



MORGANTOWN PLANNING COMMISSION

February 14, 2013
6:30 PM
City Council Chambers

STAFF REPORT

President:

Peter DeMasters, 6th Ward

Vice-President:

Carol Pyles, 7th Ward

Planning Commissioners:

Sam Loretta, 1st Ward

Tim Stranko, 2nd Ward

William Wyant, 3rd Ward

Bill Petros, 4th Ward

Mike Shuman, 5th Ward

Ken Martis, Admin.

Jennifer Selin, City Council

CASE NO: MNS13-04 / G & G Rentals, LLC / 1424 Mayfield Street

REQUEST and LOCATION:

Request by Robert Jay Guminey, on behalf of G & G Rentals, LLC, for minor subdivision approval of property located at 1424 Mayfield Street.

TAX MAP NUMBER (s) and ZONING DESCRIPTION:

Tax Map 31, Parcel 89; R-1A, Single-Family Residential District

SURROUNDING ZONING:

R-1A, Single-Family Residential District

BACKGROUND and ANALYSIS:

The petitioner seeks to subdivide Parcel 89 into four (4) parcels thereby creating three (3) additional lots at 1424 Mayfield Street. Addendum A of this report illustrates the location of the subject site.

The area of Parcel 89 is approximately 15,625 square feet. The following table illustrates the petitioner's proposed subdivision.

Proposed Parcel	Frontage Street	Frontage Width (approx.)	Depth (approx.)	Area (approx.)
1	Mayfield Avenue	45 ft.	75 ft.	3,375 sq. ft.
2	Fairview Avenue	45 ft.	70 ft.	3,150 sq. ft.
3	Fairview Avenue	45 ft.	70 ft.	3,150 sq. ft.
Parent Parcel	1424 Mayfield Avenue	85 ft.	70 ft.	5,950 sq. ft.
Total Area				15,625 sq. ft.

The minimum lot area standard in the R-1A District is 3,500 square feet and the minimum lot frontage standard is 30 feet. The areas of the three proposed new parcels are less than the minimum lot area standard. Additionally, the proposed subdivision will result in a rear setback of 12 feet for the structure at 1424 Mayfield Street, which is less than the minimum rear setback standard of 20 feet in the R-1A District.

The following maps illustrate the existing subdivision and development patterns within the immediate area of the subject parcel. There are a number of parcels within the immediate area that do not appear to comply with the R-1A District minimum lot size standard including Parcels 90, 91, 92.1, 95.1, and 96, which are located within the same block as the petitioner's subject parcel. In the block to the north, nonconforming parcels appear to include Parcels 68, 69, 74, and 75. In the block to the east, nonconforming parcels appear to include Parcels 86, 87, and 88.1.

Development Services

Christopher Fletcher, AICP
Director

Planning Division

389 Spruce Street
Morgantown, WV 26505
304.284.7431



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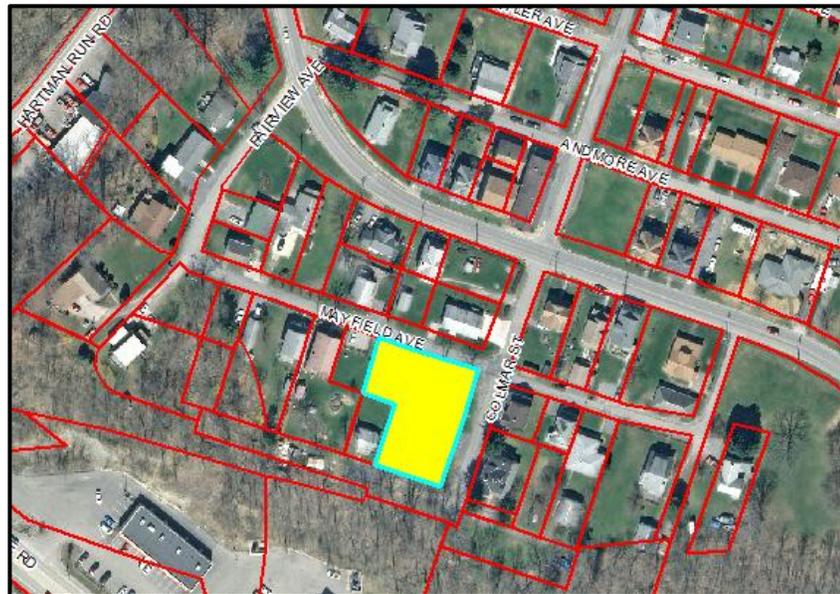
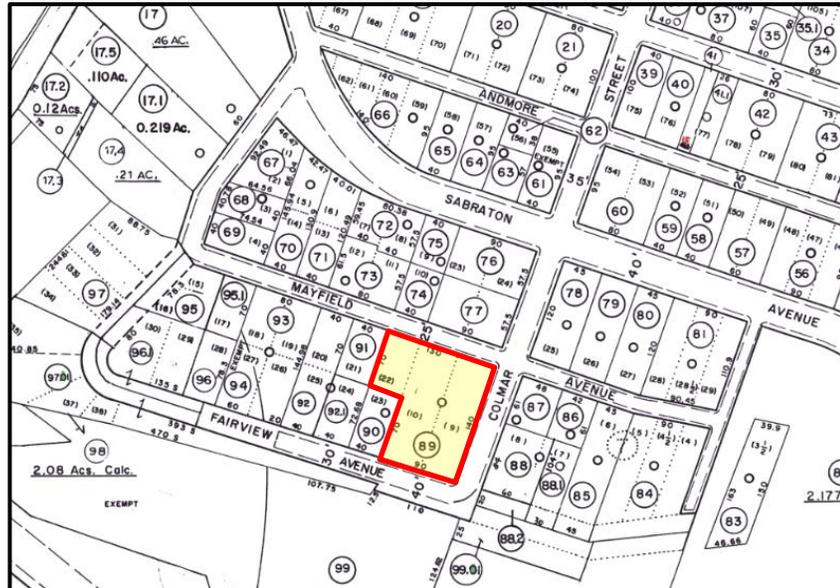
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Article 1315.07 "Variances and Modifications" provides the following guidance when considering subdivision petitions that do not meet the minimum design standards set forth in the Planning and Zoning Code.

Where the subdivider can show that a provision of these Subdivision Regulations would cause unnecessary hardship if strictly adhered to and where, in the opinion of the Planning Commission, because of topographical or other conditions peculiar to the site, a departure may be made without destroying the intent of such provision, the Commission may authorize a variance. In granting variances and modifications the Commission may require such conditions as will, in its judgment, secure substantially the objective of the standards or requirements so varied or modified. Any variance or modification thus authorized is required to be entered in writing in the minutes of the Commission and the reasoning on which the departure was justified shall be set forth.

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Article 1321.06 "Lots" provides the following related guidance.

- (a) The lot arrangement and design shall be such that all sublots will provide satisfactory and desirable building sites, properly related to topography and the character of surrounding development.
- (c) No lot shall have less area or width at the building line than is required by the zoning regulations applying to the area in which it is located.

STAFF RECOMMENDATION:

Article 1315.07 "Variances and Modifications" specifies that the Planning Commission must state the reasoning for which a variance or departure is justified. Staff recommends that a motion to approve the subdivision as requested include a statement justifying the departure. The following statement is offered by Staff for deliberation.

"The Planning Commission finds that the petitioner's proposed lot arrangement and design: 1.) Appear to be consistent with the character and historical development patterns peculiar to the immediate area; and, 2.) Should provide satisfactory and desirable building sites and reasonable development of the land while preserving the intent of the Planning and Zoning Code to be observed and substantial justice done."

Staff recommends that the following conditions be included in the Planning Commission's approval:

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

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STAFF REPORT ADDENDUM A
MNS13-04 / G & G Rentals, LLC / 1424 Mayfield Street





City of Morgantown, West Virginia

**APPLICATION FOR
MINOR SUBDIVISION**

OFFICE USE	
CASE NO.	MMS13-04
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)

I. APPLICANT				
Name:	J&J Rentals		Phone:	304-296-1053
Mailing Address:	108 Maple Grove Ave		Mobile:	304-288-9978
	Street	Westover WV	City	26501
	State		Zip	
			Email:	jay@mywvhome.com
II. AGENT / CONTACT INFORMATION				
Name:	Same as ABOVE		Phone:	
Mailing Address:			Mobile:	
	Street		City	
	State		Zip	
Mailings –	Send all correspondence to (check one):			<input type="checkbox"/> Applicant OR <input type="checkbox"/> Agent/Contact
III. PROPERTY				
Owner:	SAME AS ABOVE		Phone:	
Mailing Address:			Mobile:	
	Street		City	
	State		Zip	
			Email:	
IV. SITE				
Street Address (if assigned):	1424 Mayfield St.	Tax Map #(s):	31 (otherward)	
Zoning:	R-1A	Parcel #(s):	89	
Square Footage of Parcel(s):	3150 ft. ²	3150 ft. ²	3375 ft. ²	
Subdivision Description:	subdivide lots based on original plat of OAKmont Addition. Leave existing house on 85x70 lot			
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 minimum lot requirement			



City of Morgantown, West Virginia

APPLICATION FOR
MINOR SUBDIVISION

OFFICE USE	
CASE NO.	MNS13-04
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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

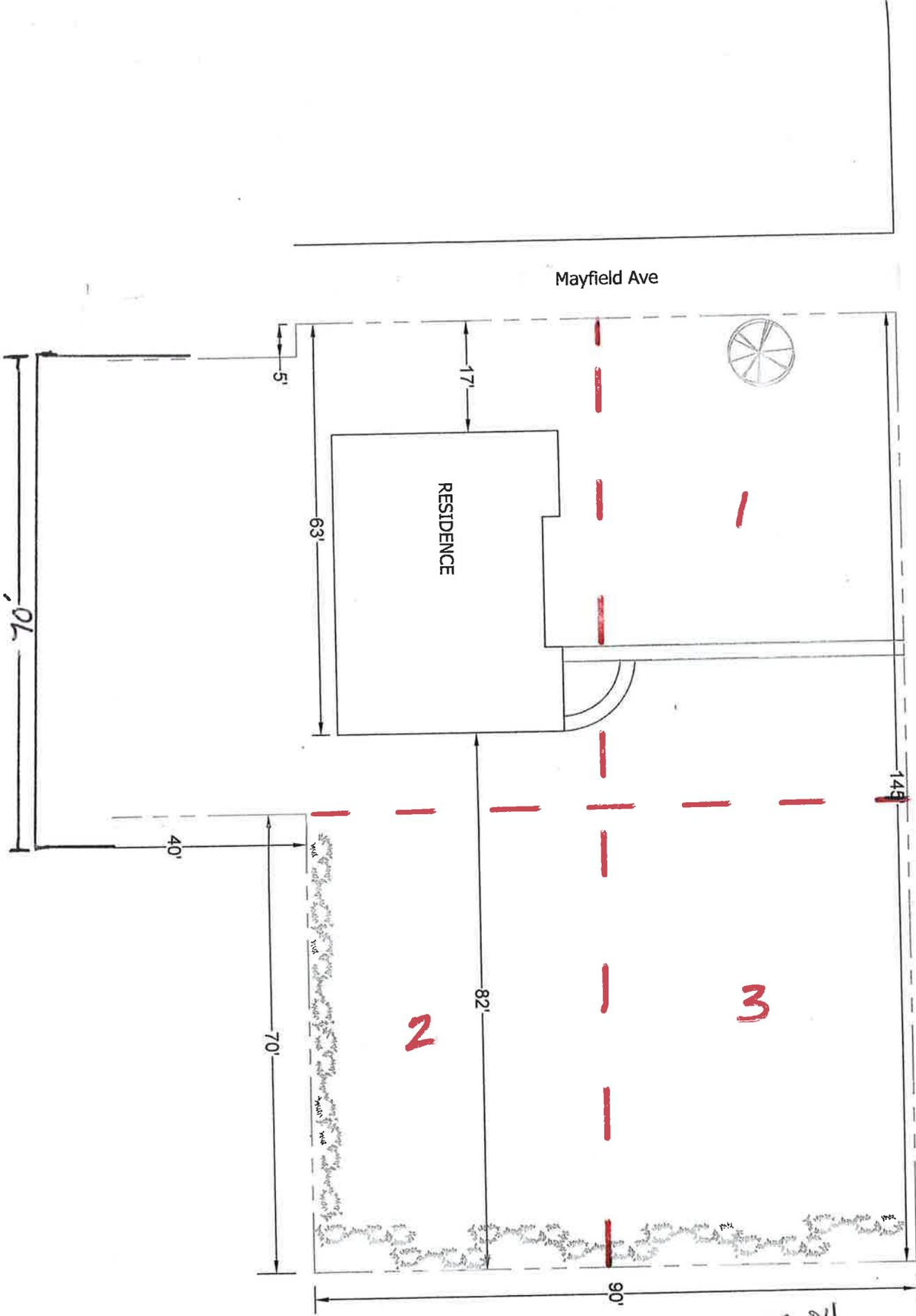
Robert Jay Guminey

Signature of Applicant/Agent

1/7/13

Date

- **Minor Subdivision Application Fee – \$35**



Mayfield Ave

Colmar

RESIDENCE

2

3

MRS 13-04
1/8/13

70'

5'

17'

63'

40'

70'

82'

90'

148'