



# MORGANTOWN PLANNING COMMISSION

February 12, 2015  
6:30 PM  
City Council Chambers

## Planning Commissioners:

Sam Loretta, 1<sup>st</sup> Ward  
Tim Stranko, 2<sup>nd</sup> Ward  
William Blosser, 3<sup>rd</sup> Ward  
Bill Petros, 4<sup>th</sup> Ward  
Michael Shuman, 5<sup>th</sup> Ward  
Peter DeMasters, 6<sup>th</sup> Ward  
Carol Pyles, 7<sup>th</sup> Ward  
Ken Martis, Admin.  
Jennifer Selin, City Councilor

## STAFF REPORT

**CASE NO:** MNS15-01 / FMHA / Richwood Avenue

### **REQUEST and LOCATION:**

Request by Lisa Darden, on behalf of the Fairmont Morgantown Housing Authority, for minor subdivision approval of property located along Richwood Avenue.

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

Tax Map 30, Parcel 24; R-1A, Single-Family Residential District

### **SURROUNDING ZONING:**

North & West: R-1A, Single-Family Residential District

East & South: B-1, Neighborhood Business District

### **BACKGROUND and ANALYSIS:**

In September 2008, the Planning Commission approved a minor subdivision plat for The Fairmont-Morgantown Housing Authority (FMHA) under Case No. MNS08-01. The plat provided for the subdivision of one (1) parcel, with an approximate area of 11,454 square feet, into three (3) parcels. The purpose of the subdivision was to construct three (3) single-family homes under FMHA's affordable home-ownership housing program, which has since been completed. Addendum A of this report illustrates the location of the subject realty.

In December 2014, an as-built survey was completed by Surveyor Allan Witschi that found the following:

- The houses on the parcels labeled "Lot 621" and "Lot 625" were constructed approximately 7.2 inches askew.
- The house on the parcel labeled "Lot 625" was constructed approximately 2.4 inches closer to "Lot 621".

Before an as-built survey can be recorded, the Planning Commission must approve a modified plat reflecting the noted construction errors by adjusting the boundary between "Lot 621" and "Lot 625". Although the petitioner's proposed modification meets the spirit and intent of desired lot arrangement in terms of right angles, minimum lot width, and residential density, "Lot 621" is 195 square feet less than the minimum lot area standard of 3,500 square feet in the R-1A District. Additionally, the proposed boundary alignment creates a 1.2 inch side setback encroachment.

Article 1315.07 "Variances and Modifications" of the Planning and Zoning Code provides the following:

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

## **Development Services**

Christopher Fletcher, AICP  
Director

## **Planning Division**

389 Spruce Street  
Morgantown, WV 26505  
304.284.7431



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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.

Staff offers the following for the Commission's consideration concerning the exceptionality of the site and the petitioner's proposed subdivision alignment:

- There is an approximate 18-foot drop in elevation between the rear of the property and Richwood Avenue with the most significant elevation change towards the front of the property of 10 to 12 feet.
- The more significant elevation change towards the front of the site includes a retaining wall that appears to have been constructed under the federal Works Progress Administration (WPA) program circa 1930's. FMHA preserved and integrated said retaining wall into their development through a shared private sidewalk linking the three (3) homes to the retaining wall's integrated stairs.
- Dayton Street has nearly a 15% slope along the side of the subject property.
- It appears that the petitioner's construction of the three (3) homes attempted to minimize excessive grading given the historical significance of the retaining wall.
- The geometry of the parent parcel that contains the three (3) subdivided parcels is peculiar to the site given its rhomboidal shape; the approximate 70° acute angle of the Richwood Avenue and Dayton Street intersection; and, the curvilinear shape of the WPA retaining wall.
- The WPA retaining wall does not follow nor is it parallel to the Richwood Avenue right-of-way boundary, which creates unique building orientation difficulties.
- Granting variance relief of 195 square feet from the minimum lot area standard and permitting a 1.2 inch setback encroachment by the proposed boundary alignment, given the irregularity of the site's pre- and post-construction geometric and topographic conditions, permits the intent of the related standards to be observed and substantial justice done.

### STAFF RECOMMENDATION:

Staff recommends that variance relief be granted, based on the reasoning presented above, and the proposed subdivision be approved as requested 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.

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Enclosure: Application and accompanying exhibits

**STAFF REPORT ADDENDUM A**  
**MNS15-01 / FMHA / Richwood Avenue**







City of Morgantown, West Virginia

PAID  
JAN 21 2015  
PAID

### APPLICATION FOR MINOR SUBDIVISION

OFFICE USE	
CASE NO.	MNS15-01
RECEIVED:	
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:	The fairmont Morgantown Housing Auth.	Phone:	304-363-0860 Ext. 109
Mailing Address:	10312th Street PO Box 2738	Mobile:	304-212-8575
	Street: Fairmont WV 26554	Email:	ldarden@fmhousing.com
	City State Zip		
<b>II. AGENT / CONTACT INFORMATION</b>			
Name:	John mortys / Lisa Darden	Phone:	304-363-0860 Ext. 109
Mailing Address:	10312th Street PO Box 2738	Mobile:	304-212-8575
	Street: Fairmont WV 26554	Email:	ldarden@fmhousing.com
	City State Zip		
Mailings --	Send all correspondence to (check one): <input checked="" type="checkbox"/> Applicant OR <input type="checkbox"/> Agent/Contact		
<b>III. PROPERTY</b>			
Owner:	FMHA	Phone:	304-368-0860 Ext 109
Mailing Address:	10312th Street PO Box 2738	Mobile:	304-212-8575
	Street: Fairmont WV 26554	Email:	ldarden@fmhousing.com
	City State Zip		
<b>IV. SITE</b>			
Street Address (if assigned):	617/621/625 Richwood Avenue	Tax Map #(s):	30
Zoning:	R-1A	Parcel #(s):	24
Square Footage of Parcel(s):	3618 ft. <sup>2</sup>	3,305 ft. <sup>2</sup>	4,030 ft. <sup>2</sup>
Subdivision Description:	It was discovered that the homes on lots 621 & 625 were built slightly in the wrong location. This resulted in the homes being built too close to the back line rd 621 Build lot only being 3,305 sq. ft.		
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?	Variance for rear set back Variance for lot sq. footage minimum		

\$ 35.00  
CK 103397



City of Morgantown, West Virginia

APPLICATION FOR MINOR SUBDIVISION

OFFICE USE
CASE NO. MMS1401
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.

Lisa Darden

[Signature]

1/18/15

Type/Print Name of Applicant/Agent

Signature of Applicant/Agent

Date

Minor Subdivision Application Fee - \$35

MNS15-01



103 12th Street, PO Box 2738 Fairmont, WV 26555-2738

Fairmont (304)363-0860  
Morgantown (304)291-1660  
Toll Free (800)637-7464

Fax (304)366-0469  
www.fmhousing.com

# The Fairmont-Morgantown Housing Authority

NeighborWorks® HomeOwnership Center

January 12<sup>th</sup>, 2015

City of Morgantown-Planning Department  
389 Spruce Street  
Morgantown, WV 26505

RE: 617/621/625 Richwood Avenue Minor Subdivision Application

Dear Mr. Fletcher:

This letter is being written to provide a brief statement as to the nature of the minor subdivision that is being requested by The Fairmont Morgantown Housing Authority to correct two issues that were discovered at the above referenced properties.

In December 2014 our surveyor, Allan Witschi, discovered that our Contractor had not built Lot 625 according to the site plan that was approved and submitted. After discussion it was recommended that we adjust the original property line. As a result of this error it caused Lots 621 and 625 to only be 4.9' from the rear property line and Lot 621 to only have a total lot size of 3,305 square feet.

The Fairmont Morgantown Housing Authority had received Certificates of Occupancy for all three homes and was unaware of any issue's until we requested a new as built survey from Allan Witschi.

We respectfully request that consideration be made for this minor subdivision.

Sincerely,

Lisa L. Darden  
Sales and Development Coordinator  
The Fairmont Morgantown Housing Authority

**AREA LEGEND**

- LANDSCAPE EASEMENT AREA**  
 Lot 617 - 56 Sq.Ft. & 86 Sq.Ft.  
 Lot 621 - 81 Sq.Ft. & 169 Sq.Ft.  
 Lot 625 - 166 Sq.Ft. & 164 Sq.Ft.
- 22' EASEMENT AREA (DRIVEWAY & UTILITIES)**  
 Lot 617 - 220 Sq.Ft.  
 Lot 621 - 810 Sq.Ft.  
 Lot 625 - 802 Sq.Ft.

**SYMBOL LEGEND**

- |                     |                           |
|---------------------|---------------------------|
| WV • water valve    | Trans. ◊ transformer      |
| WM ◊ water meter    | DI ◊ drop inlet           |
| GV • gas valve      | AC ◊ air conditioner unit |
| GM ◊ gas meter      | c/o ◊ sewer cleanout      |
| EM • electric meter | MH ◊ manhole              |

**CORNER LEGEND**

- point no monument
- concrete monument
- △ drill hole (set) in concrete walk
- 5/8" reinforcing rod (found)
- 5/8" reinforcing rod (set)

**PLAT OF SURVEY OF THE RICHWOOD - DAYTON SUBDIVISION**

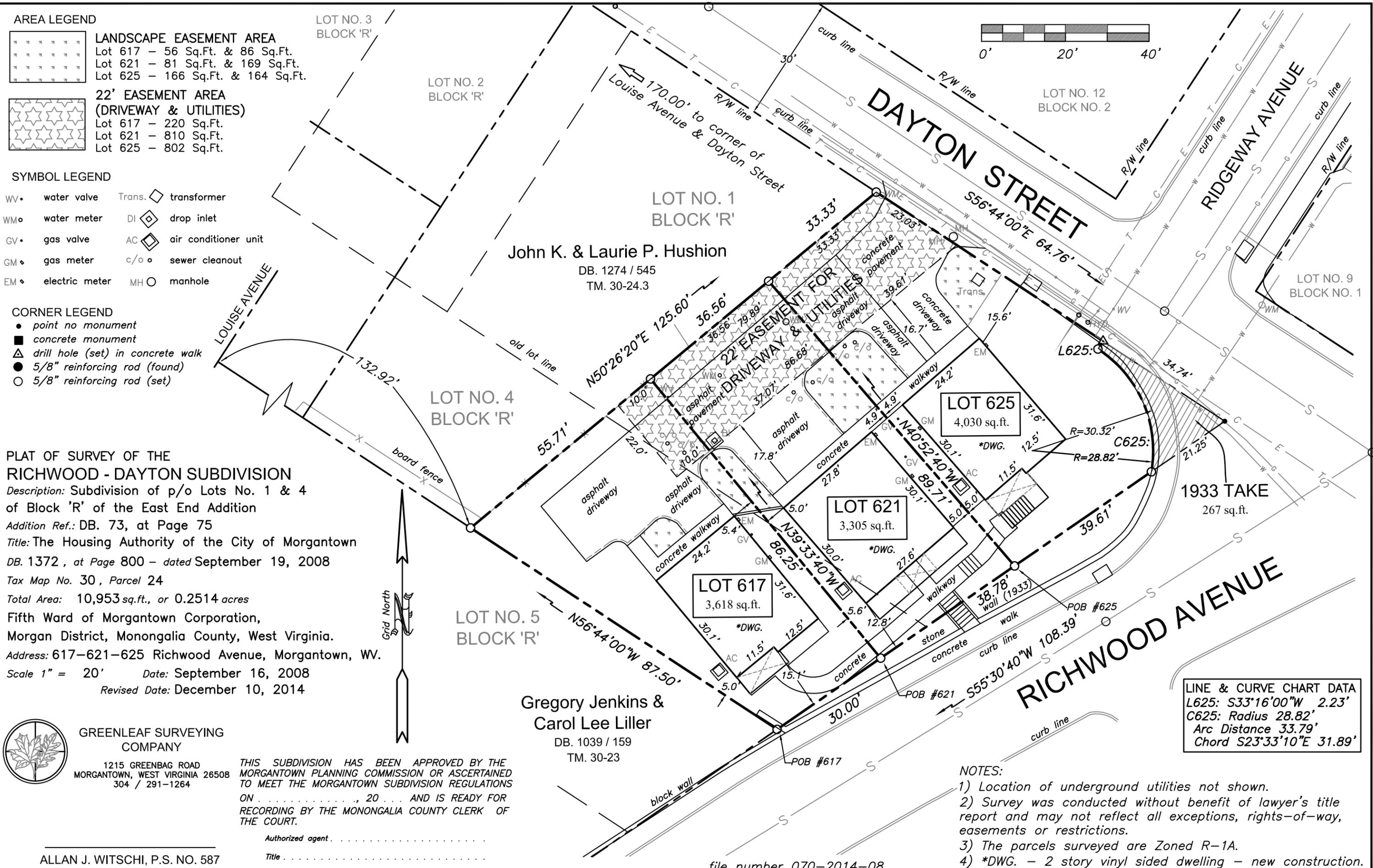
Description: Subdivision of p/o Lots No. 1 & 4 of Block 'R' of the East End Addition  
 Addition Ref.: DB. 73, at Page 75  
 Title: The Housing Authority of the City of Morgantown  
 DB. 1372, at Page 800 - dated September 19, 2008  
 Tax Map No. 30, Parcel 24  
 Total Area: 10,953 sq.ft., or 0.2514 acres  
 Fifth Ward of Morgantown Corporation, Morgan District, Monongalia County, West Virginia.  
 Address: 617-621-625 Richwood Avenue, Morgantown, WV.  
 Scale 1" = 20' Date: September 16, 2008  
 Revised Date: December 10, 2014

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

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 . . . . .

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



**LINE & CURVE CHART DATA**

L625:	S33°16'00"W	2.23'
C625:	Radius	28.82'
	Arc Distance	33.79'
	Chord	S23°33'10"E 31.89'

- 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) The parcels surveyed are Zoned R-1A.
  - 4) \*DWG. - 2 story vinyl sided dwelling - new construction.