



**DEVELOPMENT  
SERVICES  
DEPARTMENT**

# The City of Morgantown

389 SPRUCE STREET  
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[www.morgantownwv.gov](http://www.morgantownwv.gov)

July 16, 2015

Lotsa Mozza  
c/o Rudy Hoffert  
City Neon, Inc.  
1095 Chaplin Road  
Morgantown, WV 26501

**RE: V15-44 / Lotsa Mozza / 419 High Street  
Tax Map 26, Parcel 80**

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 419 High Street.

The decision is as follows:

**Board of Zoning Appeals, July 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 approved Case No. V15-44 granting variance relief of 46.78 square feet from the maximum wall sign area standard rather than the petitioner's request of 64.46 square feet; provided, the wall signs identified in the Staff Report as S-2 and S-3 be eliminated.
3. That variance relief from Article 1369.07(G)(5) is granted thereby permitting the proposed suspended sign to be erected so that it protrudes into the public right-of-way where a sidewalk has not been developed; provided, said suspended sign must maintain a clearance of ten (10) feet to preserve a nine (9) foot clearance in the event a sidewalk is constructed within said right-of-way below the subject suspended sign.
4. That variance relief of three (3) square feet from the maximum area standard for suspended signs is granted; provided, the "WOOD FIRED PIZZA" copy is removed from said suspended sign and replaced with "CARRY OUT" thereby reducing the extent of wall sign variance granted above while preserving a practicable means of communicating the primary programming purpose of the side entrance door.
5. That signs reviewed herein shall conform to the lighting and design standards set forth in Article 1369.08 for the B-4 District, except that:
  - a. Variance relief is granted so that the wall sign identified in the Staff Report as S-1 may be constructed of a PVC material provided the face of said wall sign is opaque and no internal illumination may shine through said sign face.
  - b. Variance relief is granted so that the copy "Wood Fired Pizza" may be utilized in the wall sign identified in the Staff Report as F-2.

- c. Variance relief is granted so that the copy "Carry Out" may be utilized in the proposed suspended sign as described in Condition No. 3 above.

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.

Please note that building permits must be issued prior to the commencement of work for which variance approvals were 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  
V15-44 / Lotsa Mozza / 419 High Street**

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**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 area 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 businesses in the area which do not appear to adversely impact public health, safety or welfare or property rights within the immediate area. The scale of the proposed master sign plan appears to match the scale of other similar signs within the immediate area and appears to be significantly less than the wall signage for the former *Daniel's Men's Clothing* store that previously occupied the subject space, which does not appear to adversely impact 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 petitioner's building is designed and similar to corner street building with two visible sides but is not on a corner lot but at a parking lot entrance which appears to place the visible signage space at a commercial messaging and customer wayfinding disadvantage given the fact that maximum sign standards are based on storefront width rather than the architectural context of the building as a whole, the conditions of which are 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 signs appear to be relatively consistent with other business in the area 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 signs should help to promote business for the tenant and the community within the context and wall sign development pattern within the subject area. Additionally, similar variance relief has been granted for a number of establishments along High Street since 2006.