



**DEVELOPMENT  
SERVICES  
DEPARTMENT**

# The City of Morgantown

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June 19, 2014

John P. Kuehn  
320 High Street  
Morgantown, WV 26505

**RE: V14-25 / Kuehn / 320 High Street  
Tax Map 26A, Parcel 120**

Dear Mr. Kuehn,

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 320 High Street.

The decision is as follows:

**Board of Zoning Appeals, June 18, 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 Case No. V14-25 granting a three (3) square foot variance from the maximum suspended sign area standard.
3. The Board granted variance relief to permit commercial copy messaging in addition to the logo or name of the *Kuehn Sisters Diamonds* establishment as illustrated on the proposed sign design reviewed by the Board.
4. The following conditions were included in the approval of Case No. V14-25:
  - a. That the suspended sign for which variance is granted herein may not be separately illuminated.
  - b. That the suspended sign for which variance relief is granted herein must be made of wood; sculpted "sign foam"; ornamental metals such as bronze, brass, copper, etc.; painted aluminum panels; and/or, stone or masonry.

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

V14-25 / Kuehn / 320 High Street

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**Finding of Fact No. 1** – The variance will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents, because:

There are at least two other projecting signs on High Street and both are larger than 3' X 3' (*D.P. Dough* and the *Sew In*). The small increase in size does not appear to be a significant variation from the requirement. Other suspended signs that exceed the maximum area standard along High Street do not appear to manifest harm to public interests, the public realm, or the rights of adjoining property owners.

**Finding of Fact No. 2** – The variance arises from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance, because:

The special condition appears to result from the nature of the vertical elements and right angles of the petitioner's logo design. There appears to be a number of suspended sign design, shape, and size variations along High Street, which appears to positively contribute to prevailing related characteristics.

**Finding of Fact No. 3** – The variance will eliminate an unnecessary hardship and permit a reasonable use of the land, because:

The logo is square so it does not appear to fit an oval. A 2' X 3' sign dimension will not permit a square larger than 2 feet. A two-foot by two-foot sign may not be visible to the motoring or pedestrian passersby.

**Finding of Fact No. 4** – The variance will allow the intent of the zoning ordinance to be observed and substantial justice done, because:

The additional three (3) square feet of suspended sign does not appear to be noticeably different than most other signs on High Street.