



**DEVELOPMENT  
SERVICES  
DEPARTMENT**

# The City of Morgantown

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May 22, 2014

Morgantown Dental Group  
c/o Joshua Dolin  
142 High Street  
Morgantown, WV 26505

**RE: V14-04 / Morgantown Dental Group / 142 High Street  
Tax Map 28A, Parcel 47**

Dear Dr. Dolin,

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 as it relates to signage at 142 High Street.

The decision is as follows:

**Board of Zoning Appeals, May 21, 2014:**

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 9 square foot variance from the maximum suspended sign standard provided under Article 1369.07(G)(1) with the following conditions:
  - a. That, in accordance with Article 1369.08, the suspended sign for which variance relief is granted herein shall be made of wood; sculpted "sign foam"; ornamental metals such as bronze, brass, copper, etc.; a painted aluminum panel; or stone or masonry.
  - b. That the existing non-conforming wall sign on the north side of the subject building must be removed prior to the issuance of a building permit for the suspended sign for which variance relief is granted herein.
3. The Board approved variance relief from Article 1369.07(G)(2) so that the suspended sign for which variance relief was granted herein may be externally illuminated.

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. 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

## **ADDENDUM A – Approved Findings of Fact**

### **V14-04 / Morgantown Dental Group / 142 High Street**

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**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 petitioner purports that new customers of the Morgantown Dental Group cannot locate the petitioner’s building due to the lack of visibility of existing wall signage.

**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 several suspended signs within the B-4 District that exceed the related maximum area standard. Additionally, variance relief from the maximum area standard for suspended signs was granted for “Joe Mamas” (6.5 square foot variance) and for “Panera Bread” (2.13 square foot variance)

**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 suspended sign for which variance relief is granted herein appears to be consistent with nearby City banner signs, which do not appear to appear to be a detriment neighboring properties and improvements.

**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 use of the premises will remain unchanged. The petitioner noted that the Morgantown Dental Group has been a fixture downtown for over 80 years and the sign for which variance relief is granted herein should enhance the rich history of downtown Morgantown. The nature of the variance granted herein cannot contribute to or mitigate existing traffic congestion along neighboring streets.