

MORGANTOWN BOARD OF ZONING APPEALS

MINUTES

January 19, 2005

6:30 P.M.

City Council Chambers

Members Present: Robert Hawkins, Kevin Leyden, and Bernie Bossio.

Members Absent: Jim Rockis and Nick Iannone.

Staff Present: Jim Wood, Planning Director.

MATTERS OF BUSINESS:

J. Wood introduced the new member, Bernie Bossio, replacing Thomas Shamberger.

Minutes were deferred until the February meeting.

OLD BUSINESS: None.

NEW BUSINESS:

R. Hawkins announced that since the Planning Commission was unable to meet to consider the conditional use cases, only the variance request will be heard this evening. The Board of Zoning Appeals will meet on January 27, immediately after the Planning Commission, to consider the conditional use cases.

1. **V05-01 / Carey / 1287 Broadview Drive:** Request by Kim Carey for variance approval from the *Table 2, Residential Development Standards* for property located at 1287 Broadview Drive. Tax Map #__, Parcel #9.1; an R-1, Single-family Residential District.

J. Wood read the staff report stating that Dr. Carey would like to build an addition onto the premises at 1287 Broadview Drive. There is an existing concrete porch that is not currently covered by a roof. The applicant wishes to extend that porch to the side and also cover it as part of the addition. The uncovered concrete slab is not subject to setback regulations; only by virtue of covering it with a roof does it have to meet setbacks. The existing concrete pad is 22.6 feet from the front property line and covering it would create a setback violation of approximately three feet. In order to have permission to cover the porch, Mr. Carey is asking for a three foot variance from the normal front setback requirement of 25 feet. The parcel is 11,577 square feet; which exceeds the 7,200 square feet required in an R-1 District. By granting this variance, no additional lot coverage or setback issues will be created. Staff thinks this request is reasonable, the variance requested is minimal, and recommends approval.

Kim Carey, applicant, explained that the idea was to put a sunroom on the south side of the house and incorporated into the sunroom would be a covered porch. The existing porch is a concrete slab. The drawing portrayed an extension of the roof to tie the gable into the line of the house. Dr. Carey later found the slab to be 22.5 feet, not 25 feet, from the property line. The Yesters, next door, have their slab 23 feet from the property line and the roofline overhangs the front of the slab by one or two feet.

The next neighbor, Mrs. Fox, has a double car garage 23 feet back and the front roof line is 21 feet from the property line. Dr. Carey's roof won't change the effective front line or the appearance of the houses.

R. Hawkins confirmed that there was no sidewalk and questioned the distance from the front of the porch to the pavement on Broadview.

Dr. Carey stated that it is 22.5 feet to the property line plus 12.75 feet from the edge of the pavement so it is 35 feet from the front of the porch to the pavement.

R. Hawkins added that it is extremely unlikely that Broadview will ever be widened.

B. Bossio stated that it looks like one large, corner lot on the map and questioned how the centerline of the street was found.

Dr. Carey explained that they are all double lots of 100 feet. The little dotted lines show the standard 50 foot lots. He called the Yester's surveyor to get the distances from the pin on the common corner.

R. Hawkins asked for public comments. There being none, the public portion was closed.

The Findings of Fact were approved separately. R. Hawkins added to the Finding of Fact #1 "effective setback from the pavement edge is 34 feet, due to 12.75 feet of land within the right-of-way."

B. Bossio asked if the BZA has taken similar situations into account in the past.

R. Hawkins clarified that the board has flexibility to make additions to findings.

K. Leyden suggested that the applicant was merely asking for a functional porch.

B. Bossio asked if the Planning Department visually verified the claims.

J. Wood replied that staff does a visual inspection on field visits.

Motion by K. Leyden to approve the Findings of Fact with R. Hawkins's addition to "#1, second by B. Bossio. Motion carried unanimously.

Motion by K. Leyden to approve the request with the added amendment, second by B. Bossio. Motion carried unanimously.

OTHER BUSINESS:

Public Comments: NONE.

Staff Comments: NONE.

ADJOURNMENT