through via a public metered parking lot.

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

It will allow persons to locate the First Baptist Church Spruce Street entrance, which is the church's primary ~~handicapped~~ accessible entrance and parking for those persons visiting.

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

It is not on the main entrance (High Street) side of the building and is attempting to comply with the style of signage regulated in the ~~B-4~~ B-4 District.



City of Morgantown, West Virginia

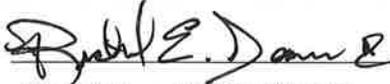
APPLICATION FOR VARIANCE PETITION

OFFICE USE	
CASE NO.	V116-33
RECEIVED:	01 SEP 16

(PLEASE TYPE OR PRINT IN BLACK INK)

CASH

Fee: \$75

I. APPLICANT		Name:	First Baptist Church ^{CO} /Richard Deamer			
Mailing Address:	Street	432 HIGH STREET			Phone:	304 292-3323
	City	Morgantown	WV	26505	Mobile:	304 292-6747
					Email:	fbcwv@comcast.net
II. PROPERTY		Street Address:	432 HIGH STREET			
Owner:	First Baptist Church			Zoning:	B-1	
Mailing Address:	Street	432 HIGH STREET			Tax Map No:	26
	City	Morgantown	WV	26505	Parcel No:	98
					Phone:	304.292.3323
III. NARRATIVE		Please describe the nature and extent of your variance request(s).				
<p>Request a variance for materials used for signage to be used to denote back of First Baptist Church (Spruce Street Entrance)</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>				
Richard Deamer					09.01.16	
Type/Print Name of Applicant/Agent		Signature of Applicant/Agent			Date	

PAID PAID PAID
BY: SEP 01 2016

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.

V16-33



City of Morgantown, West Virginia

APPLICATION FOR VARIANCE PETITION

OFFICE USE table with CASE NO. V16-33 and RECEIVED: 01 SEP 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.

[X] Land Use Characteristics (complete only those that apply)

- Residential, Single-Family Dwelling, Townhouse Dwelling, Two-Family Dwelling, Multi-Family Dwelling

[X] Non-Residential or Mixed (please explain)

Public Usage - First Baptist Church

[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: NA, No. of bedrooms: NA, Additional structure-related details: 2 story brick and stone

[] 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.	V116-33
RECEIVED:	01 SEP 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 proposed sign is 2 80' away from spruce STREET and will be put into place to locate but NOT DRAW ATTENTION TO THE BACK ENTRANCE to First Baptist Church.

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 signage was donated, but the current rules do not make any provisions of the usage of the constructed materials in the B-7 District.

V16-33



City of Morgantown, West Virginia

APPLICATION FOR
VARIANCE PETITION

OFFICE USE	
CASE NO.	V16-33
RECEIVED:	01 SEP 16

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: it will allow persons to locate First Baptist Church Spruce STREET ENTRANCE which is the church's primary handicapped entrance and parking for those persons visiting.</p>
	<p>4. The variance will allow the intent of the zoning ordinance to be observed and substantial justice done, because: it is not on the main entrance (HIGH STREET) SIDE of the building AND is attempting to comply with the style of signage regulated in the B1 district.</p>

V16-33

First Baptist Church



V16-33

First Baptist Church

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