



City of Morgantown, West Virginia

**APPLICATION FOR
VARIANCE PETITION**

OFFICE USE	
CASE NO.	V15-108
RECEIVED:	23 OCT 15

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:

Granting the increased right of way line will not affect public health, safety or welfare, or rights of adjacent property owners or residents because the garage entrance off of University Avenue will be located approximately midway of the proposed building. The increased right of way line will allow easier maneuvers of vehicles without running over top of the curb. The extended entry right of way line will be a benefit to vehicles wishing to travel along University Avenue by allowing vehicles to make quicker maneuvers out of the way off of University Avenue.

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:

With the right in and right out vehicle maneuvers, lane dividers will need to be incorporated into the center of University Avenue per WV DOH Recommendations. The lane dividers consist of flexible posts located along the centerline divider paint marking limiting the vehicular maneuvers to right in and right out.



City of Morgantown, West Virginia

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OFFICE USE	
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VII. 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>In order to provide ease of entry for vehicles, the curb radius must be increased to 18 feet off University Avenue. With the increased right of way line Vehicles can maneuver off University Avenue a little quicker in turn reducing vehicle congestion on University Avenue. With a wider exist radius, vehicles can merge onto University Avenue without running into the left lane.</p>	
<p>4. The variance will allow the intent of the zoning ordinance to be observed and substantial justice done, because:</p> <p>The request for extended right of way line will be applied within the B-4 Business District. With the increased right of way line, vehicles can make quicker maneuvers reducing impacts to traffic flow along University Avenue.</p>	



PAID
 City of Morgantown, West Virginia
APPLICATION FOR
VARIANCE PETITION

OFFICE USE	
CASE NO.	VIS-19
RECEIVED:	10/2/15

(PLEASE TYPE OR PRINT IN BLACK INK)

Fee: \$75 *CK 2911*

I. APPLICANT		Name:	Standard at Morgantown, LLC, J Wesley Rogers, President		
Mailing Address:	455 Epps Bridge Parkway, Suite 201		Phone:	706-543-1910	
	Street	Athens, GA 30606		Mobile:	
	City	State	Zip	Email: wes@landmarkproperties.com	
II. PROPERTY		Street Address:	1303 University Avenue		
Owner:	Standard at Morgantown, LLC (under contract)		Zoning:	B-4	
Mailing Address:	455 Epps Bridge Parkway, Building 100, Suite 201		Tax Map No:	26-A	
	Street	Athens, GA 30606		Parcel No:	6,7,8,9,10,11,12,13,14,&15
	City	State	Zip	Phone:	706-543-1910
III. NARRATIVE		Please describe the nature and extent of your variance request(s).			
<p>The developer is requesting the Curb Cut Width along Walnut Street be increased to 104.39 feet to allow garbage truck access, parking garage access, and delivery truck staging area. With the increased curb cut, entrances can be incorporated into the building allowing service vehicles to park off the streets. The extended curb cut will allow the service vehicles to make entry without running over top of the curb line reducing the effects of breaking down the curb. The increased Curb Cut will not be a nuisance to vehicle movements along <u>Walnut Street</u> because it will reduce street congestion and providing off street staging areas. <u>Walnut Street</u> is a dead end street with limited traffic flow.</p> <p style="text-align: right;"><i>AT CURB LINE CONF</i></p>					
V. ATTEST		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.			
J Wesley Rogers				10.1.15	
Type/Print Name of Applicant/Agent		Signature of Applicant/Agent		Date	

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.



City of Morgantown, West Virginia

APPLICATION FOR VARIANCE PETITION

OFFICE USE	
CASE NO.	V15-19
RECEIVED:	23 OCT 15

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)*

The developer desires to construct a Mixed Use Complex consisting of 276 dwelling units consisting of 866 occupants and 21,837 square feet of commercial space

Structure Characteristics (complete only those that apply)

Total number of buildings: 1 Gross floor area of each building: 441,784

Estimated number of employees: 15 No. of dwelling units: 276 No. of bedrooms: 866

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	
CASE NO.	V15-1A
RECEIVED:	23 OCT 15

VII. FINDINGS OF FACT	COMPLETE THE FOLLOWING STATEMENTS IN THIRD PERSON.
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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:

Granting the increased curb cuts along Walnut Street will not affect public health, safety or welfare, or rights of adjacent property owners or residents because the added curb cut length will provide for additional access to the building therefore reducing parked vehicles along Walnut Street. The increased curb cut will allow easier maneuvers of extended wheel base service vehicles such as garbage trucks without running over top of the curb. The extended curb width will be a benefit to vehicles wishing to travel down Walnut Street by allowing the service vehicles to make quicker maneuvers out of the way of Walnut Street.

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:

With the garbage facilities being located inside the building, the garbage trucks must be able to enter the building without running over top the curb. In order to provide an appropriate curb radius for the tracking of the garbage truck the curb cut must be increased. A separate entrance was incorporated into the design to provide for off street parking of delivery vehicles requiring wider curb radius.



City of Morgantown, West Virginia

**APPLICATION FOR
VARIANCE PETITION**

OFFICE USE	
CASE NO.	V15-69
RECEIVED:	23 OCT 15

VII. 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>The entrance off of Walnut Street will incorporate three key components, garbage pickup, access to the vehicular parking garage, and delivery vehicles. These entry points were strategically placed at a single location allowing three separate access points for accommodating the identified vehicle maneuvers. Allowing three access points will provide staging areas for the service vehicles making there necessary stops inside the building, this will allow the streets to remain open and free from obstructions. Curb radius were increased to 21 feet on the east and 25 feet on the west to provide vehicle maneuvers without running over the curbs.</p>
<p>4. The variance will allow the intent of the zoning ordinance to be observed and substantial justice done, because:</p>	<p>The request for extended curb cuts along Walnut Street will be applied within the B-4 Business District. With the increased curb cut, service vehicles will be moved off the streets allowing better traffic flow and reduced street congestion.</p>



City of Morgantown, West Virginia

APPLICATION FOR VARIANCE PETITION

OFFICE USE
CASE NO. 115-109
RECEIVED: 23 OCT 15

(PLEASE TYPE OR PRINT IN BLACK INK)

Fee: \$75

I. APPLICANT Name: The Standard at Morgantown, LLC
Mailing Address: 455 Epps Bridge Parkway, Suite 201 Athens, GA 30606
Phone: 706-543-1910
Email: wes@landmark-properties.com
II. PROPERTY Street Address: 1303 University Avenue
Owner: The Standard at Morgantown, LLC (under contract) Zoning: B-4
Mailing Address: 455 Epps Bridge Parkway, Building 100, Suite 201 Athens, GA 30606
Tax Map No: 26-A
Parcel No: 6,7,8,9,10,11,12,13,14,&15
Phone: 706-543-1910
III. NARRATIVE Please describe the nature and extent of your variance request(s).
The developer is requesting a variance in the maximum width of driveway at street right of way along Walnut Street be increased to 59.19 feet to allow garbage truck access, parking garage access, and delivery truck staging area.
V. ATTEST AT RIGHT-OF-WAY LINE
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.
J Wesley Rogers
Type/Print Name of Applicant/Agent Signature of Applicant/Agent Date 10/2/15

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.



City of Morgantown, West Virginia

APPLICATION FOR VARIANCE PETITION

OFFICE USE	
CASE NO.	V15-69
RECEIVED:	23 OCT 15

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)

The developer desires to construct a Mixed Use Complex consisting of 276 dwelling units consisting of 866 occupants and 21,837 square feet of commercial space

Structure Characteristics (complete only those that apply)

Total number of buildings: 1 Gross floor area of each building: 441,784

Estimated number of employees: _____ No. of dwelling units: 276 No. of bedrooms: 866

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	
CASE NO.	V15-6A
RECEIVED:	23 OCT 15

VII. FINDINGS OF FACT	COMPLETE THE FOLLOWING STATEMENTS IN THIRD PERSON.
<p>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.</p>	
<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>Granting the increased curb cuts along Walnut Street will not affect public health, safety or welfare, or rights of adjacent property owners or residents because the added curb cut length will provide for additional access to the building therefore reducing parked vehicles along Walnut Street. The increased curb cut will allow easier maneuvers of extended wheel base service vehicles such as garbage trucks without running over top of the curb. The extended curb width will be a benefit to vehicles wishing to travel down Walnut Street by allowing the service vehicles to make quicker maneuvers out of the way of Walnut Street.</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>With the garbage facilities being located inside the building, the garbage trucks must be able to enter the building without running over top the curb. In order to provide an appropriate curb radius for the tracking of the garbage truck the curb cut must be increased. A separate entrance was incorporated into the design to provide for off street parking of delivery vehicles requiring wider curb radius.</p>	



City of Morgantown, West Virginia

**APPLICATION FOR
VARIANCE PETITION**

OFFICE USE	
CASE NO.	V15-69
RECEIVED:	23 OCT 15

VII. 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>The entrance off of Walnut Street will incorporate three key components, garbage pickup, access to the vehicular parking garage, and delivery vehicles. These entry points were strategically placed at a single location allowing three separate access points for accommodating the identified vehicle maneuvers. Allowing three access points will provide staging areas for the service vehicles making there necessary stops inside the building, this will allow the streets to remain open and free from obstructions. Curb radius were increased to 21 feet on the east and 25 feet on the west to provide vehicle maneuvers without running over the curbs.</p>	
<p>4. The variance will allow the intent of the zoning ordinance to be observed and substantial justice done, because:</p> <p>The request for extended curb cuts along Walnut Street will be applied within the B-4 Business District. With the increased curb cut, service vehicles will be moved off the streets allowing better traffic flow and reduced street congestion.</p>	



City of Morgantown, West Virginia

PAID PAID PAID
OCT 23 2015

APPLICATION FOR
VARIANCE PETITION

OFFICE USE	
CASE NO.	VIS-70
RECEIVED:	10/17/15

(PLEASE TYPE OR PRINT IN BLACK INK)

Fee: \$75

OK
2911

I. APPLICANT		Name:	Standard at Morgantown, J Wesley Rogers, President		
Mailing Address:	455 Epps Bridge Parkway, Suite 201		Phone:	706-543-1910	
	Street	Athens, GA 30606		Mobile:	
	City	State	Zip	Email:	wes@landmarkproperties.com
II. PROPERTY		Street Address:	1303 University Avenue		
Owner:	Standard at Morgantown, LLC (under contract)		Zoning:	B-4	
Mailing Address:	455 Epps Bridge Parkway, Building 100, Suite 201		Tax Map No:	26-A	
	Street	Athens, GA 30606		Parcel No:	6,7,8,9,10,11,12,13,14,&15
	City	State	Zip	Phone:	706-543-1910
III. NARRATIVE		Please describe the nature and extent of your variance request(s).			
<p>The developer is requesting a variance for the increase in Maximum Parking from 485 to 692. The minimum parking requirement of 0.5 per occupant is below the amount of parking anticipated for the residents of the building. The 0.5 parking spaces per occupant does not account for resident visitor parking or the anticipated prosperity of the residents. The Developers past experience with this type of project indicates that the majority of the residents will have a vehicle more often than not. The Developer is concerned without providing abundant parking for the residents may have a negative impact the marketability of the rooms.</p>					
V. ATTEST		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.			
J Wesley Rogers				10.1.15	
Type/Print Name of Applicant/Agent		Signature of Applicant/Agent		Date	

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.



City of Morgantown, West Virginia

APPLICATION FOR VARIANCE PETITION

OFFICE USE	
CASE NO.	V15-70
RECEIVED:	23 OCT 15

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)*

The developer desires to construct a Mixed Use Complex consisting of 276 dwelling units consisting of 866 occupants and 21,837 square feet of commercial space

Structure Characteristics (complete only those that apply)

Total number of buildings: 1 Gross floor area of each building: 441,784

Estimated number of employees: 15 No. of dwelling units: 276 No. of bedrooms: 866

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	
CASE NO.	V15-70
RECEIVED:	23 OCT 15

VII. FINDINGS OF FACT	COMPLETE THE FOLLOWING STATEMENTS IN THIRD PERSON.
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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:

Granting the increased Maximum Parking from 485 to 692 will not affect public health, safety or welfare, or rights of adjacent property owners or residents because the parking area will be located within the confines of the building. In fact, the additional parking will be a benefit by providing the anticipated required parking for the residents in addition providing parking for resident visitors thereby reducing the impacts to surrounding parking areas. The parking area will be a secured area providing safety and security of its residents and visitors. With the parking area located inside the confines of the building, no visual impacts of parked vehicles will be experienced by the adjacent property owners.

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 Developer anticipates the required parking will exceed the minimum requirement of 0.5 parking spaces per occupant. The Developer wants to insure the residents have safe and secured parking for their tenants and visitors. The Developer is concerned that by not providing ample parking, it may jeopardize the marketability of the building.



City of Morgantown, West Virginia

**APPLICATION FOR
VARIANCE PETITION**

OFFICE USE	
CASE NO.	V15-70
RECEIVED:	23 OCT 15

VII. 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>The Developer desires to provide safe and secure parking for the residents without relying on unsecured outside parking areas. With the additional inside parking provided, the residents will be able to walk safely to their apartments during inclement weather conditions and night time hours.</p>	
<p>4. The variance will allow the intent of the zoning ordinance to be observed and substantial justice done, because:</p> <p>The parking structure will be located in the B-4 Zoning District where available parking is at a premium. Increasing the maximum allowable parking for the residents will eliminate the outsourcing of available parking should the residents exceed the maximum zoning standard of 0.5 parking spaces per occupants.</p>	



City of Morgantown, West Virginia

APPLICATION FOR VARIANCE PETITION

PAID PAID OCT 23 2015 PAID

OFFICE USE CASE NO: V15-71 RECEIVED: 23 OCT 15

(PLEASE TYPE OR PRINT IN BLACK INK)

Fee: \$75 2911

I. APPLICANT Name: Standard at Morgantown, LLC, J Wesley Rogers, President
Mailing Address: 455 Epps Bridge Parkway, Suite 201 Athens, GA 30606
II. PROPERTY Street Address: 1303 University Avenue
Owner: Standard at Morgantown, LLC (under contract) Zoning: B-4
Mailing Address: 455 Epps Bridge Parkway, Building 100, Suite 201 Athens, GA 30606
III. NARRATIVE Please describe the nature and extent of your variance request(s).
The developer is requesting approval from the conditions stated in the provision relating to "Transparency" in the zoning code.
V. ATTEST 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.
J Wesley Rogers
Type/Print Name of Applicant/Agent Signature of Applicant/Agent Date

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.



City of Morgantown, West Virginia

APPLICATION FOR VARIANCE PETITION

OFFICE USE	
CASE NO.	V15-71
RECEIVED:	23 OCT 15

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)

The developer desires to construct a Mixed Use Complex consisting of 276 dwelling units consisting of 866 occupants and 21,837 square feet of commercial space

Structure Characteristics (complete only those that apply)

Total number of buildings: 1 Gross floor area of each building: 441,784

Estimated number of employees: 15 No. of dwelling units: 276 No. of bedrooms: 866

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	
CASE NO.	V15-71
RECEIVED:	23 OCT 15

VII. FINDINGS OF FACT	COMPLETE THE FOLLOWING STATEMENTS IN THIRD PERSON.
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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:

Granting the proposed variance waiver will not affect the public health, safety or welfare, or rights of adjacent property owners or residents, because the Developer proposes to create a project that will work in harmony with the surrounding city fabric while also providing a stimulus to the surrounding areas vibrancy. The project will combine multiple parcels which currently have limited or no street front windows into a cohesive street front combining retail and residential uses. Upgraded site lighting and pedestrian access will also positively impact the health and safety of the public and neighboring properties. The project will be an noticeable upgrade to the current sites condition and will provide a modern facility that will be utilized by the neighboring university's students as a residential and commercial facility.

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 Developer proposes a variance to the 60% transparency zoning ordinance on University Ave. and Walnut Street. The Developer is limited to the proposed 52% transparent area at University Ave. by a need for vehicular access and electrical transformers adjacent to the street. The remainder of the facade proposes a higher than 60% transparency. The Walnut Street frontage is limited to 11% transparency by existing site conditions as well as functional requirements of the proposed building. Walnut Street slopes steeply down to the Monongahela River which limits the glazing opportunity at this street front. Additionally, project access requirements such as parking, loading, and trash removal make up a portion of the Walnut Street front. These site and project restrictions combine to limit the University Ave. and Walnut Street transparencies.



City of Morgantown, West Virginia

**APPLICATION FOR
VARIANCE PETITION**

OFFICE USE	
CASE NO.	V15-71
RECEIVED:	23 OCT 15

VII. 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>The Developer believes that the project as designed is a reasonable use of a steeply sloping site with limited street front access points. The project attempts to address and activate the street front with large transparent openings where the site allows along University Ave. while utilizing Walnut Street for other building requirements.</p>	
<p>4. The variance will allow the intent of the zoning ordinance to be observed and substantial justice done, because:</p> <p>The project as designed includes at least 60% transparency in concentrated areas of street front retail and building entrances, which are interrupted by solid areas where required by site restrictions or project requirements. The goal of the design is to provide an active street front facade where possible along a highly variable street frontage. The design attempts to find the highest and best use for each of these unique conditions.</p>	

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