



MORGANTOWN BOARD OF ZONING APPEALS

August 21, 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: V13-36 / Sunnyside Properties, LLC / 300 Carson Street

REQUEST and LOCATION:

Request by William Morlino, on behalf of Sunnyside Properties, LLC, for variance relief from Article 1347.04 and Article 1361.04 as they relate to setbacks at 300 Carson Street.

TAX MAP NUMBER(s) and ZONING DESCRIPTION:

Tax Map 20, Parcel 148; B-2, Service Business District and South Sunnyside Overlay District

SURROUNDING ZONING:

North, South, and West: R-3, Multi-family Residential District and South Sunnyside Overlay District

East: B-2, Service Business District and South Sunnyside Overlay District

BACKGROUND and ANALYSIS:

On 16-Jul-2008, the petitioner obtained variance approval under Case No. V08-32 to develop a surface parking lot on the subject site where two public rights-of-way intersect and conditional use approval under Case No. CU08-11 to establish a "Commercial Parking Lot" use in the R-3 District.

On 01-May-2012, City Council enacted a Zoning Map Amendment under Case No. RZ12-01 reclassifying the subject realty from R-3, Multi-Family Residential District to B-2, Service Business District.

Addendum A of this report illustrates the location of the subject site.

The petitioner seeks to construct a garage/storage structure on Parcel 148 utilizing the existing foundation walls of a former nonconforming structure that was razed and removed several years ago. The proposed structure is 30 feet X 27.75 feet or 832.5 square feet in area.

It should be noted that the subject 40' X 40', 1,600 square foot tract of realty is considered a nonconforming parcel as it does not comply with minimum lot area (6,000), minimum lot frontage (60 feet), or minimum lot depth (100 feet) standards for the B-2 District. The parcel's front is along Carson Street.

Development Services

Christopher Fletcher, AICP
Director

Planning Division

389 Spruce Street
Morgantown, WV 26505
304.284.7431



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The following table identifies related setback requirements for the proposed garage/storage structure.

Code Citation	Provision	Standard	Proposed	Requisite Variance	Comment
B-2 District					
1347.03(D)	Min. Lot Coverage	60%	52%	N/A	Standard superseded by Overlay District.
1347.04(A)(1)	Min. Front Setback	15 feet	8 feet	N/A	Standard superseded by Overlay District.
1347.04(A)(2)	Max. Front Setback	30 feet	8 feet	N/A	Standard superseded by Overlay District.
1347.04(A)(3)	Min. Side Setback (west)	5 feet	7 feet	None	None.
1347.04(A)(3)	Min. Side Setback (east)	20 feet	3.25 feet	16.75 feet	None.
1347.04(A)(4)	Min. Rear Setback	40 feet	2 feet	N/A	Standard superseded by Overlay District.
South Sunnyside Overlay District					
1361.03(A)	Min. Front Setback	5 feet	8 feet	None	None.
1361.03(A)	Max. Front Setback	15 feet	8 feet	None	None.
1361.04(A)(3)	Min. Rear Setback	20 feet	2 feet	18 feet	None.
1361.04(A)(4)	Max. Lot Coverage	70%	52%	None	None.

It should be noted that the petitioner has only applied for variance relief from related minimum setback requirements. Staff advises the Board to understand and make certain the petitioner understands that, should the Board grant variance relief as requested, additional variance and/or conditional use approvals will be required for the development of the proposed garage/storage structure prior to building permit issuance.

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.

Staff submits no recommendation concerning the petitioner's findings of fact or whether or not the Board should grant the variance.

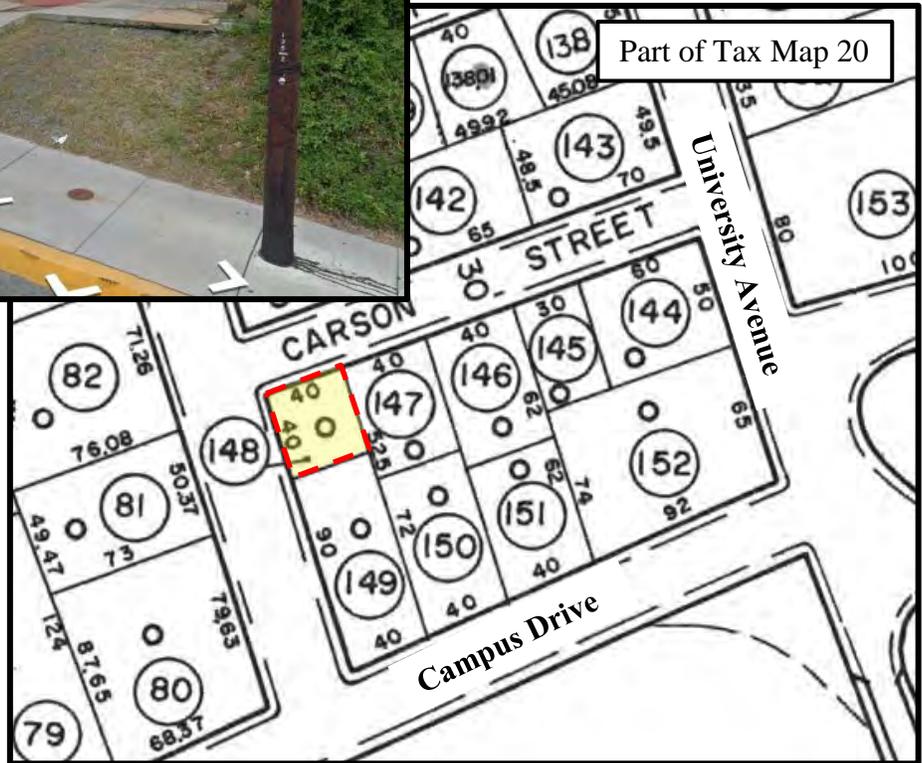
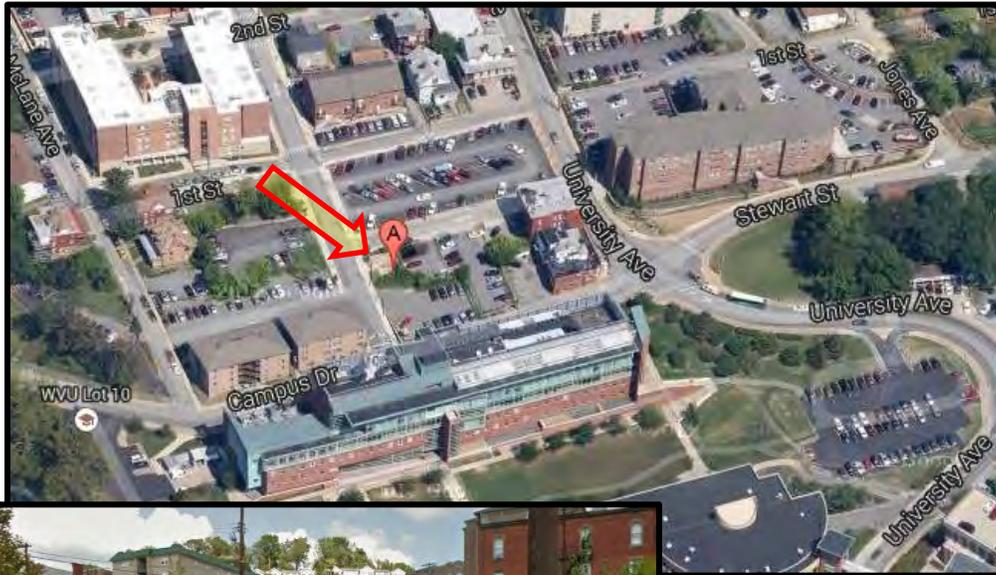
Enclosures: Application and accompanying exhibit

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STAFF REPORT ADDENDUM A

V13-36 / Sunnyside Properties, LLC / 300 Carson Street





City of Morgantown, West Virginia

APPLICATION FOR ZONING VARIANCE

OFFICE USE	
CASE NO.	V13-36
RECEIVED:	7/8/13
COMPLETE:	

(PLEASE TYPE OR PRINT IN BLACK INK)

Fee: \$75

I. APPLICANT		Name: <i>Sunnyside Properties</i>	
Mailing Address:	Street	<i>Po Box 599</i>	
	City	State	Zip
	<i>MORGANTOWN WV 26507-0599</i>		Phone: <i>304 291-1000</i>
		Mobile:	
		Email:	
II. PROPERTY		Street Address: <i>300 CARLSON ST</i>	
Owner:	<i>Sunnyside Properties</i>		Zoning: <i>B-2</i>
Mailing Address:	Street		
	City	State	Zip
			Tax Map No: <i>70</i>
		Parcel No: <i>148</i>	
		Phone:	
III. NARRATIVE		Please describe the nature and extent of your variance request(s).	
<i>To build A GARAGE ATOP AN EXISTING FOUNDATION THAT DOES NOT MEET THE CURRENT SETBACK REQUIREMENTS</i>			
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>			
<i>William Morlow</i>		<i>[Signature]</i>	
Type/Print Name of Applicant/Agent	Signature of Applicant/Agent		Date
			<i>7/8/13</i>

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.

REC 7/08/2013 13:54:27
 201311850 SITE PLAN
 KRISTEN
 PAID 25.00
 10663
 (304) 284-7408



City of Morgantown, West Virginia

APPLICATION FOR ZONING VARIANCE

OFFICE USE	
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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)

B-2 zone

Structure Characteristics (complete only those that apply)

Total number of buildings: 1 Gross floor area of each building: 837.59 ft

Estimated number of employees: 1 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.



City of Morgantown, West Virginia

**APPLICATION FOR
ZONING VARIANCE**

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Suggested Scale: 1 square = 5'

See attached site plan

C.M.F. 16-Aug-2013



City of Morgantown, West Virginia

APPLICATION FOR ZONING VARIANCE

OFFICE USE

CASE NO.

V13-36

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:

Use existing Foundation

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:

40x40 lot could not be built upon

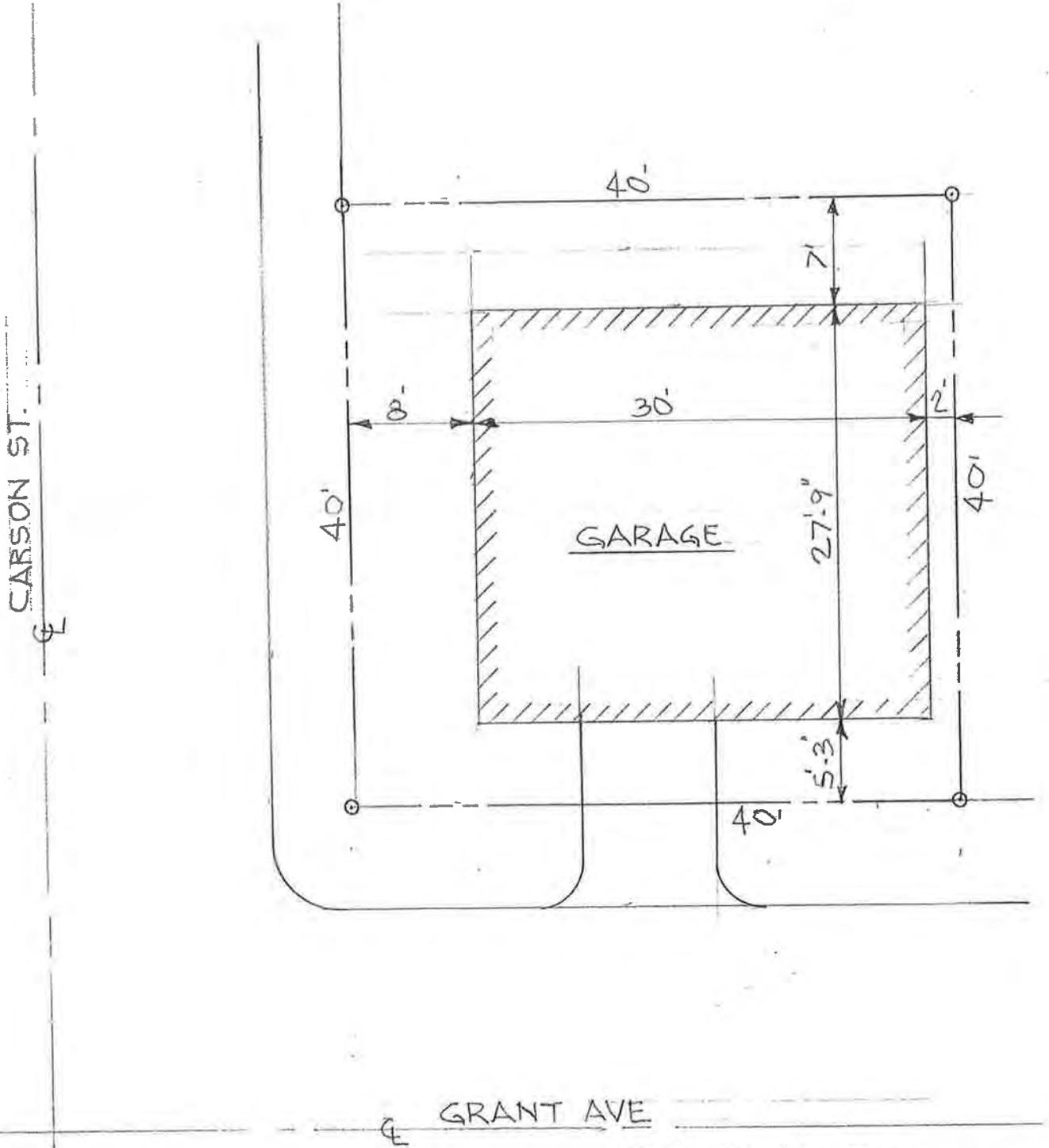
3. The granting of this variance will not be harmful to the public welfare and will not harm property or improvements in the vicinity and zoning district in which the subject property is located, because:

no Garage only

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:

will meet all city codes

V13-36



SITE PLAN FOR
BILL MORLINO
SCALE: 1" = 10'
DATE: 7-5-13