



MORGANTOWN PLANNING COMMISSION

December 12, 2013
6:30 PM
City Council Chambers

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

STAFF REPORT

CASE NO: MNS13-24 / Clark / 1173 Lions Avenue

REQUEST and LOCATION:

Request by Billy Atkins, on behalf of Wava Clark, for minor subdivision approval of property located at 1173 Lions Avenue.

PARCEL(s) and ZONING DESCRIPTION:

Tax Map 7, Parcel 78; R-1, Single-Family Residential District

SURROUNDING ZONING:

R-1, Single-Family Residential District

BACKGROUND and ANALYSIS:

Mr. Atkins, representing Ms. Wava Clark, seeks to adjust the rear boundary line separating Parcels 78 and 80 of Tax Map 7 to complete a deed and boundary line agreement between the owners of the subject tracts of land. Addendum A of this report illustrates the location of the subject site.

Staff understands that a property boundary dispute relating to location and/or adverse possession has delayed the transfer in ownership of Parcel 78. Specifically, Candice Ogle, owner of Parcel 80 is purported to claim that approximately 138.97 square feet of Parcel 78, which is owned by Ms. Clark, should be a part of Parcel 80.

The parties have agreed to subdivide the approximately 138.97 square feet from Parcel 78 and add same to Parcel 80 thereby resolving the dispute.

The proposed subdivision does not appear to conflict with or create nonconformity relative to minimum lot area, minimum lot width, maximum lot coverage, or minimum setback standards for the R-1 District.

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

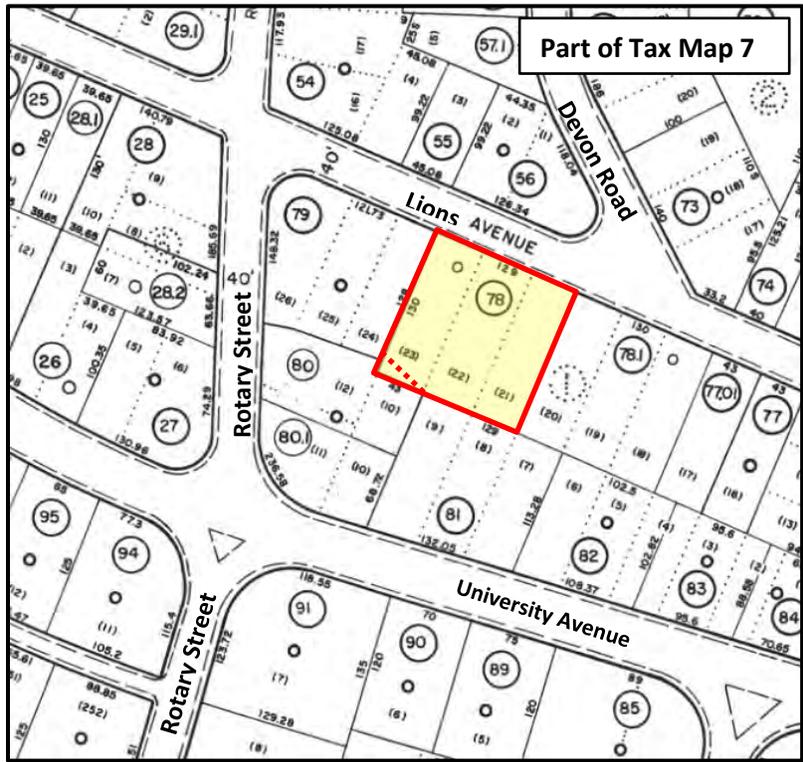
Development Services

Christopher Fletcher, AICP
Director

Planning Division

389 Spruce Street
Morgantown, WV 26505
304.284.7431

STAFF REPORT ADDENDUM A
MNS13-24 / Clark / 1173 Lions Avenue





City of Morgantown, West Virginia

APPLICATION FOR MINOR SUBDIVISION

OFFICE USE	
CASE NO.:	MNS13-24
RECEIVED:	11/26/13
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:	Billy Atkins	Phone:	304-285-2517
Mailing Address:	7000 Hampton Center	Mobile:	304-685-5215
	Street Morgantown, WV 26505	Email:	batkins@bowlesrice.com
	City State Zip		
II. AGENT / CONTACT INFORMATION			
Name:	Billy Atkins	Phone:	304-285-2517
Mailing Address:	7000 Hampton Center	Mobile:	304-685-5215
	Street Morgantown, WV 26505	Email:	batkins@bowlesrice.com
	City State Zip		
Mailings –	Send all correspondence to (check one): <input type="checkbox"/> Applicant OR <input checked="" type="checkbox"/> Agent/Contact		
III. PROPERTY			
Owner:	Wava R. Clark	Phone:	
Mailing Address:		Mobile:	
	Street	Email:	
	City State Zip		
IV. SITE			
Street Address (if assigned):	1173 Lions Avenue	Tax Map #(s):	7
Zoning:	R1	Parcel #(s):	78
Square Footage of Parcel(s):	138.97 ft. ²		ft. ²
Subdivision Description:	See Attached survey plat.		
Are there any Variances from the Subdivision Regulations anticipated: <input type="checkbox"/> Yes <input type="checkbox"/> No			
If yes, to what extent is a variance necessary?		Finance Dept 1000 334-7400	



APPLICATION FOR MINOR SUBDIVISION

OFFICE USE
CASE NO. mns13-24
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.

Billy Atkins
Type/Print Name of Applicant/Agent
Signature of Applicant/Agent
Date 11-26-13

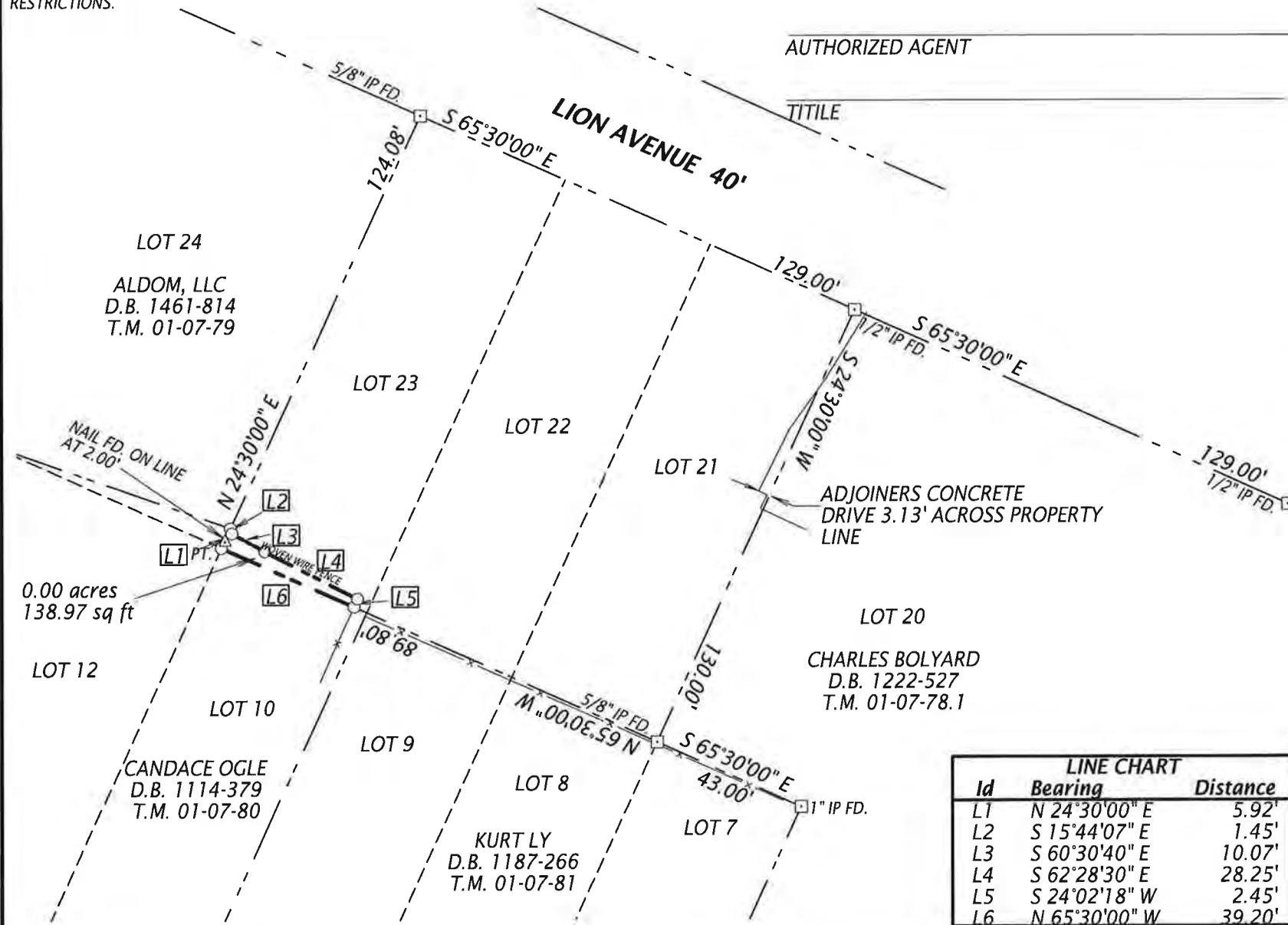
Minor Subdivision Application Fee - \$35

NOTE: THIS SURVEY NOT VALID WITHOUT ORIGINAL BLUE SIGNATURE.
 THIS SURVEY DECLARATION IS MADE ON THE DATE INDICATED, TO
 THE OWNER OR BUYER LISTED BELOW. IT IS NOT TRANSFERABLE TO
 ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS OR BUYERS.

NOTE: SURVEY WAS CONDUCTED WITHOUT THE BENEFIT OF
 LAWYER'S TITLE REPORT AND MAY NOT REFLECT ALL
 EXCEPTIONS, RIGHTS OF WAY, EASEMENTS OR
 RESTRICTIONS.

THIS SUBDIVISION HAS BEEN APPROVED BY THE
 MORGANTOWN PLANNING COMMISSION OR ASCERTAINED
 TO MEET THE MORGANTOWN SUBDIVISION REGULATIONS
 ON _____, 2013 AND IS
 READY FOR RECORDING BY THE MONONGALIA
 COUNTY CLERK OF THE COURT

NOTE: ALL CORNERS AS NOTED ON PLAT
 THIS PROPERTY IS NOT LOCATED IN A FLOOD ZONE.
 COMMUNITY PANEL NO. 540141 0001D ZONE X
 DEED REF. 643-190
 PLAT REF. MAC CABINET 1, FILE # 44B
 TAX MAP 01-07-78



AUTHORIZED AGENT

TITLE

PLAT OF PROPOSED CONVEYANCE
 PART LOT 23, BLOCK 1
 REVISED PLAT OF SUNCREST
 SURVEYED FOR

CANDACE OGLE

7TH WARD CITY OF MORGANTOWN
 MONONGALIA CO. WEST VIRGINIA
 SCALE 1"=40' NOVEMBER 2013



ADDITION NORTH



Paul D. Harbert PS NO. 862
 PAUL D. HARBERT, PS
 MCCOY LAND SURVEYING
 MONONGAH, WV (304) 534-5562

McCoy Land Surveying

Harbert, Inc.
Paul D. Harbert PS
P. O. Box 9133
Monongah, WV 26555-9133
Phone: (304) 534-5562
Fax (304) 534-5568

LEGAL DESCRIPTION

ALL OF THE FOLLOWING PART OF LOT 23 IN BLOCK 1 OF THE REVISED PLAT OF SUNCREST AS SHOWN ON PLAT RECORDED IN MAP CABINET 1, FILE # 44B, SITUATE IN THE 7TH WARD, CITY OF MORGANTOWN, MONONGALIA COUNTY, EST VIRGINIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT, CORNER TO LOTS 10, 12, 23 & 24;
THENCE WITH LINE OF LOTS 23 & 24 N 24°30' E (PASSING THROUGH A NAIL FOUND AT 2.00 FEET) 5.92 FEET TO A POINT IN LINE OF LOT 23 & 24;
THENCE WITH FOUR LINES THROUGH LOT 23 S 15°44'07" E 1.45 FEET TO A POINT;
THENCE S 60° 30'40" E 10.07 FEET TO A POINT;
THENCE S 62°28'30" E 28.25 FEET TO A POINT;
THENCE S 24°02'18" W 2.45 FEET TO A POINT IN LINE OF LOTS 23 & 10;
THENCE WITH ONE LINE OF LOTS 23 & 10 N 65°30' W 39.20 FEET TO THE PLACE OF BEGINNING, CONTAINING 138.97 SQUARE FEET AS SHOWN ON PLAT PREPARED BY PAUL D. HARBERT PS NO. 862 OF McCOY LAND SURVEYING DATED NOVEMBER 2013 ATTACHED HERETO AND MADE PART OF THIS DESCRIPTION.

BEINGPART OF THE SAME PROPERTY CONVEYED TO VIRGIL B. & WAVA REE CLARK BY DEED RECORDED IN THE OFFICE OF THE MONONGALIA COUNTY CLERK IN DEED BOOK 643 AT PAGE 190.



PAUL D. HARBERT PS NO. 862 DATE

