



MORGANTOWN BOARD OF ZONING APPEALS

October 16, 2012
6:30 PM
City Council Chambers

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

STAFF REPORT

CASE NO: COMBINED REPORT
CU13-17, V13-56, V13-57, V13-58, V13-59, V13-60
Joe Panico / 507 Beechurst Avenue

REQUEST and LOCATION:

Request by Joe Panico, on behalf of 500 Block, LLC, for approvals of one (1) conditional use petition and five (5) variance petitions relating to a "Mixed-Use Dwelling" development at 507 Beechurst Avenue.

TAX MAP NUMBER(s) and ZONING DESCRIPTION:

Tax Map 19, Parcel 46; B-2, Service Business District and Beechurst Overlay District

SURROUNDING ZONING:

B-2, Service Business District and Beechurst Overlay District

BACKGROUND and ANALYSIS:

The petitioner seeks to construct two stories on top of an existing building that will include a total of ten (10) mixed-use efficiency dwelling units with five (5) units of the new stories. Addendum A of this report illustrates the location of the subject development site.

The petitioner's proposed development program details include:

- The existing building includes two levels. The basement level is approximately 2,640 sq. ft. and is currently being used for storage by the occupant of the first story level. The first level is approximately 2,640 square feet and is currently occupied by an "Administrative Office" use. The non-residential use of the first level at grade with Beechurst Avenue will remain.
- According to Tax Map 19, Parcel 46 is approximately 37.5' x 100' resulting in an approximate area of 3,750 square feet.
- Being less in area than the minimum B-2 District lot size standard of 6,000 square feet, the existing parcel is considered a pre-existing, non-conforming parcel.
- The existing building does not meet front, side or rear setback standards or the maximum lot coverage standard. However, the BZA approved variance relief on 15 DEC 2010 allowing a 32' X 20' addition to be constructed onto the rear of the building. Variance relief granted addressed encroachments relating to rear setback, lot coverage, and increasing the extent of nonconforming side setbacks (Case No. V10-33).

Development Services

Christopher Fletcher, AICP
Director

Planning Division

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- Two (2) on-site parking spaces are provided to the rear of the site with remaining spaces proposed for an existing off-site parking lot located on Parcel 47.02 of Tax Map 19, which, accordingly to Monongalia County Assessor’s website, is owned by 500 Block, LLC.

Addendum B of this report provides a Planning and Zoning Conformity Report that identifies:

- Planning and Zoning Code provisions related to the subject development;
- Whether or not the subject development meets standards identified therein;
- Case numbers for conditional use and variance petitions requiring approval by the BZA; and,
- Staff observations and comments concerning development program revisions and requisite approvals.

The following list summarizes requisite conditional use and variance approvals:

CU13-17To develop a conditional “Off-Site Parking Facility” use for seven (7) parking spaces within the existing parking lot located on Parcel 47.02 of Tax Map 19.

V13-56To permit the development of window openings, fenestration ratios, and window recessing less than requisite performance standards as illustrated on the building elevations dated 23 MAY 2013 by granting a 31.4% variance for the total front façade fenestration ratio, a 18.9% variance for the ground floor front façade fenestration ratio, and relief from recessing windows.

V13-57To permit the development of cladding materials less than requisite performance standards and ratios as illustrated on the building elevations dated 23 MAY 2013 so that cementitious siding and masonry veneer may be used on the front façade and cementitious siding and concrete block may be used on the rear façade.

V13-58To permit the development of the proposed second and third story as illustrated on the site plan dated 23 MAY 2013 that encroaches into the minimum front 15-foot build-to line setback standard within the Beechurst Corridor Overlay District by granting a 14-foot variance.

It should be noted that one of the principle legislative intents of the minimum fifteen-foot setback standard is to reduce the impact to the built environment and public investment should Beechurst Avenue be widened by the State in the future.

V13-59To permit the development of the proposed second and third story and stair/walkway facility as illustrated on the site plan dated 23 MAY 2013 by granting a 5-foot setback variance on the east side, a 3.75-foot setback variance on the west side, and a 30-foot rear setback variance.

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V13-60To exceed the maximum lot coverage standard of 60% as illustrated on the site plan dated 23 MAY 2013 by granting a 20.3% variance.

Staff recommends that the Board, without objection from members of the Board, the petitioner, or the public, combine the public hearings for one (1) conditional use petition and five (5) variance petitions presented herein. However, each respective petition must be considered and acted upon by the Board separately.

STAFF RECOMMENDATION:

The Board of Zoning Appeals must determine whether the proposed requests meet the standard criteria for a conditional use and variance by reaching a positive determination for *each* of the respective "Findings of Fact" submitted by the applicant.

With the exception of the conditional use application, the petitioner submitted identical findings of fact for each of the variance applications regardless of whether or not the responses relate to the individual variance petitions. Should the Board elect to consider the variance petitions rather than tabling the related agenda items and directing the petitioner to complete the findings of fact as expected, Staff submits recommended findings of fact in Addendum C of this report.

Again, each respective conditional use and variance petition must be considered and acted upon by the Board separately.

Staff submits the following recommendations for each of the subject variances.

CU13-17Staff recommends, with the following conditions, that conditional use approval be granted for the proposed "Off-Site Parking Facility" on Parcel 47.02 of Tax Map 19.

Condition 1 – That the off-site parking facilities shall be encumbered by an easement or similar agreement duly executed and acknowledged, which specifies that the land upon which the off-site parking facility is located is encumbered by the parking use. Said instrument shall specify and bind the time period to the anticipated life of the building or use to which the parking facilities are accessory. Said instrument shall be filed with the Planning Division and placed on public record in the Office of the Clerk of the County Commission of Monongalia County, West Virginia.

Condition 2 – That the petitioner shall maintain current and valid parking of no less than two (2) on-site spaces and no less than seven (7) off-site spaces on Parcel 47.02 of Tax Map 19. Each off-site parking space shall have a sign noting the residential unit for which the space is reserved. Signs shall be 12 inches wide by 18 inches tall and shall be mounted between three feet and five feet above the finished surface of the parking stall. The text on the sign shall state, "This space is reserved for the resident(s) of [address to be determined later by City Engineer] only per City Code 1365.07(D)."

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Condition 3 – With the exception of related landscaping and screening requirements, all requisite on-site and off-site parking spaces shall be designed, improved, paved, and striped in accordance with Article 1365.09 “Parking Development Standards” and lighting facilities developed in accordance with Article 1371.

V13-56 Staff offers no recommendation as to whether or not variance relief should be granted to permit the development of window openings, fenestration ratios, and window recessing less than requisite performance standards as requested. However, should variance relief be granted as requested, Staff recommends the following condition:

Condition 1 – That the entire storefront-type window spaces (2) framed by the existing brick façade on the ground floor facing Beechurst Avenue illustrated in the following image be comprised of window glazing.



V13-57 Staff offers no recommendation as to whether or not variance relief should be granted to permit the development of cladding materials less than requisite performance standards as requested. However, should variance relief be granted as requested, Staff recommends at least the following conditions:

Condition 1 – That vinyl siding may not be used for any portion of the exterior façades.

Condition 2 – That exterior stairs, steps, landings, walkways, railings, and support members may not be comprised of exposed wood or treated lumber.

Condition 3 – That cementitious siding must be comprised of simulated wood grain profile.

Condition 4 – That the second and third story exterior walkways facing Beechurst Avenue and no less than twelve (12) feet thence toward the rear must be enclosed with the same cladding or combination of cladding materials for which relief is granted herein.

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Condition 5 – That the two-color cementitious siding design on the west building façade be delivered as illustrated on the building elevations dated 23 MAY 2013.

Condition 6 – That a garbage dumpster coral must be constructed of masonry materials and include an opaque gate.

V13-58.....Staff offers no recommendation or conditions as to whether or not variance relief should be granted to permit the development of a second and third story that encroaches into the minimum front 15-foot build-to line setback standard within the Beechurst Corridor Overlay District by granting a 14-foot variance.

V13-59.....Staff recommends, without condition, that variance relief be granted to permit the development of the proposed second and third story and stair/walkway facility as illustrated on the site plan dated 23 May 2013 by granting a 5-foot setback variance on the east side, a 3.75-foot setback variance on the west side, and a 30-foot rear setback variance.

V13-60.....Staff recommends, without condition, that variance relief be granted to exceed the maximum lot coverage standard of 60% by granting a 20.3% variance.

Attachments: Application and accompanying exhibits

Development Services

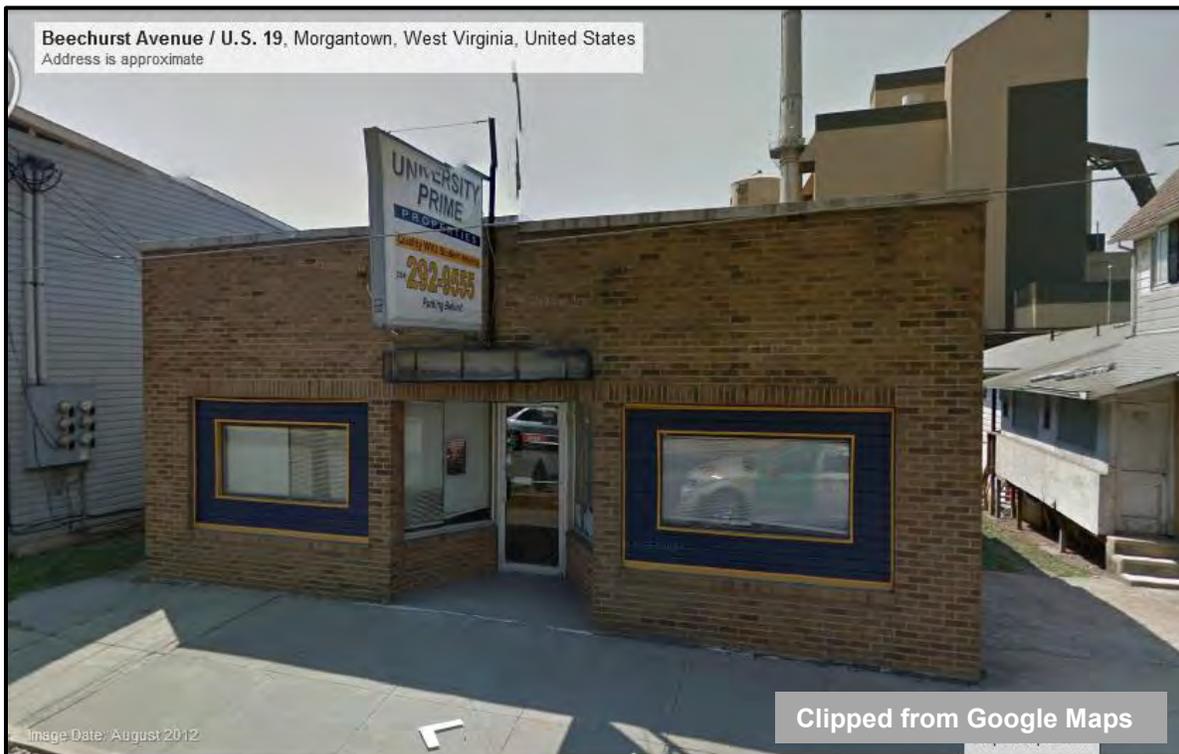
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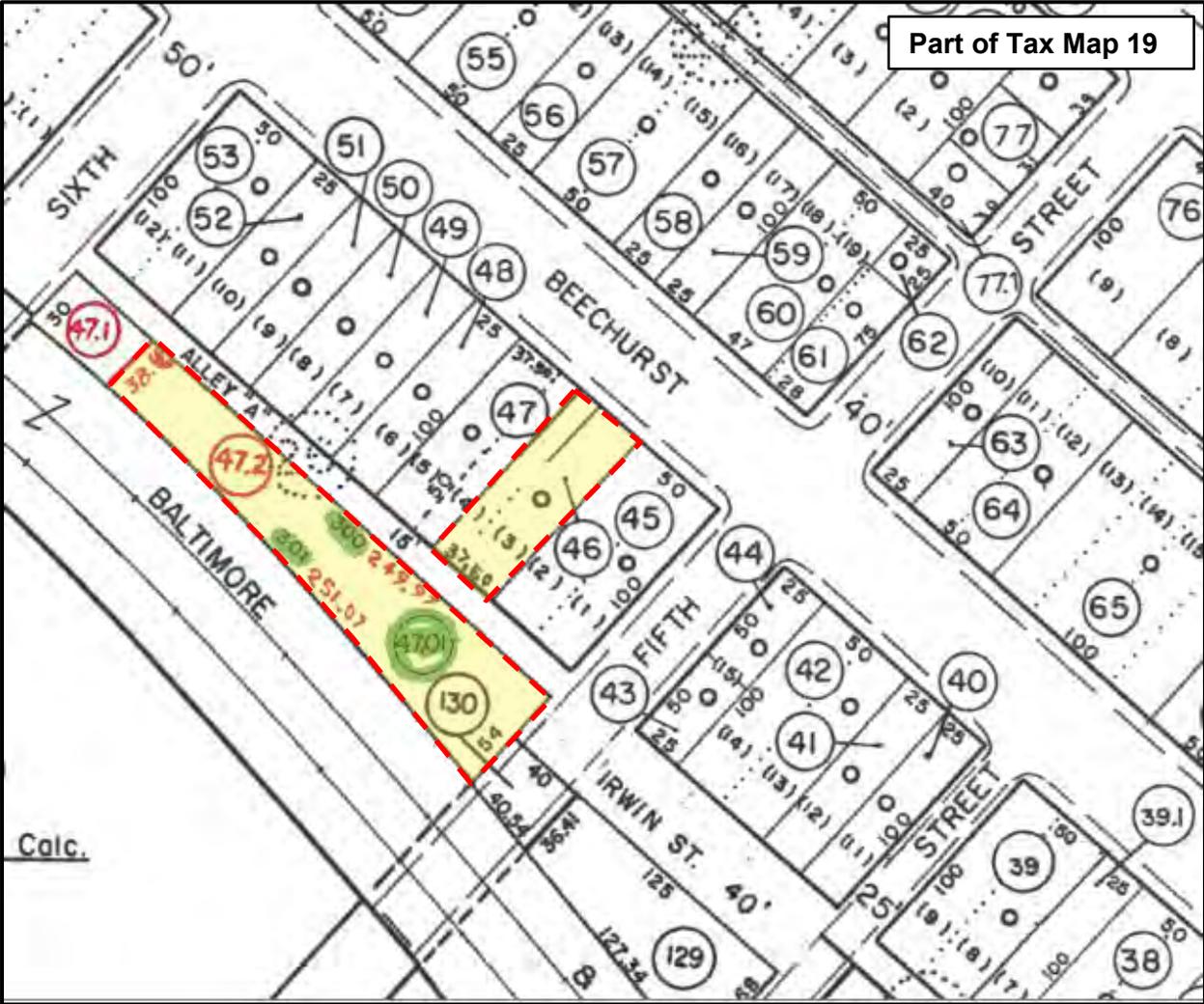
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STAFF REPORT ADDENDUM A

CU13-17, V13-56 thru V13-60 / Joe Panico / 507 Beechurst Avenue





STAFF REPORT ADDENDUM B

CU13-17, V13-56 thru V13-60 / Joe Panico / 507 Beechurst Avenue

The following Planning and Zoning Code Conformity Report identifies:

- Planning and Zoning Code provisions related to the above referenced development;
- Whether or not the subject development meets standards identified herein;
- Case numbers for variance petitions requiring approval by the BZA; and,
- Staff observations and comments concerning development program revisions and requisite approvals.

SUMMARY OF PROPOSED DEVELOPMENT PROGRAM

The following list generally summarizes the proposed development program.

- The existing building includes two levels. The basement level is approximately 2,640 sq. ft. and is currently being used for storage by the occupant of the first story level. The first level is approximately 2,640 sq. ft. and is currently occupied by an “Administrative Office” use.
- According to the Tax Map, the subject parcel is approximately 37.5’ W X 100’ D resulting in an approximate area of 3,750 sq. ft.
- Being less in area than the minimum B-2 District lot size standard of 6,000 sq. ft., the existing parcel is considered a pre-existing, non-conforming parcel.
- The current zoning classification for the subject property is B-2, Service Business District and is included in the Beechurst Corridor Overlay District.
- The existing building does not meet front, side or rear setback standards or the maximum lot coverage standard. However, the BZA approved variance relief on 15-Dec-2010 allowing a 32’ X 20’ addition to be constructed onto the rear of the building. Variance relief granted addressed encroachments relating to rear setback, lot coverage, and increasing the extent of nonconforming side setbacks (Case No. V10-33).
- The proposed development program includes the addition of two stories on top of the existing building.
- The new second and third story levels will include ten (10) mixed-use dwelling units (efficiency units), five (5) units on each of the two stories.
- Off-site parking is proposed on Parcel 47.02 of Tax Map 19, which, according to Monongalia County Assessor’s website, is owned by 500 Block, LLC.

SUMMARY OF CONFORMITY OBSERVATIONS

Planning and Zoning Code Reference	
Conformity (Y, N, TBD)	Conformity review observations. Required approvals noted in bold highlighted (yellow) font . Modifications to plans first reviewed and now in conformity are noted in bold highlighted (green) font .

Article 1347.02 – Permitted Uses (B-2 District)	
Y	“Mixed-use Dwelling” uses are permitted by-right in the B-2 District.

Article 1347.03 – Lot Provisions	
Y	(A) Minimum lot size – 6,000 square feet. The approximate area of Parcel 46 is approximately 3,750 square feet, which is less than the minimum size standard. However, the parcel is considered a legal, pre-existing, nonconforming, grandfathered parcel.
Y	(B) Minimum lot frontage – 60 feet. Tax Map 19 illustrates the Parcel 46 lot dimension along Beechurst Avenue as approximately 37.5 feet respectively, which is less than the minimum frontage standard. However, the parcel is considered a legal, pre-existing, nonconforming, grandfathered parcel.
Y	(C) Minimum lot depth – 100 feet. Tax Map 91 illustrates the lot depth is 100 feet, which meets the minimum standard.
N V13-60	(D) Maximum lot coverage – 60 percent. Although the BZA granted variance relief under Case No. V10-33 for the existing 2,650 sq. ft. building, the proposed development will increase lot coverage with the addition of the rear stairs and balcony walkways from 70.4% to 80.3%, which requires variance approval.

Article 1347.04 – Setbacks and Encroachments	
N/A	(A) (1) Minimum front setback. Superseded by Article 1361.03(J) ...see observation below.
N/A	(2) Maximum front setback. Superseded by Article 1361.03(J) ...see observation below.
N V13-59	(3) Minimum side setback – 5 feet (without access drive). The existing setback on the east side is approximately 3 feet and the proposed setback for the addition is 0 feet. The existing setback on the west side is approximately 1.25' and the proposed setback for the addition is approximately 1.25'. Variance relief is required for the proposed zero lot line setback on the east side. Because setbacks are considered for the entire height of the building, Article 1373.02 provides that the extent of a nonconforming structure may not be increased on the west side unless variance relief is approved by the BZA.
N V13-59	(4) Minimum rear setback – 40 feet. The proposed setback from the rear stairs will be approximately 10 feet, which requires variance approval. Additionally, because setbacks are considered for the entire height of the building, Article 1373.02 provides that the extent of a nonconforming structure may not be increased unless variance relief is approved by the BZA.
Y	(B) Minimum setback for accessory structures – 10 feet from rear property line and 10 feet from each side property line...AND...accessory structures are not permitted in the front yard. No accessory structures are illustrated on the reviewed site plan.
N/A	(C) Corner lot.

Article 1347.05 – Building Height, Use and Size	
Y	(A) Maximum height of a principal structure – 72 feet.
N/A	(B) Maximum height of an accessory structure – 20 feet. No accessory structures are illustrated on the reviewed site plan.

Article 1347.06 – Parking and Loading Standards	
	(A) SEE OBSERVATIONS UNDER ARTICLE 1365 BELOW.
Y	(B) No parking spaces are permitted between the front façade of a building and any street right-of-way.

Article 1347.07 – Performance Standards	
	Superseded by Sunnyside Overlay District provisions; see observations below.

Article 1347.08 – Landscaping	
	SEE OBSERVATIONS UNDER ARTICLE 1367 BELOW.

Article 1365 – Parking, Loading and Internal Roadways	
TBD	1365.06 Parking Spaces Accessible to the Disabled. In consulting with the Code Enforcement Division, the Planning Division understands that the ICC Building Code will require an accessible route to proposed dwelling units, which may require an elevator. The petitioner must, as a part of building permit application, consult with the Chief Building Code Official to determine whether or not an elevator is required and related accessible parking spaces planned and developed accordingly.
N CU13-17	1365.07 Off-Site Parking Facility. The minimum number of parking spaces required for the 10 efficiency mixed-use dwelling units is five (5) spaces. The site plan illustrates two on-site parking spaces, with two on-site parking spaces being removed to construct the proposed stair tower. The proposed development program includes conditional off-site parking use on Parcel 47.02 of Tax Map 19, which is within 300 feet of the principal use. Because Article 1365.02(E) provides that off-street parking in existence may not be reduced below, or if already less than, may not be further reduced below minimum parking requirements, at least seven (7) parking spaces must be reserved on Parcel 47.02 as a part of the conditional use approval.
	1365.09 Parking Development Standards
TBD	(A) Dimensions. The dimensions of both the on-site and off-site may not meet minimum width and length standards. Parking lot layout design will be reviewed during building permit application.
	(B) Layout and Design.
Y	(1) Design and interference with traffic movement.
TBD	(2) Driveway entrances. Parking lot layout and driveway entrance design will be reviewed during building permit application.
N/A	(3) Connections between parking lots.
TBD	(4) Pavement marking, slope, unobstructed, and buffering from building. Parking lot layout and driveway entrance design will be reviewed during building permit application.
N/A	(5) Parking structure.
	(6) Landscaping. See landscaping observations and comments under Article 1367 below.
	(7) Parking area lighting facilities. See lighting observations and comments under Article 1371 below.

Article 1365 – Parking, Loading and Internal Roadways (cont.)	
	(C) Surfacing and Drainage.
TBD	(1) Paving. Additional information required concerning existing and proposed surfacing conditions.
N/A	(2) Gravel surface for certain industrial uses.
TBD	(3) Stormwater management planning to be reviewed and approved by the Morgantown Utility Board (MUB) under City Code Article 929.
N/A	(4) Alternate parking area surfacing materials/designs. Alternate design measures do not appear to be proposed.
N/A	1365.10 Loading requirements. Loading facilities do not appear necessary for existing and proposed land uses. However, loading facilities may become necessary as land use occupancies change.

Article 1367 – Landscaping and Screening	
TBD	A preliminary Landscaping Plan has not been provided for review.

Article 1369 – Signs	
TBD	A preliminary Master Signage Plan has not been provided for review.

Article 1371 – Lighting	
TBD	A preliminary Lighting Plan has not been provided for review.

SUMMARY OF SUNNYSIDE OVERLAY DISTRICT CONFORMITY OBSERVATIONS

Conformity (Y, N, TBD)	Design and Performance Standard
	Consistency Review
Article 1361.03 – Design and Performance Standards Common to All Sunnyside Overlay Districts.	
Y	(A) Buildings shall be oriented with the front facing the lot's primary street, or the Monongahela River if the parcel has frontage on the river.
	No observations.
Y	(B) Buildings should be designed to overlook streets and public open spaces so as to create a "self-policing" environment.
	Preliminary plans reviewed did not include windows or glazing in the facades facing Beechurst Avenue or the rear alley. Windows have been included in current plans.
Y	(C) Buildings shall not be oriented with the front facing parking or service areas.
	No observations.
TBD	(D) On primary streets, street trees shall be provided at a minimum of thirty-five (35) feet on center
	A preliminary Landscaping Plan has not been provided for review.

Article 1361.03 – Design and Performance Standards Common to All Sunnyside Overlay Districts.	
N V13-56	(E) Building facades that are adjacent to public streets and/or open spaces shall have a high degree of ground floor transparency [at least sixty (60) percent].
	The façade area of the ground floor facing Beechurst Avenue is 396 sq. ft. The minimum 60% standard for the ground floor is 237.6 sq. ft. The current exterior elevations represented on Sheet A-2.1 dated 23 MAY 2013 illustrates a proposed ground floor fenestration of 164 sq. ft. or 41.4%, which requires variance approval.
Y	(F) The siting of buildings should avoid the creation of unusable open spaces and should respect and compliment view corridors to and from the hillside and the riverfront.
	No observations.
N/A	(G) Building massing should be the tallest at street corners. In order to achieve this, buildings constructed on a corner of two primary streets should be at least five (5) stories in height, provided that all other requirements of the zoning ordinance are adhered to.
	No observations.
N/A	(H) Ground floor retail and service-type uses located within mixed-use buildings along primary streets shall not be included in height calculations.
	Proposed building height does not require calculation of this height bonus.
N/A	(I) For buildings taller than four (4) stories or seventy-five (75) feet in height, any additional floors in excess of four (4) stories shall be recessed or set back at least twelve (12) feet from the build-to line.
	Proposed building height does not require recessed design.
N V13-58	(J) A maximum of seventy-five (75) percent of the length of a building face shall be constructed along the build-to line or right-of-way of a primary street. The remaining twenty-five (25) percent may be setback a maximum of ten (10) feet from the build-to line.
	Article 1361.04(C)(4) establishes a 15-foot build-to line for the Beechurst Corridor Overlay District. The existing front setback of the subject building is approximately 1 foot. Because setbacks are considered for the entire height of the building, Article 1373.02 provides that the extent of a nonconforming structure may not be increased unless variance relief is approved by the BZA.
TBD	(K) Land between the front facade of a building and a public street shall be landscaped to integrate with the neighborhood's sidewalk system. In any area or setback between a building and sidewalk, one or a combination of the following shall be provided: (1) Landscaping/planting beds consisting of shrubbery and /or trees, or (2) Special paving areas designed as plaza space. No grass or sod areas shall be allowed in this space.
	A preliminary Landscaping Plan has not been provided for review.

Article 1361.03 – Design and Performance Standards Common to All Sunnyside Overlay Districts.	
TBD	(L) On primary streets, sidewalks shall be a minimum of eight (8) feet in width.
	Additional information is required concerning width and condition of the existing sidewalk along the site's Beechurst
N/A	(M) Front yard setbacks along secondary streets shall be a minimum of five (5) feet, and a maximum of fifteen (15) feet.
	Beechurst Avenue is identified as a primary street.
N/A	(N) Within areas of single-family and two-family dwellings, front yard setbacks of in-fill development shall not deviate by more than five (5) feet from the average front yard setbacks of the neighboring residences.
	No observations.
(O) Building Form and Scale:	
N V13-56	(1) Total fenestration shall be at least fifty (50) percent for building facades facing primary streets and/or public open spaces. For the ground floor, the ratio shall be at least sixty (60) percent.
	The total façade area facing Beechurst Avenue is 1,205 sq. ft. The minimum 50% standard for the entire building façade is 602.5 sq. ft. The current exterior elevations represented on Sheet A-2.1 dated 23 MAY 2013 illustrate a proposed total fenestration of 224 sq. ft. or 18.6%, which requires variance approval. The façade area of the ground floor facing Beechurst Avenue is 396 sq. ft. The minimum 60% standard for the ground floor is 237.6 sq. ft. The current exterior elevations represented on Sheet A-2.1 dated 23 MAY 2013 illustrate a proposed ground floor fenestration of 164 sq. ft. or 41.4%, which requires variance approval.
Y	(2) All ground floor retail areas along primary streets and/or public open spaces shall have awnings over entrances and ground floor windows, extending out at least four (4) feet from the facade. Such awnings may be extended to cover public sidewalks, provided they are set back at least eighteen (18) inches from the curb line of the street.
	An awning is illustrated on current exterior elevations (Sheet A-2.1 dated 23 MAY 2013).
Y	(3) Overall building widths along primary streets may vary, but building facades shall be designed in ten (10) to twenty (20) foot increments, so as to achieve the appearance of a series of distinct, adjoining buildings.
	Cladding material distinction illustrated on current exterior elevations represented on Sheet A-2.1 dated 23 MAY 2013 generally appear to meet said standard for the second and third floors along Beechurst Avenue.
Y	(4) The articulation of buildings, and window proportions, shall be vertical for buildings constructed along primary streets.
	Cladding material distinction and window types illustrated on current exterior elevations represented on Sheet A-2.1 dated 23 MAY 2013 generally appear to meet said standard for the second and third floors along Beechurst Avenue.

Article 1361.03 – Design and Performance Standards Common to All Sunnyside Overlay Districts.	
Y	(5) The minimum building height for a parcel on a primary street, shall be three (3) stories. On secondary streets, the minimum building height shall be two (2) stories.
	The proposed building height is three stories along Beechurst Avenue.
N V13-56	(6) The majority of window openings shall be slightly recessed (4-8 inches) from the exterior building wall to create a distinct and uniform shadow line for the building's primary facade.
	Windows do not appear to be recessed, which requires variance relief.
Y	(7) Unless no feasible alternative exists, fire escapes shall not be constructed on or attached to the front facade of any building or structure. The City of Morgantown Fire Department shall be the determining authority as to whether a feasible alternative exists.
	No observations.
(P) Building Materials:	
N V13-57	(1) Except for single- and two-family dwellings, the first two (2) floors of a building shall be constructed of natural materials. Natural materials include stone, brick, and wood siding, but do not include materials such as, or similar to, wood roof shingles, reflective glass, split faced concrete block, imitation stone, and imitation stucco or Drivit. Thirty-five (35) percent of the remaining building facade(s) on the public right-of-way or any facade(s) facing a single-family residence shall also be constructed of natural materials.
	Cladding material illustrated on current exterior elevations represented on Sheet A-2.1 dated 23 MAY 2013 for the second story appears to include cementitious siding and masonry veneer, which requires variance relief.
N V13-57	(2) Vinyl siding or other composite materials shall not exceed thirty-five (35) percent of a building face that abuts a right-of-way.
	Cladding material illustrated on current exterior elevations represented on Sheet A-2.1 dated 23 MAY 2013 includes cementitious siding and masonry veneer exceeding 35% of the Beechurst Avenue facing façade and cementitious siding and concrete block exceeding 35% of the rear façade facing the alley, which requires variance relief.
N	(3) In general, brick and a recessed window vocabulary should predominate along the northern end of Beechurst and along University Avenue. Materials should transition into a mixed palette of brick, metal and glass toward the southern end of Beechurst. The Riverfront should utilize more contemporary materials such as metal and glass.
	Desired design objective does not require variance relief.
TBD	(4) Building materials which promote energy efficiency and sustainability should constitute a minimum of thirty-five (35) percent of the total materials used to construct a building.
	Desired design objective does not require variance relief.

Article 1361.03 – Design and Performance Standards Common to All Sunnyside Overlay Districts.	
(Q) Street Hierarchies and Land Use:	
Y	(1) Except for single- and two-family dwellings, buildings constructed along primary streets shall have sixty (60) percent or more of their ground floor space dedicated to retail, restaurant, office or personal service uses. Residential uses shall be permitted on the ground floor in the remaining space, but shall not enfront the primary street.
	The existing “Administrative Office” use that comprises 100% of the first floor is and will remain nonresidential.
N/A	(2) On-street parking spaces immediately adjacent to a land use shall be counted toward fulfilling parking requirements for the use.
	No observations.
N CU13-17	(3) The minimum number of off-street parking spaces for mixed-use and over-store dwellings shall be one-half a space (0.5) per occupant as determined by the West Virginia State Building Code and adopted and implemented by the City plus required spaces for commercial use(s).
	The minimum number of parking spaces required for the 10 efficiency mixed-use dwelling units is five (5) spaces. The site plan illustrates two on-site parking spaces, with two on-site parking spaces being removed to construct the proposed stair tower. The proposed development program includes conditional off-site parking use on Parcel 47.02 of Tax Map 19, which is within 300 feet of the principal use. Because Article 1365.02(E) provides that off-street parking in existence may not be reduced below, or if already less than, may not be further reduced below minimum parking requirements, at least seven (7) parking spaces must be reserved on Parcel 47.02 as a part of the conditional use approval.
N/A	(4) Surface parking lots between buildings shall be designed as interior landscaped courtyards where cars are screened from the right-of-way; surface lots shall not be constructed where two (2) public rights-of-way intersect.
	No observations. The parking lot on Parcel 47.1 of Tax Map 19 is an existing use.
N/A	(5) Parking structures abutting open spaces or fronting on primary streets shall be designed with building-like facades.
	No observations.
N/A	(6) Parking garages three (3) stories or higher shall provide ground floor retail or service uses in an amount not less than thirty-five (35) percent of the ground floor area, located along the frontage of the garage.
	No observations.
Y	(7) Private parking areas shall be accessed from secondary streets and/or alleys. Access from primary streets shall only be utilized when other options are not available.
	On-site and proposed off-site parking areas are accessed from the alley.
Y	(8) To minimize curb cuts along primary and secondary streets, residential garages or car ports or driveways shall be located at the rear of the property and accessed from an alley, when available.
	No curb cut is proposed for Beechurst Avenue.

Article 1361.03 – Design and Performance Standards Common to All Sunnyside Overlay Districts.	
TBD	(9) Parking areas and properties containing multifamily or commercial buildings shall provide linkages of similar design and quality to adjacent off-site pedestrian amenities such as sidewalks, bike paths, etc.
	Additional information is required concerning the condition and width of the sidewalks along the site's Beechurst Avenue frontage.
TBD	(10) Parking areas containing ten (10) or more stalls shall be lighted to create safe, attractive nighttime environments. Such lighting shall not be designed or situated in such a manner as to cause spillover glare onto adjoining properties. Building entrances and significant architectural or landscape features should be illuminated with low-intensity, indirect lighting sources directed toward the feature.
	Additional information is required concerning existing lighting conditions of the proposed off-site parking area.

Article 1361.04 – Design and Performance Standards Specific to each Overlay District	
(C) Beechurst Corridor Overlay District	
Y	(1) Vehicular access to development shall not be directly from Beechurst Avenue unless no other alternative is feasible.
	No driveway access is proposed for the site from Beechurst Avenue.
Y	(2) Parking shall not be constructed between the Beechurst Avenue right-of-way and the front of any building.
	None proposed.
Y	(3) Buildings shall be highly articulated and permit views to the river where feasible.
	Window types illustrated on current exterior elevations represented on Sheet A-2.1 dated 23 MAY 2013 generally appear to meet said standard for the third and fourth floors on the rear façade.
N V13-58	(4) The build-to line shall be fifteen (15) feet from the property line along Beechurst Avenue.
	The existing front setback of the subject building is approximately 1 foot. Because setbacks are considered for the entire height of the building, Article 1373.02 provides that the extent of a nonconforming structure may not be increased unless variance relief is approved by the BZA.

SUMMARY OF REQUIRED BZA APPROVALS

- CU13-17To develop a conditional “Off-Site Parking Facility” use for seven (7) parking spaces within the existing parking lot located on Parcel 47.02 of Tax Map 19.
- V13-56To permit the development of window openings, fenestration ratios, and window recessing less than requisite performance standards as illustrated on the site plan dated 23 MAY 2013 by granting a 31.4% variance for the total front façade fenestration ratio, a 18.9% variance for the ground floor front façade fenestration ratio, and relief from recessing windows.
- V13-57To permit the development of cladding materials less than requisite performance standards and ratios as illustrated on the site plan dated 23 MAY 2013 so that cementitious siding and masonry veneer may be used on the front façade and cementitious siding and concrete block may be used on the rear façade.
- V13-58To permit the development of a second and third story as illustrated on the site plan dated 23 MAY 2013 that encroaches into the minimum front 15-foot build-to line setback standard within the Beechurst Corridor Overlay District by granting a 14-foot variance.
- V13-59To permit the development of a second and third story and stair/walkway facility as illustrated on the site plan dated 23 MAY 2013 by granting a 5-foot setback variance on the east side, a 3.57-foot setback variance on the west side, and a 30-foot rear setback variance.
- V13-60To exceed the maximum lot coverage standard of 60% as illustrated on the site plan dated 23 MAY 2013 by granting a 20.3% variance.

STAFF REPORT ADDENDUM C

CU13-17, V13-56 thru V13-60 / Joe Panico / 507 Beechurst Avenue

Staff recommended revisions to petitioner's conditional use Findings of Fact (deleted matter struck through; new matter underlined).

CU13-17To develop a conditional "Off-Site Parking Facility" use for seven (7) parking spaces within the existing parking lot located on Parcel 47.02 of Tax Map 19.

Finding of Fact No. 1 – Congestion in the streets is not increased, in that:

~~We have existing off street parking and with small residential addition will have very low impact on existing traffic of Beechurst Ave.~~ Alternate modes of transportation are readily available within the Beechurst Avenue corridor where increased mixed-use residential density is a desired development pattern in the Sunnyside-Up Neighborhood Revitalization Plan and the City's Comprehensive Plan.

Finding of Fact No. 2 – Safety from fire, panic, and other danger is not jeopardized, in that:

~~Updating existing building to current fire and safety codes, addition will be constructed to all fire codes.~~ The proposed off-site parking facility is an existing surface parking lot.

Finding of Fact No. 3 – Provision of adequate light and air is not disturbed, in that:

~~I'm beside of Beechurst Power Plant, I own all abutting parcels.~~ The proposed off-site parking facility is an existing surface parking lot. The proposed addition to the existing non-residential building for which off-site parking approval is requested, is two stories and should not adversely impact existing light distribution or air flow patterns.

Finding of Fact No. 4 – Overcrowding of land does not result, in that:

~~I'm building up on existing footprint of building.~~ The Planning and Zoning Code provides the opportunity of dedicating off-site parking to mitigate overcrowding development patterns. No new parking structure, facility, or use is proposed as the location of the off-site parking facility is an existing surface parking lot.

Finding of Fact No. 5 – Undue congestion of population is not created, in that:

~~Just an addition to business area of 10 people.~~ The Planning and Zoning Code provides the opportunity of dedicating off-site parking to mitigate population congestion. No new parking structure, facility, or use is proposed as the location of the off-site parking facility is an existing surface parking lot. Additionally, increased mixed-use residential density along the Beechurst Avenue corridor is a desired development pattern in the Sunnyside Up Neighborhood Revitalization Plan and the City's Comprehensive Plan.

Finding of Fact No. 6 – Granting this request will not create inadequate provision of transportation, water, sewage, schools, parks, or other public requirements, in that:

~~Conditional use granting will neither increase or decrease demand for public infrastructure and services already needed to service area.~~ The proposed addition to the existing non-residential building, for which off-site parking approval is requested, should not increase demand for said public infrastructure or services.

Finding of Fact No. 7 – Value of buildings will be conserved, in that:

~~Historically constructing new buildings will generally increase values of surrounding properties. The proposed off-site parking facility appears, in this case, necessary to continue private sector efforts of increasing mixed-use residential density in the Sunnyside Neighborhood. New construction should further existing mark value and interest in continued development and redevelopment.~~

Finding of Fact No. 8 – The most appropriate use of land is encouraged, in that:

~~This buildings parking requirements are already met and exceeded by existing parking lot. The location of the proposed off-site parking facility utilized an existing surface parking lot.~~

**STAFF RECOMMENDED FINDINGS OF FACT
FOR THE PETITIONER'S FIVE (5) VARIANCE PETITIONS
WILL BE DISTRIBUTED AT THE 16 OCT 2013 BZA HEARING.**

Staff recommended findings of fact for the petitioner's five (5) variance petitions.

V13-56To permit the development of window openings, fenestration ratios, and window recessing less than requisite performance standards as illustrated on the building elevations dated 23 MAY 2013 by granting a 31.4% variance for the total front façade fenestration ratio, a 18.9% variance for the ground floor front façade fenestration ratio, and relief from recessing windows.

Finding of Fact No. 1 – There are exceptional or extraordinary circumstances or conditions applicable to this property or to the intended use, that generally do not apply to other properties or uses in the same vicinity, because:

Finding of Fact No. 2 – The variance is necessary for the preservation and enjoyment of a substantial property right that is possessed by other properties in the same vicinity and zoning district, but which denied to this property, because:

Finding of Fact No. 3 – The granting of this variance not be harmful to the public welfare and will not harm property or improvements in the vicinity and zoning district in which the subject property is located, because:

Finding of Fact No. 4 – The granting of this variance not alter the land-use characteristics of the vicinity and zoning district, or diminish the market value of adjacent properties, or increase traffic congestion on public streets, because:

V13-57To permit the development of cladding materials less than requisite performance standards and ratios as illustrated on the building elevations dated 23 MAY 2013 so that cementitious siding and masonry veneer may be used on the front façade and cementitious siding and concrete block may be used on the rear façade.

Finding of Fact No. 1 – There are exceptional or extraordinary circumstances or conditions applicable to this property or to the intended use, that generally do not apply to other properties or uses in the same vicinity, because:

Finding of Fact No. 2 – The variance is necessary for the preservation and enjoyment of a substantial property right that is possessed by other properties in the same vicinity and zoning district, but which denied to this property, because:

Finding of Fact No. 3 – The granting of this variance not be harmful to the public welfare and will not harm property or improvements in the vicinity and zoning district in which the subject property is located, because:

Finding of Fact No. 4 – The granting of this variance not alter the land-use characteristics of the vicinity and zoning district, or diminish the market value of adjacent properties, or increase traffic congestion on public streets, because:

V13-58.....To permit the development of the proposed second and third story as illustrated on the site plan dated 23 MAY 2013 that encroaches into the minimum front 15-foot build-to line setback standard within the Beechurst Corridor Overlay District by granting a 14-foot variance.

Finding of Fact No. 1 – There are exceptional or extraordinary circumstances or conditions applicable to this property or to the intended use, that generally do not apply to other properties or uses in the same vicinity, because:

Finding of Fact No. 2 – The variance is necessary for the preservation and enjoyment of a substantial property right that is possessed by other properties in the same vicinity and zoning district, but which denied to this property, because:

Finding of Fact No. 3 – The granting of this variance not be harmful to the public welfare and will not harm property or improvements in the vicinity and zoning district in which the subject property is located, because:

Finding of Fact No. 4 – The granting of this variance not alter the land-use characteristics of the vicinity and zoning district, or diminish the market value of adjacent properties, or increase traffic congestion on public streets, because:

V13-59.....To permit the development of the proposed second and third story and stair/walkway facility as illustrated on the site plan dated 23 MAY 2013 by granting a 5-foot setback variance on the east side, a 3.75-foot setback variance on the west side, and a 30-foot rear setback variance.

Finding of Fact No. 1 – There are exceptional or extraordinary circumstances or conditions applicable to this property or to the intended use, that generally do not apply to other properties or uses in the same vicinity, because:

Finding of Fact No. 2 – The variance is necessary for the preservation and enjoyment of a substantial property right that is possessed by other properties in the same vicinity and zoning district, but which denied to this property, because:

Finding of Fact No. 3 – The granting of this variance not be harmful to the public welfare and will not harm property or improvements in the vicinity and zoning district in which the subject property is located, because:

Finding of Fact No. 4 – The granting of this variance not alter the land-use characteristics of the vicinity and zoning district, or diminish the market value of adjacent properties, or increase traffic congestion on public streets, because:

V13-60To exceed the maximum lot coverage standard of 60% as illustrated on the site plan dated 23 MAY 2013 by granting a 20.3% variance.

Finding of Fact No. 1 – There are exceptional or extraordinary circumstances or conditions applicable to this property or to the intended use, that generally do not apply to other properties or uses in the same vicinity, because:

Finding of Fact No. 2 – The variance is necessary for the preservation and enjoyment of a substantial property right that is possessed by other properties in the same vicinity and zoning district, but which denied to this property, because:

Finding of Fact No. 3 – The granting of this variance not be harmful to the public welfare and will not harm property or improvements in the vicinity and zoning district in which the subject property is located, because:

Finding of Fact No. 4 – The granting of this variance not alter the land-use characteristics of the vicinity and zoning district, or diminish the market value of adjacent properties, or increase traffic congestion on public streets, because:



City of Morgantown, West Virginia

APPLICATION FOR TYPE IV SITE PLAN – CONDITIONAL USE

OFFICE USE	
CASE NO.	CUB-17
RECEIVED:	
COMPLETE:	

(PLEASE TYPE OR PRINT IN BLACK INK)

I. APPLICANT					
Name:	500 block llc	Phone:	3046853015		
Mailing Address:	507 BEECHURST AVE	Mobile:	3046853015		
	MGTN WV 26505	Email:	3046853015		
	City State Zip				
II. AGENT / CONTACT INFORMATION					
Name:	500 block llc	Phone:	3046853015		
Mailing Address:	SAMM	Mobile:	3046853015		
	Street	Email:	3046853015		
	City State Zip				
Mailings –	Send all correspondence to (check one): <input type="checkbox"/> Applicant OR <input type="checkbox"/> Agent/Contact				
III. PROPERTY					
Owner:	500 block llc	Phone:	3046853015		
Mailing Address:	SAMM	Mobile:	3046853015		
	Street	Email:	3046853015		
	City State Zip				
IV. SITE					
Street Address (if assigned):	507 BEECHURST AVE	Tax Map #:	19	Parcel #:	47
Zoning:	B-2	BEECHURST OVERLAY			
Lot Dimensions:	Width: 37.5 Ft.	Depth: 100 Ft.	Square Footage:	3750	ft. ²
Shape of Lot:	<input type="checkbox"/> Corner <input checked="" 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:	commercial				
Proposed Use of Structure of Land:	commercial/mixed				

Finance Office
Morgantown, WV 26505
(304) 284-7402



APPLICATION FOR TYPE IV SITE PLAN – CONDITIONAL USE

OFFICE USE	
CASE NO.	C113-17
RECEIVED:	
COMPLETE:	

V. STRUCTURE

Proposed Setbacks: Front: _____ ft. Rear: 10 ft. Side A: 3 ft. Side B: 1.5 ft.
 Proposed Height of Structure: 3 No. of Proposed Off-Street Parking Spaces: 6
 No. of Dwelling Units (if applicable): 10 No. of Bedrooms: 10 No. of Employees: 0
 Square Footage of all Proposed Structures (please explain):

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:

- (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.
- (b) The exact sizes and locations on the lot of existing structures, if any;
- (c) The location, square footage, and dimensions of the proposed structure or alteration;
- (d) The location of the lot with respect to adjacent rights-of-way;
- (e) The existing and proposed uses of the structure and land;
- (f) The number of employees, families, housekeeping units, bedrooms, or rental units the structure is designed to accommodate;
- (g) The location and dimensions of off-street parking and means of ingress and egress for such space;
- (h) Height of structure;
- (i) Setbacks;
- (j) Buffer yard and screening, if applicable;
- (k) Location of garbage collection area and screening;
- (l) Location of existing and/or proposed signs, if applicable;
- (m) Roadway typical detail for internal roadways, if applicable;
- (n) Location and size of stormwater management facilities; and,
- (o) Utility lines and easements, if applicable.



City of Morgantown, West Virginia

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

OFFICE USE	
CASE NO.	CUB-17
RECEIVED:	_____
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.



APPLICATION FOR
TYPE IV SITE PLAN – CONDITIONAL USE

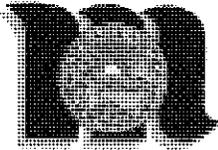
OFFICE USE	
CASE NO.	CUI3-17
RECEIVED:	
COMPLETE:	

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: WE HAVE EXISTING OFF STREET PARKING AND WITH SMALL RESIDENTIAL ADDITION WILL HAVE VERY LOW IMPACT ON EXISTING TRAFFIC OF BEECHVIST AVE
2. Safety from fire, panic, and other danger is not jeopardized, in that: UPDATE EXISTING BUILDING TO CURRENT FIRE & SAFETY CODES ADDITIONS WILL BE CONSTRUCTED TO ALL FIRE CODES
3. Provision of adequate light and air is not disturbed, in that: I'M BESIDE OF BEECHVIST POWER PLANT, I OWN ALL ADJUTING PARCELS
4. Overcrowding of land does not result, in that: I'M BUILDING UP ON EXISTING FOOTPRINT OF BUILDING
5. Undue congestion of population is not created, in that: JUST A ADDITION TO BUSINESS AREA OF 10 PEOPLE



APPLICATION FOR
TYPE IV SITE PLAN – CONDITIONAL USE

OFFICE USE	
CASE NO.	_____
RECEIVED:	_____
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:

CONDITIONAL USE GRANTING WILL NEITHER INCREASE OR DECREASE DEMAND FOR PUBLIC INFRASTRUCTURE AND SERVICES ALREADY NEEDED TO SERVICE AREA.

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

HISTORICALLY CONSTRUCTING NEW BUILDINGS IT WILL GENERALLY INCREASE VALUES OF SURROUNDING PROPERTIES.

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

THIS BUILDING PARKING REQUIREMENTS ARE ALREADY MET AND EXCEEDED BY EXISTING PARKING LOT

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.

Joe PANKIC

[Signature]

Type/Print Name of Applicant/Agent

Signature of Applicant/Agent

Date

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



City of Morgantown, West Virginia

APPLICATION FOR ZONING VARIANCE

OFFICE USE	
CASE NO.	V13-56
RECEIVED:	
COMPLETE:	

(PLEASE TYPE OR PRINT IN BLACK INK)

Fee: \$75

I. APPLICANT		Name:	500 Block LLC	
Mailing Address:	507 Beechurst ave		Phone:	3046853015
	Street	morgantown wv 26505	Mobile:	
	City	State	Zip	Email: joe@341live.com

II. PROPERTY		Street Address:		
Owner:	500 Block LLC		Zoning:	
Mailing Address:	same		Tax Map No:	
	Street		Parcel No:	
	City	State	Zip	Phone:

III. NARRATIVE	Please describe the nature and extent of your variance request(s).
VARIANCE MIN FENESTRATION	

V. 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. I agree to conform to all applicable laws of this jurisdiction. The granting of a variance does not presume to give authority to violate or cancel the provisions of any other federal, state, or local law regulating construction or the performance of construction. 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. I hereby authorize the Planning Department to erect a notification sign on the subject property approximately 15 days prior to the BZA hearing. I further agree to maintain said signage and hereby accept responsibility in case of destruction or removal.		
		9/17
Type/Print Name of Applicant/Agent	Signature of Applicant/Agent	Date

You or a representative **MUST** be present at the scheduled hearing to present the request and answer questions. Failure to appear at the hearing will result in your request being tabled.



City of Morgantown, West Virginia

APPLICATION FOR ZONING VARIANCE

OFFICE USE

CASE NO. V13-56
RECEIVED: _____
COMPLETE: _____

VI. SUPPLEMENTAL INFORMATION

Depending on the type of variance request and the scale and scope of the development proposal, supplemental information may be needed to assist the Board of Zoning Appeals in rendering a variance decision. *Staff will check the appropriate boxes below that must be addressed.*

Land Use Characteristics (complete only those that apply)

- Residential Single-Family Dwelling Townhouse Dwelling
 Two-Family Dwelling Multi-Family Dwelling
 Non-Residential or Mixed *(please explain)*

Structure Characteristics (complete only those that apply)

Total number of buildings: 1 Gross floor area of each building: 5280
 Estimated number of employees: 0 No. of dwelling units: 10 No. of bedrooms: 10
 Additional structure-related details:

Additional Information (as required by Staff):

Site Plan A scaled site plan may be required to assist the Board in rendering a variance decision. The following features must be represented, as required by Staff.

- Location, shape, exterior dimensions, and number of stories of each building on the site.
- Standard yard setbacks for the applicable zoning district
- Location, grade, and dimensions of paved surfaces, and all abutting streets
- Existing and proposed contours, at an interval of at least two (2) feet
- Complete traffic circulation plan showing dimensions, entrance/exit drives, planters, and similar improvements
- Location of landscaped areas (to be detailed on landscape plan), fences, walls, and other screen required

For simple variance requests (as determined by Staff), please use the graph area on the following page to illustrate applicable features listed above.



City of Morgantown, West Virginia

APPLICATION FOR ZONING VARIANCE

OFFICE USE

CASE NO. V13-56

RECEIVED: _____

COMPLETE: _____

Suggested Scale: 1 square = 5'

SEE ATTACHMENT



City of Morgantown, West Virginia

**APPLICATION FOR
ZONING VARIANCE**

OFFICE USE	
CASE NO.	U13-56
RECEIVED:	_____
COMPLETE:	_____

VII. FINDINGS OF FACT

The Board of Zoning Appeals may grant a variance request only if each of the following "Findings of Fact" criteria is determined to be in the positive. Applicants must give their own responses to the following criteria statements.

1. There are exceptional or extraordinary circumstances or conditions applicable to this property or to the intended use, that generally do not apply to other properties or uses in the same vicinity, because:

2. The variance is necessary for the preservation and enjoyment of a substantial property right that is possessed by other properties in the same vicinity and zoning district, but which denied to this property, because:

3. The granting of this variance will not be harmful to the public welfare and will not harm property or improvements in the vicinity and zoning district in which the subject property is located, because:

4. The granting of this variance will not alter the land-use characteristics of the vicinity and zoning district, or diminish the market value of adjacent properties, or increase traffic congestion on public streets, because:

ADDENDUM A

[REDACTED] / Panico – 500 Block, LLC / 507 Beechurst Avenue

Finding of Fact #1 – There are exceptional or extraordinary circumstances or conditions applicable to this property or to the intended use, that generally do not apply to other properties or uses in the same vicinity, because:

Almost all of the nearby properties do not meet current zoning standards and are considered existing non-conforming. The existing and surrounding properties appear to have non-conforming lot areas, setbacks, and building coverage. It appears that the existing commercial structure was built approximately three feet to the northwestern side property line.

Finding of Fact #2 – The variance is necessary for the preservation and enjoyment of a substantial property right that is possessed by other properties in the same vicinity and zoning district, but which denied to this property, because:

The proposed setbacks and lot coverage appear to be ~~are~~ consistent with existing neighboring buildings in the B-2 District (e.g. 517 Beechurst Avenue).

Finding of Fact #3 – The granting of this variance will not be harmful to the public welfare and will not harm property or improvements in the vicinity and zoning district in which the subject property is located, because:

The proposed addition does not appear to reduce existing parking as internal parking will be provided. The proposed addition does not appear to encroach into the alley right-of-way nor hinder future development of same.

Finding of Fact #4 – The granting of this variance will not alter the land-use characteristics of the vicinity and zoning district, or diminish the market value of adjacent properties, or increase traffic congestion on public streets, because:

The existing uses within the building will remain; the proposed addition should increase the value of the structure and property and thereby enhance the values of adjoining properties; the requested variance relief should not contribute to nor mitigate traffic that is already present within the area and generated by the existing uses with the building and proposed addition.



City of Morgantown, West Virginia

APPLICATION FOR ZONING VARIANCE

OFFICE USE	
CASE NO.	V13-57
RECEIVED:	
COMPLETE:	

(PLEASE TYPE OR PRINT IN BLACK INK)

Fee: \$75

I. APPLICANT		Name:	500 Block LLC	
Mailing Address:	507 Beechurst ave		Phone:	3046853015
	Street	morgantown	wv	26505
	City	State	Zip	
			Mobile:	
			Email:	joe@341live.com
II. PROPERTY		Street Address:		
Owner:	500 Block LLC		Zoning:	
Mailing Address:	same		Tax Map No:	
	Street		Parcel No:	
	City	State	Zip	
			Phone:	
III. NARRATIVE		Please describe the nature and extent of your variance request(s).		
CLADDING MATERIAL VARIANCE				
V. ATTEST				
<p>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. I agree to conform to all applicable laws of this jurisdiction. The granting of a variance does not presume to give authority to violate or cancel the provisions of any other federal, state, or local law regulating construction or the performance of construction. 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. I hereby authorize the Planning Department to erect a notification sign on the subject property approximately 15 days prior to the BZA hearing. I further agree to maintain said signage and hereby accept responsibility in case of destruction or removal.</p>				
Joe Pardo		[Signature]		9/13
Type/Print Name of Applicant/Agent		Signature of Applicant/Agent		Date

You or a representative **MUST** be present at the scheduled hearing to present the request and answer questions. Failure to appear at the hearing will result in your request being tabled.



City of Morgantown, West Virginia

APPLICATION FOR ZONING VARIANCE

OFFICE USE	
CASE NO.	V13-57
RECEIVED:	
COMPLETE:	

VI. SUPPLEMENTAL INFORMATION

Depending on the type of variance request and the scale and scope of the development proposal, supplemental information may be needed to assist the Board of Zoning Appeals in rendering a variance decision. *Staff will check the appropriate boxes below that must be addressed.*

Land Use Characteristics (complete only those that apply)

- Residential Single-Family Dwelling Townhouse Dwelling
 Two-Family Dwelling Multi-Family Dwelling
- Non-Residential or Mixed (*please explain*)

Structure Characteristics (complete only those that apply)

Total number of buildings: 1 Gross floor area of each building: 5280

Estimated number of employees: 0 No. of dwelling units: 10 No. of bedrooms: 10

Additional structure-related details:

Additional Information (as required by Staff):

Site Plan A scaled site plan may be required to assist the Board in rendering a variance decision. The following features must be represented, as required by Staff.

- Location, shape, exterior dimensions, and number of stories of each building on the site.
- Standard yard setbacks for the applicable zoning district
- Location, grade, and dimensions of paved surfaces, and all abutting streets
- Existing and proposed contours, at an interval of at least two (2) feet
- Complete traffic circulation plan showing dimensions, entrance/exit drives, planters, and similar improvements
- Location of landscaped areas (to be detailed on landscape plan), fences, walls, and other screen required

For simple variance requests (as determined by Staff), please use the graph area on the following page to illustrate applicable features listed above.



City of Morgantown, West Virginia

**APPLICATION FOR
ZONING VARIANCE**

OFFICE USE	
CASE NO.	V13-57
RECEIVED:	_____
COMPLETE:	_____

Suggested Scale: 1 square = 5'



City of Morgantown, West Virginia

**APPLICATION FOR
ZONING VARIANCE**

OFFICE USE	
CASE NO.	V13-57
RECEIVED:	_____
COMPLETE:	_____

VII. FINDINGS OF FACT

The Board of Zoning Appeals may grant a variance request only if each of the following "Findings of Fact" criteria is determined to be in the positive. Applicants must give their own responses to the following criteria statements.

1. There are exceptional or extraordinary circumstances or conditions applicable to this property or to the intended use, that generally do not apply to other properties or uses in the same vicinity, because:

2. The variance is necessary for the preservation and enjoyment of a substantial property right that is possessed by other properties in the same vicinity and zoning district, but which denied to this property, because:

3. The granting of this variance will not be harmful to the public welfare and will not harm property or improvements in the vicinity and zoning district in which the subject property is located, because:

4. The granting of this variance will not alter the land-use characteristics of the vicinity and zoning district, or diminish the market value of adjacent properties, or increase traffic congestion on public streets, because:

ADDENDUM A

~~XXXXXX~~ / Panico – 500 Block, LLC / 507 Beechurst Avenue

Finding of Fact #1 – There are exceptional or extraordinary circumstances or conditions applicable to this property or to the intended use, that generally do not apply to other properties or uses in the same vicinity, because:

Almost all of the nearby properties do not meet current zoning standards and are considered existing non-conforming. The existing and surrounding properties appear to have non-conforming lot areas, setbacks, and building coverage. It appears that the existing commercial structure was built approximately three feet to the northwestern side property line.

Finding of Fact #2 – The variance is necessary for the preservation and enjoyment of a substantial property right that is possessed by other properties in the same vicinity and zoning district, but which denied to this property, because:

The proposed setbacks and lot coverage appear to be ~~are~~ consistent with existing neighboring buildings in the B-2 District (e.g. 517 Beechurst Avenue).

Finding of Fact #3 – The granting of this variance will not be harmful to the public welfare and will not harm property or improvements in the vicinity and zoning district in which the subject property is located, because:

The proposed addition does not appear to reduce existing parking as internal parking will be provided. The proposed addition does not appear to encroach into the alley right-of-way nor hinder future development of same.

Finding of Fact #4 – The granting of this variance will not alter the land-use characteristics of the vicinity and zoning district, or diminish the market value of adjacent properties, or increase traffic congestion on public streets, because:

The existing uses within the building will remain; the proposed addition should increase the value of the structure and property and thereby enhance the values of adjoining properties; the requested variance relief should not contribute to nor mitigate traffic that is already present within the area and generated by the existing uses with the building and proposed addition.



City of Morgantown, West Virginia

APPLICATION FOR ZONING VARIANCE

OFFICE USE	
CASE NO.	V13-58
RECEIVED:	
COMPLETE:	

(PLEASE TYPE OR PRINT IN BLACK INK)

Fee: \$75

I. APPLICANT		Name:	500 Block LLC		
Mailing Address:	507 Beechurst ave			Phone:	3046853015
	Street	morgantown	wv	26505	Mobile:
	City		State		Zip
			Email:	joe@341live.com	
II. PROPERTY		Street Address:			
Owner:	500 Block LLC			Zoning:	
Mailing Address:	same			Tax Map No:	
	Street				Parcel No:
	City		State		Zip
			Phone:		
III. NARRATIVE		Please describe the nature and extent of your variance request(s).			
<p>VARIANCE MIN FRONT YARD SETBACK</p>					
V. ATTEST		<p>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. I agree to conform to all applicable laws of this jurisdiction. The granting of a variance does not presume to give authority to violate or cancel the provisions of any other federal, state, or local law regulating construction or the performance of construction. 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. I hereby authorize the Planning Department to erect a notification sign on the subject property approximately 15 days prior to the BZA hearing. I further agree to maintain said signage and hereby accept responsibility in case of destruction or removal.</p>			
<p><i>Joe Pawlco</i></p>		<p><i>[Signature]</i></p>		<p>9/13</p>	
Type/Print Name of Applicant/Agent		Signature of Applicant/Agent		Date	

You or a representative **MUST** be present at the scheduled hearing to present the request and answer questions. Failure to appear at the hearing will result in your request being tabled.



APPLICATION FOR ZONING VARIANCE

OFFICE USE	
CASE NO.	V13-58
RECEIVED:	
COMPLETE:	

VI. SUPPLEMENTAL INFORMATION

Depending on the type of variance request and the scale and scope of the development proposal, supplemental information may be needed to assist the Board of Zoning Appeals in rendering a variance decision. Staff will check the appropriate boxes below that must be addressed.

Land Use Characteristics (complete only those that apply)

- Residential
 - Single-Family Dwelling
 - Two-Family Dwelling
- Townhouse Dwelling
- Multi-Family Dwelling
- Non-Residential or Mixed (please explain)

Structure Characteristics (complete only those that apply)

Total number of buildings: 1 Gross floor area of each building: 5280

Estimated number of employees: 0 No. of dwelling units: 10 No. of bedrooms: 10

Additional structure-related details:

Additional Information (as required by Staff):

Site Plan A scaled site plan may be required to assist the Board in rendering a variance decision. The following features must be represented, as required by Staff.

- Location, shape, exterior dimensions, and number of stories of each building on the site.
- Standard yard setbacks for the applicable zoning district
- Location, grade, and dimensions of paved surfaces, and all abutting streets
- Existing and proposed contours, at an interval of at least two (2) feet
- Complete traffic circulation plan showing dimensions, entrance/exit drives, planters, and similar improvements
- Location of landscaped areas (to be detailed on landscape plan), fences, walls, and other screen required

For simple variance requests (as determined by Staff), please use the graph area on the following page to illustrate applicable features listed above.

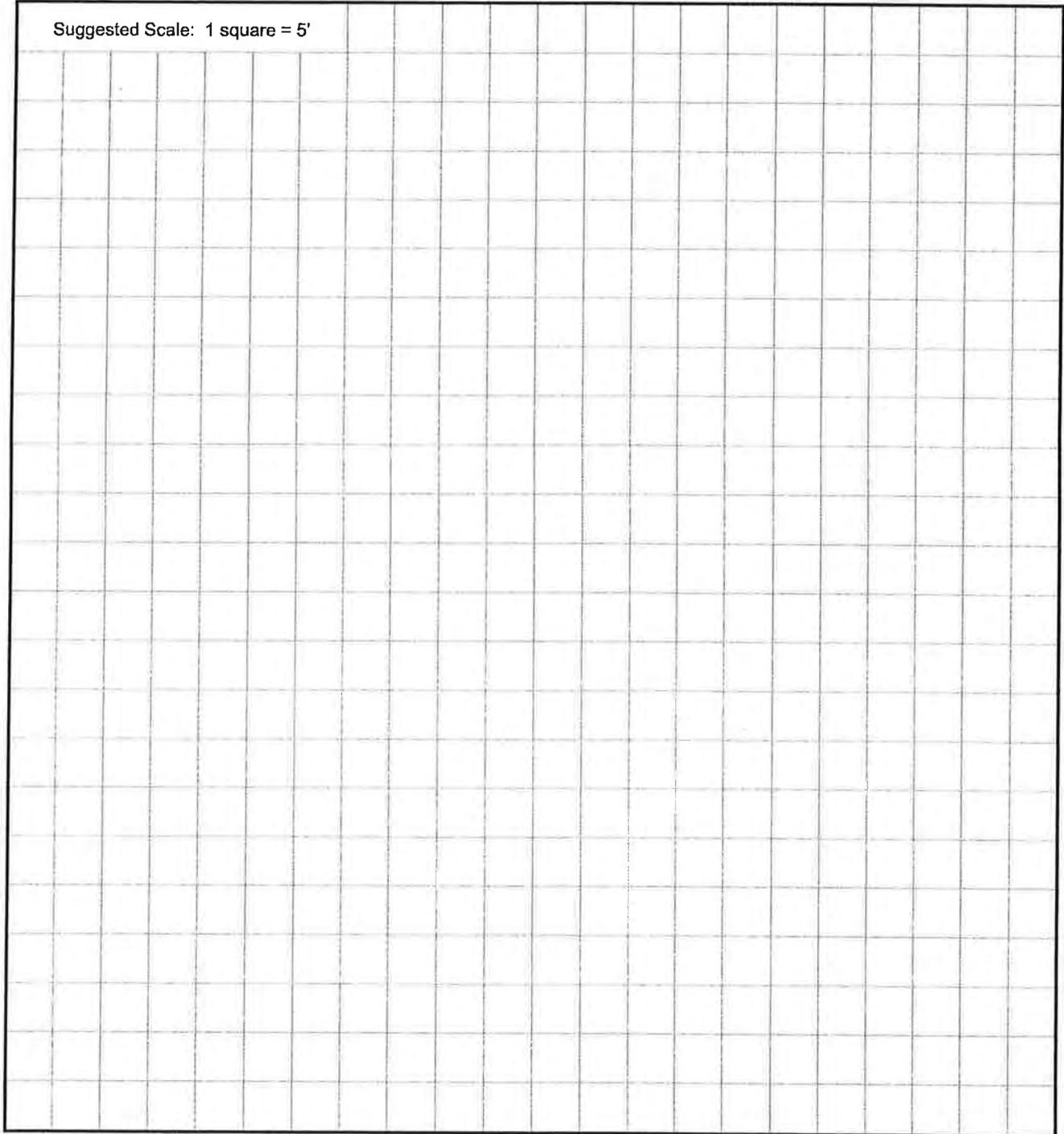


City of Morgantown, West Virginia

**APPLICATION FOR
ZONING VARIANCE**

OFFICE USE	
CASE NO.	V13-58
RECEIVED:	_____
COMPLETE:	_____

Suggested Scale: 1 square = 5'





City of Morgantown, West Virginia

APPLICATION FOR ZONING VARIANCE

OFFICE USE

CASE NO. V13-58

RECEIVED: _____

COMPLETE: _____

VII. FINDINGS OF FACT

The Board of Zoning Appeals may grant a variance request only if each of the following "Findings of Fact" criteria is determined to be in the positive. Applicants must give their own responses to the following criteria statements.

1. There are exceptional or extraordinary circumstances or conditions applicable to this property or to the intended use, that generally do not apply to other properties or uses in the same vicinity, because:

2. The variance is necessary for the preservation and enjoyment of a substantial property right that is possessed by other properties in the same vicinity and zoning district, but which denied to this property, because:

3. The granting of this variance will not be harmful to the public welfare and will not harm property or improvements in the vicinity and zoning district in which the subject property is located, because:

4. The granting of this variance will not alter the land-use characteristics of the vicinity and zoning district, or diminish the market value of adjacent properties, or increase traffic congestion on public streets, because:

ADDENDUM A

/ Panico – 500 Block, LLC / 507 Beechurst Avenue

Finding of Fact #1 – There are exceptional or extraordinary circumstances or conditions applicable to this property or to the intended use, that generally do not apply to other properties or uses in the same vicinity, because:

Almost all of the nearby properties do not meet current zoning standards and are considered existing non-conforming. The existing and surrounding properties appear to have non-conforming lot areas, setbacks, and building coverage. It appears that the existing commercial structure was built approximately three feet to the northwestern side property line.

Finding of Fact #2 – The variance is necessary for the preservation and enjoyment of a substantial property right that is possessed by other properties in the same vicinity and zoning district, but which denied to this property, because:

The proposed setbacks and lot coverage appear to be are consistent with existing neighboring buildings in the B-2 District (e.g. 517 Beechurst Avenue).

Finding of Fact #3 – The granting of this variance will not be harmful to the public welfare and will not harm property or improvements in the vicinity and zoning district in which the subject property is located, because:

The proposed addition does not appear to reduce existing parking as internal parking will be provided. The proposed addition does not appear to encroach into the alley right-of-way nor hinder future development of same.

Finding of Fact #4 – The granting of this variance will not alter the land-use characteristics of the vicinity and zoning district, or diminish the market value of adjacent properties, or increase traffic congestion on public streets, because:

The existing uses within the building will remain; the proposed addition should increase the value of the structure and property and thereby enhance the values of adjoining properties; the requested variance relief should not contribute to nor mitigate traffic that is already present within the area and generated by the existing uses with the building and proposed addition.



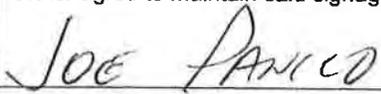
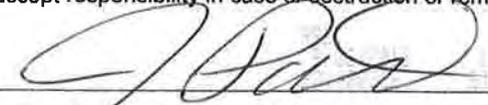
City of Morgantown, West Virginia

APPLICATION FOR ZONING VARIANCE

OFFICE USE	
CASE NO.	113-59
RECEIVED:	
COMPLETE:	

(PLEASE TYPE OR PRINT IN BLACK INK)

Fee: \$75

I. APPLICANT		Name:	500 Block LLC		
Mailing Address:	507 Beechurst ave		Phone:	3046853015	
	Street	morgantown	wv	26505	
	City		State	Zip	
			Mobile:		
			Email:	joe@341live.com	
II. PROPERTY		Street Address:			
Owner:	500 Block LLC		Zoning:		
Mailing Address:	same		Tax Map No:		
	Street			Parcel No:	
	City		State	Zip	
			Phone:		
III. NARRATIVE		Please describe the nature and extent of your variance request(s).			
<p>VARIANCE TO EXCEED SIDE YARD SET BACKS </p>					
V. ATTEST					
<p>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. I agree to conform to all applicable laws of this jurisdiction. The granting of a variance does not presume to give authority to violate or cancel the provisions of any other federal, state, or local law regulating construction or the performance of construction. 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. I hereby authorize the Planning Department to erect a notification sign on the subject property approximately 15 days prior to the BZA hearing. I further agree to maintain said signage and hereby accept responsibility in case of destruction or removal.</p>					
 Type/Print Name of Applicant/Agent		 Signature of Applicant/Agent		9/3/13 Date	

You or a representative MUST be present at the scheduled hearing to present the request and answer questions. Failure to appear at the hearing will result in your request being tabled.



APPLICATION FOR ZONING VARIANCE

OFFICE USE

CASE NO. V13-59
 RECEIVED: _____
 COMPLETE: _____

VI. SUPPLEMENTAL INFORMATION

Depending on the type of variance request and the scale and scope of the development proposal, supplemental information may be needed to assist the Board of Zoning Appeals in rendering a variance decision. *Staff will check the appropriate boxes below that must be addressed.*

Land Use Characteristics (complete only those that apply)

- Residential Single-Family Dwelling Townhouse Dwelling
 Two-Family Dwelling Multi-Family Dwelling
 Non-Residential or Mixed (*please explain*)

Structure Characteristics (complete only those that apply)

Total number of buildings: 1 Gross floor area of each building: 5280
 Estimated number of employees: 0 No. of dwelling units: 10 No. of bedrooms: 10
 Additional structure-related details:

Additional Information (as required by Staff):

Site Plan A scaled site plan may be required to assist the Board in rendering a variance decision. The following features must be represented, as required by Staff.

- Location, shape, exterior dimensions, and number of stories of each building on the site.
- Standard yard setbacks for the applicable zoning district
- Location, grade, and dimensions of paved surfaces, and all abutting streets
- Existing and proposed contours, at an interval of at least two (2) feet
- Complete traffic circulation plan showing dimensions, entrance/exit drives, planters, and similar improvements
- Location of landscaped areas (to be detailed on landscape plan), fences, walls, and other screen required

For simple variance requests (as determined by Staff), please use the graph area on the following page to illustrate applicable features listed above.



City of Morgantown, West Virginia

**APPLICATION FOR
ZONING VARIANCE**

OFFICE USE	
CASE NO.	V13-59
RECEIVED:	_____
COMPLETE:	_____

Suggested Scale: 1 square = 5'

SEE
ATTACHED



City of Morgantown, West Virginia

APPLICATION FOR ZONING VARIANCE

OFFICE USE

CASE NO. V13-59
RECEIVED: _____
COMPLETE: _____

VII. FINDINGS OF FACT

The Board of Zoning Appeals may grant a variance request only if each of the following "Findings of Fact" criteria is determined to be in the positive. Applicants must give their own responses to the following criteria statements.

1. There are exceptional or extraordinary circumstances or conditions applicable to this property or to the intended use, that generally do not apply to other properties or uses in the same vicinity, because:

2. The variance is necessary for the preservation and enjoyment of a substantial property right that is possessed by other properties in the same vicinity and zoning district, but which denied to this property, because:

3. The granting of this variance will not be harmful to the public welfare and will not harm property or improvements in the vicinity and zoning district in which the subject property is located, because:

4. The granting of this variance will not alter the land-use characteristics of the vicinity and zoning district, or diminish the market value of adjacent properties, or increase traffic congestion on public streets, because:

ADDENDUM A

~~XXXXXX~~ / Panico – 500 Block, LLC / 507 Beechurst Avenue

Finding of Fact #1 – There are exceptional or extraordinary circumstances or conditions applicable to this property or to the intended use, that generally do not apply to other properties or uses in the same vicinity, because:

Almost all of the nearby properties do not meet current zoning standards and are considered existing non-conforming. The existing and surrounding properties appear to have non-conforming lot areas, setbacks, and building coverage. It appears that the existing commercial structure was built approximately three feet to the northwestern side property line.

Finding of Fact #2 – The variance is necessary for the preservation and enjoyment of a substantial property right that is possessed by other properties in the same vicinity and zoning district, but which denied to this property, because:

The proposed setbacks and lot coverage appear to be ~~are~~ consistent with existing neighboring buildings in the B-2 District (e.g. 517 Beechurst Avenue).

Finding of Fact #3 – The granting of this variance will not be harmful to the public welfare and will not harm property or improvements in the vicinity and zoning district in which the subject property is located, because:

The proposed addition does not appear to reduce existing parking as internal parking will be provided. The proposed addition does not appear to encroach into the alley right-of-way nor hinder future development of same.

Finding of Fact #4 – The granting of this variance will not alter the land-use characteristics of the vicinity and zoning district, or diminish the market value of adjacent properties, or increase traffic congestion on public streets, because:

The existing uses within the building will remain; the proposed addition should increase the value of the structure and property and thereby enhance the values of adjoining properties; the requested variance relief should not contribute to nor mitigate traffic that is already present within the area and generated by the existing uses with the building and proposed addition.



City of Morgantown, West Virginia

APPLICATION FOR ZONING VARIANCE

OFFICE USE	
CASE NO.	V13-60
RECEIVED:	
COMPLETE:	

(PLEASE TYPE OR PRINT IN BLACK INK)

Fee: \$75

I. APPLICANT		Name:	500 Block LLC		
Mailing Address:	507 Beechurst ave			Phone:	3046853015
	Street	morgantown	wv	26505	Mobile:
	City		State		Zip
				Email:	joe@341live.com
II. PROPERTY		Street Address:			
Owner:	500 Block LLC			Zoning:	
Mailing Address:	same			Tax Map No:	
	Street				Parcel No:
	City		State		Zip
				Phone:	
III. NARRATIVE		Please describe the nature and extent of your variance request(s).			
<p>VARIANCE TO EXCEED MAXIMUM LOT COVERAGE</p>					
V. ATTEST					
<p>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. I agree to conform to all applicable laws of this jurisdiction. The granting of a variance does not presume to give authority to violate or cancel the provisions of any other federal, state, or local law regulating construction or the performance of construction. 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. I hereby authorize the Planning Department to erect a notification sign on the subject property approximately 15 days prior to the BZA hearing. I further agree to maintain said signage and hereby accept responsibility in case of destruction or removal.</p>					
<p>JOE PANICO</p>					<p>2/3/13</p>
Type/Print Name of Applicant/Agent		Signature of Applicant/Agent			Date

You or a representative **MUST** be present at the scheduled hearing to present the request and answer questions. Failure to appear at the hearing will result in your request being tabled.



City of Morgantown, West Virginia

APPLICATION FOR ZONING VARIANCE

OFFICE USE	
CASE NO.	V13-60
RECEIVED:	
COMPLETE:	

VI. SUPPLEMENTAL INFORMATION

Depending on the type of variance request and the scale and scope of the development proposal, supplemental information may be needed to assist the Board of Zoning Appeals in rendering a variance decision. Staff will check the appropriate boxes below that must be addressed.

Land Use Characteristics (complete only those that apply)

- Residential Single-Family Dwelling Townhouse Dwelling
- Two-Family Dwelling Multi-Family Dwelling
- Non-Residential or Mixed (please explain)

Structure Characteristics (complete only those that apply)

Total number of buildings: 1 Gross floor area of each building: 5280

Estimated number of employees: 0 No. of dwelling units: 10 No. of bedrooms: 10

Additional structure-related details:

Additional Information (as required by Staff):

Site Plan A scaled site plan may be required to assist the Board in rendering a variance decision. The following features must be represented, as required by Staff.

- Location, shape, exterior dimensions, and number of stories of each building on the site.
- Standard yard setbacks for the applicable zoning district
- Location, grade, and dimensions of paved surfaces, and all abutting streets
- Existing and proposed contours, at an interval of at least two (2) feet
- Complete traffic circulation plan showing dimensions, entrance/exit drives, planters, and similar improvements
- Location of landscaped areas (to be detailed on landscape plan), fences, walls, and other screen required

For simple variance requests (as determined by Staff), please use the graph area on the following page to illustrate applicable features listed above.



City of Morgantown, West Virginia

**APPLICATION FOR
ZONING VARIANCE**

OFFICE USE	
CASE NO.	V13-60
RECEIVED:	_____
COMPLETE:	_____

Suggested Scale: 1 square = 5'

SEE ATTACHED



City of Morgantown, West Virginia

APPLICATION FOR ZONING VARIANCE

OFFICE USE	
CASE NO.	V13-60
RECEIVED:	
COMPLETE:	

VII. FINDINGS OF FACT

The Board of Zoning Appeals may grant a variance request only if each of the following "Findings of Fact" criteria is determined to be in the positive. Applicants must give their own responses to the following criteria statements.

- 1. There are exceptional or extraordinary circumstances or conditions applicable to this property or to the intended use, that generally do not apply to other properties or uses in the same vicinity, because:**
- 2. The variance is necessary for the preservation and enjoyment of a substantial property right that is possessed by other properties in the same vicinity and zoning district, but which denied to this property, because:**
- 3. The granting of this variance will not be harmful to the public welfare and will not harm property or improvements in the vicinity and zoning district in which the subject property is located, because:**
- 4. The granting of this variance will not alter the land-use characteristics of the vicinity and zoning district, or diminish the market value of adjacent properties, or increase traffic congestion on public streets, because:**

ADDENDUM A

~~XXXXXX~~ / Panico – 500 Block, LLC / 507 Beechurst Avenue

Finding of Fact #1 – There are exceptional or extraordinary circumstances or conditions applicable to this property or to the intended use, that generally do not apply to other properties or uses in the same vicinity, because:

Almost all of the nearby properties do not meet current zoning standards and are considered existing non-conforming. The existing and surrounding properties appear to have non-conforming lot areas, setbacks, and building coverage. It appears that the existing commercial structure was built approximately three feet to the northwestern side property line.

Finding of Fact #2 – The variance is necessary for the preservation and enjoyment of a substantial property right that is possessed by other properties in the same vicinity and zoning district, but which denied to this property, because:

The proposed setbacks and lot coverage appear to be ~~are~~ consistent with existing neighboring buildings in the B-2 District (e.g. 517 Beechurst Avenue).

Finding of Fact #3 – The granting of this variance will not be harmful to the public welfare and will not harm property or improvements in the vicinity and zoning district in which the subject property is located, because:

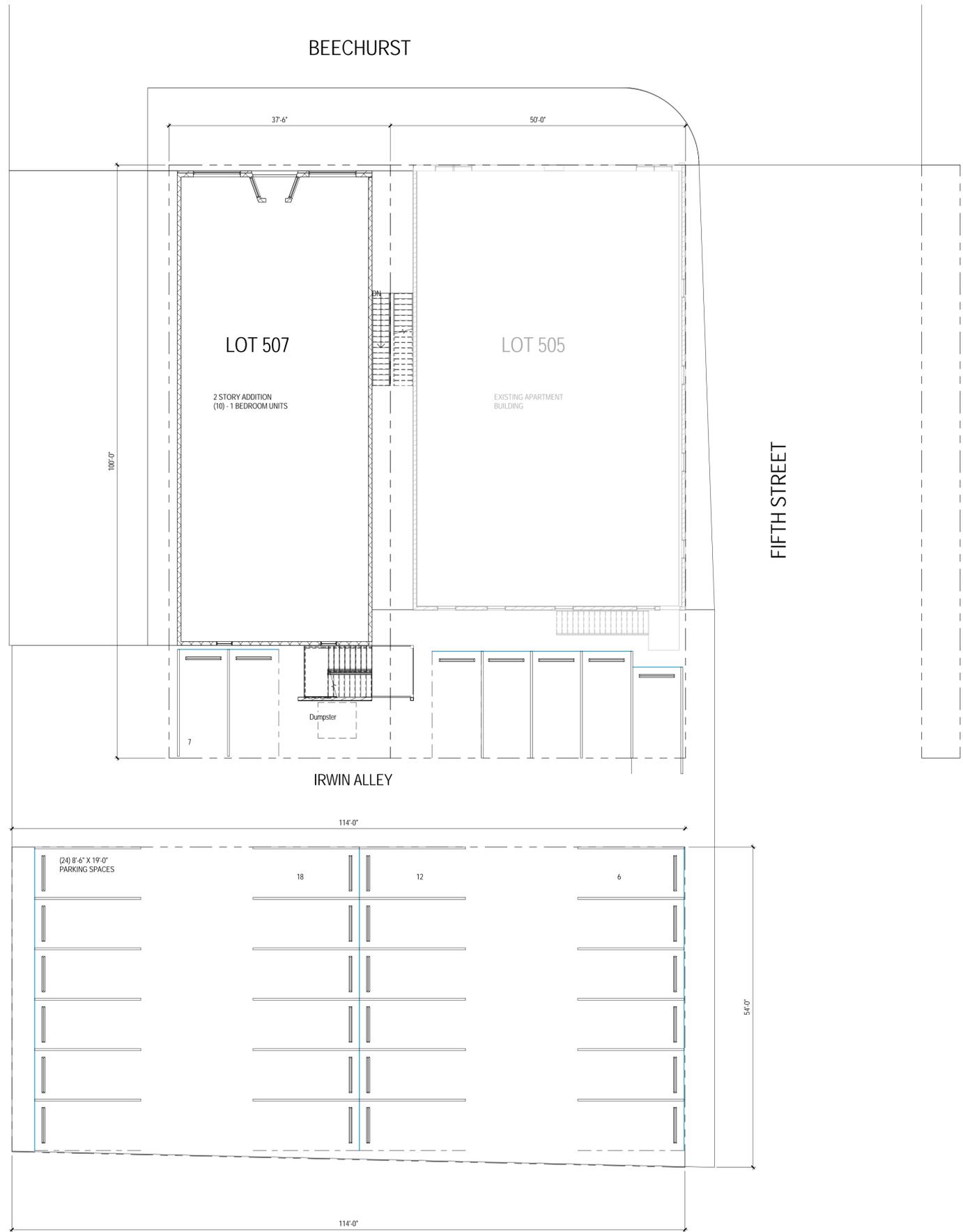
The proposed addition does not appear to reduce existing parking as internal parking will be provided. The proposed addition does not appear to encroach into the alley right-of-way nor hinder future development of same.

Finding of Fact #4 – The granting of this variance will not alter the land-use characteristics of the vicinity and zoning district, or diminish the market value of adjacent properties, or increase traffic congestion on public streets, because:

The existing uses within the building will remain; the proposed addition should increase the value of the structure and property and thereby enhance the values of adjoining properties; the requested variance relief should not contribute to nor mitigate traffic that is already present within the area and generated by the existing uses with the building and proposed addition.



2 PERSPECTIVE
SCALE: 1/8" = 1'-0"
SHEET: A-1.0



1 SITE PLAN
SCALE: 1" = 10'-0"
SHEET: A-1.0 REF. SHEET: A-2.1

REVISIONS

507 BEECHURST ADDITIONS
VICTORY HOLDINGS
507 BEECHURST AVENUE
MORGANTOWN, WV

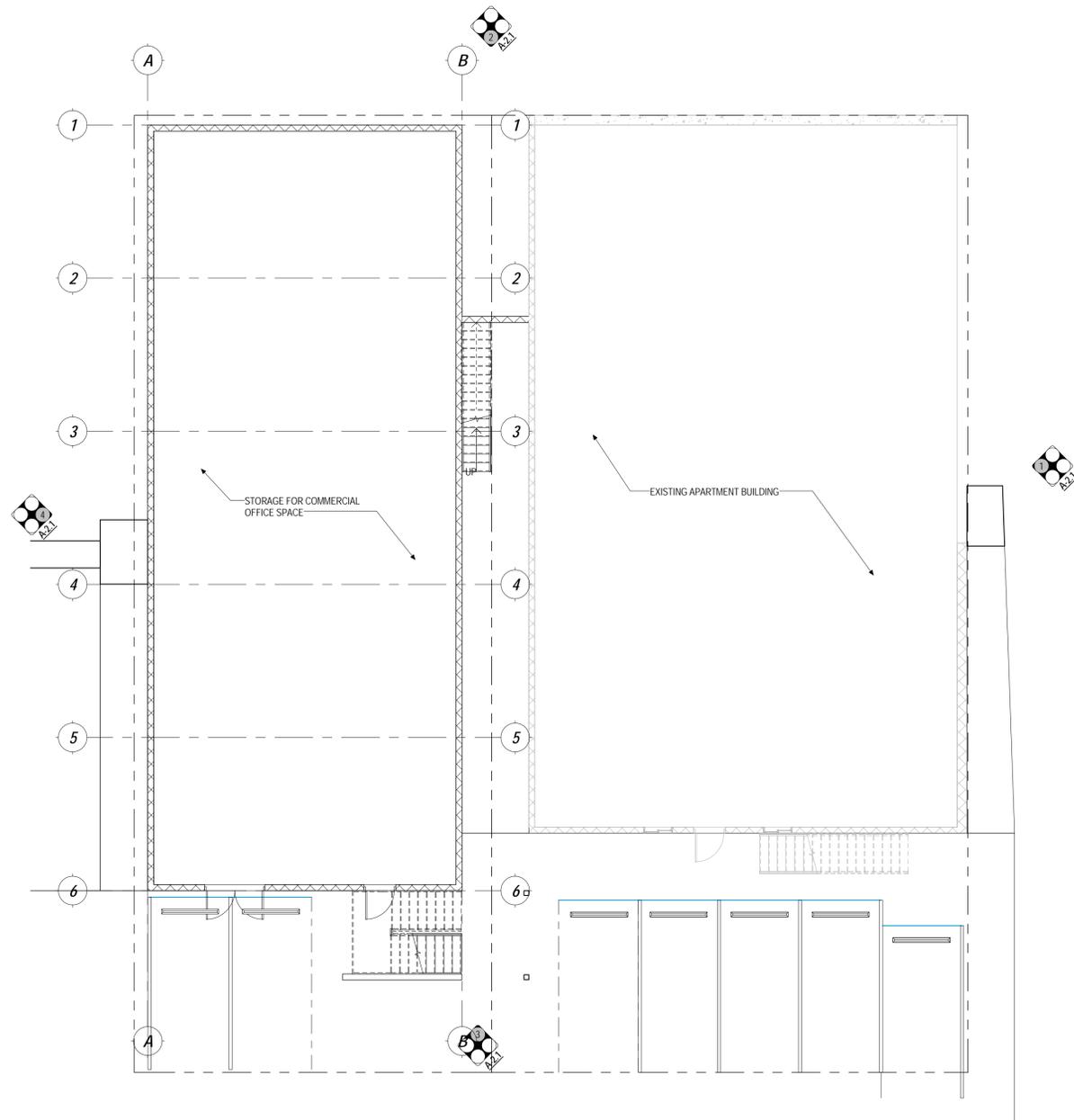
NOT FOR CONSTRUCTION
5.23.13

SITE PLAN

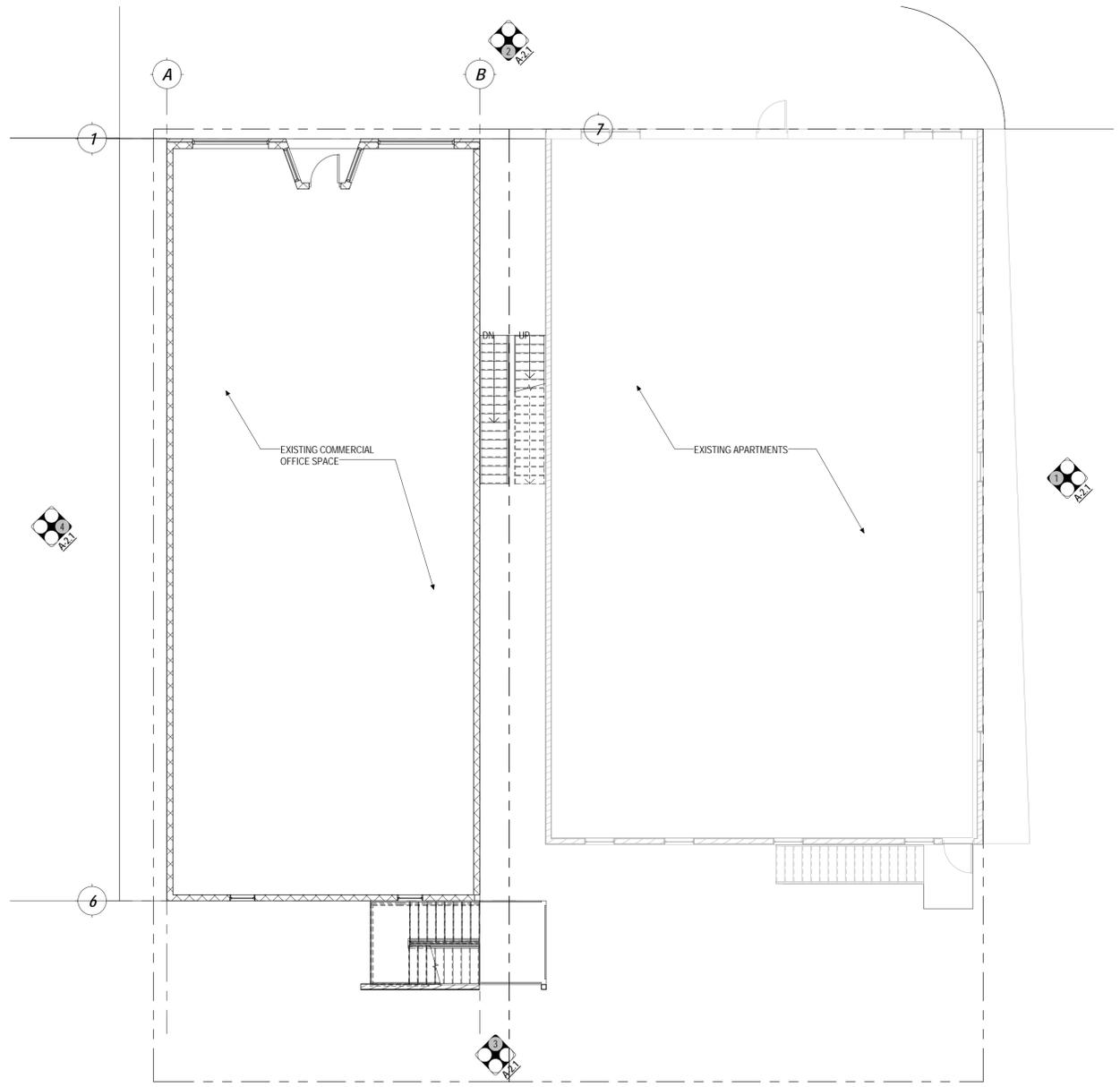
A-1.0

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PROJECT No. 21248 DRAWN BY: NL





1 00 BASEMENT
 SCALE: 1/8" = 1'-0"
 SHEET: A-1.1 REF. SHEET: A-2.1



2 01 FIRST FLOOR
 SCALE: 1/8" = 1'-0"
 SHEET: A-1.1 REF. SHEET: A-2.1

REVISIONS

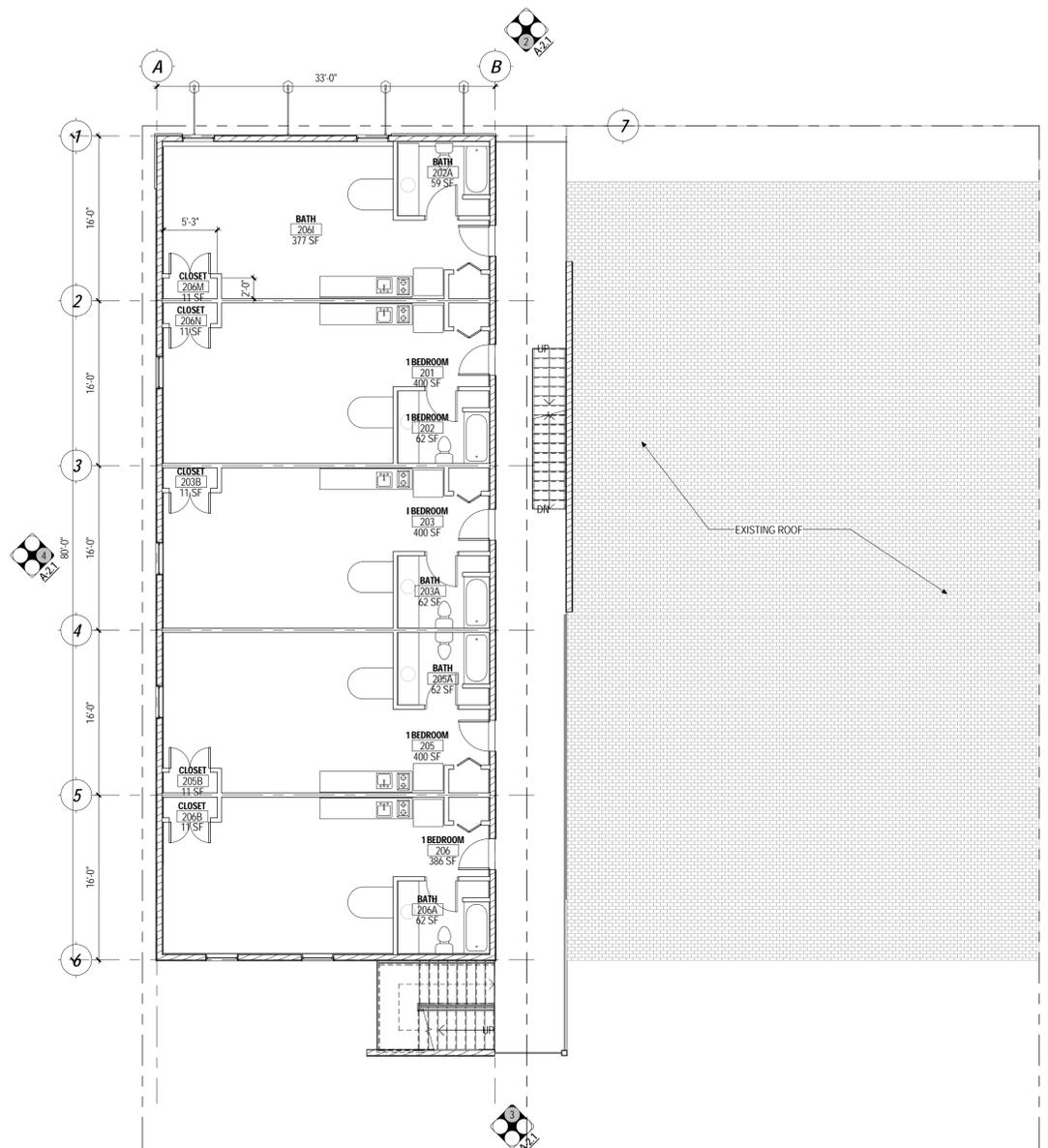
507 BEECHURST
 ADDITIONS
 VICTORY HOLDINGS
 507 BEECHURST AVENUE
 MORGANTOWN, WV

NOT FOR CONSTRUCTION
 5.23.13

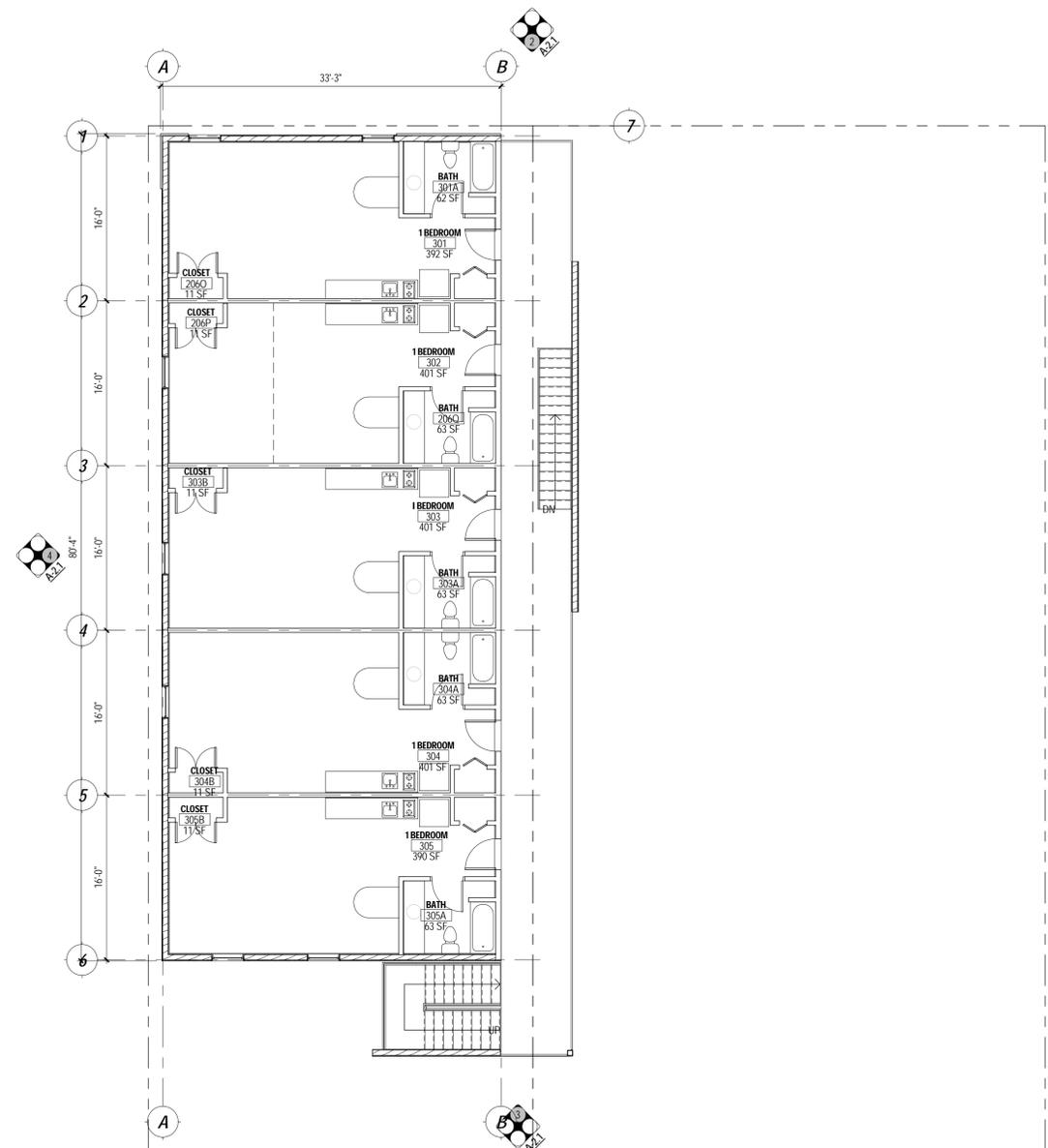
BASEMENT & FIRST
 FLOOR PLANS

A-1.1

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 PROJECT No. 21248 DRAWN BY: Author



1 02 SECOND FLOOR
 SCALE: 1/8" = 1'-0"
 SHEET: A-1.2 REF. SHEET: A-2.1



2 03 THIRD FLOOR
 SCALE: 1/8" = 1'-0"
 SHEET: A-1.2 REF. SHEET: A-2.1

REVISIONS

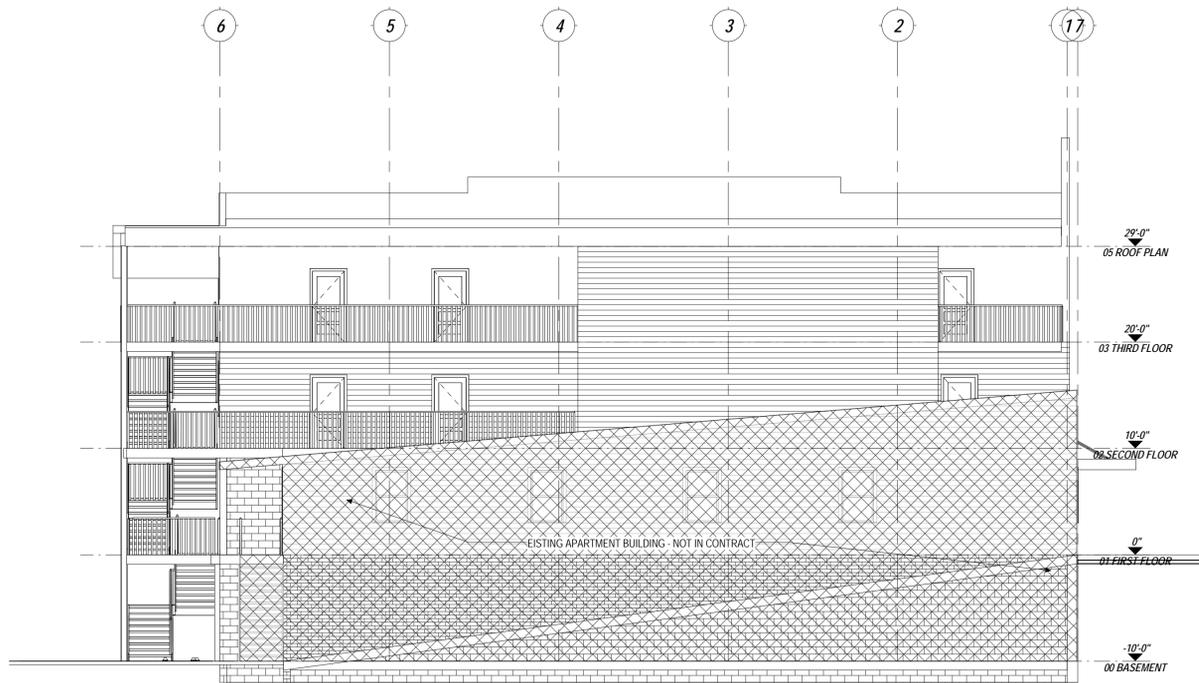
507 BEECHURST
 ADDITIONS
 VICTORY HOLDINGS
 507 BEECHURST AVENUE
 MORGANTOWN, WV

NOT FOR CONSTRUCTION
 5.23.13

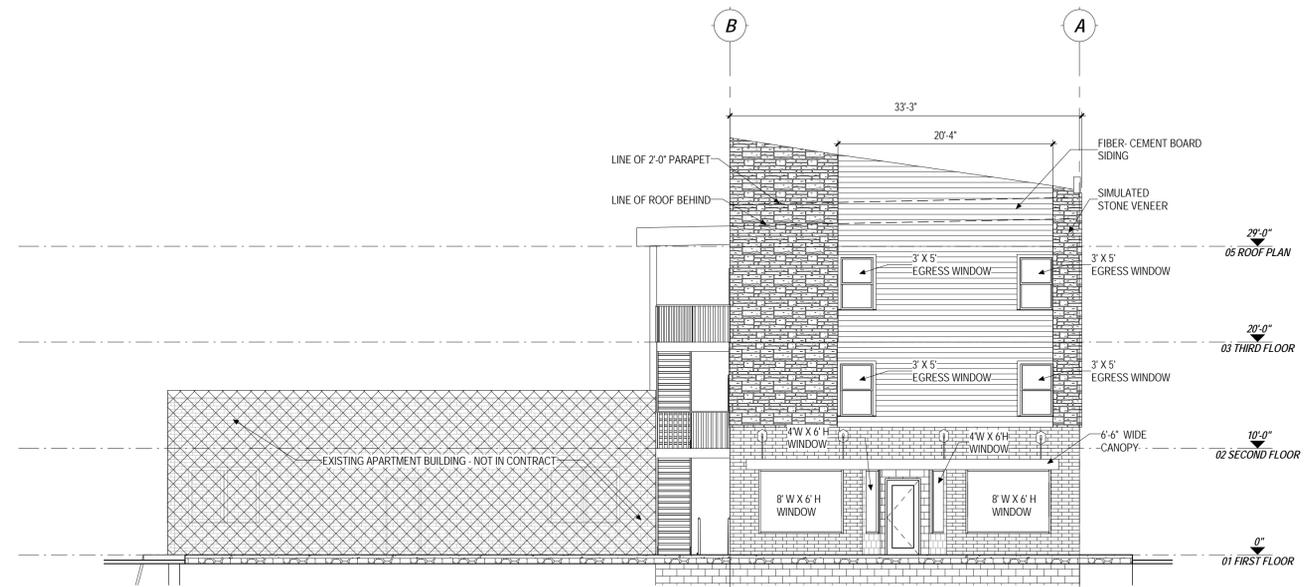
SECOND & THIRD
 FLOOR PLANS

A-1.2

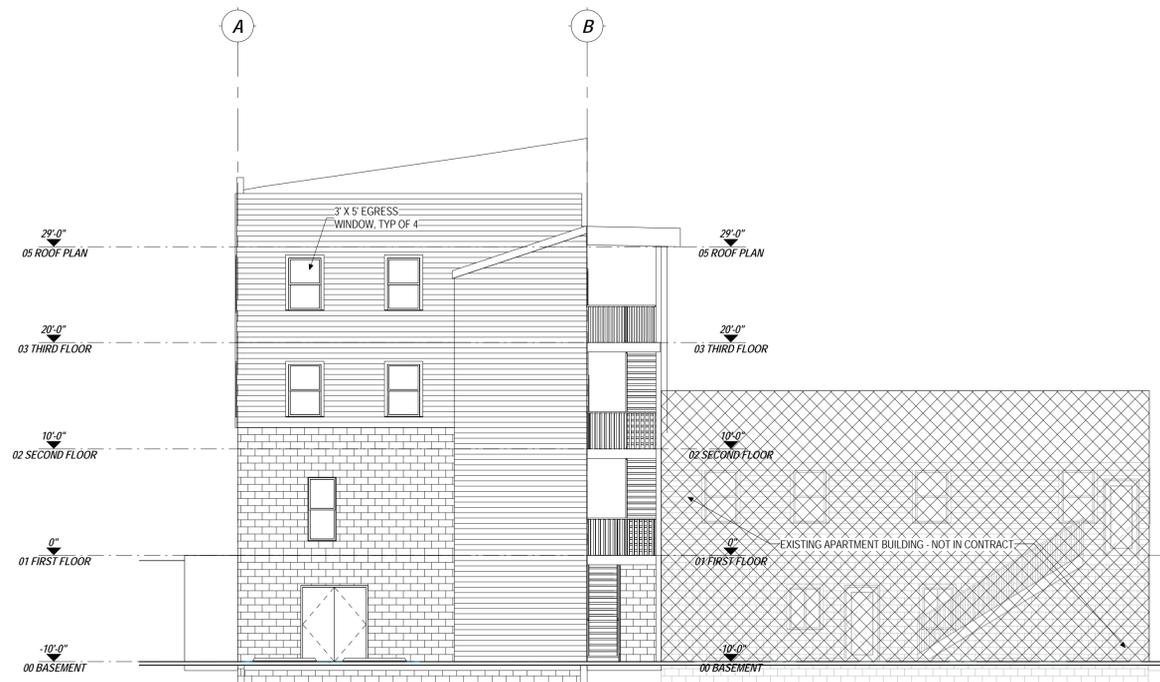
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 PROJECT No. 21248 DRAWN BY: Auhf



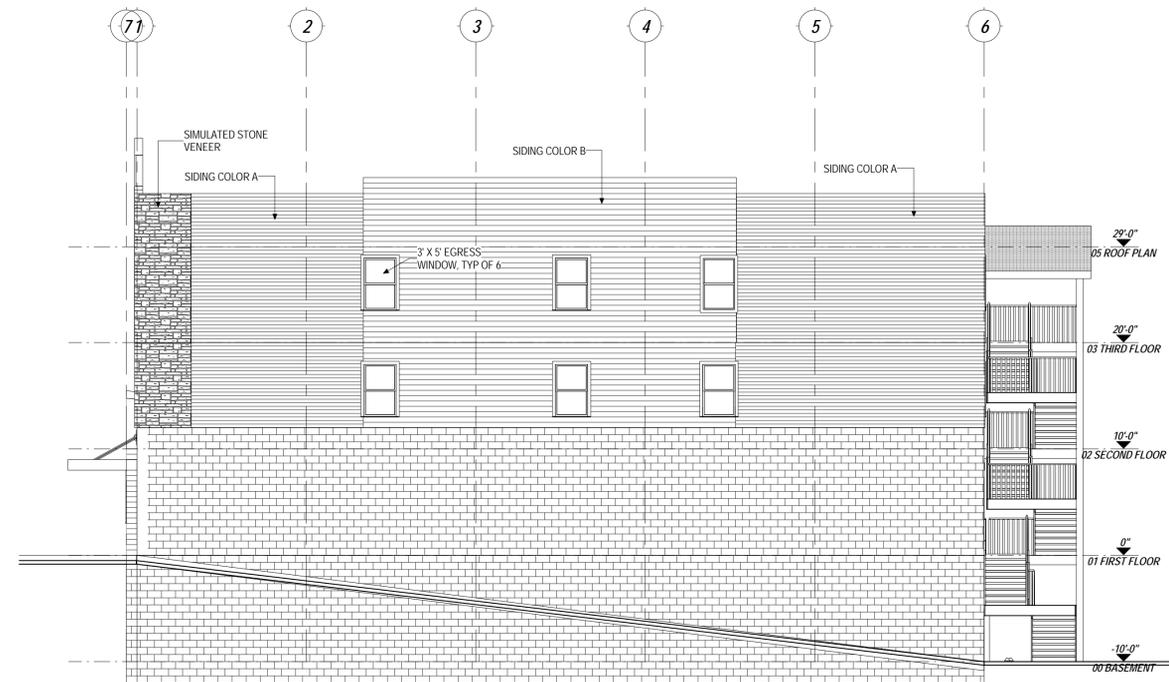
1 EXTERIOR ELEVATION - EAST
 SCALE: 1/8" = 1'-0"
 SHEET: A-2.1 REF. SHEET: A-1.1



2 EXTERIOR ELEVATION - NORTH
 SCALE: 1/8" = 1'-0"
 SHEET: A-2.1 REF. SHEET: A-1.1



3 EXTERIOR ELEVATION - SOUTH
 SCALE: 1/8" = 1'-0"
 SHEET: A-2.1 REF. SHEET: A-1.1



4 EXTERIOR ELEVATION - WEST
 SCALE: 1/8" = 1'-0"
 SHEET: A-2.1 REF. SHEET: A-1.1

REVISIONS

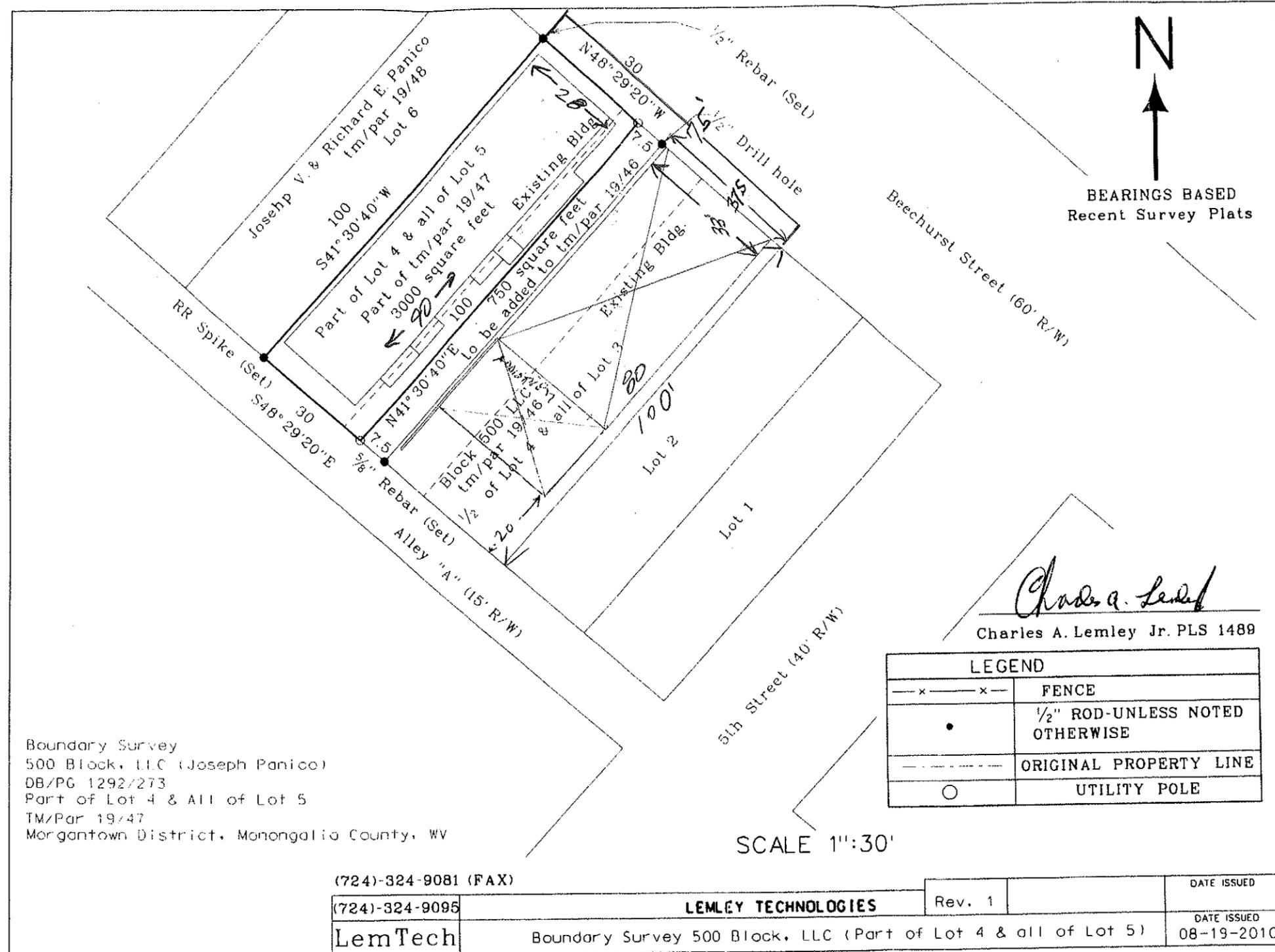
507 BEECHURST ADDITIONS
 VICTORY HOLDINGS
 507 BEECHURST AVENUE
 MORGANTOWN, WV

NOT FOR CONSTRUCTION
 5.23.13

EXTERIOR ELEVATIONS

A-2.1

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 PROJECT No. 21248 DRAWN BY: _____



BEARINGS BASED
 Recent Survey Plats

Charles A. Lemley Jr.

Charles A. Lemley Jr. PLS 1489

LEGEND	
---x---x---	FENCE
•	1/2" ROD-UNLESS NOTED OTHERWISE
-----	ORIGINAL PROPERTY LINE
○	UTILITY POLE

SCALE 1":30'