



**DEVELOPMENT
SERVICES
DEPARTMENT**

The City of Morgantown

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August 20, 2015

Atomic Grill
c/o Louis Giuliani
121 Pleasant Street
Morgantown, WV 26505

**RE: V15-52 / Atomic Grill / 125 Pleasant Street
Tax Map 26A, Parcel 28**

Dear Mr. Giuliani,

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 125 Pleasant 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. V15-52 granting variance relief from Article 1369 of one (1) square foot from the maximum wall sign area standard.
3. That variance relief from Article 1369.07(G)(2) was granted thereby permitting illumination of the proposed suspended sign as requested.
4. That variance relief from Article 1369.08(B)(1) was granted thereby permitting a portion of sign face to be transparent.
5. That variance relief from Article 1369.08(B)(2) was granted thereby permitting internal illumination of the proposed suspended sign as requested.
6. That variance relief from Article 1369.08(B)(3) was granted thereby permitting the use of polymer materials on a portion of the sign face as requested.

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,

A handwritten signature in cursive script that reads "Stacy Hollar". The signature is written in black ink and is positioned below the word "Respectfully,".

Stacy Hollar
Executive Secretary

**ADDENDUM A – Approved Findings of Fact
V15-52 / Atomic Grill / 125 Pleasant 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 nature of the variance requested by the petitioner does not appear to harm public health, safety or welfare nor does it appear to present a detriment to the rights of adjacent properties. Similar suspended signs exist within the B-4 District, some of which of similar variance relief from the Board. The sign appears to compliment the extensive improvements that have already been made on this Pleasant Street block.

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 sign is a pre-existing sign being repurposed for use at the subject location. The sign appears to fit the theme of the business and is unique but appears to fit with the art deco design of building architecture, which members of the Downtown Design Review Committee did not object to.

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

According to the petitioner, the sign is being repurposed, which appears to fit with the character of the streetscape and the businesses that exist on this Pleasant Street block.

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

Similar variance relief has been granted for a number of suspended signs within the B-4 District since January 2006 when the present sign regulates were enacted.