



**DEVELOPMENT
SERVICES
DEPARTMENT**

The City of Morgantown

389 SPRUCE STREET
MORGANTOWN, WEST VIRGINIA 26505
(304) 284-7431 TDD (304) 284-7512
FAX (304) 284-7534 www.morgantownwv.gov

February 18, 2016

Grate Enterprise, Inc.
c/o William F. Gatian
258 Retail Circle
Morgantown, WV 26508

**RE: V16-06 and V16-08 / Grate Enterprise, Inc. / 258 Retail Circle
Tax Map 64, Parcel 4**

Dear Mr. Gatian:

This letter is to notify you of the decisions made by the Board of Zoning Appeals concerning the above referenced variance petitions relating to the proposed development at 258 Retail Circle. The decisions are as follows:

Board of Zoning Appeals, February 17, 2016:

V16-06 – Variance petition concerning parking lot landscape requirements.

- A. Each of the Findings of Fact was found in the positive as stated in Addendum A of this letter.
- B. The Board granted variance relief from constructing three (3) terminal landscape islands as requested without conditions otherwise required under Article 1367.08(D)(2).

V16-08 – Variance petition concerning maximum number of parking spaces.

- A. Each of the Findings of Fact was found in the positive as stated in Addendum A of this letter.
- B. The Board granted variance relief to exceed the maximum number of parking space standard set forth under Article 1365.04(l) by (17) seventeen spaces as requested without conditions.

These decisions 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 approvals are set to expire in twelve (12) months unless it can be demonstrated that they have 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 building permits must be issued prior to the commencement of work for which the variance approvals were granted herein.

Should you have any questions or require further clarification, please contact the undersigned. We look forward to serving the development's planning and permitting needs.

Respectfully,



Stacy Hollar
Executive Secretary

ADDENDUM A

Approved Findings of Fact

V16-06 – Variance relief concerning parking lot landscape requirements

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 removal of the terminal islands should enhance maneuvering of first responders by easing access routes through the subject parking lot. This does not adversely affect the public health, safety or welfare of anyone.

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:

Cheat Road Engineering did run AutoTURN modeling for the appropriate fire and garbage truck apparatus in the approved site plan. In reality, however, the geometry and radius needs of the Morgantown Fire Department were not able to be met with the proposed island locations.

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

The maneuverability through the parking lot for first responders is critical to ensure the most efficient speed of service in the event of an accident/emergency.

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

The safety and wellbeing of everyone on the property should prevail.

V16-08 – Variance relief to exceed maximum number of parking spaces

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:

Additional parking spaces available in the lot to customers will prevent and/or alleviate customers using adjacent business parking lots while patronizing the Denny’s restaurant, rather than the adjacent business parking lot.

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:

According to the petitioner, the initial flow of business has been greater than anticipated and the lot has overflowed into the property of the adjoining shopping plaza ~~on our left~~.

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

Grate Enterprise has the paved area to facilitate additional parking.

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

Employees as well as patrons will park on property avoiding spillover parking on to adjacent property. Spillover parking onto the neighbor’s parking lot could potentially confuse potential customers of those businesses that might perceive those businesses as being full or having wait times that may turn those possible customers away to find other locations that don’t have wait times.