



**DEVELOPMENT
SERVICES
DEPARTMENT**

The City of Morgantown

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January 17, 2013

MVB Bank
c/o Robert DeRiggi
J.D. Signs
1140 Aviation Drive
Morgantown, WV 26554

**RE: V13-01/ MVB Bank / 10 Sterling Drive
Tax Map 31, Parcel 107**

Dear Mr. DeRiggi,

This letter is to notify you of the decision made by the Board of Zoning Appeals concerning the above referenced variance petition for relief from Article 1369 as it relates to signage at 10 Sterling Drive.

The decision is as follows:

Board of Zoning Appeals, January 16, 2013:

1. Each of the Findings of Fact was found in the positive as stated in Addendum A of this letter.
2. A 17.83 foot variance was granted as requested from Article 1369.07(F) of the Planning and Zoning Code as it relates to exceeding the maximum height standard in the B-2 District for the proposed post-and-panel sign. A 64 square foot variance relief was granted as requested from Article 1369.07(F) of the Planning and Zoning Code as it relates to exceeding the maximum area standard in the B-2 District for the proposed post-and-panel sign.

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 petitioner.

The above referenced approval is set to expire in twelve (12) months unless you can demonstrate that they have been activated 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. Please note that sign and building permits must be obtained prior to the commencement of work for which variance relief was granted herein.

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

Respectfully,

Christopher M. Fletcher, AICP
Director of Development Services

ADDENDUM A – Approved Findings of Fact

V13-01/ MVB Bank / 10 Sterling Drive

Finding of Fact No. 1 – There are exceptional or extraordinary circumstances or conditions applicable to this property or to the intended use, that generally do not apply to other properties or uses in the same vicinity, because:

The subject property is located along one of the five major Morgantown access arteries. According to the petitioner's submitted exhibits, the site has an exposure to over 13,000 daily vehicles. Many banks and other businesses in the area appear to have a similar type signage in comparison to the petitioner's requested sign. The site also sits in the shadow of a larger multi-tenant sign serving the adjacent development on its west side along with a commercial multi-story building on its east side.

Finding of Fact No. 2 – The variance is necessary for the preservation and enjoyment of a substantial property right that is possessed by other properties in the same vicinity and zoning district, but which denied to this property, because:

There appears to be a number of ground signs within the Earl Core Road commercial corridor that enjoy grounds signs that exceed maximum area and maximum height standards. Additionally, the BZA has granted similar relief within the immediate area since the sign standards were revised in the 2006 major zoning ordinance amendment.

Finding of Fact No. 3 – The granting of this variance will not be harmful to the public welfare and will not harm property or improvements in the vicinity and zoning district in which the subject property is located, because:

The natural design of a typical post and panel sign with adequate grade line clearance above the normal traffic line of site allows for uninterrupted visibility between the columns for vehicles existing onto Earl Core Road from Sterling Drive. Placement outside the existing State right-of-way, also being compliant with State regulations, the proposed sign will be located within a newly landscaped green space, therefore should not interfere with the normal pedestrian patterns.

Finding of Fact No. 4 – The granting of this variance will not alter the land-use characteristics of the vicinity and zoning district, or diminish the market value of adjacent properties, or increase traffic congestion on public streets, because:

The improved land use of the site along with the requested signage, should not contribute to additional traffic congestion any more than the present businesses located along the same. With the land use being similar/same to the other business within the commercial corridor, along with the requested signage type and design being characteristic of the B-5 Zoning District, predicting additional congestion or decreasing the market value of nearby neighboring properties or uses is not anticipated.