



# MORGANTOWN PLANNING COMMISSION

July 11, 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.

Bill Kaweckı, City Council

**CASE NO:** MNS13-17 / Silver Oak Properties, LLC and Red Bud Run, LLC  
208 Eastland Avenue

**REQUEST and LOCATION:**

Request by Robert L. Shuman, for minor subdivision approval of property located at 208 Eastland Avenue.

**PARCEL(s) and ZONING DESCRIPTION:**

Tax Map 14, Parcels 396, 396.1, 396.2, 397, 397.1, and 398; R-1A, Single-Family Residential District

**SURROUNDING ZONING:**

R-1A, Single-Family Residential District

**BACKGROUND and ANALYSIS:**

The petitioners' agent Mr. Robert Shuman contacted Staff concerning the subject realty in early May 2013 regarding a discrepancy he found between deeds he was researching and recorded plats. Addendum A of this report illustrates the location of the subject site.

After reviewing the Planning Commission's related records and approvals, it appears that a minor subdivision was approved on 10-Nov-2000 for Case No. MNS00-08 reconfiguring the parcel boundaries of the subject realty. Since said approval and related recordation of the approved plat, parcel boundaries were reconfigured again by deed, which was not recognized by the County.

The petitioners now seek to rectify the oversight of previous property owners and the County by seeking approval to record a plat that reflects boundary configurations established by deeds. Addendum B of this report compares the plat approved by the Commission in 2000 with the petitioner's requested subdivision plat.

Each of the parcels exceeds the R-1A minimum lot area standard of 3,500 square feet and minimum lot frontage standard of 30 feet.

**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;
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**

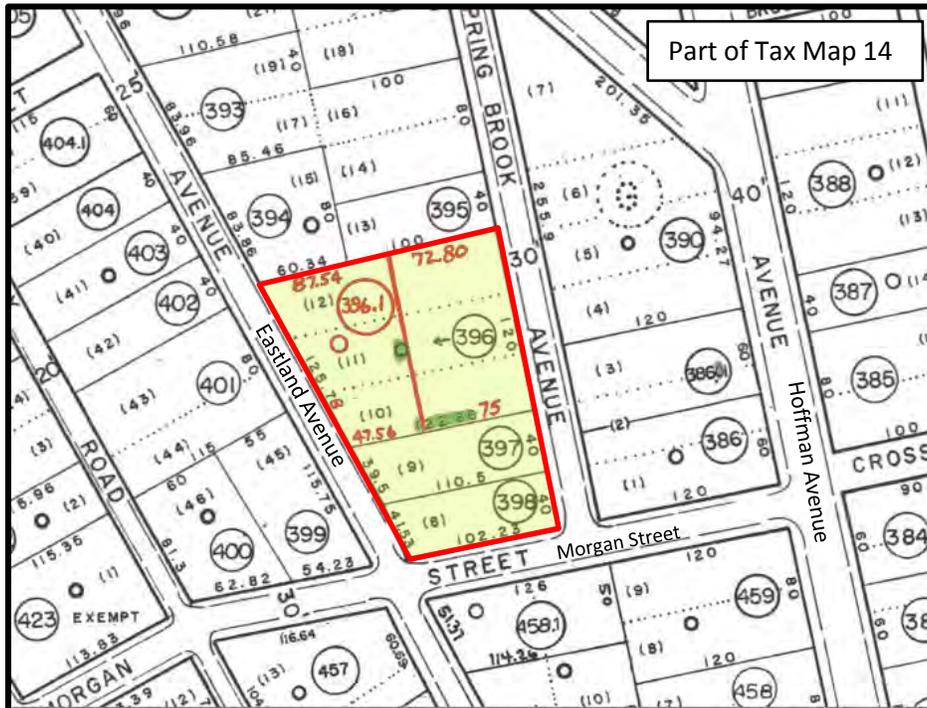
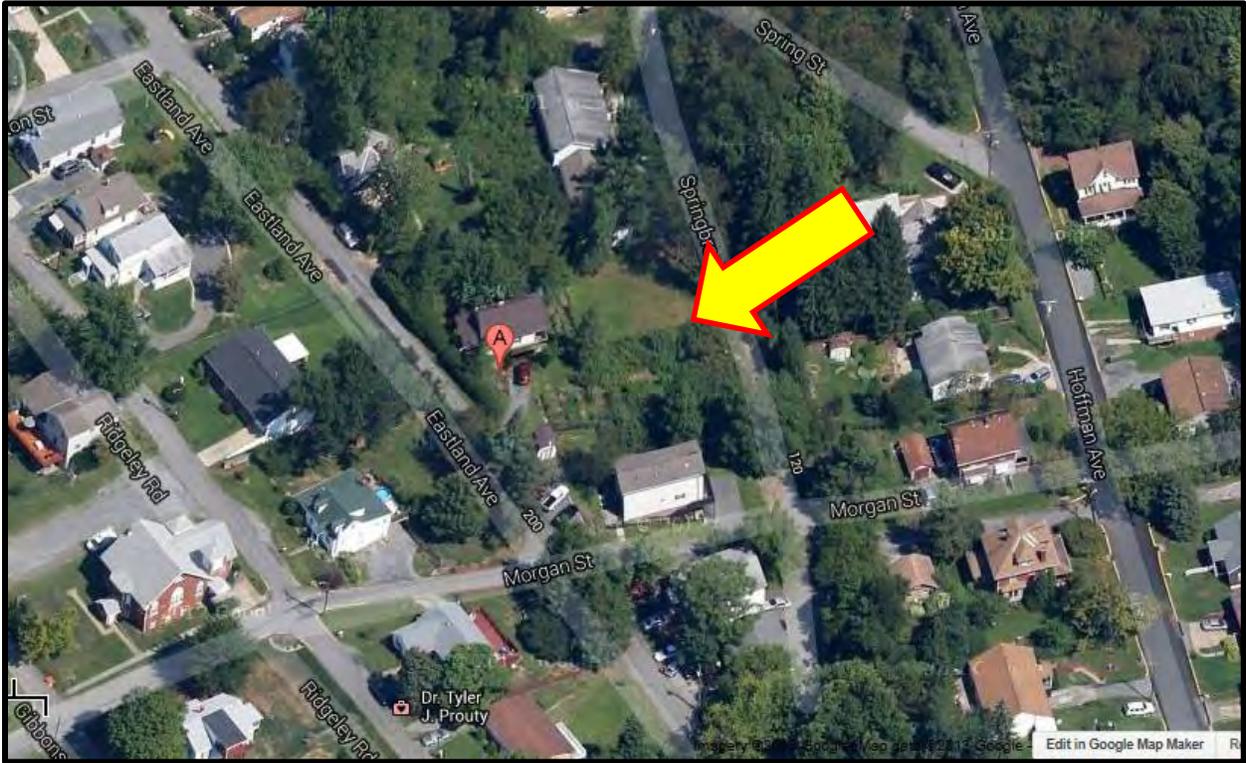
Christopher Fletcher, AICP  
Director

**Planning Division**

389 Spruce Street  
Morgantown, WV 26505  
304.284.7431

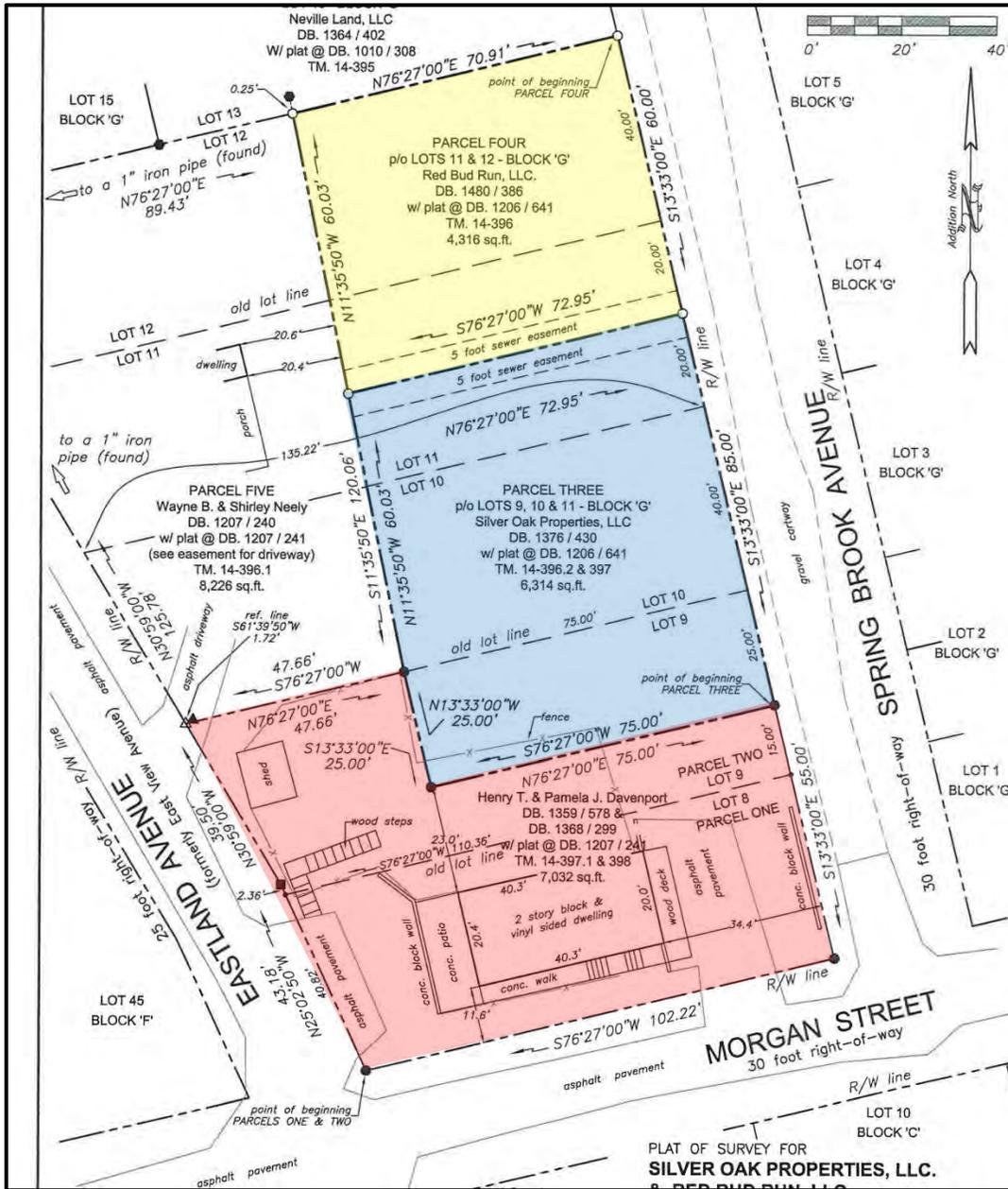
# STAFF REPORT ADDENDUM A

MNS13-17 / Silver Oak Properties, LLC and Red Bud Run, LLC / 208 Eastland Avenue





MNS13-17 – Proposed Plat (clipped from petitioner’s plat and highlighting added)





City of Morgantown, West Virginia

APPLICATION FOR MINOR SUBDIVISION

OFFICE USE
CASE NO. MNS 13-17
RECEIVED: 7/1/13
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 Bud Run LLC
Name: Silver Oak Properties, LLC & Red
Mailing Address:
II. AGENT / CONTACT INFORMATION
Name: Robert L. Shuman
Mailing Address: P.O. Box 842, 260 High Street, Morgantown WV 26507-0842
Mailings - Send all correspondence to (check one): [ ] Applicant OR [X] Agent/Contact
III. PROPERTY
Owner:
Mailing Address: 208 Eastland Avenue
IV. SITE
Street Address (if assigned): 200 Eastland Ave Tax Map #(s): 14
Zoning: Parcel #(s): 396, 396.1, 396.2, 397, 397.1, 397.2
Square Footage of Parcel(s):
Subdivision Description: Lots 8 through 12 Block G of Highland Park Addition 4th WARD, MORGAN District
Are there any Variances from the Subdivision Regulations anticipated: [ ] Yes [ ] No
If yes, to what extent is a variance necessary?



APPLICATION FOR MINOR SUBDIVISION

OFFICE USE
CASE NO. MNS13-17
RECEIVED:
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 L. Shuman by LAB

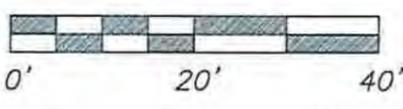
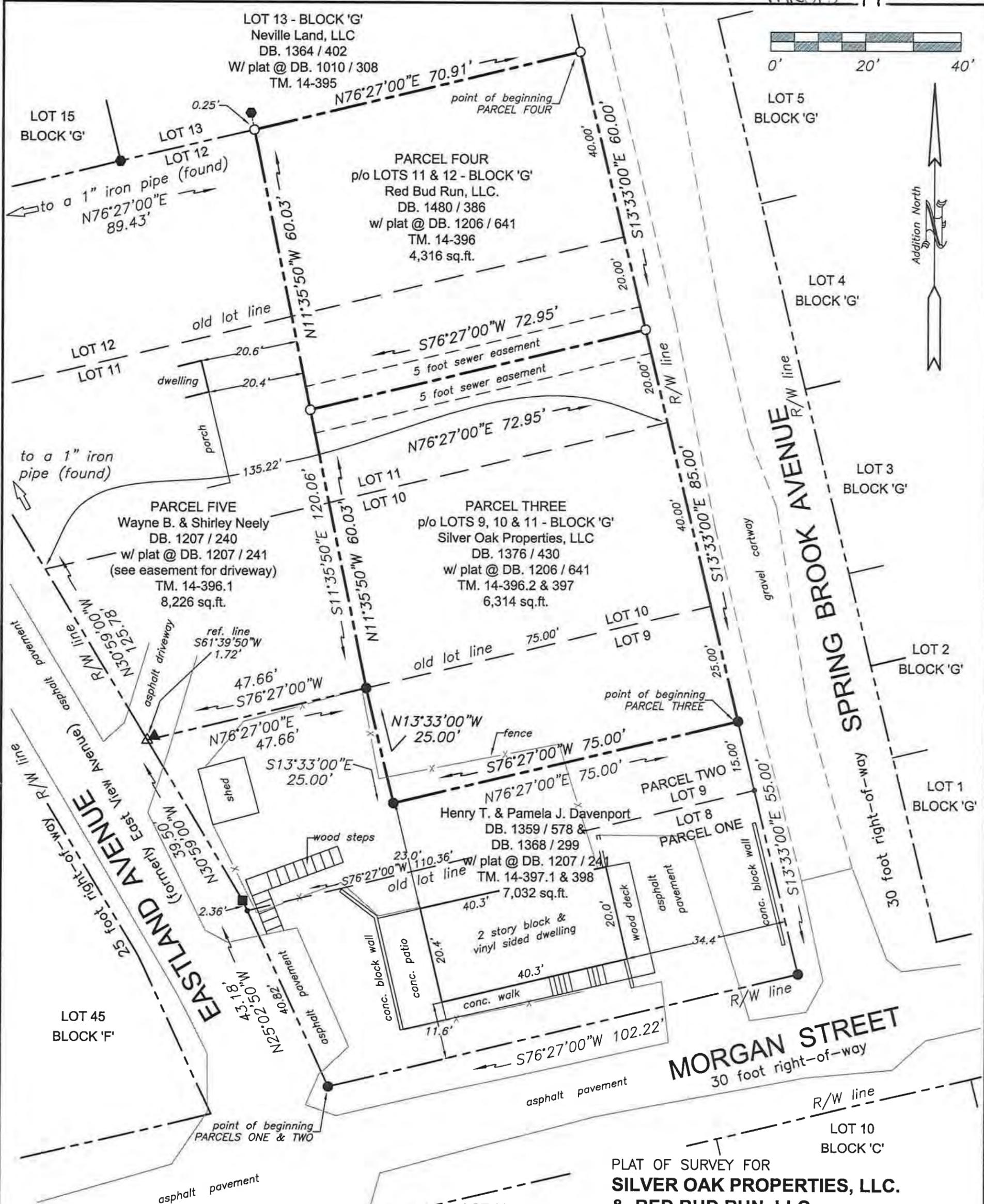
7-1-13

Type/Print Name of Applicant/Agent

Signature of Applicant/Agent

Date

- Minor Subdivision Application Fee - \$35



**NOTES:**  
 1) Location of underground utilities not 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) All parcels are zoned R-1A.  
 4) Reference Plats: Joe D. Grubbs, LLS Plat D.B. 1206 at Pg. 641 - dated 11-25-2000 D.B. 1207 at Pg. 241 - dated 11-25-2000

- LEGEND**
- 1/2" reinforcing rod (found)
  - 4" dia. concrete monument (found)
  - point (no monument)
  - ▲ track spike (set)
  - ▲ track spike (found)
  - 5/8" reinforcing rod (found)
  - 5/8" reinforcing rod (set)

THIS SUBDIVISION HAS BEEN APPROVED BY THE MORGANTOWN PLANNING COMMISSION OR ASCERTAINED TO MEET THE MORGANTOWN SUBDIVISION REGULATIONS ON . . . . . 20 . . . . . AND IS READY FOR RECORDING BY THE MONONGALIA COUNTY CLERK OF THE COURT.

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

**PLAT OF SURVEY FOR SILVER OAK PROPERTIES, LLC. & RED BUD RUN, LLC.**

Description: Re-subdivision of Lots No. 8 through 12 of Block "G" of the Highland Park Addition Addition Ref.: D.B. 181, at Page 78 1/2

**PARCEL FOUR**  
 Title: Silver Oak Properties, LLC  
 D.B.1376, at Page 430  
 Tax Map No. 14, Parcels 396.2 & 397  
 Area: 6,314 sq.ft., or 0.145 acres

**PARCEL FIVE**  
 Title: Red Bud Run, LLC  
 D.B.1480, at Page 386  
 Tax Map No. 14, Parcel 396  
 Area: 4,316 sq.ft., or 0.099 acres

Fourth Ward of Morgantown Corporation  
 Morgan District, Monongalia County, West Virginia.  
 Address: Spring Brook Avenue, Morgantown, WV.  
 Scale 1" = 20' Date: June 21, 2013



**GREENLEAF SURVEYING COMPANY**  
 1215 GREENBAG ROAD  
 MORGANTOWN, WEST VIRGINIA 26508  
 304 / 291-1264

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

file number 046-13