



**DEVELOPMENT  
SERVICES  
DEPARTMENT**

# The City of Morgantown

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May 3, 2013

Jimmy Shreeves  
465 Lawnview Circle  
Morgantown, WV 26505

**RE: V13-06 / Jimmy Shreeves / 465 Lawnview Circle  
Tax Map 53, Parcel 8**

Dear Mr. Shreeves,

This letter is to notify you of the decision made by the Board of Zoning Appeals concerning the above referenced variance petition for variance relief from Article 1331.08 as it relates to setbacks for an accessory structure at 465 Lawnview Circle.

The decision is as follows:

**Board of Zoning Appeals, May 2, 2013:**

1. Each of the Findings of Fact was found in the positive as stated in Addendum A of this letter.
2. The Board approved a two-foot variance from the side and rear setback requirements for accessory structures provided in Article 1331.08(3) without conditions.

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. Please note that a building permit must be obtained prior to the commencement of work for which variance relief was granted herein.

Should you have any questions or require further clarification, please contact the undersigned. We look forward to serving your plans review and permitting needs.

Respectfully,

Stacy Hollar  
Executive Secretary  
Development Services Department  
[shollar@cityofmorgantownwv.gov](mailto:shollar@cityofmorgantownwv.gov)

## **ADDENDUM A – Approved Findings of Fact**

**V13-06 / Jimmy Shreeves / 465 Lawnview Circle**

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**Finding of Fact No. 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 petitioner affirms that the property boundaries to which the setback encroachment relief is requested are surrounded by an existing fence. The fence appears to diminish the consequence of a reasonable two-foot encroachment on adjoining properties most affected. The configuration of the parcels within the immediate area resulting from the fronting cul-de-sac subdivision and development pattern appear to isolate the proposed location of the accessory structure from public view.

**Finding of Fact No. 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:

On June 21, 2006, the Board granted a two-foot variance under Case No. V06-05 for an accessory structure to be built three feet from the rear property boundary at 473 Lawnview Drive, which is located two residences away from the petitioner's subject property.

**Finding of Fact No. 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:

The proposed design and placement of accessory 10' X 10' storage shed appears to be consistent with similar residential storage sheds within the immediate area, which does not appear to have adversely affected property or improvements.

**Finding of Fact No. 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 existing single-family dwelling use will remain; the market values of adjacent properties do not appear to have been adversely affected by similar accessory structure encroachments within the immediate area; and, the nature of the variance cannot contribute to nor mitigate existing vehicular traffic patterns.