



**DEVELOPMENT
SERVICES
DEPARTMENT**

The City of Morgantown

389 SPRUCE STREET
MORGANTOWN, WEST VIRGINIA 26505
(304) 284-7431 TDD (304) 284-7512
FAX (304) 284-7534 www.morgantownwv.gov

June 20, 2013

George Vrooman
P.O. Box 865
Morgantown, WV 26507

**RE: V13-21 / Mutt's Place / 263 Beechurst Avenue
Tax Map 19, Parcel 22.1**

Dear Mr. Vrooman,

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 Table 1365.04.01 as it relates to minimum parking requirements at 263 Beechurst Avenue.

The decision is as follows:

Board of Zoning Appeals, June 19, 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 Case No. V13-21 for variance relief from minimum parking requirements for a "Private Club" use at 263 Beechurst Avenue 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 it has 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.

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

V13-21 / Mutt's Place / 263 Beechurst Avenue

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 development of successful mixed-use establishments along the Beechurst Corridor presents many issues regarding the availability of parking in a historically diverse area of Morgantown.

A Court Ruling from November 26, 1980, Pavone v. Board of Zoning Appeals, found that the Sunnyside area has traditionally provided little parking for its customers, as businesses in the area have traditionally relied upon pedestrian traffic.

As the Beechurst Corridor continues to grow, it is reasonable to expect that pedestrian traffic will increase. Businesses which move into the mixed-use districts of the City of Morgantown should be afforded the flexibility they need to flourish and encourage continued development, while providing as much parking as may be possible given the restrictions of the built-environment.

The property located at 263 Beechurst Avenue is a small lot of record that currently only has two on-site parking spaces. The applicant purports that he has worked diligently to acquire a contract for off-site parking to no avail. It appears that parking is at a premium in the area and property/business owners, according to the petitioner, do not wish to dedicate (sign or otherwise) their business parking. Redevelopment in this area presents many challenges with regards to required parking due to small lots-

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:

One of the objectives of the Sunnyside Revitalization Plan was to encourage and promote mixed-use development on primary streets in the Sunnyside Overlay Districts. In order to achieve the goal of providing efficient and attractive land use resources which strengthen the quality, character, and upkeep of the built environment while balancing redevelopment and strategic expansion with open space preservation, a parking variance for the subject site given present site constraints appears prudent.

It appears that property along the Beechurst Corridor contains many businesses which do not have the required number of on-site parking spaces.

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 Beechurst Corridor benefits from high volumes of pedestrian traffic. The granting of this variance will not be harmful as the built environment will not be altered. The use of the first floor of the 263 Beechurst Avenue mixed-use building has been occupied by a number of commercial uses over many years without on-site parking relying primarily on walk-up customers. Some of these uses included retail and grocery-related establishments. Mutt's Place, a neighborhood-scaled bar, at its previous 2129 University Avenue location had similarly depended on walk-up customers for 30+ years. There are several adjacent uses that do not provide sufficient parking to meet the strict definition of the code. There has been a significant increase in residential density on the west side of Beechurst Avenue. Market interest remains strong in continuing this redevelopment pattern. It is reasonable to conclude that the relocation of the 30+ year neighborhood-scaled bar from University

ADDENDUM A – Approved Findings of Fact

V13-21 / Mutt's Place / 263 Beechurst Avenue

Avenue to Beechurst Avenue will foster a shift in the establishment's pedestrian customer attraction trends and that the significant increase in residential density on the west side of Beechurst Avenue may very well become the establishment's primary pedestrian customer base. Because 263 Beechurst Avenue and the Mutt's Place establishment at 2129 University Avenue have historically demonstrated a dependence on pedestrian traffic, additional vehicular traffic generated by Mutt's Place locating at 263 Beechurst Avenue is not anticipated.

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:

There are a number of neighborhood-scaled bars similar to Mutt's Place including the neighboring Lavender Cafe within the City from predominantly single-family residential areas to primary commercial corridors. Mutt's Place has established a 30+ year history and strong patron base in the Sunnyside / Seneca areas with very limited parking. Like Mutt's Place 2129 University Avenue location, which is also a B-2 District in a predominantly student residential area, and other businesses within the Sunnyside / Seneca areas, 263 Beechurst Avenue has been dependent upon on pedestrian walk-up customers.