

# MORGANTOWN BOARD OF ZONING APPEALS MINUTES

April 18, 2007

6:30P.M.

City Council Chambers

**Members Present:** Bernie Bossio, Nick Iannone, Mark Furfari (arrived late), Jim Rockis, and Jim Shaffer

**Members Absent:** None

**Staff Present:** Lisa Mardis, Deputy Planning Director.

## MATTERS OF BUSINESS:

- A. Motion to approve the March 21, 2007 minutes with corrections by Rockis, second by Shaffer. Motion carried unanimously.

## OLD BUSINESS:

- A. **CU07-04 / Novichenks Too, LLC / 2045 Listravia Avenue:** Request by Novichenks Too, LLC for conditional use approval for private club license in the B-2 District at 2045 Listravia Avenue. Tax Map #44 Parcel #91; a B-2, General Business District. **(Withdrawn by applicant)**

## NEW BUSINESS:

- A. **CU07-06 / Castle / Putnam Street:** Request by Michael Castle for conditional use approval from Table 300.05.01: Permitted Land Use, as it pertains to the Re-use of Closed/Vacant School or Church for property located on Putnam Avenue. Tax Map #24 Parcel #321; an R-2, Single and Two-family Residential District. of old Parcel #65; an R-1, Single-Family Residential District.

Mardis read the staff report which stated that the applicant seeks to convert the former Jerome Park School/Quaker Meeting House structure on Putnam Avenue into a multi-family residential use containing six (6) 1-bedroom loft apartments. The proposed reuse will not include a non-residential or commercial component.

Michael Castle, 1117 University Avenue, reiterated his proposal. He continued that the structure will require work for mold, asbestos and other issues from being vacant. The intended use is for single or married couple professionals, but can not be restricted from students. Although the conditional use allows for higher density uses, this would be the lowest dense use possible. These will be a condominium style social community.

Bossio asked if these would be for sale or rent.

Castle advised that the units would be for rent, or sale in the low \$100K area.

Bossio asked the length of time the structure has been vacant.

Castle stated it is currently rented and being used by the Society of Friends; utilizing the two front classrooms for meetings and administrative duties.

Bossio asked about the subdivision granted at the recent Planning Commission meeting.

Castle advised the original size was 27,000 square feet and was subdivided to accommodate two 5,000 square foot parcel located in the front. Castle discussed other items he had already discussed with the neighbors.

Furfari asked where the entrance would be located.

Castle stated there are two ingress/egress point, one off of Mineral Alley and one off of Putnam Street.

Discussion ensued on parking requirements and issues with backing onto the street.

Castle stated that upon completion, there will be 14 parking places.

Furfari suggested the engineers look at the street and the issue of backing onto the street.

Shaffer asked about the green space that would be left on the property.

Castle stated that approximately 60% would be green space and hard scape.

Bossio stated this property has been subdivided and must be looked at as individual units.

Rockis asked Mr. Castle why he did not want to raze and remove the building.

Castle stated it is a nice building with good floors and ceilings and close to several key areas; it is better saved than torn down. The facility is borderline blight with several health hazard issues that needs the attention. The loft style with the courtyard will be a life style that is not common in the area.

Shaffer asked Castle about the use of the downstairs.

Castle stated it would be used as a loft area. The windows are boarded up and previous owners left things downstairs. The "Friends" did not attempt any abatement on the asbestos or other conditions and then decided to put it back on the market.

Rockis asked what Mr. Castle's time line is if approved for completion.

Castle stated that if the project is approved, abatement will begin on Monday, and that the closing will take place on the April 27<sup>th</sup>. Overall rehabilitation should be completed by fall.

Bossio asked if Castle could explain the current use again.

Castle stated the Society of Friends, a religious organization, holds meetings in the building and uses it as their “headquarters”. He continued that he is not sure about the daily traffic, but the lack of use may be why they want to sell it now.

Bossio called for comments in opposition.

Kimberly Hogan, adjacent property owner, stated there is a parking problem at that location. Hogan stated that she is deeply concerned about the park and green space. Mayfield Mini Park is at that location and she would like that to continue to be a park. Hogan stated she was a member of “Friends” and explained her concern with the increase in traffic and how will that be handled.

Bossio asked Hogan how many members were in the friends.

Hogan stated between 10–15 member meet on Sunday from 11-12pm for meditation. The yoga classes were there 2 or 3 nights a week. The property that contains the parking is where they plan to build two units.

Colomba Deflise, 1312 Montrose Avenue, stated she did not realize the zoning had passed and they knew nothing about the situation of the school being turned into apartments. She continued that It is not the place for apartments and believes that it will cause problems in the neighborhood.

Bossio questioned Deflise regarding her notification of the Planning Commission meeting and stated that notices should have be sent to everyone who lives within 200ft.

Deflise stated she received notice of the meeting but not of the conditional use.

Lisa Mardis clarified that the zoning was never changed; it has always been an R-2 District. She continued that neighbor notices were sent out for this meeting. However, a minor subdivision does not require notification. She also stated that a sign was posted on the property additional notification approximately 1-2 weeks before the meeting.

Deflise continued that the neighborhood should know when things are going to disrupt the neighborhood.

Bossio clarified that Deflise did see the notices that were posted. He went on to explain that the zoning did not change; it is R-2, which means that the property can have two-family dwellings. He continued that this meeting concerns use of multi-family. The Planning meeting was only to subdivide the property into three lots.

Deflise asked about the apartments if the two-family is allowed.

Bossio explained they are only approving or disapproving Mr. Castles request for six one-bedroom apartments.

Bernice Buchanan, 1301 Montrose Avenue, state that her concern is with the traffic pattern at that location; the corner is not safe and has witnessed a bus have an accident. She continued that there is an alley that divides his parcels, but it is not open all the way through. Buckhannon stated that the building may be better utilized if the school was torn down and something else was put in its place.

Rockis asked Mardis if the survey identified the issue of encroachment of adjacent dwellings.

Mardis directed him to the enclosed information.

Bossio discussed the traffic issues brought up and asked if the visibility of the traffic could be resolved. He stated that if the corner is changed so that visibility is better, then there is no problem with the loft condos.

Monica Andis, 1120 Denver Avenue, did not understand where the parking was going to be located. The corner is not large enough for two vehicles to pass, and there is a playground located on an angle where a car could slide off the road and run into the playground. She stated that if this could be resolved then she would be in favor of the renovations.

Bossio clarified that she is in favor of the Mr. Castle's plan, but fearful of the turn.

Andis agreed.

Anthony Deflesi, 852 Rawley Avenue, state that he owns a house jointly with his mother on Montrose. She is fearful because the area has always been single family dwellings and Mr. Castle's plan will affect parking, traffic, green space, and the noise level. He asked that the Board vote against the request.

Peggy Chappelle, 1255 Montrose Avenue, stated she did not receive a letter.

Bossio asked if she lived within 200ft.

Chappelle stated she believed she did.

Bossio called for comments in favor.

John Lozier, 345 Virginia Avenue, stated that he is a member and that their desire to sell has an influence on his position. He also stated that he is friends of several people that have commented this evening. In response to the comments regarding the traffic and noise, he stated that the city needs to grow to be healthy and this is the way to achieve that goal. He believes that single family residence is nice, but there is a need to increase occupancy and with proper traffic and noise control this will be a positive development. He hopes everyone will support the project.

Shaffer asked if the conditional use is not approved will the sale be completed.

Mr. Lozier stated he is not sure but there have been other offers; if the conditional use is not approved it could affect the value of the property. As a result they may end up staying at the location. The desire is to sell because they do not have the resources to maintain the property in the manner it requires. They believe selling was the socially responsible thing to do.

Iannone asked about how much traffic was flowing to the building.

Mr. Lozier stated the yoga class was growing and filling the parking lot three or four times a week for a few hours at a time. He also addressed a concern about a parcel that is not going with the property; it is just from the alley down from the building. Mr. Lozier proceeded to show the members where the property in question will border.

Bossio asked how many cars would fill the parking lot.

Mr. Lozier stated about approximately 20 cars.

Bossio asked about what time was the parking lot filled.

Mr. Lozier replied in the evenings from about 5:00 pm and some Saturdays.

Bossio asked if the facility was rented also.

Mr. Lozier stated it was to The Friends of Decker's Creek, a group organized to clean up Decker's Creek and that they utilized a different portion of the building. The yoga studio was upstairs.

Bossio asked if the groups were there at the same time.

Lozier stated it was possible for the Friends of Decker's Creek the yoga class and the Quaker group to be at the location at the same time. During these times the parking lot would be overfilled.

Bossio asked if anyone else had rented.

Lozier stated some rentals were for activities and self help groups.

Furfari asked when the group purchased the school from the school system.

Lozier stated they purchased from another party in 1995 that originally purchased the property from the school. He stated it was used as an investment.

Shaffer clarified the relationship between the friends and the park.

Lozier stated he believes that the former owner still owns the park..

Castle gave his rebuttal and state that his intention is not to create a high amount of traffic, but rather to clean up the building. The roads around the area have a 40 foot right of way. The parking in the rear would be brought up to city code. He continued that parking would be self contained on the lot where the school is located. He did not get to speak with everyone but wants to be a good neighbor. This could increase property values and create a nice property. He stated that if the units do not sell he would like to lease them; he would like to clean up the park. The school facility will be the only portion that will be impacted. This will also use the least amount of density possible.

Bossio asked about the encroachment problems. Bossio discussed the blind corner and asked Castle if there is anything that could be done at the intersection of Mineral and Putnam.

Castle stated there are three actual boundary disputes. He also stated that the turn comes down at a slope and angle. He can widen the area and plans to also improve the alley.

Bossio asked who currently maintains the alley. The conclusion was that the city maintained the alley.

Mardis asked Mr. Castle the square footage of the parcel containing the structure. .

Castle stated the parcel is 17,000 square feet.

Mardis stated by right he could tear down the building and put in three duplexes that could accommodate 18 people; he is proposing is a lower density than what is permitted by right.

Bossio clarified how Mardis arrived at the three duplexes.

Bossio closed the public portion.

Mardis read the staff recommendations as the staff concurs with each of the findings of fact as submitted by the applicant but recommends the following revisions/additions:

F.O.F. #4: No addition to the foot print will occur.

F.O.F. #5: Congestion is decreased I that there will only be six one-bedroom units instead of a large quantity of people at one time. The gross floor area of the structure will not be increased.

F.O.F. #6: the proposed use will have less of an impact on public requirements due to the decrease in concentrated traffic associated with a place of worship. One bedroom units are not usually purchased by people with children; therefore there will not be inadequate provisions to schools or parks.

As such, the Planning Department recommends approval of the multi-family reuse contingent upon the following conditions:

1. That the applicant must submit, to the satisfaction of the Planning Director and City Engineer, a solid waste storage and removal plan prior to building permit issuance.
2. That the number of units, the bedroom configuration, or the gross floor area of the proposed six one-bedroom multi-family project may not be increased without approval by the board.

Furfari expressed concerns with the minor subdivision approval of the Planning Commission and feels this project is being forced on the neighbors.

Mardis stated that the ordinance is clear regarding the subdivision and suggested that a request be sent to Planning to change the ordinance.

Bossio stated that there was a sign posted for two weeks before it was subdivided.

Mardis advised that the entire area is not zoned residential. There are several pockets of business, industrial and two-family zoning.

Rockis commented that it was better to find some type of use rather than let it continue to deteriorate.

Bossio discussed other schools being rehabilitated.

Mardis read the findings of facts.

#### Findings of Facts

1. Question - Congestion in the streets is not increased, in that  
Answer – The reuse of the building as multi-family residential substantially reduces the traffic to the building from the previous use of a religious meeting house and multi function building holding large assemblies of people.  
Motion to accept by Shaffer, second by Rockis. Four members in favor, one opposed. Motion carried.
2. Question – Safety from fire, panic, and other danger is to jeopardize, in that:  
Answer – The renovation of the building will be upgraded and includes a sprinkler system and minimizes the total occupancy of the building.  
Motion to accept by Shaffer, second by Iannone. Motion carried unanimously.
3. Question – Provision of adequate light and air is not disturbed, in that:  
Answer – There are no changes to the current facility.  
Motion to accept by Shaffer, second by Rockis. Four members vote in favor, one opposed. Motion carried.
4. Question – Overcrowding of land does not result, in that:  
Answer – The occupancy of the building and grounds are reduced by the new use, no addition to the foot print will occur.  
Move to accept with additions by Shaffer, second by Rockis. Four members vote in favor, one opposed. Motion carried.
5. Question – Undue congestion of population is not created, in that:  
Answer – The occupancy of the building and grounds are reduced by the new use. Congestion is decreased I that there will only be six one-bedroom units instead of a large quantity of people at one time. The gross floor area of the structure will not be increased.  
Motion to approve by Shaffer with addition, second by Rockis. Four members vote in favor, one opposed. Motion carried.
6. Question – Granting this request will not create inadequate provision of transportation, water, sewage, schools, parks, or other public requirements, in that:  
Answer – The new use of the building will prove less of an impact on the aforementioned services than its current use. The proposed use will have less of an impact on public requirements due to the decrease in concentrated traffic associated with a place of worship. One bedroom units are not usually

purchased by people with children; therefore there will not be inadequate provisions to schools or parks.

Motion to accept with addition by Shaffer, second by Iannone. Four members vote in favor, one opposed. Motion carried.

7. Question – Value of buildings will be conserved, in that:

Answer – The value of adjacent grounds and property will be increased from the reuse and renovation of the property.

Motion to approve by Furfari to accept, second by Iannone. Motion carried, unanimously.

8. Question – The most appropriate use of land is encouraged, in that:

Answer – Multifamily residential is approved as an appropriate conditional use within the R2 Zone. The existing facility will be salvaged and the renaissance of the area will continue.

Motion by Shaffer to accept, Furfari seconds. Motion carried, unanimously.

Board members discussed the issues that have been brought forward by those in opposition and suggested relief of those existing problems.

Motion by Shaffer to approve the request with staff conditions, second by Rockis. Motion carried unanimously.

#### **OTHER BUSINESS:**

Public Comments:

Monica Andis, 1120 Denver Avenue, commented on the confusion of the parking for the duplexes. The blind turn currently has limited traffic.

Kimberly Hogan, 1326 Montrose Avenue, stated the street behind the building is very quiet. Consider the park has a steep hill and has children there all of the time.

Bossio recommended the concerns be directed to Council and the City Engineer.

Anthony Defelise asked if Mineral Avenue was city property.

#### **Comments from Staff:**

Iannone stated he wanted to disagree with Mr. Furfari's comments regarding the traffic. The more traffic, the slower traffic must travel to accommodate. The developer should be made to create the infrastructure and then the City can maintain.

Bossio asked if the city engineer reviews minor subdivisions.

Mardis stated not generally; if it meets all of the requirements it can not be denied.

Rockis commented on issues with internal communications.

**ADJOURNMENT: 8:45 PM**