



**DEVELOPMENT
SERVICES
DEPARTMENT**

The City of Morgantown

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

June 21, 2013

VIA CERTIFIED MAIL

Blue Sky Realty, LLC
c/o Lisa Mardis
Project Management Services
160 Fayette Street
Morgantown, WV 26505

**RE: CU13-06 / Blue Sky Realty, LLC / 401 Spruce Street
Tax Map 26, Parcel 91; B-4 General Business District**

Dear Ms. Mardis:

This letter is to notify you of the decision made by the Board of Zoning Appeals concerning the above referenced petition seeking conditional use approval of a "Lodging or Rooming House" use in the B-4 District.

The decision is as follows:

Board of Zoning Appeals, June 19, 2013:

1. Findings of Fact No. 1 through No. 6 were found in the positive as stated in Addendum A of this letter.
2. Findings of Fact No. 7 and No. 8 were found in the **negative** as stated in Addendum A of this letter.
3. The Board **denied** the subject conditional use petition based on its negative findings and conclusions as stated in Addendum A of this letter.

This decision may be appealed to the Circuit Court of Monongalia County within thirty (30) days.

Respectfully,

Christopher M. Fletcher, AICP
Director of Development Services

ADDENDUM A – Approved Findings of Fact

CU13-06 / Blue Sky Realty / 401 Spruce Street

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

The additional resident(s) granted by the proposed conditional use request will not significantly impact the average daily and AM and PM peak times related to origination trips from and destination trips to the subject site. The proposed use is located within an existing structure with approximately six (6) parking spaces on site.

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

The petitioner will comply with all recommendations and requirements of the City Fire Marshal and Building Code Inspectors to ensure the building is safe for all residents and neighbors.

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 should therefore not affect existing light distribution and air flow patterns within the immediate area.

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

The petitioner seeks to change the use classification of the existing structure and should 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 petitioner will comply with all requirements as provided by Building Code Enforcement and the City Fire Marshal. There will not be any addition to the existing footprint or height of the building and should therefore not affect congestion of population.

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 vicinity is served by public transportation. The proposed change in use classification does not appear to require public infrastructure, public utilities, or public services beyond that which is currently available.

Finding of Fact No. 7 – Value of buildings will **NOT** be conserved, in that:

Erosion of street-level commercial and professional space at this location is detrimental to surrounding property values.

Finding of Fact No. 8 – The most appropriate use of land is **NOT** encouraged, in that:

The preservation of existing at-grade level non-residential commercial leasable space in existing mixed-use buildings is paramount to ensuring mixed-use development patterns desired within the B-4 District as provided in the 2010 Downtown Strategic Plan Update and the City's Planning and Zoning Code.