



# MORGANTOWN PLANNING COMMISSION

February 14, 2013  
6:30 PM  
City Council Chambers

## STAFF REPORT

**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

**CASE NO:** MNS13-03 / G & G Rentals, LLC / 359 Kingwood Street

**REQUEST and LOCATION:**

Request by Robert Jay Guminey, on behalf of G & G Rentals, LLC, for minor subdivision approval of property located at 359 Kingwood Street.

**TAX MAP and ZONING DESCRIPTION:**

Tax Map 36, Parcel 172; R-1A, Single-Family Residential District

**SURROUNDING ZONING:**

R-1A, Single-Family Residential District

**BACKGROUND and ANALYSIS:**

The petitioner seeks to subdivide the existing parcel into two equal parcels thereby creating an additional lot at 359 Kingwood Street. Addendum A of this report illustrates the location of the subject site.

The area of the existing parcel is approximately 8,610 square feet. The area for each of the proposed parcels will be approximately 4,305 square feet, which exceeds the minimum lot area standard of 3,500 square feet in the R-1A District. The lot frontage of the proposed new parcel along Winsley Street will be 63 feet, which exceeds the minimum frontage standard of 30 feet in the R-1A District.

The proposed subdivision line will create a rear setback encroachment for the structure at 359 Kingwood Street. A subdivision line established 20 feet from the rear of the 359 Kingwood Street structure, which would comply with the minimum rear setback standard in the R-1A District, would result in the proposed new parcel having a width of approximately 40 to 45 feet but an area of approximately 2,700 to 3,000 square feet.

The map to the right illustrates a subdivision and development pattern within the subject property's block that appears to be similar to the petitioner's proposed subdivision.



**Development Services**

Christopher Fletcher, AICP  
Director

**Planning Division**

389 Spruce Street  
Morgantown, WV 26505  
304.284.7431



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**STAFF RECOMMENDATION:**

Staff recommends approval with the following conditions:

1. That the detached garage must be razed and removed prior to recording the final subdivision plat; thereby mitigating the existing accessory structure from becoming a nonconforming structure as a result of its separation from the parcel on which its principal structure is situated.
2. 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,
3. That the final plat is filed at the Monongalia County Courthouse within thirty (30) days of meeting the conditions set forth above.

Enclosure: Application and accompanying exhibits

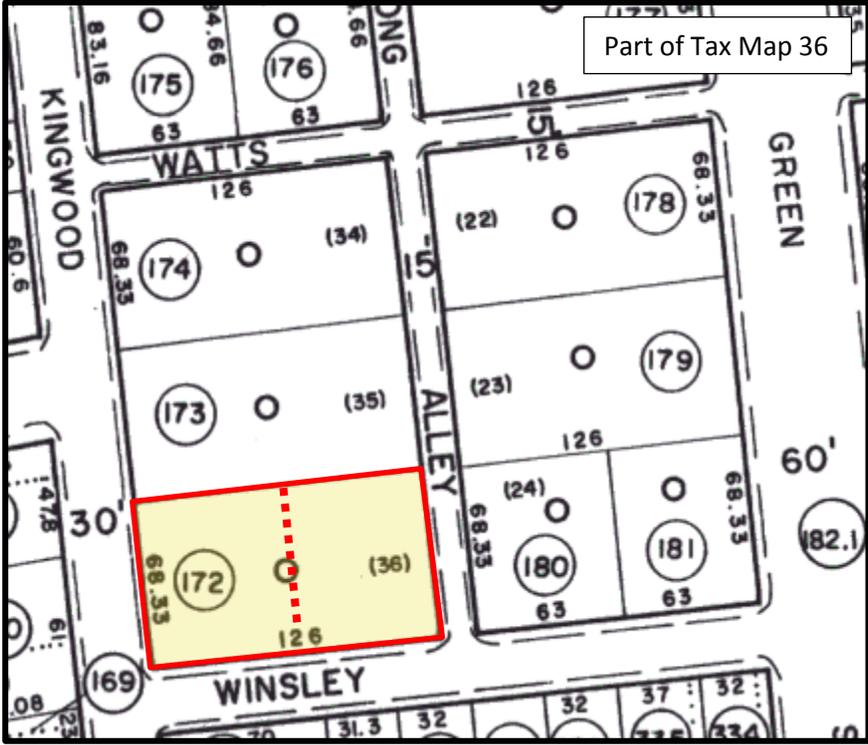
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**STAFF REPORT ADDENDUM A**  
**MNS13-03 / G & G Rentals / 359 Kingwood Street**





City of Morgantown, West Virginia

APPLICATION FOR MINOR SUBDIVISION

OFFICE USE	
CASE NO.	MNS13-03
RECEIVED:	1/8/13
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)

<b>I. APPLICANT</b>				
Name:	J & J Rentals		Phone:	304-296-1053
Mailing Address:	108 Maple Grove Ave		Mobile:	304-288-9978
	Street	Westover WV 26501	Email:	jay@mywvhome.com
	City	State	Zip	
<b>II. AGENT / CONTACT INFORMATION</b>				
Name:	SAME AS ABOVE		Phone:	
Mailing Address:			Mobile:	
	Street		Email:	
	City	State	Zip	
Mailings -	Send all correspondence to (check one): <input type="checkbox"/> Applicant OR <input type="checkbox"/> Agent/Contact			
<b>III. PROPERTY</b>				
Owner:	SAME AS ABOVE		Phone:	
Mailing Address:			Mobile:	
	Street		Email:	
	City	State	Zip	
<b>IV. SITE</b>				
Street Address (if assigned):	359 Kingwood St.	Tax Map #(s):	30 (2nd ward)	
Zoning:	R-1A	Parcel #(s):	172	
Square Footage of Parcel(s):	4315 ft. <sup>2</sup>		ft. <sup>2</sup>	
Subdivision Description:	Divide existing lot in half to conform w/ surrounding lots			
Are there any Variances from the Subdivision Regulations anticipated:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
If yes, to what extent is a variance necessary?	Rear setback of existing house 35.00			

Finance Office  
Morgantown, WV 26505  
(304) 284-7488



City of Morgantown, West Virginia

APPLICATION FOR MINOR SUBDIVISION

OFFICE USE
CASE NO. MNS13-03
RECEIVED: 1/8/13
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.

Robert Jay Guminey

Type/Print Name of Applicant/Agent

[Handwritten Signature]

Signature of Applicant/Agent

1/7/13

Date

Minor Subdivision Application Fee - \$35



PROPERTY LIMITS

359 KINGWOOD ST

EXISTING

OWNER: GIMNEY DRAWN BY : CH

DATE: 12/13/12

SCALE: 1/16" = 1'

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MNS13-03