



**DEVELOPMENT
SERVICES
DEPARTMENT**

The City of Morgantown

389 SPRUCE STREET
MORGANTOWN, WEST VIRGINIA 26505
(304) 284-7431 TDD (304) 284-7512
www.morgantownwv.gov

October 16, 2014

Weatherly Plaza Realty Trust
c/o Rudy Hoffert
City Neon, Inc.
PO Box 40
Morgantown, WV 26507

**RE: V14-42 / Weatherly Plaza Realty Trust / 100 Hornbeck Road
Tax Map 64, Parcel 1**

Dear Mr. Hoffert,

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 100 Hornbeck Road.

The decision is as follows:

Board of Zoning Appeals, October 15, 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. To permit a post-and-panel style sign rather than a monument style sign.
 - b. To exceed the maximum height standard by 40.5 feet.
 - c. To exceed the maximum area standard by 384 square feet.
 - d. To permit internal illumination.

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.

Respectfully,

Christopher M. Fletcher
Director of Development Services

ADDENDUM A – Approved Findings of Fact

V14-42 / Weatherly Plaza Realty Trust / 100 Hornbeck Road

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:

Other business establishments in Morgantown have existing multi-tenant post-and-panel style signs that exceed maximum height and area standards and are internally illuminated, which provides the type of visibility to the public for which the petitioner seeks to emulate and enjoy.

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:

It appears that the auto-dependent nature of the development and the commercial uses requires enough sign area and illumination for existing and future tenants of the existing shopping center. It appears that, given the number of tenants within the multi-tenant development, a monument sign that meets the maximum area and height standards would not permit a functional directory sign that can be legible from visitors arriving to the site by vehicle.

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

The sign appears to be relatively consistent with other shopping centers throughout Morgantown including the Earl Core Road, Patteson Drive, and Van Voorhis Drive commercial corridors.

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

The sign should help to promote business for the tenants and the community. The addition of the sign should serve to increase the market interest in the development and economic activity for existing and future tenants given the heavily auto-dependent nature of the development.