



# MORGANTOWN BOARD OF ZONING APPEALS

January 21, 2015  
6:30 PM  
City Council Chambers

## **Board Members:**

Leanne Cardoso  
Bill Burton  
Linda Herbst  
Jim Shaffer  
George Papandreas

## **STAFF REPORT**

**CASE NO:** COMBINED REPORT – CU15-01 / V15-03 thru V15-08  
Victory Holding, LLC / 505 Beechurst Avenue

### **REQUEST and LOCATION:**

Request by Joe Panico, on behalf of Victory Holding, LLC, for the following approvals related to a proposed project at 505 Beechurst Avenue.

- CU15-01 ..... Condition use petition concerning off-site parking facilities.
- V15-03 ..... Variance petition concerning cladding materials.
- V15-04 ..... Variance petition concerning setback encroachments.
- V15-05 ..... Variance petition concerning minimum building height.
- V15-06 ..... Variance petition concerning maximum lot coverage.
- V15-07 ..... Variance petition concerning fenestration.
- V15-08 ..... Variance petition concerning build-to-line.

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

Tax Map 19, Parcel 45; B-2, General Business District and Beechurst Corridor Overlay District

### **SURROUNDING ZONING:**

B-2, General Business District

### **BACKGROUND and ANALYSIS:**

The petitioner seeks to construct an additional story to the existing building to develop six (6) one-bedroom multi-family dwellings. Addendum A of this report illustrates the location of the subject site.

The petitioner's proposed development program details include:

- The existing building includes two levels with one level at grade with Beechurst Avenue. The building footprint is approximately 3,247 sq. ft. According to the property owner, the structure contains five (5) three-bedroom multi-family dwellings.
- According to the Tax Map, the subject parcel is approximately 50' W X 100' D with an approximate area of 5,000 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.

## **Planning Department**

Christopher Fletcher, AICP  
Planning Director  
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- The existing building does not meet minimum front, side or rear setback standards or the maximum lot coverage standard.
- The proposed development program includes the addition of one (1) story on top of the existing building.
- The new second story level will include six (6) one-bedroom multi-family dwelling units.
- 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.

Attached hereto is a Planning and Zoning Code Conformity Report dated 05 NOV 2014 that identifies:

- Planning and Zoning Code provisions related to the subject development;
- Whether or not the subject development meets standards identified therein; and,
- Staff observations and comments concerning development program requisite approvals.

The following list summarizes requisite conditional use and variance approvals for the petitioner’s development as proposed. Please refer to the attached Conformity Report for more thorough explanations of the following compliance issues.

- CU15-01 .....To develop a conditional “Off-Site Parking Facility” use for five (5) parking spaces within the existing parking lot located on Parcel 47.02 of Tax Map 19.
- V15-03.....To permit the development of cladding materials less than requisite performance standards and ratios so that cementitious siding and masonry veneer may be used on the front, side, and rear facades and concrete block may be used on the rear façade.
- V15-04.....To encroach into the interior and the corner side minimum setbacks and to encroach into the minimum rear setback.
- V15-05.....To permit an increase in the height of the existing building to less than the three-story minimum building height standard along the primary street.
- V15-06.....To exceed maximum lot coverage standard so that the rear stairs and balcony walkways must be developed as illustrated on the drawings dated 30 SEP 2014.
- V15-07.....To permit the development of window openings, fenestration ratios, and window recessing less than requisite related performance standards.
- V15-08.....To permit the development of a second story that encroaches into the minimum front 15-foot build-to-line setback standard within the Beechurst Corridor Overlay District.

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## **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 "Findings of Fact" submitted by the applicant. Addendum B of this report provides Staff recommended revisions to the petitioner's findings of fact (deleted matter struck through; new matter underlined).

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

CU15-01 .....Staff 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 six (6) on-site spaces and no less than five (5) 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)."

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.

V15-03.....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.

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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 stone or masonry veneer design of the second level of the front building facade must be delivered as illustrated on the building elevations dated 30 SEP 2014.

V15-04.....Staff recommends that the following variance relief be granted as requested by the petitioner without conditions:

1. To increase vertically the extent of the nonconforming west side setback so that a one additional story can be constructed atop the existing footprint of the subject building.
2. To permit an 18.5-foot encroachment into the minimum rear setback standard.
3. To increase vertically the extent of the nonconforming east (Fifth Street) side setback so that a one additional story can be constructed atop the existing footprint of the subject building.

V15-05.....Staff offers no recommendation as to whether or not variance relief should be granted to permit the proposed development less than the minimum building height standard of three (3) stories. No conditions are recommended should variance relief be granted as requested by the petitioner.

V15-06.....Staff recommends that variance relief be granted, without conditions, from the maximum lot coverage standard of 60% as requested by the petitioner so that the rear stairs and balcony walkways may be developed as illustrated on the drawings dated 30 SEP 2014.

V15-07.....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. However, should variance relief be granted as requested, Staff recommends at least the following conditions:

Condition 1 – That the existing windows on the ground floor façade facing Beechurst Avenue shall be replaced with larger windows to fit what appears to be the original window frame given the visible rowlock sill courses.

Condition 2 – That window shutters for the proposed story addition on the front façade facing Beechurst Avenue must be developed as illustrated on the drawings dated 30 SEP 2014.

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Condition 3 – That window shutters for the six (6) windows in the proposed story addition on the side façade facing Fifth Street must be provided to compliment the window shutters address in Condition 2 above.

V15-08.....Staff offers no recommendation 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. No conditions are recommended should variance relief be granted as requested by the petitioner.

Attachments: Applications, drawings, and enclosures noted above.

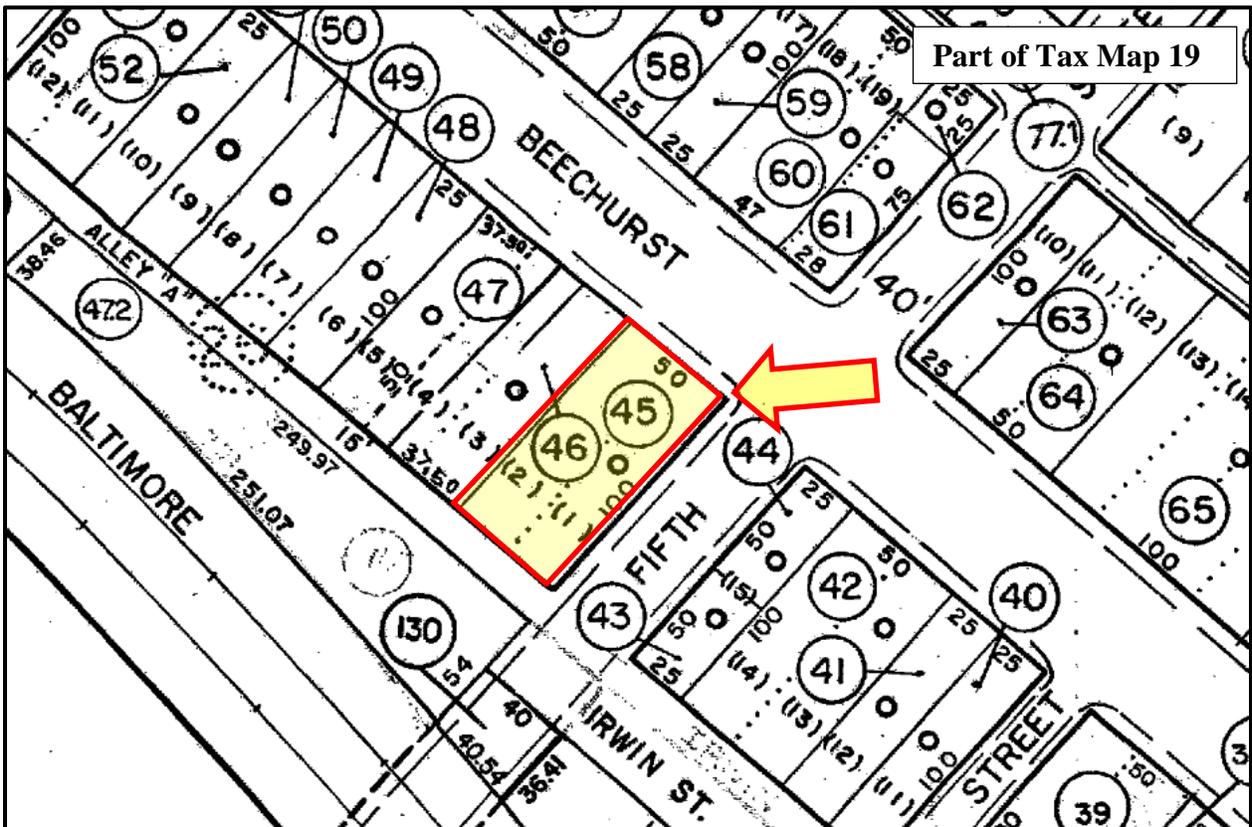
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# STAFF REPORT ADDENDUM A

CU15-01, V15-03 thru V15-08 / Victory Holding, LLC / 505 Beechurst Avenue





## STAFF REPORT ADDENDUM B

### CU15-01, V15-03 thru V15-08 / Victory Holdings, LLC / 505 Beechurst Avenue

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

#### **Case No. CU15-01** Off-Site Parking Facilities

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

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:

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:

The proposed off-site parking lot is an existing surface parking lot. The proposed addition to the existing residential building for which parking is requested, is one story 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:

The Planning and Zoning provides the opportunity of dedicating off-site parking to mitigate overcrowding of development patterns. No new parking structure, facility, or use is proposed as the location of the off-site parking facility is an existing parking lot.

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

The Planning and Zoning code provides the opportunity of dedicating off-site parking to mitigate population congestion. No new parking structure or use is proposed as the location of off-site facility is an existing surface parking lot. Additionally, increased mixed-use residential density along Beechurst Corridor is a desired development pattern in the Sunnyside-Up Neighborhood Revitalization Plan and 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:

The proposed addition to the existing 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:

The proposed off-site parking lot appears, in this case, necessary to continue private sector efforts of increased residential density in Sunnyside area. New construction should further existing market value and interest in continued to development.

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

The site and off-site parking area both are utilizing existing structure and surface parking lot.

**Case No. V15-03**      Cladding Materials

**Finding of Fact No. 1** – The variance will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents, because:

~~Existing ground floor has nonconforming but Code and fire dept approved windows. Most developers have received variance for this design requirement. Incorporating cementitious fiberboard and brick/stone veneer in the proposed project will not be harmful to the public welfare or other improvements in the vicinity. The more durable products will last longer and need less maintenance than natural materials. The proposed building will improve the vicinity and hopefully spark future redevelopment in a somewhat blighted area on a primary street.~~

**Finding of Fact No. 2** – The variance arises from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance, because:

~~We are remodeling and adding 1 story to an existing building. Most of the windows on existing building to not meet new code percentages. It appears that the predominant architectural designs of existing smaller buildings along Beechurst Avenue incorporate siding materials. The use of cementitious siding, rather than vinyl or wood siding, and stone veneer is intended to utilize more durable cladding and cost effective cladding materials.~~

**Finding of Fact No. 3** – The variance will eliminate an unnecessary hardship and permit a reasonable use of the land, because:

~~Almost every owner/developer has received a variance for cladding materials under this same code segment. Variance relief has been granted by the Board of Zoning Appeals within the Sunnyside Overlay Districts to permit the use of cementitious siding and brick and stone veneers.~~

**Finding of Fact No. 4** – The variance will allow the intent of the zoning ordinance to be observed and substantial justice done, because:

~~Other owners and developers have received many more variances from this overlay district. The proposed building materials appear to be generally within the fitting character of the Beechurst Avenue corridor. Market values of adjacent properties should increase with the proposed development and perhaps spark additional development in the area. The nature of the variance relief requested cannot contribute to or mitigate existing traffic congestion.~~

**Case No. V15-04**      Setback Encroachments

**Finding of Fact No. 1** – The variance will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents, because:

~~Footprint of structure on lot will not change and I'm on 3 sides of adjacent property.~~ The existing setback encroachments of the existing building do not appear to adversely impact public interests or improvements within the immediate area nor is a negative impact anticipated by the proposed second story addition.

**Finding of Fact No. 2** – The variance arises from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance, because:

~~Existing building has been here long before these conditions were set. All building existing before overlay are non-conforming encroachments.~~ The proposed second story utilizes the footprint of an existing building that encroaches into minimum side and rear setback requirements. The proposed residential floor plan of the second story appears to limit the design and location of stairs and walkways given the narrowness of the existing footprint and property.

**Finding of Fact No. 3** – The variance will eliminate an unnecessary hardship and permit a reasonable use of the land, because:

~~It meet comp plan goals, and I would have to demolish structure to meet setbacks.~~ It appears that razing and removing the existing building would be required to meet setback requirements.

**Finding of Fact No. 4** – The variance will allow the intent of the zoning ordinance to be observed and substantial justice done, because:

~~Expanding a permitted use, and it will create a structure that meets more of goals of area.~~ There appears to be a number of buildings within the 500 Block of Beechurst Avenue that encroach into minimum side setback standards including zero-lot line buildings. The redevelopment should enhance the value of the area and accordingly contribute to the market value of neighboring structures. The nature of the variance relief requested cannot contribute to or mitigate existing traffic congestion.

**Case No. V15-05** Minimum Building Height

**Finding of Fact No. 1** – The variance will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents, because:

~~Footprint of structure does not change. Applicate owns the adjacent property on 3 sides. The nature of the variance should not influence or impact public interests or facilities within the immediate area.~~

**Finding of Fact No. 2** – The variance arises from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance, because:

The existing structure is aged and with take extra effort structurally to add the 3<sup>rd</sup> level to meet code. Also keeping it a 2 level building will blend in with surrounding properties.

**Finding of Fact No. 3** – The variance will eliminate an unnecessary hardship and permit a reasonable use of the land, because:

Upper level residential is recommended for structures in this zoning area. And converting to 3 stories will push ~~my~~ parking limits along with engineering expense for 3 floors on existing structure.

**Finding of Fact No. 4** – The variance will allow the intent of the zoning ordinance to be observed and substantial justice done, because:

~~Other owners and developers have received many more variances from this overlay district. The proposed addition appears to increase density and scale along the primary street toward desired objectives.~~

**Case No. V15-06**      Maximum Lot Coverage

**Finding of Fact No. 1** – The variance will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents, because:

~~Footprint of structure does not change. Applicate owns the adjacent property on 3 sides. These are only aesthetic and will match neighboring structure. The proposed development does not appear to increase the extent of impervious service of the site. Additional stormwater management facilities will be required under stormwater management regulations administered by the Morgantown Utility Board. The addition of the stairs and balcony walkways ensure compliance with life safety standards of the building and fire codes.~~

**Finding of Fact No. 2** – The variance arises from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance, because:

~~We are remodeling and adding 1 story to an existing building. Most of the windows on existing building to not meet new code percentages. The lot coverage of the existing building already exceeds the maximum standard.~~

**Finding of Fact No. 3** – The variance will eliminate an unnecessary hardship and permit a reasonable use of the land, because:

~~Almost every owner/developer has received a variance for cladding materials under this same code segment. The increase in lot coverage appears to accommodate safe ingress and egress of the new dwelling units in the proposed additional story.~~

**Finding of Fact No. 4** – The variance will allow the intent of the zoning ordinance to be observed and substantial justice done, because:

~~Other owners and developers have received many more variances from this overlay district. The footprint of the existing building will be used to develop on story only given structural capacities of the existing building according to the petitioner. The rear stairs and balcony walkways are to provide safe ingress and egress to the six (6) new apartments.~~

**Case No. V15-07** Fenestration and Recessing Windows

**Finding of Fact No. 1** – The variance will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents, because:

~~Developer owns all property on north, west, and south sides of property. We are only expanding existing conforming use and not changing or adding different use for zone. The nature of variance relief requested should affect public welfare or harm public improvement or private property within the immediate area.~~

**Finding of Fact No. 2** – The variance arises from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance, because:

~~The structure is an existing non-conforming structure, for a large portion of the variances. The building is on a corner property surrounded on three (3) sides by public right-of-way. Observing the minimum fenestration ratios and window design standards would require significant glazing for residential units, which reduces privacy, energy efficiency, and livability given ambient noise from the Beechurst Avenue corridor.~~

**Finding of Fact No. 3** – The variance will eliminate an unnecessary hardship and permit a reasonable use of the land, because:

~~Its nearly impossible to meet all the ordinances without demolition of existing structure, and a lot of the same variances have been granted to most of the developments in this district. There are existing commercial storefront ground floor window openings in the existing structure that will be replaced with 100% glazing, as a result of the Board's related condition, but will still be less than minimum ground floor fenestration ratio standards. The proposed residential floor plans of the second story appear to limit the amount of windows that can be developed on the front, side and rear facades.~~

**Finding of Fact No. 4** – The variance will allow the intent of the zoning ordinance to be observed and substantial justice done, because:

~~Not asking for a variance that has not been previous granted to others in same area. The proposed fenestration ratio and requested relief from recessing windows appears to be relatively consistent with existing development patterns along the Beechurst Avenue corridor.~~

**Case No. V15-08**      Build-To-Line

**Finding of Fact No. 1** – The variance will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents, because:

~~Developer owns all property on north, west, and south sides of property. We are only expanding existing conforming use and not changing or adding different use for zone. Unlike a larger scaled development that results in razing and removing more than one nonconforming building along Beechurst Avenue, the proposed second story should not adversely impact any right-of-way widening improvements that the State may undertake in the future.~~

**Finding of Fact No. 2** – The variance arises from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance, because:

~~The structure is an existing nonconforming structure, for a large portion of the variances. The proposed development provides for the addition of one (story) on the footprint of an existing building that encroaches into the minimum build-to-line standard along Beechurst Avenue.~~

**Finding of Fact No. 3** – The variance will eliminate an unnecessary hardship and permit a reasonable use of the land, because:

~~It's nearly impossible to meet all the ordinances the minimum build-to-line standard without demolition of the existing structure, and a lot of the same variances have been granted to most of the developments in this district.~~

**Finding of Fact No. 4** – The variance will allow the intent of the zoning ordinance to be observed and substantial justice done, because:

~~Not asking for a variance that has not been previous granted to others in same area. The proposed second story utilizes the footprint of the existing building and maintains a setback trend that is consistent with the majority of buildings on the west side of the 500 Block of Beechurst Avenue. Increased 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. The nature of the variance relief requested cannot contribute to or mitigate existing traffic congestion.~~

## S14-10-II / Joe Panico / 505 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; and,
- Staff observations and comments concerning development program requisite approvals.

### SUMMARY OF PROPOSED DEVELOPMENT PROGRAM

The following list generally summarizes the proposed development program.

- Plans reviewed herein were prepared by Mills Group and dated 09 SEP 2014.
- The property is found on Tax Map 19, Parcel 45 and addressed as 505 Beechurst Avenue.
- The existing building includes two levels with one level at grade with Beechurst Avenue. The building footprint is approximately 3,247 sq. ft. According to the property owner, the structure contains five (5) three-bedroom multi-family dwellings.
- According to the Tax Map, the subject parcel is approximately 50' W X 100' D with an approximate area of 5,000 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 minimum front, side or rear setback standards or the maximum lot coverage standard.
- The proposed development program includes the addition of one (1) story on top of the existing building.
- The new second story level will include six (6) one-bedroom multi-family dwelling units.
- 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 <b>bold highlighted (yellow) font.</b>

Article 1347.02 – Permitted Uses (B-2 District)	
Y	“Multi-family Dwelling” uses are permitted by-right in the B-2 District. However, see comment below under Article 1361.03(Q) below.

Article 1347.03 – Lot Provisions	
Y	(A) Minimum lot size – 6,000 square feet. The approximate area of Parcel 45 is approximately 5,000 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 45 lot dimension along Beechurst Avenue as approximately 50 feet, 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 19 illustrates the lot depth is 100 feet, which meets the minimum standard.
N <sup>1</sup>	(D) Maximum lot coverage – 60 percent. The lot coverage of the existing building is approximately 65%, which exceeds the maximum lot coverage standard. The proposed development will increase lot coverage with the addition of the rear stairs and balcony walkways, which requires <b>variance</b> 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 <sup>2</sup>	(3) Minimum side setback – 5 feet (without access drive). The existing setback on the west side appears to be less than 5 feet unless a survey can demonstrate otherwise. 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 <b>variance</b> relief is approved by the BZA.
N <sup>3</sup>	(4) Minimum rear setback – 40 feet. The setback from the proposed rear stairs to the rear property boundary will be approximately 21.5 feet, which requires <b>variance</b> 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 <b>variance</b> relief is approved by the BZA.
N/A	(B) Minimum setback for accessory structures. No accessory structures are illustrated on the reviewed site plan.
N <sup>4</sup>	(C) Corner lot. The required side yard setback on the side facing the side street shall be one and one-half (1.5) times the normal side yard setback requirement. The minimum side setback standard along Fifth Street is therefore 7.5 feet. It appears that the setback for the existing building is less than 7.5 feet unless a survey can demonstrate otherwise. 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 <b>variance</b> relief is approved by the BZA.

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.

<b>Article 1347.06 – Parking and Loading Standards</b>	
	(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.

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

<b>Article 1347.08 – Landscaping</b>	
	SEE OBSERVATIONS UNDER ARTICLE 1367 BELOW.

<b>Article 1365 – Parking, Loading and Internal Roadways</b>	
TBD	1365.06 Parking Spaces Accessible to the Disabled. Additional consultation by the developer with the Code Enforcement Division is necessary to determine whether or not accessible dwelling units will be required for the subject development and whether or not an accessible route from dedicated accessible parking spaces will be required.
N <sup>5</sup>	1365.07 Off-Site Parking Facility. The minimum number of parking spaces required for the six (6) one-bedroom dwelling units is three (3) spaces. The minimum number of parking spaces for the existing five (5) three-bedroom dwelling units is eight (8) spaces. The site plan illustrates six (6) on-site parking spaces at the rear of the building. 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. This surface parking lot contains 24 parking spaces. Of these 24 parking spaces, two (2) are reserved for 516 Beechurst Avenue under Case No. CU08-08 and seven (7) will be reserved for 507 Beechurst Avenue under Case No. CU13-17. This leaves 15 parking spaces within the surface parking lot that have not been dedicated for conditional off-site parking uses. Because <b>conditional use</b> approval will be required for proposed six one-bedroom dwelling units, Staff will recommend to the BZA that no less than five (5) parking spaces be dedicated to the 505 Beechurst Avenue development on Parcel 47.02.
	1365.09 Parking Development Standards
Y	(A) Dimensions. The dimensions of both the on-site and off-site appear to meet minimum width and length standards.
	(B) Layout and Design.
Y	(1) Design and interference with traffic movement.
Y	(2) Driveway entrances. Parking lot layout and driveway entrance design appear to be existing conditions.
N/A	(3) Connections between parking lots.
TBD	(4) Pavement marking, slope, unobstructed, and buffering from building. Vertical barrier provisions to protect the staircase and building will be reviewed during building permit application.
N/A	(5) Parking structure.
	(6) Landscaping. See landscaping comments under Article 1367 below.
	(7) Parking area lighting facilities. See lighting comments under Article 1371 below.

<b>Article 1365 – Parking, Loading and Internal Roadways (cont.)</b>	
	(C) Surfacing and Drainage.
<b>TBD</b>	(1) Paving. Additional information required concerning existing and proposed surfacing conditions.
N/A	(2) Gravel surface for certain industrial uses.
<b>TBD</b>	(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.

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

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

<b>Article 1371 – Lighting</b>	
<b>TBD</b>	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
<b>Article 1361.03 – Design and Performance Standards Common to All Sunnyside Overlay Districts.</b>	
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.
	No observations.
Y	(C) Buildings shall not be oriented with the front facing parking or service areas.
	No observations.
<b>TBD</b>	(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.

<b>Article 1361.03 – Design and Performance Standards Common to All Sunnyside Overlay Districts.</b>	
<b>N<sup>6</sup></b>	(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 425.5 sq. ft. The minimum 60% standard for the ground floor is 255.3 sq. ft. The exterior elevations represented on Sheet A201 dated 30 SEP 2014 illustrates a proposed ground floor fenestration of 51.4 sq. ft. or 12.1%, which requires <b>variance</b> approval. Please note that Staff may recommend to the BZA a condition that the existing windows on the ground floor facing Beechurst Avenue be replaced with larger windows to fit what appears to be the original window frame given the visible rowlock sill courses.
<b>Y</b>	(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.
<b>N/A</b>	(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.
<b>N/A</b>	(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.
<b>N/A</b>	(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.
<b>N<sup>7</sup></b>	(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 less than 15 feet. 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 <b>variance</b> relief is approved by the BZA.
<b>TBD</b>	(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:  <ul style="list-style-type: none"> <li>(1) Landscaping/planting beds consisting of shrubbery and /or trees, or</li> <li>(2) Special paving areas designed as plaza space. No grass or sod areas shall be allowed in this space.</li> </ul>
	A preliminary Landscaping Plan has not been provided for review.

<b>Article 1361.03 – Design and Performance Standards Common to All Sunnyside Overlay Districts.</b>	
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 <sup>8</sup>	(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 1,058 sq. ft. The minimum 50% standard for the entire building façade is 529 sq. ft. The exterior elevations represented on Sheet A201 dated 30 SEP 2014 illustrate a proposed total fenestration of 91.8 sq. ft. or 8.7%, which requires <b>variance</b> approval.
	The façade area of the ground floor facing Beechurst Avenue is 425.5 sq. ft. The minimum 60% standard for the ground floor is 255.3 sq. ft. The exterior elevations represented on Sheet A201 dated 30 SEP 2014 illustrate a proposed ground floor fenestration of 51.4 sq. ft. or 12.1%, which requires <b>variance</b> approval.  Please note that Staff may recommend to the BZA a condition that the existing windows on the ground floor facing Beechurst Avenue be replaced with larger windows to fit what appears to be the original window frame given the visible rowlock sill courses.
N/A	(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.
	There are existing residential uses on the ground floor along Beechurst Avenue with no immediate plan to convert said space to nonresidential uses. As such, awnings do not appear to be required. However, there appears to be a metal awning proposed for the front façade over the central entrance, which attempts to observe the desired design element.
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 exterior elevations represented on Sheet A201 dated 30 SEP 2014 generally appear to meet said standard for the proposed second floor along Beechurst Avenue.

<b>Article 1361.03 – Design and Performance Standards Common to All Sunnyside Overlay Districts.</b>	
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 exterior elevations represented on Sheet A201 dated 30 SEP 2014 generally appear to meet said standard for the proposed second floor along Beechurst Avenue.
N <sup>9</sup>	(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 two stories along Beechurst Avenue, which requires <b>variance</b> relief.
N <sup>10</sup>	(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 <b>variance</b> 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 <sup>11</sup>	(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 exterior elevations represented on Sheets A201 and A202 dated 30 SEP 2014 for the second story appears to include cementitious siding and masonry veneer, which requires <b>variance</b> relief.
N <sup>12</sup>	(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 exterior elevations represented on Sheets A201 and A202 dated 30 SEP 2014 includes cementitious siding and masonry veneer exceeding 35% of the Beechurst Avenue and Fifth Street facing façades and the rear façade facing the alley, which requires <b>variance</b> 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.

<b>Article 1361.03 – Design and Performance Standards Common to All Sunnyside Overlay Districts.</b>	
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.
(Q) Street Hierarchies and Land Use:	
N	(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 proposed development program provides for existing residential uses on the ground floor along Beechurst Avenue to remain. These residential uses are considered pre-existing, non-conforming, grandfathered uses and variance relief is therefore not required for them to remain.
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 <sup>13</sup>	(3) The minimum number of off-street parking spaces for multi-family 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.
	The minimum number of parking spaces required for the six (6) one-bedroom dwelling units is three (3) spaces. The minimum number of parking spaces for the existing five (5) three-bedroom dwelling units is eight (8) spaces. The site plan illustrates six (6) on-site parking spaces at the rear of the building. 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. This surface parking lot contains 24 parking spaces. Of these 24 parking spaces, two (2) are reserved for 516 Beechurst Avenue under Case No. CU08-08 and seven (7) will be reserved for 507 Beechurst Avenue under Case No. CU13-17. This leaves 15 parking spaces within the surface parking lot that have not been dedicated for conditional off-site parking uses. Because <b>conditional use</b> approval will be required for proposed six one-bedroom dwelling units, Staff will recommend to the BZA that no less than five (5) parking spaces be dedicated to the 505 Beechurst Avenue development on Parcel 47.02.
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.

Article 1361.03 – Design and Performance Standards Common to All Sunnyside Overlay Districts.	
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.
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 exterior elevations represented on Sheet A201 dated 30 SEP 2014 generally appear to meet said standard for the second floor on the rear façade.
N <sup>14</sup>	(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 less than 15 feet. 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 <b>variance</b> relief is approved by the BZA.

## SUMMARY OF REQUIRED BZA APPROVALS

The requisite approvals identified above (**highlighted in yellow**) are grouped below into specific applications that must be submitted for the development as proposed. The numbers below associate with the superscript numbers above in the left column.

Superscript Notation	Code Issues
<b>Conditional Use:</b>	
5, 13	Off-site parking.
<b>Variances:</b>	
1	To exceed maximum lot coverage standard.
2, 3, 4	To encroach into the interior and the corner side minimum setbacks and to encroach into the minimum rear setback.
6, 8, 10	To permit the development of window openings, fenestration ratios, and window recessing less than requisite performance standards.
7, 14	To permit the development of a second story that encroaches into the minimum front 15-foot build-to-line setback standard within the Beechurst Corridor Overlay District.
9	To permit an increase in the height of the existing building to less than the three-story minimum building height along the primary street.
11, 12	To permit the development of cladding materials less than requisite performance standards and ratios so that cementitious siding and masonry veneer may be used on the front, side, and rear facades and concrete block may be used on the rear façade.

As illustrated in the above table, one (1) conditional use application and six (6) variance applications.

# 505 Beechurst Addition

Sheet List	
Sheet Name	Sheet Number
COVER SHEET	CS
SITE PLAN	A100
LEVEL 3 ADDITION	A101
ROOF PLAN	A102
ELEVATIONS	A201
ELEVATIONS	A202



PROJECT:  
**505 Beechurst Addition**  
 505 Beechurst, Morgantown, WV  
 Joe Panico  
**COVER SHEET**

Drawing Set Number  
 \_\_\_\_\_

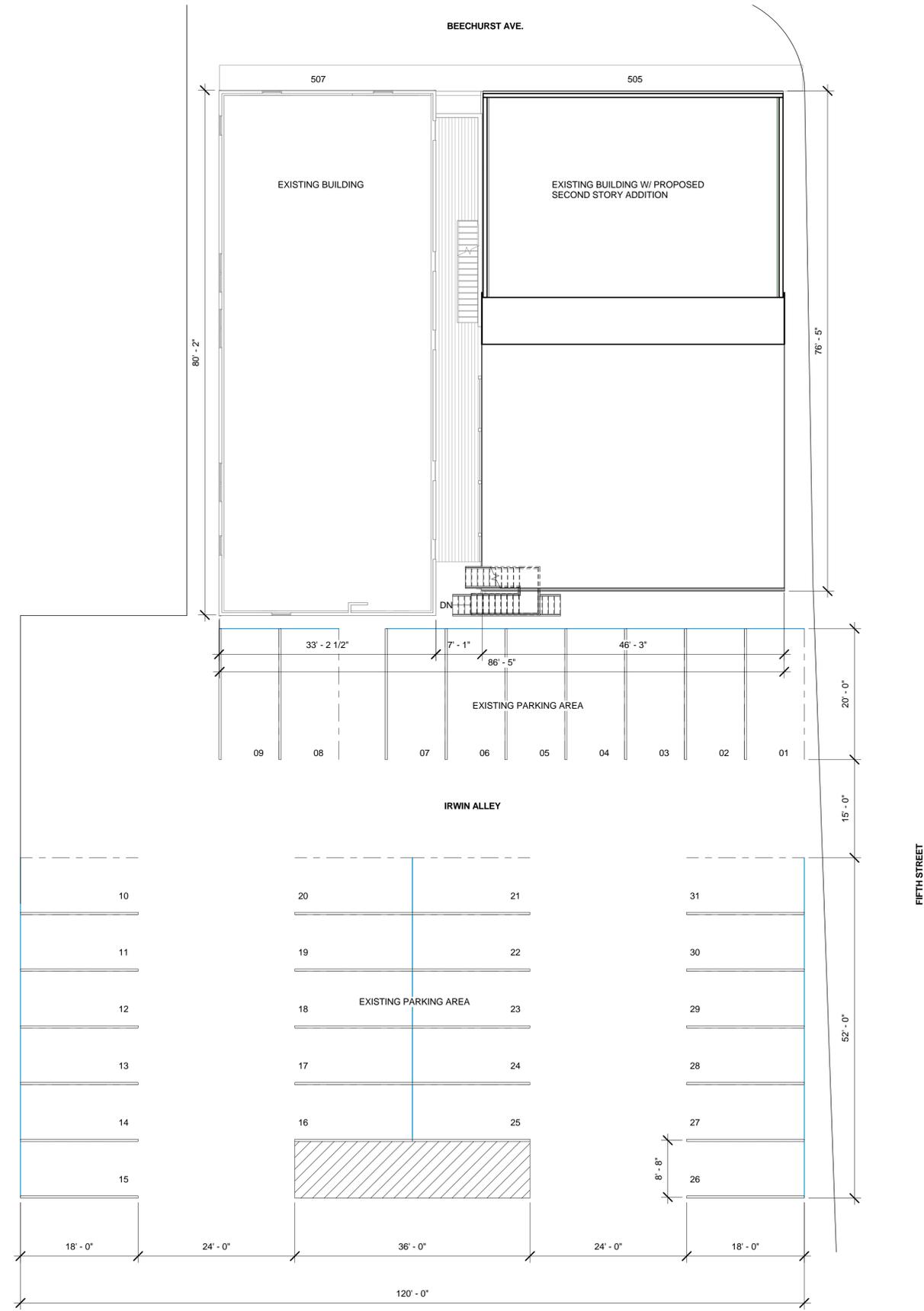
Revision Schedule		
No.	Revision Description	Date

INTENDED DRAWING USE:	
<b>CONCEPT DESIGN</b>	Conceptual
	Review
	Permitting
	Bidding
	Construction Documents

Project number	14091
Date	9/30/14
Drawn by	JMF
Checked by	MJM

**CS**

Scale  
 SCALE REFERS TO 22" X 34" PAPER SIZE



1 SITE  
 3/32" = 1'-0"



PROJECT:  
**505 Beechurst Addition**  
 505 Beechurst, Morgantown, WV  
 Joe Panico  
**SITE PLAN**

Drawing Set Number

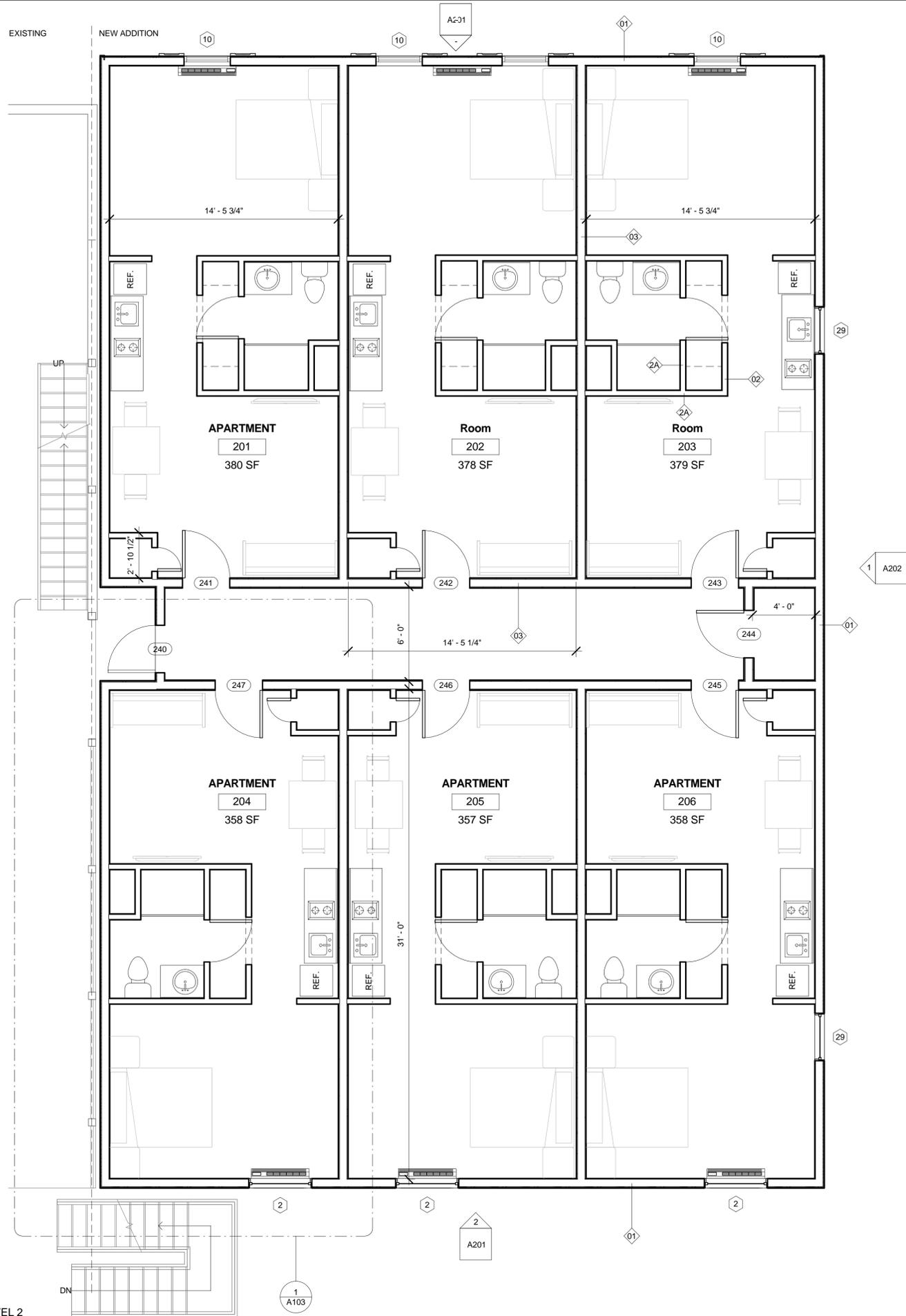
Revision Schedule		
No.	Revision Description	Date

<b>CONCEPT DESIGN</b>	INTENDED DRAWING USE:
	Conceptual
	Review
	Permitting
	Bidding
Construction Documents	

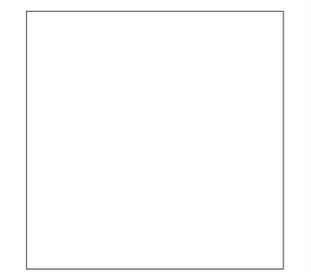
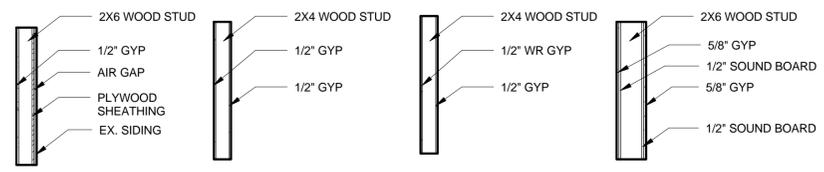
Project number	14091
Date	9/30/14
Drawn by	JL
Checked by	JMF

A100

Scale 3/32" = 1'-0"  
 SCALE REFERS TO 22" X 34" PAPER SIZE



1 LEVEL 2  
1/4" = 1'-0"



PROJECT:  
**505 Beechurst Addition**  
505 Beechurst, Morgantown, WV  
Joe Panico  
**LEVEL 3 ADDITION**

Drawing Set Number

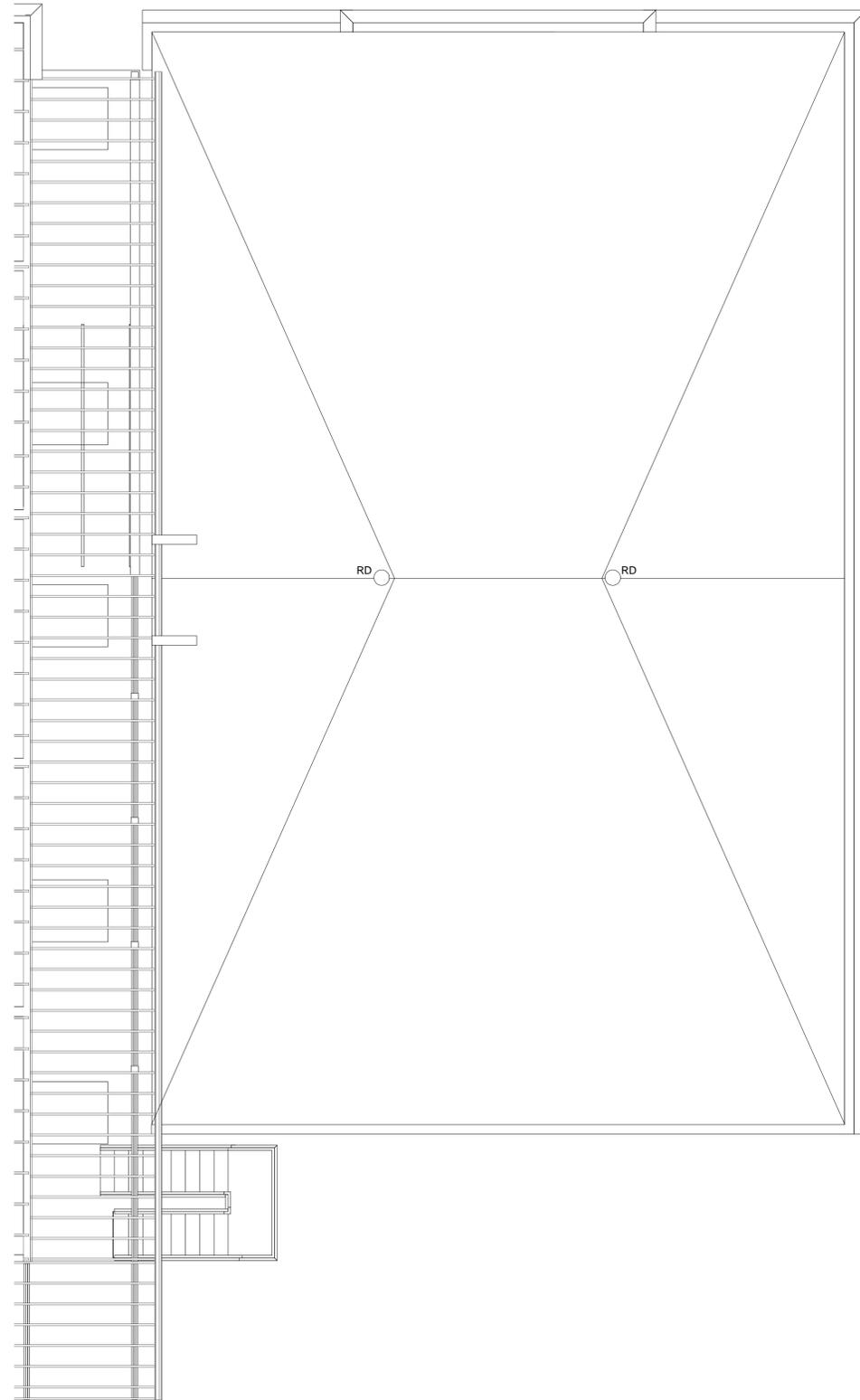
Revision Schedule		
No.	Revision Description	Date

INTENDED DRAWING USE:	
<b>CONCEPT DESIGN</b>	<input type="checkbox"/> Conceptual
	<input type="checkbox"/> Review
	<input type="checkbox"/> Permitting
	<input type="checkbox"/> Bidding
	<input type="checkbox"/> Construction Documents

Project number	14091
Date	9/30/14
Drawn by	MB
Checked by	JMF

**A101**

Scale As indicated



1 ROOF PLAN  
 3/16" = 1'-0"



PROJECT:  
**505 Beechurst Addition**  
 505 Beechurst, Morgantown, WV  
 Joe Panico  
**ROOF PLAN**

Drawing Set Number  
 \_\_\_\_\_

Revision Schedule

No.	Revision Description	Date

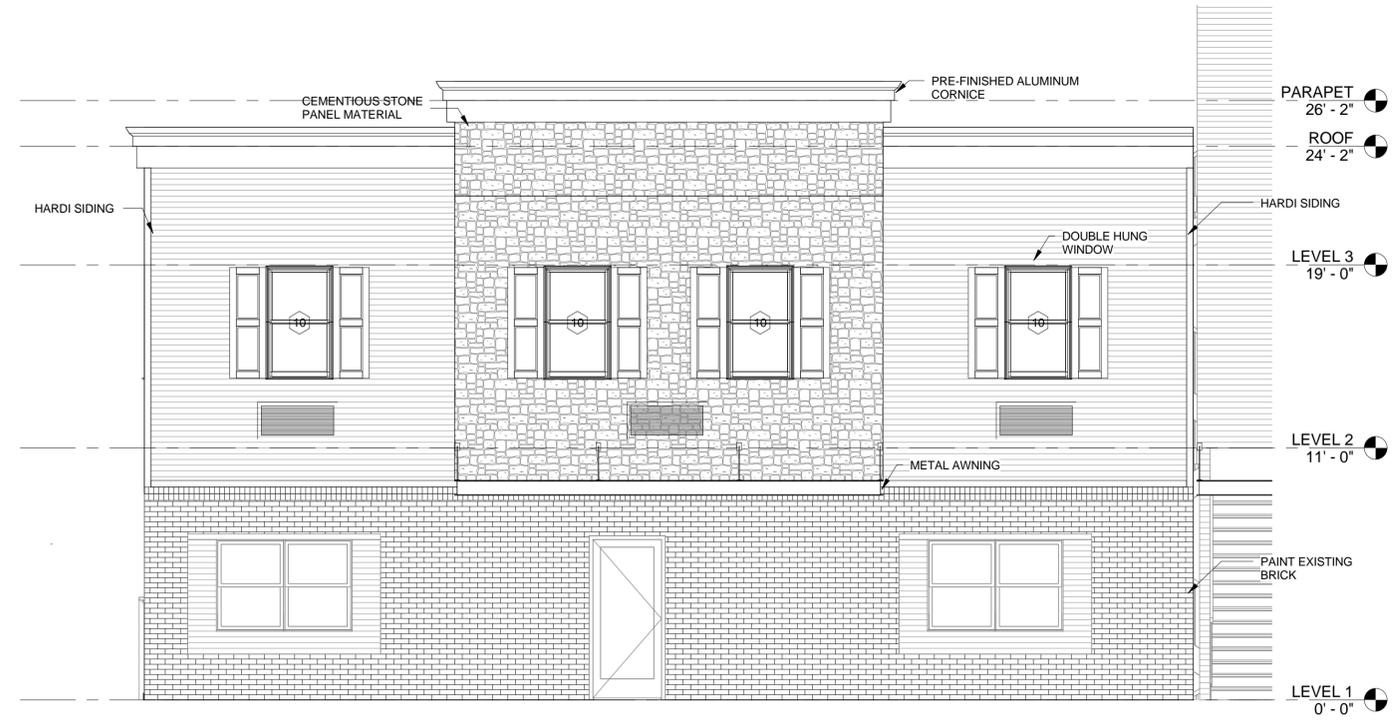
INTENDED DRAWING USE:

<b>CONCEPT DESIGN</b>	Conceptual
	Review
	Permitting
	Bidding
	Construction Documents

Project number	14091
Date	9/30/14
Drawn by	JMF
Checked by	MJM

**A102**

Scale 3/16" = 1'-0"  
 SCALE REFERS TO 22" X 34" PAPER SIZE



① FRONT ELEVATION  
 1/4" = 1'-0"



② BACK ELEVATION  
 1/4" = 1'-0"

PROJECT:  
**505 Beechurst Addition**  
 505 Beechurst, Morgantown, WV  
 Joe Panico  
**ELEVATIONS**

Drawing Set Number

Revision Schedule

No.	Revision Description	Date

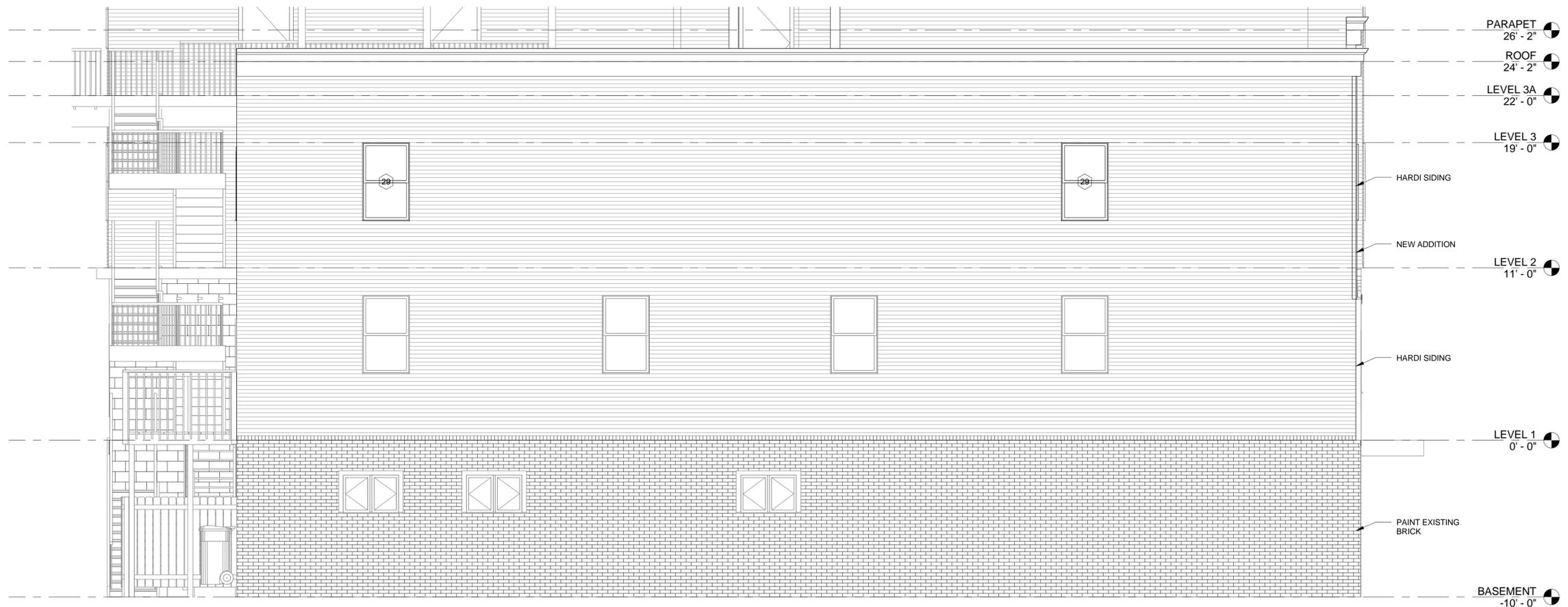
INTENDED DRAWING USE:

<b>CONCEPT DESIGN</b>	Conceptual
	Review
	Permitting
	Bidding
	Construction Documents

Project number	14091
Date	9/30/14
Drawn by	JMF
Checked by	MJM

A201

Scale 1/4" = 1'-0"  
 SCALE REFERS TO 22" X 34" PAPER SIZE



① SIDE ELEVATION  
 1/4" = 1'-0"

PROJECT:  
**505 Beechurst Addition**  
 505 Beechurst, Morgantown, WV  
 Joe Panico  
**ELEVATIONS**

Drawing Set Number

Revision Schedule		
No.	Revision Description	Date

INTENDED DRAWING USE:	
<b>CONCEPT DESIGN</b>	Conceptual
	Review
	Permitting
	Bidding
	Construction Documents

Project number	14091
Date	9/30/14
Drawn by	JMF
Checked by	MJM

**A202**

Scale 1/4" = 1'-0"



City of Morgantown, West Virginia

APPLICATION FOR TYPE IV SITE PLAN - CONDITIONAL USE

OFFICE USE	
CASE NO.	CW15-01
RECEIVED:	11/19
COMPLETE:	

(PLEASE TYPE OR PRINT IN BLACK INK)

75.00 OR 7679

I. APPLICANT							
Name:	VICTORY HOLDING LLC	Phone:	304 685 3015				
Mailing Address:	507 BEECHWIST	Mobile:					
	MORGANTOWN WV 26505	Email:	JOE.PANICO@GMAIL.COM				
	City	State	Zip				
II. AGENT / CONTACT INFORMATION							
Name:	JOE PANICO	Phone:	SAME				
Mailing Address:		Mobile:					
		Email:					
	City	State	Zip				
Mailings -	Send all correspondence to (check one): <input type="checkbox"/> Applicant OR <input type="checkbox"/> Agent/Contact						
III. PROPERTY							
Owner:	505 BEECHWIST AVE	Phone:	SAME				
Mailing Address:	MORGANTOWN WV 26505	Mobile:					
		Email:					
	City	State	Zip				
IV. SITE							
Street Address (if assigned):	505 BEECHWIST	Tax Map #:	19				
		Parcel #:	45				
Zoning:	B-2						
Lot Dimensions:	Width:	Ft.	Depth:	Ft.	Square Footage:	3247	ft. <sup>2</sup>
Shape of Lot:	<input checked="" type="checkbox"/> Corner	<input type="checkbox"/> Interior	<input type="checkbox"/> Through	<input type="checkbox"/> Flag	<input type="checkbox"/> Irregular	<input type="checkbox"/> Non-conforming	
Existing Use of Structure or Land:	APTS						
Proposed Use of Structure of Land:	APTS						



City of Morgantown, West Virginia

APPLICATION FOR TYPE IV SITE PLAN – CONDITIONAL USE

OFFICE USE
CASE NO. CW15-01
RECEIVED:
COMPLETE:

V. STRUCTURE

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

SEE ATTACHED SUMMARY

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.	CW15-01
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:

ALTERNATE MODES OF TRANSPORTATION ARE READILY AVAILABLE WITHIN BECHNET CORRIDOR WHERE INCREASED MIXED-USE RESIDENTIAL DENSITY IS A DESIRED DEVELOPMENT PATTERN IN SUNNYSIDE DR PLAT 2 CITY COMP PLAN

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

SEE ATTACHED

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

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

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



APPLICATION FOR TYPE IV SITE PLAN – CONDITIONAL USE

OFFICE USE	
CASE NO.	CU15-01
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:

SEE

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

ATTACHED

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

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 Panico

Type/Print Name of Applicant/Agent

[Signature]

Signature of Applicant/Agent

11/11/14

Date

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

Answers to Finding of Facts.  
505 Beechurst Ave.  
Morgantown WV 26505  
Map 19 parcel 45

1. Alternate modes of transportation are readily available within the Beechurst Ave corridor where increased mixed use residential density is a desired development pattern in the Sunnyside-Up Plan and the city's Comprehensive Plan.
2. The Proposed off-site parking facility is an existing surface parking lot.
3. The proposed off-site parking lot is an existing surface parking lot. The proposed addition to the existing residential building for which parking is requested, is one story and should not adversely impact existing light distribution or air flow patterns.
4. The Planning and Zoning 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 parking lot.
5. The Planning and Zoning code provides the opportunity of dedicating off-site parking to mitigate population congestion. No new parking structure or use is proposed as the location of off-site facility is an existing surface parking lot. Additionally, increased mixed-use residential density along the Beechurst Corridor is a desired development pattern in the Sunnyside-Up Plan and city's Comprehensive Plan.
6. The proposed addition to the existing building, for which off-site parking approval is requested, should not increase demand for said public infrastructure or services.
7. The proposed off-site parking lot appears, in this case, necessary to continue private sector efforts of increased residential density in Sunnyside area. New construction should further existing mark value and interest in continued redevelopment.
8. The site and off-site parking area both are utilizing existing structure and surface parking lot.

3

~~123~~



City of Morgantown, West Virginia

APPLICATION FOR VARIANCE PETITION

OFFICE USE	
CASE NO.	V15-03
RECEIVED:	11/19

PAID  
NOV 25 2014

(PLEASE TYPE OR PRINT IN BLACK INK)

Fee: \$75

CK  
7679

<b>I. APPLICANT</b>		Name:	Victory Holdings LLC	
Mailing Address:	Street	507 Beechurst ave.	Phone:	
	City	MORGANTOWN WV 26505	Mobile:	3046853015
	State	WV	Email:	joepanico5@gmail.com

<b>II. PROPERTY</b>		Street Address:	505 Beechurst ave	
Owner:	victory holdings llc		Zoning:	B-2
Mailing Address:	Street	same	Tax Map No:	19
	City		Parcel No:	
	State		Phone:	

**III. NARRATIVE** Please describe the nature and extent of your variance request(s).  
 Add a single story addition to existing structure that includes 6 1 bedroom design units with parking on site and across adjacent existing parking lot.

**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 Development Services 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.

Joe Panico \_\_\_\_\_ 11/11/14  
 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 VARIANCE PETITION

OFFICE USE	
CASE NO.	V15-03
RECEIVED:	

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: 3600

Estimated number of employees: 0 No. of dwelling units: 6 No. of bedrooms: 6

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



City of Morgantown, West Virginia

**APPLICATION FOR  
VARIANCE PETITION**

OFFICE USE	
CASE NO.	V15-03
RECEIVED:	

<b>VII. FINDINGS OF FACT</b>	<b>COMPLETE THE FOLLOWING STATEMENTS IN THIRD PERSON.</b>
<p><b>3. The variance will eliminate an unnecessary hardship and permit a reasonable use of the land, because:</b> Almost every owner/developer has received a variance for cladding materials under this same code segment.</p>	
<p><b>4. The variance will allow the intent of the zoning ordinance to be observed and substantial justice done, because:</b> other owners and developers have recieved many more variances from this overlay district.</p>	



City of Morgantown, West Virginia

**APPLICATION FOR  
VARIANCE PETITION**

OFFICE USE	
CASE NO.	V15-03
RECEIVED:	

**VII. FINDINGS OF FACT** COMPLETE THE FOLLOWING STATEMENTS IN THIRD PERSON.

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. The variance will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents, because:**

Existing ground floor has non conforming but Code and fire dept approved windows.

most developers have received variance fro this design requirement.

**2. The variance arises from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance, because:**

We are remodeling and adding 1 story to an existing building. Most of the windows on existing building to not meet new code percentages.

4

~~1234~~



City of Morgantown, West Virginia

# APPLICATION FOR VARIANCE PETITION

OFFICE USE	
CASE NO.	V15-04
RECEIVED:	

PAID BY: 10/25/2014

(PLEASE TYPE OR PRINT IN BLACK INK)

Fee: \$75

CL 7679

<b>I. APPLICANT</b>		Name:	Victory Holdings LLC	
Mailing Address:	Street	507 Beechurst ave.	Phone:	
	City	MORGANTOWN WV 26505	Mobile:	3046853015
	State	WV	Email:	joepanico5@gmail.com

<b>II. PROPERTY</b>		Street Address:	505 Beechurst ave	
Owner:	victory holdings llc		Zoning:	B-2
Mailing Address:	Street	same	Tax Map No:	19
	City		Parcel No:	
	State		Phone:	

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

Add a single story addition to existing structure that includes 6 1 bedroom design units with parking on site and across adjacent existing parking lot.

**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 Development Services 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.

Joe Panico \_\_\_\_\_ 11/11/14  
 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 VARIANCE PETITION

OFFICE USE	
CASE NO.	V15-04
RECEIVED:	

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: 3600

Estimated number of employees: 0 No. of dwelling units: 6 No. of bedrooms: 6

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

4

2



City of Morgantown, West Virginia

# APPLICATION FOR VARIANCE PETITION

OFFICE USE	
CASE NO.	V15-04
RECEIVED:	

<b>VII. FINDINGS OF FACT</b>	<b>COMPLETE THE FOLLOWING STATEMENTS IN THIRD PERSON.</b>
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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. The variance will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents, because:

Footprint of structure on lot will not change and IM on 3 sides of adjacent property

2. The variance arises from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance, because:

EXISTING BUILDING HAS BEEN HERE LONG BEFORE THESE CONDITIONS WERE SET. ALL BUILDING EXISTING BEFORE OVERLAY ARE NOW COMFORMING ENCROACHMENTS



City of Morgantown, West Virginia

# APPLICATION FOR VARIANCE PETITION

OFFICE USE	
CASE NO.	V15-04
RECEIVED:	

<b>VII. FINDINGS OF FACT</b>	COMPLETE THE FOLLOWING STATEMENTS IN THIRD PERSON.
<p>3. The variance will eliminate an unnecessary hardship and permit a reasonable use of the land, because:</p> <p style="text-align: center;"><i>IT MEET COM PLAN GOALS, AND I WOULD HAVE TO DEMOLISH STRUCTURE TO MEET SET BACK</i></p>	
<p>4. The variance will allow the intent of the zoning ordinance to be observed and substantial justice done, because:</p> <p style="text-align: center;"><i>EXPANDING A PERMITTED USE, AND IT WILL CREATE A STRUCTURE THAT MEETS MORE OF GOALS OF AREA</i></p>	



City of Morgantown, West Virginia

APPLICATION FOR VARIANCE PETITION

OFFICE USE	
CASE NO.	V15-05
RECEIVED:	

(PLEASE TYPE OR PRINT IN BLACK INK)

Fee: \$75

OK 7679

<b>I. APPLICANT</b>		Name:	Victory Holdings LLC	
Mailing Address:	Street	507 Beechurst ave.	Phone:	
	City	MORGANTOWN WV 26505	Mobile:	3046853015
	State		Email:	joepanico5@gmail.com

<b>II. PROPERTY</b>		Street Address:	505 Beechurst ave	
Owner:	victory holdings llc		Zoning:	B-2
Mailing Address:	Street	same	Tax Map No:	19
	City		Parcel No:	
	State		Phone:	

<b>III. NARRATIVE</b>	Please describe the nature and extent of your variance request(s).
Add a single story addition to existing structure that includes 6 1 bedroom design units. with parking on site and across adjacent existing parking lot.	

<b>V. ATTEST</b>	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 Development Services 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.	
Type/Print Name of Applicant/Agent	Signature of Applicant/Agent	Date
Joe Panico		11/11/14

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 VARIANCE PETITION

OFFICE USE	
CASE NO.	V15-05
RECEIVED:	

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: 3600

Estimated number of employees: 0                      No. of dwelling units: 6                      No. of bedrooms: 6

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



City of Morgantown, West Virginia

**APPLICATION FOR  
VARIANCE PETITION**

OFFICE USE	
CASE NO.	V15-05
RECEIVED:	

<b>VII. FINDINGS OF FACT</b>	<b>COMPLETE THE FOLLOWING STATEMENTS IN THIRD PERSON.</b>
<p>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.</p>	
<p><b>1. The variance will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents, because:</b> Footprint of structure does not change. Applicate owes the adjacent property on 3 sides.</p>	
<p><b>2. The variance arises from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance, because:</b> The existing structure is aged and with take extra effort structually to add the 3rd level to meet code. Also keeping it a 2 level building will blend in with surrounding properties.</p>	



City of Morgantown, West Virginia

**APPLICATION FOR  
VARIANCE PETITION**

OFFICE USE	
CASE NO.	V15-05
RECEIVED:	

VII. FINDINGS OF FACT	COMPLETE THE FOLLOWING STATEMENTS IN THIRD PERSON.
	<p><b>3. The variance will eliminate an unnecessary hardship and permit a reasonable use of the land, because:</b></p> <p>Upper level residential is recommended for structures in this zoning area. And converting to 3 stories will push my parking limits along with engineering expence for 3 floor on existing structure.</p>
	<p><b>4. The variance will allow the intent of the zoning ordinance to be observed and substantial justice done, because:</b></p> <p>other owners and developers have recieved many more variances from this overlay district.</p>



City of Morgantown, West Virginia

# APPLICATION FOR VARIANCE PETITION

OFFICE USE	
CASE NO.	V15-06
RECEIVED:	

(PLEASE TYPE OR PRINT IN BLACK INK)

Fee: \$75

OK  
7679

<b>I. APPLICANT</b>		Name:	Victory Holdings LLC	
Mailing Address:	Street	507 Beechurst ave.	Phone:	
	City	MORGANTOWN	Mobile:	3046853015
	State	WV	Email:	joepanico5@gmail.com
	Zip	26505		

<b>II. PROPERTY</b>		Street Address:	505 Beechurst ave	
Owner:	victory holdings llc		Zoning:	B-2
Mailing Address:	Street	same	Tax Map No:	19
	City		Parcel No:	
	State		Phone:	
	Zip			

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

Add a single story addition to existing structure that includes 6 1 bedroom design units. with parking on site and across adjacent existing parking lot.

**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 Development Services 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.

Joe Panico \_\_\_\_\_ 11/11/14  
 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 VARIANCE PETITION

OFFICE USE	
CASE NO.	V15-06
RECEIVED:	

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: 3600

Estimated number of employees: 0 No. of dwelling units: 6 No. of bedrooms: 6

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



City of Morgantown, West Virginia

**APPLICATION FOR  
VARIANCE PETITION**

OFFICE USE	
CASE NO.	V15-06
RECEIVED:	

<b>VII. FINDINGS OF FACT</b>	<b>COMPLETE THE FOLLOWING STATEMENTS IN THIRD PERSON.</b>
<p>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.</p>	
<p><b>1. The variance will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents, because:</b></p> <p>Footprint of structure does not change. Applicate owes the adjacent property on 3 sides. These are only aesthetic and will match neighboring structure.</p>	
<p><b>2. The variance arises from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance, because:</b></p> <p>We are remodeling and adding 1 story to an existing building. Most of the windows on existing building to not meet new code percentages.</p>	



City of Morgantown, West Virginia

**APPLICATION FOR  
VARIANCE PETITION**

OFFICE USE	
CASE NO.	V15-06
RECEIVED:	

**VII. FINDINGS OF FACT** COMPLETE THE FOLLOWING STATEMENTS IN THIRD PERSON.

**3. The variance will eliminate an unnecessary hardship and permit a reasonable use of the land, because:**  
Almost every owner/developer has received a variance for cladding materials under this same code segment.

**4. The variance will allow the intent of the zoning ordinance to be observed and substantial justice done, because:**  
other owners and developers have recieved many more variances from this overlay district.



City of Morgantown, West Virginia

APPLICATION FOR VARIANCE PETITION

OFFICE USE	
CASE NO.	115-07
RECEIVED:	11/19/14

PAID BY NOV 2014

(PLEASE TYPE OR PRINT IN BLACK INK)

Fee: \$75

CK 7679

<b>I. APPLICANT</b>		Name:	Victory Holdings LLC			
Mailing Address:	Street	507 Beechurst ave.		Phone:		
	City	MORGANTOWN	State	WV	Zip	26505
	Mobile:	3046853015		Email:	joepanico5@gmail.com	
<b>II. PROPERTY</b>		Street Address:	505 Beechurst ave			
Owner:	victory holdings llc		Zoning:	B-2		
Mailing Address:	Street	same		Tax Map No:	19	
	City		State		Zip	
	Parcel No:			Phone:		
<b>III. NARRATIVE</b>		Please describe the nature and extent of your variance request(s).				
Add a single story addition to existing structure that includes 6 1 bedroom design units. with parking on site and across adjacent existing parking lot.						
<b>V. ATTEST</b>						
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 Development Services 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.						
Type/Print Name of Applicant/Agent		Signature of Applicant/Agent		Date		
Joe Panico				11/11/14		

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 VARIANCE PETITION

OFFICE USE table with CASE NO. VIS-07 and RECEIVED:

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: 3600
Estimated number of employees: 0, No. of dwelling units: 6, No. of bedrooms: 6
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

1-2-3-4



City of Morgantown, West Virginia

# APPLICATION FOR VARIANCE PETITION

OFFICE USE	
CASE NO.	V15-07
RECEIVED:	

<b>VII. FINDINGS OF FACT</b>	<b>COMPLETE THE FOLLOWING STATEMENTS IN THIRD PERSON.</b>
<p>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.</p>	
<p><b>1. The variance will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents, because:</b></p> <p>Developer owns all property on north, west, and south sides of property. We are only expanding existing conforming use and not changing or adding different use for zone.</p>	
<p><b>2. The variance arises from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance, because:</b></p> <p>The structure is an existing non conforming structure, for a large portion of the variances.</p>	



City of Morgantown, West Virginia

**APPLICATION FOR  
VARIANCE PETITION**

OFFICE USE	
CASE NO.	V15-07
RECEIVED:	

<b>VII. FINDINGS OF FACT</b>	<b>COMPLETE THE FOLLOWING STATEMENTS IN THIRD PERSON.</b>
<p><b>3. The variance will eliminate an unnecessary hardship and permit a reasonable use of the land, because:</b> Its nearly impossible to meet all the ordinances without demolition of existing structure, and alot of the same variances have been granted to most of the developments in this district.</p>	
<p><b>4. The variance will allow the intent of the zoning ordinance to be observed and substantial justice done, because:</b> Not asking for a variance that has not been previous granted to others in same area.</p>	

2

~~10/15/14~~



# City of Morgantown, West Virginia APPLICATION FOR VARIANCE PETITION

OFFICE USE	
CASE NO.	V15-08
RECEIVED:	11/19

(PLEASE TYPE OR PRINT IN BLACK INK)

Fee: \$75

OK  
7679

<b>I. APPLICANT</b>		Name:	Victory Holdings LLC	
Mailing Address:	Street	507 Beechurst ave.	Phone:	
	City	MORGANTOWN	Mobile:	3046853015
	State	WV	Email:	joepanico5@gmail.com
	Zip	26505		

<b>II. PROPERTY</b>		Street Address:	505 Beechurst ave	
Owner:	victory holdings llc		Zoning:	B-2
Mailing Address:	Street	same	Tax Map No:	19
	City		Parcel No:	
	State		Phone:	
	Zip			

<b>III. NARRATIVE</b>	Please describe the nature and extent of your variance request(s).
Add a single story addition to existing structure that includes 6 1 bedroom design units. with parking on site and across adjacent existing parking lot.	

<b>V. ATTEST</b>		
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 Development Services 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.		
Type/Print Name of Applicant/Agent	Signature of Applicant/Agent	Date
Joe Panico		11/11/14

**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 VARIANCE PETITION

OFFICE USE table with CASE NO. V15-08 and RECEIVED:

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: 3600
Estimated number of employees: 0 No. of dwelling units: 6 No. of bedrooms: 6
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

1-2-3-4



City of Morgantown, West Virginia

# APPLICATION FOR VARIANCE PETITION

OFFICE USE	
CASE NO.	V15-08
RECEIVED:	

**VII. FINDINGS OF FACT**

COMPLETE THE FOLLOWING STATEMENTS IN THIRD PERSON.

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. The variance will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents, because:**

Developer owns all property on north, west, and south sides of property. We are only expanding existing conforming use and not changing or adding different use for zone.

**2. The variance arises from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance, because:**

The structure is an existing non conforming structure, for a large portion of the variances.



City of Morgantown, West Virginia

**APPLICATION FOR  
VARIANCE PETITION**

OFFICE USE	
CASE NO.	V15-08
RECEIVED:	

<b>VII. FINDINGS OF FACT</b>	<b>COMPLETE THE FOLLOWING STATEMENTS IN THIRD PERSON.</b>
<p><b>3. The variance will eliminate an unnecessary hardship and permit a reasonable use of the land, because:</b></p> <p>Its nearly impossible to meet all the ordinances without demolition of existing structure, and alot of the same variances have been granted to most of the developments in this district.</p>	
<p><b>4. The variance will allow the intent of the zoning ordinance to be observed and substantial justice done, because:</b></p> <p>Not asking for a variance that has not been previous granted to others in same area.</p>	