MORGANTOWN BOARD OF ZONING APPEALS

June 17, 2015
6:30 PM
City Council Chambers

Board Members:
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Jim Shaffer

COMBINED STAFF REPORT

CASE NO: CU15-04 and V15-37 thru V15-43
Grant Avenue, LLC / 400 block of Grant Avenue

REQUEST and LOCATION:

Request by Doug Warden, on behalf of Grant Avenue, LLC, for the following approvals related to a proposed project in the 400 block of Grant Avenue.

CU15-04 ..... Conditional use petition to construct a building greater than 55 feet but less than 80 feet in height.

V15-37 ..... Variance petition concerning maximum building height in stories.

V15-38 ..... Variance petition concerning building massing.

V15-39 ..... Variance petition concerning curb cut location, width, and access drive aisle.

V15-40 ..... Variance petition concerning parking stall dimensions.

V15-41 ..... Variance petition concerning window design standards.

V15-42 ..... Variance petition concerning cladding material standards.

V15-43 ..... Variance petition concerning entrance door canopy encroachments in minimum setback standards.

TAX MAP NUMBER(s) and ZONING DESCRIPTION:

Tax Map 19, Parcels 90 thru 95 and Tax Map 15, Parcels 211 and 212; R-3, Multi-Family Residential District and the SCOD, Sunnyside Central Overlay District

SURROUNDING ZONING:

R-3, Multi-Family Residential District

BACKGROUND:

The petitioner seeks to construct one (1) principal structure that will include a total 94 dwelling units with a total of 183 occupants. Addendum A of this report illustrates the location of the subject site along with a general massing study of the proposed development in relation to the surrounding built environment.

Proposed Development Program

The following generally summarizes the proposed development program illustrated in the petitioner's application documents.

- The proposed development site includes several parcels where previous structures have been razed and removed including 409, 411, 415, 419, 423, and 427 Grant Avenue.

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- The proposed development includes one (1) principal structure that contains seven (7) levels of dwelling units and common space above two (2) decks of parking.
- The dwelling unit mix is 89 two-bedroom units and 5 one-bedroom units for a total of 94 dwelling units and 183 occupants.
- The proposed parking program provides 95 parking spaces that includes 16 surface parking spaces accessed directly from the rear alley; 38 spaces on Parking Level 1; and, 41 spaces on Parking Level 2.

Required Planning and Zoning Code Approvals

Attached hereto is a detailed Planning and Zoning Code Conformity Report dated 21 MAY 2015 identifying whether or not the subject development meets related P&Z Code requirements. The development, as proposed, requires Planning Commission approval of a Type III Development of Significant Impact (DSI) Site Plan and a Minor Subdivision and Board approval of a Conditional Use, and seven (7) Variances.

It should be noted that, as of 12 JUN 2015, the petitioner was still exploring retaining and foundation wall design and cost alternatives along with awaiting consultation with City Administration concerning their potential impact on the adjoining right-of-way. Final design selection will have a direct effect on the type of landscaping materials that can be planted at the site; particularly along Grant Avenue. At its hearing on 11 JUN 2015, the Planning Commission tabled the petitioner's Type III DSI Site Plan petition (Case No. S15-07-III) so that the final Landscape Plan can be submitted and reviewed by the Planning Commission.

The following table summarizes the matters for which Board approval is required.

Conditional Use	
CU15-04	Conditional use approval to construct in excess of 55 feet but less than 80 feet [Article 1339.06(A)].
Variance	
V15-37	Variance relief to exceed the maximum building height standard of 4 stories [Article 1339.06(A)].
V15-38	Variance relief from substantially conforming in massing to adjacent structures [Article 1339.07(A)].
V15-39	Variance relief to permit a curb cut (driveway entrance) on Grant Avenue [Article 1361.03(Q)(8)]; to utilize the rear alley public right-of-way as an access drive aisle for the 16 proposed surface parking spaces [Article 1365.09(A)(4)]; to exceed the maximum driveway width standard of 22 feet at the Grant Avenue and rear alley rights-of-way lines and to permit the rear alley driveway entrance to be closer than 15 feet to the adjoining residential property line [Article 1365.09(B)(2)].
V15-40	Variance relief to partially reduce the width of approximately 36 parking stalls by six (6) inches due to parking structure columns [Article 1365.09(A)(1)].
V15-41	Variance relief from minimum ground floor transparency percentage [Article 1361.03(E)] and from recessing windows [Article 1361.03(O)(6)].

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Variance	
V15-42	Variance relief from natural material standards and ratios [Article 1361.03(P)(1)] and to use cement fiber paneling and lap siding and brick/stone veneer [Article 1361.03(P)(2)].
V15-43	Variance relief to encroach into the minimum front setback standard for the front eave (0'-11") and for the front entrance canopy (3'-9").

ANALYSIS:

As recommended in Chapter 9 "Implementation" of the 2013 Comprehensive Plan Update, Addendum B of this report identifies how the proposed development program relates to the land management intent, location, and pattern and character principles of the current Comprehensive Plan. Staff encourages the Board to review the Comprehensive Plan for guidance as Addendum B is not intended to represent a complete comparative assessment.

It should be noted that "shall" statements within the Comprehensive Plan must be understood as desired objectives and strategies that do not have the force or effect of law unless incorporated into the City's Planning and Zoning Code.

The 2013 Comprehensive Plan identifies the subject parcel as a part of the "Encouraged Growth" and "Neighborhood Revitalization" general concept area, which provides for the:

> "Stabilization and reinvestment in existing neighborhoods that includes improvements to public and private buildings and infrastructure, and support for infill development, adaptive reuse and redevelopment that offers a mix of residential types and supporting uses."

It appears that the proposed development is in general concurrence with the Plan's principles for land management and encouraged growth objectives and furthers the following plan implementation strategies:

- LM 2.1 Identify and prioritize sites for infill and redevelopment.
- LM 2.3 Develop incentives to encourage the consolidation of parcels for redevelopment.
- LM 2.6 Prioritize capital improvements near infill or redevelopment sites to encourage private investment.
- LM 5.2 Permit higher density development in areas that are well-supported by existing or planned transportation infrastructure or transit services.
- NH 4.1 Provide incentives to developers to encourage development of alternative housing types (i.e. higher density, live-work, mixed-use) in designated growth areas.

Staff recommends that the Board, without objection from members of the Board, the petitioner, or the public, combine the public hearings for the subject conditional use and seven (7) variance petitions. However, each respective petition must be considered and acted upon by the Board separately.

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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 C 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.

Staff submits the following recommendations for each petition and notes that all approvals granted by the Board herein should be conditioned upon the Planning Commission's approval of petitioner's Type III Development of Significant Impact (DSI) Site Plan (Case No. S15-07-III).

Case Nos.	Code Provisions / *Recommendation*
CU15-04	Conditional use approval to construct in excess of 55 feet but less than 80 feet [Article 1339.06(A)].
	Staff does not recommend that conditions be included in the Board's approval of Case No. CU15-04.
V15-37	Variance relief to exceed the maximum building height standard of 4 stories [Article 1339.06(A)].
	Staff recommends, should CU15-04 be approved, that variance relief be granted under Case No. V15-37 so that six stories and a portion of a seventh story can be constructed along the front elevation facing Grant Avenue as proposed.
V15-38	Variance relief from substantially conforming in massing to adjacent structures [Article 1339.07(A)].
	Staff does not recommend that conditions be included in the Board's variance relief granted for Case No. V15-38.
V15-39	Variance relief to permit a curb cut (driveway entrance) on Grant Avenue [Article 1361.03(Q)(8)]; to utilize the rear alley public right-of-way as an access drive aisle for the 16 proposed surface parking spaces [Article 1365.09(A)(4)]; to exceed the maximum driveway width standard of 22 feet at the Grant Avenue and rear alley rights-of-way lines and to permit the rear alley driveway entrance to be closer than 15 feet to the adjoining residential property line [Article 1365.09(B)(2)].
	Staff recommends that variance relief be granted under Case No. V15-39 without conditions as requested by the petitioner and illustrated in development plans reviewed herein.
V15-40	Variance relief to partially reduce the width of approximately 36 parking stalls by six (6) inches due to parking structure columns [Article 1365.09(A)(1)].
	Staff recommends that variance relief be granted under Case No. V15-40 without conditions as requested by the petitioner and illustrated in development plans reviewed herein.

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Case Nos.	Code Provisions / *Recommendation*
V15-41	Variance relief from minimum ground floor transparency percentage [Article 1361.03(E)] and from recessing windows [Article 1361.03(O)(6)].
	Staff recommends that variance relief be granted under Case No. V15-41 without conditions as requested by the petitioner and illustrated in development plans reviewed herein.
V15-42	Variance relief from natural material standards and ratios [Article 1361.03(P)(1)] and to use cement fiber paneling and lap siding and brick/stone veneer [Article 1361.03(P)(2)].
	Staff recommends that variance relief be granted under Case No. V15-42 without conditions as requested by the petitioner and illustrated in development plans reviewed herein.
V15-43	Variance relief to encroach into the minimum front setback standard for the front eave (0'-11") and for the front entrance canopy (3'-9").
	Staff recommends that variance relief be granted under Case No. V15-43 without conditions as requested by the petitioner and illustrated in development plans reviewed herein.

Attachments: Applications, drawings, and enclosures noted above.

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STAFF REPORT ADDENDUM A

CU15-04 and V15-37 thru V15-43 / Grant Avenue, LLC / 400 block of Grant Avenue

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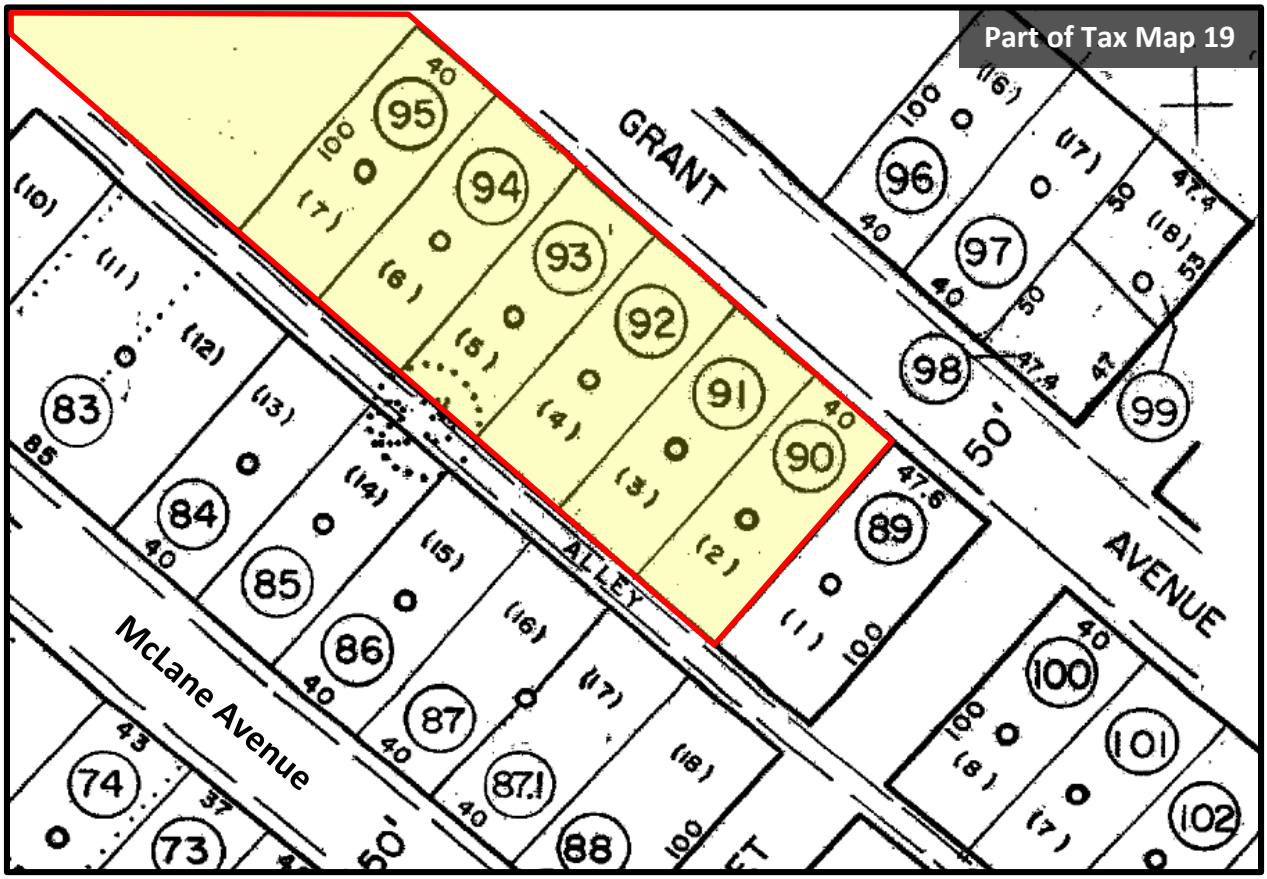
CU15-04 and V15-37 thru V15-43 / Grant Avenue, LLC / 400 block of Grant Avenue



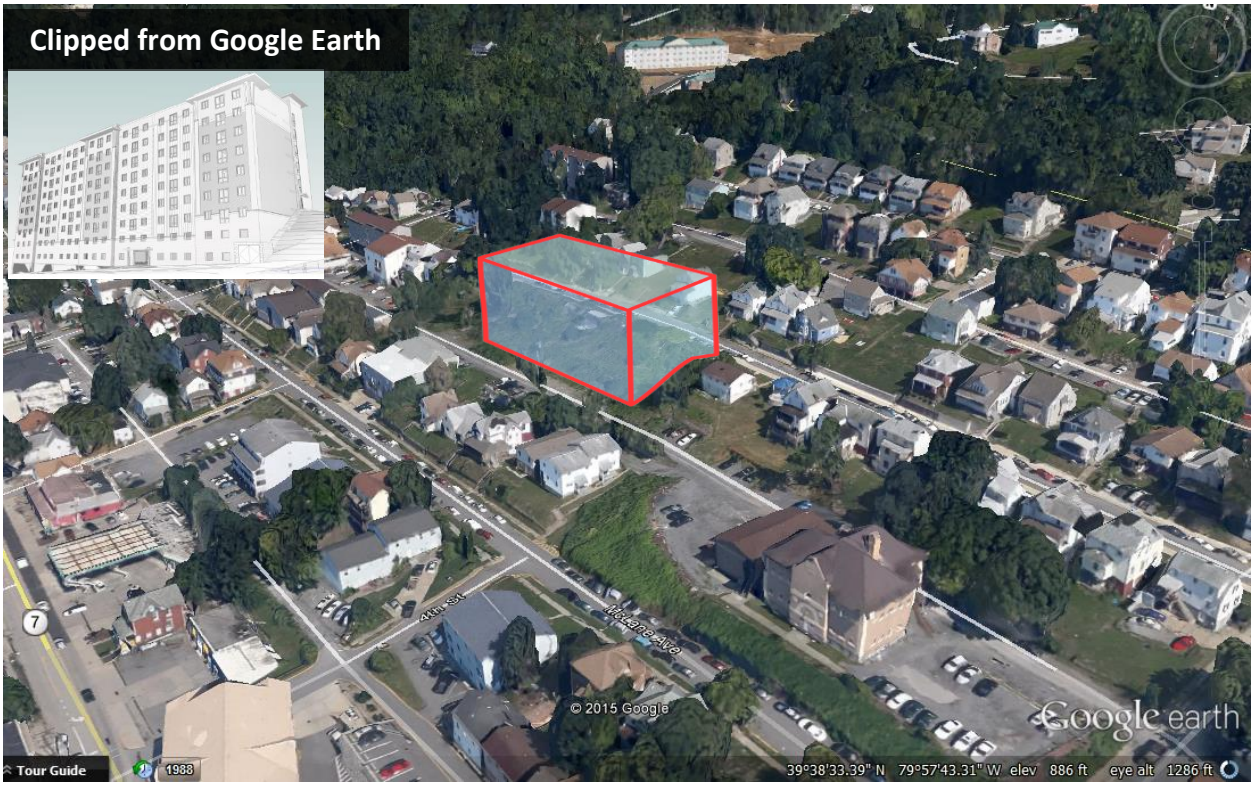
STAFF REPORT ADDENDUM A

CU15-04 and V15-37 thru V15-43 / Grant Avenue, LLC / 400 block of Grant Avenue

NOT TO SCALE – FOR ILLUSTRATION PURPOSES ONLY

STAFF REPORT ADDENDUM A

CU15-04 and V15-37 thru V15-43 / Grant Avenue, LLC / 400 block of Grant Avenue



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STAFF REPORT ADDENDUM B

CU15-04 and V15-37 thru V15-43 / Grant Avenue, LLC / 400 block of Grant Avenue

Concurrence with the 2013 Comprehensive Plan Update

The following narrative identifies where, in the opinion of the Planning Division, the subject development of significant impact is in concurrence and/or is inconsistent with the 2013 Comprehensive Plan Update.

INTENT	Development proposals will reflect the spirit and values expressed in the Plan's principals.

Principles for Land Management

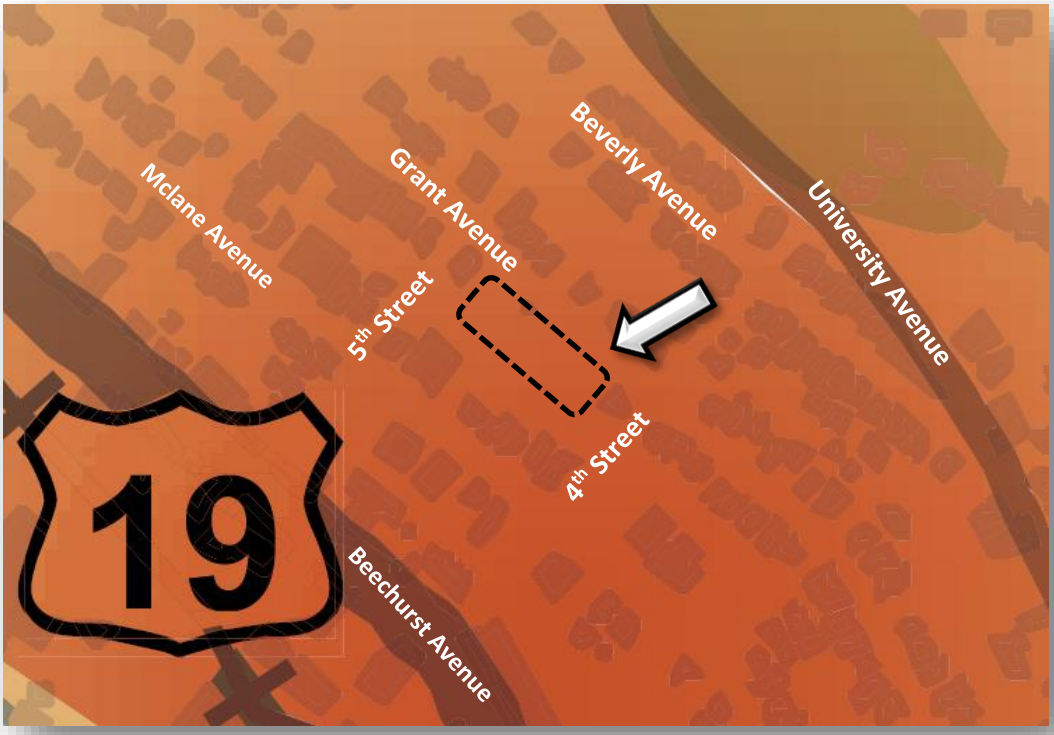
Principal 1	Infill development and redevelopment of underutilized and/or deteriorating sites takes priority over development in green field locations at the city's edge. *The dilapidated and functionally obsolete converted single-family residential structures that once stood on the subject development site were razed and removed over the last few years.*	☒ Concurrence ☐ Inconsistent ☐ Other
Principal 2	Expansion of the urban area will occur in a contiguous pattern that favors areas already served by existing infrastructure. *The proposed development does not represent an expansion of the urban area but rather an increase in density within the urban core and appears to be well served by existing public and utility infrastructure.*	☒ Concurrence ☐ Inconsistent ☐ Other
Principal 3	Downtown, adjacent neighborhoods and the riverfront will be the primary focus for revitalizations efforts. *The development site is situated in the heart of the predominantly student Sunnyside Neighborhood, which is within the "Encouraged Growth" and "Neighborhood Revitalization" concept areas.*	☒ Concurrence ☐ Inconsistent ☐ Other
Principal 4	Existing neighborhoods throughout the city will be maintained and/or enhanced. *The proposed development appears to follow a trend toward high-rise residential densities within the Sunnyside Neighborhood and should serve as an opportunity to, in part, relieve studentification pressures on lower density, owner-occupied neighborhoods adjoining university campuses.*	☒ Concurrence ☐ Inconsistent ☐ Other

Principal 5	Quality design is emphasized for all uses to create an attractive, distinctive public and private realm and promote positive perceptions of the region.	☒ Concurrence ☐ Inconsistent ☐ Other
	The proposed development appears to incorporate design elements of recently constructed higher density residential development within the Sunnyside Neighborhood including vertical articulation and a mix of different cladding materials.	
Principal 6	Development that integrates mixed-uses (residential, commercial, institutional, civic, etc.) and connects with the existing urban fabric is encouraged.	☐ Concurrence ☐ Inconsistent ☒ Other
	Mixed residential and nonresidential uses are not included in the proposed development program. However, the increase in residential density should serve to aid in supporting new commercial development along University Avenue. Market absorption of nonresidential leasable tenant space and the economic viability of retail offerings at the proposed site is uncertain.	
Principal 7	Places will be better connected to improve the function of the street network and create more opportunities to walk, bike and access public transportation throughout the region.	☒ Concurrence ☐ Inconsistent ☐ Other
	The site is located in the heart of the Sunnyside Neighborhood, which is well served by connections to walking/biking, Mountain Line Transit, and WVU's PRT. Utilization of alternate modes of transport will be enhanced through the delivery of higher residential densities within the immediate area.	
Principal 8	A broad range of housing types, price levels and occupancy types will provide desirable living options for a diverse population.	☐ Concurrence ☐ Inconsistent ☒ Other
	Although diversification of the predominantly student neighborhood will not be furthered by the proposed development, the number of units accessible to persons with disabilities will be increased with its delivery. Additionally, the desirability of quality new housing stock should further the attractiveness of the neighborhood to students desiring to live in the Sunnyside Neighborhood.	
Principal 9	Residential development will support the formation of complete neighborhoods with diverse housing, pedestrian-scaled complete streets, integrated public spaces, connection to adjacent neighborhoods, and access to transportation alternative and basic retail needs.	☒ Concurrence ☐ Inconsistent ☐ Other
	Sunnyside is arguably one of the most integrated areas of the City in terms of alternate transport connections for residents to access primary destinations. Specifically, the neighborhood is located between the University's Downtown, Law, and Evansdale Campuses and is well served by a road and sidewalk grid network, is in close proximity to various commercial nodes, and is well served by Mountain Line Transit and WVU's PRT systems. The proposed development will serve to extend sidewalk, public realm, and right-of-way improvements that have been delivered along Grant Avenue between Campus Drive and the 4th Street right-of-way.	

Principal 10	Parks, open space, and recreational areas are incorporated as part of future development.	☐ Concurrence ☐ Inconsistent ☒ Other
	Passive or active recreational facilities or natural or improved open space are not included in the proposed development program.	
Principal 11	Environmentally sensitive and sustainable practices will be encouraged in future developments.	☐ Concurrence ☐ Inconsistent ☒ Other
	The developer's goals and objectives concerning sustainable design and construction techniques and industry accepted best practices have not been fully developed.	

LOCATION	Development proposals will be consistent with the Land Management Map. If the proposal applies to an area intended for growth, infill, revitalization, or redevelopment, then it should be compatible with that intent and with any specific expectations within Areas of Opportunity. If the proposal applies to an area of conservation or preservation, it should be compatible with and work to enhance the existing character of the immediate surroundings.

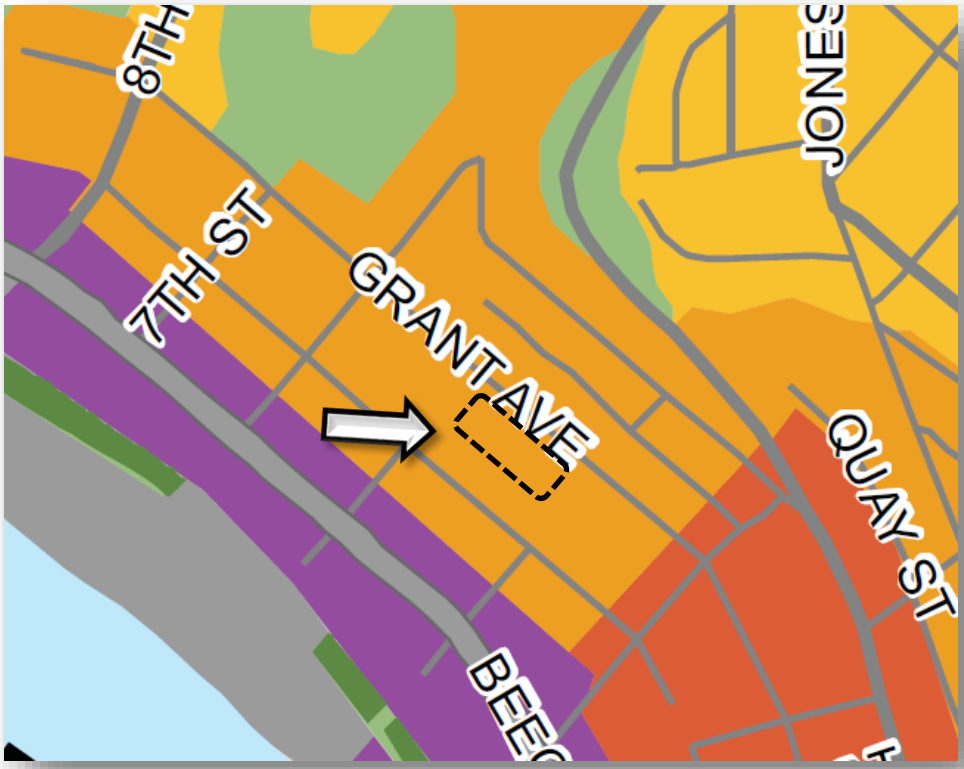
The following graphic is clipped from the **Conceptual Growth Framework Map** included on Page 19 of the 2013 Comprehensive Plan Update. The subject development site is located within the **"Encouraged Growth"** area.



Encouraged Growth

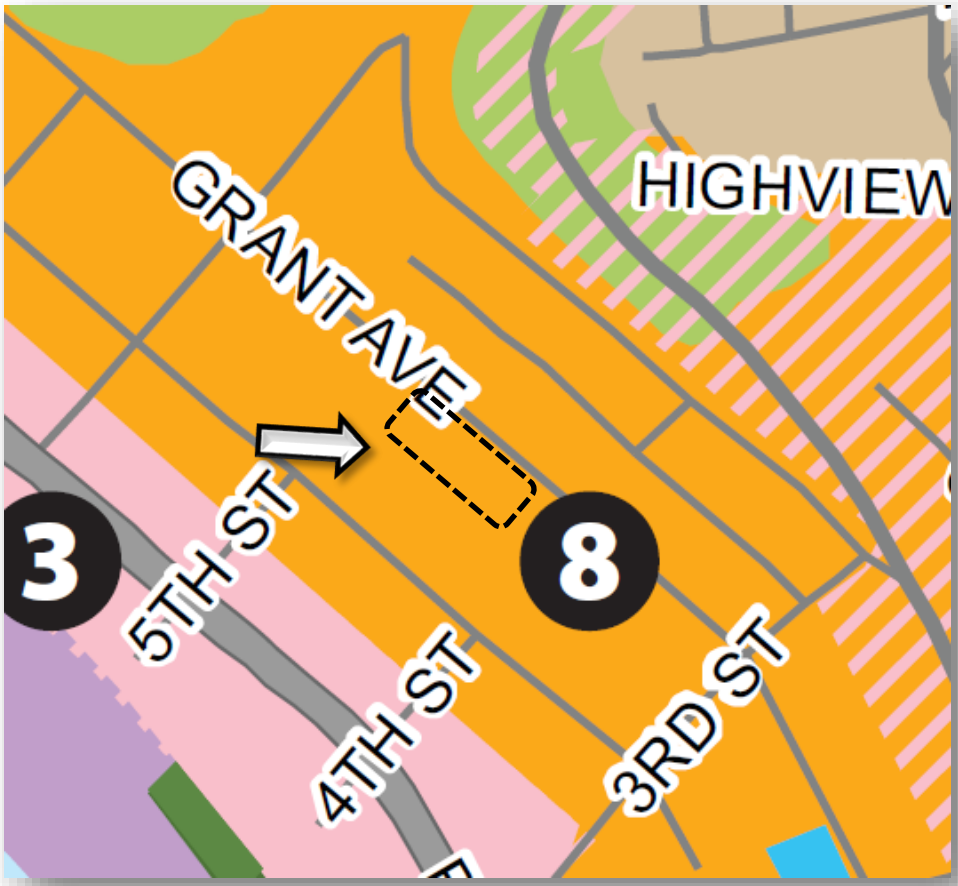
PATTERN AND CHARACTER	Development proposals in growth areas will be consistent with preferred development types. Development in areas where growth is not intended should be compatible with the relevant Character Areas description and expectations for how those areas should evolve in the future.

The following graphic is clipped from **Map 3 – Pattern and Character** included on Page 27 of the 2013 Comprehensive Plan Update. The subject development site is located within the **"Neighborhood 1"** pattern and character areas.



Neighborhood 1. Neighborhood 1 includes the oldest residential areas in the city surrounding Downtown and WVU's campus. It encompasses most of the city's historic neighborhoods as well as areas dominated by student renters. This neighborhood type has the highest density of buildings on the smallest lots. The district contains a mix of housing types ranging from older single family homes to four-six unit apartment buildings to newly constructed multi-story apartment buildings – often with multiple housing types in the same block. Small-scale commercial or civic uses are also integrated into the neighborhood fabric. The blocks are small and generally follow a grid street pattern. This is the most walkable neighborhood area.

The following graphic is clipped from **Map 4 – Land Management** included on Page 39 of the the 2013 Comprehensive Plan Update. The subject development site is located within the "**Neighborhood Revitalization"** concept areas.



Neighborhood Revitalization: Stabilization and reinvestment in existing neighborhoods that includes improvements to public and private buildings and infrastructure, and support for infill development, adaptive reuse and redevelopment that offers a mix of residential types and supporting uses.

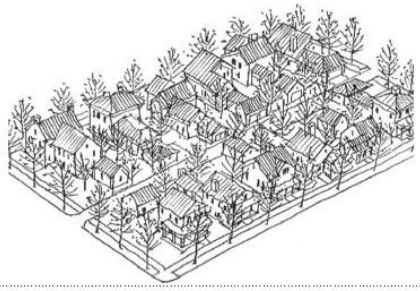
The following graphics are clipped from Pages 41 through 43 of the 2013 Comprehensive Plan Update and identify the development types desired within the "**Core Enhancement**" concept area.

Appropriate Development Types

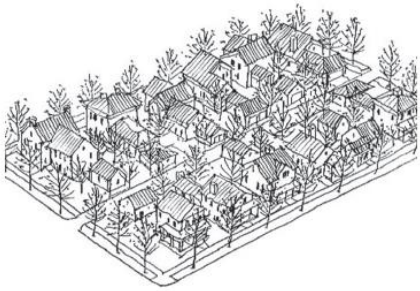
CONCEPT AREA	SF	TF	MF	C	NX	UC	CC	O	I	CD	OS
Neighborhood Revitalization	•	•	•	•	•						•

DEVELOPMENT TYPE DESCRIPTIONS | **PATTERN AND CHARACTER EXAMPLES**

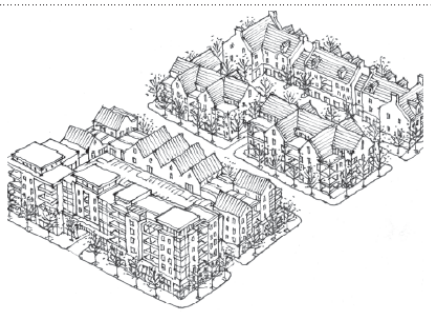
SF **Single Family Residential**
Detached 1-2.5 story residential structures each intended for one family. Densities range from six to twelve units per acre.



TF **Two Family Residential**
Detached structures that each contain two separate residential dwellings and townhouse dwelling types. May be built in a similar pattern as single-family structures and integrated in neighborhoods with other single-family structures and/or at the edge of single-family neighborhoods. Densities range from six to twenty units per acre.



MF **Multi-family Residential**
Includes various forms such as apartment buildings where three or more separate residential dwelling units are contained with a structure and townhouse dwelling types. They vary considerably in form and density depending on the context – from four-story or larger buildings set close to the street in and at the edge of the downtown core and along major corridors, to smaller two- to four-story buildings with greater street setbacks in areas between the downtown core and single-family neighborhoods.

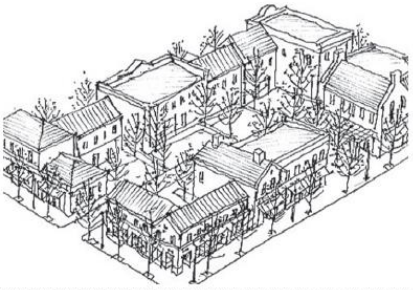


C **Civic and Institutional**

These sites include both public uses (government buildings, libraries, community recreation centers, police and fire stations, and schools) and semi-public or private uses (universities, churches, hospital campuses). Public uses should be strategically located and integrated with surrounding development. Civic and Institutional sites may be distinctive from surrounding buildings in their architecture or relationship to the street.

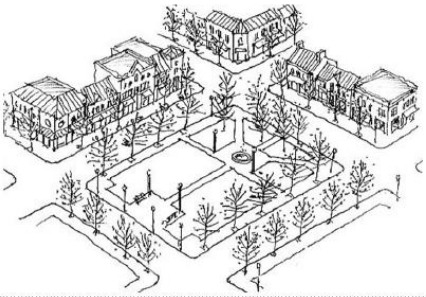
NX **Neighborhood Center Mixed-Use**

A mix of housing, office, commercial, and civic uses adjacent to one another or contained within the same structure (such as offices or apartments above ground-floor retail). Such uses should be compatible with and primarily serve nearby neighborhoods (within 1/2 mile). Parking should be located behind or to the side of buildings and may be shared between multiple uses.



OS **Greenspace**

Includes formal parks, recreation areas, trails, and natural open space.



OBJECTIVES AND STRATEGIES — Land Management

A. Goal

Efficient and attractive use of land resources that strengthens the quality, character, and upkeep of the built environment while balancing redevelopment and strategic expansion with open space preservation.

Objective 2. Promote strategic infill and redevelopment of underutilized or functionally obsolete areas.

LM 2.1 Identify and prioritize sites for infill and redevelopment.

LM 2.3 Develop incentives to encourage the consolidation of parcels for redevelopment.

LM 2.6 Prioritize capital improvements near infill or redevelopment sites to encourage private investment.

Objective 3. Facilitate the creation of residential areas with strong neighborhood qualities.

LM 5.2 Permit higher density development in areas that are well-supported by existing or planned transportation infrastructure or transit services.

OBJECTIVES AND STRATEGIES	Neighborhoods and Housing

A. Goal

Attractive, well-maintained neighborhoods that offer a broad mix of desirable housing options and convenient access to services and amenities.

Objective 4. Promote the development of a broad range of housing types and prices.

NH 4.1 Provide incentives to developers to encourage development of alternative housing types (i.e. higher density, live-work, mixed-use) in designated growth areas.

STAFF REPORT ADDENDUM C

CU15-04, V15-37 thru V15-43 / Grant Avenue, LLC / 400 block Grant Avenue

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

Case No. CU15-04 Building height between 55 feet and 80 feet

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

~~The proposed project eliminates all off street parking along Grant Avenue which is the main route that is traveled for this site.~~ The City Engineer has determined that the proposed development does not necessitate a traffic impact study.

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

The proposed building ~~adheres to~~ will be required to observe all relative building codes including the WV State Fire Code and NFPA 2012. The building will be equipped with an approved sprinkler system and fire alarm. The main structure will be rated for 1 hr. and the area in the front of the building provides ample room for fire lane access since the parking ~~has been~~ will be eliminated on development site's portion of Grant Avenue.

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

~~The proposed project adheres to all relative building codes and setbacks established by the City of Morgantown.~~ The proposed height of the building is within maximum building height standards established for the R-3 District and building setback and lot coverage standards are observed for the proposed building footprint.

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

The proposed building footprint absorbs approximately 46% of the total site, which is less than the maximum lot coverage standard of 60% ~~allowed~~.

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

The proposed project appears to provide~~s~~ adequate living areas and parking according to established local codes and planning requirements.

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 project falls in line with other similar developments in the vicinity as far as it relates to provisions for multi-family residential use.~~ Public right-of-way, water, sanitary sewer and stormwater facilities will be improved to support the proposed development.

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

~~The proposed project does not pose an issue of devaluing any adjacent buildings.~~ The proposed development will abate the site's present state of dilapidation and should significantly increase the site's contribution to continued market interest in property assemblage and increased densities within student housing neighborhood.

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

The proposed project offers a density of dwelling units that ~~conform~~ appears to be similar to other buildings of the same type in ~~Morgantown~~ Sunnyside ~~while using 13% less lot coverage than what is allowed~~.

Case No. V15-37 Maximum building height in stories

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:

The proposed project ~~adheres to~~ will be required to observe the International Building Code as well as NFPA 2012 and the WV State Fire Code. This project ~~does not~~ is not anticipated to infringe on adjacent property owners and is within the standard footprint setbacks established by the City of Morgantown.

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:

~~N/A~~ The special condition arises from the contradictory provisions in the Planning and Zoning Code that permits a building to be constructed between 55 feet and 80 feet with conditional use approval while remaining silent on how such an approval affects the proportional relationship between overall building height and the number of stories.

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

~~The dwelling density created from the proposed project creates a directly proportional use of occupants per SF that maximizes the overall lot coverage and is ideal for this residential area. This is in line with the zoning and planning concepts of the city and previously developed projects in the vicinity.~~ The hardship arises from the contradictory provisions in the Planning and Zoning Code that permits a building to be constructed between 55 feet and 80 feet with conditional use approval while remaining silent on how such an approval affects the proportional relationship between overall building height and the number of stories.

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

~~N/A~~ Buildings may be constructed between 55 feet and 80 feet with conditional use approval. However, the Planning and Zoning Code is silent on how this increased building height in feet relates to the maximum building height standard for the number of stories. If conditional use approval is granted to construct between 55 feet and 80 feet, it can be easily concluded that the Planning and Zoning Code's intent is to allow for buildings taller than four (4) stories. Otherwise, each of the four (4) stories of an 80 foot tall building would be 20 feet in height.

Case No. V15-38 Building Massing

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:

The proposed project ~~adheres to~~ will be required to observe the International Building Code as well as NFPA 2012 and the WV State Fire Code. This project ~~does not~~ is not anticipated to infringe on adjacent property owners and is within the standard footprint setbacks established by the City of Morgantown.

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:

~~N/A~~ Several new developments within the Sunnyside Neighborhood, including 4th Street Apartments, Beech View Place, Mountaineer Place Apartments, and University Place, have been developed at much higher massing than neighboring properties. Specifically, new multi-family housing development has occurred by assembling smaller, functional obsolete and underutilized properties and converted single-family homes. The proposed massing appears to reflect efforts to increase residential density in the Sunnyside Neighborhood.

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

The dwelling density created from the proposed project does come with a direct effect of scale massing but is in line with the zoning and planning concepts of the city and previously developed projects in the vicinity which ~~do~~ appears to provide a new context for massing within the Sunnyside Neighborhood.

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

~~N/A~~ The R-3 District building envelope standards permit a significant increase in building intensity and massing in relation to the functionally obsolete single-family homes that have been converted into student housing over the last several decades around the subject development site.

Case No. V15-39 Curb Cut Location, Width, and Access Drive Aisle to and for Parking Spaces

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:

~~The proposed project's rear off-street parking adheres to the standard parking space sizes and arrangements per the local codes and ordinances with appropriate site lines but does require the use of the alley right-of-way as part of the backup dimension needed for these spaces. The parking will be accessed only in one direction and has ample views for safely backing into the alley.~~ The proposed driveway curb cut locations, widths, and access drive aisle has been considered by the City Engineer and accepted to proceed toward building permit application at which time final designs will be reviewed and approved accordingly.

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 proposed project ~~is attempting to utilize similar parking strategies as adjacent buildings do~~ appears to maximize access to parking from the rear alley as desired.

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

~~The proposed building's parking design directly impacts the ability to have 94 dwelling units. The impact is significant enough to jeopardize the project in its entirety.~~ The proposed parking access appears to follow similar access patterns to off-street parking by maximizing the use of the rear alley.

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

~~The proposed internal parking levels eliminate all street parking on Grant Ave. thus making a safer and cleaner streetscape. This is in line with the spirit of the zoning and planning requirements for the city.~~ The proposed access to the building's parking decks and surface stalls at the rear of the property significantly increases the proportional relationship between residents and off-street parking in a neighborhood where the demand for residential parking far surpasses current off-street and on-street supply.

Case No. V15-40 Parking Stalls

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:

The proposed project adheres to the standard parking space sizes and arrangements per the local codes and ordinances with appropriate sight lines. Reducing parking stall width by six (6) inches only for those spaces adjoining structure columns appears to be a common design challenge for structured parking decks and should not serve to restrict the functional width of the affected stalls.

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:

~~N/A~~ The minimum parking width dimension appears to reflect desired surface parking conditions but does not appear to recognize design challenges for parking decks below and structurally supporting occupied levels above.

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

~~The proposed building's parking design directly impacts the ability to have 94 dwelling units. The impact is significant enough to jeopardize the project in its entirety.~~ The constructability of the proposed building appears to require structural support columns symmetrically located within the parking decks, which reduces the width of flanking parking stalls by only six (6) inches. Said width reduction does not appear to restrict the desired functional width of affected parking stalls.

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

~~The proposed internal parking levels eliminate all street parking on Grant Ave thus making a safer and cleaner streetscape. This is in line with the spirit of the zoning and planning requirements for the city.~~ The parking stall width reduction for those parking stalls flanking structural columns does not appear to reduce the functional width required for safe and effective ingress and egress to the effected stalls.

Case No. V15-41 Window Design Standards

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:

~~The proposed project adheres to the International Building Code as well as NFPA 2012 and the WV State Fire Code. This project does not infringe on adjacent property owners and is within the standards setbacks established by the City of Morgantown.~~ The nature of the variance relief will have no positive or negative impact on the public or the rights of adjoining property owners.

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:

~~N/A~~ The minimum fenestration ratios and window recessing is more appropriate for street level commercial storefronts, which are not included in the proposed development. It appears that observance of the window design standards for the proposed building would significantly diminish the livability and quality of life of interior spaces given the resultant reduction in privacy and safety at the street level.

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

~~The dwelling density created from the proposed project would be reduced if the ground floor had to be made into retail space per the 60% transparency standard on the public street side. This would directly affect the feasibility for the project to be developed.~~ Similar variance relief has been granted for a number of residential developments within the Sunnyside Overlay Districts since 2006.

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

~~N/A~~ It appears that the proposed window design provides for a higher degree of fenestration than similar high-rise developments in the Sunnyside Neighborhood by incorporating a rhythm of larger floor to ceiling windows in living rooms spaces along with standard bedroom-sized windows throughout the front and rear facades.

Case No. V15-42 Cladding Material Standards

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:

~~The proposed project adheres to the International Building Code as well as NFPA 2012 and the WV State Fire Code. This project does not infringe on adjacent property owners and is within the standards setbacks established by the City of Morgantown. The proposed exterior products are noncombustible and have met stringent product testing including appropriate UL listings where required. The building envelope is designed to securely fasten all exterior materials to withstand lateral forces described in the International Building Code.~~ 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.

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:

~~N/A~~ It appears that the predominant architectural designs of existing smaller buildings within the immediate area incorporate vinyl and wood siding materials. The use of cementitious siding, rather than vinyl or wood siding, and brick/stone veneer is intended to utilize more durable materials.

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

~~The proposed exterior design allows quality materials to be combined with natural materials and stay in the spirit of zoning and planning requirements. The projects economic feasibility would be at stake if the design had to incorporate the amount of natural materials that Article 1361.03 describes. The proposed exterior materials mimics natural material in scale and appearance.~~ Variance relief has been granted by the Board of Zoning Appeals within the Sunnyside Overlay Districts for a number of residential developments 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:

~~N/A~~ The proposed building materials appear to be generally within the fitting character of the surrounding built environment. Market values of adjacent properties should increase with the proposed development and perhaps spark additional development in the area.

Case No. V15-43 Entrance Door Canopy Encroachment into Minimum Setback Requirements

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:

~~The proposed project adheres to the International Building Code as well as NFPA 2012 and the WV State Fire Code. The project does not infringe on adjacent property owners.~~ The variance ~~needed is mainly to~~ will allow proper entrance cover for the occupants and visitors along with providing an ~~acceptable aesthetic~~ attractive architectural detail for the overall building.

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:

~~N/A~~ The proposed encroachment does not permit the building footprint to encroach beyond the minimum building envelope but rather to provide cover at entrances and attractive architectural detail.

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

The entrance canopy will provide necessary cover for the tenants to enter the building during inclement weather as well as allow shading for the entrance lobby in turn lowering the heat gain effect for this area. The extended eaves for the building provide an attractive architectural detail given the building's mass in relation to the surrounding built environment. ~~A shelter for the main wall assembly at the top of the building which is a vulnerable point of entry for moisture, etc.~~

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

~~N/A~~ The proposed encroachment is for entrance canopies and architectural detail and does not result in a breach of the minimum building envelope requirements by the building's footprint.

PLANNING AND ZONING CODE CONFORMITY REPORT

Planning Division

"Grant Avenue Apartments" by Grant Ave, LLC

The following information identifies Planning and Zoning (P&Z) Code provisions related to the above referenced contemplated development. Plans reviewed herein were prepared by Omni Associates Architects (dated 01 MAY 2015) and Cheat Road Engineering (dated 30 APR 2015 and submitted to the Planning Division on 01 MAY 2015. The purpose of this review is to identify whether or not the subject development meets related P&Z requirements; whether additional information is required; or, whether variance(s) and/or conditional use approval(s) are necessary.

CONTEMPLATED DEVELOPMENT PROGRAM

- The subject development site includes Parcels 90, 91, 92, 93, 94, and 95 of Tax Map 19. It is unclear whether or not the development site also includes Parcel 211 of Tax Map 15. A proper site plan must be submitted to clearly identify the boundaries of the proposed development site.
- The proposed development site includes several parcels where previous structures have been razed and removed including 409, 411, 415, 419, 423, and 427 Grant Avenue.
- The proposed development includes one (1) principal structure that contains seven (7) levels of dwelling units and common space above two (2) decks of parking.
- The dwelling unit mix is 89 two-bedroom units and 5 one-bedroom units for a total of 94 dwelling units with a total of 183 occupants.
- Contemplated parking programming includes 16 surface parking spaces accessed directly from the rear alley; 38 spaces on Parking Level 1; and, 41 spaces on Parking Level 2. The total number of contemplated parking spaces is 95.
- The zoning classification for the subject development site is R-3, Multi-Family Residential District and the SCOD, Sunnyside Central Overlay District.

SUMMARY OF CONFORMITY OBSERVATIONS

Planning and Zoning Code Reference	
Conformity (Y, **N**, **TBD**)	Planning and Zoning Code standard (either verbatim or paraphrased).
	Conformity review observations. Required approvals noted in **bold highlighted (yellow) font**.

R-3, MULTI-FAMILY RESIDENTIAL DISTRICT

1339.02 Permitted and Conditional Uses	
Y	"Multi-Family Dwellings" are permitted by-right in the R-3 District [Article 1331.05].

1339.03 Lot Provisions	
Y	(A) Minimum lot size – 4,000 sq. ft. NOTE – Minor Subdivision approval will be required to combine the several parcels that comprise the development site.
Y	(B) Minimum lot frontage – 40 ft.
Y	(C) Maximum lot coverage – 60%. The proposed lot coverage appears to be approximately 46.4%

1339.04 Setbacks			
	Provision	Requirement	Proposed (approx.)
Y	(A)(1) Minimum Front	10 ft.	11 ft.
Y	(A)(2) Maximum Front	20 ft.	11 ft.
Y	(A)(3) Minimum Side	5 ft.	14 ft. (east) 73 ft. (west)
Y	(A)(4) Minimum Rear	20 ft.	22 ft.
N/A	(B) Corner lot provision.		

1339.05 Encroachments into Setbacks	
N – 1 V15-43	(A)(1) Fire escapes, chimneys, cornices, awnings, canopies, eaves, sills, pilasters, lintels, gutters or other similar features may extend into a setback a distance not exceeding three (3) feet, except that such features shall not extend closer than three (3) feet from the property line. NOTE: **Variance** relief is required for the front entrance canopy to encroach into the minimum front setback standard by 6" AND for the rear entrance canopy to encroach into the minimum rear setback standard by 2'.
Y	(A)(2) Uncovered stairs, landings and porches shall not extend closer than three (3) feet from the property line. Such porches may not subsequently be enclosed unless the normal setback requirements for the district are met.
N/A	(A)(3) Open and covered, but un-enclosed front porches attached to single family or two-family dwellings may extend into the required front setback a distance equal to fifty (50) percent of the setback depth.
Y	(B) No permitted encroachment shall extend to within 3 feet of an accessory structure. NOTE: No accessory structure appears to be proposed.

Y	(C) Fences, walls, terraces, steps or other similar features may encroach into a required setback, except as provided in Section 1363.03, Safety and Vision. Such appurtenances shall not be located within access, drainage, or utility easements.
Y	(D) HVAC mechanical units may be located no closer than five (5) feet to a side lot line. NOTE: Staff understands that HVAC mechanical units will be located on the roof.

1339.06 Building Height			
	Provision	Requirement	Proposed
N – 2* CU15-04 N – 3 V15-37**	(A) Maximum Height	4 stories or 55 ft., whichever is less. Conditional use approval in excess of 55 ft. but less than 80 ft.	7 stories and 79'
N/A	(B) Maximum Height of an accessory structure	18 ft.	N/A
Y	(C) Minimum height for a two-family dwelling or multi-family dwelling	2 stories	> 2 stories
	* **Conditional use** approval will be required to construct an average building height between 55 feet and 80 feet. ** **Variance** relief will be required to exceed the maximum building height standard in stories.		

1339.07 Performance Standards	
N – 4 V15-38	(A) All residential construction shall substantially conform in street orientation and massing to adjacent structures. The "North Elevation" provided on Sheet A-2.1 illustrates that the principal entrance door is oriented toward Grant Avenue and substantially conforms to adjacent structures. However, the proposed massing (three-dimensional bulk of a building in terms height, width, and depth) does not appear to *substantially conform* to adjacent structures, which requires **variance** relief.
N/A	(B) Civic buildings such as private schools, churches should be built so that they terminate street vistas whenever possible, and should be of sufficient design to create visual anchors for the community.
N/A	(C)(1) Materials. Residential buildings shall be clad in wood siding, vinyl siding, composite siding (cement board), stone, or brick. NOTE: These standards are superseded by Article 1361.03(P) [see comments below].

N/A	(C)(2) Materials. Garden walls shall not be made from cinderblocks unless of the ornamental variety designed for use in landscaping projects. NOTE: Retaining walls are not illustrated on the plans reviewed herein.
N	(C)(3) Materials. Principal building roofs should have a pitch that substantially conforms to the roof pitches of adjacent homes. NOTE: Although the proposed flat type roof does not substantially conform to roof pitches of adjacent homes, the term "should" is a desired design element but not required. Therefore, variance relief cannot be required for the proposed flat roof.
N/A	(D) Front porches on two-family dwellings.
N/A	(E) Garages.
Y	(F) Sidewalks shall be constructed along the frontage of a lot upon which a use is to be constructed. New sidewalks shall be at least six (6) feet wide, or the same width as an existing but incomplete sidewalk along the same side of the street. NOTE: A six-foot wide sidewalk is illustrated along the length of the development's Grant Avenue frontage.

ARTICLE 1361.03 – SUNNYSIDE OVERLAY DISTRICTS

Design and performance standards that apply to all Sunnyside Overlay Districts.

Consistent (Y or N)	Design and Performance Standard
	Consistency Review Comment
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.
	The "North Elevation" provided on Sheet A-2.1 illustrates that the principal entrance door is oriented toward Grant Avenue.
Y	(B) Buildings should be designed to overlook streets and public open spaces so as to create a "self-policing" environment.
	No observation.
Y	(C) Buildings shall not be oriented with the front facing parking or service areas.
	No observation.
N/A	(D) On primary streets, street trees shall be provided at a minimum of thirty-five (35) feet on center.
	Grant Avenue is not included in Article 1361.02(A) as "primary street."
N – 5 V15-41	(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].
	Sheet A-2.1 notes a ground floor transparency of 26%, which requires **variance** relief.
Y	(F) The siting of buildings should avoid the creation of unusable open spaces and should respect and complement view corridors to and from the hillside and the riverfront.
	The term "should" is a desired design element but not required.
N/A	(G) Building massing should be the tallest at street corners. In order to achieve this, buildings constructed on a corner of two primary streets should be at least five (5) stories in height, provided that all other requirements of the zoning ordinance are adhered to.
	The proposed development site is not located at the corner of two primary streets and does not appear to be located at the corner of two secondary streets.
N/A	(H) Ground floor retail and service-type uses located within mixed-use buildings along primary streets shall not be included in height calculations.
	Ground floor retail is not included in the contemplated development program.
N/A	(I) For buildings taller than four (4) stories or seventy-five (75) feet in height, any additional floors in excess of four (4) stories shall be recessed or set back at least twelve (12) feet from the build-to line.
	A build-to-line has not been established for Grant Avenue.

N/A	(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.
	A build-to line has not been established for Grant Avenue.
TBD	(K) Land between the front facade of a building and a public street shall be landscaped to integrate with the neighborhood's sidewalk system. In any area or setback between a building and sidewalk, one or a combination of the following shall be provided: (1) Landscaping/planting beds consisting of shrubbery and /or trees, or (2) Special paving areas designed as plaza space. No grass or sod areas shall be allowed in this space.
	A Final Landscape Plan is forthcoming.
N/A	(L) On primary streets, sidewalks shall be a minimum of eight (8) feet in width.
	Grant Avenue is not included in Article 1361.02(A) as "primary street."
Y	(M) Front yard setbacks along secondary streets shall be a minimum of five (5) feet, and a maximum of fifteen (15) feet.
	The proposed 11-foot front setback is within the subject minimum and maximum standard.
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.
	The subject development site does not appear to be within an area of single-family or two-family dwellings.
	(O) Building Form and Scale:
N/A	(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.
	Grant Avenue is not included in Article 1361.02(A) as "primary street."
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.
	Grant Avenue is not included in Article 1361.02(A) as "primary street." Ground floor retail is not included in the contemplated development program.

N/A	(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.
	Grant Avenue is not included in Article 1361.02(A) as "primary street."
N/A	(4) The articulation of buildings, and window proportions, shall be vertical for buildings constructed along primary streets.
	Grant Avenue is not included in Article 1361.02(A) as "primary street."
N/A	(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.
	Grant Avenue is not included in Article 1361.02(A) as "primary street."
N – 6 V15-41	(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.
	Building elevation drawings and floor plans reviewed herein do not appear to illustrate requisite window recessing. **Variance** relief is anticipated.
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.
	Building elevation and floor plan drawings reviewed herein do not illustrate fire escapes on the front façade.
	(P) Building Materials:
N – 7 V15-42	(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.
	Building elevation drawings reviewed herein identify various fiber cement cladding materials, which requires **variance** relief.
N – 8 V15-42	(2) Vinyl siding or other composite materials shall not exceed thirty-five (35) percent of a building face that abuts a right-of-way.
	Building elevation drawings reviewed herein identify various fiber cement cladding materials, which requires **variance** relief.
N/A	(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.
	The term "should" is a desired design element but not required. The subject development site is not located on Beechurst Avenue or University Avenue.

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.
	The term “should” is a desired design element but not required.
	(Q) Street Hierarchies and Land Use:
N/A	(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.
	Grant Avenue is not included in Article 1361.02(A) as “primary street.”
N/A	(2) On-street parking spaces immediately adjacent to a land use shall be counted toward fulfilling parking requirements for the use.
	On-street parking spaces were not counted toward minimum parking requirements. Additionally, on-street parking along the proposed building will be removed to accommodate a requisite fire lane.
Y	(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 off-street parking spaces for mixed-use and over-store dwellings shall be one-half a space (0.5) per occupant as determined by the West Virginia State Building Code and adopted and implemented by the City plus required spaces for commercial use(s).
	This minimum parking requirement supersedes Article 1365.03(J). At least 92 parking spaces are required for the proposed 183 occupants. Development plans illustrate a total of 107 parking spaces.
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.
	A surface parking lot is not proposed “between buildings” nor is one proposed where public rights-of-way intersect.
N/A	(5) Parking structures abutting open spaces or fronting on primary streets shall be designed with building-like facades.
	No observation.
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 observation.
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.
	Access, either directly or indirectly, to surface and structured parking areas are access from the rear alley.

N – 9 **V15-39**	(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.
	The proposed curb cut (driveway entrance) on Grant Avenue requires **variance** relief.
Y	(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.
	No observation.
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.
	A Lighting Plan was not included in plans reviewed herein to determine conformity. NOTE: Light standard details and photometric plans (ground and affixed to the building) must be included as a part of an acceptable Lighting Plan submitted at the time of building permit application.

ARTICLE 1361.04(B) – SUNNYSIDE CENTRAL OVERLAY DISTRICT

Design and performance standards that apply to specific Sunnyside Overlay Districts.

Consistent (Y or N)	**Design and Performance Standard**
	Consistency Review Comment
N/A	(1) Front porches shall be required on all single- and two-family dwelling…
	Single- and two-family dwelling units not included in contemplated development program.
N/A	(2) Reserved.
	No observation.

ARTICLE 1365 PARKING, LOADING AND INTERNAL ROADWAYS

Y	1365.03(A)	Off-street parking and loading spaces shall be provided on the same lot as the use served, except as otherwise provided in this Code, and may be situated as one or more individual areas.
	No observation.	
N/A	1365.04(B)	Shared Parking Facilities
	Shared parking is not proposed.	
N/A	1365.04(J)	Table 1365.04.01 "Minimum Off-Street Parking Requirements" provides the minimum standard of 1 bedroom dwelling unit - 1 space per unit 2 or more bedroom dwelling unit - 0.75 spaces per occupant as determined by the West Virginia State Building Code and adopted and implemented by the City.
	This standard is superseded by Article 1361.03(Q)(3) and related comments are provided under that section of the report.	
Y	1365.04(N)	Any land use which requires a minimum of 50 parking spaces shall be required to provide a pedestrian circulation plan for the proposed site.
	Pedestrian access from parking stalls along the rear alley is provided by an internal sidewalk running across the back of the property and linking pedestrians, by-way-of steps on both sides of the building, to side entrance doors.	
Y	1365.06	Accessible parking spaces.
	According to Table 1365.06, at least 5 accessible parking spaces must be provided. A total of five (5) van accessible parking spaces are provided on the parking deck levels. NOTE: The sixth accessible parking space access directly from the rear alley should be converted to a standard parking space as an accessible route into the building is not evident.	
N/A	1365.07	Off-Site Parking Facilities.
	Off-site parking is not proposed.	
	1365.09	Parking Development Standards – Dimensions
N – 10 **V15-40**	(A)(1)	Each required off-street standard parking space shall be at least eight and one half (8.5) feet in width and at least eighteen (18) feet in depth, exclusive of access drives or aisles, ramps, columns, or office or work areas. Such space shall have adequate vertical clearance.
	Columns are not permitted within the minimum parking stall dimensions. **Variance** relief is required to partially reduce the width of approximately some of the parking stalls by six (6) inches.	

N/A	(A)(2) Up to ten (10) percent of the total number of required parking spaces may be designed for compact cars; provided, compact spaces are limited to employees or residents only and the property owner/manager assigns and enforces such spaces accordingly. Compact spaces shall be grouped together and identified as "compact cars only" with pavement stenciling and/or signage. Compact spaces should be located furthest from building entrances to discourage use by noncompact vehicles. Each compact space shall be at least eight (8) feet in width and at least fifteen (15) feet in depth, exclusive of access drives or aisles, ramps, columns, or office or work areas. Such space shall have adequate vertical clearance.
	Compact spaces are not proposed.
Y	(A)(3) Except on lots occupied by one and two-family dwellings, each off-street parking space shall open directly upon an aisle or driveway at least twelve (12) feet wide or such additional width and design in accordance with Table 1365.09.01, so as to provide safe and efficient means of vehicular access to such parking space. Such aisle or driveway shall be unobstructed and allow for the passage of emergency vehicles at all times. This requirement may be waived by the Planning Director where such waiver will not cause a hazard.
	No observation.
N – 11 **V15-39**	(A)(4) All required parking spaces and aisles shall be provided wholly within the property lines and shall not extend into any public right-of-way.
	The access aisle for the 16 surface parking spaces along the rear alley appears to be located within the alley's public right-of-way, which requires **variance** relief.
	1365.09 Parking Development Standards – Layout and Design.
Y	(B)(1) All off-street parking or loading facilities shall be designed with appropriate means of vehicular access to a street or an alley in a manner which will least interfere with traffic movement.
	No observation.
N – 12 **V15-39**	(B)(2) Driveway entrances or exits shall be no closer than 15 feet to an adjoining residential property line or five (5) feet to an adjoining non-residential property line or designed in such a manner as to least interfere with traffic movement. No driveway across public property at the right-of-way line of the street shall exceed a width of 22 feet, unless a greater width is specifically approved by the City Engineer. No driveway shall be located closer than 30 feet of the nearest point of the intersection of two streets.
	It does not appear that the proposed driveway entrances to Grant Avenue or to the rear alley are closer than 30 feet of the nearest point of intersecting street. However, the proposed driveway entrance at the right-of-way line of Grant Avenue exceeds 22 feet in width; the driveway entrance at the right-of-way line of the rear alley far exceeds 22 feet in width; and, the driveway entrance along the rear alley is closer than 15 feet to the adjoining residential property (401 Grant Avenue; Tax Map 19, Parcel 89). These elements require **variance** relief.

N/A	(B)(3) Connections between parking lots or reservations of land for future such connections may be required at the discretion of the Planning Director.
	No observation.
	(B)(4) Required off-street parking spaces shall be so designed, arranged and regulated so that:
Y	(a) Such parking areas are lined or designated to insure the most efficient use of the parking spaces.
	No observation.
Y	(b) Individual spaces on lots with 5 percent average slope or greater are provided with anchored bumper guards or wheel guards. Under no circumstances shall parking spaces be provided on lots in excess of 10 percent slope.
	No observation.
N/A	(c) Parking spaces are unobstructed and have access to an aisle or driveway so that any automobile may be moved without moving another, and so that no maneuvering directly incidental to entering or leaving a parking space shall be on any public right-of-way or walkway, unless otherwise permitted at the direction of the Planning Director.
	A tandem type parking layout is not proposed.
Y	(d) With the exception of drive-through windows and related stacking lanes, all parking spaces and maneuvering aisles shall be physically separated from any wall of a building by a vertical curb, maintained planting strip, and/or other suitable barrier.
	A four-foot wide, raised sidewalk is proposed along the rear of the building.
Y	(B)(5) Off-street parking spaces may be open to the sky or enclosed in a building. In any instance when a building is constructed or used for parking facilities on the lot, said building shall be treated as any major structure and subject to all requirements thereof.
	The proposed parking decks are integral to the principal structure and are accordingly reviewed herein.
TBD	(B)(6) All parking lots abutting residential uses or districts, and all parking lots in any district containing more than four (4) spaces shall be subject to the landscaping and screening requirements for such parking lots as set forth in Article 1367, Landscaping and Screening.
	See related comments below under Article 1367.
TBD	(B)(7) Any lighting facilities used to illuminate off-street parking areas shall be so located, shielded and directed upon the parking area in such a manner that they do not reflect or cause glare onto adjacent properties or interfere with street traffic. In no instance shall bare, unshaded bulbs be used for such illumination.
	A Lighting Plan was not submitted with plans reviewed herein.

	1365.09 Parking Development Standards – Surfacing and Drainage.
TBD	(C)(1) All open off-street parking areas shall be surfaced with an all-weather, dust-free concrete or asphalt material, and shall be maintained in good condition and free of weeds, dirt, trash and debris; except that, a gravel surface may be used for a period not exceeding six months after the date of granting the Certificate of Occupancy where ground conditions are not immediately suitable for permanent surfacing as specified above.
	Paving will be required for all parking areas. Paving design along with stormwater management will be reviewed and approved by the Morgantown Utility Board (MUB) and the City Engineer.
N/A	(C)(2) A gravel surface in the area of storage or handling may be used permanently in association with industries that handle liquids or chemicals which create a potential hazard if containment should be lost and where absorption into the ground through a loose surface material would eliminate or alleviate such hazard.
	No observation.
TBD	(C)(3) Such parking areas shall be graded and properly drained in such a manner that there will be no free flow of water onto either adjacent property or public sidewalks. Further, any run-off generated by such improved areas shall be disposed of in accordance with the stormwater management ordinance and other City regulations.
	Stormwater management plans will be reviewed and approved by the Morgantown Utility Board (MUB).
TBD	(C)(4) Other surface materials and designs may be utilized when specifically approved by the City Engineer, for purposes of reducing stormwater runoff or other environmental and aesthetic considerations.
	No observation.
N/A	1365.10 Loading Requirements.
	Use will not receive or transmit goods or wares by truck.

ARTICLE 1367 LANDSCAPING AND SCREENING

TBD	A Landscape Plan is a required element of a Development of Significant Impact Site Plan application [Article 1385.08(A)(1)(e)]. However, Staff understands that retaining and foundation wall design options and related costs are still being explored, which will directly affect the type of landscaping material that can be planted along, at least, Grant Avenue. Staff will advise the Planning Commission to include a related condition with DSI Site Plan approval.

ARTICLE 1369 SIGNS

TBD	A preliminary signage plan was not submitted for this review. NOTE: A Sign Plan must be submitted as a part of the Development of Significant Impact Site Plan application.

ARTICLE 1371 LIGHTING

TBD	A Lighting Plan was not included in plans reviewed herein to determine conformity. NOTE: Light standard details and photometric plans (ground and affixed to the building) must be included as a part of an acceptable Lighting Plan submitted at the time of building permit application.

SUMMARY OF REQUIRED PLANNING AND ZONING CODE 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 notation numbers in the left column of the tables above.

NOTE: Variances relating to Landscaping and Buffering requirements are not included below as a final Landscape Plan has not, to date, been submitted for review due to ongoing retaining and foundation wall design exploration.

Notation Number	Code Issues	Application Submitted
Planning Commission		
N/A	Development of Significant Impact Site Plan. Because the number of dwelling units is more than 12 and less than 99, the proposed project is considered a Development of Significant Impact and requires Planning Commission review and approval.	Yes
N/A	Minor Subdivision. The parcels that comprise the proposed development must be combined (subdivided) into one (1) parcel. This application can be submitted following Planning Commission approval of the DSI Site Plan and BZA conditional use and variance approvals but before issuance of any development related building permits.	**No**
Board of Zoning Appeals (BZA)		
Conditional Use:		
2 CU15-04	Conditional use approval to construct in excess of 55 feet but less than 80 feet [Article 1339.06(A)].	Yes
Variances:		
1 V15-43	Variance relief to encroach into the minimum front setback standard for the front eave (0'-11") and for the front entrance canopy (3'-9").	Yes
3 V15-37	Variance relief to exceed the maximum height standard of 4 stories [Article 1339.06(A)].	Yes
4 V15-38	Variance relief from substantially conforming in massing to adjacent structures [Article 1339.07(A)].	Yes
5, 6 V15-41	Variance relief from minimum ground floor transparency percentage [Article 1361.03(E)]. Variance relief from recessing windows [Article 1361.03(O)(6)].	Yes
7, 8 V15-42	Variance relief from natural material standards and ratios [Article 1361.03(P)(1)]. Variance relief to use cement fiber paneling and lap siding and brick/stone veneer [Article 1361.03(P)(2)].	Yes
10 V15-40	Variance relief to partially reduce the width of approximately 36 parking stalls by six (6) inches due to parking structure columns [Article 1365.09(A)(1)].	Yes

Notation Number	Code Issues	Application Submitted
9, 11, 12 V15-39	Variance relief to permit a curb cut (driveway entrance) on Grant Avenue [Article 1361.03(Q)(8)]. Variance relief to utilize the rear alley public right-of-way as an access drive aisle for the 16 proposed surface parking spaces [Article 1365.09(A)(4)]. Variance relief to exceed the maximum driveway width standard of 22 feet at the Grant Avenue and rear alley rights-of-way lines and to permit the rear alley driveway entrance to be closer than 15 feet to the adjoining residential property line [Article 1365.09(B)(2)].	Yes

As illustrated in the above table, at least one (1) conditional use application and seven (7) variance applications must be submitted for the plans reviewed herein. Additional variance relief may be required concerning landscaping and buffering once a final Landscape Plan is submitted and reviewed.

FINDINGS & OBSERVATIONS

- A Landscape Plan has not been submitted for review, which is a required element of a Development of Significant Impact Site Plan application [Article 1385.08(A)(1)(e)]. However, Staff understands that retaining and foundation wall designs and related costs are still being explored. As noted above, additional variance applications are anticipated.

- The massing, scale, and residential density of the proposed development is significantly higher than adjoining properties.

- Additional planning is required for the proposed location and orientation of the dumpster enclosure to ensure that garbage trucks will not trespass on the adjoining property to access the facility. Additionally, requisite opaque gates for the dumpster enclosure may not swing out into the right-of-way of the rear alley or swing out into the adjoining property.

Prepared by: Christopher M. Fletcher

Director of Development Services
304-284-7431
cfletcher@cityofmorgantown.org

City of Morgantown, West Virginia

APPLICATION FOR
TYPE IV SITE PLAN – CONDITIONAL USE

OFFICE USE	
CASE NO.	CU15-04
RECEIVED:	01 MAY 15
COMPLETE:	

(PLEASE TYPE OR PRINT IN BLACK INK)

I. APPLICANT

Name:	~~Doug Warden~~ GRANT AVE LLC / DOUG WARDEN	Phone:	304-290-3347
Mailing Address:	240 ~~220~~ Ridge of Summit Dr. (Street)	Mobile:	
	Morgantown (City) WV (State) 26508 (Zip)	Email:	wardendoug01@gmail.com

II. AGENT / CONTACT INFORMATION

Name:		Phone:	
Mailing Address:		Mobile:	
	Street	Email:	
	City State Zip		
Mailings –	Send all correspondence to (check one): ☐ Applicant OR ☐ Agent/Contact		

III. PROPERTY

Owner:		Phone:	
Mailing Address:		Mobile:	
	Street	Email:	
	City State Zip		

IV. SITE

Street Address (if assigned):	400 Block of Grant Ave.	Tax Map #:	19	Parcel #:	90-95
Zoning:	R-3				
Lot Dimensions:	Width: 327'-4" Ft.	Depth: 100' Ft.		Square Footage:	32,740 ft.^{2}
Shape of Lot:	☐ Corner ☐ Interior ☐ Through ☐ Flag ☐ Irregular ☐ Non-conforming				
Existing Use of Structure or Land:	Residential				
Proposed Use of Structure of Land:	Residential Multi-Family Dwellings				

City of Morgantown, West Virginia

APPLICATION FOR
TYPE IV SITE PLAN – CONDITIONAL USE

OFFICE USE	
CASE NO.	CU15-04
RECEIVED:	01 May 15
COMPLETE:	

V. STRUCTURE

Proposed Setbacks: Front: 11 ~~10~~ ft. Rear: 22 ft. Side A: 73 ft. Side B: 14 ~~13~~ ft.

Proposed Height of Structure: 79'-0" ✓ No. of Proposed Off-Street Parking Spaces: 95✓

No. of Dwelling Units (if applicable): 94 ✓ No. of Bedrooms: 183 No. of Employees:

Square Footage of all Proposed Structures (please explain): 137,100 sf including parking levels. ✓

VI. SITE PLAN

A Site Plan (8 copies), drawn to scale, that includes the following elements must accompany the application if not provided above in Sections IV and V:

(a) The actual dimensions, size, square footage, and shape of the lot to be built upon as shown on an actual survey by a registered design professional licensed by the State of West Virginia.

(b) The exact sizes and locations on the lot of existing structures, if any;

(c) The location, square footage, and dimensions of the proposed structure or alteration;

(d) The location of the lot with respect to adjacent rights-of-way;

(e) The existing and proposed uses of the structure and land;

(f) The number of employees, families, housekeeping units, bedrooms, or rental units the structure is designed to accommodate;

(g) The location and dimensions of off-street parking and means of ingress and egress for such space;

(h) Height of structure;

(i) Setbacks;

(j) Buffer yard and screening, if applicable;

(k) Location of garbage collection area and screening;

(l) Location of existing and/or proposed signs, if applicable;

(m) Roadway typical detail for internal roadways, if applicable;

(n) Location and size of stormwater management facilities; and,

(o) Utility lines and easements, if applicable.

City of Morgantown, West Virginia

APPLICATION FOR
TYPE IV SITE PLAN – CONDITIONAL USE

OFFICE USE	
CASE NO.	CU15-04
RECEIVED:	01 MAY 15
COMPLETE:	

VII. SUPPLEMENTAL PLANS AND EXHIBITS

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

(a) Drainage plan and drainage calculations that bear the name, address, signature and seal of a registered professional engineer licensed by the State of West Virginia, with floodplain zones clearly denoted, a typical of all swales, and a design of the drop inlets.

(b) If applicable, design of stormwater management facilities and drainage calculations that bear the name, address, and seal of a registered professional engineer licensed by the State of West Virginia that meet the requirements of the City Zoning Ordinance, the City Stormwater Management Ordinance, and all other applicable local, state and federal regulations.

(c) Parking and Landscaping Plan

(d) Sign Plan

(e) Approved WV Division of Highways Access Permit, if applicable

(f) Sediment and erosion control plan as approved by the West Virginia Department of Environment Protection and the City of Morgantown

(g) Approved State of West Virginia NPDES General Permit for Storm Water Associated with Industrial (Construction) Activity, if applicable

(h) A traffic impact study, if required by the City Engineer

(i) The Planning Director may require the applicant to submit additional information concerning the lot or neighboring lots to determine conformance with, and provide for the enforcement of, the City Zoning Ordinance.

(j) The Planning Director may require the applicant to submit, in the case of accessory structures or minor additions, dimensions shown on plans relating to the size of the lot and the location of the structure(s) thereon be based on an actual survey prepared a registered design professional licensed by the State of West Virginia.

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

(a) An air flow analysis conducted by a licensed architect or profession engineer, describing the estimated impact of the proposed building on existing patterns of air flow in the general vicinity; and how those impacts may affect existing properties with a 300 foot radius of the site.

(b) An analysis of the impacts of the proposed building on sunlight distribution in the general vicinity, with special emphasis on predicting light blockage and shadow casting onto all properties with a 300 foot radius of the site. Such analysis shall be conducted by a licensed architect or professional engineer.

(c) An analysis of the potential of "stepping back" upper floors as a technique to avoid negative impacts with respect to light and airflow, and to minimize the canyon effect of non-recess tall buildings. Such analysis shall be conducted by a licensed architect or professional engineer.

(d) An infrastructure and traffic analysis predicting the impacts of the building on water, sewer, drainage, electrical and gas infrastructure, on transportation levels of service (including transit) for impacted streets, and on fire suppression capabilities of the city. Such analysis shall be conducted by a licensed architect or professional engineer.

City of Morgantown, West Virginia

APPLICATION FOR
TYPE IV SITE PLAN – CONDITIONAL USE

OFFICE USE	
CASE NO.	CU15-04
RECEIVED:	01 MAY 15
COMPLETE:	

VIII. FINDINGS OF FACT

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

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

1. **Congestion in the streets is not increased, in that:**
   The proposed project eliminates all off street parkgin along Grant Avenue whcih is the main route that it traveled for this site.

2. **Safety from fire, panic, and other danger is not jeopardized, in that:**
   The proposed building adheres to all relative building codes including the WV State Fire Code and NFPA 2012. The building will be equipped with an approved sprinkler system and fire alarm. The main structure will be rated for 1 hr. and the area in the front of the building provides ample room for fire lane access since the parking has been eliminated on Grant Ave.

3. **Provision of adequate light and air is not disturbed, in that:**
   The proposed project adheres to all relative building codes and setbacks established by the City of Morgantown.

4. **Overcrowding of land does not result, in that:**
   The proposed building footprint absorbs approx. 46% of the total site which is less than the 60% allowed.

5. **Undue congestion of population is not created, in that:**
   The proposed project provides adequate living areas and parking according to established local codes and planning requirements.

City of Morgantown, West Virginia

APPLICATION FOR
TYPE IV SITE PLAN – CONDITIONAL USE

OFFICE USE	
CASE NO.	
RECEIVED:	
COMPLETE:	

VIII. FINDINGS OF FACT (cont.)

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

The proposed project falls in line with other similar developments in the vicinity as far as it relates to provisions for multi-family residential use.

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

The proposed project does not pose an issue of devaluing any adjacent buildings.

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

The proposed project offers a density of dwelling units that conform to other buildings of the same type in Morgantown while using 13% less lot coverage than what is allowed.

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.

Doug Warden		9/1/15
Type/Print Name of Applicant/Agent	Signature of Applicant/Agent	Date

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

City of Morgantown, West Virginia

APPLICATION FOR VARIANCE PETITION

OFFICE USE	
CASE NO.	V15-37
RECEIVED:	5/1/15

(PLEASE TYPE OR PRINT IN BLACK INK) **Fee: $75**

I. APPLICANT	Name:	Doug Warden / GRANT AVE, LLC.		
Mailing Address:	200 Ridge of Summit Dr. (Street)		Phone:	304-290-3347
	Morgantown (City)	WV (State)	26508 (Zip)	Mobile:
			Email:	wardendoug01@gmail.com

II. PROPERTY	Street Address:	400 Block of Grant Ave.		
Owner:	Doug Warden / GRANT AVE, LLC.		Zoning:	R-3
Mailing Address:	200 Ridge of Summit Dr. (Street)		Tax Map No:	19
	Morgantown (City)	WV (State)	26508 (Zip)	Parcel No: 90-95
			Phone:	304-290-3347

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

The proposed building requires a variance for being over of 4 stories. From Grant Ave. there are a total of 7 stories of apartments with the lower ground level being partially submerged below the street level. Below the ground level there are two additional levels of parking. The proposed building fits the spirit of the zoning and planning requirements in that it maximizes the density of residential units by condensing 94 units within a smaller footprint than your typical residential building that have far less density per lot coverage. This project also counteracts the concept of urban sprawl and the potential extension of public utilities and infrastructure to necessitate a similar dwelling count for a development outside of the city limits.

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.

Doug Warden		4/2/15
Type/Print Name of Applicant/Agent	Signature of Applicant/Agent	Date

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

City of Morgantown, West Virginia

APPLICATION FOR VARIANCE PETITION

OFFICE USE	
CASE NO.	V15-37
RECEIVED:	01 MAY 15

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: 137,100 SF ✓

Estimated number of employees: _____ No. of dwelling units: 94 ✓ No. of bedrooms: 183

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.	V15-37
RECEIVED:	01 MAY 15

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:

The proposed project adheres to the International Building Code as well as NFPA 2012 and the WV State Fire Code. This project does not infringe on adjacent property owners and is within the standard setbacks established by the City of Morgantown.

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:

N/A

City of Morgantown, West Virginia

APPLICATION FOR VARIANCE PETITION

OFFICE USE	
CASE NO.	V15-37
RECEIVED:	01 MAY 15

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:

The dwelling density created from the proposed project creates a directly proportional use of occupants per SF that maximizes the overall lot coverage and is ideal for this residential area. This is in line with the zoning and planning concepts of the city and previously developed projects in the vicinity.

4. The variance will allow the intent of the zoning ordinance to be observed and substantial justice done, because:

N/A

City of Morgantown, West Virginia

APPLICATION FOR VARIANCE PETITION

OFFICE USE	
CASE NO.	V15-38
RECEIVED:	5/1/15

(PLEASE TYPE OR PRINT IN BLACK INK) **Fee: $75**

I. APPLICANT	Name:	Doug Warden / GRANT AVE, LLC		
Mailing Address:	290 Ridge of Summit Dr. (Street)		Phone:	304-290-3347
	Morgantown (City)	WV (State)	26508 (Zip)	Mobile:
			Email:	wardendoug01@gmail.com

II. PROPERTY	Street Address:	400 Block of Grant Ave.		
Owner:	Doug Warden / GRANT AVE, LLC		Zoning:	R-3
Mailing Address:	290 Ridge of Summit Dr. (Street)		Tax Map No:	19
	Morgantown (City)	WV (State)	26508 (Zip)	Parcel No: 90-95
			Phone:	304-290-3347

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

The proposed building requires a variance for Article 1339.07(A) in that the overall building relates properly to the surrounding structures. The Front Elevation of the building has the main entrance and fenestration facing Grant Ave. The remaining elevations reflect common residential attributes on a larger scale that also combine an undulation in vertical surface geometry, material and fenestration. In the proposed project location of Sunnyside there is a transformation being established for larger scale residential developments which provide a more contextual backdrop for this project perhaps more relevant now than earlier single family dwellings.

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.

Doug Warden		4/2/15
Type/Print Name of Applicant/Agent	Signature of Applicant/Agent	Date

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

City of Morgantown, West Virginia

APPLICATION FOR VARIANCE PETITION

OFFICE USE	
CASE NO.	V15-38
RECEIVED:	01 MAY 15

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: 137,100 SF ✓

Estimated number of employees: ____ No. of dwelling units: 94 ✓ No. of bedrooms: 183

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.	V15-38
RECEIVED:	01 MAY 15

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:

The proposed project adheres to the International Building Code as well as NFPA 2012 and the WV State Fire Code. This project does not infringe on adjacent property owners and is within the standard setbacks established by the City of Morgantown.

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:

N/A

City of Morgantown, West Virginia

APPLICATION FOR VARIANCE PETITION

OFFICE USE	
CASE NO.	V15-38
RECEIVED:	01 May 15

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:

The dwelling density created from the proposed project does come with a direct effect of scale and massing but is in line with the zoning and planning concepts of the city and previously developed projects in the vicinity which do provide context for massing.

4. The variance will allow the intent of the zoning ordinance to be observed and substantial justice done, because:

N/A

City of Morgantown, West Virginia

APPLICATION FOR VARIANCE PETITION

OFFICE USE	
CASE NO.	V15-39
RECEIVED:	5/1/15

(PLEASE TYPE OR PRINT IN BLACK INK) **Fee: $75**

I. APPLICANT	Name:	Doug Warden / GRANT AVE, LLC		
Mailing Address:	260 Ridge of Summit Dr. (Street)		Phone:	304-290-3347
	Morgantown (City)	WV (State)	26508 (Zip)	Mobile:
			Email:	wardendoug01@gmail.com
II. PROPERTY	Street Address:	400 Block of Grant Ave.		
Owner:	Doug Warden / GRANT AVE, LLC		Zoning:	R-3
Mailing Address:	260 Ridge of Summit Dr. (Street)		Tax Map No:	19
	Morgantown (City)	WV (State)	26508 (Zip)	Parcel No: 90-95
			Phone:	304-290-3347

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

The proposed building requires a variance for Article 1365.09(A)(4) in that an access drive is needed from the rear alley ROW to access the off-street parking spaces.

The proposed building requires a variance fro Article 1365.09(B)(2) in that the maximum driveway at the ROW will exceed 22ft.

Variance relief to permit a curb cut (driveway entrance) on Grant ave. [Article 1361.03(Q)(8)]

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.

Doug Warden		4/2/15
Type/Print Name of Applicant/Agent	Signature of Applicant/Agent	Date

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

City of Morgantown, West Virginia

APPLICATION FOR VARIANCE PETITION

OFFICE USE	
CASE NO.	V15-39
RECEIVED:	01 MAY 15

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: 137,100 SF ✓

Estimated number of employees: _____ No. of dwelling units: 94 ✓ No. of bedrooms: 183

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.	V15-39
RECEIVED:	01 MAY 15

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:

The proposed project's rear off-street parking adheres to the standard parking space sizes and arrangements per the local codes and ordinances with appropriate sight lines but does require the use of the alley ROW as part of the backup dimension needed for these spaces. The parking will be accessed only in one direction and has ample views for safely backing into the alley.

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 proposed project is attempting to utilize similar parking strategies as adjacent buildings do.

City of Morgantown, West Virginia

APPLICATION FOR VARIANCE PETITION

OFFICE USE	
CASE NO.	V15-39
RECEIVED:	01 MAY 15

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:

The proposed building's parking design directly impacts the ability to have 94 dwelling units. The impact is significant enough to jeopardize the project in its entirety.

4. The variance will allow the intent of the zoning ordinance to be observed and substantial justice done, because:

The proposed internal parking levels eliminate all street parking on Grant Ave thus making a safer and cleaner streetscape. This is in line with the spirit of the zoning and planning requirements for the city.

City of Morgantown, West Virginia

APPLICATION FOR VARIANCE PETITION

OFFICE USE	
CASE NO.	V15-40
RECEIVED:	5/1/15

(PLEASE TYPE OR PRINT IN BLACK INK) **Fee: $75**

I. APPLICANT	Name:	Doug Warden / GRANT AVE, LLC		
Mailing Address:	200 Ridge of Summit Dr. (Street)		Phone:	304-290-3347
	Morgantown (City)	WV (State)	26508 (Zip)	Mobile:
			Email:	wardendoug01@gmail.com

II. PROPERTY	Street Address:	400 Block of Grant Ave.		
Owner:	Doug Warden / GRANT AVE, LLC		Zoning:	R-3
Mailing Address:	200 Ridge of Summit Dr. (Street)		Tax Map No:	19
	Morgantown (City)	WV (State)	26508 (Zip)	Parcel No: 90-95
			Phone:	304-290-3347

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

The proposed building requires a variance for Article 1365.09(A)(2) in that the total considered amount of compact parking spaces should not be impacted by the designed width of the interior parking spaces that are directly impacted by the building structure. Approx.15ft back into the space the overall parking width is reduced to 8ft at which the actual use of the parking space is not impacted. It is essentially a standard parking space and should not be counted as compact. The proposed project compact parking spaces are shown as 10, this is in line with the aforementioned article.

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.

Doug Warden		4/2/15
Type/Print Name of Applicant/Agent	Signature of Applicant/Agent	Date

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

City of Morgantown, West Virginia

APPLICATION FOR VARIANCE PETITION

OFFICE USE	
CASE NO.	V15-40
RECEIVED:	01 MAY 15

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: 137,100 SF

Estimated number of employees: _____ No. of dwelling units: 94 No. of bedrooms: 183

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.	V15-40
RECEIVED:	01 MAY 15

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:

The proposed project adheres to the standard parking space sizes and arrangements per the local codes and ordinances with appropriate sight lines.

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:

N/A

City of Morgantown, West Virginia

APPLICATION FOR VARIANCE PETITION

OFFICE USE	
CASE NO.	V15-40
RECEIVED:	01 MAY 15

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:

The proposed building's parking design directly impacts the ability to have 94 dwelling units. The impact is significant enough to jeopardize the project in its entirety.

4. The variance will allow the intent of the zoning ordinance to be observed and substantial justice done, because:

The proposed internal parking levels eliminate all street parking on Grant Ave thus making a safer and cleaner streetscape. This is in line with the spirit of the zoning and planning requirements for the city.

City of Morgantown, West Virginia

APPLICATION FOR VARIANCE PETITION

OFFICE USE	
CASE NO.	V15-41
RECEIVED:	5/1/15

(PLEASE TYPE OR PRINT IN BLACK INK) **Fee: $75**

I. APPLICANT	Name:	Doug Warden / GRANT AVE, LLC		
Mailing Address:	200 Ridge of Summit Dr. (Street)		Phone:	304-290-3347
	Morgantown (City)	WV (State)	26508 (Zip)	Mobile:
			Email:	wardendoug01@gmail.com

II. PROPERTY	Street Address:	400 Block of Grant Ave.		
Owner:	Doug Warden / GRANT AVE, LLC		Zoning:	R-3
Mailing Address:	200 Ridge of Summit Dr. (Street)		Tax Map No:	19
	Morgantown (City)	WV (State)	26508 (Zip)	Parcel No: 90-95
			Phone:	304-290-3347

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

The proposed building requires a variance for Article 1361.03(E) in that the overall ground floor transparency at the public street side does not meet the standard 60%. Overall transparency for the proposed building is approx. 27% due to the floor level consists of apartments and a certain amount of privacy is required by the occupants. It appears that the 60% transparency could relate more closely to a retail ground floor configuration in which this project does not have.

The proposed building also requires a variance for Article 1361.03(O)(6) in that the described window recess is not constructible with the proposed wall envelope and structure of the building. The described recess per Article 1361.03(O)(6) relates more to single family 1 &2 story construction.

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.

Doug Warden		4/2/15
Type/Print Name of Applicant/Agent	Signature of Applicant/Agent	Date

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

City of Morgantown, West Virginia

APPLICATION FOR VARIANCE PETITION

OFFICE USE	
CASE NO.	V15-41
RECEIVED:	01 MAY 15

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: 137,100 SF ✓

Estimated number of employees: _____ No. of dwelling units: 94 ✓ No. of bedrooms: 183

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.	V15-41
RECEIVED:	01 MAY 15

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:

The proposed project adheres to the International Building Code as well as NFPA 2012 and the WV State Fire Code. This project does not infringe on adjacent property owners and is within the standard setbacks established by the City of Morgantown.

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:

N/A

City of Morgantown, West Virginia

APPLICATION FOR VARIANCE PETITION

OFFICE USE	
CASE NO.	V15-41
RECEIVED:	01 May 15

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:

The dwelling density created from the proposed project would be reduced if the ground floor had to be made into retail space per the 60% transparency standard on the public street side. This would directly affect the feasibility for the project to be developed.

4. The variance will allow the intent of the zoning ordinance to be observed and substantial justice done, because:

N/A

City of Morgantown, West Virginia

APPLICATION FOR VARIANCE PETITION

OFFICE USE	
CASE NO.	V15-42
RECEIVED:	5/1/15

(PLEASE TYPE OR PRINT IN BLACK INK) **Fee: $75**

I. APPLICANT	Name:	Doug Warden / GRANT AVE, LLC		
Mailing Address:	260 Ridge of Summit Dr. (Street)		Phone:	304-290-3347
	Morgantown (City)	WV (State)	26508 (Zip)	Mobile:
			Email:	wardendoug01@gmail.com

II. PROPERTY	Street Address:	400 Block of Grant Ave.		
Owner:	Doug Warden / GRANT AVE, LLC		Zoning:	R-3
Mailing Address:	260 Ridge of Summit Dr. (Street)		Tax Map No:	19
	Morgantown (City)	WV (State)	26508 (Zip)	Parcel No: 90-95
			Phone:	304-290-3347

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

The proposed building requires a variance for Article 1361.03(P)(1) in that the natural material standard and ratio is unrealistic for the proposed design and estimated construction cost. The proposed building does use these natural materials such as high quality masonry but they must be used in limited capacity combined with other quality materials in order to be in budget. The scale of the building's exterior escalates the associated costs of any material chosen, so materials are chosen and valued carefully.

The proposed building also requires a variance for Article 1361.03(P)(2) to use fiber-cement lap siding. This appears to be in line with contextual materials for this site and provides a long lasting quality exterior.

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.

Doug Warden		4/2/15
Type/Print Name of Applicant/Agent	Signature of Applicant/Agent	Date

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

City of Morgantown, West Virginia

APPLICATION FOR VARIANCE PETITION

OFFICE USE	
CASE NO.	V15-42
RECEIVED:	01 May 15

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: 137,100 SF ✓

Estimated number of employees: ____ No. of dwelling units: 94 ✓ No. of bedrooms: 183

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.	V15-42
RECEIVED:	01 May 15

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:

The proposed project adheres to the International Building Code as well as NFPA 2012 and the WV State Fire Code. This project does not infringe on adjacent property owners and is within the standard setbacks established by the City of Morgantown. The proposed exterior products are noncombustible and have met stringent product testing including appropriate UL listings where required. The building envelope is designed to securely fasten all exterior materials to withstand lateral forces described in the International Building Code.

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:

N/A

City of Morgantown, West Virginia

APPLICATION FOR VARIANCE PETITION

OFFICE USE	
CASE NO.	V15-42
RECEIVED:	01 MAY 15

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:

The proposed exterior design allows quality materials to be combined with natural materials and stay in the spirit of the zoning and planning requirements. The project's economic feasibility would be at stake if the design had to incorporate the amount of natural materials that Article 1361.03 describes. The proposed exterior materials mimics natural materials in scale and appearance.

4. The variance will allow the intent of the zoning ordinance to be observed and substantial justice done, because:

N/A

City of Morgantown, West Virginia

APPLICATION FOR VARIANCE PETITION

OFFICE USE	
CASE NO.	V15-43
RECEIVED:	

1983
CK 1978

PAID
JUN 02 2015
BY:

(PLEASE TYPE OR PRINT IN BLACK INK)

Fee: $75

I. APPLICANT	Name:	Grant Ave. LLC			
Mailing Address:	200 Ridge of Summit Dr. (Street)			Phone:	[redacted]-290-3347
	Morgantown (City)	WV (State)	26508 (Zip)	Mobile:	
				Email:	[redacted]ardendoug01@gmail.com
II. PROPERTY	Street Address:	400 Block of Grant Ave.			
Owner:	Grant Ave. LLC			Zoning:	R-3
Mailing Address:	200 Ridge of Summit Dr. (Street)			Tax Map No:	19
	Morgantown (City)	WV (State)	26508 (Zip)	Parcel No:	90-95
				Phone:	304-290-3347

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

The proposed building will encroach on the minimum setbacks established in 1339.05 of the city planning code. A variance relief is needed to encroach an approximate 11 inches for the front eaves of the building and to also encroach 3ft - 9 inches into the setback for the front entrance canopy.

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.

Grant Ave. LLC / Doug Warden		5/22/15
Type/Print Name of Applicant/Agent	Signature of Applicant/Agent	Date

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

City of Morgantown, West Virginia

APPLICATION FOR VARIANCE PETITION

OFFICE USE	
CASE NO.	V15-43
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: 137,100 SF

Estimated number of employees: _____ No. of dwelling units: 94 No. of bedrooms: _____

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.	V15-43
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:

The proposed project adheres to the International Building Code as well as NFPA 2012 and the WV State Fire Code. This project does not infringe on adjacent property owners. The variance needed is mainly to allow proper entrance cover for the occupants along with provide an acceptable aesthetic for the overall building.

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:

N/A

City of Morgantown, West Virginia

APPLICATION FOR VARIANCE PETITION

OFFICE USE	
CASE NO.	V15-43
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:

The entrance canopy will provide necessary cover for the tenants to enter the building during inclement weather as well as allow shading for the entrance lobby in turn lowering the heat gain effect for this area. The eaves of the building provide a shelter for the main wall assembly at the top of the building which is a vulnerable point of entry for moisture, etc.

4. The variance will allow the intent of the zoning ordinance to be observed and substantial justice done, because:

N/A

GRANT AVENUE APARTMENTS

OWNER:

Owner Name
Owner Address
Owner Phone

ARCHITECTURAL SERVICES:

OMNI ASSOCIATES - ARCHITECTS, INC.
1543 FAIRMONT AVENUE
FAIRMONT, WV 26554
304.367.1417

SITE DESIGN:

Cheat Road Engineering, Inc.
300 Business Park Dr. Suite 202
Morgantown, WV 26508
304.212.5480

STRUCTURAL DESIGN:

Name
Address
Phone

MECHANICAL, ELECTRICAL AND PLUMBING DESIGN:

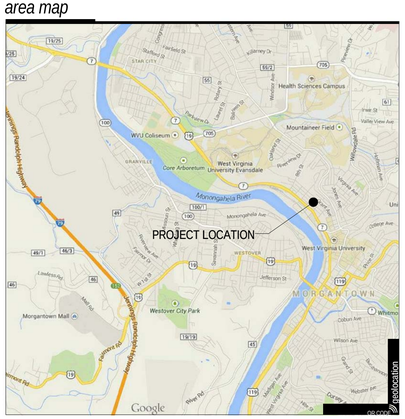
Name
Address
Phone

SHEET LIST

NO.	NAME
00 GENERAL	
G-1.0	COVER SHEET
01 CIVIL	
C-01	EXISTING CONDITIONS
C-02	SITE PLAN
C-03	PARKING PLAN
C-04	LANDSCAPING PLAN
04 ARCHITECTURAL	
A-1.P1	PARKING LEVEL 1 - FLOOR PLAN
A-1.P2	PARKING LEVEL 2 - FLOOR PLAN
A-1.0	GROUND FLOOR PLAN
A-1.1	FIRST FLOOR PLAN
A-1.2	FLOORS 2 THRU 6
A-2.1	NORTH ELEVATIONS
A-2.2	SOUTH ELEVATION
A-2.3	EAST & WEST ELEVATIONS

vicinity map

area map



general code information

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GRANT AVENUE APARTMENTS

Grant Avenue

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COVER SHEET

G-1.0

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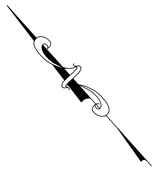
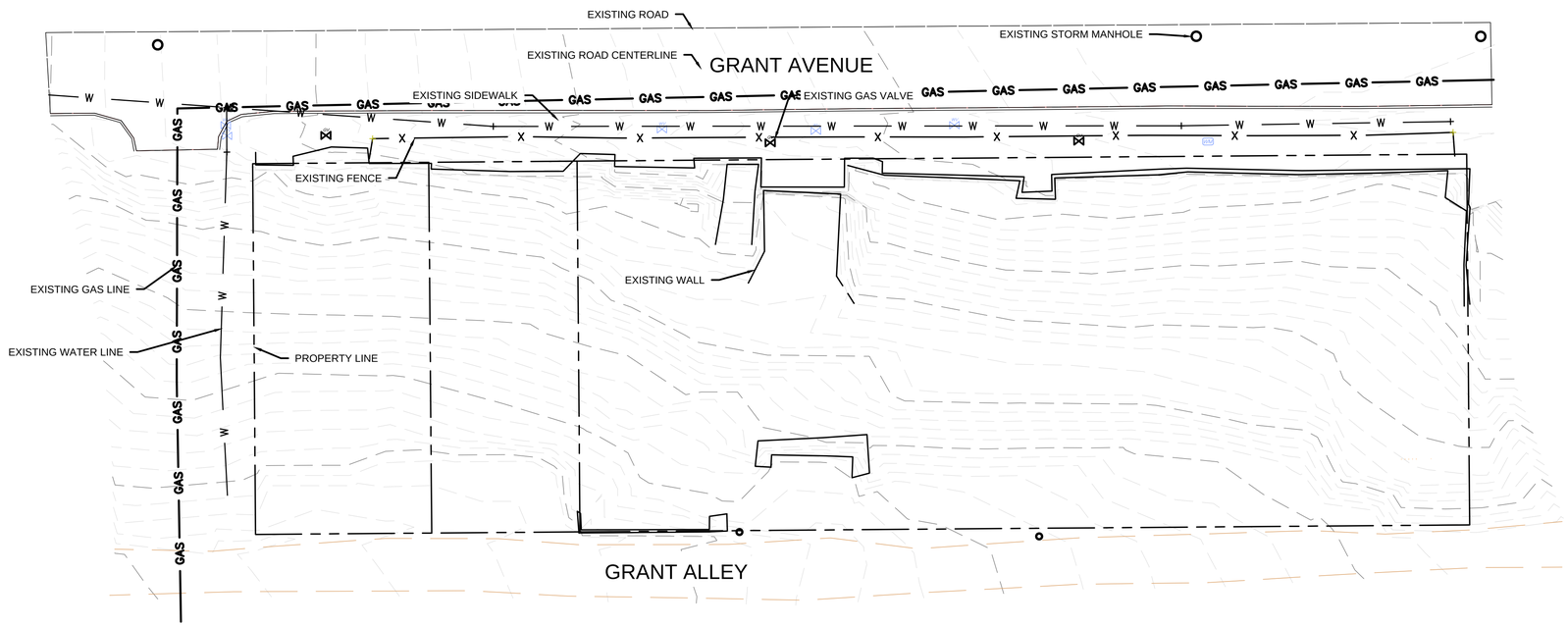
PROJECT No: 21264 DRAWN BY: JRM





LEGEND	
	EXISTING WALL
	EXISTING SIDEWALK
	EXISTING STORM MANHOLOE
	EXISTING GAS VALVE
GAS GAS	EXISTING GAS
W W	EXISTING WATER
	PROPERTY LINE
	EXISTING ROAD
X	FENCE

PRELIMINARY

0 20 40 Feet

REV #	DATE	DESCRIPTION	BY

CHEAT ROAD ENGINEERING, INC.
300 BUSINESS PARK DR. SUITE 202
MORGANTOWN, WV 26508
P: 304.212.5480

GRANT AVENUE APARTMENTS
MORGANTOWN, WV

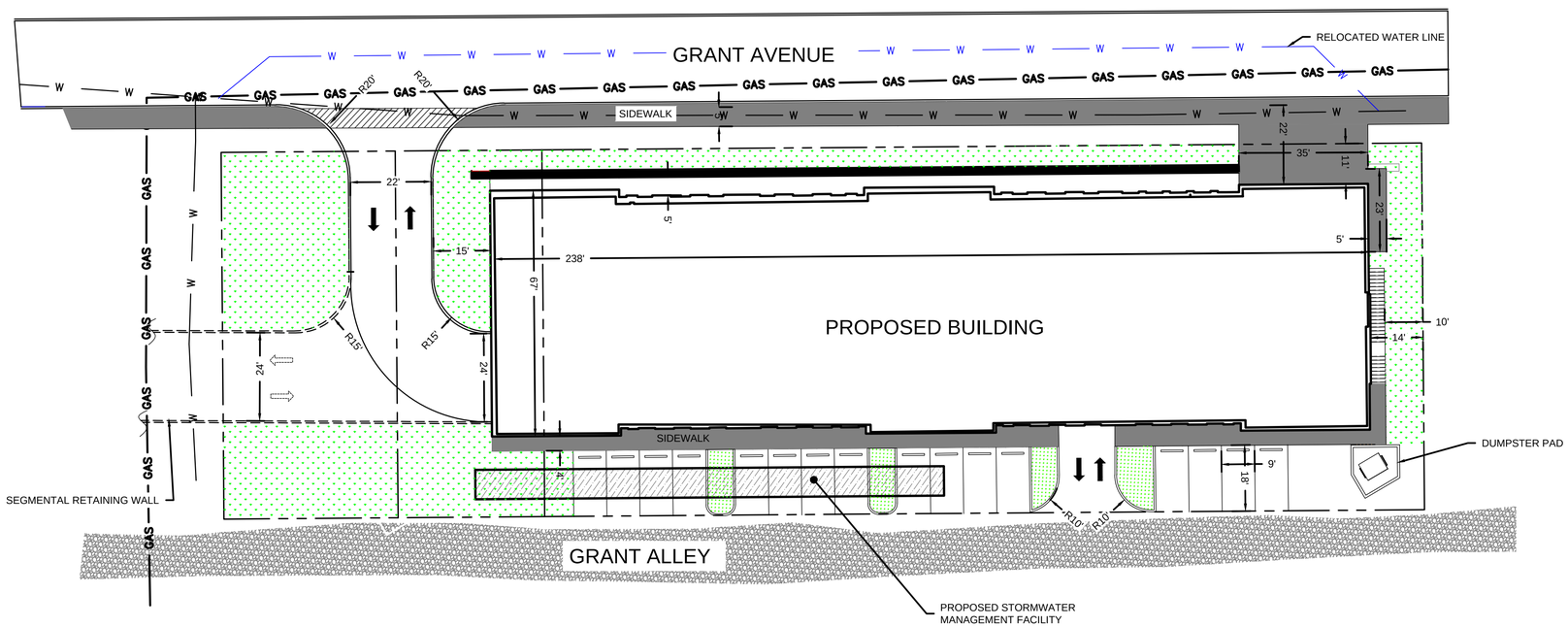
PROJECT NO: 15-054
DRAWING FILE: 15-054_DESIGN.DWG

DRAWN BY: A.LINGER
CHECKED BY: B.BOWES
DRAWING SCALE: 1" = 20'
DRAWING DATE: April 30, 2015

EXISTING CONDITIONS

SHEET NUMBER:
C-01

FLOOR LEVEL	FINISHED ELEVATION
PARKING LEVEL 1	924.00'
PARKING LEVEL 2	934.00'
GROUND FLOOR	944.00'
FIRST FLOOR	954.00'
SECOND FLOOR	964.00'
THIRD FLOOR	974.00'
FOURTH FLOOR	984.00'
FIFTH FLOOR	994.00'
SIXTH FLOOR	1004.00'
ROOF FLOOR	1014.00'



LEGEND	
GAS	EXISTING GAS LINE
	PROPOSED RETAINING WALL
	PROPOSED BUILDING
	PROPOSED GRASS
	PROPOSED ROAD
	PROPOSED CONCRETE
	EXISTING STORM MANHOLE
	PROPOSED ASPHALT
	EXISTING GRAVEL ALLEY
	PROPERTY LINE
	EXISTING ROAD CENTERLINE
	GROUND FLOOR WALK
W	RELOCATED WATER LINE
W	EXISTING WATER LINE

PRELIMINARY

0 20 40 Feet

REV #	DATE	DESCRIPTION	BY

CHEAT ROAD ENGINEERING, INC.
300 BUSINESS PARK DR. SUITE 202
MORGANTOWN, WV 26508
P: 304.212.5480

GRANT AVENUE APARTMENTS
MORGANTOWN, WV

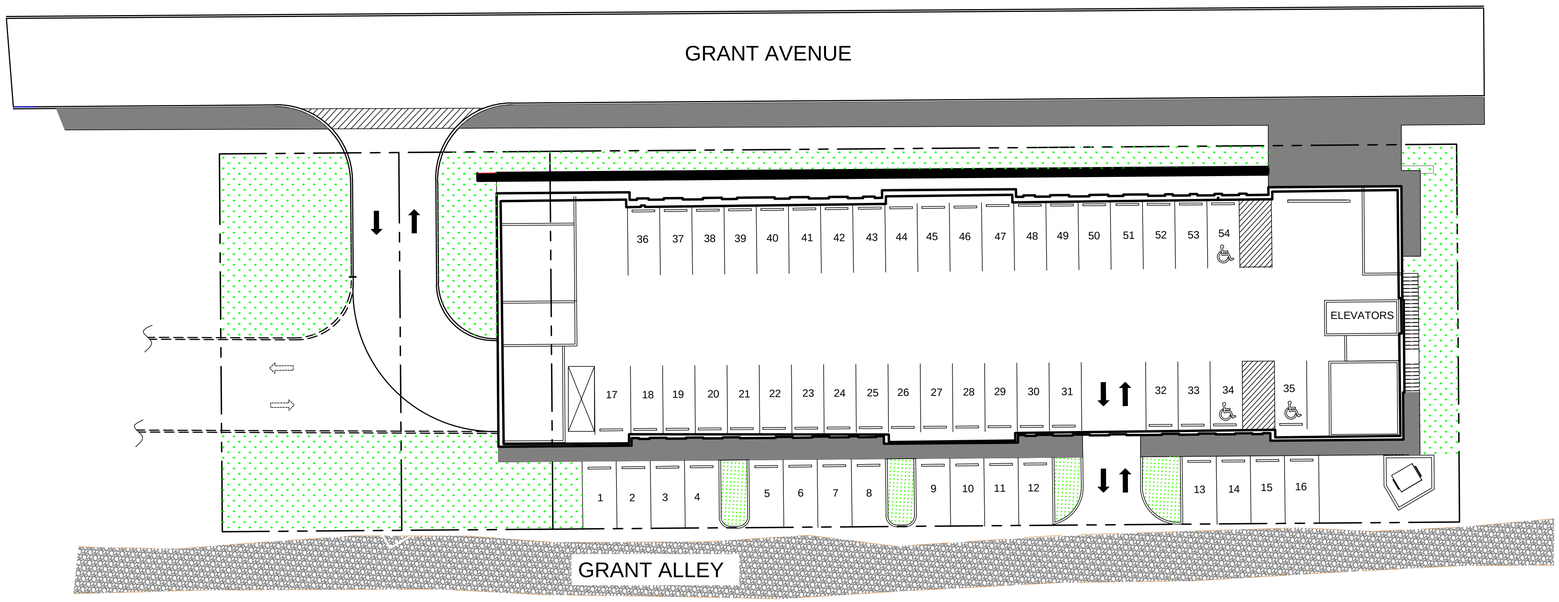
PROJECT NO: 15-054
DRAWING FILE: 15-054_DESIGN.DWG

DRAWN BY: A.LINGER
CHECKED BY: B.BOWES
DRAWING SCALE: 1" = 20'
April 30, 2015

SITE PLAN

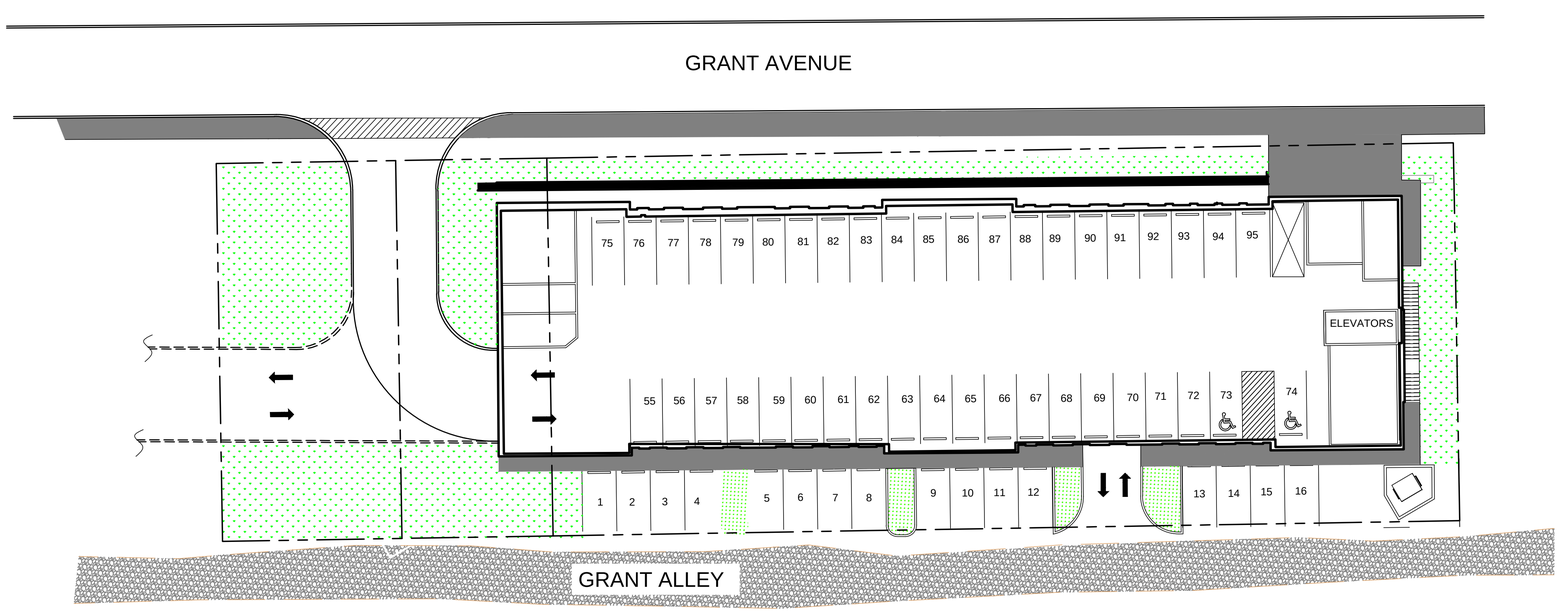
SHEET NUMBER:
C-02

PARKING LEVEL 1



0 20 40 Feet

PARKING LEVEL 2



0 20 40 Feet

PRELIMINARY

LEGEND

	PROPOSED RETAINING WALL
	PROPOSED BUILDING
	PROPOSED GRASS
	PROPOSED ROAD
	PROPOSED CONCRETE
	EXISTING STORM MANHOLE
	EXISTING GRAVEL ALLEY
	PROPERTY LINE

REV #	DATE	DESCRIPTION	BY

CHEAT ROAD ENGINEERING, INC.
300 BUSINESS PARK DR. SUITE 202
MORGANTOWN, WV 26508
P: 304.212.5480

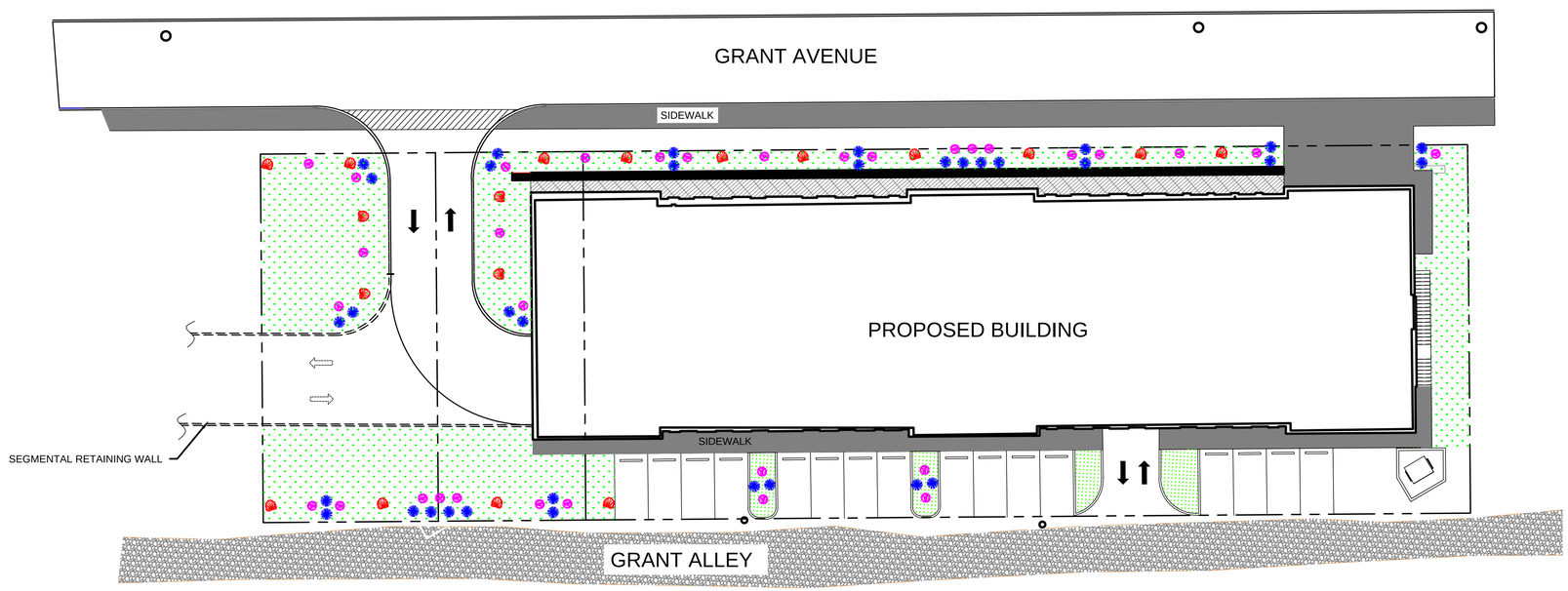
GRANT AVENUE APARTMENTS
MORGANTOWN, WV

PROJECT NO: 15-054
DRAWING FILE: 15-054_DESIGN.DWG

DRAWN BY: A.LINGER
CHECKED BY: B.BOWES
DRAWING SCALE: 1" = 20'
DRAWING DATE: April 30, 2015

PARKING PLAN

SHEET NUMBER:
C-03



PRELIMINARY

LEGEND	
	DOGWOOD
	BLUE STAR JUNIPER
	VINTAGE GOLD CYPRESS

0 20 40 Feet

REV #	DATE	DESCRIPTION	BY

CHEAT ROAD ENGINEERING, INC.
300 BUSINESS PARK DR. SUITE 202
MORGANTOWN, WV 26508
P: 304.212.5480

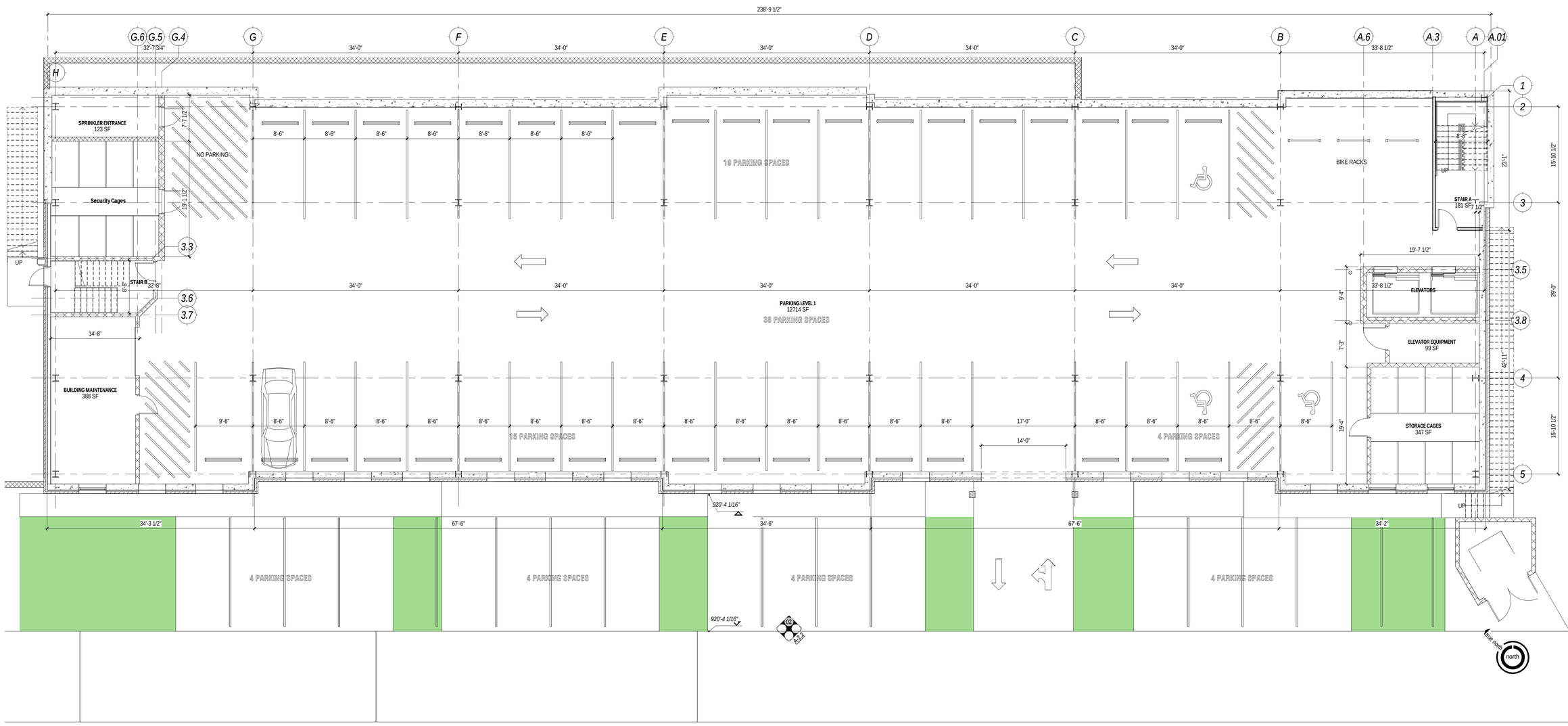
GRANT AVENUE APARTMENTS
MORGANTOWN, WV

PROJECT NO: 15-054
DRAWING FILE: 15-054_DESIGN.DWG

DRAWN BY: A.LINGER
CHECKED BY: B.BOWES
DRAWING SCALE: 1" = 20'
DRAWING DATE: April 30, 2015

LANDSCAPE PLAN

SHEET NUMBER:
C-04



P1 PARKING LEVEL 1 FLOOR PLAN

SCALE: 1/8" = 1'-0"
SHEET: A-1.P1 REF. SHEET: A-2.1

PARKING COUNT	
EXTERIOR SPACES - Alley	16
LEVEL P1 SPACES	38
LEVEL P2 SPACES	41
TOTAL PARKING	95
(TENNANT SPACES	*91)*
(HANDICAP SPACES	*4)*
(BICYCLE SPACES	*21)*

REVISIONS

GRANT AVENUE APARTMENTS

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05.01.2015

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PARKING LEVEL 1 - FLOOR PLAN

A-1.P1

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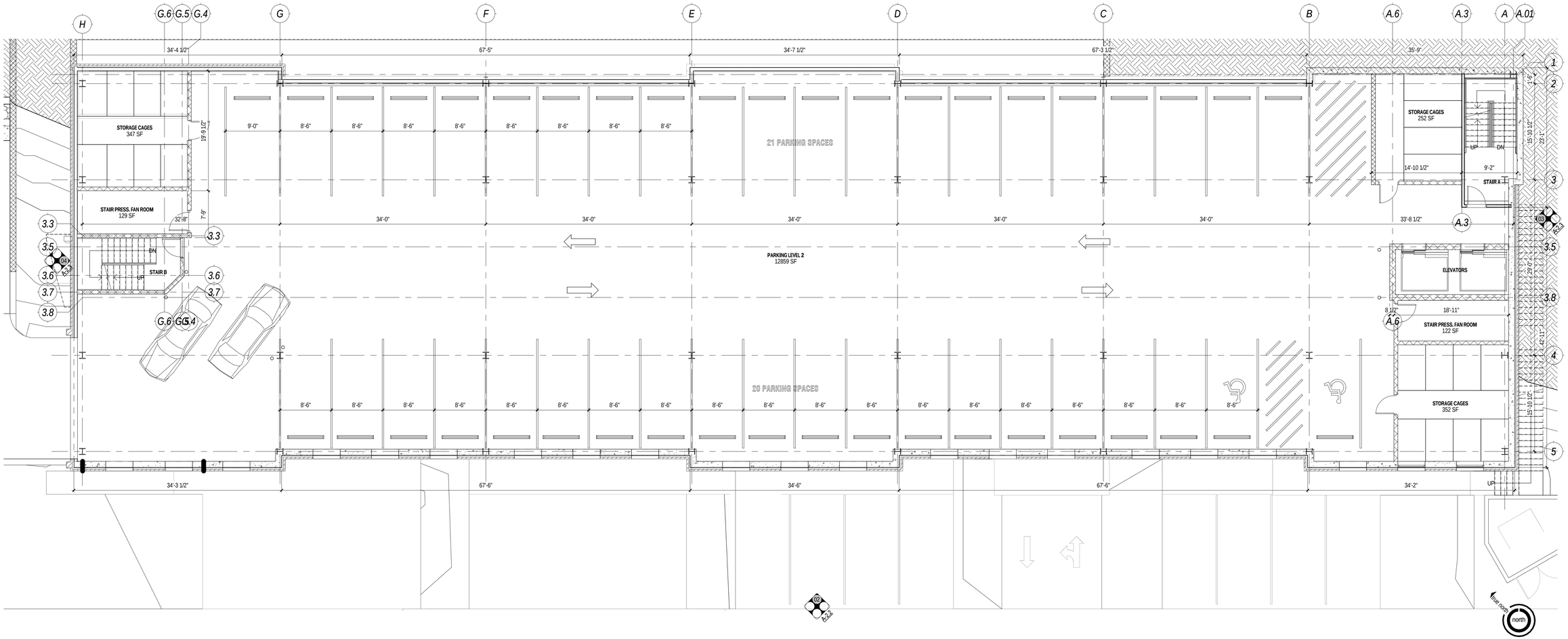
PROJECT No: 21264 DRAWN BY: JRM



P2 PARKING LEVEL 2 FLOOR PLAN

SCALE: 1/8" = 1'-0"
SHEET: A-1.P2 REF. SHEET: A-2.1

PARKING COUNT	
EXTERIOR SPACES - Alley	16
LEVEL P1 SPACES	38
LEVEL P2 SPACES	41
TOTAL PARKING	95

(TENNANT SPACES 91)
(HANDICAP SPACES 4)
(BICYCLE SPACES 21)

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PARKING LEVEL 2 - FLOOR PLAN

A-1.P2

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24 total occupants

1 PARKING LEVEL 3 FLOOR PLAN

SCALE: 1/8" = 1'-0"
SHEET: A-1.0 REF. SHEET: A-2.1

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GROUND FLOOR PLAN

A-1.0

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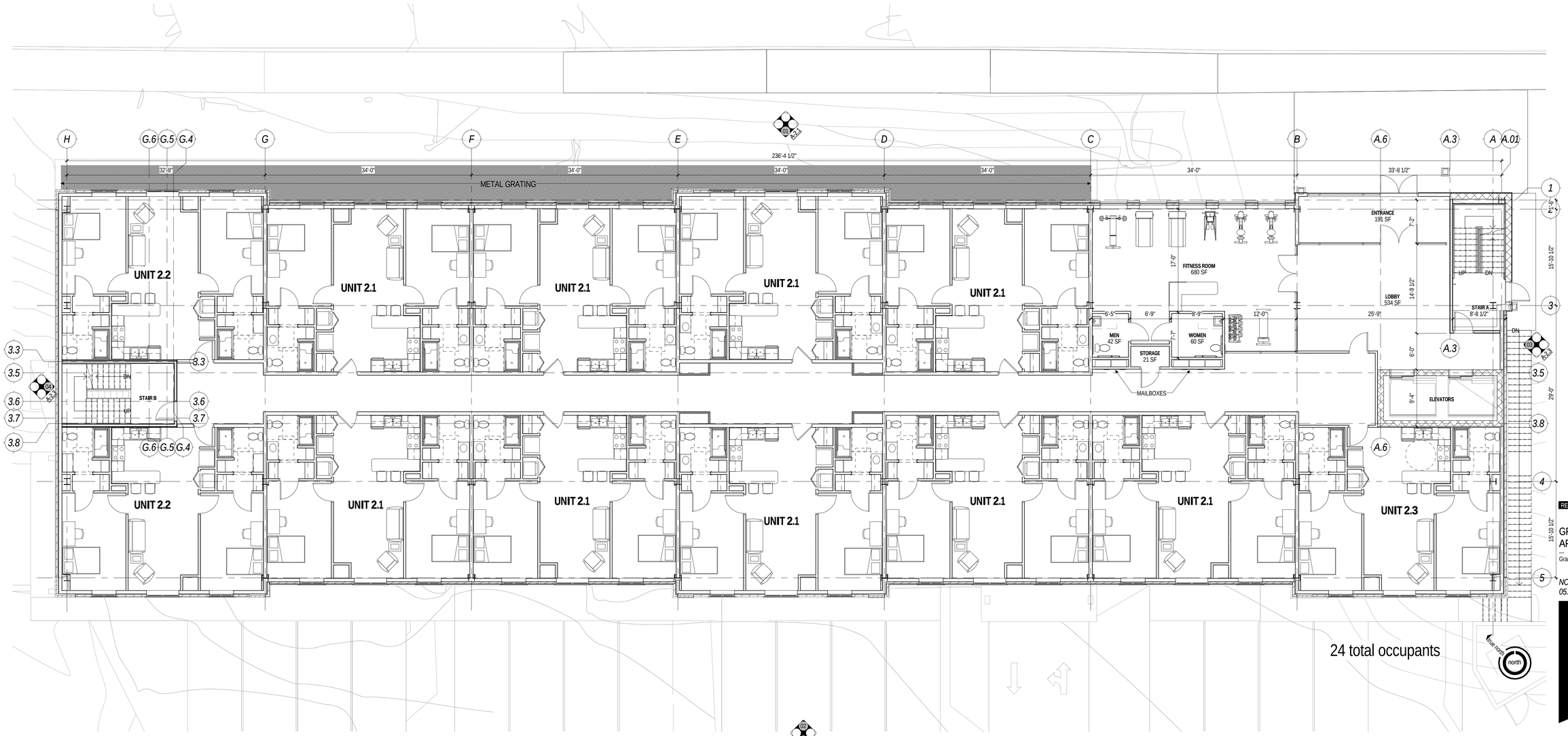
PROJECT No: 21264 DRAWN BY: Author



01 FIRST FLOOR PLAN

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

BED COUNT	
GROUND FLOOR	
(12) 2 BR APARTMENTS	24
FIRST FLOOR	
(12) 2 BR APARTMENTS	24
SECOND THRU SIXTH FLOORS	
(13/FL) 2 BR APARTMENTS	130
(1/FL) 1 BR APARTMENTS	5
TOTAL BEDS	*183*

GROSS SQUARE FOOTAGE	
LEVEL P1	13,074 SF
LEVEL P2	15,442 SF
GROUND FLR	15,512 SF
1ST FLOOR	15,512 SF
2ND FLOOR	15,512 SF
3RD FLOOR	15,512 SF
4TH FLOOR	15,512 SF
5TH FLOOR	15,512 SF
6TH FLOOR	15,512 SF
TOTAL GROSS	*137,100 SF*

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FIRST FLOOR PLAN

A-1.1

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PROJECT № 21264 DRAWN BY: JRM

27 total occupants

02-06 SECOND THRU SIXTH FLOOR PLANS

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

BED COUNT

GROUND FLOOR	
(12) 2 BR APARTMENTS	24
FIRST FLOOR	
(12) 2 BR APARTMENTS	24
SECOND THRU SIXTH FLOORS	
(13/FL) 2 BR APARTMENTS	130
(1/FL) 1 BR APARTMENTS	5
TOTAL BEDS	*183*

GROSS SQUARE FOOTAGE

LEVEL P1	13,074 SF
LEVEL P2	15,442 SF
GROUND FLR	15,512 SF
1ST FLOOR	15,512 SF
2ND FLOOR	15,512 SF
3RD FLOOR	15,512 SF
4TH FLOOR	15,512 SF
5TH FLOOR	15,512 SF
6TH FLOOR	15,512 SF
TOTAL GROSS	*137,100 SF*

REVISIONS

GRANT AVENUE APARTMENTS

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FLOORS 2 THRU 6

A-1.2

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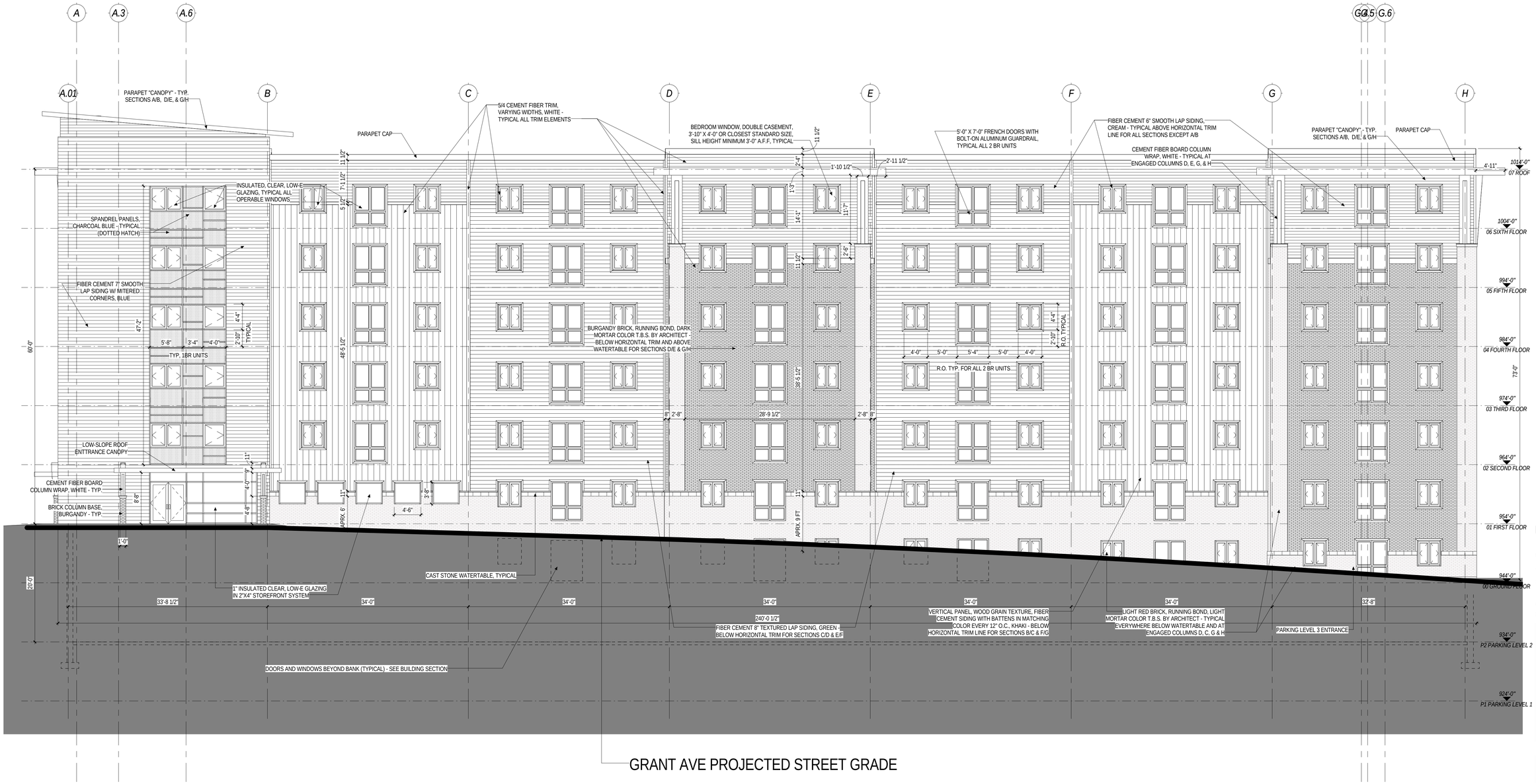

01 NORTH ELEVATION

SCALE: 1/8" = 1'-0"
SHEET: A-2.1 REF. SHEET: A-1.0

TOTAL GROUND FLOOR FRONT WALL SURFACE = 2320 SF
TOTAL GROUND FLOOR FENESTRATION = 598 SF

PERCENTAGE OF FENESTRATION FOR GROUND LEVEL FACADE = 26%

APT. DOOR FENESTRATION = 37.4 SF EA. X 5 = 187 SF
APT. WINDOW FENESTRATION = 17.4 SF EA. X 10 = 174 SF

STOREFRONT DOOR FENESTRATION = 42 SF
STOREFRONT WINDOW FENESTRATION = 115 SF

PUNCHED WINDOW FENESTRATION = 16.5 SF EA. X 5 = 82.5 SF

REVISIONS

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NORTH ELEVATIONS

A-2.1

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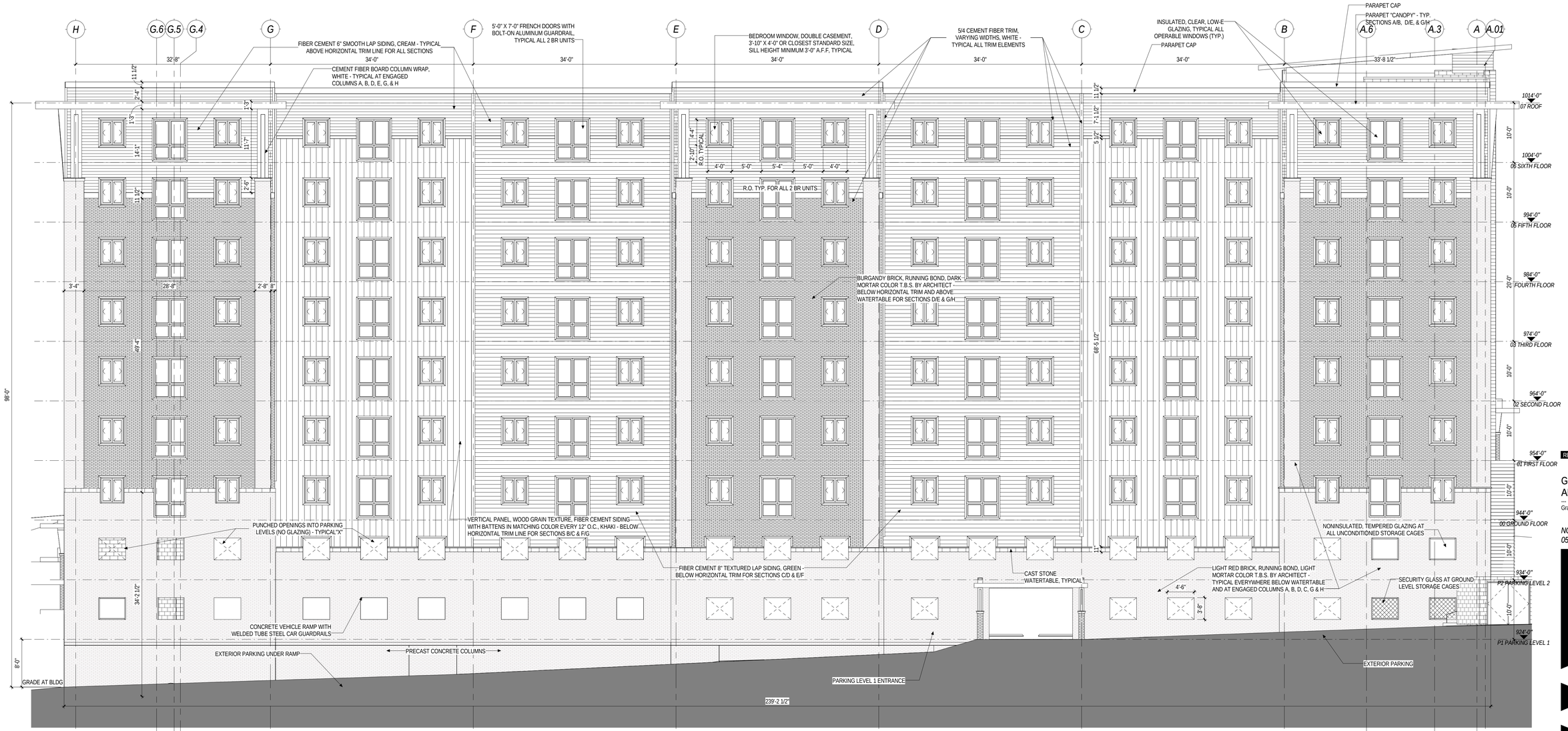

02 SOUTH ELEVATION

SCALE: 1/8" = 1'-0"
SHEET: A-2.2 REF. SHEET: A-1.0

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SOUTH ELEVATION

A-2.2

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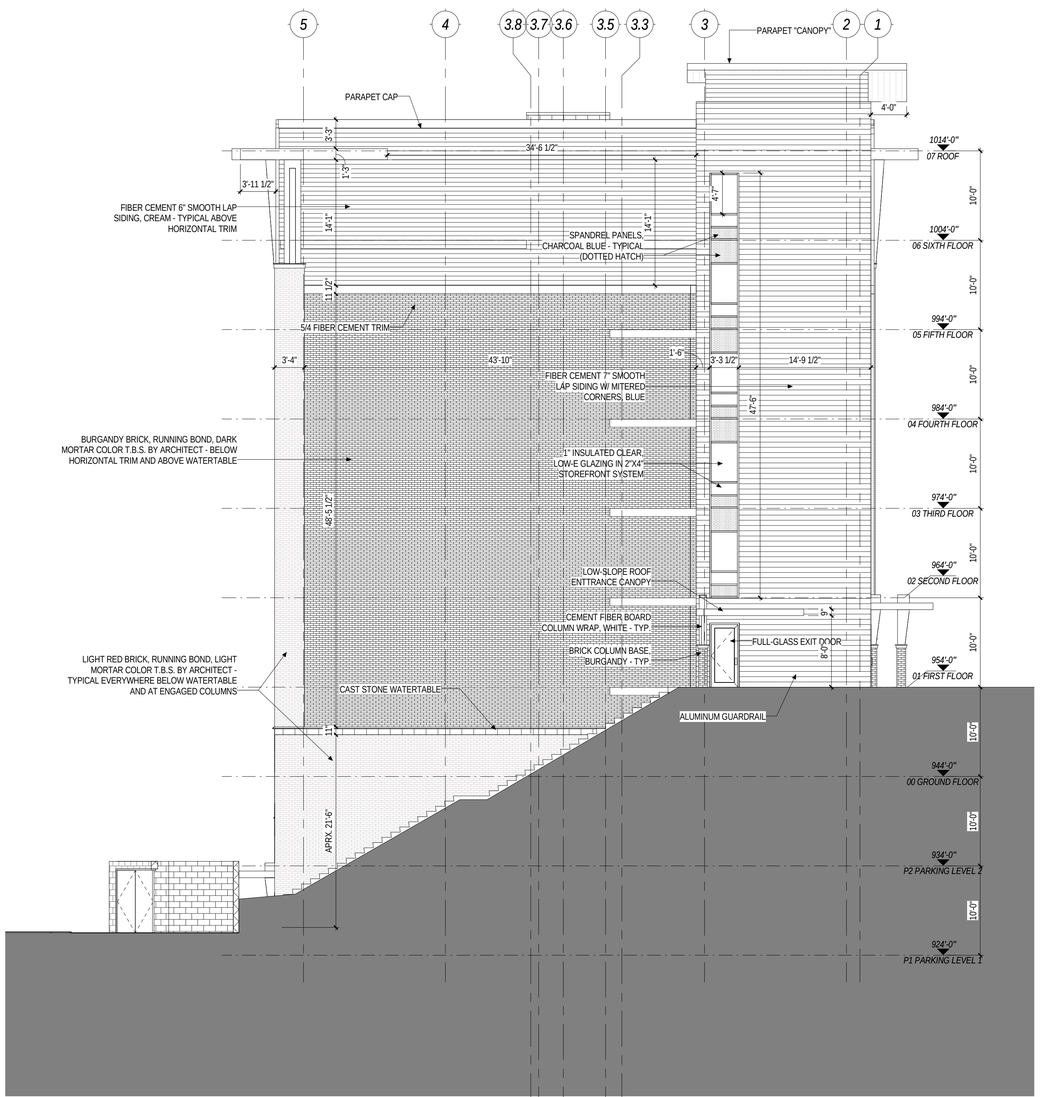
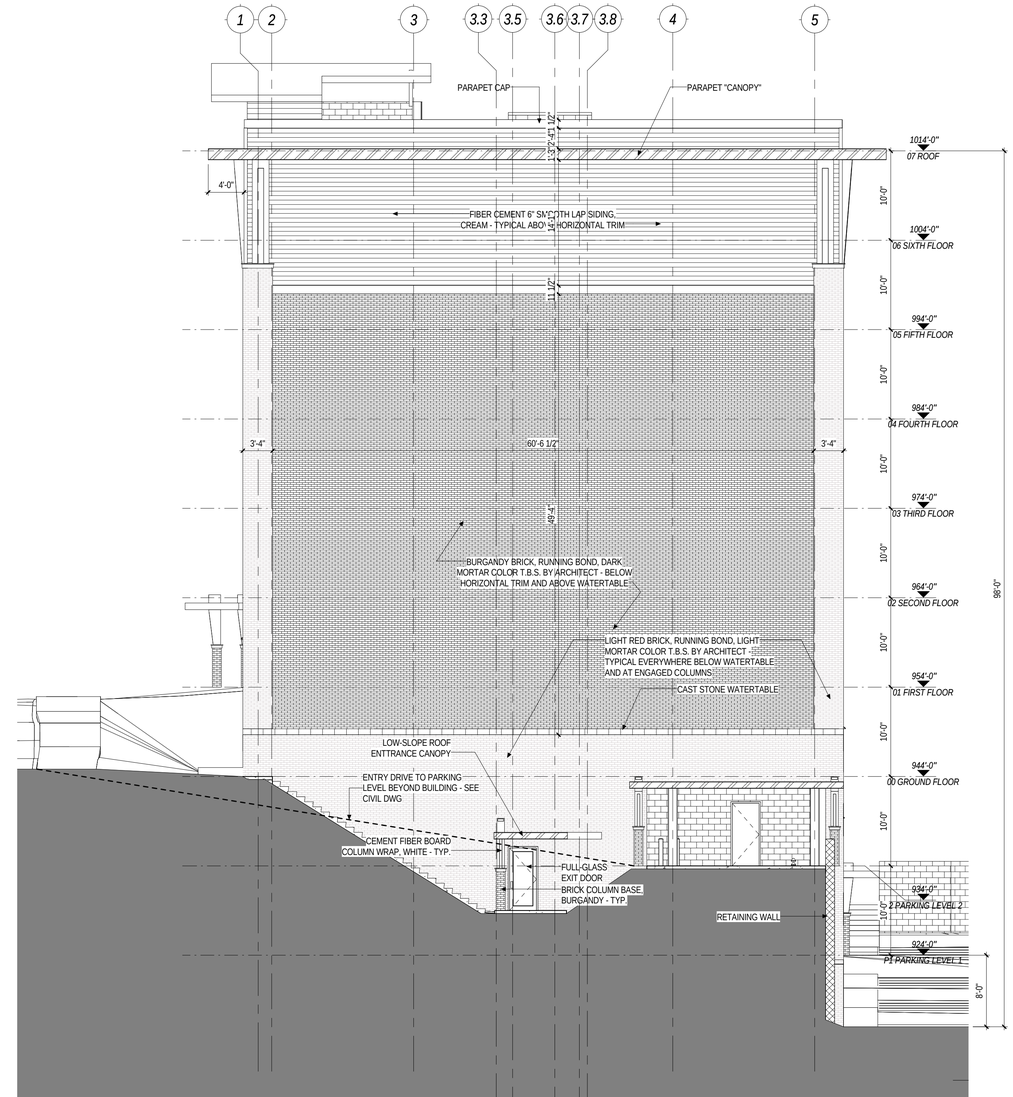


03 EAST ELEVATION

SCALE: 1/8" = 1'-0"
SHEET: A-2.3 REF. SHEET: A-1.1



04 WEST ELEVATION

SCALE: 1/8" = 1'-0"
SHEET: A-2.3 REF. SHEET: A-1.0

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EAST & WEST ELEVATIONS

A-2.3

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