



**DEVELOPMENT
SERVICES
DEPARTMENT**

The City of Morgantown

389 SPRUCE STREET
MORGANTOWN, WEST VIRGINIA 26505
(304) 284-7431 TDD (304) 284-7512
www.morgantownwv.gov

February 21, 2013

Mundell & Associates, LLC
Robert M. Mundell
604 Grand Street
Morgantown, WV 26501

**RE: CU13-04 / Mundell & Associates / 22 Walnut Street
Tax Map 26A, Parcel 16**

Dear Mr. Mundell:

This letter is to notify you of the decision made by the Board of Zoning Appeals concerning the above referenced conditional use petition for "Multi-family Dwelling" use at 22 Walnut Street. The decision is as follows:

Board of Zoning Appeals, February 20, 2013:

1. Each of the Findings of Fact was found in the positive as stated in Addendum A of this letter.
2. The Board approved your conditional use petition as requested without conditions.

The approval of this conditional use is set to expire in twelve (12) months unless you can demonstrate that it has been acted upon as evidenced by permits, construction, or required licenses. This expiration deadline may be extended to eighteen (18) months upon prior written request of the Board.

This decision may be appealed to the Circuit Court of Monongalia County within thirty (30) days. Any work done relating to decisions rendered by the Board of Zoning Appeals during this thirty-day period is at the sole financial risk of the applicant.

Please note that requisite building permits must be obtained prior to the commencement of any work.

Should you have any questions or require further clarification, please contact the undersigned. We look forward to serving your plans review and approval needs.

Respectfully,

Christopher M. Fletcher, AICP
Director of Development Services
cfletcher@cityofmorgantown.org

**ADDENDUM A – Approved Findings of Fact
CU13-04 / Mundell & Associates / 22 Walnut Street**

Finding of Fact No. 1 – Congestion in the streets is not increased, in that:

The change in use of the subject space within the petitioner’s building from a “Barber Shop / Beauty Salon”, “Personal Services Establishment,” or “Professional Services Establishment” use to a “Multi-Family Dwelling” use should not result in a measurable change in traffic generated from the subject site.

Finding of Fact No. 2 – Safety from fire, panic, and other danger is not jeopardized, in that:

The building will meet all related building and fire codes.

Finding of Fact No. 3 – Provision of adequate light and air is not disturbed, in that:

The granting of the conditional use will not result in an addition to the existing footprint or height of the building and therefore not affect existing light distribution and air flow patterns.

Finding of Fact No. 4 – Overcrowding of land does not result, in that:

The petitioner seeks to repurpose existing space within the subject building and therefore not affect the existing density or intensity of the site.

Finding of Fact No. 5 – Undue congestion of population is not created, in that:

The area should be less congested if the current commercial use area is converted into an apartment. The building occupancy will be similar to that of other buildings in the area that have experienced similar reuses of former commercial spaces into apartments as a demand for student housing in the downtown increases.

Finding of Fact No. 6 – Granting this request will not create inadequate provision of transportation, water, sewage, schools, parks, or other public requirements, in that:

The proposed request should not require public infrastructure, utilities, or service beyond that which is currently available.

Finding of Fact No. 7 – Value of buildings will be conserved, in that:

The change in use of the subject space within the petitioner’s building is similar to that of other buildings in the area that have experienced similar reuses of former commercial spaces into apartments to meet present market demands and related values.

Finding of Fact #8 – The most appropriate use of land is NOT encouraged, in that:

Market interest in the subject property has shifted from mixed-use to apartments, which appears to be attributed, in part, to the subject property’s location, access, and limited visibility that are customarily desired by nonresidential tenants.