



**DEVELOPMENT
SERVICES
DEPARTMENT**

The City of Morgantown

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February 18, 2016

ACC OP, LLC.
c/o Jeremy Roberts
12700 Hill Country Blvd. #T-200
Austin, TX 78738

**RE: V16-02 / Uclub Sunnyside / 2188 University Avenue
Tax Map 20, Parcel 187**

Dear Mr. Roberts,

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 2188 University Avenue.

The decision is as follows:

Board of Zoning Appeals, February 17, 2016:

1. Each of the Findings of Fact was found in the positive as stated in Addendum A of this letter.
2. The Board granted a 43.6 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

V16-02 / Uclub Sunnyside / 2188 University Avenue

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 subject signs appear to be secure, flush mount, non-lit style signs. They appear to be engineered and attached with multiple steel and aluminum bolts using concealed clip mounts. The signs are within property boundaries and will not overhang–walkways, nor obstruct adjacent views.

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 location of the property, with existing hillside trees and curvature of the road, appears to prohibit adequate time to recognize the property for residents, guests and emergency vehicles. Additionally, the length of the property appears to necessitate signs communicating to pedestrians at the principle building entrance and vehicles at the driveway entrance.

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

The variance for a larger signs will eliminate the unnecessary hardship of residents, guests and emergency vehicles not being able to identify the property. The inability to locate the residence could cause traffic accidents or delays in emergency to the property.

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

The increased size of the signs will be an effective means to communicate with the pedestrian and motorize public at relevant locations. It should improve traffic safety.