



MORGANTOWN BOARD OF ZONING APPEALS

July 17, 2013
6:30 PM
City Council Chambers

Board Members:

- Bernie Bossio, Chair
- Leanne Cardoso, Vice-Chair
- George Papandreas
- Jim Shaffer
- Tom Shamberger

STAFF REPORT

CASE NO: COMBINED REPORT
 V13-26, V13-27, V13-28, V13-29
 BB&T Corporation / 466 and 496 High Street

REQUEST and LOCATION:

Request by Richard Lane, on behalf of Hometown Development, LLC, for the following approvals related to a proposed project at 466 and 496 High Street.

- Agenda Item D..... V13-26 – Variance petition concerning “Setbacks and Encroachments”
- Agenda Item E V13-27 – Variance petition concerning “Transparency”
- Agenda Item F V13-28 – Variance petition concerning “Building Height”
- Agenda Item G..... V13-29 – Variance petition concerning “Drive-Through Stacking and Private Parking Facilities”

TAX MAP NUMBER(s) and ZONING DESCRIPTION:

Tax Map 26, Parcels 104 thru 116; B-4, General Business District

SURROUNDING ZONING:

B-4 General Business District

BACKGROUND and ANALYSIS:

The petitioner seeks to reconstruct the BB&T drive-through facility at the corner of Spruce Street and Willey Street and construct an addition to the first floor of the BB&T facility at the corner of High Street and Willey Street that will be occupied by a CVS Pharmacy. Addendum A of this report illustrates the location of the subject site.

The follow summary details the proposed development program.

- Raze and remove the existing BB&T seven (7) lane drive-through facility at corner of Spruce Street and Willey Street.
- Construct new 4,275 square foot BB&T retail and three (3) lane drive-through facility to replace the existing drive-through facility.
- Raze and remove the BB&T back-office building on High Street illustrated to the right.
- Construct a 6,000 square foot ground floor addition to BB&T facility at corner of High Street and Willey Street.



Development Services

Christopher Fletcher, AICP
Director

Planning Division

389 Spruce Street
Morgantown, WV 26505
304.284.7431



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- CVS Pharmacy will occupy the first floor of the BB&T facility at the corner of High Street and Willey Street and the 6,000 square foot addition for a total store area of approximately 13,396 square feet. BB&T will occupy the building's 2nd and 3rd floors

The following narrative addresses each variance petition presented herein.

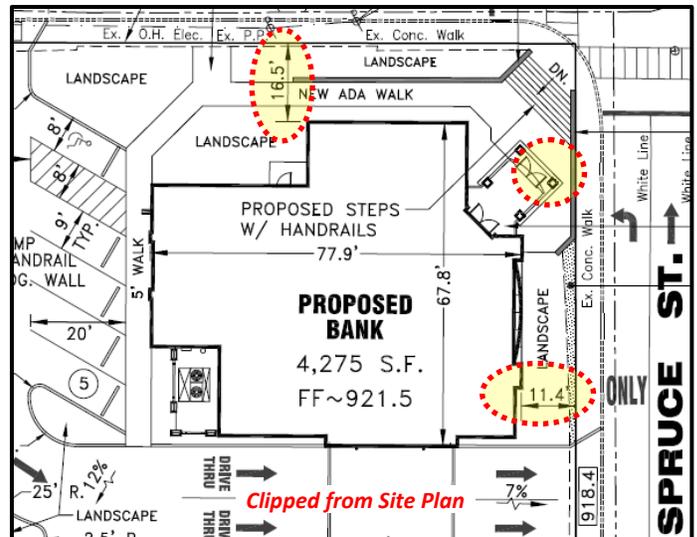
Agenda Item D..... V13-26

The following explains the calculation of the site's maximum setback standards.

- Article 1349.04(A)(2) provides that the maximum street side building setback may not exceed the average front yard depth of the nearest two lots OR 10 feet, whichever is less.
- Article 1349.04(A)(2)(a) provides that if one or more of the lots required to be included in the averaging calculation are vacant, such vacant lots will be deemed to have a yard depth of zero (0) feet.
- Article 1349.04(A)(2)(b) provides that when the subject lot is a corner lot, the average setback will be computed on the basis of the two (2) lots that front the same street as the subject lot.
- The maximum setback calculation along Spruce Street is 4.25 feet.
- The maximum setback calculation along Willey Street is 8.85 feet.
- Article 1349.04(A)(3)(b) provides that a portion of the building may be set back from the maximum setback line to provide an articulated facade or accommodate a building entrance feature, provided that the total area of the space created must not exceed one square foot for every linear foot of building frontage.
- The proposed building linear frontage along Spruce Street is 67.8 feet, which results in a maximum area allowance of 67.8 square feet to exceed the calculated maximum front setback standard.
- No portion of the building's proposed Willey Street frontage is in compliance with the calculated maximum front standard.

Variance relief is necessary to exceed the maximum front setback along both Willey Street and Spruce Street.

It should be noted that the site's elevation changes and accessible route design requirements appear to contribute to the proposed Willey Street setback given the petitioner's desired retail and drive-through building prototype.



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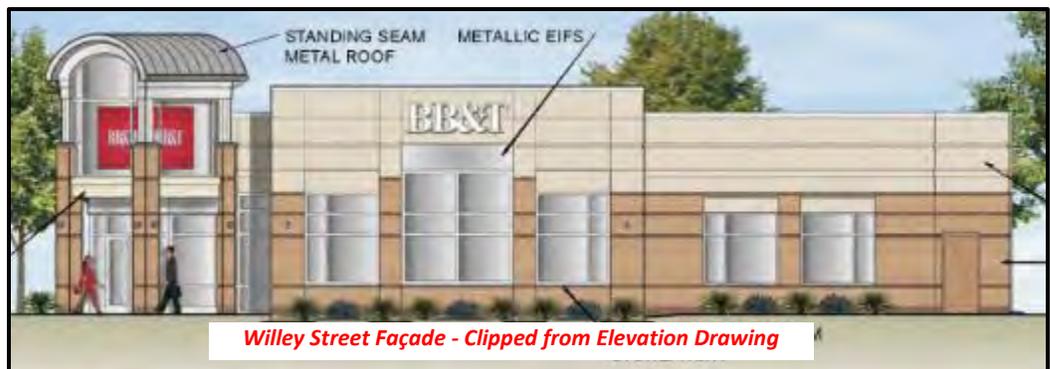
Bernie Bossio, Chair
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Agenda Item E V13-27

Article 1351.01(K) provides the following related design and performance standards for "Transparency".

- (1) "A minimum of sixty (60%) of the street-facing building façade between three (3) feet and eight (8) feet in height must be comprised of clear windows that allow views of indoor nonresidential space or produce display areas".
- (2) "The bottom edge of any window or product display window used to satisfy the transparency standard of subsection (k)(1) hereof may not be more than three (3) feet above the adjacent sidewalk".
- (3) "Product display windows used to satisfy these requirements must have a minimum height of four feet and be internally lighted."

The total fenestration of the north or Willey Street façade between 3 feet and 8 feet in height is 51%, which requires variance relief.



The total fenestration of the east or Spruce Street façade between 3 feet and 8 feet in height 63%, which complies with the subject standard.



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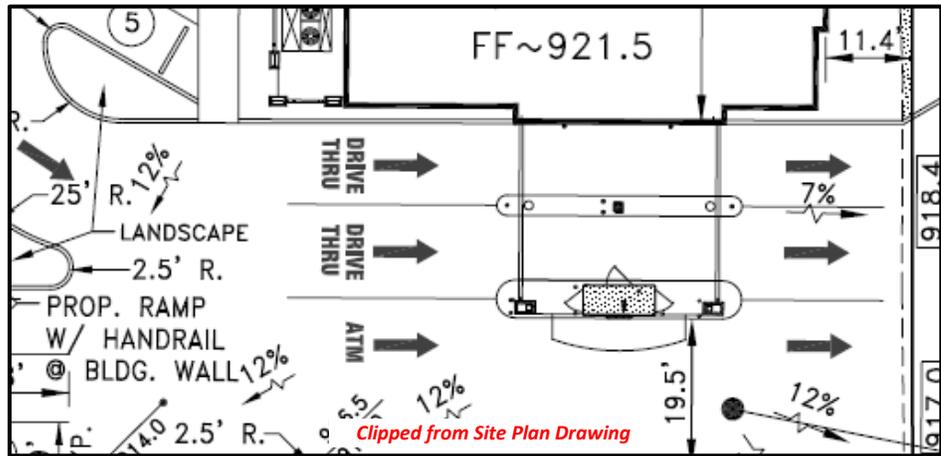
- Bernie Bossio, Chair
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Agenda Item F V13-28

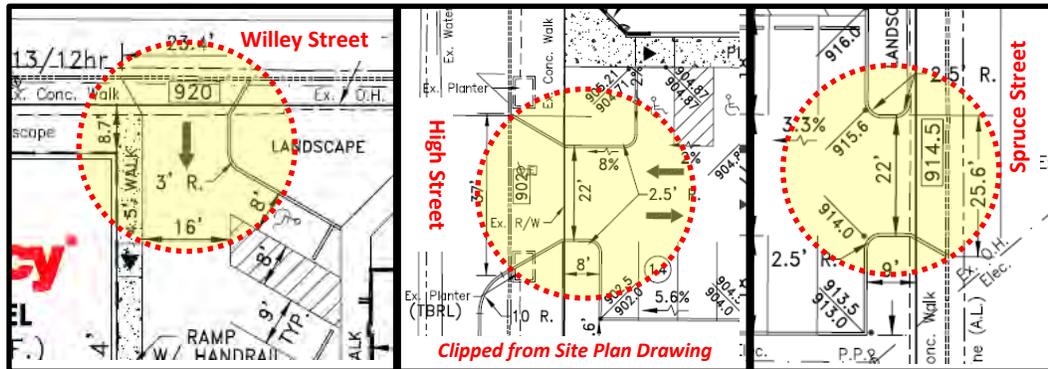
Article 1349.05(A) provides a minimum height of two (2) stories for a principal structure in the B-4 District. The proposed BB&T retail and drive-through building is one story, which requires variance relief. It should be noted that the existing BB&T drive-through facility is one story.

Agenda Item G..... V13-29

Table 1365.05.01 provides a minimum number of six (6) stacking spaces for each bank/ATM lanes. The proposed number of stacking lanes is two (2) for each drive-through window/kiosk and one (1) for the ATM lane, which requires variance relief.



Article 1351.01(C) provides that parking spaces may not be closer than twenty (20) feet from pedestrian crossing areas. To meet the spirit and intent of this standard, the petitioner has increased the distances of the parking spaces away from the pedestrian crossing by modifying internal layout design without sacrificing parking spaces. However, the variance relief is still required.



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Staff recommends that the Board, without objection from members of the Board, the petitioner, or the public, combine the public hearings for the four (4) variance petitions presented herein. However, each respective variance petition must be considered and acted upon by the Board separately.

STAFF RECOMMENDATION:

The Board of Zoning Appeals must determine whether the proposed requests meet the standard criteria for a variance by reaching a positive determination for *each* of the "Findings of Fact" submitted by the applicant. Addendum B of this report provides Staff recommended revisions to the petitioner's findings of fact (deleted matter struck through; new matter underlined).

Again, each respective variance petition must be considered and acted upon by the Board separately.

Staff recommends the following approvals and related conditions, if any, for each petition:

Agenda Item D..... Case No. V13-26 – setbacks

Staff recommends that variance relief be approved to exceed the maximum front setback standards along both Willey Street and Spruce Street as proposed without conditions.

Agenda Item E..... Case No. V13-27 – transparency

Staff recommends that variance relief be approved so that the north or Willey Street façade between 3 feet and 8 feet in height contains a fenestration of no less than 51% as proposed without conditions.

Agenda Item F..... Case No. V13-28 – minimum building height

Staff recommends that variance relief be approved to construct a one-story principal structure as proposed with the condition that the extended parapets along the Willey Street and Spruce Street façades and the articulated building entrance feature at the intersection of Willey Street and Spruce Street be developed as illustrated on the plans reviewed and approved herein.

Agenda Item G..... Case No. V13-29 – drive-through stacking and private parking facilities

Staff recommends that variance relief be approved as requested with the condition that row of six (6) 60° parking spaces closest to the ATM lane be reserved for employee parking only and accordingly marked with pavement stenciling and/or signage to the satisfaction of the Planning Division.

Attachments: Application and accompanying exhibits

Development Services

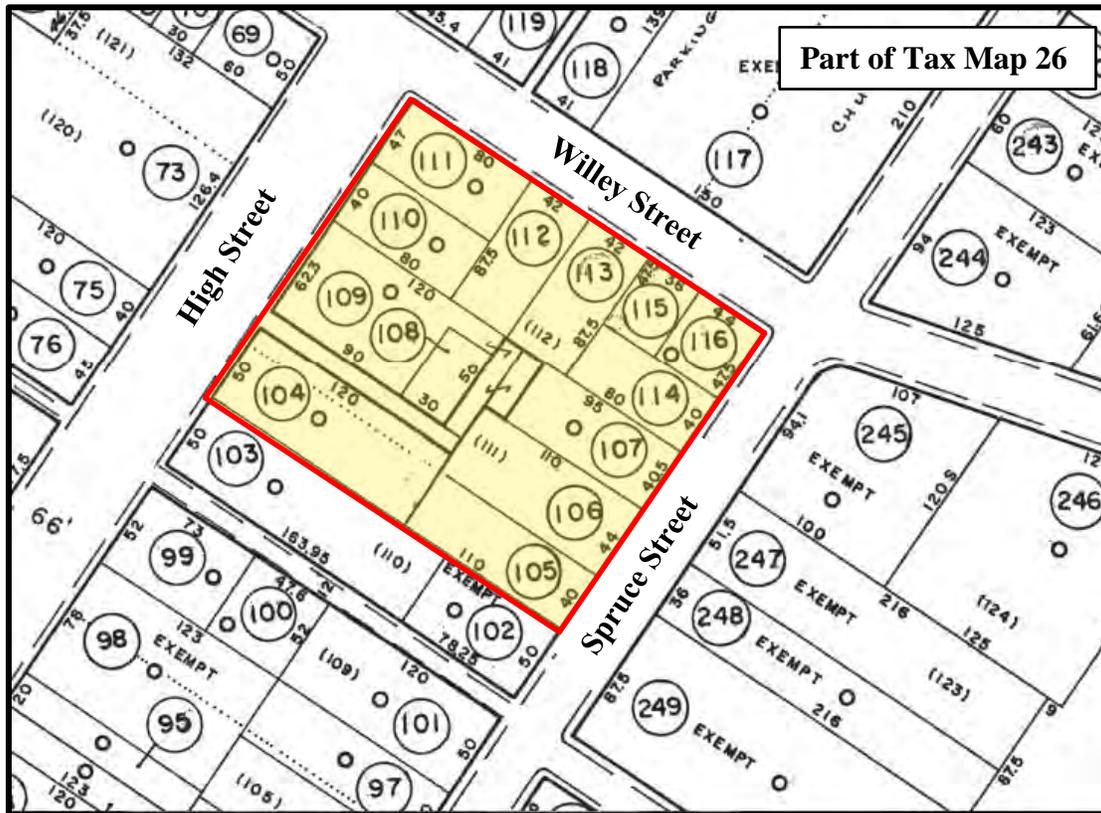
Christopher Fletcher, AICP
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STAFF REPORT ADDENDUM A

V13-26, V13-27, V13-28, V13-29 / BB&T Corporation / 466 and 496 High Street



STAFF REPORT ADDENDUM B

V13-26, V13-27, V13-28, V13-29 / BB&T Corporation / 466 and 496 High Street

Staff recommended revisions to the petitioner's Findings of Fact (deleted matter struck through; new matter underlined).

V13-26 Setbacks and Encroachments

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 site in question has frontage on three streets, with the proposed redevelopment building being on a corner. The site also has significant slope that would require increased retaining walls as the building is pulled closer to the corner, compromising or eliminating ADA accessibility and causing security concerns due to a "tunnel effect" along Willy Street and Spruce Street.

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 are numerous nonconformity that have been created but zoning code updates in the B-4 District. Without a variance, the applicant affirms that BB&T would be forced to maintain their dated retail concept which is currently more nonconforming than proposed. The variance would allow the redevelopment of the building to be 50% closer to Willy Street than the existing structure.

Finding of Fact No. 3 – The granting of this variance 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:

A preexisting nonconformity, created by a zoning code update, exists. The use will remain the same and the nonconformity will be diminished as new building will be significantly closer to Willey street than the current nonconforming building.

Finding of Fact No. 4 – The granting of this variance 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 land use will not be affected and market value will increase due to capital outlay into the property. Access and overall congestion should decrease as the number of drive thru lanes and overall building square footage will be decreased. The retailer sees this site a pedestrian focused location.

V13-27 Transparency

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 property fronts on two streets which requires significantly more window transparency than other buildings in district. The nature of the business requires more security and privacy than other buildings.

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 are nonconforming properties within the district, particularly several downtown buildings having frontage on two or more streets that, ~~if required to meet the ordinance standard, would be economically infeasible.~~ The proposed redevelopment improves upon a nonconforming structure with regard to window transparency.

Finding of Fact No. 3 – The granting of this variance 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 redevelopment will improve upon a currently dated, nonconforming structure. The use will not change.

Finding of Fact No. 4 – The granting of this variance 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:

This redevelopment project will enhance property values with the infusion of building, hard-scape and landscape improvements. Traffic will be reduced by a reduction of drive thru lanes as well as an improvement in traffic patterns that enter and exit site on Willey and with an “ingress only” access proposed verses the “ingress/egress” access currently in place.

V13-28 Minimum Building Height

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 building ownership is corporate therefore speculative second floor space cannot be considered and would, accordingly to the petitioner, prohibit the redevelopment from occurring.

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 are nonconforming properties within the district that, if required to meet the ordinance standard, would be economically infeasible. The proposed redevelopment improves upon a nonconforming structure with regard to building height. Note that had the ordinance been qualified by "two story or a two story height" then the proposal would be even closer to the stated goals. Although not the preferred design pattern in the B-4 District, there are other buildings within the downtown area that do not comply with the minimum building height standard, particularly similar bank drive-through facilities.~~

Finding of Fact No. 3 – The granting of this variance 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 redevelopment will improve upon a currently dated, nonconforming structure. The use will not change.

Finding of Fact No. 4 – The granting of this variance 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:

This redevelopment project will enhance property values with the infusion of building, hard-scape and landscape improvements. Traffic will be reduced by a reduction of drive thru lanes as well as an improvement in traffic patterns that enter and exit site on Willey with an "ingress only" access proposed verses the "ingress/egress" access currently in place.

V13-29 Drive-Through Stacking and Private Parking Facilities

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 site in question has frontage on three streets. As this is a redevelopment rather than a new development project, room ~~doesn't~~ does not appear to exist to comply with the requirement. ~~Note that There is ample room within the overall site for vehicles to stack~~ appears to be sufficient room for the stacking of vehicles within the access drive from Willey Street.

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 are numerous nonconformity that have been created but zoning code updates in the B4 district. Without a variance, the applicant would be forced to maintain their dated retail concept which is currently more nonconforming than proposed. The variance would reduce the number of nonconforming drive thru lanes. There does not appear to be a drive-through bank location within the B-4 District that meets the current minimum stacking requirement. Additionally, MVB Bank was granted similar variance relief by the Board on 20-Jun-2012 under Case No. V12-19 at the Earl Core Road location.~~

Finding of Fact No. 3 – The granting of this variance 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:

A preexisting nonconformity, created by a zoning code update, exists. The use will remain the same and the nonconformity will be diminished as the number of drive thru aisles will be reduced in half, more or less.

Finding of Fact No. 4 – The granting of this variance 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 land use will not be affected and market value will increase due to capital outlay into the property. Access and overall congestion should decrease as the number of drive thru lanes will be decreased. The retailer sees this site a pedestrian focused location.



City of Morgantown, West Virginia

APPLICATION FOR ZONING VARIANCE

OFFICE USE

CASE NO. V13-26
RECEIVED: 6/18/13
COMPLETE:

(PLEASE TYPE OR PRINT IN BLACK INK)

Fee: \$75

I. APPLICANT: Name: Hometown Development, LLC / Jeff Albrecht
Mailing Address: 711 Second Street, Portsmouth, OH 45662
II. PROPERTY: Street Address: 466 & 496 High Street
Owner: BB&T Corp, Zoning: B-4
Mailing Address: 2400 Reynolda Road, Winston-Salem, NC 27102
III. NARRATIVE: Please describe the nature and extent of your variance request(s).
V. ATTEST: I hereby certify that I am the owner of record of the named property...

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.

2584



APPLICATION FOR ZONING VARIANCE

OFFICE USE

CASE NO. V13-26
RECEIVED: 6/18/13
COMPLETE:

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)

(1) Existing 3-story office and retail building ; (1) 3-story office building; (1) bank 1-story with multi lane drive-thrus

Structure Characteristics (complete only those that apply)

Total number of buildings: 3 Gross floor area of each building: 23,625; 19,200; 1,028

Estimated number of employees: 40 No. of dwelling units: n/a No. of bedrooms: n/a

Additional structure-related details: Through this project the 1,028 sf detached bank and 7 drive thru lanes will be razed and replaced with a 4,275 sf bank with 3 drive thru lanes (see siteplan)

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

For simple variance requests (as determined by Staff), please use the graph area on the following page to illustrate applicable features listed above.



City of Morgantown, West Virginia

**APPLICATION FOR
ZONING VARIANCE**

OFFICE USE

CASE NO.

V13-26

RECEIVED:

6/18/13

COMPLETE:

Suggested Scale: 1 square = 5'

*All attached
enuff*



**APPLICATION FOR
ZONING VARIANCE**

OFFICE USE

CASE NO. _____
RECEIVED: _____
COMPLETE: _____

VII. FINDINGS OF FACT

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. 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 site in question has frontage on three streets, with the proposed redevelopment building being on a corner. The site also has significant slope that would require increased retaining walls as the building is pulled closer to the corner, compromising or eliminating ADA accessibility and causing security concerns due to a "tunnel effect" along Willy Street and Spruce Street.

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 are numerous nonconformity that have been created but zoning code updates in the B4 district. Without a variance, the applicant would be forced to maintain their dated retail concept which is currently more nonconforming than proposed. The variance would allow the redevelopment of the building to be 50% closer to Willy Street than the existing structure.

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:

A preexisting nonconformity, created by a zoning code update, exists. The use will remain the same and the nonconformity will be diminished as new building will be significantly closer to Willy street than the current nonconforming building.

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:

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City of Morgantown, West Virginia

APPLICATION FOR ZONING VARIANCE

OFFICE USE

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RECEIVED: 6/18/13
COMPLETE:

(PLEASE TYPE OR PRINT IN BLACK INK)

Fee: \$75

I. APPLICANT: Name: Hometown Development, LLC / Jeff Albrecht
Mailing Address: 711 Second Street, Portsmouth, OH 45662
Phone: 304.284.5013
Mobile: 304.290.4999
Email: lane@petropluslane.com
II. PROPERTY: Street Address: 466 & 496 High Street
Owner: BB&T Corp
Zoning: B-4
Mailing Address: 2400 Reynolda Road, Winston-Salem, NC
Tax Map No: 26
Parcel No: 104-116
Phone: 704.405.1462
III. NARRATIVE: Please describe the nature and extent of your variance request(s).
1349.05(k) Transparency - 60% minimum required where 51% is proposed for North Façade (see attached for further detail)
V. ATTEST: I hereby certify that I am the owner of record of the named property...
G. Richard Lane II
Type/Print Name of Applicant/Agent
Signature of Applicant/Agent
Date: 6/17/2013

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.

2583



APPLICATION FOR ZONING VARIANCE

OFFICE USE

CASE NO. V13-27
RECEIVED:
COMPLETE:

VI. SUPPLEMENTAL INFORMATION

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Additional structure-related details: Through this project the 1,028 sf detached bank and 7 drive thru lanes will be razed and replaced with a 4,275 sf bank with 3 drive thru lanes (see siteplan)

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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

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City of Morgantown, West Virginia

**APPLICATION FOR
ZONING VARIANCE**

OFFICE USE

CASE NO. V13-27
RECEIVED: _____
COMPLETE: _____

Suggested Scale: 1 square = 5'

*All attached
copy of*



APPLICATION FOR ZONING VARIANCE

OFFICE USE

CASE NO. V13-27
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The property fronts on two streets which requires significantly more window transparency than other buildings in district. The nature of the business requires more security and privacy than other buildings.

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:

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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 redevelopment will improve upon a currently dated, nonconforming structure. The use will not change.

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City of Morgantown, West Virginia

APPLICATION FOR ZONING VARIANCE

OFFICE USE

CASE NO. V13-28
RECEIVED: 6/18/13
COMPLETE:

(PLEASE TYPE OR PRINT IN BLACK INK)

Fee: \$75

I. APPLICANT: Name: Hometown Development, LLC / Jeff Albrecht
Mailing Address: 711 Second Street, Portsmouth, OH 45662
Phone: 304.284.5013, Mobile: 304.290.4999, Email: lane@petropluslane.com
II. PROPERTY: Street Address: 466 & 496 High Street
Owner: BB&T Corp, Zoning: B-4
Mailing Address: 2400 Reynolda Road, Winston-Salem, NC 27102
Tax Map No: 26, Parcel No: 104-116, Phone: 704.405.1462
III. NARRATIVE: Please describe the nature and extent of your variance request(s).
1349.05 Building Height Variance from Two-Story requirement in B-4 Overlay District (see attached for further detail)
V. ATTEST: I hereby certify that I am the owner of record of the named property...
G. Richard Lane II
Signature of Applicant/Agent: [Signature]
Date: 06/17/2013

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.



APPLICATION FOR ZONING VARIANCE

OFFICE USE

CASE NO. V13-28
RECEIVED:
COMPLETE:

VI. SUPPLEMENTAL INFORMATION

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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

For simple variance requests (as determined by Staff), please use the graph area on the following page to illustrate applicable features listed above.



City of Morgantown, West Virginia

**APPLICATION FOR
ZONING VARIANCE**

OFFICE USE

CASE NO. V13-28
RECEIVED: _____
COMPLETE: _____

Suggested Scale: 1 square = 5'

All attached
CM



**APPLICATION FOR
ZONING VARIANCE**

OFFICE USE

CASE NO. V13-28
RECEIVED: _____
COMPLETE: _____

VII. FINDINGS OF FACT

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. 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 building ownership is corporate therefore speculative second floor space cannot be considered and would prohibit the redevelopment from occurring.

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 are nonconforming properties within the district that, if required to meet the ordinance standard, would be economically infeasible. The proposed redevelopment improves upon a nonconforming structure with regard to building height. Note that had the ordinance been qualified by "two story or a two story height" then the proposal would be even closer to the stated goals.

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 redevelopment will improve upon a currently dated, nonconforming structure. The use will not change.

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:

This redevelopment project will enhance property values with the infusion of building, hard-scape and landscape improvements. Traffic will be reduced by a reduction of drive thru lanes as well as an improvement in traffic patterns that enter and exit site on Willey with a "ingress only" access proposed verses the "ingress/egress" access currently in place.

A



City of Morgantown, West Virginia

APPLICATION FOR ZONING VARIANCE

OFFICE USE

CASE NO. V13-29
RECEIVED: 6/19/13
COMPLETE:

(PLEASE TYPE OR PRINT IN BLACK INK)

Fee: \$75

I. APPLICANT: Name: Hometown Development, LLC / Jeff Albrecht
Mailing Address: 711 Second Street, Portsmouth, OH 45662
Phone: 304.284.5013
Mobile: 304.290.4999
Email: lane@petropluslane.com
II. PROPERTY: Street Address: 466 & 496 High Street
Owner: BB&T Corp
Zoning: B-4
Mailing Address: 2400 Reynolda Road, Winston-Salem, NC 27102
Tax Map No: 26
Parcel No: 104-116
Phone: 704.405.1462
III. NARRATIVE: Please describe the nature and extent of your variance request(s).
Article 1365.05 - Variance to allow for less than six (6) stacking spaces in front of each of the bank/ATM aisles where two stacking spaces are provided.
Article 1351.01(C)(2) as it relates to developing parking spaces closer than 20' from pedestrian crossings at the driveway entrances for the High Street Entrance and the southeast Spruce Street entrance.
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 Planning 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.
G. Richard Lane II
Signature of Applicant/Agent
Date: 06/17/2013

Type/Print Name of Applicant/Agent

Signature of Applicant/Agent

Finance Office Date
Morgantown, WV 26505
(304) 284-7400

You or a representative MUST be present at the scheduled hearing to present the request and

Handwritten number: 2586

answer questions. Failure to appear at the hearing will result in your request being tabled.



APPLICATION FOR ZONING VARIANCE

OFFICE USE

CASE NO. V13-29
RECEIVED:
COMPLETE:

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)

(1) Existing 3-story office and retail building ; (1) 3-story office building; (1) bank 1-story with multi lane drive-thrus

Structure Characteristics (complete only those that apply)

Total number of buildings: 3 Gross floor area of each building: 23,625; 19,200; 1,028

Estimated number of employees: 40 No. of dwelling units: n/a No. of bedrooms: n/a

Additional structure-related details: Through this project the 1,028 sf detached bank and 7 drive thru lanes will be razed and replaced with a 4,275 sf bank with 3 drive thru lanes (see siteplan)

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
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City of Morgantown, West Virginia

**APPLICATION FOR
ZONING VARIANCE**

OFFICE USE

CASE NO. V13-29
RECEIVED: _____
COMPLETE: _____

Suggested Scale: 1 square = 5'

*All attached
Conf.*



APPLICATION FOR ZONING VARIANCE

OFFICE USE

CASE NO.	_____
RECEIVED:	_____
COMPLETE:	_____

VII. FINDINGS OF FACT

Article 1365.05 - Variance to allow for less than six (6) stacking spaces

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. 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 site in question has frontage on three streets. As this is a redevelopment rather than a new development project, room doesn't exist to comply with requirement. Note that there is ample room within the overall site for vehicles to stack.

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 are numerous nonconformity that have been created but zoning code updates in the B4 district. Without a variance, the applicant would be forced to maintain their dated retail concept which is currently more nonconforming than proposed. The variance would reduce the number of nonconforming drive thru lanes.

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:

A preexisting nonconformity, created by a zoning code update, exists. The use will remain the same and the nonconformity will be diminished as the number of drive thru aisles will be reduced in half, more or less.

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 land use will not be affected and market value will increase due to capital outlay into the property. Access and overall congestion should decrease as the number of drive thru lanes will be decreased. The retailer sees this site a pedestrian focused location.



Spruce St.

SITE

Willey St.

High St.

STORE NUMBER: 0000

SOUTHWEST CORNER
N. HIGH STREET & WILLEY STREET
MORGANTOWN, W.V.

CS PROJECT NUMBER: 60188

ARCHITECT:

ENGINEER:



959 Congress Park Drive
Dayton, OH 45459
(800) 407-5405

Engineering / Surveying / Land Planning
Landscape Architecture / GPS Surveying

DEVELOPER:

HOMETOWN DEVELOPMENT
711 SECOND STREET
PORTSMOUTH, OH 45662
TEL (740) 354-7711
FAX (740) 353-1539
CONTACT: JEFF ALBRECHT

SEAL:

REVISIONS:

DRAWING BY:

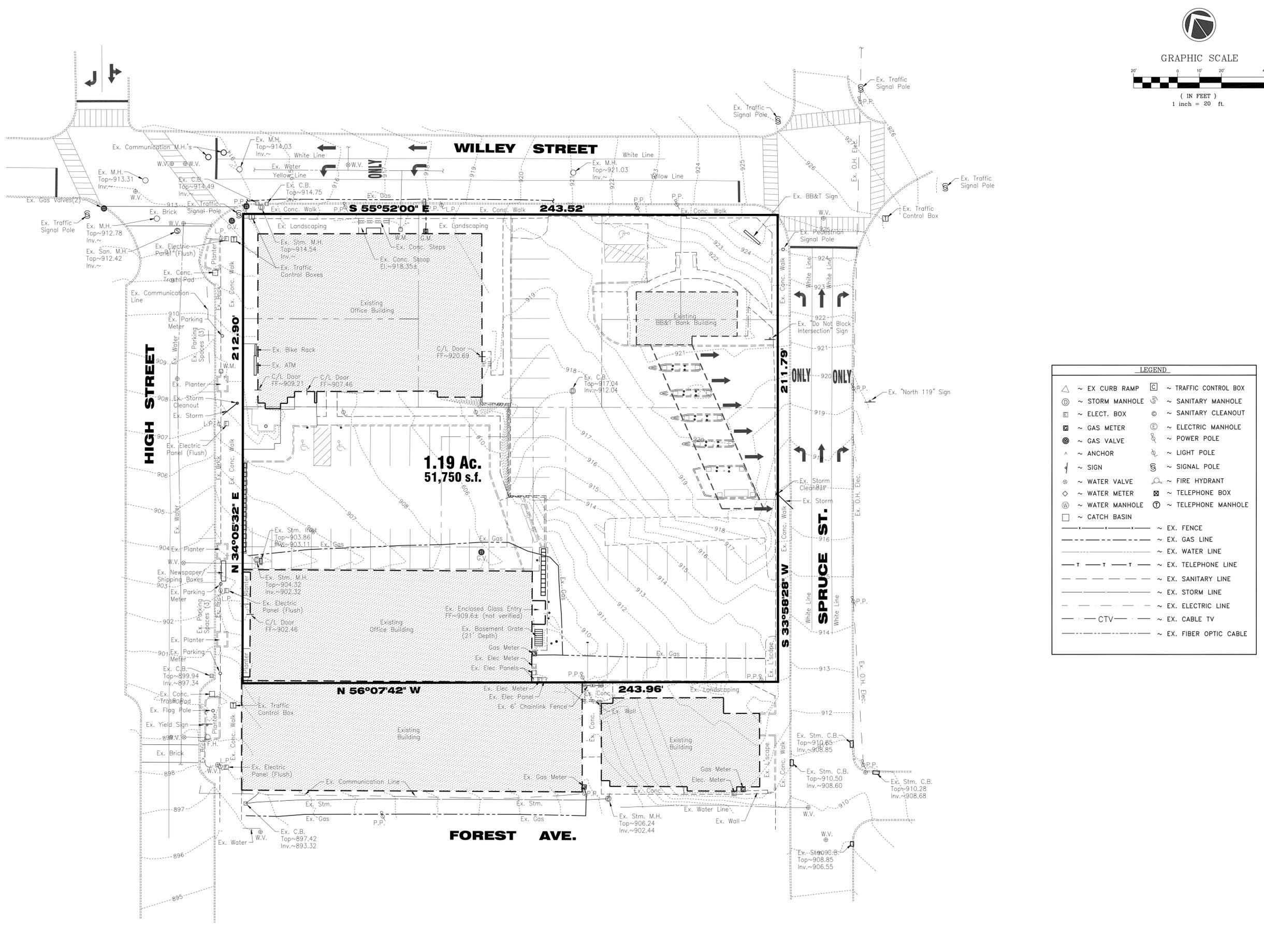
DATE: JUNE 18, 2013

JOB NUMBER: 2009-08-004

TITLE:

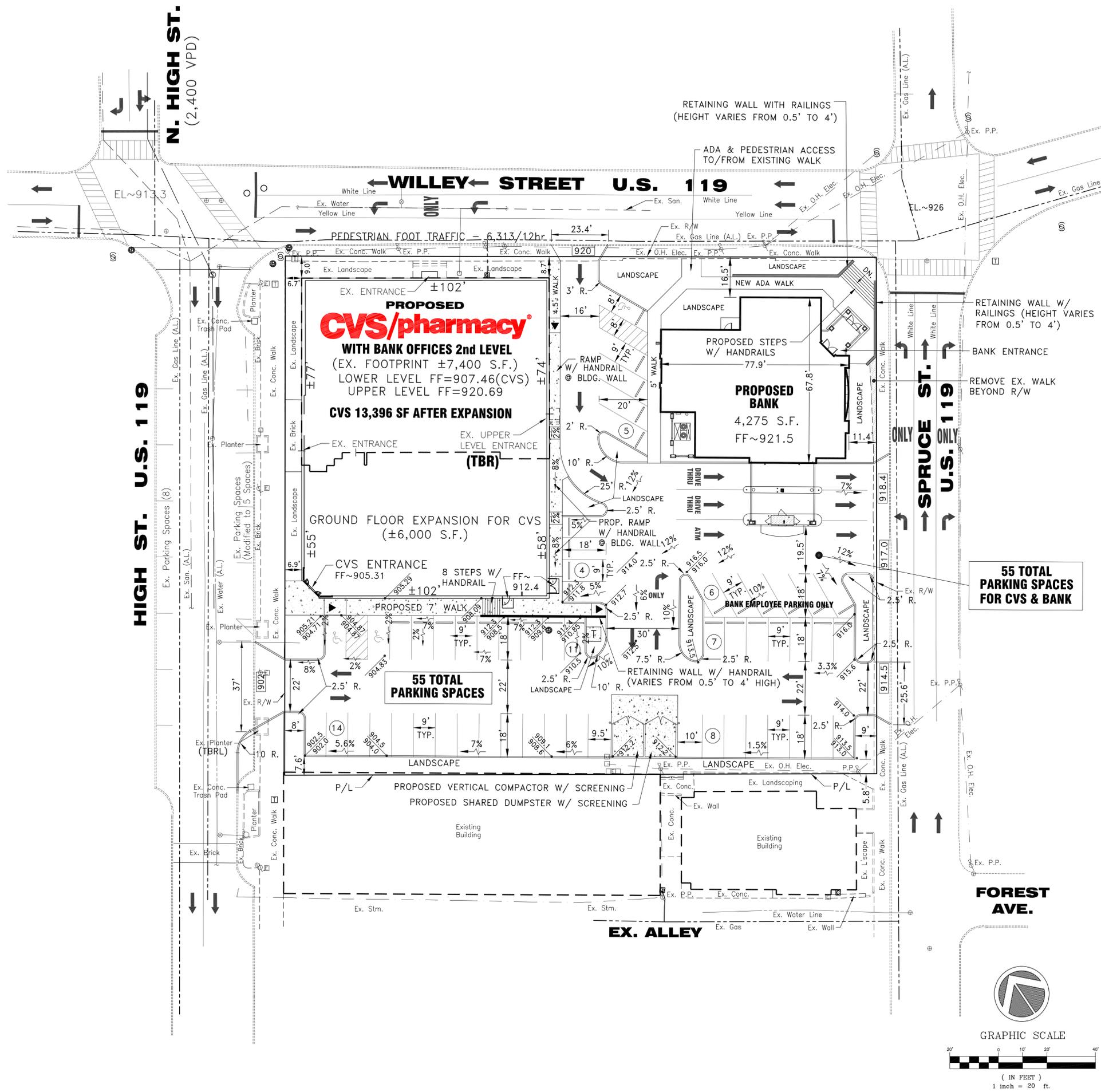
EXISTING CONDITIONS
SURVEY

SHEET NUMBER:



LEGEND

▲	~ EX CURB RAMP	⊠	~ TRAFFIC CONTROL BOX
⊙	~ STORM MANHOLE	⊕	~ SANITARY MANHOLE
⊞	~ ELECT. BOX	⊖	~ SANITARY CLEANOUT
⊗	~ GAS METER	⊕	~ ELECTRIC MANHOLE
⊘	~ GAS VALVE	⊖	~ POWER POLE
⊙	~ ANCHOR	⊕	~ LIGHT POLE
⊞	~ SIGN	⊕	~ SIGNAL POLE
⊗	~ WATER VALVE	⊕	~ FIRE HYDRANT
⊘	~ WATER METER	⊕	~ TELEPHONE BOX
⊙	~ WATER MANHOLE	⊕	~ TELEPHONE MANHOLE
⊞	~ CATCH BASIN		
---	~ EX. FENCE		
---	~ EX. GAS LINE		
---	~ EX. WATER LINE		
---	~ EX. TELEPHONE LINE		
---	~ EX. SANITARY LINE		
---	~ EX. STORM LINE		
---	~ EX. ELECTRIC LINE		
---	~ EX. CABLE TV		
---	~ EX. FIBER OPTIC CABLE		



NON-PROTOTYPICAL
10,440± SF BUILDING

STORE NUMBER: 0000

SOUTHEAST CORNER
 N. HIGH STREET & WILLEY STREET
 MORGANTOWN, W.V.

CS PROJECT NUMBER: 60188

ARCHITECT:

ENGINEER:



959 Congress Park Drive
 Dayton, OH 45459
 (800) 407-5405

Engineering / Surveying / Land Planning
 Landscape Architecture / GPS Surveying

DEVELOPER:

HOMETOWN DEVELOPMENT
 711 SECOND STREET
 PORTSMOUTH, OH 45662
 TEL (740) 354-7711
 FAX (740) 353-1539
 CONTACT: JEFF ALBRECHT

SEAL:

REVISIONS:
 07/08/13 - CITY REVIEW REVISIONS

DRAWING BY: T.P.K.
 DATE: JUNE 18, 2013
 JOB NUMBER: 2009-08-004
 TITLE:

SHEET NUMBER: QL-22

CONCEPTUAL
 SITE PLAN

COMMENTS:



ELEVATION - SPRUCE STREET

METALLIC EIFS

STANDING SEAM METAL ROOF

EIFS

PRECAST

BRICK

CLEAR ANOD. ALUMINUM STOREFRONT



ELEVATION

STANDING SEAM METAL ROOF

VISION DISCOVER CREATE EXECUTE EVALUATE



VISION DISCOVER CREATE EXECUTE EVALUATE



BEFORE

ITEM	PERMITTED / REQUIRED	PROVIDED
BUILDING HEIGHT	MIN. 2 STORIES / MAX. HT. 120'	BUILDING ADDITION TIES IN WITH SECOND STORY OF PRIMARY STRUCTURE
CLEAR WINDOWS/ VISION GLASS 60% OF THE STREET-FACING BUILDING FACADE, BETWEEN 3' AND 8' AFG	HIGH ST. FACADE LENGTH :75'-0" REQUIRED: 45' LINEAR	45' LINEAR = 60% (274.0 SQ.FT. INCL. ENTRY DOOR) 34' WINDOW TO INCORPORATE DISPLAY WALL WITH GRAPHICS.
	PARKING/SOUTH FACADE LENGTH :95'-0" REQUIRED: 57' LINEAR	32.5' LINEAR =34.2% (188.4 SQ.FT.)
PRIMARY ENTRANCE LOCATION	FACING PUBLIC STREET	FACING HIGH ST. AT SW CHAMFERED CORNER



PROPOSED RENDERING FROM HIGH STREET LOOKING NORTH EAST

HOMETOWN DEVELOPMENT
711 SECOND STREET PORTSMOUTH, OH. 45662

NORR
ARCHITECTS ENGINEERS PLANNERS
719 Griswold Street
Suite 1000
Detroit, MI 48226
www.norr.com

CVS 00000 MORGANTOWN WV

CVS/pharmacy