



**DEVELOPMENT  
SERVICES  
DEPARTMENT**

# The City of Morgantown

389 SPRUCE STREET  
MORGANTOWN, WEST VIRGINIA 26505  
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August 21, 2014

Nasey LLC  
c/o City Neon  
P.O. Box 40  
Morgantown, WV 26507

**RE: V14-31 / Dollar General / 228 High Street  
Tax Map 26A, Parcel 137**

Dear Ms. Boyers,

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 228 High Street.

The decision is as follows:

**Board of Zoning Appeals, August 20, 2014:**

1. Each of the Findings of Fact was found in the positive as stated in Addendum A of this letter.
2. The Board granted a four (4) square foot variance from the maximum wall sign area standard with the following conditions:
  - a. That the sign face must be opaque so that sign illumination, if pursued, does not pass through the sign face or face returns.
  - b. That the material used for the sign must conform to sign material standards set forth in Article 1369.08(B)(3).
  - c. That the sign may not be internally illuminated. However, should illumination be pursued, it must be of down or up-lighting illumination techniques OR reverse halo illumination technique.
  - d. That each letter that comprises the sign must be affixed to the wall independently.

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

V14-31 / Dollar General / 228 High Street

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Board of Zoning Appeals approved Findings of Fact.

**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:

The alternative design presented by the petitioner for which variance relief is granted herein significantly improves conformity with wall sign standards within the B-4 District as intended and desired to protect the quality and character of the central business district and its environs.

**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 alternative design presented by the petitioner for which variance relief is granted herein significantly improves conformity with wall sign standards within the B-4 District as intended and desired and appears to be proportionally acceptable given building's façade and the anchor-type retail.

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

The alternative design presented by the petitioner for which variance relief is granted herein significantly improves conformity with wall sign standards within the B-4 District as intended and desired and appears to compliment other newer signs erected in the B-4 District over the past several years.

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

The alternative design presented by the petitioner for which variance relief is granted herein significantly improves conformity with wall sign standards within the B-4 District as intended and desired.