



MORGANTOWN BOARD OF ZONING APPEALS

December 18, 2012
6:30 PM
City Council Chambers

Board Members:

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

STAFF REPORT

CASE NO: COMBINED REPORT
CU13-22, V13-69 and V13-70
Stancorp Properties / 612 Protzman Street

REQUEST and LOCATION:

Request by David Robertson, on behalf of Stancorp Properties, for a Development of Significant Impact site plan approval of a "Multi-Family Dwelling" development at 612 Protzman Street

TAX MAP NUMBER(s) and ZONING DESCRIPTION:

Tax Map 20, Parcel 451; R-2, Single- and Two-Family Residential District

SURROUNDING ZONING:

North, East and West: R-1A, Single-Family Residential District
South: R-2, Single- and Two-Family Residential District

BACKGROUND and ANALYSIS:

The petitioner seeks to construct a multi-family development along Protzman Street next to a similarly designed project constructed within the past year. Addendum A of this report illustrates the location of the subject site.

The following summarizes the proposed development program details:

- The dimensions for Parcel 451 illustrated on Tax Map 20 are 179.23' x 120' or approximately 21,508 sq. ft.
- The zoning classification for the subject property is R-2, Single- and Two-family Residential District. "Multi-family Dwellings" are permitted as a conditional use within the R-2 District.
- The proposed "Multi-family Dwelling" use will consist of four (4) occupied levels; 35 one-bedroom units and one unit space used for a workout gym/facility.
- The proposed building footprint illustrated on the petitioner's revised plans, dated 03 DEC 2013 and prepared by Cheat Road Engineering, Inc., is approximately 6,048 square feet. The resultant lot coverage is approximately 28.1%.
- The proposed building footprint meets the R-2 District minimum front (10'), side (5'), and rear (20') setback standards along with the ten-foot bufferyard setback standard provided in Article 1367.07(A).

Development Services

Christopher Fletcher, AICP
Director

Planning Division

389 Spruce Street
Morgantown, WV 26505
304.284.7431



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- Although final grading designs have not been completed, the petitioner intends to meet maximum R-2 District building height standards for the principal structure, which may not exceed two and one-half (2.5) stores or thirty-five (35) whichever is less.

As provided in Article 1329.02 of the Planning and Zoning Code, building height in stories is measured vertically at the front elevation (Protzman Street). Building height in feet is measured as the halfway point between the highest and lowest elevations of the building footprint.

- Proposed on-site parking includes 35 spaces, three (3) of which are designated as compact spaces and two (2) are designated as accessible spaces. The minimum on-site parking requirement for the proposed development is 35 spaces.

Access to the parking area is proposed from an 18-foot unopened public right-of-way to the rear of the property that runs approximately parallel with Protzman Street and connects to Glenn Street. Ten (10) of the proposed spaces will be accessed directly from the subject 18-foot right-of-way. It should be noted that a house has been constructed within said right-of-way just to the north of the petitioner’s development site.

- Solid waste storage will be shared with existing facilities located on the adjoining multi-family development site (Parcel 452 of Tax Map 20).
- The existing driveway entrance along Protzman Street will be removed and sidewalk installed to match the existing sidewalk recently constructed by the City. No vehicular access from the subject site will connect directly to Protzman Street.
- The petitioner participated in a pre-application meeting with the City’s Technical Review Team on 12 NOV 2013 at 10:00 AM and has made a number of site plan modifications since said meeting to increase conformity with related Planning and Zoning Code related provisions.

Required Planning and Zoning Code Approvals

The following Planning and Zoning Code related approvals are required for the development program as proposed. Each case number is followed with a related description.

Planning Commission

Case No. S13-013-IIIDevelopment of Significant Impact Site Plan.

Article 1329.02 and Article 1385 provide that developments with 12 to 99 dwelling units are considered “Developments of Significant Impact” (DSI) which are those that have a neighborhood or citywide impact and involve the transportation network, environmental features such as parks or corridor streams, and local schools.

The Planning Commission approved Case No. S13-13-III during its 12 DEC 2013 hearing.

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Board of Zoning Appeals

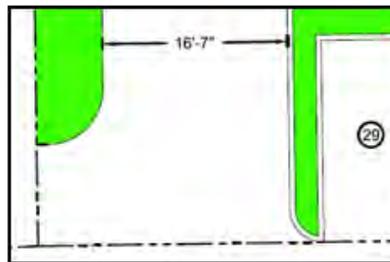
Case No. CU13-22.....“Multi-family Dwelling” use.

“Multi-family dwelling” uses are permitted by conditional use in the R-2 District.

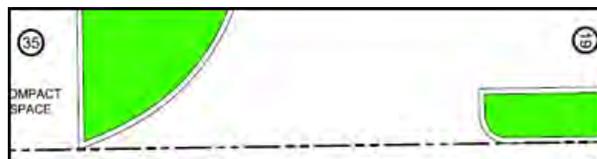
Case No. V13-69Variance relief as it relates to maximum driveway width standards.

Article 1365.09(B)(2) provides a maximum driveway width of 22 feet at the right-of-way line, unless a greater width is specifically approved by the City Engineer.

The proposed site plan illustrates two driveway entrances into the parking lot. The southern entrance is approximately 26 feet wide (see Graphic 1) and the northern entrance is approximately 38 feet wide (see Graphic 2). As illustrated in the fire truck path model, the subject entrances must exceed 22 feet to ensure safe entrance and maneuvering for emergency response vehicles. As such, the City Engineer has approved the proposed location and design of said driveway entrances.



Graphic 1: Southern Entrance – approx. 26'



Graphic 2: Northern Entrance – approx. 38' wide

There are two additional entrances that will be used to directly access 10 parking spaces. The widths of these entrances are approximately 61 feet and 24.5 feet, which require variance approval by the Board of Zoning Appeals.

It should be noted that the petitioner reduced the extent of requisite variance relief approximately 30.5 feet from previously reviewed plans by incorporating terminal landscape islands.

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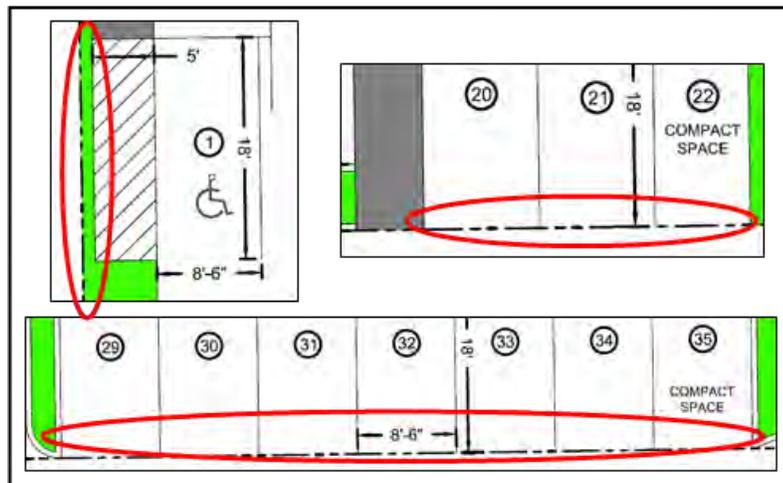
Board Members:

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Case No. V13-70 Variance relief as it relates to parking lot landscaping standards.

The petitioner has planned 5.7% reservation for interior landscaping within the parking lot as required (min. 5%) under Article 1367.08(B)(2). However, the proposed parking lot interior landscaping plan requires variance relief from:

- Article 1367.08(B)(1) relating to the minimum perimeter buffer standard of four (4) feet along the side and rear of the property (see Graphic 3).

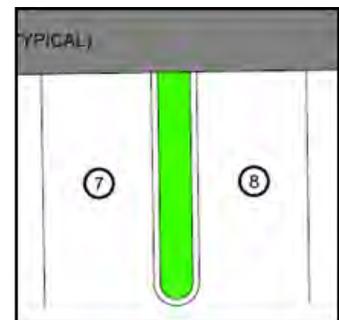


Graphic 3 – limited to no perimeter buffer in identified areas

- Article 1367.08(D)(2) relating to the minimum area of 130 square feet for terminal islands (see Graphic 4).
- Article 1367.08(D)(3) relating to the minimum area of 130 square feet and minimum width of five (5) feet for planting islands within rows of ten or more parking spaces for multi-family development sites (see Graphics 4 and 5).



Graphic 4 – approx. 87 sq. ft.



Graphic 5 – approx. 63 sq. ft.

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Staff recommends that the Board, without objection from members of the Board, the petitioner, or the public, combine the public hearings for Case Nos. CU13-22, V13-69, and V13-70. However, each respective petition must be considered and acted upon by the Board separately.



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STAFF RECOMMENDATION:

It is the opinion of the Planning Division that the proposed development represents a unique opportunity to increase residential density at a site that is strategically situated in close proximity to West Virginia University's downtown campus. Because the site is well served by public transit and is within walking and biking distance of primary destinations, the development appears to link residents to alternate modes of transportation thereby reducing auto dependency of residents and mitigating increased traffic congestion created by commuting traffic from outside the City of Morgantown.

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.

As such, Staff recommends that the following conditions be included should the Commission grant the respective conditional use and variance approvals.

Case No. CU13-22....."Multi-family Dwelling" use.

1. That DSI Site Plan Case No. S13-13-III be approved by the Planning Commission all related conditions therein observed and/or addressed accordingly.
2. That the Landscape Plan, Erosion Control Plan, and Lighting Plan be submitted with the building permit application for review and approval. Variance approval must be obtained should said plans not conform to the related performance standards set forth in the City Planning and Zoning Code. Additionally,
 - a. Landscape Plan. A vertical barrier, to the satisfaction of the City Engineer, must be constructed along the Protzman Street sidewalk to mitigate stone, mulch, or other inert landscape materials, if used, from migrating out of landscaped areas onto the public sidewalk and roadway.
 - b. Lighting Plan. The Lighting Plan must include details, heights, and cut-off (shielding) characteristics along with photometric plans illustrating footcandle intensities and distribution for all parking areas and exterior site lighting fixtures.
3. That parking spaces 28 and 35 must be designed as standard-sized stalls and that parking spaces 20, 21, and 22 must meet the minimum width requirements of 8.5 feet for standard stalls and/or 8 feet for compact stalls.
4. That wheel stops must be provided for each of the proposed parking stalls to define parking stalls and protect pedestrian ways and landscaping.
5. That concrete curbs must be provided for all parking lot interior terminal and landscape islands and along parking lot edges that abut landscape buffers.

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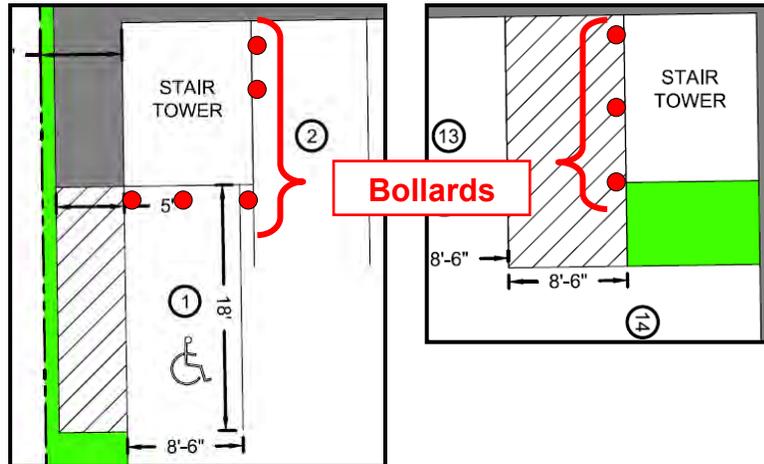
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- 6. That concrete bollards at least three (3) feet in height above grade must be constructed, to the satisfaction of the Planning Division, along the two (2) stair tower facilities to physically separate said facilities from the adjoining parking spaces as generally illustrated below:



- 7. That all exterior stairs, steps, landings, elevated walkways, railings, and support members may not be comprised of exposed wood or treated lumber.
- 8. That the development must meet all applicable federal Fair Housing and Americans with Disabilities Act standards as determined by the City's Chief Building Code Official.
- 9. That the perpetual right of access, use, and maintenance of the proposed shared off-premise solid waste management facility must be secured, to the satisfaction of the Planning Division, by appropriate easements, rights-of-way, and/or covenants that are recorded with the deeds of the affected tracts of realty and that a certified recorded copy of said instrument placed on file with the Planning Division prior to the issuance of a Certificate of Occupancy.

Case No. V13-69 Variance relief as it relates to maximum driveway width standards.

No conditions recommended.

Case No. V13-70 Variance relief as it relates to parking lot landscaping standards.

- 1. That, to consistently shade paved areas as stated in Article 1367.08(D)(3), deciduous trees, to the satisfaction of the Planning Division, shall be planted in the two (2) terminal landscape island.

Attachments: Application and accompanying exhibits

Development Services
Christopher Fletcher, AICP
Director

Planning Division
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Morgantown, WV 26505
304.284.7431



STAFF REPORT ADDENDUM B

CU 13-22, V13-69, and V13-70 / Stancorp Properties / 612 Protzman Street

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

CU13-22

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

The development ~~exceeds~~ meets the minimum off-street parking requirements for a multi-family use. Access to the proposed parking areas will ~~maximize the driveway entrance for~~ utilize a rear alley to promote the best access management practices for this particular property. Continued efforts to increase residential density where properly zoned, within walking distance of primary residential destination points, and within a well-served transit corridor should serve to aid in relieving housing development demand in outlying areas of Monongalia County that appears to contribute to traffic congestion within the City of Morgantown.

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

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

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

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

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

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

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

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

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:

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

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

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

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

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

transit lines. Additionally, the 2013 Comprehensive Plan identifies that area within which the petitioner's property is located to be a part of the "Stewart Street Area of Opportunity" where the redevelopment of a mix of higher density predominantly residential uses suitable for proximity to WVU's campus is desired.

V13-69

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:

The design professionals have worked diligently to creatively utilize the property and topography to maximize the proposed building footprint and related parking while maintaining adequate open space. Therefore, the parking was placed behind the building and accessed from an 18 foot unopened public right-of-way as indicated on the site plan. The existing curb cut will be removed along Protzman Street. Therefore, there will be no curb cuts from Protzman Street.

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:

It appears that there has not been new development in the immediate area and in the same zoning district that would have to adhere to this requirement. It does appear that there are curb cuts that exceed the twenty-two foot standard as evidenced in photographs submitted by the petitioner. These include, but are not limited to: 544 Stewart Street, 144 Lorentz Avenue, 140 Lorentz Avenue, and 132 Lorentz Avenue. ~~It is important to note~~ The petitioner notes that these examples are located on high-med traveled right-of-ways. There will be no curb cuts on Protzman Street for this petitioner's development and will eliminate one of the same an existing driveway entrance.

Finding of Fact No. 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 redevelopment of this parcel will result in elimination of one curb cut along Protzman Street, ~~and a new curb cut that exceeds twenty-six (26) feet along an unopened alley.~~ No significant grading will be necessary that would harm the adjoining property, public rights-of-way, or existing utilities. The variance should not affect emergency or service vehicle access to adjacent properties.

Finding of Fact No. 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 redevelopment should enhance the value of the area and accordingly contribute to the market value of neighboring structures. ~~Granting this variance cannot improve nor mitigate traffic congestion that is already present within the neighborhood. Likewise, the approval of this variance would have no impact on the land-use characteristics of the vicinity or zoning district.~~ The proposed use of the rear alley thereby utilizing the existing intersection of Glenn Street and Protzman Street promotes public safety and best access management practices.

V13-70

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:

The Design Professionals have worked diligently to creatively utilize the property and topography to maximize the proposed building footprint and related parking while maintaining adequate open space. Therefore, the parking was placed behind the building and accessed from an 18 foot unopened public right-of-way as indicated on the site plan. ~~By designing the parking to obtain maximum spaces, the petitioner is seeking variance approval from the four (4) foot landscape buffer along the unopened alley and the landscape terminal square footage and size.~~ The parking lot design does meet the 5% interior landscape requirement, but falls shy on the square footage amounts for two terminals.

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:

It appears that there has not been new development in the immediate area and in the same zoning district that would have to adhere to this requirement. However, it does appear that there are curb cuts that exceed the twenty-two foot standard as evidenced in photographs submitted by the petitioner. These include, but are not limited to: 544 Stewart Street, 144 Lorentz Avenue, 140 Lorentz Avenue, and 132 Lorentz Avenue. Likewise, it appears that the aforementioned addresses do not adhere to the same landscape requirements. ~~It is important to note~~ The petitioner notes that these examples are located on high-med traveled right-of-ways and that ~~this development's~~ petitioner's parking area will not be seen from Protzman Street.

Finding of Fact No. 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 redevelopment of this parcel will result in elimination of one curb cut along Protzman Street, and a new curb cut that exceeds twenty-six (26) feet along an unopened alley. No significant grading will be necessary that would harm the adjoining property, public rights-of-way, or existing utilities. The variance should not affect emergency or service vehicle access to adjacent properties. The parking area is not visible from Protzman Street and adheres to the interior landscape percentage requirement.

Finding of Fact No. 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 redevelopment should enhance the value of the area and accordingly contribute to the market value of neighboring structures. Granting this variance cannot improve nor mitigate traffic congestion that is already present within the neighborhood. ~~Likewise, the approval of this variance would have no impact on the land-use characteristics of the vicinity or zoning district.~~



City of Morgantown, West Virginia

APPLICATION FOR TYPE IV SITE PLAN – CONDITIONAL USE

OFFICE USE	
CASE NO.	CUB-22
RECEIVED:	11/12/13
COMPLETE:	

(PLEASE TYPE OR PRINT IN BLACK INK)

I. APPLICANT

Name:	STANCZYK PROPERTIES	Phone:	301-245-4193
Mailing Address:	160 Miner Hickory Road	Mobile:	814-442-0846
	Street		
	GRANTSVILLE	MD	215-36
	City	State	Zip
		Email:	STANCZYK16@Gmail.com

II. AGENT / CONTACT INFORMATION

Name:	DAVID F. ROBERTSON	Phone:	301-245-4193
Mailing Address:	160 Miner Hickory Road	Mobile:	814-442-0846
	Street		
	GRANTSVILLE	MD	215-36
	City	State	Zip
		Email:	STANCZYK16@Gmail.com

Mailings – Send all correspondence to (check one): Applicant OR Agent/Contact

III. PROPERTY

Owner:	MARLIN STANCZYK SR (under agreement)	Phone:	301-245-4193
Mailing Address:	160 Miner Hickory Road	Mobile:	814-442-0846
	Street		
	GRANTSVILLE	MD	215-36
	City	State	Zip
		Email:	STANCZYK16@Gmail.com

IV. SITE

Street Address (if assigned): 612 PROTEMAN ST Tax Map #: 20 Parcel #: 451

Zoning: R2

Lot Dimensions: Width: 178 Ft. Depth: 120 Ft. Square Footage: 21,360 ft.²

Shape of Lot: Corner Interior Through Flag Irregular Non-conforming

Existing Use of Structure or Land: Single Family Dwelling.

Proposed Use of Structure of Land: CONSTRUCTION OF 35 UNIT ONE BEDROOM APARTMENT BLDG

11/12/2013 13:52:46 SITE PLAN

Finance Office Morgantown, WV 26506 (304) 284-7428



City of Morgantown, West Virginia

APPLICATION FOR
TYPE IV SITE PLAN – CONDITIONAL USE

OFFICE USE	
CASE NO.	<u>CU13-22</u>
RECEIVED:	_____
COMPLETE:	_____

V. STRUCTURE

Proposed Setbacks: Front: 10 ft. Rear: 20 ft. Side A: 5 ft. Side B: 5 ft.
Proposed Height of Structure: 35 FT No. of Proposed Off-Street Parking Spaces: 0
No. of Dwelling Units (if applicable): 36 No. of Bedrooms: 35 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.



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

OFFICE USE

CASE NO.

CU13-22

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.	CU13-22
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:

The parking is all off street and in walking distance.

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

All set backs in recognized and tenants have plenty of room to escape & the building is all to be built to all fire & safety codes

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

NO air pollution to be given off & building is in height requirements

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

Does not create no congestion in streets, and it helps traffic because of walking distance.

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

Each apartment is one bedroom so no room for party's



APPLICATION FOR TYPE IV SITE PLAN – CONDITIONAL USE

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CASE NO.	0113-22
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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:

There plenty of water for domestic & Fire protection. The Trains is close enough to walk & won't need bus or NOT BE BUILT NEAR ANY PARKS

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

Building will be constructed to blend into existing buildings in AREA-

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

That its close to College to keep kids walking and CARS off the streets.

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.

<u>DAVID ROBERTSON</u>	<u>David Robertson</u>	<u>11/11/13</u>
Type/Print Name of Applicant/Agent	Signature of Applicant/Agent	Date

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

Conditional Use Findings of Fact

Stanczyk Properties / 612 Protzman Street

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

Finding of Fact #1 – Congestion in the streets is not increased, in that:

The development exceeds the minimum off-street parking requirements for a multi-family use. Access to the proposed parking areas will maximize the driveway entrance for the best access management practice for this particular property. Continued efforts to increase residential density where properly zoned, within walking distance of primary residential destination points, and within a well-served transit corridor should serve to aid in relieving housing development demand in outlying areas of Monongalia County that appears to contribute to traffic congestion within the City of Morgantown.

Finding of Fact #2 – Safety from fire, panic, and other danger is not jeopardized, in that:

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

Finding of Fact #3 – Provision of adequate light and air is not disturbed, in that:

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

Finding of Fact #4 – Overcrowding of land does not result, in that:

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

Finding of Fact #5 – Undue congestion of population is not created, in that:

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

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

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

Finding of Fact #7 – Value of buildings will be conserved, in that:

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

Finding of Fact #8 – The most appropriate use of land is encouraged, in that:

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



City of Morgantown, West Virginia

APPLICATION FOR ZONING VARIANCE

OFFICE USE	
CASE NO.	V13-69
RECEIVED:	
COMPLETE:	

(PLEASE TYPE OR PRINT IN BLACK INK)

Fee: \$75

I. APPLICANT		Name: Stanszyk Properties	
Mailing Address:	160 Miner Hickory Road		Phone: 301-245-4193
	Street	MD	21536
	City	State	Zip
			Mobile: 814-442-0846
			Email: stanszyk16@gmail.com
II. PROPERTY		Street Address: 612 Protzman Street	
Owner:	Marlin Stanczyk SR (under agreement)		Zoning: R-2
Mailing Address:	160 Miner Hickory Road		Tax Map No: 20
	Street	MD	21536
	City	State	Zip
			Parcel No: 451
			Phone: 301-245-4193
III. NARRATIVE		Please describe the nature and extent of your variance request(s).	
<p>Variance relief from Article 1365.09 (B) (2) as it relates to maximum driveway width in order for ten (10) parking spaces may be developed with direct ingress/egress access to the public right-of-way.</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>			
Lisa Marids			
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.	V13-109
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: 21,360 sf
 - Estimated number of employees: 0 No. of dwelling units: 36 No. of bedrooms: 35
 - 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.	V13-169
RECEIVED:	_____
COMPLETE:	_____

Suggested Scale: 1 square = 5'

SEE ATTACHED

V13-69



City of Morgantown, West Virginia

**APPLICATION FOR
ZONING VARIANCE**

OFFICE USE	
CASE NO.	_____
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:

SEE ATTACHED

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:

**FINDINGS OF FACT
Stanszyk Properties / 612 Protzman Street**

Variance relief from the Planning and Zoning Code, Article 1351.05 as it relates to the Curb Cuts.

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:

The Design Professionals have worked diligently to creatively utilize the property and topography to maximize the proposed building footprint and related parking while maintaining adequate open space. Therefore, the parking was placed behind the building and accessed from an 18 foot unopened public right-of-way as indicated on the site plan. The existing curb cut will be removed along Protzman Street. Therefore, there will be no curb cuts from Protzman Street.

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:

It appears that there has not been new development in the immediate area and in the same zoning district that would have to adhere to this requirement. It does appear that there are curb cuts that exceed the twenty-two foot standard as evidenced in photographs submitted by the petitioner. These include, but are not limited to: 544 Stewart Street, 144 Lorentz Avenue, 140 Lorentz Avenue, and 132 Lorentz Avenue. It is important to note that these are located on high-med traveled right-of-ways. There will be no curb cuts on Protzman Street for this development and will eliminate one of the same.

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 redevelopment of this parcel will result in elimination of one curb cut along Protzman Street, and a new curb cut that exceeds twenty-six (26) feet along an unopened alley. No significant grading will be necessary that would harm the adjoining property, public rights-of-way, or existing utilities. The variance should not affect emergency or service vehicle access to adjacent properties.

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 redevelopment should enhance the value of the area and accordingly contribute to the market value of neighboring structures. Granting this variance cannot improve nor mitigate traffic congestion that is already present within the neighborhood. Likewise, the approval of this variance would have no impact on the land-use characteristics of the vicinity or zoning district.



City of Morgantown, West Virginia

APPLICATION FOR ZONING VARIANCE

OFFICE USE	
CASE NO.	113-70
RECEIVED:	
COMPLETE:	

(PLEASE TYPE OR PRINT IN BLACK INK)

Fee: \$75

I. APPLICANT		Name:	Stanszyk Properties			
Mailing Address:	160 Miner Hickory Road		Phone:	301-245-4193		
	Street	Grantsville	MD	21536	Mobile:	814-442-0846
	City	State	Zip		Email:	stanszyk16@gmail.com
II. PROPERTY		Street Address:	612 Protzman Street			
Owner:	Marlin Stanczyk SR (under agreement)		Zoning:	R-2		
Mailing Address:	160 Miner Hickory Road		Tax Map No:	20		
	Street	Grantsvill	MD	21536	Parcel No:	451
	City	State	Zip		Phone:	301-245-4193
III. NARRATIVE		Please describe the nature and extent of your variance request(s).				
Variance relief from Article 1367.08 as it relates to landscaping						
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.						
Lisa Marids						
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.	V13-70
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: 21,360 sf

Estimated number of employees: 0 No. of dwelling units: 36 No. of bedrooms: 35

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.

V13-10

RECEIVED:

COMPLETE:

Suggested Scale: 1 square = 5'

SEE ATTACHED



City of Morgantown, West Virginia

**APPLICATION FOR
ZONING VARIANCE**

OFFICE USE	
CASE NO.	V13-70
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:

SEE ATTACHED

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:

V13-70

FINDINGS OF FACT

Stanszyk Properties / 612 Protzman Street

Variance relief from the Planning and Zoning Code, Article 1367.08 as it relates to minimum landscape requirements.

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:

The Design Professionals have worked diligently to creatively utilize the property and topography to maximize the proposed building footprint and related parking while maintaining adequate open space. Therefore, the parking was placed behind the building and accessed from an 18 foot unopened public right-of-way as indicated on the site plan. By designing the parking to obtain maximum spaces, the petitioner is seeking variance approval from the four (4) foot landscape buffer along the unopened alley and the landscape terminal square footage and size. The parking lot design does meet the 5% interior landscape requirement, but falls shy on the square footage amounts for two terminals.

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:

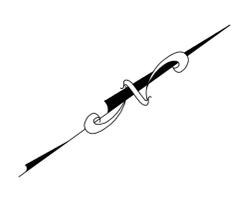
It appears that there has not been new development in the immediate area and in the same zoning district that would have to adhere to this requirement. However, it does appear that there are curb cuts that exceed the twenty-two foot standard as evidenced in photographs submitted by the petitioner. These include, but are not limited to: 544 Stewart Street, 144 Lorentz Avenue, 140 Lorentz Avenue, and 132 Lorentz Avenue. Likewise, it appears that the aforementioned addresses do not adhere to the same landscape requirements. It is important to note that these are located on high-med traveled right-of-ways and that this developments parking area will not be seen from Protzman Street.

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 redevelopment of this parcel will result in elimination of one curb cut along Protzman Street, and a new curb cut that exceeds twenty-six (26) feet along an unopened alley. No significant grading will be necessary that would harm the adjoining property, public rights-of-way, or existing utilities. The variance should not affect emergency or service vehicle access to adjacent properties. The parking area is not visible from Protzman Street and adheres to the interior landscape requirement.

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 redevelopment should enhance the value of the area and accordingly contribute to the market value of neighboring structures. Granting this variance cannot improve nor mitigate traffic congestion that is already present within the neighborhood. Likewise, the approval of this variance would have no impact on the land-use characteristics of the vicinity or zoning district.



INTERIOR LANDSCAPE REQUIREMENTS
 PARKING AREA = 9,691 SQ. FT.
 LANDSCAPED AREA = 555 SQ. FT.
 % LANDSCAPE = 5.7%

PARKING REQUIREMENTS
 TOTAL NUMBER OF BEDROOMS = 35
 SPACES REQ'D / BEDROOM = 1
 TOTAL SPACES REQ'D = 35
 TOTAL SPACES PROVIDED = 35



REV. #	DATE	DESCRIPTION	BY

CHEAT ROAD ENGINEERING, INC.
 170 OLD CHEAT ROAD
 MORGANTOWN, WV 26508
 P: 304.212.5480

STANCORP
PROTZMAN STREET APARTMENTS
 MORGANTOWN, WV

PROJECT NO: 13-008
 DRAWING FILE: 13-008_DESIGN_APTS_REVIS.DWG

DRAWN BY: B. BOWES
 CHECKED BY: S. COPEN
 DRAWING SCALE: 1" = 10'
 DRAWING DATE: December 3, 2013

SITE PLAN
 SHEET NUMBER:
C-01



REV. #	DATE	BY	DESCRIPTION

CHEAT ROAD ENGINEERING, INC.
 170 OLD CHEAT ROAD
 MORGANTOWN, WV 26508
 P: 304.212.5480

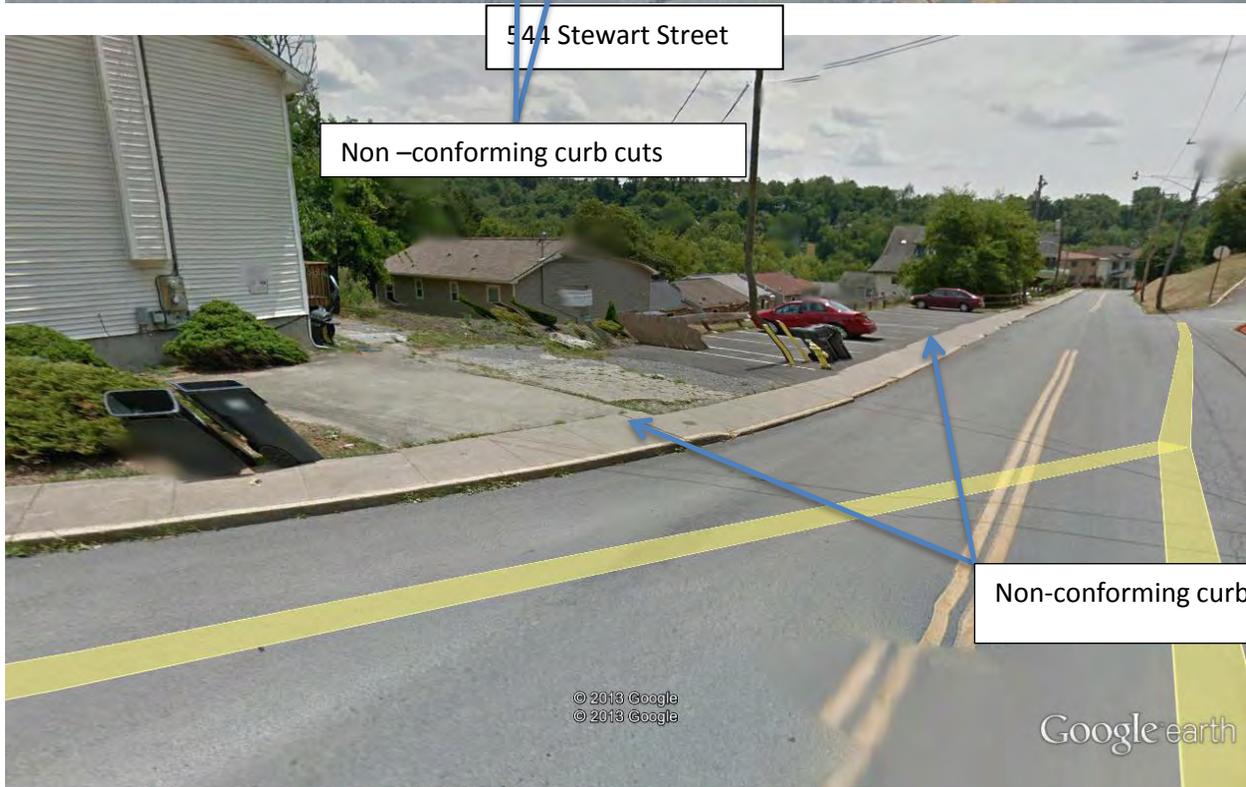
Stancorp - Protzman Street
 Proposed Apartment Housing
 PROJECT NO: 13-008
 DRAWING FILE: 13-008_ELEVATIONS.DWG

DRAWN BY: BDB
 CHECKED BY: SAC
 DRAWING SCALE: 1/8" = 1'
 DRAWING DATE: DECEMBER 5, 2013

FRONT ELEVATION

SHEET NUMBER:
C-01

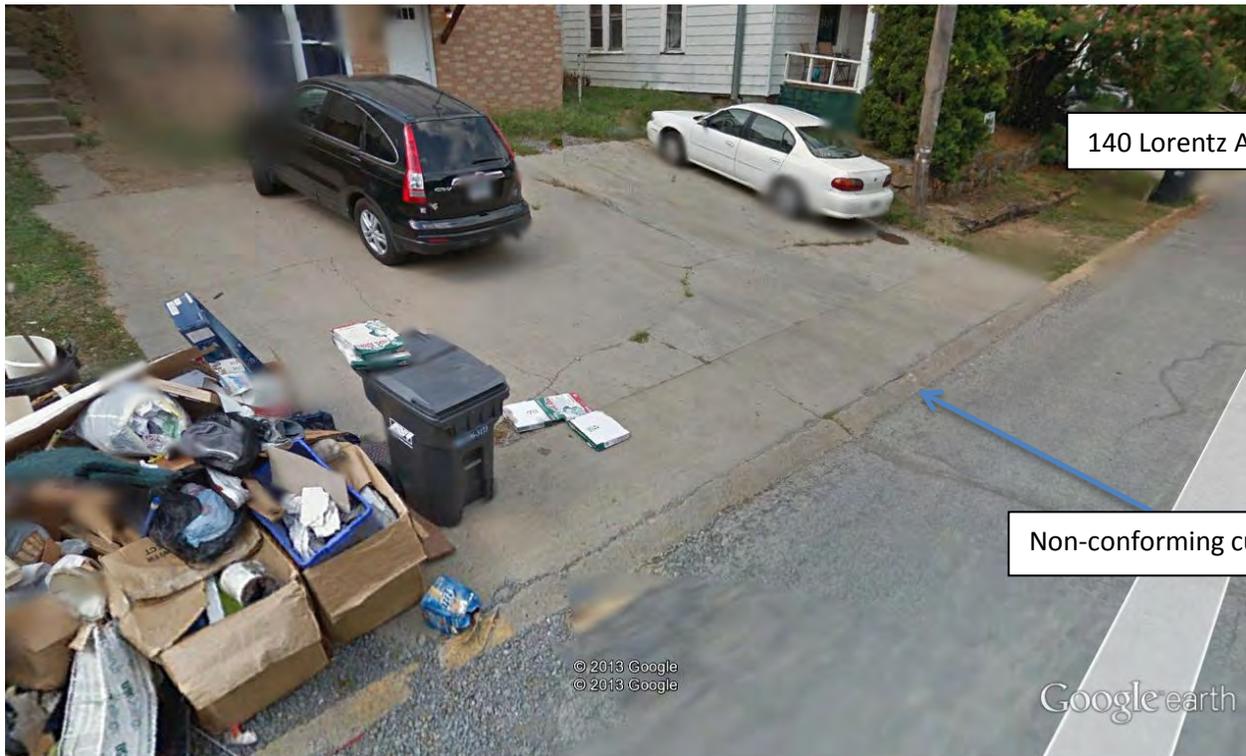
Stanczyck Properties / 612 Protzman Street





144 Lorentz Avenue

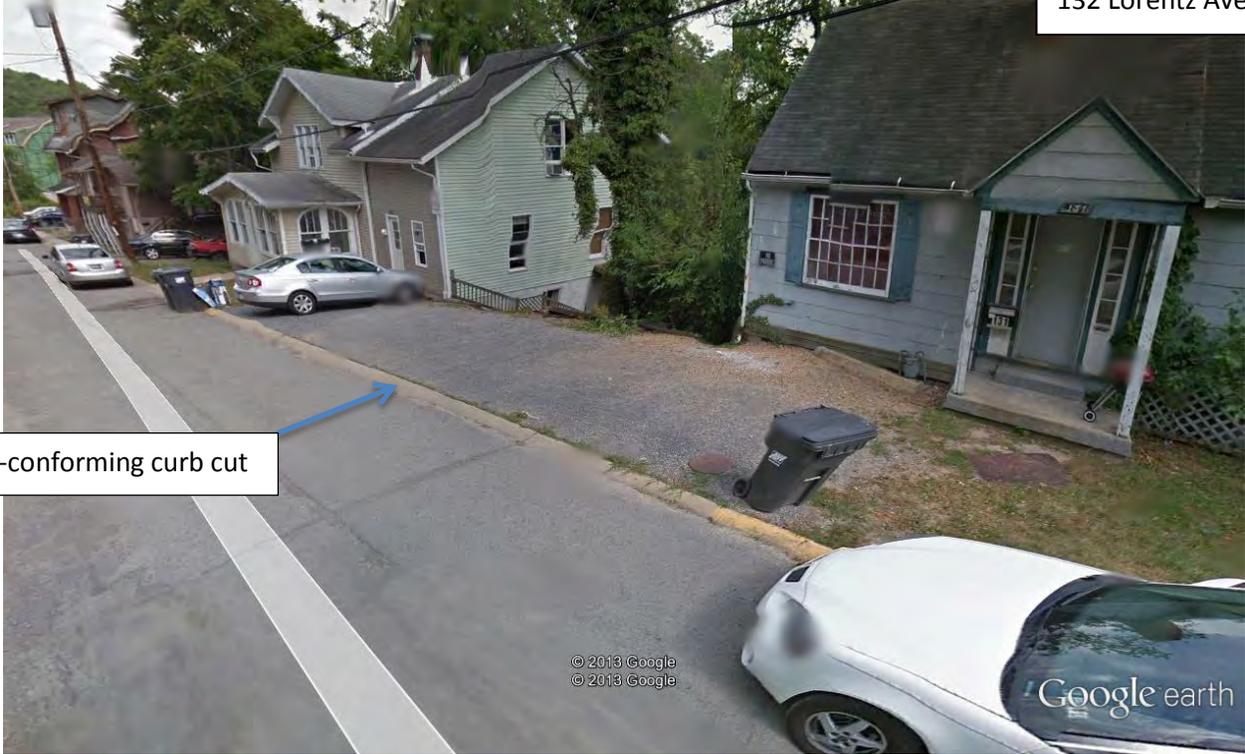
Non-conforming Curb Cut



140 Lorentz Avenue

Non-conforming curb cut

132 Lorentz Avenue



Non-conforming curb cut