



**DEVELOPMENT
SERVICES
DEPARTMENT**

The City of Morgantown

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May 3, 2013

Nationwide Wireless
c/o Josh Montgomery
749 Chestnut Ridge Road
Morgantown, WV 26505

**RE: V13-10 / Nationwide Wireless / 749 Chestnut Ridge Road
Tax Map 56, Parcel 4**

Dear Mr. Montgomery,

This letter is to notify you of the decision made by the Board of Zoning Appeals concerning the above referenced variance petition for variance relief from Article 1369.09 as it relates to wall signage at 749 Chestnut Ridge Road.

The decision is as follows:

Board of Zoning Appeals, May 2, 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 a fifteen-foot (15') variance from the maximum wall sign standard provided under Article 1369.09(l)(1) as requested.

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,

Stacy Hollar
Executive Secretary
shollar@cityofmorgantownwv.gov

ADDENDUM A – Approved Findings of Fact

V13-10 / Nationwide Wireless / 749 Chestnut Ridge Road

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:

Visibility of the petitioner's storefront appears to be challenged as the other five storefronts in the subject building are by not facing the heavily traveled Chestnut Ridge Road. A sign area as proposed appears necessary in order for the general public to see it.

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:

The other businesses in the plaza appear to have signs larger than what the sign ordinance permits. Therefore a larger size appears to be consistent with the prevalent commercial signage messaging characteristics within the immediate area. Additionally, the Board granted variance relief to erect a 24 square foot sign for *Altered Ego* under Case No. V12-02, which is located two storefronts away from the petitioner's location within the Suburban Plaza.

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 proposed sign appears to be consistent with the prevalent commercial signage messaging characteristics within the immediate area.

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 nature of the variance relief requested cannot contribute to nor mitigate existing traffic congestion; will not alter the existing land use characteristics within the immediate mixed-commercial area; and, will continue a commercial signage messaging characteristic that appears to be prevalent within the subject commercial plaza.