



**DEVELOPMENT
SERVICES
DEPARTMENT**

The City of Morgantown

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July 16, 2015

South Perk Market
258B Kingwood Street
Morgantown, WV 26501

**RE: CU15-05 / South Perk Market / 258 Kingwood Street
Tax Map 29, Parcel 543**

Dear Mr. Rosefsky:

This letter is to notify you of the decision made by the Board of Zoning Appeals concerning the above referenced conditional use petition for "Convenience Store, Neighborhood" use at 258 Kingwood Street. The decision is as follows:

Board of Zoning Appeals, July 15, 2015:

1. Each of the Findings of Fact was found in the positive as stated in Addendum A of this letter.
2. The Board approved Case No. CU15-05 as requested with the following conditions:
 - A. That to ensure the approved conditional "Neighborhood Convenience Store" use does not detract from the residential character of the neighborhood:
 - A limited line of groceries and household items intended for the convenience of the neighborhood must be offered as the establishment's foremost enterprise; and,
 - The subject establishment may not be open later than 9:00 PM; and,
 - The petitioner must provide, to the satisfaction of the City Engineer, and properly maintain an appropriate public trash receptacle, the area around which the petitioner shall be responsible for keeping free from litter.
 - B. That the entire window frame on the ground floor facing Kingwood Street, which is further highlighted in the image below, must be filled with window glazing to reestablish the building's commercial storefront; provided, such glazing may not be comprised of a glass block window unit(s).



- C. That all regulated signage for the subject establishment must comply with related standards set forth in Article 1369 “Signs”.
- D. That the beneficiary of the conditional use approval granted herein shall be specific to the business organization to be formed by Mr. Adam Rosefsky and Ms. Sarah Cochran and may not be transferred without the prior approval of the Board of Zoning Appeals.

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 and sign 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,

Stacy Hollar
Executive Secretary
Development Services Department
shollar@cityofmorgantown.org

ADDENDUM A – Approved Findings of Fact
CU15-05 / South Perk Market / 258 Kingwood Street

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

The proposed change in use from a “Florist Shop” use to a “Neighborhood Convenience Store” use does not appear to result in an increase in the intensity of use that requires consideration for the provision of additional on-site parking above that which is currently available as provided in Article 1365.02(B). The subject storefront has been previously occupied by various commercial uses for the past 70 plus years. The existing on-site parking appears to have sufficiently satisfied parking demand for the previous commercial uses.

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

All related Building Code and Fire Code provisions will be addressed as required by the Code Enforcement Department and the City Fire Marshal.

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

The business is not physically changing any buildings to affect surrounding properties. The business will be opening a previously blocked window to increase natural light within the proposed business space. No addition to the existing structure is proposed that would alter existing light distribution and air flow patterns within the general vicinity.

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

The business is not making any structural changes to the building or land, therefore no change would result in increasing the mass, density, or intensity of the existing structure.

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

The historical trend of mixed-uses within the subject structure will continue and therefore not increase existing residential density.

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:

There is currently existing parking to sufficiently handle anticipated traffic. The business use of the property will not affect any existing infrastructure.

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

The business is improving the interior of an existing commercial space and the facility will be returned to its historic (as per the National Registry of Historic Places) use. Occupying the vacant storefront with the proposed “Neighborhood Convenience Store” should serve to reestablish the historical mixed-use activity and vitality that has been enjoyed within the immediate area and Greenmont Neighborhood.

Finding of Fact No. 8 – The most appropriate use of land is encouraged, in that:

The National Registry of Historic Places lists the original use of this space as a grocery store. Returning the use to a local convenience store is the most appropriate use of the property to fit into the South Park Historic District.