



**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](http://www.morgantownwv.gov)

August 21, 2014

Silver Pennies Jewelry Design Co.  
c/o Robin Dallas  
310 High Street  
Morgantown, WV 26505

**RE: V14-36 / Silver Pennies Jewelry Design Co./ 310 High Street  
Tax Map 26A, Parcel 122**

Dear Ms. Dallas,

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 310 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 the following variance relief:
  - a. That the suspended sign may not exceed 9.3 square feet in area.
  - b. That internal illumination may be used only as described and presented during the hearing.
  - c. That sign materials may be used only as described and presented during the hearing.

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

V14-36 / Silver Pennies Jewelry Design Co. / 310 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:

There appears to be at least two other suspended signs on High Street that are larger than six square feet including *D.P. Dough* and the *Sew Inn*. A three-foot variance was approved on 18 JUN 2014 for the neighboring *Kuehn Sisters Diamonds* establishment under Case No. V14-25 so that a nine (9) square foot suspended sign can be erected. Other suspended signs that exceed the maximum area standard along High Street do not appear to manifest harm to public interest, 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 of the petitioner's desired 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 petitioner's design appears to emulate the size and scale of suspended sign designs that exist within the B-4 District or have been granted similar variance relief.

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

The removal of the deteriorating and functionally obsolete awning sign appears to be a welcome improvement that should not be diminished by the size of the proposed suspended sign.