



**PLANNING AND ZONING CODE CONFORMITY REPORT
FOR PLANS DATED 06 NOV 2015**

Planning Division

1353.07 Performance Standards	
N/A	(A) All principal structures within a development should maintain a consistent architectural style. <i>Only one (1) building is proposed in the development program.</i>
Y	(B) Architectural metal paneling may be used for wall surfaces but shall not exceed 20% of any wall facing a public street. <i>Cladding schedule on Sheet 7 Drawing No. A200 observes this performance standard.</i>
Y	(C)(1) Walls shall be clad in stone, brick, marble, approved metal paneling, and/or cast concrete. <i>Cladding schedule on Sheet 7 Drawing No. A200 observes this performance standard.</i>
N/A	(C)(2) Roofs should be clad in slate, sheet metal, corrugated metal, and/or diamond tab asphalt shingles. <i>A flat roof design is proposed in the plans reviewed herein.</i>
Y	(D)(1) Windows should be set to the inside of the building face wall. <i>The term "should" is a desired design element and not mandatory. As such, variance relief cannot be required.</i>
Y	(D)(2) All primary entrance exterior doors should have rectangular recessed panels or glass. <i>The term "should" is a desired design element and not mandatory. As such, variance relief cannot be required.</i>
Y	(D)(3) All rooftop equipment that is enclosed should be enclosed in building material that matches the structure or is visually compatible with the structure. <i>A parapet 6" – 8" in height should serve to screen rooftop equipment.</i>
N V15-80	(E) Sidewalks shall be constructed along the frontage (where feasible) of a lot upon which a use is to be constructed. New sidewalks shall be at least six (6) feet wide, or the same width as an existing but incomplete sidewalk along the same side of the street. <i>A sidewalk along Maple Avenue is not proposed, which requires variance relief.</i>

1353.08 Landscaping	
	See comments below under Article 1367.



**PLANNING AND ZONING CODE CONFORMITY REPORT
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Planning Division

1365 Parking, Loading and Internal Roadways		
1365.04 – Determining the number of spaces required		
N/A	(B)	Shared Parking Facilities.
N/A	(C)	Shared Parking Facilities in the B-4 District.
N/A	(D)	Shared Parking Facilities – Performance.
Y	(E)	Required off-street loading and unloading spaces shall not be construed as being part of the required off-street parking spaces.
Y	(F)	No part of any alley or street or other public right-of-way shall be used to meet the minimum parking requirements of this code, unless otherwise provided for herein.
Y	(G)	Explanation of how gross floor area is determined when calculating off-street parking requirements.
N/A	(H)	Number of employees indicates the number of employees on the largest shift, unless otherwise indicated. <i>The minimum parking requirement is calculated for a “Shopping Center” use, which does not account for the number of employees present.</i>
Y	(I)	In all non-residential districts the maximum number of spaces provided shall not exceed 115 percent of the minimum parking requirement, except for research and development centers, where there shall be no maximum. <i>As noted below, the minimum number of parking spaces for the “Shopping Center” use is 47 parking spaces, which results in a maximum parking standard of 54 spaces. Plans reviewed herein illustrate 54 parking spaces proposed.</i>
Y	(J)	Minimum off-street parking requirement. <i>(13,500 sq. ft. / 1,000 sq. ft.) x 3.5 = 47 parking spaces (minimum). The proposed number of parking spaces is 54.</i>
N/A	(K)	Parking provisions for company vehicles. <i>Plans reviewed herein do not appear to include company-related vehicles for which parking space considerations would be required.</i>
N/A	(L)	Minimum parking requirement determinations for uses not specified.
N/A	(M)	Conflict provisions.
TBD Note – 1	(N)	Any land use which requires a minimum of 50 parking spaces shall be required to provide a pedestrian circulation plan for the proposed site. <i>A “Pedestrian Circulation Plan” was not submitted with plans reviewed herein. See Note – 1 at end of this report.</i>
N/A	(O)	B-1 District parking reduction provisions.
N/A	(P)	B-4 parking reduction provisions.



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1365.05 Drive-Through Stacking.	
N V15-79	<i>Table 1365.05.01 requires six (6) stacking spaces before each bank or ATM bay. Only three (3) stacking spaces are provided before each of the three (3) proposed bank/ATM bays, which requires variance relief.</i>
1365.06 Parking Spaces Accessible to the Disabled.	
Y	<i>Three (3) accessible spaces are provided for the parking lot containing 51 to 75 parking stalls and one (1) of which is designed as van or universal parking space as required.</i>
1365.07 Off-Site Parking Facilities.	
N/A	<i>Off-site parking facilities are not proposed.</i>
1365.08 Parking and Storage of Certain Vehicles.	
TBD	<i>These provisions, if applicable, affect post construction/occupancy activities.</i>
1365.09 Parking Development Standards.	
Y	(A)(1) Dimensions – standard parking spaces. <i>All standard parking spaces appear to meet or exceed minimum dimension requirements.</i>
N/A	(A)(2) Dimensions – compact parking spaces. <i>Compact parking spaces are not included in plans reviewed herein.</i>
Y Note – 2	(A)(3) Dimensions – drive aisle and safe and efficient means of vehicular access. <i>All proposed parking spaces open directly on an acceptable drive aisle under the P&Z Code. Additional consultation with the Morgantown Fire Marshal will be required during building permit application plans review to ensure minimum drive aisle widths are provided under the Fire Code. The proposed depth (perpendicular to aisle) of the five (5) angled parking spaces is 18 feet, which is less than the minimum depth of 19 feet for 60° angled parking. Compliance with the minimum depth will be required at building permit review and cannot be achieved by reducing the widths of the by-pass and/or drive-through aisles. See Note – 2 at the end of this report.</i>
Y	(A)(4) Dimensions – parking spaces and drive aisles within property lines. <i>Parking spaces, drive aisles, and access layout appear to meet requirements of this paragraph.</i>
Y	(B)(1) Layout and Design – Means of vehicular/loading access to a street. <i>Access and internal maneuvering appear to conform to standards of this paragraph.</i>



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N V15-78	<p>(B)(2) Layout and Design – Driveway entrance location and width. <i>The City Engineer has accepted the width of the driveway at the roadway connecting State Route 705 and Maple Drive as well as the width of the driveway at the property boundary of the development site. Access agreements/permits with WVDOH will be required because the roadway connecting State Route 705 and Maple Drive and the driveway up to the property boundary of the development site are located within WVDOH right-of-way. However, variance relief will be required because the driveway entrance is located closer than 30 feet from the intersection of State Route 705 and proposed connector roadway and the intersection of Maple Street and the proposed connector roadway.</i></p>
N/A	<p>(B)(3) Layout and Design – Connections between parking lots or reservations of land for future connections. <i>This provision is intended to create cross access driveways between adjoining properties, which is not applicable for this development.</i></p>
Y	<p>(B)(4)(a) Layout and Design – Parking areas lined or designated for efficient use. <i>The proposed parking lot layout appears to meet the intent of this paragraph.</i></p>
Y	<p>(B)(4)(b) Layout and Design – Maximum slope standards. <i>The proposed slope of the parking areas is less than 5%.</i></p>
Y	<p>(B)(4)(c) Layout and Design – Unobstructed access to drive aisle. <i>Tandem parking spaces are not proposed in plans reviewed herein.</i></p>
Y	<p>(B)(4)(d) Layout and Design – Separation between parking spaces and building. <i>An eight-foot wide concrete sidewalk and curb is provided along the storefronts. A nine-foot wide buffer (river rock) and 6-inch vertical concrete curb separates the building from the adjoining drive-through aisle along the functional rear façade.</i></p>
N/A	<p>(B)(5) Layout and Design – Parking structure. <i>Proposed parking spaces are open to the sky and are not enclosed in a building.</i></p>
TBD	<p>(B)(6) Layout and Design – Landscaping and screening. <i>SEE OBSERVATIONS UNDER ARTICLE 1367 BELOW.</i></p>
Y	<p>(B)(7) Layout and Design – Lighting. <i>The Preliminary Lighting Plan provided on Sheet 4 Drawing E902 appears to observe the glare restrictions of this provision. See Article 1371 observations for additional comments.</i></p>
Y	<p>(C)(1) Surfacing. <i>“Standard Duty Pavement” and “Heavy Duty Concrete” are noted on Sheet 3 Drawing 9. Paving design along with stormwater management will be reviewed and approved by the City Engineer and Morgantown Utility Board (MUB) at building permit application.</i></p>
N/A	<p>(C)(2) Gravel surface. <i>Gravel surfacing is not proposed in plans reviewed herein.</i></p>



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TBD	(C)(3) Drainage. <i>Stormwater management plans will be reviewed and approved by the Morgantown Utility Board (MUB) at building permit application.</i>
N/A	(C)(4) Alternate surfacing materials. <i>Alternate parking area surfacing materials and designs (other than standard asphalt and concrete) do not appear to be proposed in plans reviewed herein.</i>

1365.10 Loading Requirements.

N V15-77	(A) Location of loading area. <i>Table 1365.10.01 provides that at least one (1) loading space be developed, the size of which may not be less than that required for the type of delivery vehicle serving the site. Given the contemplated commercial tenants, a 14 feet by 60 feet loading space should be provided to access the tenant's respective man-doors. A dedicated loading space is not provided, which requires variance relief.</i>
	(B) Size of loading area.
	(C) Paving of loading area.
N/A	(C) Screening of loading berths. <i>Loading berths are not proposed as deliveries will be received through man-doors for each of the tenant spaces.</i>

1367 Landscaping and Screening

TBD	<i>The Preliminary Landscaping Plan on Sheet 4 Drawing 20 appears to provide requisite buffer/screening planting areas for development with parking located between the building and the street [1367.08(C)] and for interior landscaping [1367.08(D)]. Sufficient screening/enclosures appear to be proposed around trash dumpsters [1367.06(E)]. The final Landscape Plan, including specific plant materials, spacing, etc. will be reviewed during building permit application.</i>
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1369 Signs

TBD	<i>A master sign plan was not included in plans reviewed herein. Signage can be reviewed and approved at a later point.</i>
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1371 Lighting

TBD	<i>The Preliminary Lighting Plan on Sheet 4 Drawings E900 – E902 appears to provide sufficient lighting for the parking areas without unnecessary glare onto adjoining properties or public rights-of-way. The final Lighting Plan, including light fixtures and lighting intensities, will be reviewed during building permit application.</i>
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PLANNING AND ZONING CODE CONFORMITY REPORT FOR PLANS DATED 06 NOV 2015

Planning Division

NOTES

Note – 1A “Pedestrian Circulation Plan” was not submitted with plans reviewed herein as required by Article 1365.04(N). Addendum A of this report provides suggested design modifications, which will be submitted to the Planning Commission as a recommended condition of Site Plan approval; provided, the City Engineer is in agreement with pedestrian circulation measures.

Note – 2The five (5) angled parking spaces at the west side of the site remain a concern given the limited line-of-sight for approaching vehicles via the 19-foot wide bypass drive aisle and the potential conflict with back-out movements from said spaces toward vehicles in the drive-through aisle. Said spaces should be restricted to “Employee Parking Only” and signed accordingly to reduce parking space turnover frequency. The developer has agreed to establish this parking restriction, which is identified on Sheet 3 Drawing 9 as Note “Y.” To ensure this parking restriction is implemented, a related condition will be submitted to the Planning Commission as a recommended condition of Site Plan approval.

SUMMARY OF PRELIMINARY REQUIRED APPROVALS

1. Required Planning Commission approvals:

a. Type III Site Plan Development of Significant Impact (DSI).

Site Plan approval by Planning Commission is required for Developments of Significant Impact (DSI) that are either 15,000 square feet or more of gross floor area OR a site of 2 acres or more of “net acreage” [non B-4 sites]. According to the development’s design professionals, the development site is ± 2.66 net acres and the “net acreage” is more than 2 acres.

b. Minor Subdivision.

If a plat assembling the development site into one (1) parcel was not recorded prior to annexation, than minor subdivision approval by the Planning Commission be required.

2. Required BZA approvals:

a. Variances (Case Numbers):

- i. V15-81 Variance relief from Article 1353.05(B) to construct a principal building less than the minimum building height standard of 25 feet.
- ii. V15-80 Variance relief from Article 1353.07(E) from developing a sidewalk along the Maple Drive frontage street.
- iii. V15-79 Variance relief from Article 1365.05 from providing the minimum number of stacking spaces for vehicles before each bank/ATM window.



**PLANNING AND ZONING CODE CONFORMITY REPORT
FOR PLANS DATED 06 NOV 2015**

Planning Division

- iv. V15-78 Variance relief from Article 1365.09(B)(2) from the minimum distance of a driveway entrance to the intersection of two streets.
- v. V15-77 Variance relief from Article 1365.10(N) from developing a loading space.

Prepared by: *Christopher M. Fletcher*

Digitally signed by Christopher M. Fletcher, AICP
Date: 2015.11.25 10:23:29 -05'00'

Director of Development Services
304-284-7431
cfletcher@morgantownwv.gov

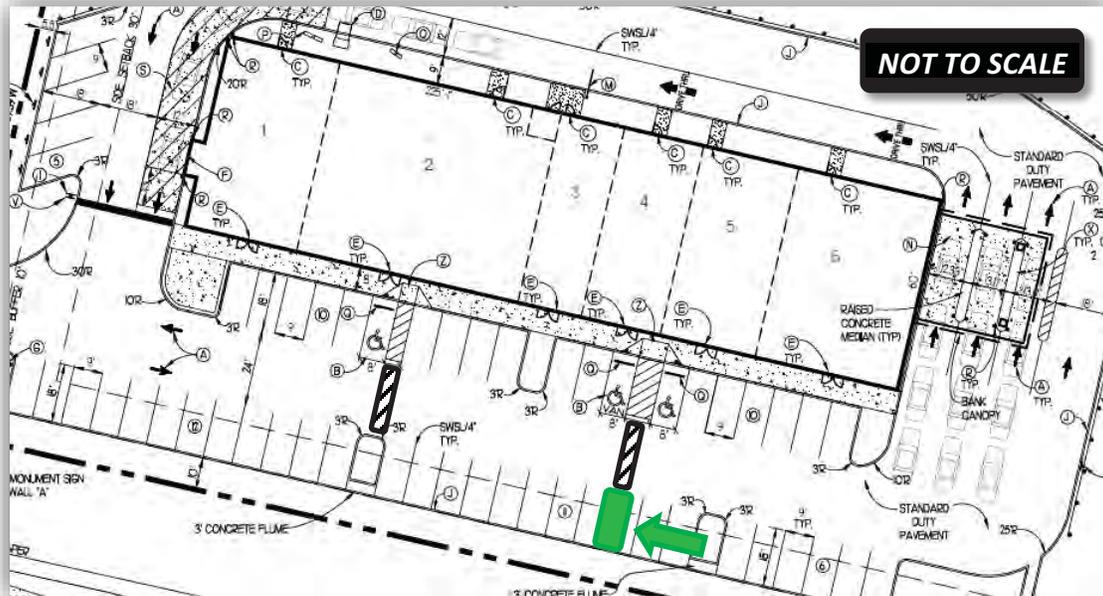


PLANNING AND ZONING CODE CONFORMITY REPORT FOR PLANS DATED 06 NOV 2015

Planning Division

ADDENDUM A

Suggested parking plan modifications and pedestrian circulation considerations.
(image clipped from Sheet 3 Drawing 9)



LEGEND

-  Internal Landscape Island
-  Pavement Marked Crosswalk



**DEVELOPMENT SERVICES
PLANNING DIVISION**

The City of Morgantown

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

December 11, 2015

FEOH Realty, LLC
c/o Ryan Hess
63 Wharf Street, Suite 300
Morgantown, WV 26505

**RE: S15-11-III / FEOH Realty, LLC / Donahue Drive
Tax Map 4, Parcels 18.5, 19 & 20; B-5, Shopping Center District**

Dear Mr. Hess:

This letter is to notify you of the decision made by the Planning Commission concerning the above referenced Development of Significant Impact Site Plan petition.

The decision is as follows:

Planning Commission, December 10, 2015

Case No. S15-11-III was approved as requested with the following conditions:

1. That, prior to building permit issuance, minor subdivision petition approval must be granted by the Planning Commission if the final plat of the development site was not recorded prior to the effective date of the related annexation Ordinance (ORD15-66).
2. That requisite variance approvals must be granted by the Board of Zoning Appeals and related conditions observed.
3. That, to the satisfaction of the City Engineer, a Pedestrian Circulation Plan must be submitted with the Building Permit Application and include minor site design modifications illustrated in, or similar to, Addendum A of Staff's Planning and Zoning Code Conformity Report dated 25 NOV 2015 thereby furthering public safety and welfare.
4. That, to the satisfaction of the Planning Division, the five (5) angled parking spaces at the west side of the development site be restricted to "Employee Parking Only" and signed accordingly (vertical signage and/or pavement markings) to reduce turnover frequency of said parking spaces thereby furthering public safety and welfare.
5. That all requisite access agreements and/or permits be issued by the West Virginia Division of Highways (WVDOH) prior to building permit issuance.
6. That the development must meet all applicable federal Americans with Disabilities Act (ADA) standards to the satisfaction of the City's Chief Building Code Official.

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 Planning Commission during this thirty-day period is at the sole financial risk of the petitioner.

Please contact the undersigned at your earliest convenience to submit a minor subdivision application, which must be approved by the Planning Commission prior to the issuance of any development related building permits (see Condition No. 1 above).

Should you have any questions concerning the Planning Commission's decision or require further clarification, please contact the undersigned. We look forward to serving your development review and approval needs.

Respectfully,

A handwritten signature in cursive script, appearing to read "Stacy Hollar".

Stacy Hollar
Executive Secretary



City of Morgantown, West Virginia

APPLICATION FOR VARIANCE PETITION

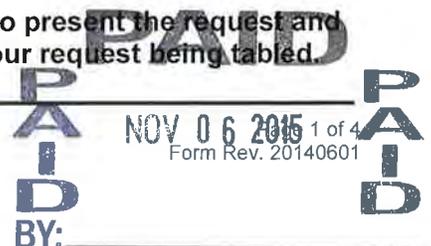
OFFICE USE	
CASE NO.	V15-77
RECEIVED:	06 NOV 15

(PLEASE TYPE OR PRINT IN BLACK INK)

Fee: \$75

I. APPLICANT		Name:	Jason Donahue, FEOH Realty, LLC	
Mailing Address:	3280 University Ave., Suite 1		Phone:	304-599-4929
	Street	Morgantown, WV 26505	Mobile:	304-376-9025
	City	State	Zip	Email: jason@feohrealty.com
II. PROPERTY		Street Address:	1000-6000 Donahue Drive, Morgantown, WV (note permanent address not established until footers in place)	
Owner:	Jason Donahue, FEOH Realty, LLC		Zoning:	B-5
Mailing Address:	3280 University Ave., Suite 1		Tax Map No:	4
	Street	Morgantown, WV 26505	Parcel No:	18.5, 19, 20
	City	State	Zip	Phone: 304-599-4929
III. NARRATIVE		Please describe the nature and extent of your variance request(s).		
<p>1365.10(N) - Seek relief from construction of a loading space. ***"Table 1365.10.01 provides that at least one (1) loading space be provided, the size of which may not be less than that required for the type of delivery vehicle serving the site.</p> <p>(supplemental drawings and information accompany this application)</p>				
V. ATTEST		I hereby certify that I am the owner of record of the named property, or that this application is authorized by the owner of record and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. The granting of a variance does not presume to give authority to violate or cancel the provisions of any other federal, state, or local law regulating construction or the performance of construction. I certify that the information submitted herein and attached hereto is true and accurate and understand that if found otherwise may result in the denial of this request or subsequent revocation of any and all related approvals. The undersigned has the power to authorize and does hereby authorize City of Morgantown representatives on official business to enter the subject property as necessary to process the application and enforce related approvals and conditions. I hereby authorize the Development Services Department to erect a notification sign on the subject property approximately 15 days prior to the BZA hearing. I further agree to maintain said signage and hereby accept responsibility in case of destruction or removal.		
Ryan Hess				11/06/2015
Type/Print Name of Applicant/Agent		Signature of Applicant/Agent		Date

You or a representative **MUST** be present at the scheduled hearing to present the request and answer questions. Failure to appear at the hearing will result in your request being tabled.





City of Morgantown, West Virginia

APPLICATION FOR VARIANCE PETITION

OFFICE USE	
CASE NO.	V15-17
RECEIVED:	06 NOV 15

VI. SUPPLEMENTAL INFORMATION

Depending on the type of variance request and the scale and scope of the development proposal, supplemental information may be needed to assist the Board of Zoning Appeals in rendering a variance decision. Staff will check the appropriate boxes below that must be addressed.

[X] Land Use Characteristics (complete only those that apply)

- Residential Single-Family Dwelling Townhouse Dwelling
- Two-Family Dwelling Multi-Family Dwelling

[X] Non-Residential or Mixed (please explain)

Business Use - Strip Shopping Center

[X] Structure Characteristics (complete only those that apply)

Total number of buildings: 1 Gross floor area of each building: 13,500 s.f. (approx.), 1-story

Estimated number of employees: TBD No. of dwelling units: 0 No. of bedrooms: 0

Additional structure-related details:

[X] Additional Information (as required by Staff):

Site Plan, Floor Plan, and Exterior Elevations are provided by Applicant.

[X] Site Plan. A scaled site plan may be required to assist the Board in rendering a variance decision. The following features must be represented, as required by Staff.

- Location, shape, exterior dimensions, and number of stories of each building on the site.
- Standard yard setbacks for the applicable zoning district
- Location, grade, and dimensions of paved surfaces, and all abutting streets
- Existing and proposed contours, at an interval of at least two (2) feet
- Complete traffic circulation plan showing dimensions, entrance/exit drives, planters, and similar improvements
- Location of landscaped areas (to be detailed on landscape plan), fences, walls, and other screen required



**APPLICATION FOR
VARIANCE PETITION**

OFFICE USE	
CASE NO.	V15-77
RECEIVED:	06 NOV 15

VII. FINDINGS OF FACT	COMPLETE THE FOLLOWING STATEMENTS IN THIRD PERSON.
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The Board of Zoning Appeals may grant a variance request only if each of the following "Findings of Fact" criteria is determined to be in the positive. Applicants must give their own responses to the following criteria statements.

1. The variance will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents, because:

This variance request consists only of relief from a loading space and shall not adversely affect the public health, safety, or welfare, or the rights of adjacent property owners or residents.

An adequate drive aisle is being proposed along the Maple Drive side of the building such that if a truck is parked, making deliveries, and the coffee shop drive-thru is stacked, a vehicle will still be able to pass.

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:

Deliveries shall take place during off-peak hours.

The project is within confines of a constrained site due to property boundaries and topography, thus presenting a challenge for oversized site elements such as a large loading space.

See Section 1 above.

In the current grading plan, a 2:1 slope is in both the front and back of the site, limiting the amount of surface area for building footprint, parking spaces, and drive aisles.



City of Morgantown, West Virginia

**APPLICATION FOR
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OFFICE USE	
CASE NO.	V15-77
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VII. FINDINGS OF FACT

COMPLETE THE FOLLOWING STATEMENTS IN THIRD PERSON.

3. The variance will eliminate an unnecessary hardship and permit a reasonable use of the land, because:

See section 1 above.

4. The variance will allow the intent of the zoning ordinance to be observed and substantial justice done, because:

A dedicated "loading space" will not be placed "in front" of the building, as the City of Morgantown has deemed the front on the Maple Drive side of the building.

Not placing a dedicated loading space will eliminate need for unnecessary site grading and construction. Therefore, an oversized drive aisle, proposed for 19' wide, will be adequate to serve loading and traffic.



City of Morgantown, West Virginia

APPLICATION FOR VARIANCE PETITION

OFFICE USE table with CASE NO. V15-78 and RECEIVED: 06 NOV 15

(PLEASE TYPE OR PRINT IN BLACK INK)

Fee: \$75

Main application form with sections I. APPLICANT, II. PROPERTY, III. NARRATIVE, and V. ATTEST. Includes fields for Name, Address, Phone, and Narrative description.

You or a representative MUST be present at the scheduled hearing to present the request and answer questions. Failure to appear at the hearing will result in your request being tabled.

PAID stamp, NOV 06 2015 stamp, and ID BY: stamp



APPLICATION FOR VARIANCE PETITION

OFFICE USE	
CASE NO.	V15-78
RECEIVED:	06 NOV 15

VI. SUPPLEMENTAL INFORMATION

Depending on the type of variance request and the scale and scope of the development proposal, supplemental information may be needed to assist the Board of Zoning Appeals in rendering a variance decision. Staff will check the appropriate boxes below that must be addressed.

[X] Land Use Characteristics (complete only those that apply)

- Residential Single-Family Dwelling Townhouse Dwelling
- Two-Family Dwelling Multi-Family Dwelling

[X] Non-Residential or Mixed (please explain)

Business Use - Strip Shopping Center

[X] Structure Characteristics (complete only those that apply)

Total number of buildings: 1 Gross floor area of each building: 13,500 s.f. (approx.), 1-story

Estimated number of employees: TBD No. of dwelling units: 0 No. of bedrooms: 0

Additional structure-related details:

[X] Additional Information (as required by Staff):

Site Plan, Floor Plan, and Exterior Elevations are provided by Applicant.

[X] Site Plan. A scaled site plan may be required to assist the Board in rendering a variance decision. The following features must be represented, as required by Staff.

- Location, shape, exterior dimensions, and number of stories of each building on the site.
- Standard yard setbacks for the applicable zoning district
- Location, grade, and dimensions of paved surfaces, and all abutting streets
- Existing and proposed contours, at an interval of at least two (2) feet
- Complete traffic circulation plan showing dimensions, entrance/exit drives, planters, and similar improvements
- Location of landscaped areas (to be detailed on landscape plan), fences, walls, and other screen required



**APPLICATION FOR
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VII. FINDINGS OF FACT

COMPLETE THE FOLLOWING STATEMENTS IN THIRD PERSON.

The Board of Zoning Appeals may grant a variance request only if each of the following "Findings of Fact" criteria is determined to be in the positive. Applicants must give their own responses to the following criteria statements.

1. The variance will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents, because:

Pedestrian or vehicular traffic will not be impacted. Not enough land exists between Rt 705 and Maple Drive to meet this project requirement.

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 lot is situated on two public streets, Rt 705 and Maple Drive.

As discussed, this drive will be located on what is now WVDOH owned property and it is the current intent that will remain WVDOH property.

Therefore, private acquisition is not feasible.

The site is constrained with by boundary and developable grade (as well as existing surface stormwater pond) thus creating a challenging lot shape.

Additionally, the building footprint has been located as such to optimally position all other site elements to provide adequate space.



City of Morgantown, West Virginia

**APPLICATION FOR
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VII. FINDINGS OF FACT	COMPLETE THE FOLLOWING STATEMENTS IN THIRD PERSON.
<p>3. The variance will eliminate an unnecessary hardship and permit a reasonable use of the land, because:</p> <p>Land disturbance will be minimized on Maple Drive R.O.W.</p> <p>The site building and circulation will maintain sightlines to and from both Rt 705 and Maple Drive, and will remain visitable from both as well.</p>	
<p>4. The variance will allow the intent of the zoning ordinance to be observed and substantial justice done, because:</p> <p>The public road between Rt 705 and Maple Drive will access a driveway that has been sensitively designed and planned to meet industry traffic standards.</p>	



City of Morgantown, West Virginia

APPLICATION FOR VARIANCE PETITION

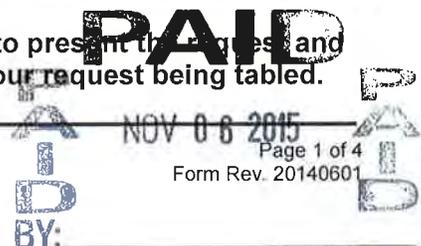
OFFICE USE	
CASE NO.	V15-79
RECEIVED:	06 NOV 15

(PLEASE TYPE OR PRINT IN BLACK INK)

Fee: \$75

I. APPLICANT		Name:	Jason Donahue, FEOH Realty, LLC		
Mailing Address:	3280 University Ave., Suite 1		Phone:	304-599-4929	
	Street	Morgantown, WV 26505	Mobile:	304-376-9025	
	City	State	Zip	Email: jason@feohrealty.com	
II. PROPERTY		Street Address:	1000-6000 Donahue Drive, Morgantown, WV (note permanent address not established until footers in place)		
Owner:	Jason Donahue, FEOH Realty, LLC		Zoning:	B-5	
Mailing Address:	3280 University Ave., Suite 1		Tax Map No:	4	
	Street	Morgantown, WV 26505	Parcel No:	18.5, 19, 20	
	City	State	Zip	Phone: 304-599-4929	
III. NARRATIVE		Please describe the nature and extent of your variance request(s).			
1365.05 - Seek relief for minimum number of stacking spaces at the proposed Bank Drive-through lanes. ***Required: (1+6) per lane. ***Proposed: (4) per lane for a total of 12 stacking cars (supplemental drawings and information accompany this application)					
V. ATTEST					
I hereby certify that I am the owner of record of the named property, or that this application is authorized by the owner of record and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. The granting of a variance does not presume to give authority to violate or cancel the provisions of any other federal, state, or local law regulating construction or the performance of construction. I certify that the information submitted herein and attached hereto is true and accurate and understand that if found otherwise may result in the denial of this request or subsequent revocation of any and all related approvals. The undersigned has the power to authorize and does hereby authorize City of Morgantown representatives on official business to enter the subject property as necessary to process the application and enforce related approvals and conditions. I hereby authorize the Development Services Department to erect a notification sign on the subject property approximately 15 days prior to the BZA hearing. I further agree to maintain said signage and hereby accept responsibility in case of destruction or removal.					
Ryan Hess				11/06/2015	
Type/Print Name of Applicant/Agent		Signature of Applicant/Agent		Date	

You or a representative **MUST** be present at the scheduled hearing to present the request and answer questions. Failure to appear at the hearing will result in your request being tabled.





City of Morgantown, West Virginia

APPLICATION FOR VARIANCE PETITION

OFFICE USE	
CASE NO.	V15-79
RECEIVED:	06 NOV 15

VI. SUPPLEMENTAL INFORMATION

Depending on the type of variance request and the scale and scope of the development proposal, supplemental information may be needed to assist the Board of Zoning Appeals in rendering a variance decision. Staff will check the appropriate boxes below that must be addressed.

[X] Land Use Characteristics (complete only those that apply)

- Residential Single-Family Dwelling Townhouse Dwelling
- Two-Family Dwelling Multi-Family Dwelling

[X] Non-Residential or Mixed (please explain)

Business Use - Strip Shopping Center

[X] Structure Characteristics (complete only those that apply)

Total number of buildings: 1 Gross floor area of each building: 13,500 s.f. (approx.), 1-story

Estimated number of employees: TBD No. of dwelling units: 0 No. of bedrooms: 0

Additional structure-related details:

[X] Additional Information (as required by Staff):

Site Plan, Floor Plan, and Exterior Elevations are provided by Applicant.

[X] Site Plan. A scaled site plan may be required to assist the Board in rendering a variance decision. The following features must be represented, as required by Staff.

- Location, shape, exterior dimensions, and number of stories of each building on the site.
- Standard yard setbacks for the applicable zoning district
- Location, grade, and dimensions of paved surfaces, and all abutting streets
- Existing and proposed contours, at an interval of at least two (2) feet
- Complete traffic circulation plan showing dimensions, entrance/exit drives, planters, and similar improvements
- Location of landscaped areas (to be detailed on landscape plan), fences, walls, and other screen required



**APPLICATION FOR
VARIANCE PETITION**

OFFICE USE	
CASE NO.	V15-79
RECEIVED:	06 NOV 15

VII. FINDINGS OF FACT | COMPLETE THE FOLLOWING STATEMENTS IN THIRD PERSON.

The Board of Zoning Appeals may grant a variance request only if each of the following "Findings of Fact" criteria is determined to be in the positive. Applicants must give their own responses to the following criteria statements.

1. The variance will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents, because:

It is not anticipated that pedestrian or vehicular traffic be impacted.

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 site is constrained with by boundary and developable grade (as well as existing surface stormwater pond) thus creating a challenging lot shape. Desired drive stacking/que by City of Morgantown cannot be met once minimum parking counts are provided on site. Stacking is still provided, however less than required; the drive through has been placed at the rear of the building to allow for stacking that does not interfere with general traffic flow of the site. Additionally, the building footprint has been placed as far back and to the corner of the site as possible.



City of Morgantown, West Virginia

**APPLICATION FOR
VARIANCE PETITION**

OFFICE USE	
CASE NO.	V15-79
RECEIVED:	06 NOV 15

VII. FINDINGS OF FACT

COMPLETE THE FOLLOWING STATEMENTS IN THIRD PERSON.

3. The variance will eliminate an unnecessary hardship and permit a reasonable use of the land, because:

Unnecessary hardship will be eliminated because land disturbance will be limited on the site.

The site is constrained by both topography and boundaries. a larger paving surface/parking lot will stretch the limits of grading on the site.

4. The variance will allow the intent of the zoning ordinance to be observed and substantial justice done, because:

Stacking/que spaces at the bank drive through will still be provided. Due to the prevalence of online banking and technology employed by the bank, it is anticipated that a reduced number of stacking spaces at the bank drive through will be sufficient.



City of Morgantown, West Virginia

APPLICATION FOR VARIANCE PETITION

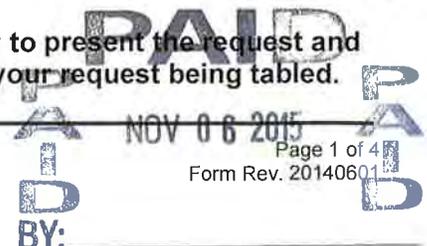
OFFICE USE	
CASE NO.	V15-80
RECEIVED:	08 NOV 15

(PLEASE TYPE OR PRINT IN BLACK INK)

Fee: \$75

I. APPLICANT		Name: Jason Donahue, FEOH Realty, LLC	
Mailing Address:	3280 University Ave., Suite 1		Phone: 304-599-4929
	Street	Morgantown, WV 26505	Mobile: 304-376-9025
	City	State	Zip
		Email: jason@feohrealty.com	
II. PROPERTY		Street Address: 1000-6000 Donahue Drive, Morgantown, WV (note permanent address not established until footers in place)	
Owner:	Jason Donahue, FEOH Realty, LLC		Zoning: B-5
Mailing Address:	3280 University Ave., Suite 1		Tax Map No: 4
	Street	Morgantown, WV 26505	Parcel No: 18.5, 19, 20
	City	State	Zip
		Phone: 304-599-4929	
III. NARRATIVE		Please describe the nature and extent of your variance request(s).	
<p>1353.07(E) - Seek relief for sidewalk requirement along Maple Drive. ***Required: 6' wide sidewalk. ***Proposed: none</p> <p>(supplemental drawings and information accompany this application)</p>			
V. ATTEST			
<p>I hereby certify that I am the owner of record of the named property, or that this application is authorized by the owner of record and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. The granting of a variance does not presume to give authority to violate or cancel the provisions of any other federal, state, or local law regulating construction or the performance of construction. I certify that the information submitted herein and attached hereto is true and accurate and understand that if found otherwise may result in the denial of this request or subsequent revocation of any and all related approvals. The undersigned has the power to authorize and does hereby authorize City of Morgantown representatives on official business to enter the subject property as necessary to process the application and enforce related approvals and conditions. I hereby authorize the Development Services Department to erect a notification sign on the subject property approximately 15 days prior to the BZA hearing. I further agree to maintain said signage and hereby accept responsibility in case of destruction or removal.</p>			
Ryan Hess		11/06/2015	
Type/Print Name of Applicant/Agent		Signature of Applicant/Agent	
		Date	

You or a representative **MUST** be present at the scheduled hearing to present the request and answer questions. Failure to appear at the hearing will result in your request being tabled.





City of Morgantown, West Virginia

APPLICATION FOR VARIANCE PETITION

OFFICE USE	
CASE NO.	V15-80
RECEIVED:	06 Nov 15

VI. SUPPLEMENTAL INFORMATION

Depending on the type of variance request and the scale and scope of the development proposal, supplemental information may be needed to assist the Board of Zoning Appeals in rendering a variance decision. Staff will check the appropriate boxes below that must be addressed.

Land Use Characteristics (complete only those that apply)

- Residential Single-Family Dwelling Townhouse Dwelling
- Two-Family Dwelling Multi-Family Dwelling

Non-Residential or Mixed (please explain)

Business Use - Strip Shopping Center

Structure Characteristics (complete only those that apply)

Total number of buildings: 1 Gross floor area of each building: 13,500 s.f. (approx.), 1-story

Estimated number of employees: TBD No. of dwelling units: 0 No. of bedrooms: 0

Additional structure-related details:

Additional Information (as required by Staff):

Site Plan, Floor Plan, and Exterior Elevations are provided by Applicant.

Site Plan. A scaled site plan may be required to assist the Board in rendering a variance decision. The following features must be represented, as required by Staff.

- Location, shape, exterior dimensions, and number of stories of each building on the site.
- Standard yard setbacks for the applicable zoning district
- Location, grade, and dimensions of paved surfaces, and all abutting streets
- Existing and proposed contours, at an interval of at least two (2) feet
- Complete traffic circulation plan showing dimensions, entrance/exit drives, planters, and similar improvements
- Location of landscaped areas (to be detailed on landscape plan), fences, walls, and other screen required



APPLICATION FOR
VARIANCE PETITION

OFFICE USE	
CASE NO.	V15-80
RECEIVED:	06 NOV 15

VII. FINDINGS OF FACT	COMPLETE THE FOLLOWING STATEMENTS IN THIRD PERSON.
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The Board of Zoning Appeals may grant a variance request only if each of the following "Findings of Fact" criteria is determined to be in the positive. Applicants must give their own responses to the following criteria statements.

1. The variance will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents, because:

Pedestrian or vehicular traffic will not be impacted. Neither polluting light or emissions will affect public health, safety or welfare, or rights of adjacent owners.

Rt. 705 currently does not have a sidewalk and it not a pedestrian corridor.

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 lot is situated on two public streets, Rt 705 and Maple Drive; the facade has frontage on Rt 705, however is minimal due to the significant grade difference of Rt 705 and the finish floor elevation (FFE) of the building. Additionally, the facade is separated from Rt 705 with a large seeded buffer and parking lot. Therefore, the site layout is not conducive to a sidewalk. At the rear of the site, current grading runs at a steep slope right to existing curb of Maple Drive, thus making sidewalk construction costly and invasive to the existing slope, requiring a 2-3' tall retaining wall and drainage mechanism. With a new entry West of the site off both Maple and Rt 705, 226 linear feet of sidewalk would need installed.

The existing slope of Maple Drive is steep and exceeds current standards for ADA pathways.

Additionally, an existing "guy" power pole is situated in the middle of where a required sidewalk would interfere, thus creating need for relocation of such pole.



**APPLICATION FOR
VARIANCE PETITION**

OFFICE USE	
CASE NO.	V15-80
RECEIVED:	06 NOV 15

VII. FINDINGS OF FACT

COMPLETE THE FOLLOWING STATEMENTS IN THIRD PERSON.

3. The variance will eliminate an unnecessary hardship and permit a reasonable use of the land, because:

Constructing sidewalks along the frontage is very problematic. a. The existing slope on our side of the road is 2:1, basically directly from the back of curb. It would require installation of an approximate 2' – 3' tall retaining wall for the vast majority of the sidewalk length along Maple. b. There is an existing "guy" power pole that would be in the way and would need to be relocated. c. The existing slope of Maple is steep and exceeds the current standards for ADA pathways d. It is our understanding that sidewalks are not being extended to our site as part of the Maple Drive improvements occurring from our site to the west.

Land disturbance will be minimized on Maple Drive R.O.W. Without a sidewalk, and therefore no retaining wall, will eliminate need for excavation and drainage requirements.

4. The variance will allow the intent of the zoning ordinance to be observed and substantial justice done, because:

The site building and circulation will maintain sightlines to and from both 705 and Maple Drive, and will remain visitable from both as well.

To the best of the design team's knowledge, there are no known sidewalks extended to the site. This is a vehicular corridor and the design preserves the site as such.



City of Morgantown, West Virginia

APPLICATION FOR VARIANCE PETITION

OFFICE USE	
CASE NO.	V15-81
RECEIVED:	06 NOV 15

(PLEASE TYPE OR PRINT IN BLACK INK)

Fee: \$75

I. APPLICANT		Name: Jason Donahue, FEOH Realty, LLC	
Mailing Address:	3280 University Ave., Suite 1		Phone: 304-599-4929
	Street	Morgantown, WV 26505	Mobile: 304-376-9025
	City	State	Zip
		Email: jason@feohrealty.com	
II. PROPERTY		Street Address: 1000-6000 Donahue Drive, Morgantown, WV (note permanent address not established until footers in place)	
Owner:	Jason Donahue, FEOH Realty, LLC		Zoning: B-5
Mailing Address:	3280 University Ave., Suite 1		Tax Map No: 4
	Street	Morgantown, WV 26505	Parcel No: 18.5, 19, 20
	City	State	Zip
		Phone: 304-599-4929	
III. NARRATIVE		Please describe the nature and extent of your variance request(s).	
<p>1353.05(B) - Seek relief for the minimum building height ***Required: 25' min. ***Proposed: varies from 20'-0" to 25'-0"</p> <p>(supplemental drawings and information accompany this application)</p>			
V. ATTEST			
<p>I hereby certify that I am the owner of record of the named property, or that this application is authorized by the owner of record and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. The granting of a variance does not presume to give authority to violate or cancel the provisions of any other federal, state, or local law regulating construction or the performance of construction. I certify that the information submitted herein and attached hereto is true and accurate and understand that if found otherwise may result in the denial of this request or subsequent revocation of any and all related approvals. The undersigned has the power to authorize and does hereby authorize City of Morgantown representatives on official business to enter the subject property as necessary to process the application and enforce related approvals and conditions. I hereby authorize the Development Services Department to erect a notification sign on the subject property approximately 15 days prior to the BZA hearing. I further agree to maintain said signage and hereby accept responsibility in case of destruction or removal.</p>			
Ryan Hess		11/06/2015	
Type/Print Name of Applicant/Agent		Signature of Applicant/Agent	
		Date	

You or a representative **MUST** be present at the scheduled hearing to present the request and answer questions. Failure to appear at the hearing will result in your request being tabled.

PAID

PAID

BY:

NOV 06 2015



City of Morgantown, West Virginia

APPLICATION FOR VARIANCE PETITION

OFFICE USE	
CASE NO.	V15-81
RECEIVED	06 NOV 15

VI. SUPPLEMENTAL INFORMATION

Depending on the type of variance request and the scale and scope of the development proposal, supplemental information may be needed to assist the Board of Zoning Appeals in rendering a variance decision. Staff will check the appropriate boxes below that must be addressed.

[X] Land Use Characteristics (complete only those that apply)

- Residential Single-Family Dwelling Townhouse Dwelling
- Two-Family Dwelling Multi-Family Dwelling

[X] Non-Residential or Mixed (please explain)

Business Use - Strip Shopping Center

[X] Structure Characteristics (complete only those that apply)

Total number of buildings: 1 Gross floor area of each building: 13,500 s.f. (approx.), 1-story

Estimated number of employees: TBD No. of dwelling units: 0 No. of bedrooms: 0

Additional structure-related details:

[X] Additional Information (as required by Staff):

Site Plan, Floor Plan, and Exterior Elevations are provided by Applicant.

[X] Site Plan. A scaled site plan may be required to assist the Board in rendering a variance decision. The following features must be represented, as required by Staff.

- Location, shape, exterior dimensions, and number of stories of each building on the site.
- Standard yard setbacks for the applicable zoning district
- Location, grade, and dimensions of paved surfaces, and all abutting streets
- Existing and proposed contours, at an interval of at least two (2) feet
- Complete traffic circulation plan showing dimensions, entrance/exit drives, planters, and similar improvements
- Location of landscaped areas (to be detailed on landscape plan), fences, walls, and other screen required



APPLICATION FOR
VARIANCE PETITION

OFFICE USE	
CASE NO.	V15-81
RECEIVED:	06 NOV 15

VII. FINDINGS OF FACT COMPLETE THE FOLLOWING STATEMENTS IN THIRD PERSON.

The Board of Zoning Appeals may grant a variance request only if each of the following "Findings of Fact" criteria is determined to be in the positive. Applicants must give their own responses to the following criteria statements.

1. The variance will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents, because:

A smaller structure minimizes views being blocked or violating land or air rights of adjacent owners; a lower structure will be less intrusive to viewsheds of future developed properties by adjacent landowners.

The architectural team feels the proposed design is a contextual design given the near by structures and adjacent topography.

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 lot is situated on two public streets, Rt 705 and Maple Drive; the facade has frontage on Rt 705, however is minimal due to the significant grade difference of Rt 705 and the finish floor elevation (FFE) of the building. Additionally, the facade is separated from Rt 705 with a large seeded buffer and parking lot.

The site is constrained by boundary and developable grade (as well as existing surface stormwater pond) thus creating a challenging lot shape.

A one-storey building is being proposed due to these site constraints limiting the amount of parking, therefore a two-storey structure meeting the 25' minimum height is not feasible on entire facade. A two-storey structure cannot be placed on the site due to minimum parking restrictions and inadequate building area on site and topography. However, the 25' minimum height is being met at the corners of the facade with the proposed architectural design. The general parapet height remains consistent at 20'-0" along the facade, with signage areas exceeding that height.



City of Morgantown, West Virginia

**APPLICATION FOR
VARIANCE PETITION**

OFFICE USE	
CASE NO.	V15-81
RECEIVED:	06 NOV 15

VII. FINDINGS OF FACT

COMPLETE THE FOLLOWING STATEMENTS IN THIRD PERSON.

3. The variance will eliminate an unnecessary hardship and permit a reasonable use of the land, because:

Unnecessary costs will be avoided by not constructing a "false" facade to meet the 25' minimum height requirement.

The current architectural design preserves the contextual storefront portions that are found at nearby Suncrest commercial developments.

4. The variance will allow the intent of the zoning ordinance to be observed and substantial justice done, because:

Parts of the structure do meet the 25' minimum building height with the corner highlighted architectural features.