



MORGANTOWN BOARD OF ZONING APPEALS

January 16, 2019
 6:30 p.m.
 City Council Chambers

STAFF REPORT

Board Members:

Christopher Benison
 Harrison Case
 Heidi Cook
 Kevin Meehan
 Garrett Tomblin

CASE NO: V19-02 / Supercuts / 366 Patteson Drive

REQUEST and LOCATION:

Request by Crystal Miller of *City Neon*, on behalf of *Supercuts*, for variance relief from Article 1369 concerning signage at 366 Patteson Drive.

TAX MAP NUMBER(s) and ZONING DESCRIPTION:

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

SURROUNDING ZONING:

North: B-2, Service Business District
 East: PRO, Professional, Residential, Office District
 South and West: B-5, Shopping Center District

BACKGROUND and ANALYSIS:

Representatives of *City Neon* have been in contact with Planning Division staff regarding the rebranding of an existing "Barber Shop/Beauty Salon" use from a *Famous Hair* establishment to a *Supercuts* establishment. Addendum A of this report illustrates the location of the subject site.

Wall Sign

Section 1369.07(I)(1) of the Planning and Zoning Code provides a maximum wall sign area standard of six tenths (0.6) square feet for every one (1) foot of tenant building frontage in the B-5 District. The linear width of the tenant's frontage is 15 feet +/-, which establishes a maximum wall sign area standard of 9 square feet. As such, variance relief of 21.3 square feet is required for the wall sign as proposed and further illustrated in the table below.

Wall Sign	Sign Area
	30.3 sf
Total Permitted Sign Standards	9 sf
Total Requested Variance	21.3 sf

Development Services

Christopher Fletcher, AICP
 Director

John Whitmore, AICP
 Planner III

Planning Division

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 restate the petitioner's Findings of Fact responses. Staff offers no recommended revisions.

As is customary with sign variance petitions, no recommendation is submitted by Staff concerning whether variance relief should be granted as requested.

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Director

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Planner III

Planning Division

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STAFF REPORT ADDENDUM A
V19-02 / Super Cuts / 366 Patteson Drive



STAFF REPORT ADDENDUM B
V19-02 / Super Cuts / 366 Patteson Drive

The following restates 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:

A larger sign will allow the business to identify itself to potential customers in a high traffic area.

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 will be able to effectively advertise its location without harming the rights of others.

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

A larger sign will help promote the business within the unique conditions of the plaza's location and distance from Patteson Drive, which will not adversely impact the public realm or property rights of others.

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

The shopping plaza is set back approximately 175' from the center of Patteson Drive, which is a very busy roadway. The store front is small and would only allow for a 9 sq ft sign which would be very difficult to see through the parking lot (4 cars deep) and traffic on the roadway.



OFFICE USE
CASE NO. V19-02

APPLICATION FOR VARIANCE

Alt # 0320574

(PLEASE TYPE OR PRINT IN BLACK INK)

Fee: \$150.00 [Z-V]

I. APPLICANT/AGENT		Name:	Crystal Miller - City Neon, Inc.	
Mailing Address:	1095 Chaplin Road		Phone:	304-599-1854
	Street	Morgantown WV 26501	Mobile:	304-322-7057
	City	State Zip	Email:	crystal@cityneon.com

II. PROPERTY		Street Address:	366 Patteson Drive - SuperCuts	
Owner:	Sellaro Enterprises		Zoning:	B-5
Mailing Address:	512 Princeton Avenue		Tax Map No:	11
	Street	Morgantown WV 26506	Parcel No:	2
	City	State Zip	Phone:	

PAID

NOV 21 2018

III. NARRATIVE	Describe the specific use and the standard for which the variance is sought.
<p>The store front is approximately 15'-0" which would allow for a 9 sq ft sign by City Code. The new business is requesting a 17.84 sq ft sign and would like to seek relief from the City Code in the amount of 8.84 sq ft.</p>	

IV. 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>	
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\$150.00
 Z-V
 2018-0000524
 KIM MCELROE
 11/21/2018 8:53:00 AM
 VARIANCE APPLICATION FEE
 FOR DEPOSIT ONLY
 CITY OF MORGANTOWN

Crystal Miller - City Neon, Inc	<i>Crystal Miller</i>	11/21/18
Type/Print Name of Applicant/Agent	Signature of Applicant/Agent	Date



APPLICATION FOR VARIANCE

VI. FINDINGS OF FACT	COMPLETE THE FOLLOWING STATEMENTS IN THIRD PERSON.
<p>1. The variance will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents, because:</p> <p>A larger sign will help promote the business within the unique conditions of the plaza's location and distance from Patteson Drive, which will not adversely impact the public realm or property rights of others.</p>	
<p>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:</p> <p>The shopping plaza is set back approximately 175' from the center of Patteson Drive, which is a very busy roadway. The store front is small and would only allow for a 9 sq ft sign which would be very difficult to see through the parking lot (4 cars deep) and traffic on the roadway.</p>	



APPLICATION FOR VARIANCE

VI. 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>A larger sign would allow the business to identify itself to potential customers in a high traffic area.</p>	
<p>4. The variance will allow the intent of the zoning ordinance to be observed and substantial justice done, because:</p> <p>The business will be able to effectively advertise its location without harming the rights of others.</p>	

SUPERCUTS

#82813
366 Patterson Dr.
Morgantown, WV



REGIS



→ SCHEDULE ←

N1 - New Sign
N2, N3 & N4- Window, front & rear door vinyl

→ Code Description ←

CODE DESCRIPTION:

*2.5 SQ FT PER LINEAL FT. (37.5 SQ. FT.)

→ LEGEND ←

- N1** New proposed sign
- R1** Existing sign to be refaced
- A1** Awnings

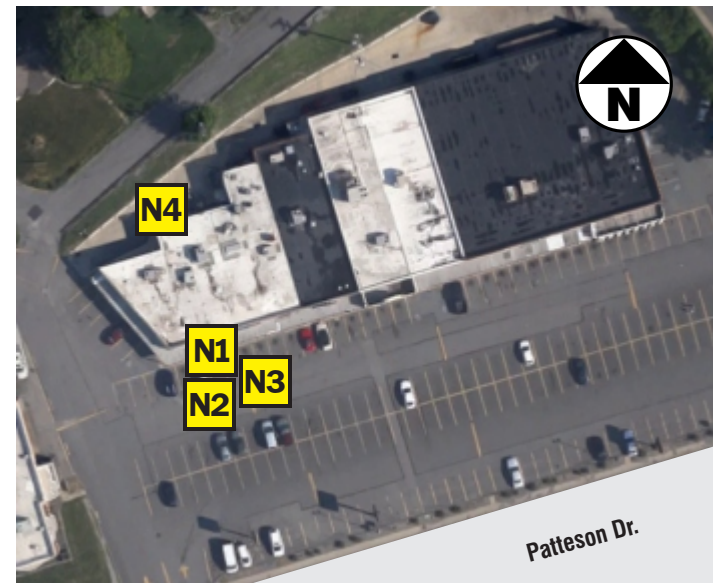
→ SIGN AREA ←

CODE/LL CRITERIA

Front: 37.50 sq. ft.

PROPOSED

Front: 30.33 sq. ft.



Vicinity/Site Plan NTS



Yakima Office
2323 W. Washington Ave
Yakima, WA 98902
509.469.8186
800.562.2854
Fax 509.469.8211

10534
Customer Number
135049
Quote Number
SC82813-MorganTownWV-049
File Name

Paul Genge
Salesperson
Brian Bimbi
Drawn By
Checked By

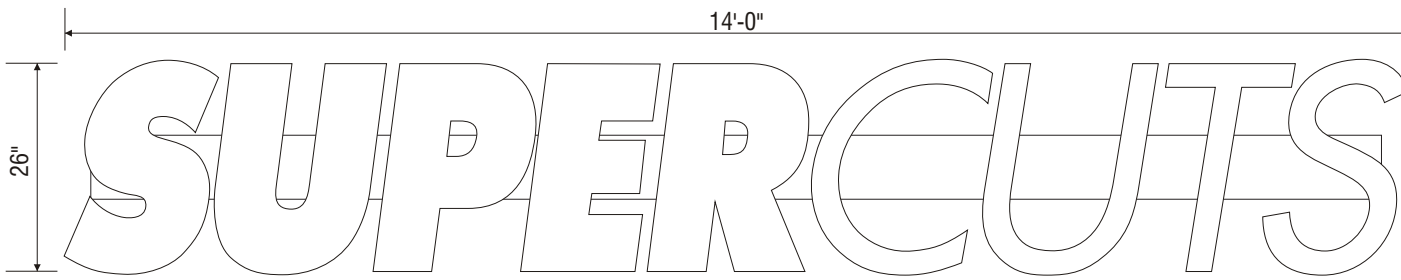
October 24, 2018 .5
Date
Revisions

Approved
 Approved With Changes Noted
Customer Signature Landlord Signature
Date Date

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This drawing is intended to provide a reasonable representation of the final manufactured article. Fasteners and seams in materials may not be represented exactly as they will be fabricated. Colors on prints may not accurately depict specific colors.

SUPERCUTS
#82813
366 Patterson Dr.
Morgantown, WV



Elevation-Front
Scale: 1/2" = 1'-0"

SC-26-W-RW (30.33 sq. ft.)

N1 Manufacture and install (1) set of LED illuminated channel letters on raceways.

Letters returns fabricated from 5" Dk. Bronze .040 channel coil with 1" Bronze trim-cap. 3/16 White plex faces SLOAN White LED internal letter illumination

Raceway (8" x 5") paint to: **TBD**

All components are U.L. listed items with installation conforming to U.L. standards

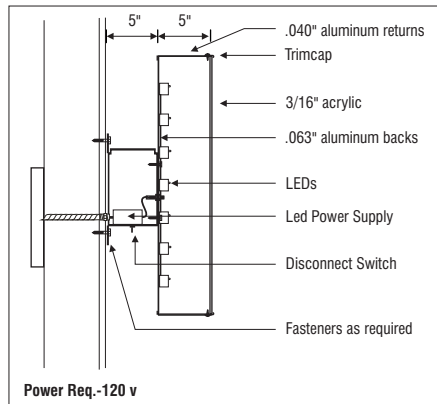
15'-0" Lease Fascia Area
EQ. EQ.



New
NTS



Existing Conditions
NTS



Power Req.-120 v



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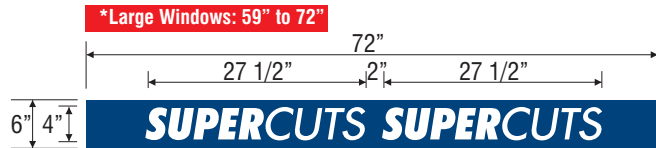
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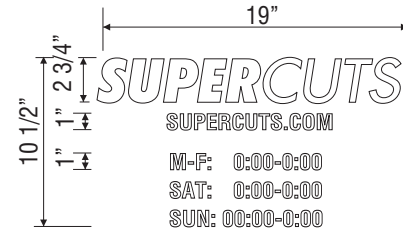




Store Front Window Bands
Scale: 1/2"=1'

N2 Manufacture and install a total of **(1)** first surface 3M custom Blue (PMS 541) white window bands.

Apply graphic band to center of window, trim ends as needed. Top of graphic band to be at 3'-0" above finished floor (AFF).



Store Front Door Graphics
Scale: 1"=1'

N3 Manufacture and install **(1)** first surface 3M white opaque door vinyl.

Bottom of "SUPERCUTS" to be 5'-0" above finished floor (AFF).

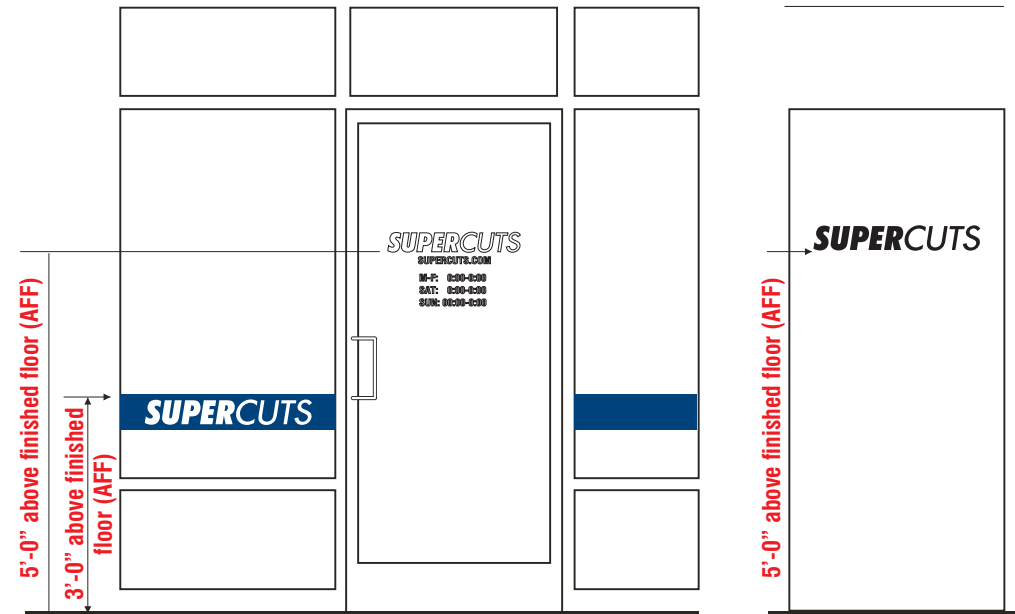
***Actual Store Hours Required**



Rear Service Door Graphic (Black Option)
Scale: 1"=1'

N4 Manufacture and install **(1)** first surface 3M opaque door vinyl.

Bottom of "SUPERCUTS" to be 5'-0" above finished floor (AFF).



Store Front Window Graphics

(sample layout only)

Rear Door

Scale: NTS

Scale: NTS



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