



**DEVELOPMENT
SERVICES
DEPARTMENT**

The City of Morgantown

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October 18, 2012

Tom Pownall
c/o Lisa Mardis
Project Management Services
160 Fayette Street
Morgantown, WV 26508

**RE: V12-33 / Pownall / 816 Willowdale Road
Tax Map 12, Parcel 14**

Dear Ms. Mardis:

This letter is to notify you of the decision made by the Board of Zoning Appeals concerning the above referenced variance petition as it relates to a side setback encroachment on a corner lot at 816 Willowdale Road.

The decision is as follows:

Board of Zoning Appeals, October 17, 2012:

1. Each of the Findings of Fact was found in the positive as stated in Addendum A of this letter.
2. Variance relief was granted as requested and without condition thereby allowing for an approximate 2' 4" encroachment into the side setback requirement as illustrated on the exhibits submitted with the respective variance petition.

This decision may be appealed to the Circuit Court of Monongalia County within thirty (30) days. Any work done relating to decisions rendered by the Board of Zoning Appeals during this thirty-day period is at the sole financial risk of the petitioner.

The above referenced approval is set to expire in twelve (12) months unless you can demonstrate that they have been activated as evidenced by permits, construction, or required licenses. This expiration deadline may be extended to eighteen (18) months upon prior written request of the Board.

Should you have any questions or require further clarification, please contact the undersigned.

Respectfully,

Christopher M. Fletcher, AICP
Director of Development Services

ADDENDUM A – Approved Findings of Fact

V12-33 / Pownall / 816 Willowdale Road

Finding of Fact #1 – There are exceptional or extraordinary circumstances or conditions applicable to this property or to the intended use, that generally do not apply to other properties or uses in the same vicinity, because:

The alignment of the subject house does not appear to be parallel with the side property boundary. As such, it appears that the proposed wraparound covered porch is in compliance towards the front of the house. However, the encroachment appears to begin at approximately fourteen (14) feet measured from the rear corner of the proposed porch with the furthest side setback encroachment being 2' 4" at its rear corner.

Finding of Fact #2 – The variance is necessary for the preservation and enjoyment of a substantial property right that is possessed by other properties in the same vicinity and zoning district, but which denied to this property, because:

It appears that there are similar side setback encroachments for corner lots within the R-1A District vicinity including 850 Willowdale Road, 510 Short Street, 501 Melrose Street, 465 Overhill Street, 235 Hoffman Avenue, and 746 Amherst Road.

Finding of Fact #3 – The granting of this variance not be harmful to the public welfare and will not harm property or improvements in the vicinity and zoning district in which the subject property is located, because:

The proposed covered porch does not appear to encroach onto nor diminish the use and enjoyment of adjoining properties or public rights-of-way as the existing roadway width of Randolph Road is approximately fourteen feet while its platted right-of-way width is thirty feet. Further, the proposed covered porch improvement does not appear to obstruct visibility for the motoring public at the Randolph Road and Willowdale Road intersection.

Finding of Fact #4 – The granting of this variance not alter the land-use characteristics of the vicinity and zoning district, or diminish the market value of adjacent properties, or increase traffic congestion on public streets, because:

The proposed improvement will not change the existing single-family use of the dwelling and should contribute to the market value of the petitioner's house and comparable houses within the immediate area as is customarily experienced with similar exterior home improvements. The nature of the side setback variance relief cannot contribute to nor mitigate existing traffic patterns and congestion within the immediate area.