



# MORGANTOWN PLANNING COMMISSION

November 8, 2012  
6:30 PM  
City Council Chambers

**President:**

Peter DeMasters, 6<sup>th</sup> Ward

**Vice-President:**

Carol Pyles, 7<sup>th</sup> Ward

**Planning Commissioners:**

Sam Loretta, 1<sup>st</sup> Ward

Tim Stranko, 2<sup>nd</sup> Ward

William Wyant, 3<sup>rd</sup> Ward

Bill Petros, 4<sup>th</sup> Ward

Mike Shuman, 5<sup>th</sup> Ward

Ken Martis, Admin.

Jennifer Selin, City Council

## **STAFF REPORT**

**CASE NO:** MNS12-20 / Dale / 46 Jackson Avenue

**REQUEST and LOCATION:**

Request by Christopher and Evelyn Dale for minor subdivision approval of property located at 46 Jackson Avenue

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

Tax Map 36, Parcels 578 and 579; R-1A, Single-Family Residential District

**SURROUNDING ZONING:**

R-1A, Single-Family Residential District

**BACKGROUND and ANALYSIS:**

The petitioner, and owner of the subject realty, seeks to subdivide a portion of Parcel 579 and add same to Parcel 578. Parcel 578 contains a single-family dwelling while Parcel 579 is currently undeveloped. The proposed parcel boundary adjustment is to ensure that the existing retaining wall and integrated steps are a part of Parcel 578 in the event Parcel 579 is sold or conveyed to a separate owner. Addendum A of this report illustrates the location of the subject realty.

The current area of Parcel 578 is approximately 6,374 square feet. The current area of Parcel 579 is approximately 6,375 square feet. The petitioner seeks to add approximately 1,700 square feet to Parcel 578 from Parcel 579.

The resulting areas for each of the proposed parcels is approximately 8,074 square feet for Parcel 578 and 4,675 square feet for Parcel 579, which exceeds the related minimum lot size standard of 3,500 square feet in the R-1A District as provided in Article 1335.03(A).

**STAFF RECOMMENDATION:**

Staff recommends approval with the following conditions:

1. That the petitioner submit three (3) original final plat documents, including all access/utility easements if applicable, signed and sealed by a surveyor licensed in the State of West Virginia for the Planning Commission President's signature; and,
2. That the final plat is filed at the Monongalia County Courthouse within thirty (30) days of meeting the condition set forth above.

Enclosure: Application and accompanying exhibits

**Development Services**

Christopher Fletcher, AICP  
Director

**Planning Division**

389 Spruce Street  
Morgantown, WV 26505  
304.284.7431





City of Morgantown, West Virginia

APPLICATION FOR MINOR SUBDIVISION

OFFICE USE
CASE NO. MNS12-20
RECEIVED: 10/23/12
COMPLETE:

A Minor Subdivision of property includes the creation of up to three (3) parcels or the combination of existing parcels, but does not involve the extension of off-site facilities (streets, etc.) or the dedication of a portion of the site for public use.

(PLEASE TYPE OR PRINT IN BLACK INK)

I. APPLICANT
Name: Christopher and Evelyn Dale
Phone: 304.296.8287
Mailing Address: 46 Jackson Ave.
Morgantown, WV 26501
Email: itisevie@aol.com
II. AGENT / CONTACT INFORMATION
Name:
Phone:
Mailing Address:
City State Zip
Mailings - Send all correspondence to (check one): [X] Applicant OR [ ] Agent/Contact
III. PROPERTY
Owner: Christopher and Evelyn Dale
Phone: 304.296.8287
Mailing Address: 46 Jackson Ave.
Morgantown, WV 26501
Email: itisevie@aol.com
IV. SITE
Street Address (if assigned): 46 Jackson Ave.
Tax Map #(s): morgantown # 36
Zoning: R-1A
Parcel #(s): 12 & 13
Square Footage of Parcel(s): 6275 ft.2 6275 ft.2
Subdivision Description: Lots 12 and 13 split 75 ft. from Lincoln to form a new lot leaving balance of double lots from Jackson to the line formed from Lincoln.
Are there any Variances from the Subdivision Regulations anticipated: [ ] Yes [X] No
If yes, to what extent is a variance necessary?
PAID 35.00
Finance Office
Morgantown, WV 26505
(304) 284-7408



APPLICATION FOR MINOR SUBDIVISION

OFFICE USE
CASE NO. MNS12-20
RECEIVED: 10/23/12
COMPLETE:

V. PLAT

Preliminary Plat submission - A Minor Subdivision Application must also include one (1) preliminary plat illustrating:

- (a) Existing and proposed property boundaries, property boundary dimensions, and square footage.
(b) A letter of service availability and approval from the Morgantown Utility Board.

Final Plat submission - Upon approval by the Planning Commission, three (3) sealed Final Plat surveys must be submitted to the Planning Office and meet the following standards:

- (a) Drawn to a scale of one inch (1") equals fifty feet (50') or larger;
(b) Date of preparation, north arrow, and scale;
(c) Legal description;
(d) Applicant/owner name and address;
(e) Existing zoning;
(f) Legend;
(g) Vicinity map;
(h) Existing and proposed utility lines and easements;
(i) Certification by a registered land surveyor, licensed in the State of West Virginia, that the dimension and bearings are accurately delineated with a seal and signature;
(j) Location, shape, exterior dimensions of each existing building on the site(s);
(k) Location and dimensions of paved surfaces including sidewalks and curb cuts, and of all abutting streets;
(l) Location of springs, streams, other water bodies, and areas subject to flooding;
(m) Floodplain designation making reference to pertinent FEMA Firm Community Panel Number;
(n) Approval signature block allowing space for President of Morgantown Planning Commission;
(o) Other items as deemed necessary by Planner Director or City Engineer.

Please note that all approved minor subdivision plats must be filed with the Monongalia County Tax Office within thirty (30) days of approval. Plats not filed within thirty (30) days will be considered invalid by the City of Morgantown and will require reapproval.

VIII. ATTEST

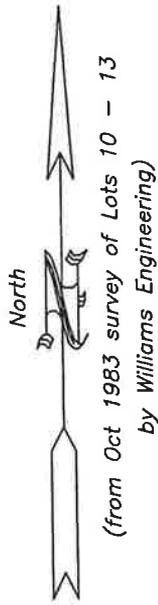
I hereby certify that I have read and examined this document and know the same to be true and correct. All provisions of laws and ordinance governing this type of work will be complied with whether specified herein or not. Granting of a permit does not presume to give authority to violate or cancel the provisions of any other federal, state, or local law regulating construction or the performance of construction.

Evelyn Dale
Signature of Applicant/Agent
Date 08/20/2012

Minor Subdivision Application Fee - \$35

**NOTES:**

- 1) Location of underground utilities only approximately shown.
- 2) Survey was conducted without benefit of lawyer's title report and may not reflect all exceptions, rights-of-way, easements or restrictions.
- 3) Parcel surveyed is zoned R-1A.



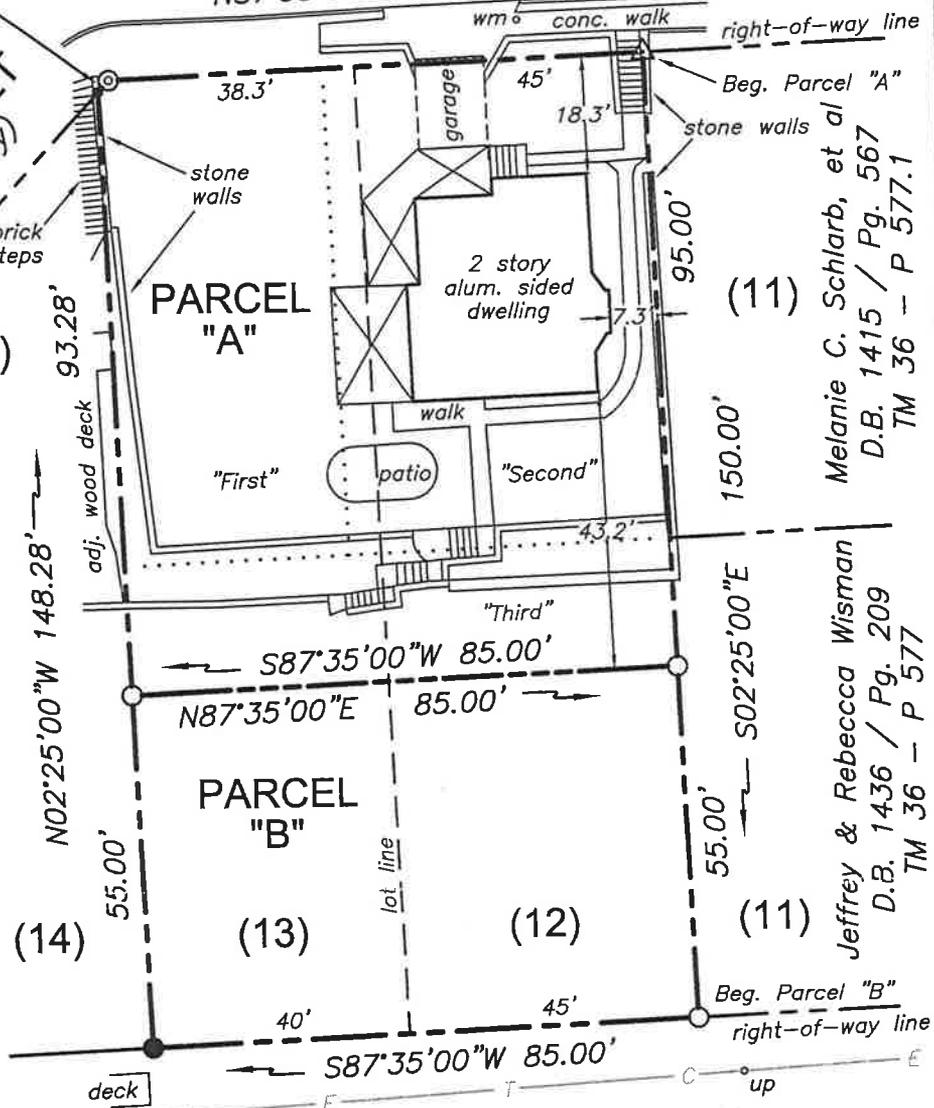
(from Oct 1983 survey of Lots 10 - 13 by Williams Engineering)

**JEFFERSON STREET**  
(40 foot right-of-way)  
N42°15'30"E 2.42'

**JACKSON AVENUE**  
(40 foot right-of-way) asphalt

N87°35'00"E 83.30'

Andrew White  
D.B. 1343 / Pg. 486  
TM 36 - P 580



Melanie C. Schlarb, et al  
D.B. 1415 / Pg. 567  
TM 36 - P 577.1

Jeffrey & Rebecca Wisman  
D.B. 1436 / Pg. 209  
TM 36 - P 577

**PARCEL "A"**  
8,074 sq. ft. (0.1853 acres)  
46 Jackson Avenue  
TM 36, p/o Parcels 578 & 579

**PARCEL "B"**  
4,675 sq. ft. (0.1073 acres)  
Lincoln Avenue  
TM 36, p/o Parcel 579

**LEGEND**

- ⊙ 1" iron pipe (found)
- nail (found) in wall
- △ nail (set) in wall
- 1/2" reinforcing rod (found)
- 5/8" reinforcing rod (set)
- property line
- - - new division line
- ..... deed parcel line

THIS SUBDIVISION HAS BEEN APPROVED BY THE MORGANTOWN PLANNING COMMISSION OR ASCERTAINED TO MEET THE MORGANTOWN SUBDIVISION REGULATIONS ON ..... AND IS READY FOR RECORDING BY THE MONONGALIA COUNTY CLERK OF THE COURT.

Authorized agent .....  
Title .....



**GREENLEAF SURVEYING COMPANY**

1215 GREENBAC ROAD  
MORGANTOWN, WEST VIRGINIA 26508  
304 / 291-1264

*Allan J. Witschi*

ALLAN J. WITSCHI, P.S. NO. 587

**LINCOLN AVENUE**  
(40 foot right-of-way) asphalt

**PLAT OF SURVEY OF MINOR SUBDIVISION FOR CHRISTOPHER G. DALE & EVELYN H. DALE**

Description: Subdivision of Lots No. 12 & 13 Block No. 21, South Park Addition  
Plat Ref.: South Park - D.B. 142 / Pg. 464  
Williams Eng. Oct 1983. (Lots 10 - 13)  
Greenleaf Surveying Nov. 1992. (Lot 14)  
Randall Myers - Feb. 2008 (Lots 11 & 12)  
Title: Christopher G. Dale & Evelyn H. Dale  
DB. 1250 , at Page 460  
Tax Map No. 36 , Parcel 578 & 579  
Corporation: Second Ward of Morgantown  
District: Morgan  
of Monongalia County, West Virginia.  
Address: 46 Jackson Avenue, Morgantown, WV  
Scale 1" = 30' Date: September 7, 2012