



# MORGANTOWN BOARD OF ZONING APPEALS

September 19, 2012  
6:30 PM  
City Council Chambers

## **Board Members:**

Bernie Bossio, Chair  
Leanne Cardoso, Vice-Chair  
George Papandreas  
Jim Shaffer  
Tom Shamberger

## **STAFF REPORT**

**CASE NO:** CU12-16 / Tera, LLC / 480 Protzman Street

### **REQUEST and LOCATION:**

Request by Project Management Services, on behalf of Tera, LLC, for approval of a conditional "Multi-Family Dwelling" use in the R-2, Single- and Two-Family Residential District at 480 Protzman Street.

### **TAX MAP NUMBER(s) and ZONING DESCRIPTION:**

Tax Map 20, Parcels 445, 446, 447; R-2, Single and Two-Family Residential District

### **SURROUNDING ZONING:**

North and West: R-2, Single- and Two-Family Residential District

South and East: R-1A, Single-Family Residential District

### **BACKGROUND and ANALYSIS:**

The petitioner seeks to raze two structures at 480 Protzman Street and construct a multi-family housing development with required parking. Table 1331.05.01 "Permitted Land Uses" provides that multi-family dwelling uses in the R-2 District require conditional use approval by the Board of Zoning Appeals. Addendum A of this report illustrates the location

The petitioner's proposed development program details include:

- A two and a half story building as measured under the Planning and Zoning Code with four habitable levels – one in the basement level and one in the half-story level above the second story.
- Eight (8), two-bedroom units and three (3) one-bedroom units.
- Seventeen (17) on-site parking spaces, three more spaces than required.
- Minor subdivision MNS12-17 petition to combine the site's three (3) parcels was approved by the Planning Commission on September 13, 2012.

The Board of Zoning Appeals approved similar conditional use petitions (CU11-05 and CU11-13) for the petitioner along Stewart Street.

## **Development Services**

Christopher Fletcher, AICP  
Director

## **Planning Division**

389 Spruce Street  
Morgantown, WV 26505  
304.284.7431



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## **STAFF RECOMMENDATION:**

The proposed redevelopment appears to be consistent with the character, scale, and density of recently constructed multi-family developments within the immediate area. The City's recent construction of a sidewalk connecting Vangilder Street down Protzman Street to the WVU's Vandalia Hall provides safe walking between the site, the downtown WVU campus, and established public transit routes. The building provides all necessary parking places and driveways, as well as loading and trash receptacle areas.

The Board of Zoning Appeals must 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".

With the exception of the red strikethrough highlighted in the petitioner's response to Finding of Fact Number 6, Staff concurs with the petitioner's submitted findings of fact.

Staff recommends approval of the conditional use as requested with the following conditions:

1. That the related minor subdivision final plat (Case No. MNS12-17) must be recorded at the Monongalia County Courthouse prior to the issuance of a permanent Certificate of Occupancy.
2. That the development must meet all applicable federal Fair Housing and Americans with Disabilities Act standards as determined by the City's Chief Building Code Official.
3. That the petitioner shall incorporate, to the satisfaction of the Planning Division, all reasonable Technical Review Team recommendations in plans submitted with related building permit applications.
4. That the final Landscaping Plan and Lighting Plan must be submitted and approved as a part of the building permit review process and comply with related standards in Article 1367 and Article 1371 respectively unless variance relief is granted by the Board of Zoning Appeals.
5. That all exterior stairs, steps, landings, elevated walkways, railings, and support members may not be comprised of exposed wood or treated lumber.
6. That the dumpster shall be enclosed with masonry materials at least six (6) feet in height and include an opaque gate, standard concrete access apron, and concrete bollards at the rear of the enclosure to protect same from damage.
7. That any sidewalk or portion thereof along the project site's Protzman Street frontage damaged or destroyed during construction shall be replaced to the satisfaction of the City Engineer prior to the issuance of a permanent Certificate of Occupancy.

## **Development Services**

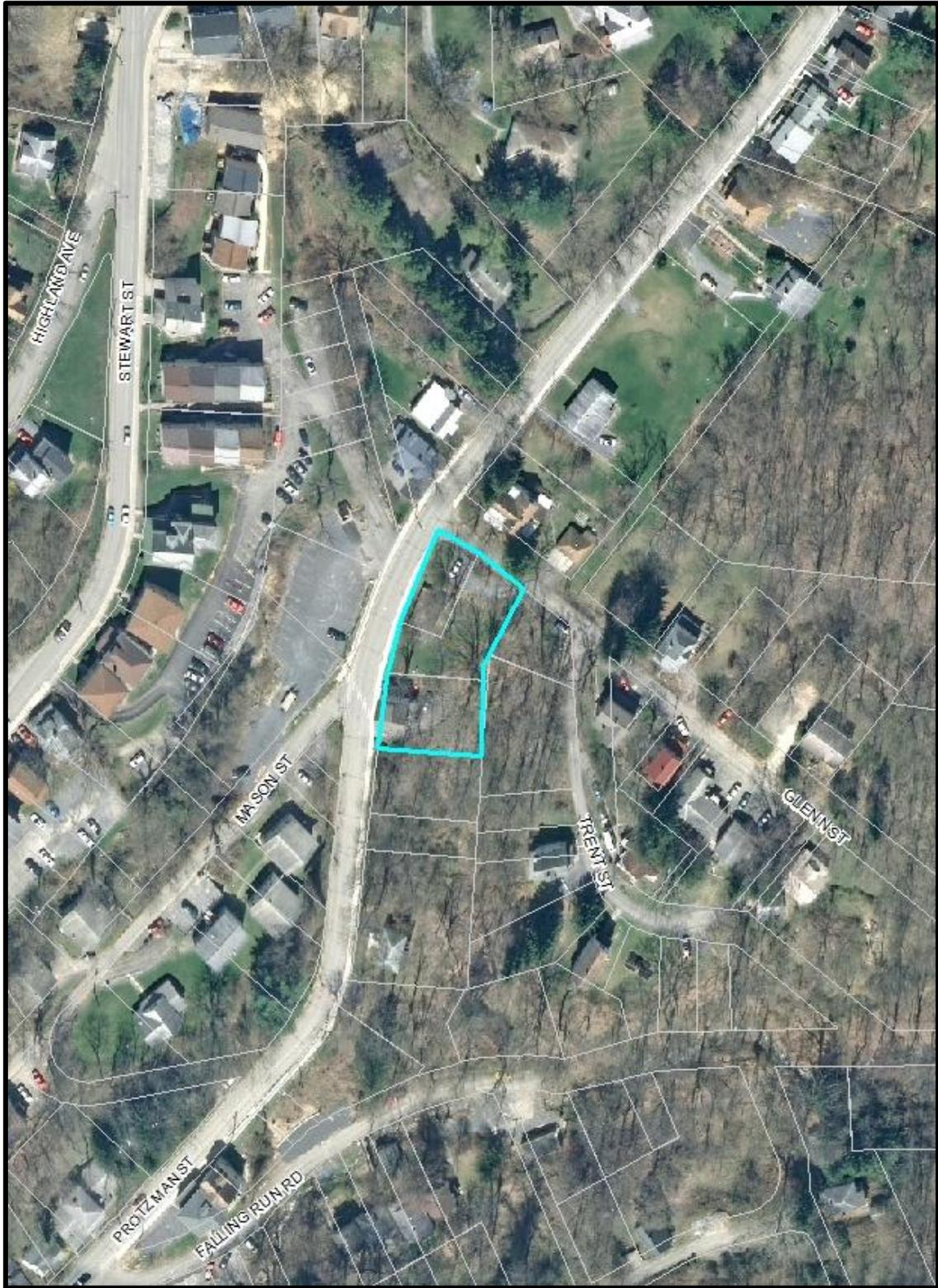
Christopher Fletcher, AICP  
Director

## **Planning Division**

389 Spruce Street  
Morgantown, WV 26505  
304.284.7431

Enclosures: Application and accompanying exhibits

**STAFF REPORT ADDENDUM A**  
**CU12-16 / Tera, LLC / 480 Protzman Street**





City of Morgantown, West Virginia

APPLICATION FOR TYPE IV SITE PLAN – CONDITIONAL USE

OFFICE USE	
CASE NO.	CV12-16
RECEIVED:	8/10/12
COMPLETE:	

(PLEASE TYPE OR PRINT IN BLACK INK)

I. APPLICANT			
Name:	Tera Properties	Phone:	304-692-9296
Mailing Address:	410 Stewart Street Office	Mobile:	
	Street Morgantown WV 26505	Email:	
	City State Zip		
II. AGENT / CONTACT INFORMATION			
Name:	Project Management Services	Phone:	304-212-5256
Mailing Address:	1160 Fayette Street	Mobile:	304-692-7116
	Street Morgantown WV 26505	Email:	pms160@comcast.net
	City State Zip		
Mailings –	Send all correspondence to (check one): <input type="checkbox"/> Applicant OR <input checked="" type="checkbox"/> Agent/Contact		
III. PROPERTY			
Owner:	Tera Properties	Phone:	304-692-9296
Mailing Address:	410 Stewart Street Office	Mobile:	
	Street Morgantown WV 26505	Email:	
	City State Zip		
IV. SITE			
Street Address (if assigned):	Protzman & Glenn	Tax Map #:	20
		Parcel #:	445,446,447
Zoning:	R-2		
Lot Dimensions:	Width: 210 Ft.	Depth: 95 Ft.	Square Footage: 17,370 ft. <sup>2</sup>
Shape of Lot:	<input checked="" type="checkbox"/> Corner <input type="checkbox"/> Interior <input type="checkbox"/> Through <input type="checkbox"/> Flag <input type="checkbox"/> Irregular <input type="checkbox"/> Non-conforming		
Existing Use of Structure or Land:	Rental properties		
Proposed Use of Structure of Land:	Multi-family structure		



APPLICATION FOR TYPE IV SITE PLAN – CONDITIONAL USE

OFFICE USE	
CASE NO.	<u>CU12-16</u>
RECEIVED:	<u>8/10/12</u>
COMPLETE:	_____

V. STRUCTURE	
Proposed Setbacks: Front:	<u>10</u> ft. Rear: <u>&gt; 20</u> ft. Side A: <u>75</u> ft. Side B: <u>75</u> ft.
Proposed Height of Structure:	<u>≤ 35 ft</u> No. of Proposed Off-Street Parking Spaces: <u>20</u>
No. of Dwelling Units (if applicable):	<u>12</u> No. of Bedrooms: <u>20</u> No. of Employees: <u>N/A</u>
Square Footage of all Proposed Structures (please explain): <u>2,603.7 ft<sup>2</sup></u>	

VI. SITE PLAN	
A Site Plan (8 copies), drawn to scale, that includes the following elements must accompany the application if not provided above in Sections IV and V:	
<ul style="list-style-type: none"> <li>(a) The actual dimensions, size, square footage, and shape of the lot to be built upon as shown on an actual survey by a registered design professional licensed by the State of West Virginia.</li> <li>(b) The exact sizes and locations on the lot of existing structures, if any;</li> <li>(c) The location, square footage, and dimensions of the proposed structure or alteration;</li> <li>(d) The location of the lot with respect to adjacent rights-of-way;</li> <li>(e) The existing and proposed uses of the structure and land;</li> <li>(f) The number of employees, families, housekeeping units, bedrooms, or rental units the structure is designed to accommodate;</li> <li>(g) The location and dimensions of off-street parking and means of ingress and egress for such space;</li> <li>(h) Height of structure;</li> <li>(i) Setbacks;</li> <li>(j) Buffer yard and screening, if applicable;</li> <li>(k) Location of garbage collection area and screening;</li> <li>(l) Location of existing and/or proposed signs, if applicable;</li> <li>(m) Roadway typical detail for internal roadways, if applicable;</li> <li>(n) Location and size of stormwater management facilities; and,</li> <li>(o) Utility lines and easements, if applicable.</li> </ul>	



**APPLICATION FOR  
TYPE IV SITE PLAN – CONDITIONAL USE**

**OFFICE USE**

CASE NO. CW12-10  
RECEIVED: 8/10/12  
COMPLETE: \_\_\_\_\_

**VII. SUPPLEMENTAL PLANS AND EXHIBITS**

Applicants **MUST** also submit the following plans and exhibits, unless waived by the Planning Director:

- (a) Drainage plan and drainage calculations that bear the name, address, signature and seal of a registered professional engineer licensed by the State of West Virginia, with floodplain zones clearly denoted, a typical of all swales, and a design of the drop inlets.
- (b) If applicable, design of stormwater management facilities and drainage calculations that bear the name, address, and seal of a registered professional engineer licensed by the State of West Virginia that meet the requirements of the City Zoning Ordinance, the City Stormwater Management Ordinance, and all other applicable local, state and federal regulations.
- (c) Parking and Landscaping Plan
- (d) Sign Plan
- (e) Approved WV Division of Highways Access Permit, if applicable
- (f) Sediment and erosion control plan as approved by the West Virginia Department of Environment Protection and the City of Morgantown
- (g) Approved State of West Virginia NPDES General Permit for Storm Water Associated with Industrial (Construction) Activity, if applicable
- (h) A traffic impact study, if required by the City Engineer
- (i) The Planning Director may require the applicant to submit additional information concerning the lot or neighboring lots to determine conformance with, and provide for the enforcement of, the City Zoning Ordinance.
- (j) The Planning Director may require the applicant to submit, in the case of accessory structures or minor additions, dimensions shown on plans relating to the size of the lot and the location of the structure(s) thereon be based on an actual survey prepared a registered design professional licensed by the State of West Virginia.

Applicants submitting a conditional use application in accordance with Article 313.05 "Building Height and Use" within the B-4 General Business District **MUST** also submit the following analyses:

- (a) An air flow analysis conducted by a licensed architect or profession engineer, describing the estimated impact of the proposed building on existing patterns of air flow in the general vicinity; and how those impacts may affect existing properties with a 300 foot radius of the site.
- (b) An analysis of the impacts of the proposed building on sunlight distribution in the general vicinity, with special emphasis on predicting light blockage and shadow casting onto all properties with a 300 foot radius of the site. Such analysis shall be conducted by a licensed architect or professional engineer.
- (c) An analysis of the potential of "stepping back" upper floors as a technique to avoid negative impacts with respect to light and airflow, and to minimize the canyon effect of non-recess tall buildings. Such analysis shall be conducted by a licensed architect or professional engineer.
- (d) An infrastructure and traffic analysis predicting the impacts of the building on water, sewer, drainage, electrical and gas infrastructure, on transportation levels of service (including transit) for impacted streets, and on fire suppression capabilities of the city. Such analysis shall be conducted by a licensed architect or professional engineer.

CW12-14  
8/10/12

Request for a Multi-Family structure in an R-2

# APPLICATION FOR CONDITIONAL USE

## Findings of Fact

Tera Properties, LLC

**This Conditional Use is within the fitting character of the surrounding area and is consistent with the spirit, purpose, and intent of the Zoning Ordinance, because:**

**1. Congestion in the streets is not increased, in that:**

The development exceeds the minimum off-street parking requirements for a multi-family use. Access to the proposed parking areas will eliminate or utilize several existing driveways, thereby advancing access management improvements. Continued efforts to increase residential density where properly zoned; within walking distance of primary residential destination points; and, within a well-served transit corridor should serve to aid in relieving housing development demand in outlying areas of Monongalia County that appears to contribute to traffic congestion within the City of Morgantown.

**2. Safety from fire, panic, and other danger is not jeopardized, in that:**

The development will meet all related building and fire codes. The development plan appears to incorporate access and maneuvering planning for fire trucks and emergency vehicles within the alley and parking areas.

**3. Provision of adequate light and air is not disturbed, in that:**

The development will meet or exceed all setbacks and building height requirements for the R-2 District.

**4. Overcrowding of land does not result, in that:**

Off-street parking requirements will be exceeded for the proposed development. The development will also meet or exceed all setbacks and building height requirements for the R-2 District. Also, the occupancy will be similar to neighboring structures in the vicinity.

**5. Undue congestion of population is not created, in that:**

Requisite off-street parking will be developed and continued efforts to increase residential density where properly zoned; within walking distance of primary residential destination points; and, within a well-served transit corridor should serve to aid in relieving housing development demand in outlying areas of Monongalia County that appears to contribute to traffic congestion within the City of Morgantown.

**6. Granting this request will not create inadequate provision of transportation, water, sewage, schools, parks, or other public requirements, in that:**

The proposed development should not ~~development should~~ require any additional public infrastructure, utilities, or service beyond that which is currently available within the immediate area.

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

The value of buildings in the area should increase by redeveloping the subject property and adding new dwelling units within an area where single-family homes have been converted into student housing leaving much of the adjacent housing stock functionally obsolete.

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

CV12-10  
8/10/12

# APPLICATION FOR CONDITIONAL USE

Request for a Multi-Family structure in an R-2

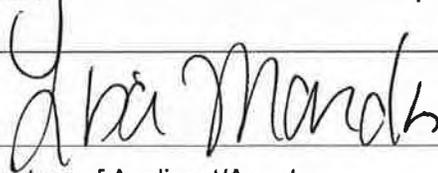
## Findings of Fact

Tera Properties, LLC

The building occupancy will be similar to that of other buildings within the area, which is predominantly multi-family housing within walking distance to WVU's downtown campus and public transit lines.

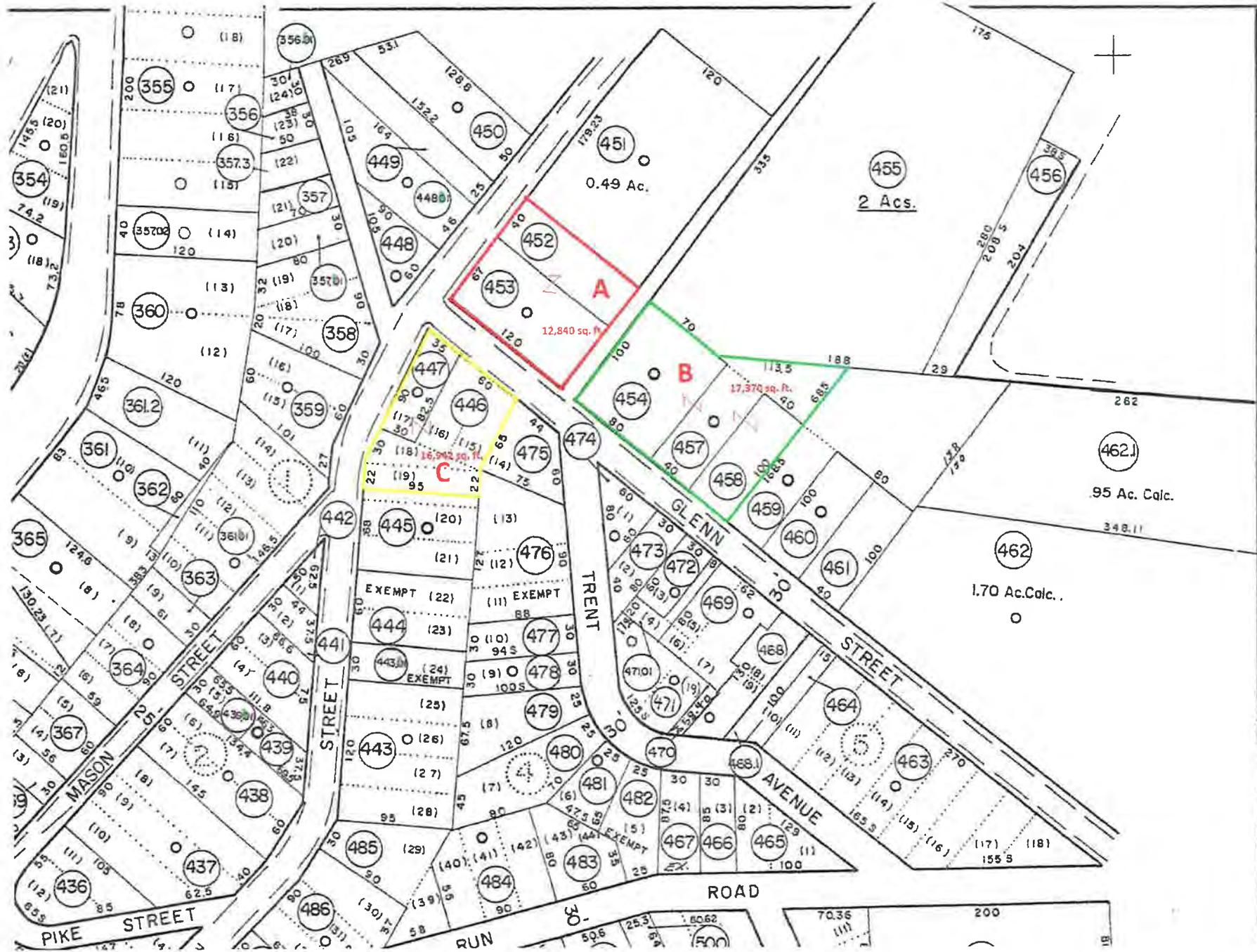
Lisa Marcolis

Type/Print Name of Applicant/Agent



Signature of Applicant/Agent

W12-16  
8/10/12



Tera, LLC / Protzman and Glenn Street



Corner of Protzman and Glenn





Proposed site of Building A



Proposed site of Building C



Parking area directly across Protzman from Proposed Building C



Multi-family structures in the R-2 District. Located across Protzman.





Multi-family dwelling in the R-2 District.



Single family rentals located across  
Protzman from Proposed Building A



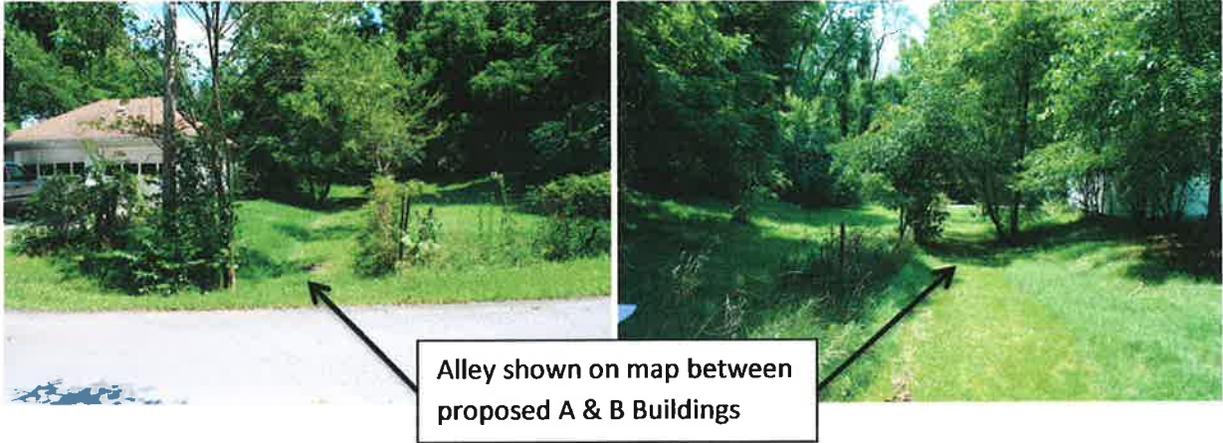
Proposed Site of Building C; Located on corner of Protzman and Glenn



Proposed entrance for Building C



Proposed location of Building A





Glenn Street – Existing duplexes



Glenn Street - duplex



Glenn Street



Glenn Street – Multi-family in Single-family district



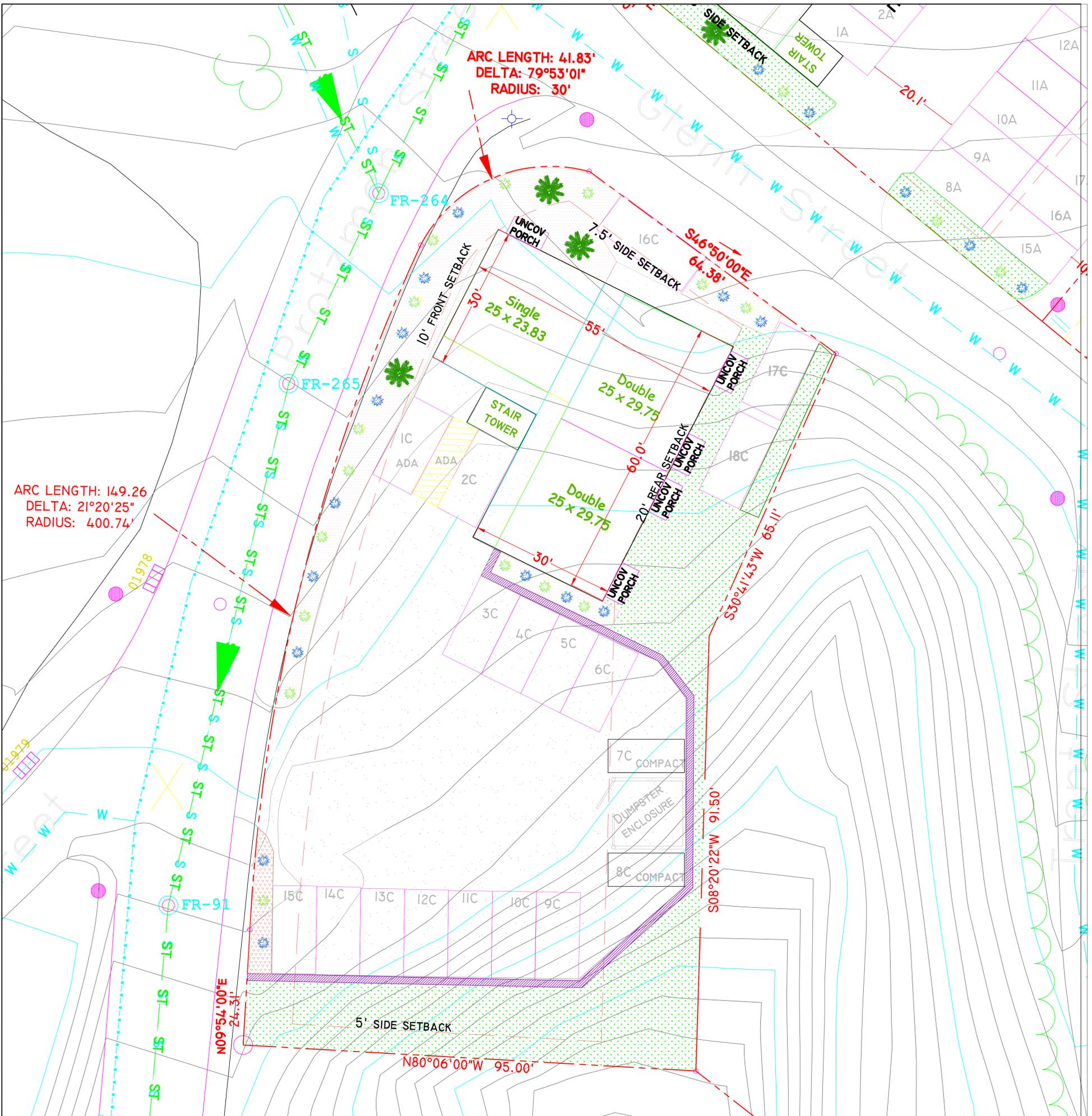
Trent Street, accessed from Glenn



Trent Avenue. Left structure is a duplex



Trent Avenue



**LOT C SITE PLAN SPECS**

**LOT SIZE 16,128 SQ. FT.**

**BUILDING FOOT PRINT 2,675.5 SQ. FT.**

**ADA PARKING 9' X 18' WITH 5' WIDE WALKWAY  
1 REQUIRED 1 PROVIDED**

**REGULAR PARKING SPACES 9' X 18'  
COMPACT SPACES 7' X 16"  
PARALLEL PARKING 9' X 22'  
14 REQUIRED 17 PROVIDED**

**57% OF THE FIRST FLOOR IS UNDERGROUND**

Date: 8/01/2012 Scale: 1"=10' Drawn By: CB Drawing Number: 1	Revisions Description	<b>Stan Corp</b> Glenn Street Apartment Project <b>SITE PLAN LOT C</b>	<b>BUILDING C</b> <b>8 doubles, 3 singles &amp; gym</b>



Scale: 1/4" = 1'

<table border="1"> <thead> <tr> <th>Revisions</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td>Description</td> <td>Date</td> </tr> </tbody> </table>		Revisions	Date	Description	Date			<p><b>Glenn Street Apartment Project</b>  <b>Building C</b>  <b>Protzman Side Elevation</b></p>		<p><b>Stan Corp</b>  <b>General Contractor</b>          106 Minner Hickory Road          Grantsville, Maryland 21536          301-245-4193          FAX: 301-245-4050</p>	<p>All Design of structures and site has been done by Stan Corp.          Topography purchased from Morgantown Utility Board .</p>	<p>Date: 3/28/2010          Scale: 1/4" = 1'          Drawn By: KD          Drawing Number: C-5</p>
Revisions	Date											
Description	Date											
<p>Date: _____</p>												



Scale: 1/4" = 1'

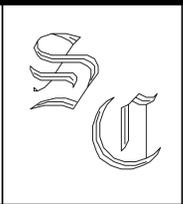
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Revisions	Date										
Description	Date										



Revisions	
Description	Date

Date: \_\_\_\_\_

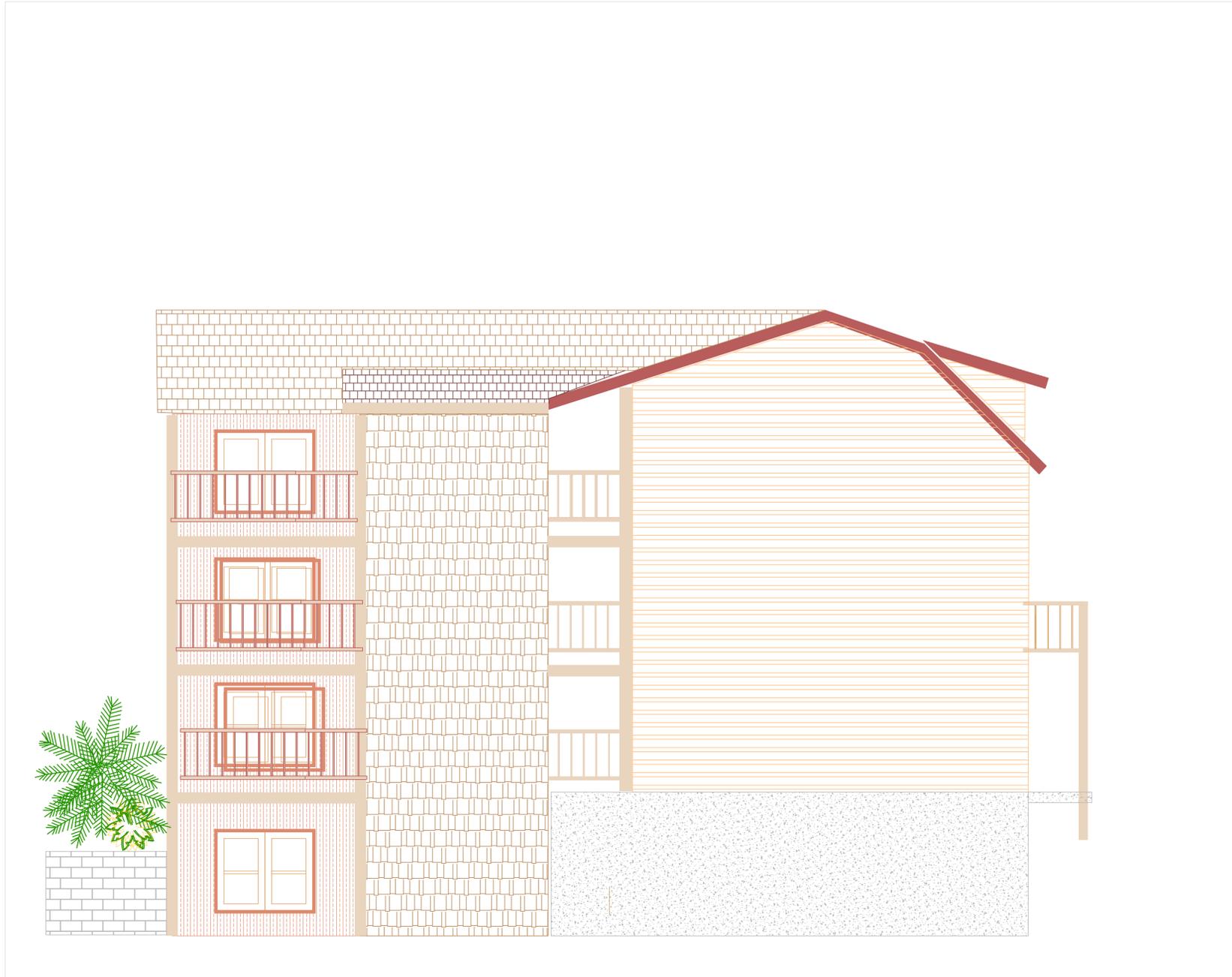
**Glenn Street Apartment Project**  
**Building C**  
**Parking Lot Side Elevation**



**Stan Corp**  
**General Contractor**  
 106 Minner Hickory Road  
 Grantsville, Maryland 21536  
 301-245-4193  
 FAX: 301-245-4050

*All Design of structures and site has been done by Stan Corp.  
 Topography purchased from Morgantown Utility Board .*

Date:	8/09/2012
Scale:	1/4" = 1'
Drawn By:	CJ
Drawing Number:	1



Scale: 1/4" = 1'

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