



**DEVELOPMENT
SERVICES
DEPARTMENT**

The City of Morgantown

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

December 19, 2014

Ntelos
c/o Rudy Hoffert
City Neon, Inc.
PO Box 40
Morgantown, WV 26507

**RE: V14-55 / Ntelos / 200 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 200 Hornbeck Road.

The decision is as follows:

Board of Zoning Appeals, December 17, 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 23.2 square foot variance relief to erect a 37.6 square foot wall sign without conditions.

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,

Stacy Hollar
Executive Secretary

ADDENDUM A – Approved Findings of Fact

V14-55 / Ntelos / 200 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 the shopping plaza and Morgantown have existing signs that are similar in size and style, which provides the type of visibility to the public for which the petitioner seeks to emulate and enjoy. The size of the proposed sign appears to be comparable in size to other but wider storefronts within the development, which do not appear to adversely impact public health, safety or welfare or property rights within the immediate area.

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 petitioner's storefront is one of the more narrow storefront widths within the subject development, which appears to place the tenant space at a commercial messaging and customer wayfinding disadvantage given the fact that maximum wall sign standards are based on storefront width rather than the architectural context of the development as a whole, the conditions of which were not created by the petitioner.

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 businesses in the shopping plaza and other shopping locations throughout Morgantown.

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 tenant and the community within the context and wall sign development pattern within the subject development.