



**DEVELOPMENT
SERVICES
DEPARTMENT**

The City of Morgantown

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August 20, 2015

Park & Madison Boutique
c/o Shannon Coombs
407 High Street
Morgantown, WV 26505

**RE: V15-36 / Park & Madison Boutique / 407 High Street
Tax Map 26, Parcel 85**

Dear Ms. Coombs,

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 407 High Street.

The decision is as follows:

Board of Zoning Appeals, August 19, 2015:

1. Each of the Findings of Fact was found in the positive as stated in Addendum A of this letter.
2. The Board approved Case No. V15-36 granting a 14.8 square foot variance from the maximum wall sign area standard 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. We look forward to serving your plans review and permitting needs.

Respectfully,

Stacy Hollar
Executive Secretary

ADDENDUM A – Approved Findings of Fact

V15-36 / Park & Madison Boutique / 407 High Street

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 scale of the proposed wall sign appears to match the scale of the wall sign for the former *Slight Indulgence* establishment that formerly occupied the space as illustrated below, which did not appear to adversely affect public health, safety or welfare or the rights of adjacent property owners or residents.



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 transom area of the storefront frame appears to have been converted to a freeze/sign band several years ago thereby creating a larger backdrop for a wall sign. A wall sign of not more than six (6) square feet would not be legible to the motoring and pedestrian traffic and would appear to be lost in the larger backdrop.

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

It appears that the majority of the storefront transoms along High Street, including the subject property, have been converted to freeze/sign bands decades ago. Most establishments have filled these backdrops with wall signs. This trend has established wall sign patterns and characteristics that are not acknowledged in the maximum wall sign area standard. Additionally, many of the storefront widths along High Street are less than 20 feet wide, which hinders establishment from observing the maximum wall sign standard while effectively communicating to customers.

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

With exception of area, the proposed sign observes all materials and lighting requirements. Additionally, similar variance relief has been granted for a number of establishments along High Street since 2006.