



MORGANTOWN BOARD OF ZONING APPEALS

October 17, 2012
6:30 PM
City Council Chambers

Board Members:

Bernie Bossio, Chair
Leanne Cardoso, Vice-Chair
George Papandreas
Jim Shaffer
Tom Shamberger

STAFF REPORT

CASE NO: V12-33 / Pownall / 816 Willowdale Road

REQUEST and LOCATION:

Request by Lisa Mardis of Project Management Services, on behalf of Tom Pownall, for variance relief from Article 1335.04(B) as it relates to a side setback encroachment on a corner lot at 816 Willowdale Road

TAX MAP NUMBER(s) and ZONING DESCRIPTION:

Tax Map 12, Parcel 14; R-1A, Single Family Residential District

SURROUNDING ZONING:

R-1A, Single-Family Residential District

BACKGROUND and ANALYSIS:

The petitioner seeks to construct an elevated, wraparound, covered porch beginning at or near the front entrance, returning along the northern side of the house, and then returning at or near the rear entrance. Addendum A of this report illustrates the location of the subject site.

Article 1335.04(B) provides that the minimum side setback for a corner lot on the side facing a street is one and one-half (1.5) times the normal side setback requirement, which is 7.5 feet in the R-1A District. The proposed covered porch will encroach into minimum setback requirement by two feet, four inches (2' 4"). The proposed encroachment requires variance approval by the Board.

It should be noted from the petitioner's submitted exhibits that 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.

STAFF RECOMMENDATION:

The Board of Zoning Appeals must determine whether the proposed request meets the standard criteria for a variance by reaching a positive determination for *each* of the "Findings of Fact" submitted by the petitioner. Addendum B of this report provides Staff recommended revisions to the petitioner's findings of fact (deleted matter struck through; new matter underlined). Staff recommends approval as requested without conditions.

Attachments: Application and accompanying exhibits

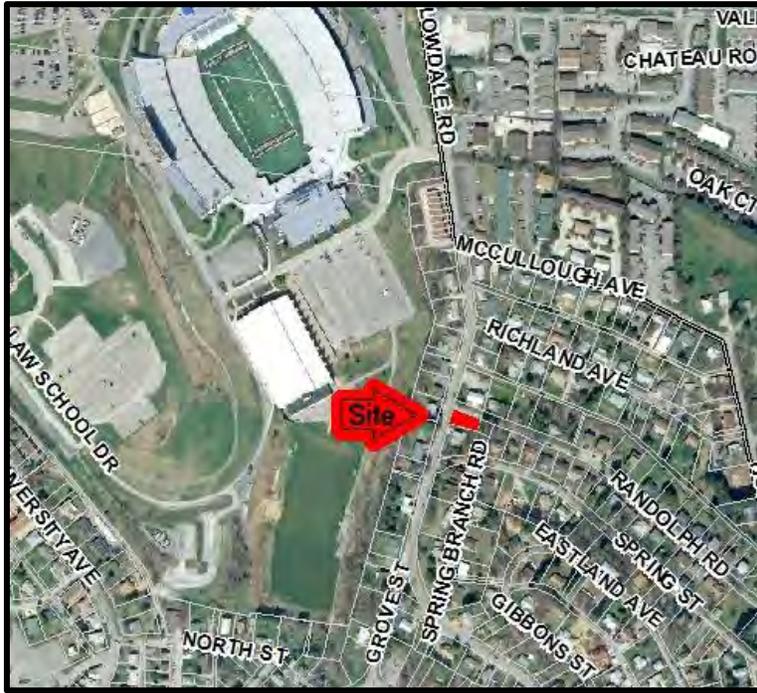
Development Services

Christopher Fletcher, AICP
Director

Planning Division

389 Spruce Street
Morgantown, WV 26505
304.284.7431

STAFF REPORT ADDENDUM A
V12- 33 / Pownall / 816 Willowdale Road



STAFF REPORT ADDENDUM B

V12-33 / Pownall / 816 Willowdale Road

Staff recommended revisions to petitioner's Findings of Fact (deleted matter struck through; new matter underlined)

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 terrain of the lot in question prevents the applicant from utilizing the greater percentage of the yard surrounding the existing structure. The passing of this variance would allow the applicant to build an elevated covered porch that would wrap around the existing structure on three sides and allow utilization of approximately four hundred (400) square feet of the applicant's property that is currently underutilized. Due to the right of way along Randolph Road, adjacent to the property, the lot narrows towards the rear of the property. This creates the need for a variance in only a fourteen (14) foot section of the side yard. 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:

The purpose of zoning regulations within a single family district is to promote a family oriented and welcoming neighborhood community. In a previous discussion of the Board of Zoning Appeals, it was noted that one of the best examples of doing so is to incorporate covered porches onto existing and new structures. Although the specific discussion was more in reference to front porches, Mr. Pownall's property is a corner lot and highly visible from Willowdale Road. Granting of this variance would not only allow the owner to take advantage of underutilized portions of the property, but it would also permit the current structure to be better fit with the built environment of the neighborhood. There appears to be several properties within the vicinity which do not meet current side setback regulations of the R-1A District. A neighboring property owner has submitted a letter of support for this variance, which is attached to this application. 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:

~~Granting of the variance, and the construction of a covered porch, will in no way provide a threat to public welfare. Instead, it will allow for the conversion of an area that is underutilized because of the terrain into usable and enjoyable space. It will also in no way harm neighboring property or improvements in the vicinity, but would rather better incorporate the existing structure into the built environment, increasing the property value. 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 request for this variance is to minimally encroach into the side yard setback in a very small portion of the property's side yard, approximately fourteen (14) feet. Granting of this variance would allow the owner to construct a covered porch that would better fit within the built environment and increase the value of this and surrounding properties. The granting of this variance, and thus the construction of the porch, will in no way impact local traffic patterns or congestion within the area. The elevation of the construction will not impact the visibility of motorists entering Randolph Road or exiting on to Willowdale Road. 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.~~



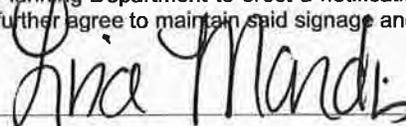
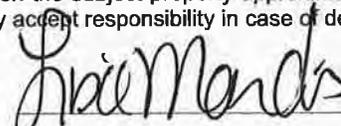
City of Morgantown, West Virginia

APPLICATION FOR ZONING VARIANCE

OFFICE USE	
CASE NO.	V12-33
RECEIVED:	9/10/12
COMPLETE:	

(PLEASE TYPE OR PRINT IN BLACK INK)

Fee: \$75

I. APPLICANT		Name: <u>Project Management Services</u>	
Mailing Address:	Street	<u>1640 Fayette St</u>	Phone: <u>304-212-5256</u>
	City	<u>Morgantown WV 26505</u>	Mobile:
			Email: <u>pms160@comcast.net</u>
II. PROPERTY		Street Address: <u>816 Willowdale Road</u>	
Owner:	<u>Tom Pownall</u>	Zoning:	<u>R-1A</u>
Mailing Address:	Street	<u>816 Willowdale Road</u>	Tax Map No: <u>12</u>
	City	<u>Morgantown WV 26505</u>	Parcel No: <u>14</u>
			Phone: <u>304-290-2166</u>
III. NARRATIVE		Please describe the nature and extent of your variance request(s).	
<p>A two (2) foot four (4) inch variance is being requested from City Code 1335.04 (B) in regards to side yard set-backs on corner lots within the R-1A district.</p>			
V. ATTEST			
<p>I hereby certify that I am the owner of record of the named property, or that this application is authorized by the owner of record and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. The granting of a variance 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. I certify that the information submitted herein and attached hereto is true and accurate and understand that if found otherwise may result in the denial of this request or subsequent revocation of any and all related approvals. The undersigned has the power to authorize and does hereby authorize City of Morgantown representatives on official business to enter the subject property as necessary to process the application and enforce related approvals and conditions. I hereby authorize the Planning Department to erect a notification sign on the subject property approximately 15 days prior to the BZA hearing. I further agree to maintain said signage and hereby accept responsibility in case of destruction or removal.</p>			
 Type/Print Name of Applicant/Agent		 Signature of Applicant/Agent	
		RS2 9/10/2012 201303494	CRYSTAL 14:25:10 SITE PLAN Date

PAID

You or a representative **MUST** be present at the scheduled hearing to present the request and answer questions. Failure to appear at the hearing will result in your request being tabled.

Finance Office
Morgantown, WV 26505
(304) 284-7408



APPLICATION FOR ZONING VARIANCE

OFFICE USE	
CASE NO.	V12-33
RECEIVED:	9/10/12
COMPLETE:	

VI. SUPPLEMENTAL INFORMATION

Depending on the type of variance request and the scale and scope of the development proposal, supplemental information may be needed to assist the Board of Zoning Appeals in rendering a variance decision. Staff will check the appropriate boxes below that must be addressed.

Land Use Characteristics (complete only those that apply)

- Residential
- Single-Family Dwelling
- Townhouse Dwelling
- Two-Family Dwelling
- Multi-Family Dwelling
- Non-Residential or Mixed (please explain)

Structure Characteristics (complete only those that apply)

Total number of buildings: 1 Gross floor area of each building: 847sqft

Estimated number of employees: N/A No. of dwelling units: 1 No. of bedrooms: 3

Additional structure-related details:

Additional Information (as required by Staff):

Site Plan A scaled site plan may be required to assist the Board in rendering a variance decision. The following features must be represented, as required by Staff.

- Location, shape, exterior dimensions, and number of stories of each building on the site.
- Standard yard setbacks for the applicable zoning district
- Location, grade, and dimensions of paved surfaces, and all abutting streets
- Existing and proposed contours, at an interval of at least two (2) feet
- Complete traffic circulation plan showing dimensions, entrance/exit drives, planters, and similar improvements
- Location of landscaped areas (to be detailed on landscape plan), fences, walls, and other screen required

For simple variance requests (as determined by Staff), please use the graph area on the following page to illustrate applicable features listed above.



City of Morgantown, West Virginia

**APPLICATION FOR
ZONING VARIANCE**

OFFICE USE	
CASE NO.	V12-33
RECEIVED:	9/10/12
COMPLETE:	

Suggested Scale: 1 square = 5'

*See attachment
C.M.D.*



APPLICATION FOR ZONING VARIANCE

OFFICE USE	
CASE NO.	V12-33
RECEIVED:	9/10/12
COMPLETE:	_____

VII. FINDINGS OF FACT

The Board of Zoning Appeals may grant a variance request only if each of the following "Findings of Fact" criteria is determined to be in the positive. Applicants must give their own responses to the following criteria statements.

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:

*See attachment
C.H.*

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:

3. The granting of this variance will 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:

4. The granting of this variance will 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:

FINDINGS OF FACT Tom Pownall / 816 Willdowale Road

Variance relief from the Planning and Zoning Code, Article 1339.04 as it relates to the minimum side setback on corner lots in the R-1A District.

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 terrain of the lot in question prevents the applicant from utilizing the greater percentage of the yard surrounding the existing structure. The passing of this variance would allow the applicant to build an elevated covered porch that would wrap around the existing structure on three sides and allow utilization of approximately four hundred (400) square feet of the applicant's property that is currently underutilized. Due to the right-of-way along Randolph Road, adjacent to the property, the lot narrows towards the rear of the property. This creates the need for a variance in only a fourteen (14) foot section of the side yard.

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:

The purpose of zoning regulations within the single-family district is to promote a family oriented and welcoming neighborhood community. In a previous discussion of the Board of Zoning Appeals, it was noted that one of the best examples of doing so is to incorporate covered porches onto existing and new structures. Although the specific discussion was more in reference to front porches, Mr. Pownall's property is a corner lot and highly visible from Willowdale Road. Granting of this variance would not only allow the owner to take advantage of underutilized portions of the property, but it would also permit the current structure to better fit with the built environment of the neighborhood. There appears to be several properties within the vicinity which do not meet current side setback regulations of the R-1A District. A neighboring property owner has submitted a letter of support for this variance, which is attached to this application.

3. The granting of this variance will 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:

Granting of this variance, and the construction of a covered porch, will in no way provide a threat to public welfare. Instead, it will allow for the conversion of an area that is underutilized because of the terrain into usable and enjoyable space. It will also in no way harm neighboring property or improvements in the vicinity, but would rather better incorporate the existing structure into the built environment, increasing the property value.

4. The granting of this variance will 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 request for this variance is to minimally encroach into the side yard setback in a very small portion of the property's side yard, approximately fourteen (14) feet. Granting of this variance would allow the owner to construct a covered porch that would better fit within the built environment and increase the value of this and surrounding properties. The granting of this variance, and thus the construction of the porch, will in no way impact local traffic patterns or congestion within the area. The elevation of the construction will not impact the visibility of motorists entering Randolph Road or exiting on to Willowdale Road.

PLAT FOR

AS L. POWNALL AND
E. D. BOWMAN

of Lot No. 33 and part of Lot No. 34

of Highland Park Addition

Ref.: Deed Book 181, at Page 78

7,094 sq.ft., or 0.1629 acres

in E. and Mary T. Busch

at Page 375

No. 12, Parcel 13 & 14

of Morgantown

Morgan

Monongalia County, West Virginia.

816 Willowdale Road, Morgantown, WV

Date: December 31, 2002

reinforcing rod (found)

reinforcing rod (set)



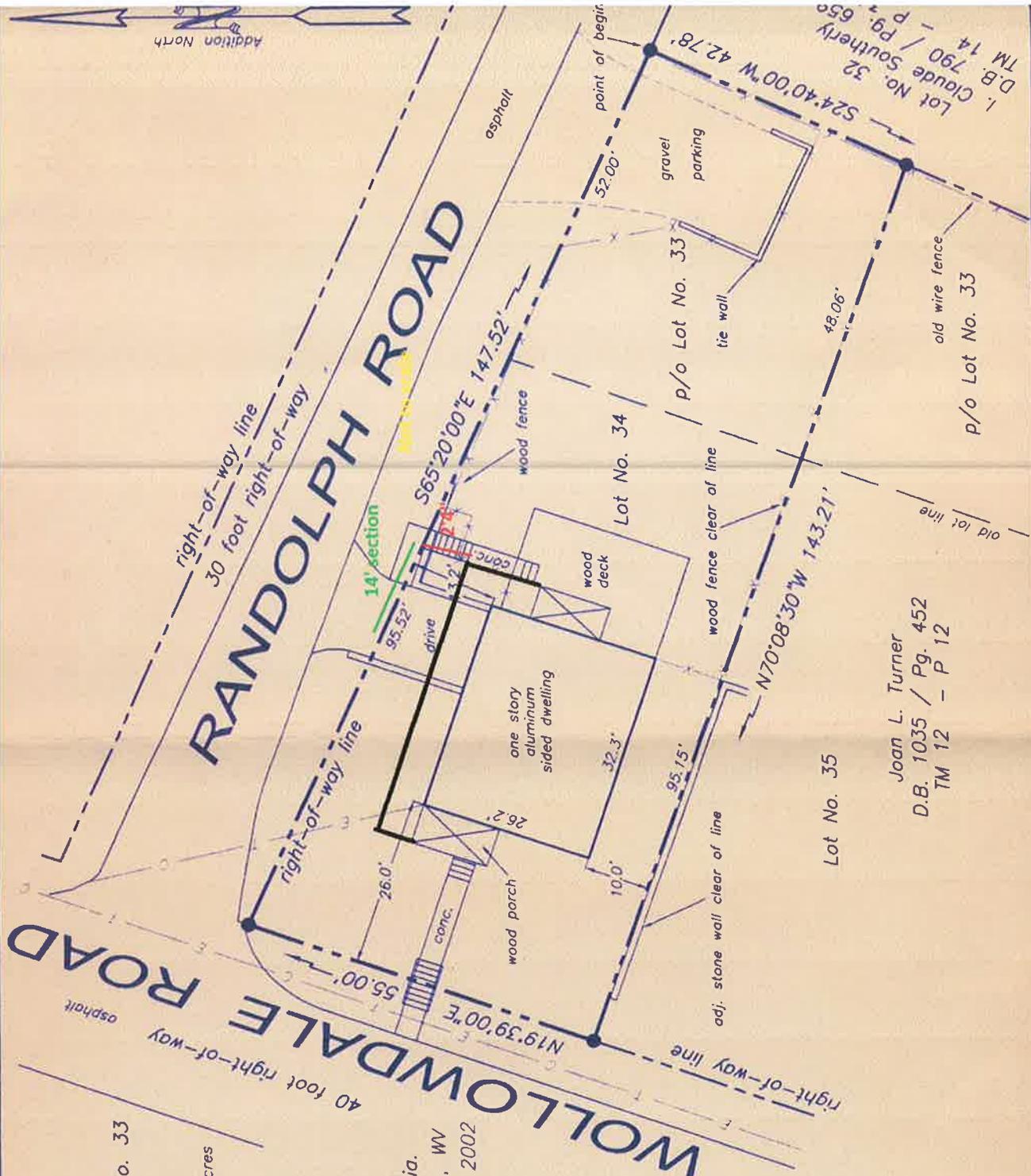
parties interested in title to the premises
The parcel surveyed is not located
in the 100 year storm flood zone and is
in Flood Rate Map No. 540141
of No. 0001D, in Zone X

**GREENLEAF SURVEYING
COMPANY**

1215 GREENBAG ROAD
MORGANTOWN, WEST VIRGINIA 26508
304 / 291-1264

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

Number 195-83



1/2-33

Pownall / 816 Willowdale Road / Side yard variance



V12-33

Side yard – property owner showing where the proposed porch would end



Willowdale Road

Randolph Road

Approximate proposed setback



V12-33

Randolph Road



820 Willowdale Road – located directly across Randolph Road; Submitted a letter of support

V12-33

August 28, 2012

To Whom It May Concern:

I approve of the proposed addition to the home of Tom and Renee at 816 Willowdale Rd.

A handwritten signature in black ink, appearing to read "James G. Arbogast", with a long horizontal flourish extending to the right.

James G. Arbogast
820 Willowdale Rd.
Morgantown, WV 26505