

Morgantown Board of Zoning Appeals



MEETING PACKET

February 18, 2026

6:30 p.m.

City Hall, Council Chambers

Board Members:

Chris Benison, Chair

Heidi Cook, Vice-Chair

Gabe DeWitt

Matthew Misfeldt

Development Services Department

Sailor Thompson, Zoning Administrator

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BZA Pre-Meeting Announcement

Good evening and welcome to the regular meeting of the **City of Morgantown Board of Zoning Appeals**. Please turn off all cell phones or other devices that may disrupt these proceedings. It is the duty of this Board to consider requests for relief from the requirements of the City's zoning regulations; to consider conditional use permit requests; and, to hear administrative appeals.

The Board conducts business in the following order:

- Review, amend, and approve minutes of a previous meeting.
- Unfinished Business
- New Business
- Announcements from Staff

Each request is heard in the order that it appears on the agenda. For each Conditional Use and Variance request, the following is done:

- I will introduce the agenda item and the Planning Division will present a Staff Report, which may or may not offer a recommendation.
- The applicant/agent will be asked to present their justification for their request, which may include questions by members of the Board.
- I will then open a **PUBLIC HEARING** to hear testimony in support of, or in opposition to, the request. Rules regarding public testimony are as follows:
 - Anyone wishing to testify during the public hearing may do so once recognized by me or may, in lieu of oral testimony, submit written testimony to the Chair. All recognized speakers must approach the podium, state their name and address for the record, and speak clearly into the microphone.
 - All comments must be addressed to the Board, should be relevant to the application, and may not be of a personal nature or personal attacks.
 - All speakers will be limited to **FIVE (5) MINUTES**. If members of the Board have any questions of the speaker, that time will not be counted toward his/her five (5) minutes.
 - If there is a large number of speakers, including many who are part of groups or organizations, I may, to avoid repetitive comments, elect to ask for a representative to speak on behalf of the group or organization.

- Speakers are notified that irrelevant comments or comments of a personal nature or personal attacks may result in the speaker forfeiting his/her opportunity to participate in the public hearing.
- I may elect to recognize the applicant/agent at the end of the public hearing to provide rebuttal or additional comments, which will be limited to five (5) minutes. If members of the Board have any questions of the applicant/agent, that time will not be counted toward his/her five (5) minutes.
- After all testimony is heard, I will declare the **PUBLIC HEARING CLOSED** and no further public comment will be permitted.
- Uncivil, unruly, and/or disruptive behavior at any time during this meeting is prohibited and will result in removal from this public meeting.
- State law requires the Board to consider findings of fact for each conditional use and variance request. The request cannot be granted unless a majority of the quorum present finds in the positive of **ALL** of the findings of fact. The Board may elect to continue the hearing to another date if it needs additional information.
- Applicants and requesting parties will be notified in writing by the Planning Division of the Board's findings and conclusions. Regardless of whether a request is approved or denied, decisions of the Board can be appealed to the Circuit Court of Monongalia County within thirty (30) days upon receipt of the written notification. Any work done relating to decisions rendered by this Board during this thirty-day period is at the sole financial risk of the applicant.

Thank you for your consideration and respect for these proceedings and the opinions of all meeting participants.



MORGANTOWN BOARD OF ZONING APPEALS

February 18, 2025

6:30 p.m.

City Hall – City Council Chambers – 389 Spruce Street (2nd Floor)

Board of Zoning Appeals

Chris Benison, Chair
Heidi Cook, Vice-Chair
Gabe DeWitt
Mathew Misfeldt

If you need an accommodation, please contact us at 304-284-7431.

Development Services Planning Division

Sailor Thompson
Zoning Administrator

Rickie Yeager, AICP
Development Services
Director

389 Spruce Street
Morgantown, WV 26505
304.284.7431

AG E N D A

I. CALL TO ORDER AND ROLL CALL

II. MATTERS OF BUSINESS

A. Meeting minutes from previous meetings.

III. UNFINISHED BUSINESS:

A. CON25-109 / Brandon DiCenso / 52 Campus Dr

Request by Brandon DiCenso for conditional use in compliance with Section 1331.05 of the City's Planning and Zoning Code regarding a "Neighborhood, Convenience Store" use; City Tax District 12 (Third Ward), Tax Map 20, Parcel 80; R-3, Multi-Family Residential District.

IV. NEW BUSINESS:

A. CON25-117 / Nicholas Romanoli / 130 Fayette St

Request by Nicholas Romanoli on behalf of Dave Flores for conditional use in compliance with Section 1331.05 of the City's Planning and Zoning Code regarding a "Dwelling, Two-Family" use; City Tax District 11 (Second Ward), Tax Map 26A, Parcel 87; B-4, General Business District.

B. VAR25-113 / Garrett Lane / 371 Mansion Ave

Request by Garrett Lane for variance relief from Section 1365.04. of the City's Planning and Zoning Code regarding off-street parking; City Tax District 13 (Fifth Ward), Tax Map 21, Parcel 105; R-1A, Single-Family Residential District.

C. VAR25-119 / City Neon / 356 High St

Request by City Neon on behalf of Cold Stone Creamery for variance relief from Section 1369.08. of the City's Planning and Zoning Code regarding internal illumination standards; City Tax District 11 (Second Ward), Tax Map 26A, Parcel 110; B-4, General Business District.

D. VAR25-122 / Matt Lacy / 670 Southview St

Request by Matt Lacy for variance relief from Section 1333.05. of the City's Planning and Zoning Code regarding encroachments into setbacks; City Tax District 15 (Seventh Ward), Tax Map 54, Parcel 158.1; R-1, Single-Family Residential District.



IV. NEW BUSINESS CONTINUED:

E. VAR26-008 / ARJ LLC / 264 Hartman Run Rd

Request by ARJ LLC for variance relief from Section 1347.03. of the City's Planning and Zoning Code regarding lot frontage; City Tax District 14 (Sixth Ward), Tax Map 32A, Parcels 13.1, 25, and 26.1; B-2, Service Business District.

F. VAR26-009 / ARJ LLC / 264 Hartman Run Rd

Request by ARJ LLC for variance relief from Section 1347.03. of the City's Planning and Zoning Code regarding lot size; City Tax District 14 (Sixth Ward), Tax Map 32A, Parcels 13.1, 25, and 26.1; B-2, Service Business District.

G. VAR26-010 / ARJ LLC / 264 Hartman Run Rd

Request by ARJ LLC for variance relief from Section 1347.03. of the City's Planning and Zoning Code regarding lot depth; City Tax District 14 (Sixth Ward), Tax Map 32A, Parcels 13.1, 25, and 26.1; B-2, Service Business District.

H. VAR26-011 / ARJ LLC / 264 Hartman Run Rd

Request by ARJ LLC for variance relief from Section 1365.09. (b) of the City's Planning and Zoning Code regarding driveway layout and design; City Tax District 14 (Sixth Ward), Tax Map 32A, Parcels 13.1, 25, and 26.1; B-2, Service Business District.

I. VAR26-012 / ARJ LLC / 264 Hartman Run Rd

Request by ARJ LLC for variance relief from Section 1347.04. of the City's Planning and Zoning Code regarding rear setbacks; City Tax District 14 (Sixth Ward), Tax Map 32A, Parcels 13.1, 25, and 26.1; B-2, Service Business District.

V. ANNOUNCEMENTS

VI. ADJOURNMENT

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**MORGANTOWN BOARD OF ZONING APPEALS
PLANNING REPORT**

Wednesday, December 17, 2025

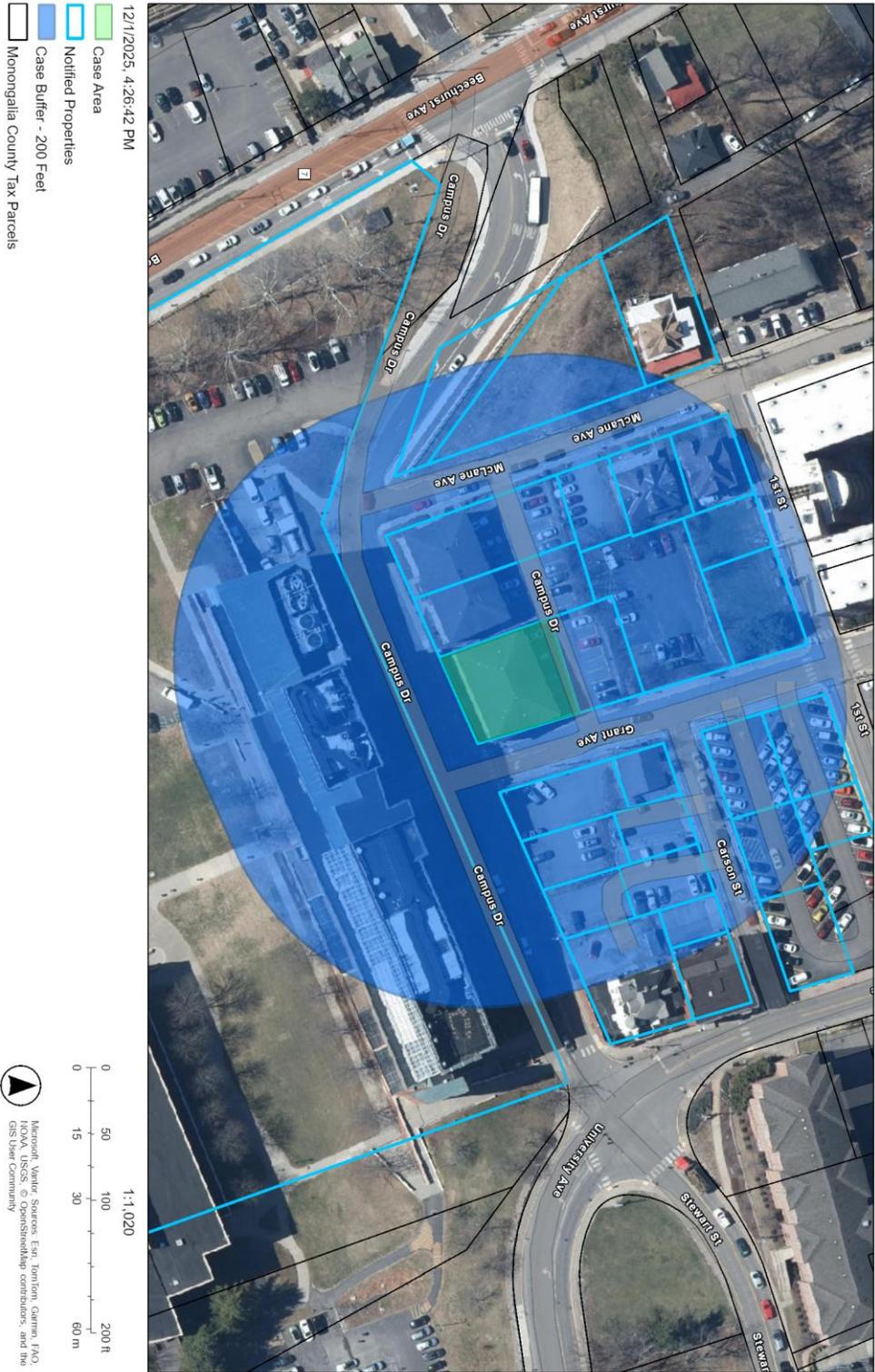
City Hall – City Council Chambers (389 Spruce Street)

Case No. CON25-109/ Brandon DiCenso / 52 Campus Dr

Case Summary

Address:	52 Campus Drive
Proposal:	Neighborhood, Convenience Store
Request:	Conditional approval regarding a “Neighborhood, Convenience Store”
Zoning:	City Tax District 12 (Third Ward), Tax Map 20, Parcel 80; R-3, Multi-Family Residential District.
Staff Recommendation:	Does not object to the proposed variance application with conditions
Applicant:	Brandon DiCenso
Case Manager:	Sailor Thompson, Zoning Administrator
Attachments:	Application (Data Group Questions), Staff Imaging

Staff Enhanced Site Location and Site Plan



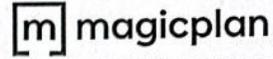
CON25-109

Source: City of Morgantown – GIS Department

Development Services Department – Planning and Zoning Division | 389 Spruce Street | 304.284.7431 | morgantownwv.gov

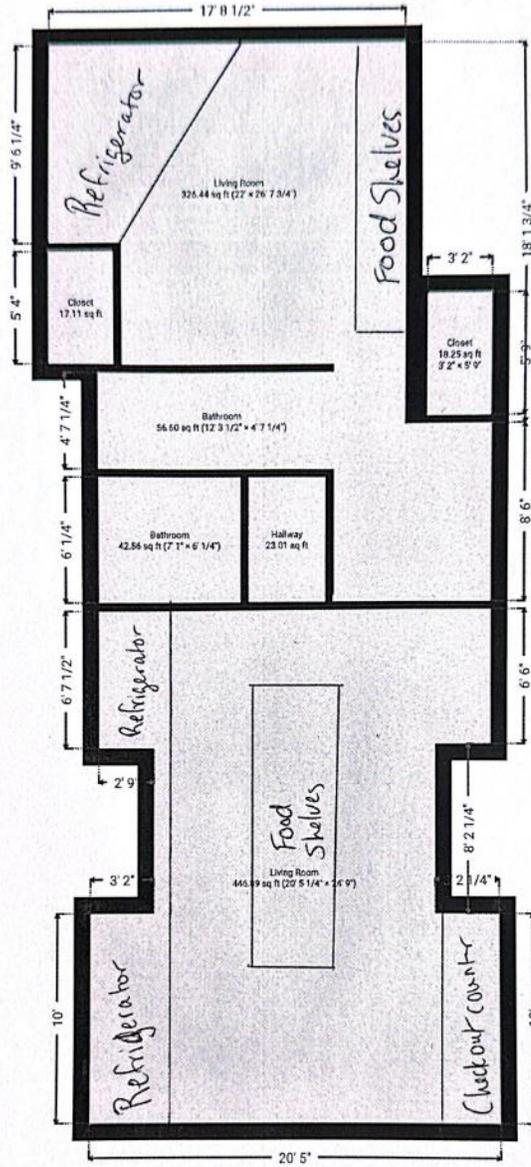
My New Project

TOTAL AREA: 1095.41 sq ft • LIVING AREA: 1095.41 sq ft • FLOORS: 1 • ROOMS: 7

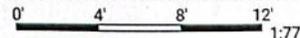


▼ **Ground Floor**

TOTAL AREA: 1095.41 sq ft • LIVING AREA: 1095.41 sq ft • ROOMS: 7



THIS FLOOR PLAN IS PROVIDED WITHOUT WARRANTY OF ANY KIND. SENSOPIA DISCLAIMS ANY WARRANTY INCLUDING, WITHOUT LIMITATION, SATISFACTORY QUALITY OR ACCURACY OF DIMENSIONS.



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Page 2/6

Source: Applicant

Background and Analysis

The applicant is seeking a conditional use permit regarding a proposed “Neighborhood, Convenience Store” at the above referenced address. The structure is already existing and has apartments that exist above the proposed use space. Refer to the sections of code below as well as layout of the structure.

Table 1331.05.01. – Permitted Land Uses

“Neighborhood, Convenience Store” = Conditional Use in R-3 Multi-Family Residential District

In summary, the applicant wishes to get a conditional use approval for a neighborhood, convenience store at 52 Campus Drive.

Staff Recommendation

It is the duty of the Board of Zoning Appeals to determine whether the proposed request meets the standard criteria for a conditional use by reaching a positive determination for each of the “Findings of Fact” submitted by the petitioner. If the Board disagrees with the petitioner’s “Findings of Fact” and determines the proposed request does not meet the standard criteria for a conditional use, then the Board must state findings of fact and conclusions of law on which it bases its decision to deny the subject conditional use petition. [See WV State Code 8A-8-11(e) and 8A-7-11(b)].

Please see the attached application to review the findings of fact listed, as staff had no comments or modifications. This attachment can be found below the conditions.

Staff have no objections to the applicants request for a conditional use.

If the Board of Zoning Appeals grants the applicant conditional use approval in accordance with the City’s Planning and Zoning Code, the use shall be subject to the following conditions:

1. Any other modifications or changes to the site plan shall be compliant with the City’s Planning and Zoning Code or the applicant shall seek variance relief from the Board of Zoning Appeals.

ATTACHMENTS – APPLICATION (DATA GROUP QUESTIONS)

CON25-109 Findings of Fact

Case Data	
Question	Answer
Street Addressed (if assigned):	52 Campus Drive, Morgantown WV 26505
Zoning:	R3
Tax Map Number:	20
Parcel Number:	80
Parcel Area in sq ft:	5910.00
Existing Use of the Site, including total building area per building on site:	Apartment building - 14,976
Proposed Use of the Site, including total building area per building on site:	Convenience store on the ground floor with apartments above. The convenience store would be roughly 1,000sqft
Front Setback (feet):	15.00
Rear Setback (feet):	200.00
Side Yard Setback (feet):	10.00
On-Site Parking Spaces - Existing:	39.0000
On-Site Parking Spaces - Proposed:	39.0000
Total Number of Dwelling Units - Residential:	14.0000
Total Gross Floor Area in sq ft - Residential:	14976.00
Number of 1 Bedrooms:	
Number of 2 Bedrooms:	12.0000
Number of 3 Bedrooms:	2.0000
Number of 4+ Bedrooms:	
Would proposed conditional use occupy the entire building?	No
If no, provide the location within the building:	Ground floor
GFA to be Occupied in sq ft - Non-Residential:	1000.0000
Projected days and hours of business operation - Non-Residential:	7 days a week. 10am - 8pm

Case Summary Report

Case Data	
Question	Answer
Projected number of clients per day - Non-Residential:	
Projected number of employees present during busiest shift - Non-Residential:	1.0000
Number of New Residential Units:	0.00
Number of Existing Residential Units:	14.00
Number of Stories:	4.00
Number of Bedrooms:	30.00
Number of Enclosed Parking:	0.00
Number of Outside Parking:	39.00
Lot Area (sq ft):	36000.00
Parking Area (sq ft):	17500.00
Living Area (sq ft):	14976.00
Square Footage of Building:	14976.00
Square Footage of Grading:	1.00
Street Frontage (feet):	75.00
Congestion in the streets will not be increased because:	The primary customers will be students that are walking past the building on their way to and from classes.
Safety from fire, panic, and other danger will not be jeopardized, in that:	The store will not be cooking or preparing food or using any appliances that produce fire
Provision of adequate light and air will not be disturbed, in that:	There will be no structural changes to the building.
Overcrowding of land will not result, in that:	It is not a place that customers will be in for long periods of time
Undue congestion of population will not be created, in that:	
Granting this request will not create inadequate provision of transportation, water, sewage, schools, parks, or other public requirements, in that:	Most customers will visit the store on foot and the store itself will not use excessive amounts of water
Value of buildings will be conserved, in that:	A convenience store will make the area more attractive so that kids have a easy go to option for snacks and beverages
The most appropriate use of land is encouraged, in that:	It is currently an unoccupied space.

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**MORGANTOWN BOARD OF ZONING APPEALS
PLANNING REPORT**

Wednesday, January 21, 2025

City Hall – City Council Chambers (389 Spruce Street)

Case No. CON25-117 / Nicholas Romanoli / 130 Fayette Street

Case Summary

Address:	130 Fayette Street
Proposal:	Dwelling, Two-Family
Request:	Conditional approval regarding a “Dwelling, Two-Family”
Zoning:	City Tax District 11 (Second Ward), Tax Map 26A, Parcel 87; B-4, General Business District.
Staff Recommendation:	Does not object to the proposed variance application with conditions
Applicant:	Nicholas Romanoli
Case Manager:	Sailor Thompson, Zoning Administrator
Attachments:	Application (Data Group Questions), Staff Imaging

Staff Enhanced Site Location and Site Plan



Source: City of Morgantown – GIS Department

Background and Analysis

The applicant is seeking a conditional use permit regarding a proposed “Dwelling, Two-Family” at the above referenced address. The structure is already existing and has previously been a commercial salon space. Site plan can be found below conditions as an attachment. Refer to the sections of code below as well as the layout of the structure.

Table 1331.05.01. – Permitted Land Uses

“Dwelling, Two-Family” = Conditional Use in B-4 General Business District

In summary, the applicant wishes to get a conditional use approval for a two-family dwelling at 130 Fayette Street.

Staff Recommendation

It is the duty of the Board of Zoning Appeals to determine whether the proposed request meets the standard criteria for a conditional use by reaching a positive determination for each of the “Findings of Fact” submitted by the petitioner. If the Board disagrees with the petitioner’s “Findings of Fact” and determines the proposed request does not meet the standard criteria for a conditional use, then the Board must state findings of fact and conclusions of law on which it bases its decision to deny the subject conditional use petition. [See WV State Code 8A-8-11(e) and 8A-7-11(b)].

Please see the attached application to review the findings of fact listed, as staff had no comments or modifications. This attachment can be found below the conditions.

Staff have no objections to the applicants request for a conditional use.

If the Board of Zoning Appeals grants the applicant conditional use approval in accordance with the City’s Planning and Zoning Code, the use shall be subject to the following conditions:

1. Any other modifications or changes to the site plan shall be compliant with the City’s Planning and Zoning Code or the applicant shall seek variance relief from the Board of Zoning Appeals.

ATTACHMENTS – APPLICATION (DATA GROUP QUESTIONS)

Findings of Fact CON25-117

Case Data	
Question	Answer
Street Addressed (if assigned):	130 Fayette St, Morgantown, WV 26505
Zoning:	B-4
Tax Map Number:	026A
Parcel Number:	0087
Parcel Area in sq ft:	0.10
Existing Use of the Site, including total building area per building on site:	vacant hair salon
Proposed Use of the Site, including total building area per building on site:	Dwelling 2 family
Front Setback (feet):	
Rear Setback (feet):	
Side Yard Setback (feet):	
On-Site Parking Spaces - Existing:	
On-Site Parking Spaces - Proposed:	
Total Number of Dwelling Units - Residential:	22740.0000
Total Gross Floor Area in sq ft - Residential:	2740.00
Number of 1 Bedrooms:	
Number of 2 Bedrooms:	1.0000
Number of 3 Bedrooms:	1.0000
Number of 4+ Bedrooms:	
Would proposed conditional use occupy the entire building?	Yes
If no, provide the location within the building:	
GFA to be Occupied in sq ft - Non-Residential:	
Projected days and hours of business operation - Non-Residential:	



Case Summary Report

Case Data

Question	Answer
Projected number of clients per day - Non-Residential:	
Projected number of employees present during busiest shift - Non-Residential:	
Number of New Residential Units:	2.00
Number of Existing Residential Units:	0.00
Number of Stories:	4.00
Number of Bedrooms:	5.00
Number of Enclosed Parking:	
Number of Outside Parking:	
Lot Area (sq ft):	0.10
Parking Area (sq ft):	
Living Area (sq ft):	
Square Footage of Building:	
Square Footage of Grading:	
Street Frontage (feet):	
Congestion in the streets will not be increased because:	enough parking for all tenants to park off street should reduce traffic/congestion
Safety from fire, panic, and other danger will not be jeopardized, in that:	the property will be set up for residential units and will be inspected by code
Provision of adequate light and air will not be disturbed, in that:	the home is structured as a residential property. using it for traditional use.
Overcrowding of land will not result, in that:	more tha enough parking and spaces within the home for 5 tenants
Undue congestion of population will not be created, in that:	all tenants will not have to use street for parking
Granting this request will not create inadequate provision of transportation, water, sewage, schools, parks, or other public requirements, in that:	using the property for tranditional use
Value of buildings will be conserved, in that:	rent price may increase value- updates have been completed. property is
The most appropriate use of land is encouraged, in that:	the home was built as a residential property and deman for rentals is there

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**MORGANTOWN BOARD OF ZONING APPEALS
PLANNING REPORT**

Wednesday, January 21, 2025

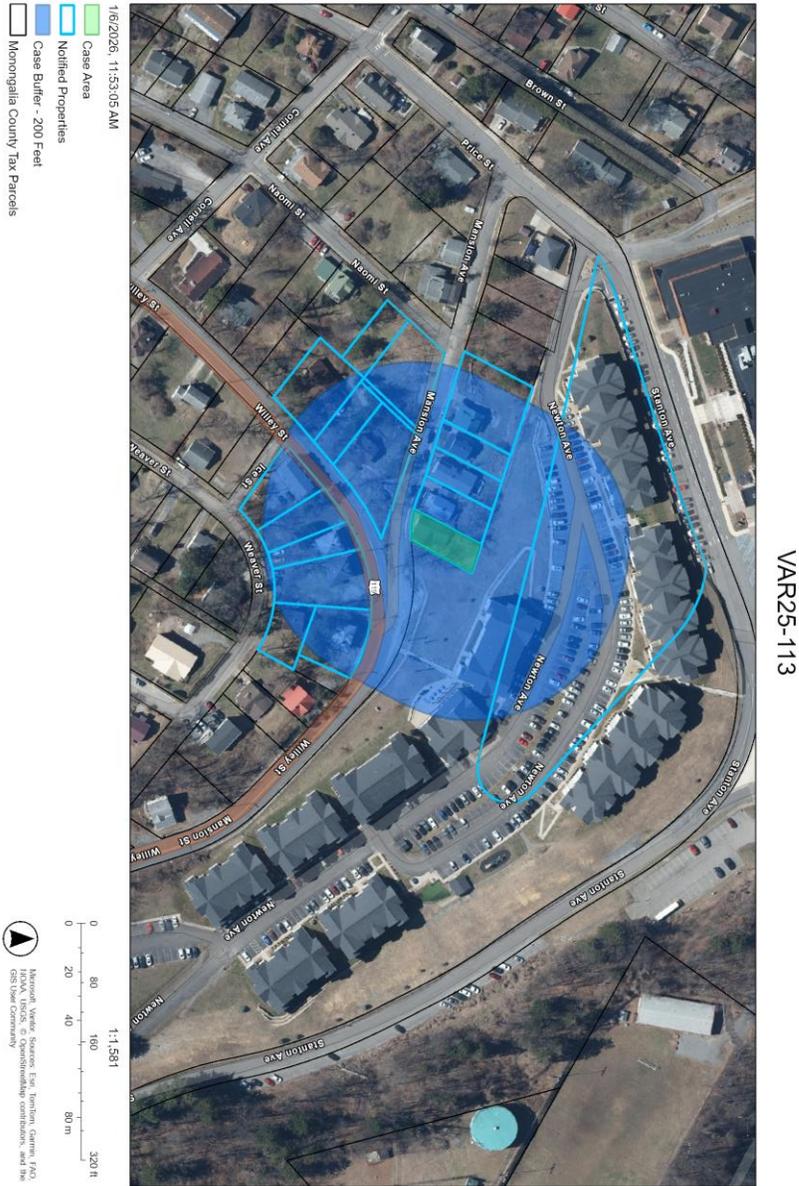
City Hall – City Council Chambers (389 Spruce Street)

Case No. VAR25-113 / Garrett Lane / 371 Mansion Ave

Case Summary

Address:	376 Mansion Ave
Proposal:	Dwelling, Single Family
Request:	Variance regarding 1365.04.01 Table
Zoning:	City Tax District 13 (Fifth Ward), Tax Map 21, Parcel 105; R-1A, Single Family Residential District.
Staff Recommendation:	Does not object to the proposed variance application with conditions
Applicant:	Garrett Lane
Case Manager:	Sailor Thompson, Zoning Administrator
Attachments:	Application (Data Group Questions), Staff Imaging

Staff Enhanced Site Location and Site Plan



Source: City of Morgantown – GIS Department

Background and Analysis

The applicant is seeking a variance regarding parking standards for a single-family dwelling. The house was previously vacant and the applicant is trying to remodel the structure to current city standards. Refer to the sections of code below.

Sec. 1365.04. – Minimum Off-Street Parking Requirements

Dwelling, Single Family = 2 spaces per dwelling unit.

In summary, the applicant wishes to get a variance regarding two off-street parking spaces at the referenced address.

Staff Recommendation

It is the duty of the Board of Zoning Appeals to determine whether the proposed request meets the standard criteria for a variance by reaching a positive determination for each of the “Findings of Fact” submitted by the petitioner. If the Board disagrees with the petitioner’s “Findings of Fact” and determines the proposed request does not meet the standard criteria for a variance, then the Board must state findings of fact and conclusions of law on which it bases its decision to deny the subject variance petition. [See WV State Code 8A-8-11(e) and 8A-7-11(b)].

Please see the attached application to review the findings of fact listed, as staff had no comments or modifications. This attachment can be found below the conditions.

Planning staff have no objections to the applicants request for a variance.

If the Board of Zoning Appeals grants the applicant variance relief in accordance with the City’s Planning and Zoning Code, the use shall be subject to the following conditions:

1. Any other modifications or changes to the site plan shall be compliant with the City’s Planning and Zoning Code or the applicant shall seek variance relief from the Board of Zoning Appeals.

ATTACHMENTS – APPLICATION (DATA GROUP QUESTIONS)

Findings of Fact VAR25-113

Case Data	
Question	Answer
Street Addressed (if assigned):	371 Mansion Ave, Morgantown, WV
Zoning:	Usda hardiness zone 7-A
Zoning Districts:	R-1A
Tax Map Number:	3113002101050000
Parcel Number:	13-21-105
Tax District:	Monongalia county tax district
Describe the standard for which the variance is sought:	1365.04
Overlay District:	B-4 Neighborhood Preservation Overlay District
The variance will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents, because:	The lack of parking on my own property will not impeded my neighbors or the general public from continuing to live their lives in the same manor they have up to this point
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:	Property lines and general topography make it so that in order to put parking in one would have to either cross through neighboring properties or remove a retaining wall creating the possibility for hazardous conditions to the general public
The variance will eliminate an unnecessary hardship and permit a reasonable use of the land, because:	All fixes for the lack of parking on the property either create potentially hazardous conditions or use neighboring properties unlawfully. Though walking from a greater distance to reach the property is unideal it is the safest and best way to make use of the property
The variance will allow the intent of the zoning ordinance to be observed and substantial justice done, because:	It will still make use of the property as intended but without the risk to the general public or use of neighboring properties

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**MORGANTOWN BOARD OF ZONING APPEALS
PLANNING REPORT**

Wednesday, January 21, 2025

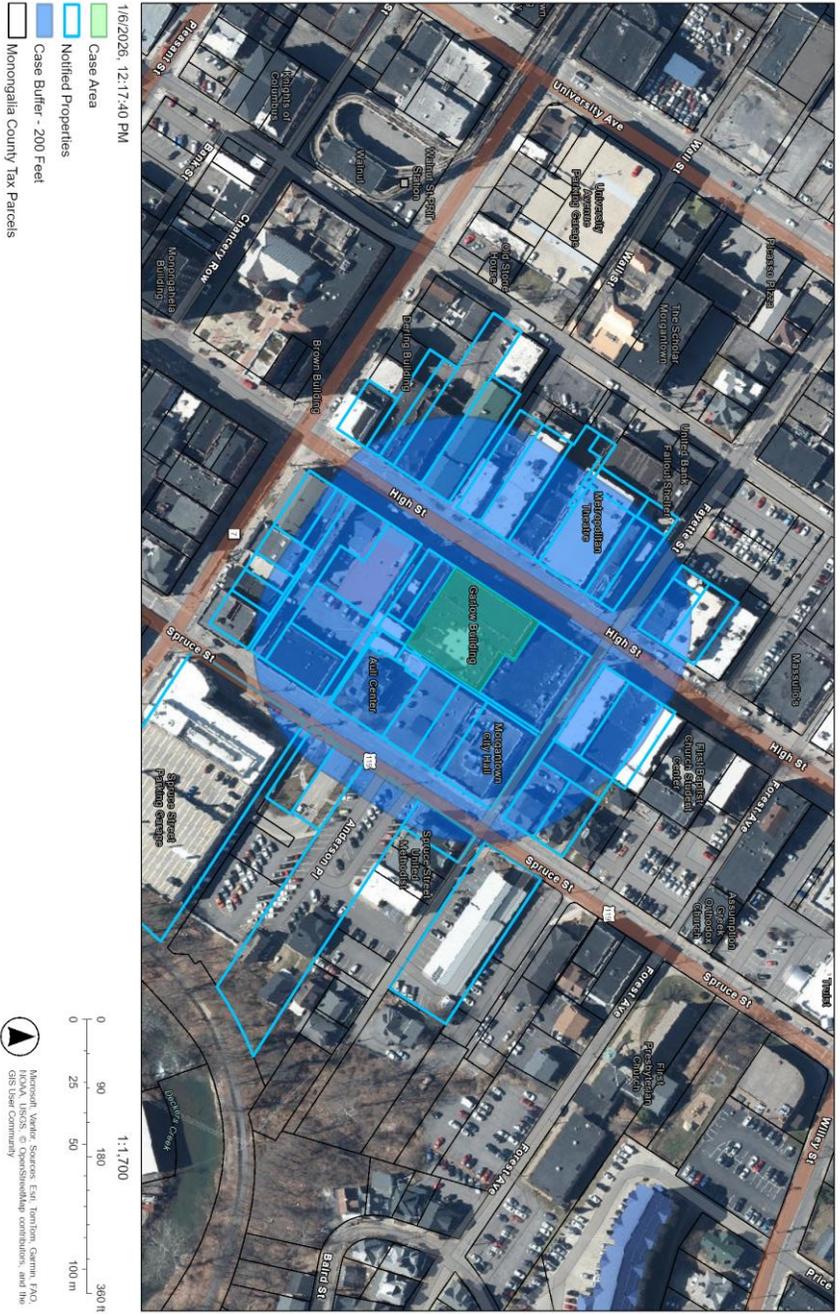
City Hall – City Council Chambers (389 Spruce Street)

Case No. VAR25-119 / City Neon / 356 High Street

Case Summary

Address:	356 High Street
Proposal:	Illuminated wall sign
Request:	Variance regarding 1369.08.
Zoning:	City Tax District 11 (Second Ward), Tax Map 26A, Parcel 110; B-4, General Business District.
Staff Recommendation:	Does not object to the proposed variance application with conditions
Applicant:	City Neon
Case Manager:	Sailor Thompson, Zoning Administrator
Attachments:	Application (Data Group Questions), Staff Imaging

Staff Enhanced Site Location and Site Plan



VAR25-119

Source: City of Morgantown – GIS Department

The applicant is seeking a variance regarding internal illumination standards for signs in a B-4 district. The signs size and dimensions are permitted other than its illumination. The sign will also be the same approximate size and shape as the sign previously there, which was illuminated by neon. Refer to the sections of code below as well as the submitted designs.

Sec. 1369.08. – Lighting and design standards.

(b) Permitted signs in the B-1, B-4, PRO, OI and residential districts shall comply with the following:

(2) Signs may not be internally illuminated, except for neon signs; and

In summary, the applicant wishes to get a variance regarding illuminating a sign at the property addressed at 356 High Street.

Staff Recommendation

It is the duty of the Board of Zoning Appeals to determine whether the proposed request meets the standard criteria for a variance by reaching a positive determination for each of the “Findings of Fact” submitted by the petitioner. If the Board disagrees with the petitioner’s “Findings of Fact” and determines the proposed request does not meet the standard criteria for a variance, then the Board must state findings of fact and conclusions of law on which it bases its decision to deny the subject variance petition. [See WV State Code 8A-8-11(e) and 8A-7-11(b)].

Please see the attached application to review the findings of fact listed, as staff had no comments or modifications. This attachment can be found below the conditions.

Planning staff have no objections to the applicants request for a variance.

If the Board of Zoning Appeals grants the applicant variance relief in accordance with the City’s Planning and Zoning Code, the use shall be subject to the following conditions:

1. Any other modifications or changes to the site plan shall be compliant with the City’s Planning and Zoning Code or the applicant shall seek variance relief from the Board of Zoning Appeals.

ATTACHMENTS – APPLICATION (DATA GROUP QUESTIONS)

Findings of Fact VAR25-119

Case Data	
Question	Answer
Street Addressed (if assigned):	356 High Street, Morgantown, WV 26505
Zoning:	General Business
Zoning Districts:	B-4
Tax Map Number:	026A
Parcel Number:	0110
Tax District:	11 Morgantown - 3rd Ward Corp
Describe the standard for which the variance is sought:	The Ice Cream shop would like to install one internally illuminated channel letter set to the exterior of the building facade. We are asking relief from the city's code for internal illumination as this is the current industry standard. The sign was neon illuminated but wanting to change to LED.
Overlay District:	
The variance will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents, because:	The sign is already lite with neon, they are wanting to change it to the industry standard.
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 customer is just wanting to update their signage as it is old and decide to change it to LED illumination compared to neon.
The variance will eliminate an unnecessary hardship and permit a reasonable use of the land, because:	The customer will be able to improve their current signage to an updated look.
The variance will allow the intent of the zoning ordinance to be observed and substantial justice done, because:	The customer will be able to effectively advertise without causing ill effects on the neighboring businesses.

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**MORGANTOWN BOARD OF ZONING APPEALS
PLANNING REPORT**

Wednesday, January 21, 2025

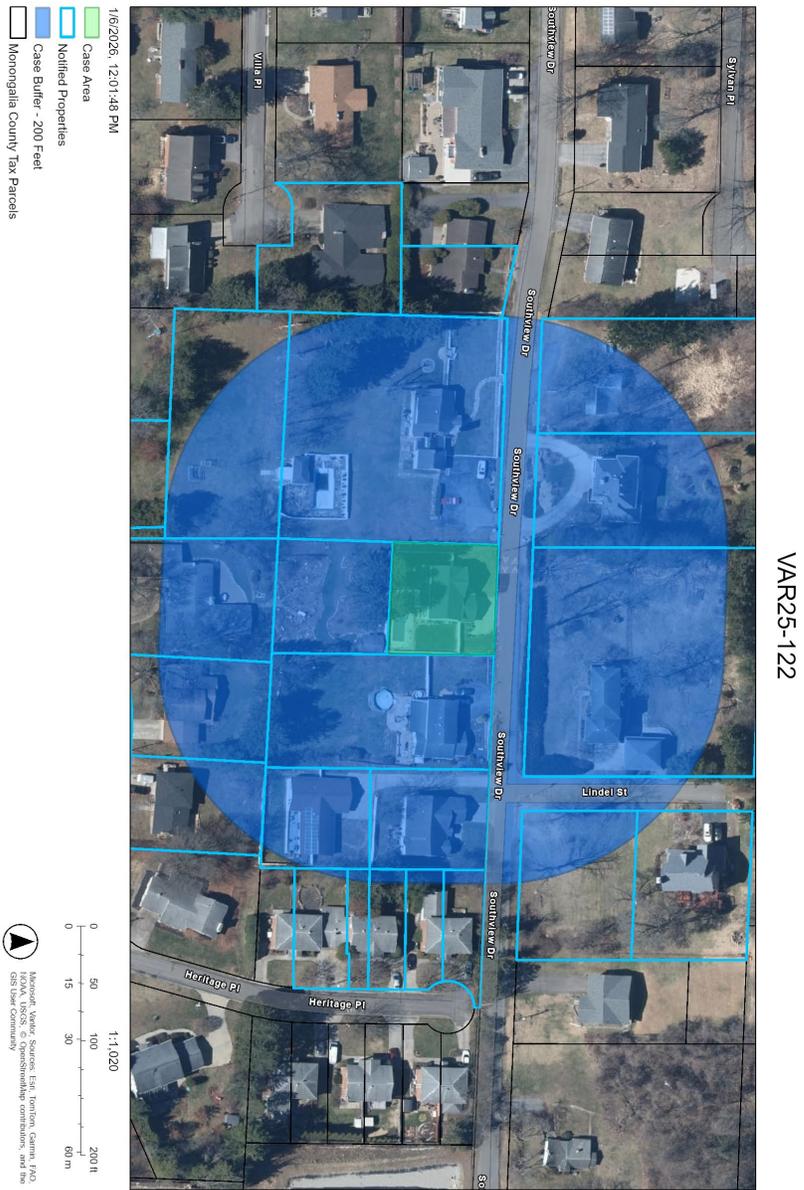
City Hall – City Council Chambers (389 Spruce Street)

VAR25-122 / Matt Lacy / 670 Southview St

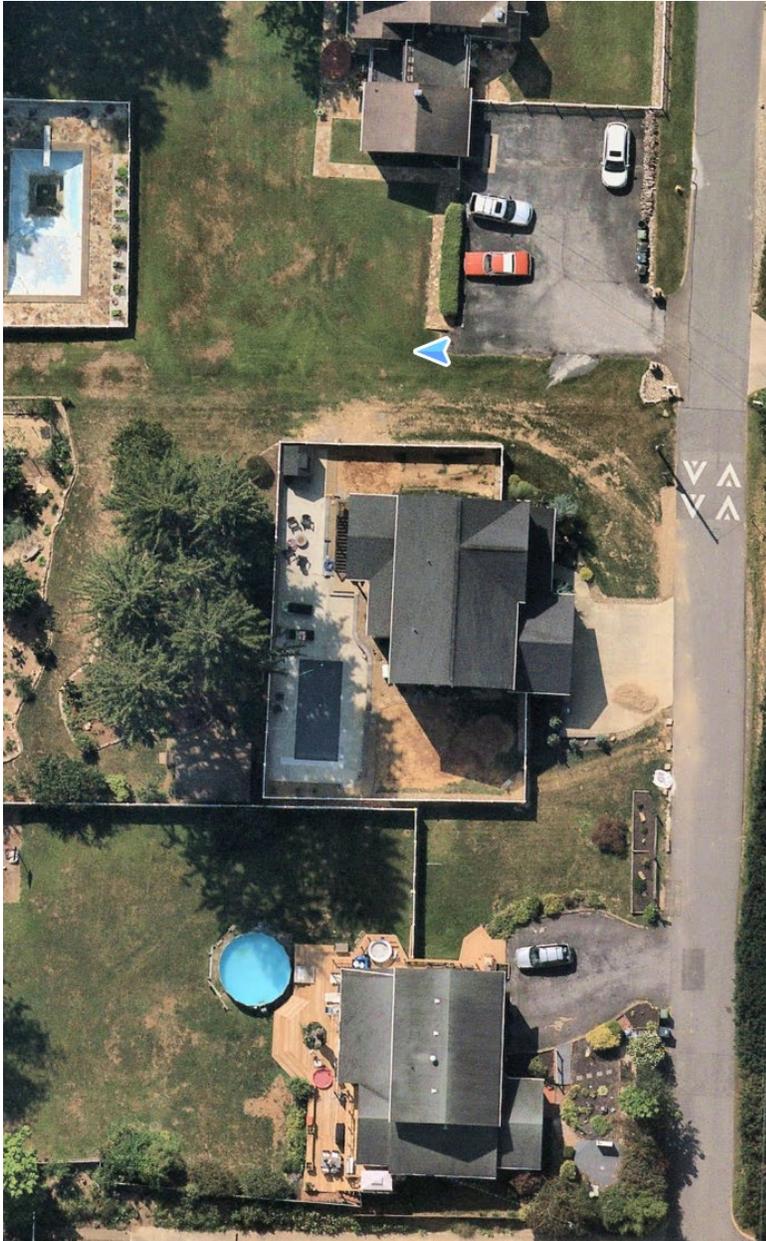
Case Summary

Address:	670 Southview Street
Proposal:	Variance regarding encroachments into setbacks in a R-1, Single Family Residential District.
Request:	Variance in the amount three feet from the property line in accordance with Section 1333.05 of the City’s Planning and Zoning Code.
Zoning:	City Tax District 15 (Seventh Ward), Tax Map 54, Parcel 158.1; R-1, Single-Family Residential District.
Staff Recommendation:	Does not object to the proposed variance application with conditions.
Applicant:	Matt Lacy
Case Manager:	Sailor Thompson, Zoning Administrator
Attachments:	Application (Data Group Questions)

Staff Enhanced Site Location and Site Plan



Source: City of Morgantown – GIS



Source: NearMap Map Browser

Background and Analysis

The applicant is seeking a variance regarding encroachments into setbacks in a R-1, Single-Family Dwelling District. The applicant constructed a pool and patio without receiving a building permit and is now seeking variance relief for that project. The pool structure itself is within its required setback distance, but the patio around it is encroaching approximately three feet into the setback. These setbacks were determined using Monongalia County

parcel information as a survey was not provided. The project has a building permit applied for which is contingent on this variance as well. Refer to the sections of code below.

Sec. 1333.05. - Encroachments into setbacks.

(a) Architectural features may project into a required setback as provided below:

(2) Uncovered stairs, landings and porches shall not extend closer than three feet from the property line.

To address this issue, the applicant seeks a variance in the amount of 3 feet for the proposed improvements at the referenced address.

Staff Recommendation

It is the duty of the Board of Zoning Appeals to determine whether the proposed request meets the standard criteria for a variance by reaching a positive determination for each of the “Findings of Fact” submitted by the petitioner. If the Board disagrees with the petitioner’s “Findings of Fact” and determines the proposed request does not meet the standard criteria for a variance, then the Board must state findings of fact and conclusions of law on which it bases its decision to deny the subject variance petition. [See WV State Code 8A-8-11(e) and 8A-7-11(b)].

Please see the attached application to review the findings of fact listed, as staff had no comments or modifications. This attachment can be found below the conditions.

Staff have no objections to the applicants request for variance relief.

If the Board of Zoning Appeals grants the applicant variance relief from Section 1333.05. of the City’s Planning and Zoning Code, the proposed improvement will be subject to the following conditions:

1. Any other modifications or changes to the scope of work or site plan provided shall be compliant with the City’s Planning and Zoning Code or the applicant shall seek variance relief from the Board of Zoning Appeals.

ATTACHMENT - APPLICATION (DATA GROUP QUESTIONS)

Findings of Fact VAR25-122

Case Data	
Question	Answer
Street Addressed (if assigned):	670 Southview St, Morgantown WV 26505
Zoning:	Zoning District R-1: Single Family Residence
Zoning Districts:	R-1
Tax Map Number:	0054
Parcel Number:	0158
Tax District:	7th Ward
Describe the standard for which the variance is sought:	Requesting 2' of setback allowance for concrete pool patio
Overlay District:	
The variance will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents, because:	We believe the pool deck is currently far enough off the property line; however, out of an abundance of caution we are applying for the variance. The pool/deck will not affect the neighboring properties—the neighbors were part of the construction process and had no issues with any of the construction done. We also own 674 Southview and can confirm this hasn't affected anything.
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 was the only location where the pool/deck could be installed on our property. The pool contractor had to pour enough concrete around the pool to support the pool and make a safe walkway for people using the pool.
The variance will eliminate an unnecessary hardship and permit a reasonable use of the land, because:	It is our understanding that the pool/deck is a permitted accessory and it does not create an unnecessary hardship on anyone.
The variance will allow the intent of the zoning ordinance to be observed and substantial justice done, because:	The pool/deck does not create a hardship on our property or any surrounding properties.

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MORGANTOWN BOARD OF ZONING APPEALS PLANNING REPORT

Wednesday, February 18, 2026

City Hall – City Council Chambers (389 Spruce Street)

Case No. VAR26-009 / ARJ LLC / 264 Hartman Run Rd

Case Summary

Address:	264 Hartman Run Road
Proposal:	Townhouse Development, lot size reduction
Request:	Variance regarding 1347.03. Lot Provisions
Zoning:	City Tax District 14 (Sixth Ward), Tax Map 32A, Parcels 13.1, 25, and 26.1; B-2, Service Business District
Staff Recommendation:	Supports the proposed variance application with conditions
Applicant:	ARJ LLC
Case Manager:	Sailor Thompson, Zoning Administrator
Attachments:	Application (Data Group Questions), Staff Imaging

Staff Enhanced Site Location and Site Plan



Source: City of Morgantown – GIS Department



Source: Nearmap Software

Background and Analysis

The applicant is seeking a variance regarding lot size standards for a Dwelling, Townhouse use. This development project will involve 104 townhouses across the three lots shown above. The applicant wishes to reduce the lot size from 6,000 square feet to 1,750 square feet for the referenced area. Refer to Addendum A for lot sizes, layout, and additional information. Refer to the sections of code below.

Sec. 1347.03. – Lot Provisions

(a) The minimum lot size shall be 6,000 feet.

In summary, the applicant wishes to get a variance regarding 5,250 square feet at the referenced address.

Staff Recommendation

It is the duty of the Board of Zoning Appeals to determine whether the proposed request meets the standard criteria for a variance by reaching a positive determination for each of the “Findings of Fact” submitted by the petitioner. If the Board disagrees with the petitioner’s “Findings of Fact” and determines the proposed request does not meet the standard criteria for a variance, then the Board must state findings of fact and conclusions of law on which it bases its decision to deny the subject variance petition. [See WV State Code 8A-8-11(e) and 8A-7-11(b)].

Please see the attached application to review the findings of fact listed, as staff had no comments or modifications. This attachment can be found below the conditions.

Planning staff support the applicants request for a variance. The division of internal lots is what is causing the need for this variance while the development as a whole is not.

If the Board of Zoning Appeals grants the applicant variance relief in accordance with the City’s Planning and Zoning Code, the use shall be subject to the following conditions:

1. Any other modifications or changes to the site plan shall be compliant with the City’s Planning and Zoning Code or the applicant shall seek variance relief from the Board of Zoning Appeals.

ATTACHMENTS – APPLICATION (DATA GROUP QUESTIONS AND ADDENDUMS)

Addendum A

VAR26-009 Findings of Fact

Case Data	
Question	Answer
Street Addressed (if assigned):	
Zoning:	
Zoning Districts:	B-2
Tax Map Number:	32A
Parcel Number:	13.1, 25, 26.1
Tax District:	
Describe the standard for which the variance is sought:	Reduction in minimum lot size from 6,000 sq. ft. to 1,750 sq. ft.
Overlay District:	
The variance will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents, because:	A reduction in the minimum lot size will be appropriate for a town house community, which is permitted in the B-2 zoning district. Reducing the lot width does not adversely affect the public health, safety and welfare, or rights of adjacent landowners. These items are appropriately addressed with the proposed development plan and infrastructure improvements.
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 need for this variance arises from the Planning Code that allows for town house developments in a B-2 district but does not contain provisions for town house development. The minimum lot size required by the Code is consistent with a single-family detached development, not a town home development.
The variance will eliminate an unnecessary hardship and permit a reasonable use of the land, because:	The requested variance allows for a town house development, which is allowed in a B-2 district to be completed.
The variance will allow the intent of the zoning ordinance to be observed and substantial justice done, because:	The requested variance allows for a town house development, which is allowed in a B-2 district to be completed.

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MORGANTOWN BOARD OF ZONING APPEALS PLANNING REPORT

Wednesday, February 18, 2026

City Hall – City Council Chambers (389 Spruce Street)

Case No. VAR26-010 / ARJ LLC / 264 Hartman Run Rd

Case Summary

Address:	264 Hartman Run Road
Proposal:	Townhouse Development, lot depth reduction
Request:	Variance regarding 1347.03. Lot Provisions
Zoning:	City Tax District 14 (Sixth Ward), Tax Map 32A, Parcels 13.1, 25, and 26.1; B-2, Service Business District
Staff Recommendation:	Supports the proposed variance application with conditions
Applicant:	ARJ LLC
Case Manager:	Sailor Thompson, Zoning Administrator
Attachments:	Application (Data Group Questions), Staff Imaging

Staff Enhanced Site Location and Site Plan



Source: City of Morgantown – GIS Department



Source: Nearmap Software

Background and Analysis

The applicant is seeking a variance regarding lot depth standards for a Dwelling, Townhouse use. This development project will involve 104 townhouses across the three lots shown above. The specific lots requiring this variance can be found on addendum B. The applicant wishes to reduce the lot depth from 100 feet to 71 feet for the referenced area. Refer to Addendum A for lot sizes, layout, and additional information. Refer to the sections of code below.

Sec. 1347.03. – Lot Provisions

(c) The minimum lot depth shall be 100 feet.

In summary, the applicant wishes to get a variance regarding 29 feet for lot depth at the referenced address.

Staff Recommendation

It is the duty of the Board of Zoning Appeals to determine whether the proposed request meets the standard criteria for a variance by reaching a positive determination for each of the “Findings of Fact” submitted by the petitioner. If the Board disagrees with the petitioner’s “Findings of Fact” and determines the proposed request does not meet the standard criteria for a variance, then the Board must state findings of fact and conclusions of law on which it bases its decision to deny the subject variance petition. [See WV State Code 8A-8-11(e) and 8A-7-11(b)].

Please see the attached application to review the findings of fact listed, as staff had no comments or modifications. This attachment can be found below the conditions.

Planning staff support the applicants request for a variance. The division of internal lots is what is causing the need for this variance while the development as a whole is not. The only exception to this is exterior lot 37, refer to findings of fact for supported rationale.

If the Board of Zoning Appeals grants the applicant variance relief in accordance with the City’s Planning and Zoning Code, the use shall be subject to the following conditions:

1. Any other modifications or changes to the site plan shall be compliant with the City’s Planning and Zoning Code or the applicant shall seek variance relief from the Board of Zoning Appeals.

ATTACHMENTS – APPLICATION (DATA GROUP QUESTIONS AND ADDENDUMS)

Addendum A

Addendum B

VAR26-010 Findings of Fact

Case Data	
Question	Answer
Street Addressed (if assigned):	
Zoning:	
Zoning Districts:	B-2
Tax Map Number:	32A
Parcel Number:	13.1, 25, 26.1
Tax District:	
Describe the standard for which the variance is sought:	Reduction in the minimum lot depth from 100 feet to 71'.
Overlay District:	
The variance will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents, because:	As seen on the proposed subdivision plan, the majority of the proposed lots will achieve a minimum lot depth of 100'. One exterior lot (Lot 37) and some interior lots will not have a minimum lot depth of 100'. Lot 37 is located along the common line with City of Morgantown property that is very steep and effectively undevelopable. There are no structures or development in this area. The reduction in the depth of the interior lots allows for the creation of more community green space and common area. This request does not affect public health, safety and welfare, or the rights of adjacent landowners.
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 need for this variance primarily based on the site topography and need to maximize the buildable areas to make the project feasible.
The variance will eliminate an unnecessary hardship and permit a reasonable use of the land, because:	The variance allows for creation of the lots necessary to make the project feasible.
The variance will allow the intent of the zoning ordinance to be observed and substantial justice done, because:	The variance will allow for the development of a townhouse community as permitted by the Planning Code.

CURVE TABLE					CURVE TABLE					CURVE TABLE					CURVE TABLE					CURVE TABLE				
CURVE	ARC LENGTH	RADIUS	CHORD BEARING	CHORD LENGTH	CURVE	ARC LENGTH	RADIUS	CHORD BEARING	CHORD LENGTH	CURVE	ARC LENGTH	RADIUS	CHORD BEARING	CHORD LENGTH	CURVE	ARC LENGTH	RADIUS	CHORD BEARING	CHORD LENGTH	CURVE	ARC LENGTH	RADIUS	CHORD BEARING	CHORD LENGTH
C-1 (TOTAL)	373.74'	925.00'	N10° 17' 44"E	371.20'	C-21	27.75'	320.00'	N27° 50' 30"W	27.74'	C-42	24.35'	170.00'	S17° 52' 05"E	24.33'	C-60	20.57'	925.00'	S06° 58' 07"W	20.57'	C-79	32.85'	130.00'	S14° 39' 59"E	32.76'
C-2	85.23'	80.00'	N07° 13' 44"W	81.26'	C-22	16.35'	270.00'	N02° 12' 25"E	16.35'	C-43	20.11'	170.00'	S10° 22' 32"E	20.10'	C-61	20.47'	925.00'	S08° 14' 22"W	20.47'	C-80	34.00'	130.00'	S00° 03' 55"W	33.90'
C-3 (TOTAL)	213.48'	320.00'	N18° 38' 23"W	209.54'	C-22	20.04'	320.00'	N23° 33' 51"W	20.03'	C-44	20.01'	170.00'	S03° 36' 48"E	20.00'	C-62	20.37'	925.00'	S09° 30' 16"W	20.37'	C-81	25.93'	130.00'	S13° 16' 17"W	25.88'
C-4 (TOTAL)	76.86'	170.00'	N16° 53' 39"E	76.21'	C-23	20.00'	320.00'	N19° 58' 47"W	20.00'	C-45	20.20'	170.00'	S03° 09' 48"W	20.19'	C-63	27.88'	925.00'	S10° 59' 56"W	27.88'	C-82	26.23'	130.00'	S24° 45' 57"W	26.19'
C-5 (TOTAL)	93.58'	70.00'	N68° 08' 36"E	86.76'	C-24	20.05'	320.00'	N16° 23' 38"W	20.05'	C-46	14.33'	170.00'	S08° 58' 58"W	14.33'	C-64	47.78'	280.00'	S20° 24' 12"E	47.72'	C-83	55.78'	121.00'	S05° 46' 44"W	55.29'
C-6 (TOTAL)	18.69'	170.00'	S70° 24' 34"E	18.69'	C-25	20.18'	320.00'	N12° 47' 32"W	20.17'	C-47	28.42'	170.00'	S16° 11' 15"W	28.39'	C-65	27.86'	280.00'	S12° 39' 51"E	27.85'	C-84	55.78'	121.00'	S05° 46' 44"W	55.29'
C-7 (TOTAL)	212.41'	170.00'	S05° 14' 53"E	198.86'	C-26	23.68'	320.00'	N08° 51' 59"W	23.67'	C-48	20.13'	170.00'	S24° 22' 08"W	20.12'	C-66	20.06'	280.00'	S07° 45' 40"E	20.05'	C-85 (TOTAL)	55.78'	121.00'	S05° 46' 44"W	55.29'
C-8 (TOTAL)	77.02'	170.00'	S43° 31' 37"W	76.37'	C-27	26.03'	320.00'	N04° 25' 00"W	26.02'	C-49	8.27'	170.00'	S29° 09' 14"W	8.27'	C-67	20.00'	280.00'	S03° 39' 44"E	20.00'					
C-9 (TOTAL)	26.32'	16.00'	S09° 22' 40"W	23.45'	C-28	14.29'	320.00'	N00° 48' 27"W	14.29'	C-50	11.44'	170.00'	S32° 28' 27"W	10.72.06'	C-68	10.20'	280.00'	S00° 34' 18"E	10.20'					
C-10	127.85'	120.00'	S07° 13' 44"E	121.89'	C-29	9.91'	170.00'	N05° 36' 41"E	9.90'	C-51	20.01'	170.00'	S37° 46' 25"W	20.00'	C-69	0.11'	130.00'	S03° 57' 55"W	0.11'					
C-11 (TOTAL)	125.90'	280.00'	N12° 24' 35"W	124.85'	C-30	20.31'	170.00'	N10° 42' 11"E	20.30'	C-52	20.15'	170.00'	S44° 32' 30"W	20.14'	C-70	20.51'	130.00'	S08° 30' 28"W	20.49'					
C-12	13.93'	230.00'	N02° 12' 25"E	13.93'	C-31	20.04'	170.00'	N17° 30' 08"E	20.03'	C-53	25.43'	170.00'	S52° 13' 20"W	10.72.30'	C-71	20.06'	130.00'	S17° 26' 51"W	20.04'					
C-13 (TOTAL)	58.78'	130.00'	N16° 53' 39"E	58.28'	C-32	20.05'	170.00'	N24° 15' 31"E	20.04'	C-54	2.98'	16.00'	S51° 09' 54"W	10.72.00'	C-72	18.10'	130.00'	S25° 51' 26"W	18.09'					
C-14	40.10'	30.00'	S68° 08' 36"W	37.18'	C-33	6.55'	170.00'	N28° 44' 33"E	6.55'	C-55	23.34'	16.00'	S04° 02' 10"W	10.72.21'	C-73	7.71'	130.00'	N65° 33' 35"W	7.71'					
C-15	14.30'	130.00'	N70° 24' 34"W	14.29'	C-34	7.30'	70.00'	N32° 50' 07"E	7.30'	C-56	6.16'	925.00'	S01° 05' 18"E	6.16'	C-73	29.42'	130.00'	N57° 22' 39"W	29.35'					
C-16 (TOTAL)	59.48'	130.00'	S54° 09' 04"E	58.96'	C-35	50.08'	70.00'	N56° 19' 11"E	49.02'	C-57	29.75'	925.00'	S00° 01' 26"W	29.75'	C-74	20.30'	130.00'	N46° 25' 17"W	20.28'					
C-17 (TOTAL)	162.43'	130.00'	S05° 14' 53"E	152.07'	C-36	23.33'	70.00'	N68° 21' 42"E	23.22'	C-58	66.27'	925.00'	S02° 59' 51"W	66.25'	C-75	2.05'	130.00'	N41° 29' 44"W	2.05'					
C-18	57.90'	130.00'	N43° 18' 27"E	57.43'	C-37	12.87'	70.00'	S78° 49' 34"E	12.85'	C-59	20.69'	925.00'	S05° 41' 26"W	20.69'	C-76	3.03'	130.00'	N40° 22' 31"W	3.03'					
C-19	27.55'	16.00'	S74° 36' 43"E	24.27'	C-38	8.05'	170.00'	S72° 12' 12"E	8.05'					C-77	20.03'	130.00'	N35° 17' 38"W	20.01'						
C-20	41.47'	320.00'	N34° 02' 18"W	41.44'	C-39	10.65'	170.00'	S69° 03' 11"E	10.64'					C-78	20.36'	130.00'	N26° 23' 35"W	20.34'						

PARCEL AREA TABLE			PARCEL AREA TABLE			PARCEL AREA TABLE		
UNIT NO.	AREA (SQ. FT.)	AREA (AC.)	UNIT NO.	AREA (SQ. FT.)	AREA (AC.)	UNIT NO.	AREA (SQ. FT.)	AREA (AC.)
1	4,281	0.10	37	5,073	0.12	73	1,840	0.04
2	2,903	0.07	38	3,015	0.07	74	1,852	0.04
3	2,755	0.06	39	3,543	0.08	75	2,582	0.06
4	2,632	0.06	40	4,118	0.09	76	2,631	0.06
5	2,534	0.06	41	13,118	0.30	77	1,897	0.04
6	4,493	0.10	42	4,118	0.09	78	1,894	0.04
7	3,599	0.08	43	2,815	0.06	79	1,891	0.04
8	2,267	0.05	44	2,716	0.06	80	1,888	0.04
9	2,278	0.05	45	2,638	0.06	81	2,545	0.06
10	2,290	0.05	46	2,560	0.06	82	2,801	0.06
11	2,303	0.05	47	3,394	0.08	83	2,068	0.05
12	3,321	0.08	48	3,247	0.07	84	2,121	0.05
13	3,179	0.07	49	2,269	0.05	85	2,111	0.05
14	2,349	0.05	50	2,192	0.05	86	2,053	0.05
15	2,361	0.05	51	2,151	0.05	87	3,026	0.07
16	2,373	0.05	52	2,167	0.05	88	2,596	0.06
17	2,386	0.05	53	3,008	0.07	89	2,050	0.05
18	3,671	0.08	54	3,040	0.07	90	2,093	0.05
19	3,388	0.08	55	2,232	0.05	91	2,106	0.05
20	2,508	0.06	56	2,249	0.05	92	2,048	0.05
21	2,544	0.06	57	2,266	0.05	93	3,083	0.07
22	2,581	0.06	58	2,283	0.05	94	2,915	0.07
23	2,617	0.06	59	3,168	0.07	95	1,902	0.04
24	3,943	0.09	60	3,888	0.09	96	1,904	0.04
25	6,221	0.14	61	2,408	0.06	97	1,906	0.04
26	2,836	0.07	62	2,500	0.06	98	1,908	0.04
27	2,892	0.07	63	3,676	0.08	99	2,626	0.06
28	2,986	0.07	64	2,408	0.06	100	2,630	0.06
29	3,116	0.07	65	1,921	0.04	101	1,915	0.04
30	4,442	0.10	66	1,936	0.04	102	1,917	0.04
31	2,987	0.07	67	1,923	0.04	103	1,918	0.04
32	2,104	0.05	68	1,896	0.04	104	2,400	0.06
33	2,114	0.05	69	2,595	0.06			
34	2,130	0.05	70	2,530	0.06			
35	2,165	0.05	71	1,840	0.04			
36	3,032	0.07	72	1,840	0.04			

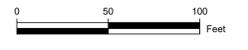
LINE	LENGTH (FT)	BEARING
L-1	25.86	N30°32'49"E
L-2 (TOTAL)	84.51	S00°28'19"W
L-3	13.93	S20°31'08"W
L-4	9.00	N82°34'23"E
L-5	9.00	S71°00'54"E



NOTE: THIS PRELIMINARY PLAT IS FOR MORGANTOWN PLANNING COMMISSION REVIEW ONLY. THIS PLAT SHALL NOT BE USED TO IN THE TRANSFER OR SALE OF ANY PROPOSED LOTS SHOWN ON THIS DRAWING.

Being the same tracts or parcels of real estate conveyed unto Monongalia County Development Authority by the following deed: (1) from The City of Morgantown, a municipal corporation, by deed dated the 23rd day of July, 1998, of record in the office of the Clerk of the County Commission of Monongalia County, West Virginia in Deed Book 1170, at Page 106; (2) from Heirs at Law of Myrtle Hartman, namely, John W. Hartman, a single person; Lonnie Leo Hartman and Wanda Hartman, his wife; Gladys Boyles and Albert Boyles, her husband; Daisy Lancaster, a single person; and George Hartman, a single person, by deed dated the 23rd day of November, 1987 and of record in said Clerks office in Deed Book 970, at Page 351. Said tract or parcel of real estate is assessed on the Land Books for Sixth Ward, City of Morgantown, Monongalia County, West Virginia and is more specifically shown on Tax Map No. 32A, as part of Parcels 13.1, 25 and 26.1.

LEGEND	
□	2" IRON PIPE FOUND (UNLESS NOTED)
●	5/8" x 3/8" CAPPED IRON ROD TO BE SET
•	POINT
N/F	LOT NUMBER
P/O	NOW OR FORMERLY PART OF
→	POINT OF BEGINNING
---	ADJACENT PROPERTY LINE
---	PROPERTY BOUNDARY LINE
---	EASEMENT BOUNDARY LINE
---	SETBACK



CHEAT ROAD ENGINEERING, INC.
 6240 MID ATLANTIC DRIVE
 MORGANTOWN, WV 26508
 PHONE: (304) 212-5480

HARTMAN RUN ROAD TOWN HOME DEVELOPMENT
 MORGANTOWN, WV

DRAWN BY: S. COPEN
 CHECKED BY:
 SCALE: 1" = 50'
 DATE: JANUARY 26, 2026

SUBDIVISION PLAT
 SHEET NUMBER: 1

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MORGANTOWN BOARD OF ZONING APPEALS PLANNING REPORT

Wednesday, February 18, 2026

City Hall – City Council Chambers (389 Spruce Street)

Case No. VAR26-011 / ARJ LLC / 264 Hartman Run Rd

Case Summary

Address:	264 Hartman Run Road
Proposal:	Townhouse Development, driveway standards
Request:	Variance regarding 1365.09. (b) (2)
Zoning:	City Tax District 14 (Sixth Ward), Tax Map 32A, Parcels 13.1, 25, and 26.1; B-2, Service Business District
Staff Recommendation:	Supports the proposed variance application with conditions
Applicant:	ARJ LLC
Case Manager:	Sailor Thompson, Zoning Administrator
Attachments:	Application (Data Group Questions), Staff Imaging



Source: Nearmap Software

Background and Analysis

The applicant is seeking a variance regarding driveway standards for a Dwelling, Townhouse use. This development project will involve 104 townhouses across the three lots shown above. Refer to Addendum B for specification on distance measurements. The applicant wishes to reduce the lot depth from 15 feet to .25 feet for the referenced area. Refer to Addendum A for lot sizes, layout, and additional information. Refer to the sections of code below.

Sec. 1365.09. – Parking development standards

(b) Layout and Design.

(2) Driveway entrances or exits shall be no closer than 15 feet to an adjoining residential property line or five feet to an adjoining non-residential property line or designed in such a manner as to least interfere with traffic movement. No driveway across public property at the right-of-way line of the street shall exceed a width of 22 feet, unless a greater width is specifically approved by the City Engineer. No driveway shall be located closer than 30 feet of the nearest point of the intersection of two streets.

In summary, the applicant wishes to get a variance regarding 14.75 feet for driveway distance to an adjoining residential property line at the referenced address.

Staff Recommendation

It is the duty of the Board of Zoning Appeals to determine whether the proposed request meets the standard criteria for a variance by reaching a positive determination for each of the “Findings of Fact” submitted by the petitioner. If the Board disagrees with the petitioner’s “Findings of Fact” and determines the proposed request does not meet the standard criteria for a variance, then the Board must state findings of fact and conclusions of law on which it bases its decision to deny the subject variance petition. [See WV State Code 8A-8-11(e) and 8A-7-11(b)].

Please see the attached application to review the findings of fact listed, as staff had no comments or modifications. This attachment can be found below the conditions.

Planning staff support the applicants request for a variance. None of the lots require this variance in regard to neighboring or external properties. The division of internal lots is what is causing the need for this variance while the development as a whole is not.

If the Board of Zoning Appeals grants the applicant variance relief in accordance with the City's Planning and Zoning Code, the use shall be subject to the following conditions:

1. Any other modifications or changes to the site plan shall be compliant with the City's Planning and Zoning Code or the applicant shall seek variance relief from the Board of Zoning Appeals.

ATTACHMENTS – APPLICATION (DATA GROUP QUESTIONS AND ADDENDUMS)

Addendum A

Addendum B

VAR26-011 Findings of Fact

Case Data	
Question	Answer
Street Addressed (if assigned):	264 Hartman Run Road
Zoning:	Business Service District
Zoning Districts:	B-2
Tax Map Number:	32A
Parcel Number:	13.1. 25, & 26.1
Tax District:	
Describe the standard for which the variance is sought:	Reduction in minimum distance from driveway to adjacent property
Overlay District:	
The variance will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents, because:	This variance will allow for a town house development as allowed by the Planning Code. Reduction in the minimum distance from driveways to adjacent lots will only affect the proposed development lots and not any adjacent properties.
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 Planning Code allows for town house development in a B-2 district but does not contain provisions for a town house community with regards to the minimum distance from driveways to adjacent lots.
The variance will eliminate an unnecessary hardship and permit a reasonable use of the land, because:	The variance will allow for the proposed town house development as allowed by the Planning Code in a B-2 district.
The variance will allow the intent of the zoning ordinance to be observed and substantial justice done, because:	The variance will allow for the proposed town house development as allowed by the Planning Code in a B-2 district.

Hartman Run Road

VAR 26-000008

Lot Width Variance Request

Lot No.	Required Width (FT)	Proposed Width (FT)	Variance Requested (FT)
1	60	27.75	32.25
2	60	50.04	9.96
3	60	20	40
4	60	20.05	39.95
5	60	20.18	39.82
6	60	23.68	36.32
7	60	26.03	33.97
8	60	20	40
9	60	20.01	39.99
10	60	20.01	39.99
11	60	20.01	39.99
12	60	27	33
13	60	27.59	32.41
14	60	20	40
15	60	20	40
16	60	20	40
17	60	20	40
18	60	26.36	33.64
19	60	27.5	32.5
20	60	20	40
21	60	20	40
22	60	20	40
23	60	20	40
24	60	29.68	30.32
25	60	26.04	33.96
26	60	20.3	39.7
27	60	20.3	39.7
28	60	20.04	39.96
29	60	20.25	39.75

30	60	20.88	39.12
31	60	23.22	36.78
32	60	20.02	39.98
33	60	20.01	39.99
34	60	20.03	39.97
35	60	20.17	39.83
36	60	24.29	35.71
37	60	24.33	35.67
38	60	20.1	39.9
39	60	20	40
40	60	20.19	39.81
41	60	14.33	45.67
42	60	28.39	31.61
43	60	20.12	39.88
44	60	20.01	39.99
45	60	20	40
46	60	20	40
47	60	27.5	32.5
48	60	27.5	32.5
49	60	20	40
50	60	20	40
51	60	20	40
52	60	20	40
53	60	27.5	32.5
54	60	27.5	32.5
55	60	20	40
56	60	20	40
57	60	20	40
58	60	20	40
59	60	27.5	32.5
60	60	25.85	34.15
61	60	20	40
62	60	20.14	39.86
63	60	28.38	31.62
64	60	27.85	32.15

65	60	20.05	39.95
66	60	20	40
67	60	20.04	39.96
68	60	20.05	39.95
69	60	31.18	28.82
70	60	27.5	32.5
71	60	20	40
72	60	20	40
73	60	20	40
74	60	20	40
75	60	27.5	32.5
76	60	30.59	29.41
77	60	20	40
78	60	20	40
79	60	20	40
80	60	20	40
81	60	27.5	32.5
82	60	43.21	16.79
83	60	20.49	39.51
84	60	20.04	39.96
85	60	20.09	39.91
86	60	20.24	39.76
87	60	30.29	29.71
88	60	29.35	30.65
89	60	20.28	39.72
90	60	20.08	39.92
91	60	20.01	39.99
92	60	20.34	39.66
93	60	66.66	-6.66
94	60	52.96	7.04
95	60	20	40
96	60	20	40
97	60	20	40
98	60	20	40
99	60	27.5	32.5

100	60	27.5	32.5
101	60	20	40
102	60	20	40
103	60	20	40
104	60	27.5	32.5

Hartman Run Road

VAR 26-000009

Lot Area Variance Request

Lot No.	Required Area (SQ FT)	Proposed Area (SQ FT)	Variance Requested (SQ FT)
1	6,000	4,281	1,719
2	6,000	2,903	3,097
3	6,000	2,755	3,245
4	6,000	2,632	3,368
5	6,000	2,534	3,466
6	6,000	4,493	1,507
7	6,000	3,599	2,401
8	6,000	2,267	3,733
9	6,000	2,278	3,722
10	6,000	2,290	3,710
11	6,000	2,303	3,697
12	6,000	3,321	2,679
13	6,000	3,179	2,821
14	6,000	2,349	3,651
15	6,000	2,361	3,639
16	6,000	2,373	3,627
17	6,000	2,386	3,614
18	6,000	3,671	2,329
19	6,000	3,388	2,612
20	6,000	2,508	3,492
21	6,000	2,544	3,456
22	6,000	2,581	3,419
23	6,000	2,617	3,383
24	6,000	3,943	2,057
25	6,000	6,221	-221
26	6,000	2,836	3,164
27	6,000	2,892	3,108
28	6,000	2,986	3,014
29	6,000	3,116	2,884

30	6,000	4,442	1,558
31	6,000	2,987	3,013
32	6,000	2,104	3,896
33	6,000	2,114	3,886
34	6,000	2,130	3,870
35	6,000	2,165	3,835
36	6,000	3,032	2,968
37	6,000	5,073	927
38	6,000	3,015	2,985
39	6,000	3,543	2,457
40	6,000	4,118	1,882
42	6,000	4,118	1,882
43	6,000	2,815	3,185
44	6,000	2,716	3,284
45	6,000	2,638	3,362
46	6,000	2,560	3,440
47	6,000	3,394	2,606
48	6,000	3,247	2,753
49	6,000	2,269	3,731
50	6,000	2,192	3,808
51	6,000	2,151	3,849
52	6,000	2,167	3,833
53	6,000	3,008	2,992
54	6,000	3,040	2,960
55	6,000	2,232	3,768
56	6,000	2,249	3,751
57	6,000	2,266	3,734
58	6,000	2,283	3,717
59	6,000	3,168	2,832
60	6,000	3,888	2,112
61	6,000	2,408	3,592
62	6,000	2,500	3,500
63	6,000	3,676	2,324
64	6,000	2,408	3,592
65	6,000	1,921	4,079

66	6,000	1,936	4,064
67	6,000	1,923	4,077
68	6,000	1,896	4,104
69	6,000	2,595	3,405
70	6,000	2,530	3,470
71	6,000	1,840	4,160
72	6,000	1,840	4,160
73	6,000	1,840	4,160
74	6,000	1,852	4,148
75	6,000	2,582	3,418
76	6,000	2,631	3,369
77	6,000	1,897	4,103
78	6,000	1,894	4,106
79	6,000	1,891	4,109
80	6,000	1,888	4,112
81	6,000	2,545	3,455
82	6,000	2,801	3,199
83	6,000	2,068	3,932
84	6,000	2,121	3,879
85	6,000	2,111	3,889
86	6,000	2,053	3,947
87	6,000	3,026	2,974
88	6,000	2,596	3,404
89	6,000	2,050	3,950
90	6,000	2,093	3,907
91	6,000	2,106	3,894
92	6,000	2,048	3,952
93	6,000	3,083	2,917
94	6,000	2,915	3,085
95	6,000	1,902	4,098
96	6,000	1,904	4,096
97	6,000	1,906	4,094
98	6,000	1,908	4,092
99	6,000	2,626	3,374
100	6,000	2,630	3,370

101	6,000	1,915	4,085
102	6,000	1,917	4,083
103	6,000	1,918	4,082
104	6,000	2,400	3,600

Hartman Run Road

VAR 26-000010

Lot Depth Variance Request

Lot No.	Required Depth (FT)	Proposed Depth (FT)	Variance Requested (SQ FT)
37	100	71.07	28.93
64	100	95.19	4.81
65	100	95.19	4.81
66	100	96.66	3.34
67	100	96.70	3.30
68	100	94.07	5.93
69	100	92.11	7.89
70	100	92.00	8.00
71	100	92.00	8.00
72	100	92.00	8.00
73	100	92.00	8.00
74	100	92.07	7.93
75	100	93.14	6.86
76	100	94.61	5.39
77	100	94.79	5.21
78	100	94.64	5.36
79	100	94.50	5.50
80	100	94.35	5.65
81	100	94.15	5.85
82	100	94.15	5.85
88	100	93.80	6.20
93	100	85.27	14.73
94	100	92.00	8.00
95	100	95.06	4.94
96	100	95.16	4.84
97	100	95.25	4.75
98	100	95.34	4.66
99	100	94.44	5.56
100	100	95.57	4.43

101	100	95.70	4.30
102	100	95.79	4.21
103	100	95.89	4.11
104	100	79.30	20.70

Hartman Run Road

VAR 26-000011

Distance from Driveway to Nearest Adjacent Property

Lot No.	Required Distance (FT)	Proposed Distance (FT)	Variance Requested (SQ FT)
1	15	0.25	14.75
2	15	0.25	14.75
3	15	0.25	14.75
4	15	0.25	14.75
5	15	0.25	14.75
6	15	3.54	11.46
7	15	0.25	14.75
8	15	0.25	14.75
9	15	0.25	14.75
10	15	0.25	14.75
11	15	0.25	14.75
12	15	7.24	7.76
13	15	0.25	14.75
14	15	0.25	14.75
15	15	0.25	14.75
16	15	0.25	14.75
17	15	0.25	14.75
18	15	6.67	8.33
19	15	0.25	14.75
20	15	0.25	14.75
21	15	0.25	14.75
22	15	0.25	14.75
23	15	0.25	14.75
24	15	9.50	5.50
25	15	0.25	14.75
26	15	0.25	14.75
27	15	0.25	14.75
28	15	0.25	14.75
29	15	0.25	14.75

30	15	0.81	14.19
31	15	0.25	14.75
32	15	0.25	14.75
33	15	0.25	14.75
34	15	0.25	14.75
35	15	0.25	14.75
36	15	4.32	10.68
37	15	4.11	10.89
38	15	0.25	14.75
39	15	0.25	14.75
40	15	0.25	14.75
41	15	0.25	14.75
42	15	7.5	7.50
43	15	0.25	14.75
44	15	0.25	14.75
45	15	0.25	14.75
46	15	0.25	14.75
47	15	0.25	14.75
48	15	7.5	7.50
49	15	0.25	14.75
50	15	0.25	14.75
51	15	0.25	14.75
52	15	0.25	14.75
53	15	0.25	14.75
54	15	7.5	7.50
55	15	0.25	14.75
56	15	0.25	14.75
57	15	0.25	14.75
58	15	0.25	14.75
59	15	0.25	14.75
60	15	5.98	9.02
61	15	0.25	14.75
62	15	0.25	14.75
63	15	0.25	14.75
64	15	7.9	7.10

65	15	0.25	14.75
66	15	0.25	14.75
67	15	0.25	14.75
68	15	0.25	14.75
69	15	0.25	14.75
70	15	7.5	7.50
71	15	0.25	14.75
72	15	0.25	14.75
73	15	0.25	14.75
74	15	0.25	14.75
75	15	0.25	14.75
76	15	9.25	5.75
77	15	0.25	14.75
78	15	0.25	14.75
79	15	0.25	14.75
80	15	0.25	14.75
81	15	0.25	14.75
82	15	9.25	5.75
83	15	0.25	14.75
84	15	0.25	14.75
85	15	0.25	14.75
86	15	0.25	14.75
87	15	0.25	14.75
88	15	7.5	7.50
89	15	0.25	14.75
90	15	0.25	14.75
91	15	0.25	14.75
92	15	0.25	14.75
93	15	0.25	14.75
94	15	9.25	5.75
95	15	0.25	14.75
96	15	0.25	14.75
97	15	0.25	14.75
98	15	0.25	14.75
99	15	0.25	14.75

100	15	7.5	7.50
101	15	0.25	14.75
102	15	0.25	14.75
103	15	0.25	14.75
104	15	0.25	14.75

Hartman Run Road

VAR 26-000012

Rear Setback

Lot No.	Required Distance (FT)	Proposed Distance (FT)	Variance Requested (SQ FT)
37	40	28.89	11.11
103	40	38.27	1.73
104	40	28.24	11.76

Side Setback

Lot No.	Side					
	Left			Right		
	Required Distance (FT)	Proposed Distance (FT)	Variance Requested (SQ FT)	Required Distance (FT)	Proposed Distance (FT)	Variance Requested (SQ FT)
1	5	7.50	-	5	0.00	5.00
2	5	0.00	5.00	5	0.00	5.00
3	5	0.00	5.00	5	0.00	5.00
4	5	0.00	5.00	5	0.00	5.00
5	5	0.00	5.00	5	0.00	5.00
6	5	0.00	5.00	5	7.50	-
7	5	7.50	-	5	0.00	5.00
8	5	0.00	5.00	5	0.00	5.00
9	5	0.00	5.00	5	0.00	5.00
10	5	0.00	5.00	5	0.00	5.00
11	5	0.00	5.00	5	0.00	5.00
12	5	0.00	5.00	5	7.50	-
13	5	7.50	-	5	0.00	5.00
14	5	0.00	5.00	5	0.00	5.00
15	5	0.00	5.00	5	0.00	5.00
16	5	0.00	5.00	5	0.00	5.00
17	5	0.00	5.00	5	0.00	5.00
18	5	0.00	5.00	5	7.50	-
19	5	7.50	-	5	0.00	5.00

20	5	0.00	5.00	5	0.00	5.00
21	5	0.00	5.00	5	0.00	5.00
22	5	0.00	5.00	5	0.00	5.00
23	5	0.00	5.00	5	0.00	5.00
24	5	0.00	5.00	5	7.50	-
25	5	7.50	-	5	0.00	5.00
26	5	0.00	5.00	5	0.00	5.00
27	5	0.00	5.00	5	0.00	5.00
28	5	0.00	5.00	5	0.00	5.00
29	5	0.00	5.00	5	0.00	5.00
30	5	0.00	5.00	5	7.50	-
31	5	7.5	-	5	0	5.00
32	5	0	5.00	5	0	5.00
33	5	0	5.00	5	0	5.00
34	5	0	5.00	5	0	5.00
35	5	0	5.00	5	0	5.00
36	5	0	5.00	5	7.5	-
37	5	7.5	-	5	0	5.00
38	5	0	5.00	5	0	5.00
39	5	0	5.00	5	0	5.00
40	5	0	5.00	5	0	5.00
41	5	0	5.00	5	7.5	-
42	5	7.5	-	5	0	5.00
43	5	0	5.00	5	0	5.00
44	5	0	5.00	5	0	5.00
45	5	0	5.00	5	0	5.00
46	5	0	5.00	5	0	5.00
47	5	0	5.00	5	0	5.00
48	5	7.5	-	5	0	5.00
49	5	0	5.00	5	0	5.00
50	5	0	5.00	5	0	5.00
51	5	0	5.00	5	0	5.00
52	5	0	5.00	5	0	5.00
53	5	0	5.00	5	7.5	-
54	5	7.5	-	5	0	5.00

55	5	0	5.00	5	0	5.00
56	5	0	5.00	5	0	5.00
57	5	0	5.00	5	0	5.00
58	5	0	5.00	5	0	5.00
59	5	0	5.00	5	7.5	-
60	5	7.5	-	5	0	5.00
61	5	0	5.00	5	0	5.00
62	5	0	5.00	5	0	5.00
63	5	0	5.00	5	7.5	-
64	5	0	5.00	5	7.5	-
65	5	0	5.00	5	0	5.00
66	5	0	5.00	5	0	5.00
67	5	0	5.00	5	0	5.00
68	5	0	5.00	5	0	5.00
69	5	7.5	-	5	0	5.00
70	5	0	5.00	5	7.5	-
71	5	0	5.00	5	0	5.00
72	5	0	5.00	5	0	5.00
73	5	0	5.00	5	0	5.00
74	5	0	5.00	5	0	5.00
75	5	7.5	-	5	0	5.00
76	5	0	5.00	5	7.5	-
77	5	0	5.00	5	0	5.00
78	5	0	5.00	5	0	5.00
79	5	0	5.00	5	0	5.00
80	5	0	5.00	5	0	5.00
81	5	7.5	-	5	0	5.00
82	5	0	5.00	5	7.5	-
83	5	0	5.00	5	0	5.00
84	5	0	5.00	5	0	5.00
85	5	0	5.00	5	0	5.00
86	5	0	5.00	5	0	5.00
87	5	7.5	-	5	0	5.00
88	5	0	5.00	5	7.5	-
89	5	0	5.00	5	0	5.00

90	5	0	5.00	5	0	5.00
91	5	0	5.00	5	0	5.00
92	5	0	5.00	5	0	5.00
93	5	7.5	-	5	0	5.00
94	5	0	5.00	5	7.5	-
95	5	0	5.00	5	0	5.00
96	5	0	5.00	5	0	5.00
97	5	0	5.00	5	0	5.00
98	5	0	5.00	5	0	5.00
99	5	7.5	-	5	0	5.00
100	5	0	5.00	5	7.5	-
101	5	0	5.00	5	0	5.00
102	5	0	5.00	5	0	5.00
103	5	0	5.00	5	0	5.00
104	5	7.5	-	5	0	5.00

Hartman Run Road

Lot Coverage

Lot No.	Lot Area (SQ FT)	Building Area (SQ FT)	% Coverage
1	4,281	900	21%
2	2,903	900	31%
3	2,755	900	33%
4	2,632	900	34%
5	2,534	900	36%
6	4,493	900	20%
7	3,599	900	25%
8	2,267	900	40%
9	2,278	900	40%
10	2,290	900	39%
11	2,303	900	39%
12	3,321	900	27%
13	3,179	900	28%
14	2,349	900	38%
15	2,361	900	38%
16	2,373	900	38%
17	2,386	900	38%
18	3,671	900	25%
19	3,388	900	27%
20	2,508	900	36%
21	2,544	900	35%
22	2,581	900	35%
23	2,617	900	34%
24	3,943	900	23%
25	6,221	900	14%
26	2,836	900	32%
27	2,892	900	31%
28	2,986	900	30%
29	3,116	900	29%
30	4,442	900	20%

31	2,987	720	24%
32	2,104	720	34%
33	2,114	720	34%
34	2,130	720	34%
35	2,165	720	33%
36	3,032	720	24%
37	5,073	900	18%
38	3,015	900	30%
39	3,543	900	25%
40	4,118	900	22%
41	13,118	900	7%
42	4,118	900	22%
43	2,815	900	32%
44	2,716	900	33%
45	2,638	900	34%
46	2,560	900	35%
47	3,394	900	27%
48	3,247	900	28%
49	2,269	900	40%
50	2,192	900	41%
51	2,151	900	42%
52	2,167	900	42%
53	3,008	900	30%
54	3,040	900	30%
55	2,232	900	40%
56	2,249	900	40%
57	2,266	900	40%
58	2,283	900	39%
59	3,168	900	28%
60	3,888	900	23%
61	2,408	900	37%
62	2,500	900	36%
63	3,676	900	24%
64	2,408	720	30%
65	1,921	720	37%

66	1,936	720	37%
67	1,923	720	37%
68	1,896	720	38%
69	2,595	720	28%
70	2,530	720	28%
71	1,840	720	39%
72	1,840	720	39%
73	1,840	720	39%
74	1,852	720	39%
75	2,582	720	28%
76	2,631	720	27%
77	1,897	720	38%
78	1,894	720	38%
79	1,891	720	38%
80	1,888	720	38%
81	2,545	720	28%
82	2,801	720	26%
83	2,068	720	35%
84	2,121	720	34%
85	2,111	720	34%
86	2,053	720	35%
87	3,026	720	24%
88	2,596	720	28%
89	2,050	720	35%
90	2,093	720	34%
91	2,106	720	34%
92	2,048	720	35%
93	3,083	720	23%
94	2,915	720	25%
95	1,902	720	38%
96	1,904	720	38%
97	1,906	720	38%
98	1,908	720	38%
99	2,626	720	27%
100	2,630	720	27%

101	1,915	720	38%
102	1,917	720	38%
103	1,918	720	38%
104	2,400	720	30%