



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: V16-35 / Trinity Communications / 200 Hornbeck Road

REQUEST and LOCATION:

Request by Brandon Wilson, on behalf of Trinity Communications, for variance relief from Article 1369 concerning signage at 200 Hornbeck Road.

TAX MAP NUMBER(s) and ZONING DESCRIPTION:

Tax Map 64, Parcel 5 and 6; B-5, Shopping Center District

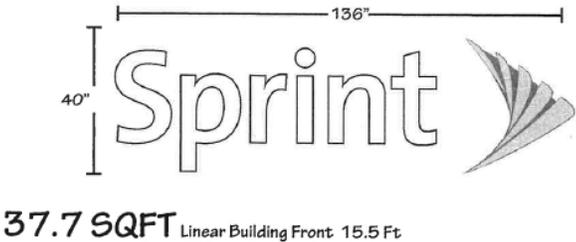
SURROUNDING ZONING:

North, South, and West: B-5, Shopping Center District
East: Unincorporated areas of Monongalia County

BACKGROUND and ANALYSIS:

The petitioner has applied for the installation of one (1) 37.7 square foot wall sign at the Sprint Mobile location at 200 Hornbeck Road (Retail Circle). Addendum A of this report illustrates the location of the subject site.

The following table illustrates the subject sign along with the sign's area.

Proposed Sign (not illustrated to scale)	Proposed Area
 <p>37.7 SQFT Linear Building Front: 15.5 Ft</p>	37.7 sq. ft.
Total Proposed Area	37.7 sq. ft.

Development Services

Christopher Fletcher, AICP
Director

John Whitmore, AICP
Planner III

389 Spruce Street
Morgantown, WV 26505
304.284.7431



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Proposed Sign on Site



Article 1369.07(l)(1) provides a maximum area standard of six tenths (0.6) square foot for every one (1) foot of tenant building frontage in the B-5 Zoning District. The tenant's store frontage is fifteen and one-half (15.5) linear feet +/-, which establishes a maximum wall sign area standard of 9.3 square feet. As such, variance relief of 28.4 square feet is required for the proposed wall sign.

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.

Development Services

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Enclosures: Application and accompanying exhibits

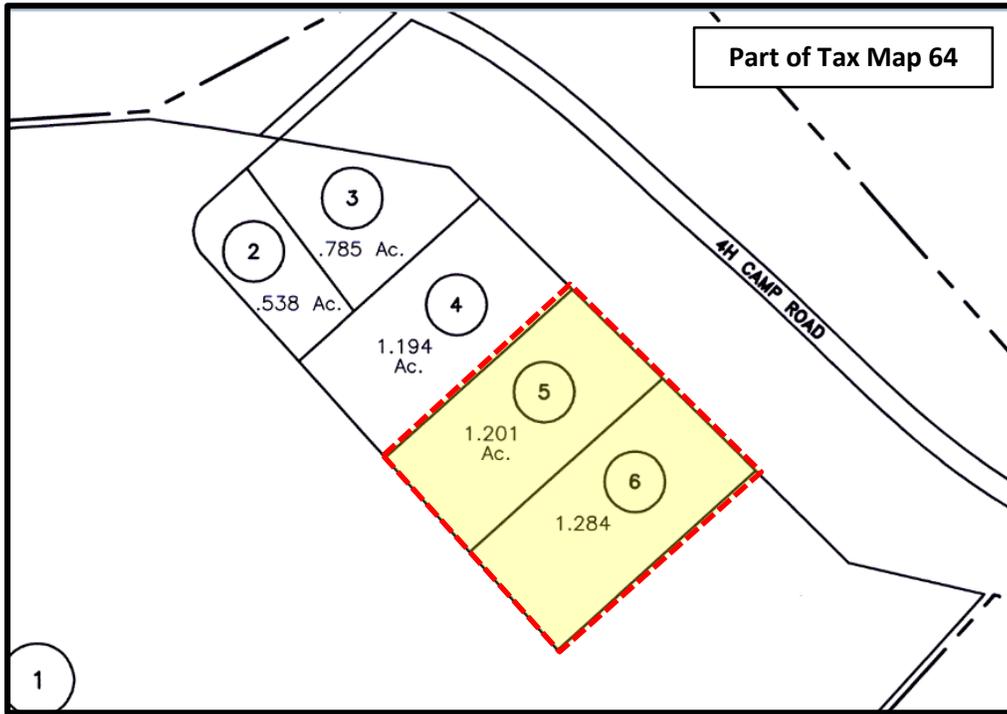
STAFF REPORT ADDENDUM A

V16-35 / Trinity Communications / 200 Hornbeck Road



STAFF REPORT ADDENDUM A

V16-35 / Trinity Communications / 200 Hornbeck Road



STAFF REPORT ADDENDUM B

V16-35 / Trinity Communications / 200 Hornbeck Road

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 sign is located in a commercial area. It is not in a residential area, and will not distract or affect residential property owners or residents.

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:

~~There is adequate room for the sign.~~ Tenant linear store frontage does not appear to provide sufficient signage for the proposed use.

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

~~By using a A~~ larger sign will allow more customers to see the business. It ~~will~~ would appear to be difficult for the business owner to attract customers with a significantly smaller compliant sign given the predominant signage pattern within the surrounding built environment.

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 in a residential area. It is surrounded by other businesses, not personal properties or homes. Therefore the general public will not be negatively affected by the variance.~~ The property and surrounding properties are in a commercial area and appears to be spatially designed for this style and area of signage.



City of Morgantown, West Virginia

APPLICATION FOR VARIANCE PETITION

OFFICE USE table with CASE NO. V16-35 and RECEIVED: 02 SEP 16

(PLEASE TYPE OR PRINT IN BLACK INK)

Fee: \$75

I. APPLICANT section with Name: Brandon Wilson, TRINITY COMMUNICATIONS (DBA "SPRINT MOBILE"), 126 Joyce St, Clarksburg, WV 26201, Phone: 304-641-0847, Email: wilson@trinitycommun

II. PROPERTY section with Street Address: 200 Hornbeck Rd, Owner: 1400 Weatherly Plaza Realty Trust, LLC, Zoning: B-5, Mailing Address: 49 Lexington St, Suite 5, Newton, MA 02465, Tax Map No: 64, Parcel No: 5 and 6

III. NARRATIVE section with text: Please describe the nature and extent of your variance request(s). The requested sign is larger than the code allows, causing a variance. I request the variance to be removed to allow for the larger sign. It is a commercial property, and it would be fitting for a bold, visible sign. The code allows only for a drastically smaller sign. Without removing the variance, I risk losing customers who do not see our location because the sign that would fit code regulations is so small. If it's too small, my customers may not see it.

V. ATTEST section with text: 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. Brandon Wilson signature and date 8/31/2016.

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.



APPLICATION FOR VARIANCE PETITION

OFFICE USE	
CASE NO.	V16-35
RECEIVED:	02 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.*

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



City of Morgantown, West Virginia

**APPLICATION FOR
VARIANCE PETITION**

OFFICE USE	
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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:

It is located in a commercial area. It is not in a residential area, and will not distract or affect residential property owners or residents.

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:

There is adequate room for the sign.



**APPLICATION FOR
VARIANCE PETITION**

OFFICE USE	
CASE NO.	V116-35
RECEIVED:	02 SEP 16

VII. FINDINGS OF FACT

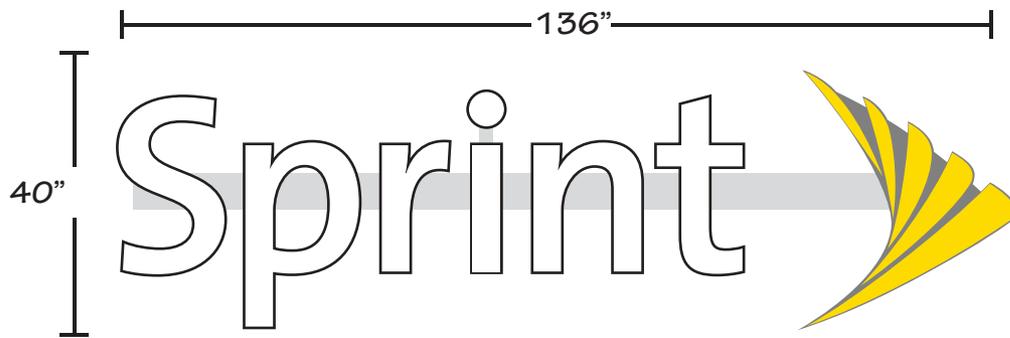
COMPLETE THE FOLLOWING STATEMENTS IN THIRD PERSON.

3. The variance will eliminate an unnecessary hardship and permit a reasonable use of the land, because:

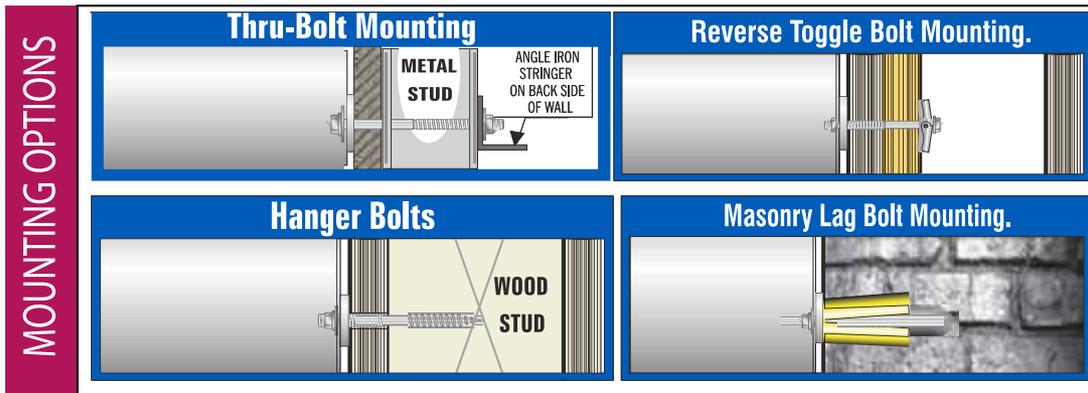
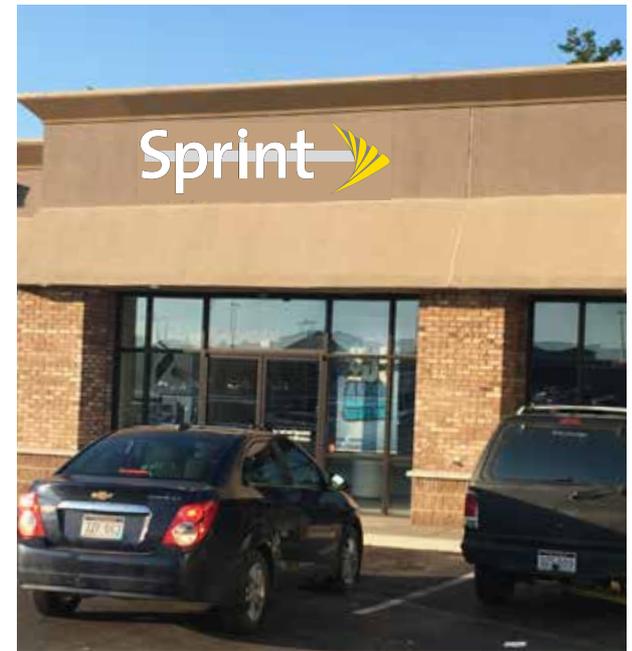
By using a larger sign will allow more customers to see the business. It will be difficult for the business owner to attract customers with a significantly smaller sign.

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

it is not in a residential area. It is surrounded by other businesses, not personal properties or homes. Therefore the general public will not be negatively affected by the variance.



37.7 SQFT Linear Building Front 15.5 Ft

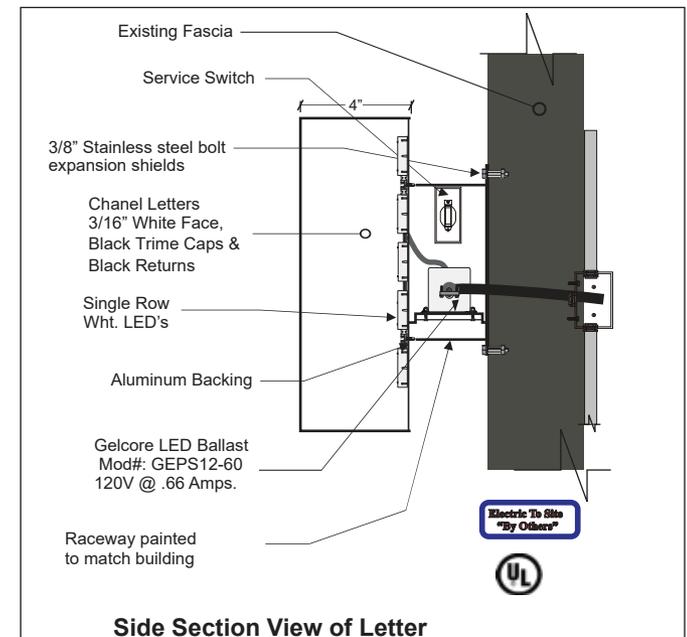


ELECTRICAL NOTES

Power to the sign must be done by a licensed electrical contractor or licensed electrician.
 Each sign must have:

1. A minimum of one dedicated 120V 20A circuit
2. Junction box installed within 6 feet of sign
3. Three wires: Line, Ground, Neutral

200 Hornbeck Rd



FASTSIGNS
 More than fast. More than signs.™