



**DEVELOPMENT
SERVICES
DEPARTMENT**

The City of Morgantown

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January 22, 2015

Suburban Lanes Plaza
c/o City Neon, Inc.
PO Box 40
Morgantown, WV 26507

RE: V15-02 / Suburban Lanes Plaza / 749 Chestnut Ridge Road / Tax Map 56, Parcel 3

Dear Ms. Wade,

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 749 Chestnut Ridge Road. The decision is as follows:

Board of Zoning Appeals, January 21, 2015:

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 under Case No. V15-01 for the proposed ground sign:
 - a. To permit a post-and-panel type directory sign rather than a monument type directory sign.
 - b. To exceed the maximum area standard by 17 square feet.
 - c. To exceed the maximum height standard by 2.83 feet.
 - d. To permit internal illumination.
3. The Board included the following condition in its decision:
 - a. To safeguard a clear site line for motorists exiting the subject site, the proposed ground sign must be situated in the approximate location of the previous ground sign, in terms of perpendicularity to the adjacent roadway, and may not be located closer than nine (9) feet measured from the front face of the adjacent curb.

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 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

V15-02 / Suburban Lanes Plaza / 749 Chestnut Ridge 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 the maximum height and area standards and are internally illuminated, which provide the type of visibility to the public for which the petitioner seek 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 require enough sign area and illumination for existing and future tenants of the existing shopping plaza. 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 plazas throughout Morgantown, including 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 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 give the heavily auto-dependent nature of the development.