



MORGANTOWN BOARD OF ZONING APPEALS

June 19, 2013
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: V13-20 / Morgantown Express Lube / 1350 Saratoga Avenue

REQUEST and LOCATION:

Request by Albert Claudio Jr., on behalf of Morgantown Express Lube, for variance relief from Article 1347.04 as it relates to setbacks at 1350 Saratoga Avenue.

TAX MAP NUMBER(s) and ZONING DESCRIPTION:

Tax Map 8, Parcel 12; B-2, Service Business District

SURROUNDING ZONING:

B-2, Service Business District

BACKGROUND and ANALYSIS:

The petitioner seeks to construct a 2,024 square foot addition to the existing *Morgantown Express Lube* facility to house additional service bays and storage that will extend to the side and rear property line. Addendum A illustrates the location of the subject site.

Article 1347.04(A) provides a minimum five-foot side setback requirement and a minimum 40-foot rear setback requirement in the B-2 District. As such, variance relief must be granted to allow the proposed zero-lot line addition.

The property to the affected side is currently utilized for parking by the adjoining Hotel Morgantown development located in Star City. The property to the affected rear appears to be owned by the Town of Star City according to the survey submitted by the petitioner and is currently undeveloped hillside running between the petitioner's subject property and the West Virginia Division of Highways' right-of-way for the Monongahela Boulevard.

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 does not submit a recommendation.

Enclosures: Application and accompanying exhibits

Development Services

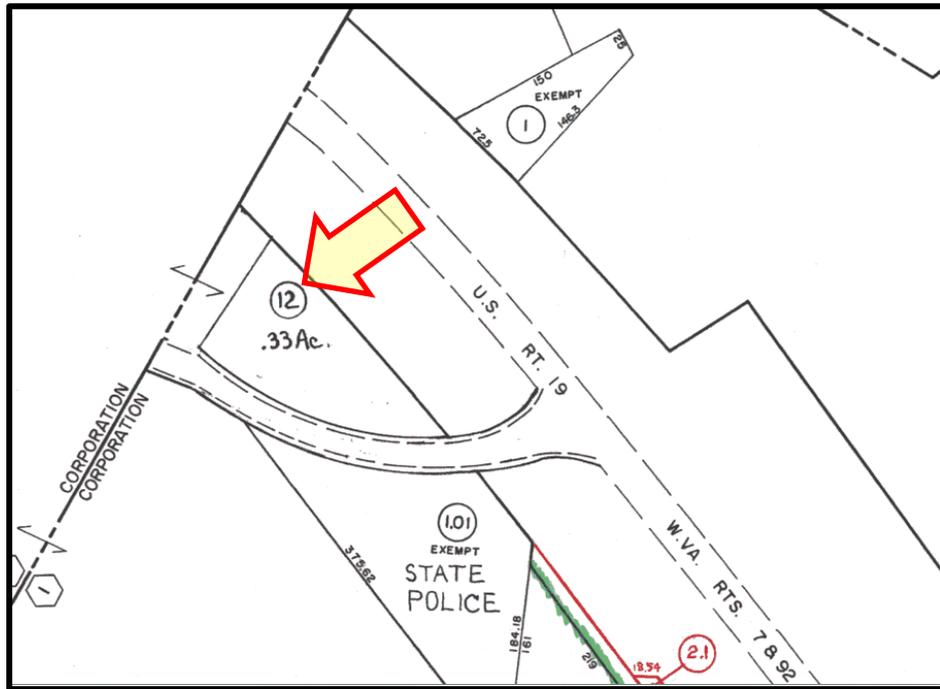
Christopher Fletcher, AICP
Director

Planning Division

389 Spruce Street
Morgantown, WV 26505
304.284.7431

STAFF REPORT ADDENDUM A

V13-20 / Morgantown Express Lube / 1350 Saratoga Avenue



STAFF REPORT ADDENDUM B

V13-20 / Morgantown Express Lube / 1350 Saratoga Avenue

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

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:

~~I am the only in Morgantown on that street.~~ An addition to the existing building that enables the expansion of the business and related commercial activity will require variance relief as the minimum front and rear setback requirements consume 55 feet of the 82.61-foot deep lot. The area to the rear that is owned by the Town of Star City appears to be undevelopable given its respective width between the petitioner's property and the West Virginia Division of Highways' right-of-way for the Monongahela Boulevard.

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:

~~There are no comparisons to this property on Saratoga Avenue.~~ Although not located with the City of Morgantown, the adjoining *Hotel Morgantown* and neighboring *Casey's Black Belt Academy* developments do not appear to comply with the City's minimum rear, minimum side, or maximum front setback requirements.

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:

~~I am not affecting other properties.~~ Adjoining land uses include a hotel parking lot and a public right-of-way for a State arterial roadway.

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:

~~I am not changing the use of this land or increasing traffic.~~ The nature of the variance cannot contribute to nor mitigate existing traffic congestion on adjoining public streets. The existing "Automotive Repair Shop" use will not change nor will its current influence on the value or commercial activity on adjoining commercial uses located in the Town of Star City.



City of Morgantown, West Virginia

APPLICATION FOR ZONING VARIANCE

OFFICE USE	
CASE NO.	V13-20
RECEIVED:	5/10/2013
COMPLETE:	

(PLEASE TYPE OR PRINT IN BLACK INK)

Fee: \$75

I. APPLICANT		Name: ALBERT CLAUDIO JR	
Mailing Address:	1441 CENTER HILL AVENUE	Phone:	304-322-1533
	STAR CITY, WV 26505	Mobile:	304-319-2923
	City State Zip	Email:	AL1DOME@AOL.COM
II. PROPERTY		Street Address: 1350 SARATOGA AVENUE	
Owner:	ALBERT CLAUDIO JR	Zoning:	B-2
Mailing Address:	1441 CENTER HILL AVENUE	Tax Map No:	08
	STAR CITY, WV 26505	Parcel No:	12
	City State Zip	Phone:	304-322-1533
III. NARRATIVE		Please describe the nature and extent of your variance request(s).	
I WOULD LIKE TO ADD A 2-BAY GARAGE AND STORAGE TO THE EXISTING STRUCTURE.			
V. ATTEST			
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.			
ALBERT CLAUDIO JR.		Albert Claudio Jr	
Type/Print Name of Applicant/Agent	Signature of Applicant/Agent	PAID 75.00	Date 5-10-13

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.



City of Morgantown, West Virginia

APPLICATION FOR ZONING VARIANCE

OFFICE USE	
CASE NO.	V13-20
RECEIVED:	
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)

BUSINESS (B-2)

Structure Characteristics (complete only those that apply)

Total number of buildings: 1 Gross floor area of each building: 2024

Estimated number of employees: _____ No. of dwelling units: 0 No. of bedrooms: 0

Additional structure-related details:

Additional Information (as required by Staff):

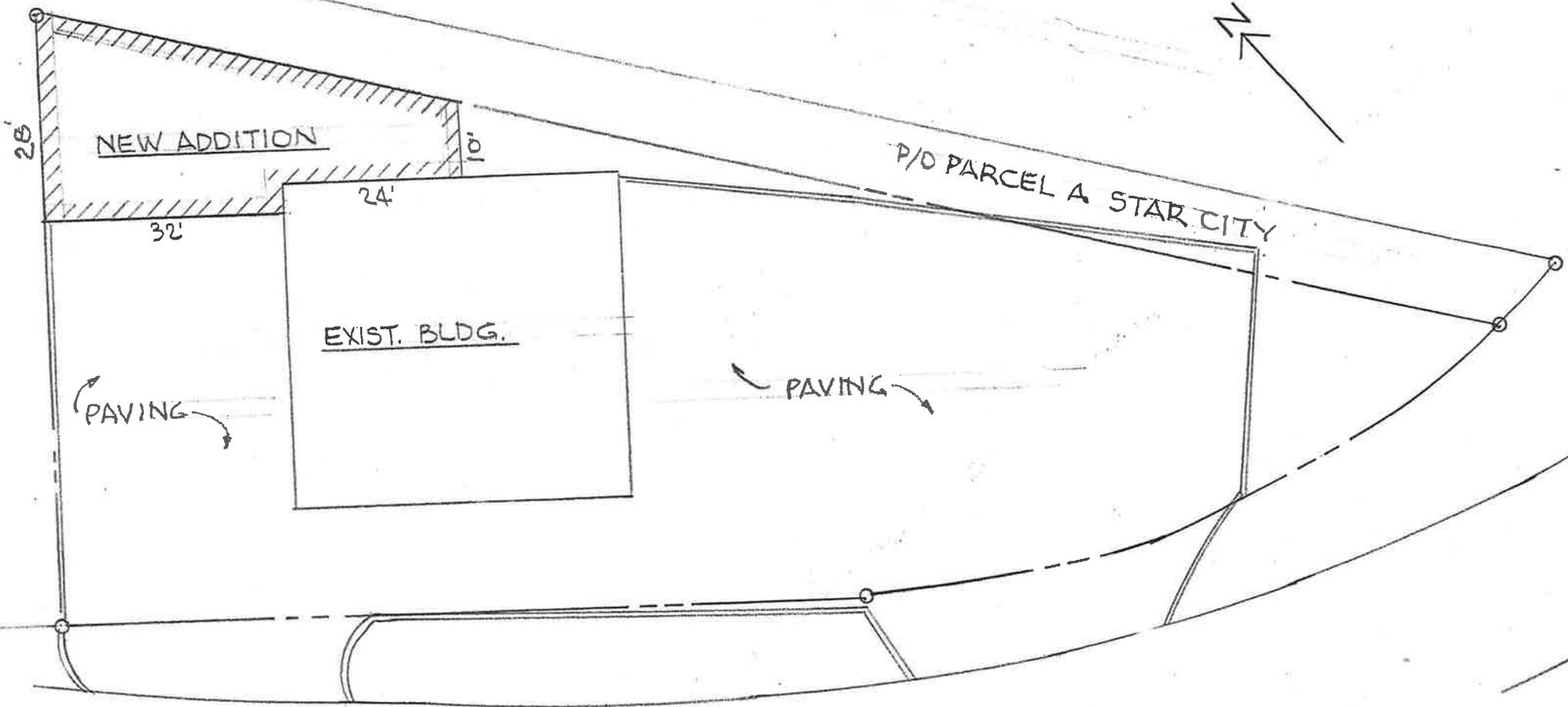
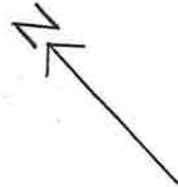
Site Plan A scaled site plan may be required to assist the Board in rendering a variance decision. The following features must be represented, as required by Staff.

- 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.

V13-20

MONONGAHELA BOULEVARD



SARATOGA AVE. - 40'

SITE PLAN FOR

SCALE: 1" = 20'

DATE: 5-8-13



City of Morgantown, West Virginia

**APPLICATION FOR
ZONING VARIANCE**

OFFICE USE	
CASE NO.	_____
RECEIVED:	_____
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:

I AM THE ONLY IN MORGANTOWN ON THAT STREET.

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:

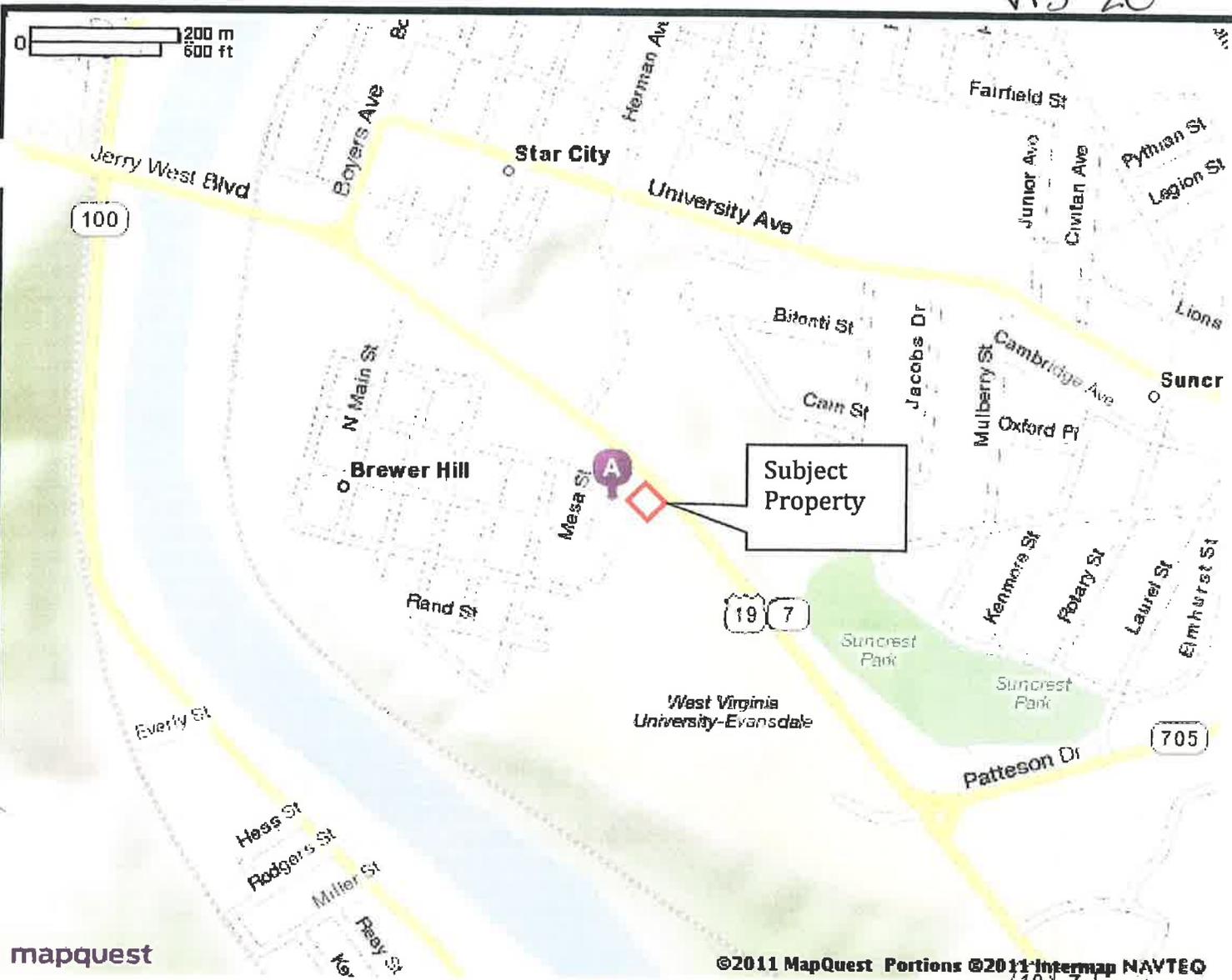
THERE ARE NO COMPARISONS TO THIS PROPERTY ON SARATOGA AVENUE.

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:

I AM NOT AFFECTING OTHER PROPERTIES

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:

I AM NOT CHANGING THE USE OF THIS LAND OR INCREASING TRAFFIC.



AREA MAP

1350 Saratoga Avenue, Morgantown, WV 26505



Source: Mapquest

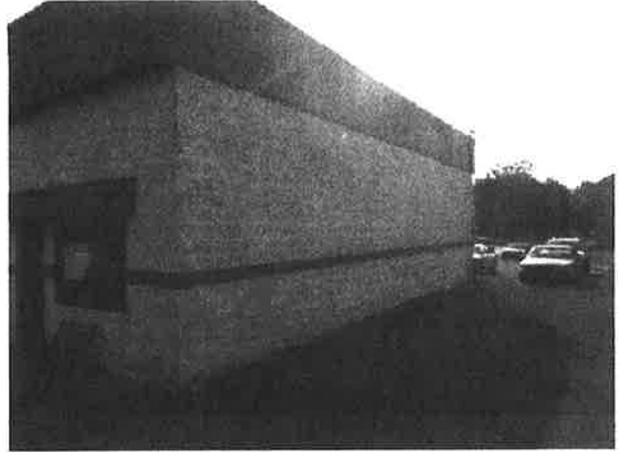
FIGURE 3
 Project Number: 299945



V13-20



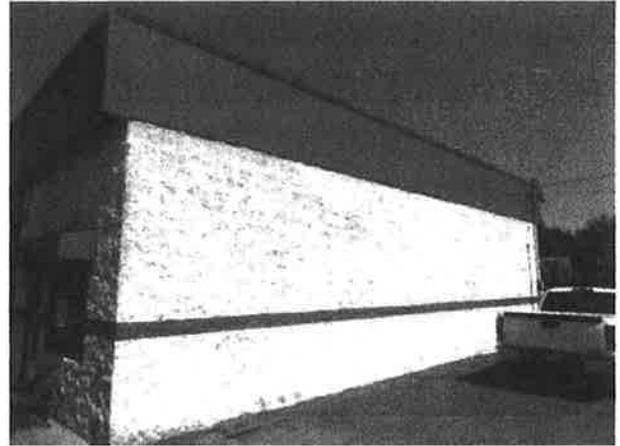
1. Front building elevation



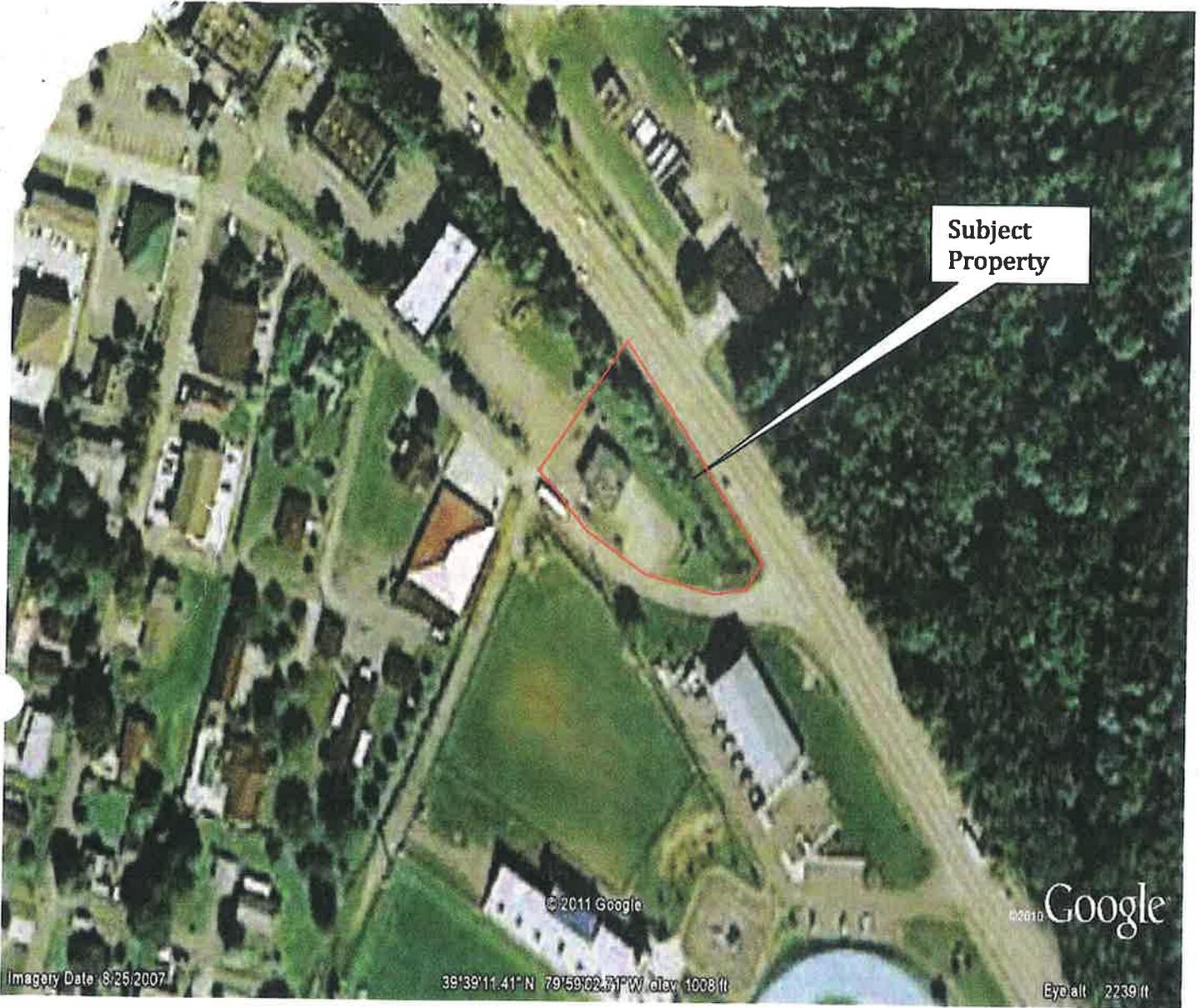
2. Side building elevation



3. Rear building elevation



4. Side building elevation



SITE MAP

1350 Saratoga Avenue, Morgantown, WV 26505



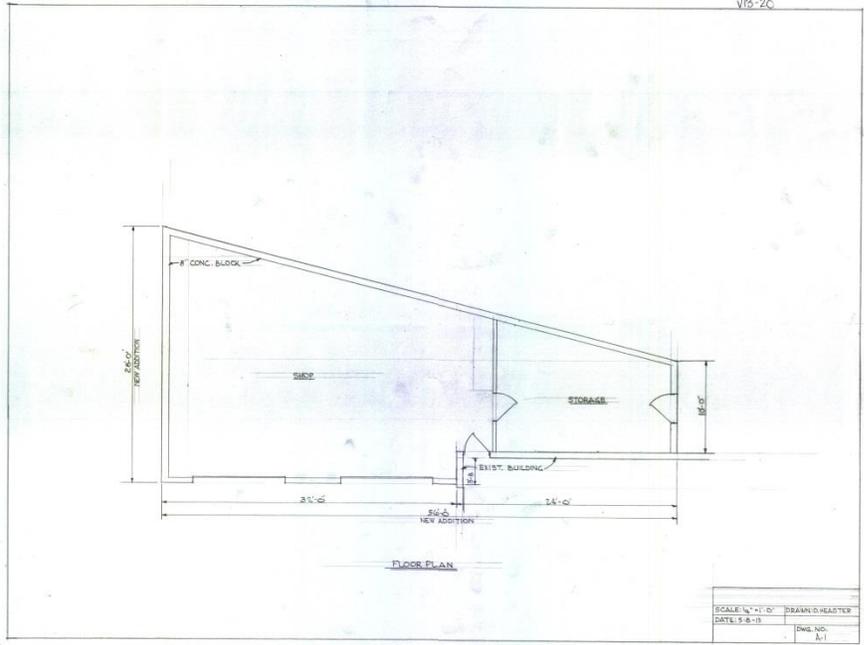
Legend

Approximate Property Boundary _____

FIGURE 2

Project Number: 299945





SCALE 1/8" = 1'-0"	DRAWN BY MASTER
DATE 5-8-18	DWG. NO. A-1

V13-20

CURVE DATA CHART

C-B: Radius 3724.72'
 Arc Distance 203.93'
 Chord S36°21'50"E 203.91'

C-A: Radius 130.00'
 Arc Distance 95.96'
 Chord N71°20'50"W 93.80'

SAHAJ MORGANTOWN, LLC.

DB. 1351 / 621
PARCEL A
STAR CITY TM. 5-91

asphalt pavement

concrete curb

approx. sanitary sewer line
(ref. DB 755, at Pg. 671)

concrete curb

sanitary sewer cleanout

asphalt pavement

concrete

N39°07'00"E 82.61'

FRONT

concrete

asphalt pavement

STORAGE

concrete

asphalt pavement

REAR

1 story concrete block building

46.0'

44.1'

asphalt pavement over concrete

asphalt curb

RIGHT-OF-WAY LINE

RIGHT-OF-WAY LINE

P/O PARCEL A
STAR CITY TM. 5-91

US ROUTE 19 - WV STATE ROUTE 7

GAHELA BOULEVARD

US ROUTE 19 - WV STATE ROUTE 7

GAHELA BOULEVARD

asphalt pavement

SARATOGA AVENUE

40' RIGHT-OF-WAY

RIGHT-OF-WAY LINE C-A

0.64' nail to track spike (found)

2.7'

13.6'

motel sign

Morgantown Express Lube Sign

asphalt curb

asphalt curb

NOTES:
1) Location of underground utilities only approximately shown.
2) Survey was conducted without benefit of lawyer's title report and may not reflect all exceptions, rights-of-way, easements or restrictions.

LEGEND

- mine bolt (found)
- point - no monument
- ▲ track spike (found)
- △ magnetic nail (set)
- 1/2" reinforcing rod (found)
- 5/8" reinforcing rod (set)



**PLAT OF SURVEY FOR
ALDOM LLC**

Description: A parcel of land lying along Saratoga Avenue
 Addition Ref.:
 Area: 10,748 sq.ft., or 0.2467 acres
 Title: Resh Living Trust

DB. 1316 , at Page 319

Tax Map No. 8 , Parcel 12

Corporation: Seventh Ward of Morgantown
 District: Morgan
 of Monongalia County, West Virginia.
 Address: Saratoga Avenue, Morgantown, WV
 Scale 1" = 20' Date: March 6, 2012

file number 007-12



**GREENLEAF SURVEYING
COMPANY**

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

Allan J. Mitschi
ALLAN J. MITTSCHI, P.S. NO. 587

Magnetic North D.B&T survey 6/29/74

