



# MORGANTOWN BOARD OF ZONING APPEALS

January 16, 2013  
6:30 PM  
City Council Chambers

## **Board Members:**

Bernie Bossio  
Leanne Cardoso  
George Papandreas  
Jim Shaffer  
Tom Shamberger

## **STAFF REPORT**

**CASE NO:** CU13-01 / Scott Properties / Old Golden Blue Lane

### **REQUEST and LOCATION:**

Request by Gregg Metheny of Scott Properties for conditional use approval of a "Multi-Family Dwelling" use in the R-2 District along Old Golden Blue Lane and Jones Avenue.

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

Tax Map 20, former Parcels 258, 259, 260, 261, 262, 263, and 266  
R-2, Single- and Two-Family Residential District

### **SURROUNDING ZONING:**

North, South, East: R-2, Single- and Two-Family Residential District  
West: R-3, Multi-Family Residential District

### **BACKGROUND and ANALYSIS:**

In June 2010, the petitioner withdrew his Planned Unit Development (PUD) petition for the subject realty after the Planning Commission forwarded a recommendation to City Council to deny the related PUD Outline Plan. The petitioner has since proceeded in razing the functionally obsolete structures on the property and initiated phased development of townhouse dwellings, which are permitted by-right within the R-2 District. Addendum A of this report illustrates the location of the subject site.

The petitioner has, through separate phases, constructed 22 four-bedroom townhouse units along the upper portion of the property. The petitioner wishes to diversify dwelling unit types along the lower portion of the property to meet varying interests in rental housing products and strengthen the market viability of the overall site.

Staff understands that the petitioner's development intention, under Phase III, was to construct three-bedroom townhouse units on three habitable levels along the lower portion of the property. However, the site experienced several landslide events last year resulting in a great deal of earth being removed from the site to protect Jones Avenue from closure. The removal of the earth increased the elevation change between Old Golden Blue Lane and Jones Avenue. This increased elevation change necessitated the Phase III development program to include an additional story of foundation walls to support the internal private road named Old Golden Blue Lane. In other words, the number of habitable levels increased from three levels to four levels.

Rather than changing the 10 townhouses from three-bedroom units to four-bedroom units and reversing the petitioner's objective to diversify housing products, the petitioner decided to study the feasibility of maintaining the three-bedroom townhouses on the upper three habitable levels and utilize the lowest habitable level resulting from the elevation change as one- and two-bedroom dwelling units separated from the townhouse units above.

## **Development Services**

Christopher Fletcher, AICP  
Director

## **Planning Division**

Heather Dingman, AICP  
Principal Planner

389 Spruce Street  
Morgantown, WV 26505  
304.284.7431



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Article 1329.02 of the Planning and Zoning Code provides the following definition for "Townhouse Dwelling":

"Townhouse Dwelling – Also known as a 'Rowhouse.' A one-family dwelling unit, with private entrance, which is part of a structure whose dwelling units are attached horizontally in a linear arrangement, and having a totally exposed front and rear wall to be used for access, light, and ventilation."

Because the petitioner seeks to isolate dwelling units one over another vertically, the dwelling unit type changes from townhouse units to multi-family units, which are permitted with conditional use approval in the R-2 District.

The following table provides a dwelling unit and bedroom count comparison between the PUD Outline Plan that was withdrawn, the townhouse dwellings that have been constructed, and the two Phase III scenarios...by-right verse conditional use.

Development Scenarios	No. of Units	No. of Bedrooms
Withdrawn PUD Outline Plan	157	257
<b>Scenario 1: By-right</b>		
By-right Phases I and II	22	88
By-right Phase III	10	40
<b>SCENARIO 1 TOTALS</b>	<b>32</b>	<b>128</b>
<b>Scenario 2: By-right and Conditional Use</b>		
By-right Phases I and II	22	88
Conditional Use Phase III	14	36
<b>SCENARIO 2 TOTALS</b>	<b>36</b>	<b>124</b>

As the table above illustrates, Development Scenario 2, which the petitioner seeks conditional use approval, results in four (4) additional dwelling units but four (4) less bedrooms. In other words, the petitioner is seeking conditional use approval to develop fewer bedrooms than what he can develop by-right.

**STAFF RECOMMENDATION:**

The Board 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" submitted by the petitioner. Staff concurs with the petitioner's findings of fact as submitted and recommends approval of CU13-01 for Phase III as requested.

Further, because the petitioner's proposed dwelling unit design, configuration, and bedroom composition results in a slightly lower bedroom density than that permitted by-right, Staff recommends that the Board extend its approval of CU13-01 to include Phase IV so that the petitioner may proceed accordingly if he so desires; provided the three-bedroom unit over one- or two-bedroom unit townhouse appearing-design submitted under CU13-01 and reviewed by the Board herein is utilized AND Phase IV includes no more than eleven (11) total dwelling units.

Attachments: Application and accompanying exhibits

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Director

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**STAFF REPORT ADDENDUM A**  
**CU13-01 / Scott Properties / Old Golden Blue Lane**





City of Morgantown, West Virginia

APPLICATION FOR TYPE IV SITE PLAN - CONDITIONAL USE

OFFICE USE	
CASE NO.	CW13-01
RECEIVED:	12/10/12
COMPLETE:	

(PLEASE TYPE OR PRINT IN BLACK INK)

<b>I. APPLICANT</b>					
Name:	Gregg Metheny			Phone:	304-599-5011
Mailing Address:	Street	2419 STEWARTSTOWN ROAD		Mobile:	304-319-3574
	City	State	Zip	Email:	gmetheny@scottpropertiesllc.com
<b>II. AGENT / CONTACT INFORMATION</b>					
Name:	SAME			Phone:	
Mailing Address:	Street			Mobile:	
	City	State	Zip	Email:	
Mailings -	Send all correspondence to (check one): <input type="checkbox"/> Applicant OR <input type="checkbox"/> Agent/Contact				
<b>III. PROPERTY</b>					
Owner:	Scott Properties, LLC			Phone:	304-296-7400
Mailing Address:	Street	P.O. Box 818		Mobile:	
	City	State	Zip	Email:	
<b>IV. SITE</b>					
Street Address (if assigned):	010 Golden Blue, First, Jones	Tax Map #:	20	Parcel #:	260, 261, 262, etc.
Zoning:	R-2 - See Exhibit + Central Sunnyside Overlay District				
Lot Dimensions:	Width:	Ft.	Depth:	Ft.	Square Footage: ft. <sup>2</sup>
Shape of Lot:	<input type="checkbox"/> Corner <input type="checkbox"/> Interior <input type="checkbox"/> Through <input type="checkbox"/> Flag <input checked="" type="checkbox"/> Irregular <input type="checkbox"/> Non-conforming				
Existing Use of Structure or Land:	Townhomes - Dwelling				
Proposed Use of Structure of Land:	Multi-Family Residential - Dwelling				

PAID  
75.00  
Finance Office  
Morgantown, WV 26505  
(304) 284-7408



City of Morgantown, West Virginia

APPLICATION FOR TYPE IV SITE PLAN – CONDITIONAL USE

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<b>V. STRUCTURE</b>	
Proposed Setbacks: Front:	10 + ft.
Rear:	20 ft.
Side A:	5 ft.
Side B:	5 ft.
Proposed Height of Structure:	30' 3.5"
No. of Proposed Off-Street Parking Spaces:	46
No. of Dwelling Units (if applicable):	24
No. of Bedrooms:	61
No. of Employees:	NA
Square Footage of all <del>Proposed</del> Structures (please explain):	Existing Structures Are to be converted from townhomes to multi-family units.
<b>VI. SITE PLAN</b>	
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>	



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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.



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VIII. FINDINGS OF FACT

The Board of Zoning Appeals may grant the request only if each of the Conditional Use Findings of Fact Criteria is determined to be in the positive. Applicants must give their own responses to the criteria statements provided below.

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:

Existing private streets (old Golden Blue + TBD Street) will be used for access. ~~Off~~ Street parking will not be used as parking is provided within the site. The R-2 townhome zoning of 0.75 spaces per bedroom is met.

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

The multifamily designation requires a sprinkler system / fire alarm system not required of a townhome structure. The units will utilize existing space presently within structure with additional safety criteria met per fire code.

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

The units will be constructed within an existing building. Direct sun-light / windows were already proposed within the under-level space.

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

Utilization of existing space will be used for the additional units. The footprint of structure will not be changed.

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

Sufficient parking meeting the 0.75 spaces / bedroom is provided although the structures sit within sunnyside overlay district. The less restrictive 0.5

space per bedroom has not been requested per sunnyside overlay.



APPLICATION FOR TYPE IV SITE PLAN – CONDITIONAL USE

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COMPLETE:	

VIII. FINDINGS OF FACT (cont.)

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

The property/structure is located within 500 steps of bus stop + downtown campus with easy access to PRT station. Existing water supplies/sewage will be used. The principle tenants are WVU students.

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

The value of buildings will be increased as the best utilization of finished living space will be use to generate income.

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

The land is presently zoned R-2 townhome. The building will be constructed to look like a townhome only maximizing the land usage to its potential.

IX. ATTEST

I hereby certify that I am the owner of record of the named property, or that this application is authorized by the owner of record and that I have been authorized by the owner to make this application as his/her authorized agent and I agree to conform to all applicable laws of this jurisdiction. I certify that the information submitted herein and attached hereto is true and accurate and understand that if found otherwise may result in the denial of this request or subsequent revocation of any and all related approvals. The undersigned has the power to authorize and does hereby authorize City of Morgantown representatives on official business to enter the subject property as necessary to process the application and enforce related approvals and conditions.

Gregg S. Meroney

Type/Print Name of Applicant/Agent

[Signature]

Signature of Applicant/Agent

12/7/12

Date

- Conditional Use Petition Fee of \$75 must accompany application

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z AA BB CC

**GENERAL NOTES**

1. FYPON TRIM AT HEAD OF ALL DOORS AND WINDOWS.
2. ALL EXTERIOR DECKING AND RAILING TO BE TIMBER TECH OR WOOD COMPOSITE DECKING AND RAILING SYSTEM.
3. EXTERIOR SIDING TO BE HARDIE PRODUCT.
4. EXTERIOR TRIM TO BE HARDIE PRODUCT OR EQUAL.
5. SEE SHEETS A-701 AND A-702 FOR EXTERIOR DOOR & WINDOW SCHEDULE.
6. SEE CIVIL DRAWINGS FOR FRONT PORCH STAIRS. NUMBER OF RISERS TO CORRELATE WITH GRADING PLAN.



**MILLS GROUP LLC**  
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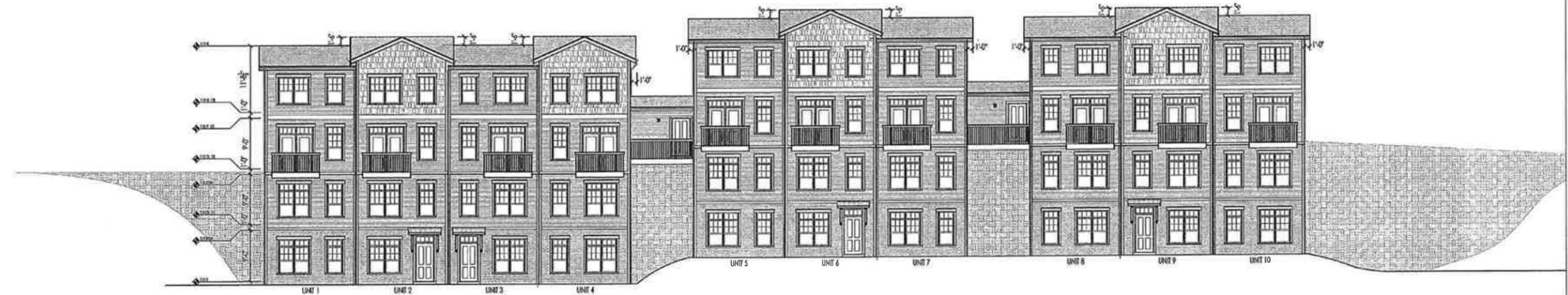



**GROUP 3 - FRONT**  
 A-201 SCALE: 3/32" = 1'-0"

**GROUP 2 - FRONT**  
 A-201 SCALE: 3/32" = 1'-0"

**GROUP 1 - FRONT**  
 A-201 SCALE: 3/32" = 1'-0"

**FRONT ELEVATION [OLDE GOLD AND BLUE]**



**GROUP 1 - REAR**  
 A-201 SCALE: 3/32" = 1'-0"

**GROUP 2 - REAR**  
 A-201 SCALE: 3/32" = 1'-0"

**GROUP 3 - REAR**  
 A-201 SCALE: 3/32" = 1'-0"

**REAR ELEVATION [JONES AVENUE]**

PROJECT SCOPE:  
**JONES PLACE - PHASE III**  
 MORGANTOWN, WV  
 GREGG METHENEY

<b>PERMIT SET</b>	
DATE:	08-02-2012
ISSUED FOR:	PERMIT
PROJECT NO.:	T2035
DRAWN BY:	RKH
CHECKED BY:	MJM
APPROVED BY:	MJM
REVISION # 3	DATE: 09-19-2012

GROUP ELEVATION

Sheet: -- of: --

# A-201

SCALE REFERS TO 22x34 SHEET SIZE

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z AA BB CC

**GENERAL NOTES**

1. FYPON TRIM AT HEAD OF ALL DOORS AND WINDOWS.
2. ALL EXTERIOR DECKING AND RAILING TO BE TIMBER TECH OR WOOD COMPOSITE DECKING AND RAILING SYSTEM.
3. EXTERIOR SIDING TO BE HARDIE PRODUCT (FIBER CEMENT).
4. EXTERIOR TRIM TO BE HARDIE PRODUCT (FIBER CEMENT) OR EQUAL.
5. SEE SHEETS A-701 AND A-702 FOR EXTERIOR DOOR & WINDOW SCHEDULE.
6. SEE CIVIL DRAWINGS FOR FRONT PORCH STAIRS. NUMBER OF RISERS TO CORRELATE WITH GRADING PLAN.



**MILLS GROUP, LLC**  
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 204 HIGH STREET MORGANTOWN, WV 26505  
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PROJECT SCOPE:  
**JONES PLACE - PHASE III**  
 MORGANTOWN, WV  
 GREGG METHENEY

PERMIT SET

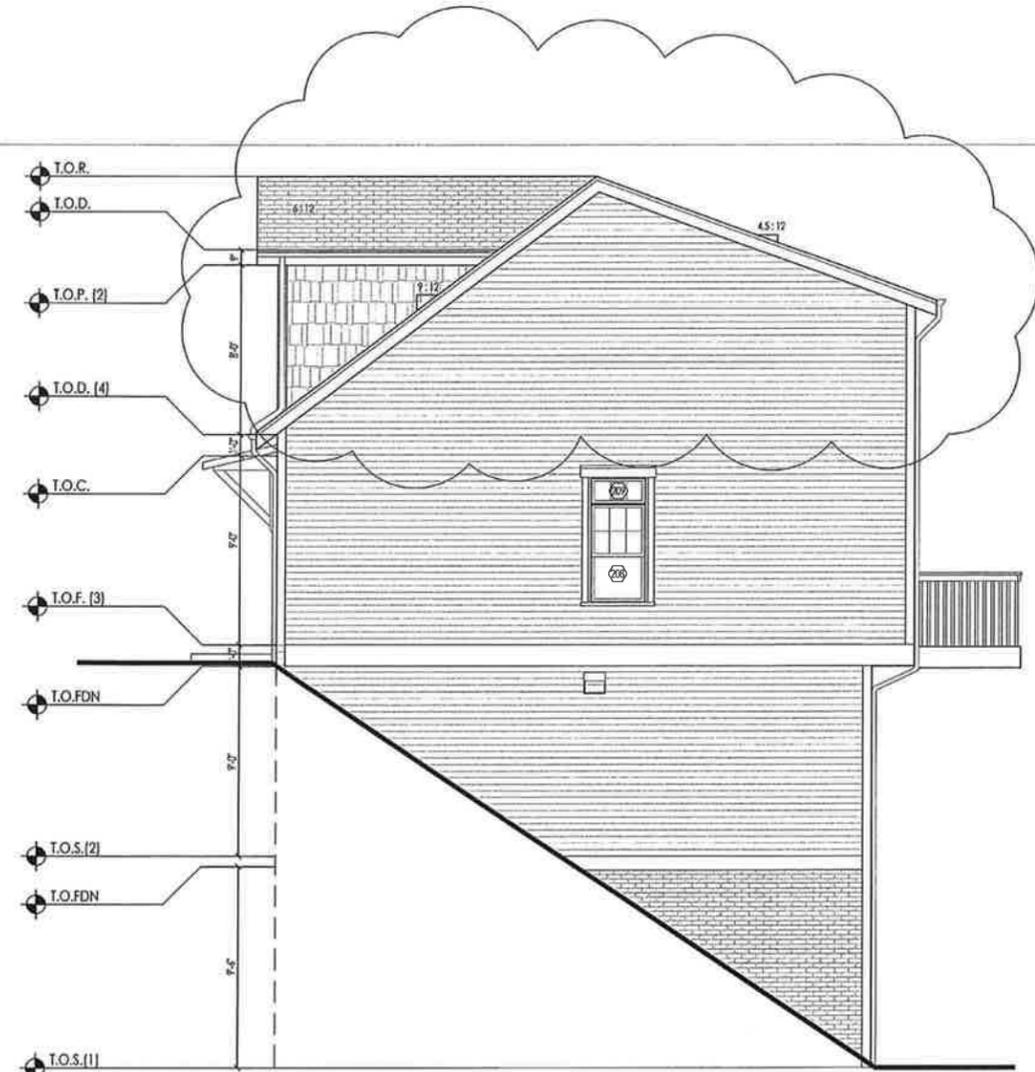
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 ISSUED FOR: PERMIT  
 PROJECT NO. 12035  
 DRAWN BY: RKH  
 CHECKED BY: --  
 APPROVED BY: --  
 REVISION # 31 DATE: 09-19-2012

SIDE ELEVATIONS

Sheet: -- of:--

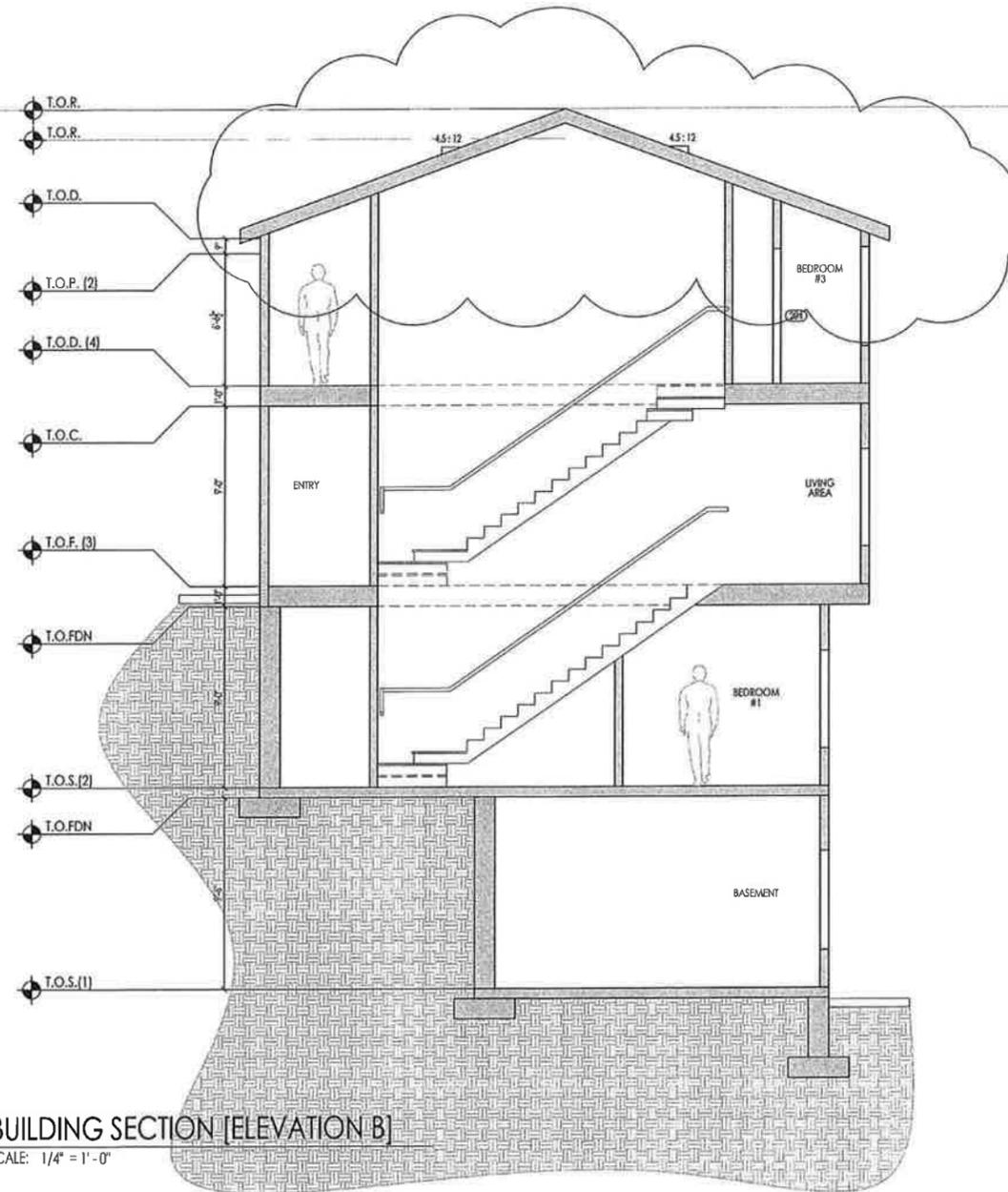
**A-202**

SCALE REFERS TO 22x34 SHEET SIZE



**SIDE ELEVATION [ELEVATION A]**

SCALE: 1/4" = 1'-0"



**BUILDING SECTION [ELEVATION B]**

SCALE: 1/4" = 1'-0"

**GENERAL NOTES**

1. FYPON TRIM AT HEAD OF ALL DOORS AND WINDOWS.
2. ALL EXTERIOR DECKING AND RAILING TO BE TIMBER TECH OR WOOD COMPOSITE DECKING AND RAILING SYSTEM.
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6. SEE CIVIL DRAWINGS FOR FRONT PORCH STAIRS. NUMBER OF RISERS TO CORRELATE WITH GRADING PLAN.



**MILLS GROUP, LLC**  
 ARCHITECTURE • PLANNING • PRESERVATION  
 204 HIGH STREET MORGANTOWN, WV 26505  
 PH: 304.296.1010 WWW.MILLSGROUP.BIZ



PROJECT SCOPE:  
**JONES PLACE - PHASE III**  
 MORGANTOWN, WV  
 GREGG METHENEY

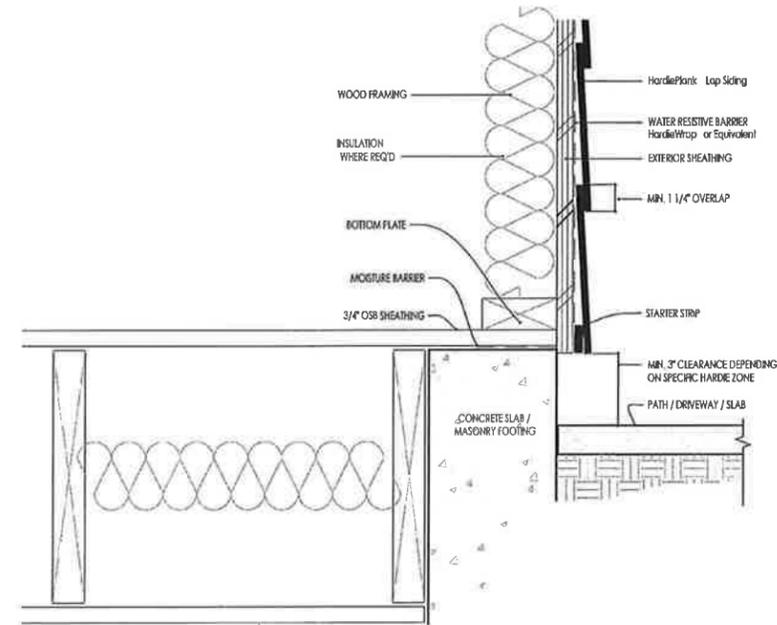
PERMIT  
 SET

DATE: 08-02-2012  
 ISSUED FOR: PERMIT  
 PROJECT NO. T2035  
 DRAWN BY: RKH  
 CHECKED BY: --  
 APPROVED BY: --  
 REVISION # 3 DATE: 09-19-2012

SIDE  
 ELEVATIONS

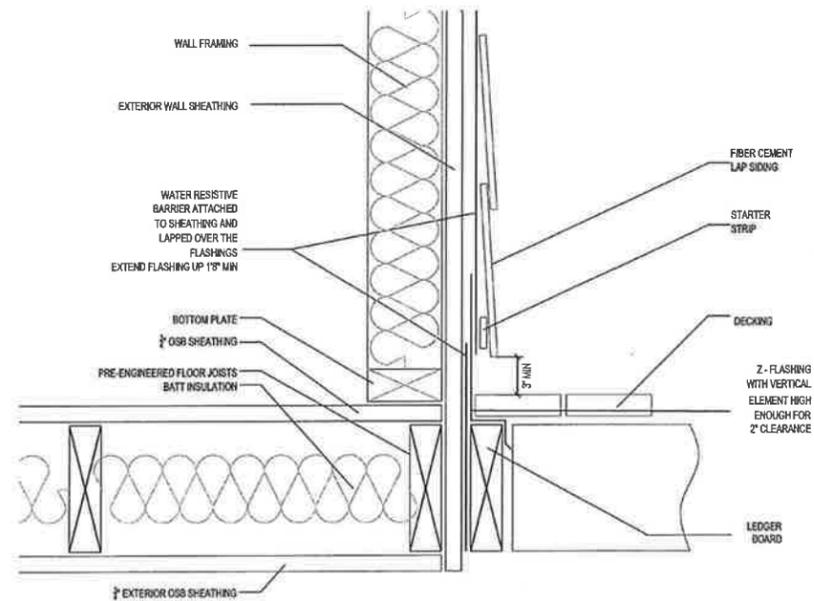
Sheet: -- of:--

**A-203**



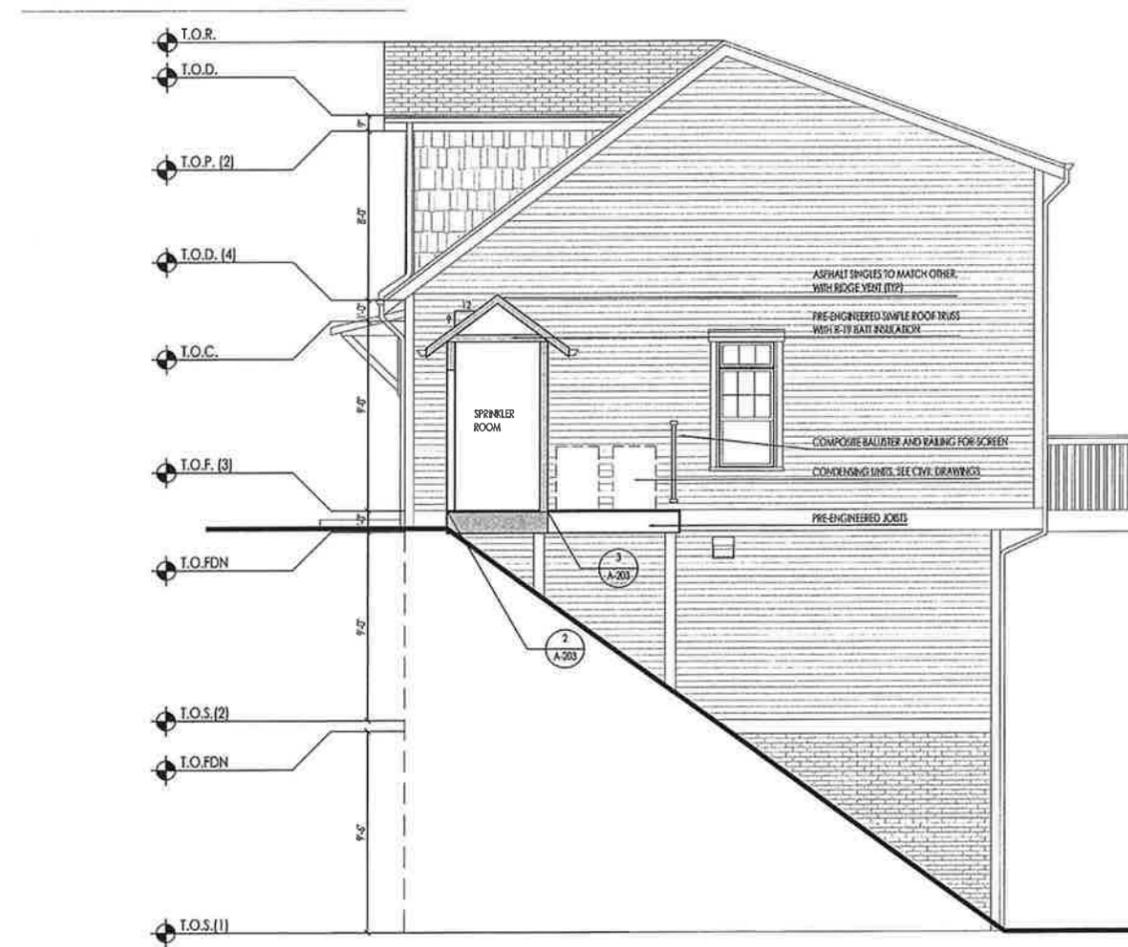
**LAP SIDING DETAIL**

SCALE: NTS



**FLASHING DETAIL AT DECK**

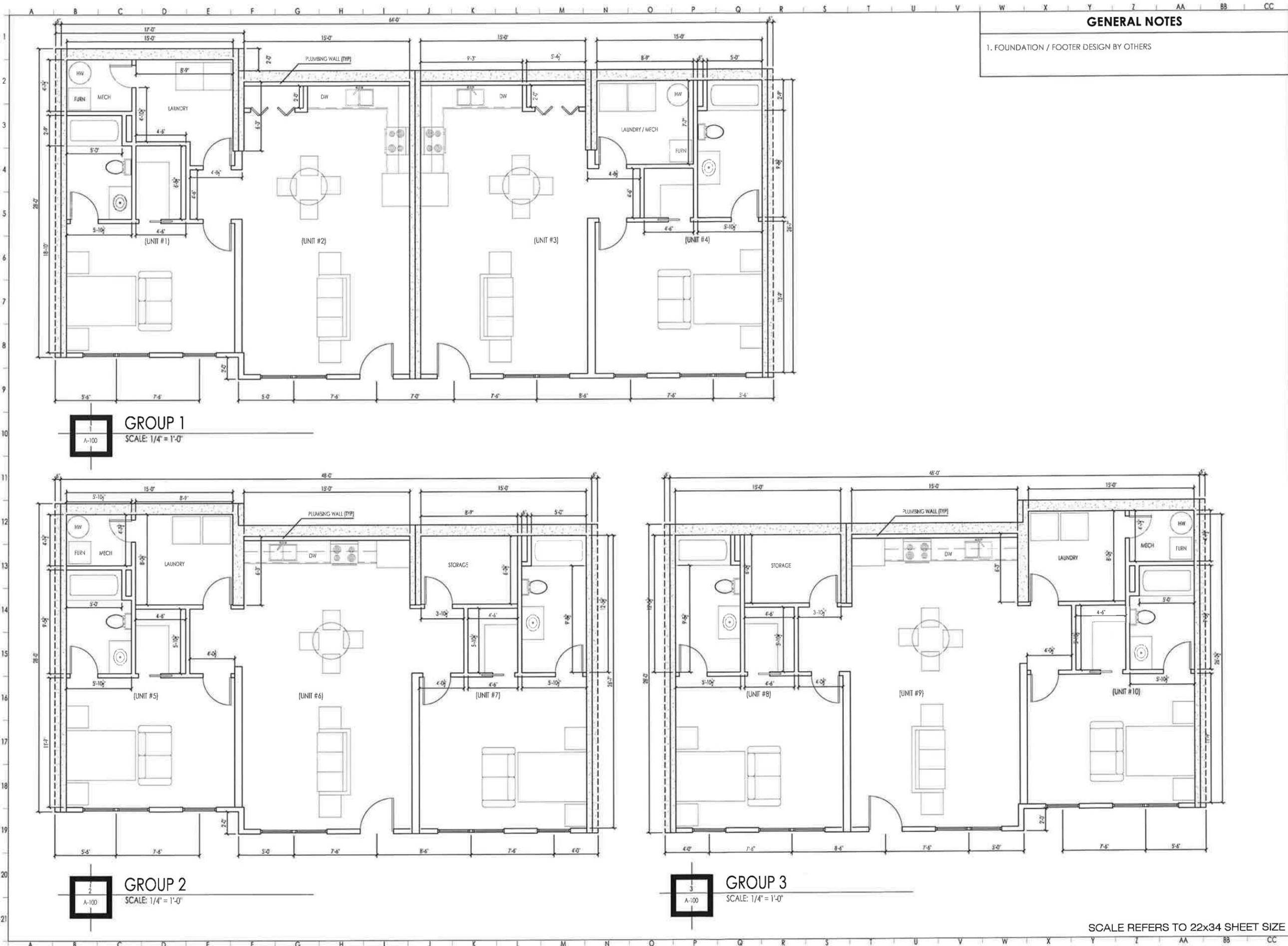
SCALE: NTS



**SPRINKLER ROOM RECTION**

SCALE: 1/4" = 1'-0"

SCALE REFERS TO 22x34 SHEET SIZE



**GENERAL NOTES**

1. FOUNDATION / FOOTER DESIGN BY OTHERS



**MILLS GROUP LLC**  
 ARCHITECTURE • PLANNING • PRESERVATION  
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PROJECT SCOPE:  
**JONES PLACE - PHASE III**

MORGANTOWN, WV  
 GREGG METHENEY

PERMIT SET

DATE: 08-02-2012  
 ISSUED FOR: PERMIT  
 PROJECT NO. 12035  
 DRAWN BY: RKH  
 CHECKED BY:  
 APPROVED BY:  
 REVISION # 3 DATE: 09-24-2012

FLOOR PLANS

Sheet: -- of:--

**A-100**

SCALE REFERS TO 22x34 SHEET SIZE