



MORGANTOWN BOARD OF ZONING APPEALS

October 16, 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: COMBINED REPORT – V13-36, V13-49 thru V13-52 Sunnyside Properties, LLC / 300 Carson Street

REQUEST and LOCATION:

Request by William Morlino, on behalf of Sunnyside Properties, LLC, for the following approvals relating to a proposed 1,600 square foot building at 300 Carson Street:

- Agenda Item A Case No. V13-36 – Variance relief as it relates to setbacks.
- Agenda Item B Case No. V13-49 – Variance relief as it relates to design and performance standards.
- Agenda Item C Case No. V13-50 – Variance relief as it relates to transparency.
- Agenda Item D Case No. V13-51 – Variance relief as it relates to minimum parking requirements.
- Agenda Item E Case No. V13-52 – Variance relief as it relates to minimum building height.

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.

Development Services

Christopher Fletcher, AICP
Director

Planning Division

389 Spruce Street
Morgantown, WV 26505
304.284.7431



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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.

On 18 SEP 2013, the petitioner appeared before the Board seeking conditional use approval for Case No. CU13-15 to construct a garage/storage structure on Parcel 148. The proposed development program utilized 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. The Board denied the petitioner's conditional use request and tabled the five (5) related variance petitions (see Exhibit 1 – Notification of Decision).

Staff met with the petitioner on 19 SEP 2013 to discuss alternate development programs given uses permitted in the B-2 District. Based on this discussion, Staff understood that the petitioner's intent was to relocate his property leasing and management office at 2109 University Avenue to the proposed structure at the corner of Carson Street and Grant Avenue. The proposed building would also provide a small workshop space customarily associated with property management and for minor woodworking.

On 20 SEP 2013, the petitioner advised Staff verbally that he wanted to change the proposed use from a garage storage building to an "Artist Studio" use and maintain the proposed building design as presented to the Board on 18 SEP 2013.

Article 1329.02 provides the following land use definitions.

"ARTIST STUDIO – Workspace for artists or artisans, including individuals practicing one or more of the fine arts or skilled in crafts."

"ADMINISTRATIVE OFFICE – An office establishment primarily engaged in overall management and general supervisory functions, such as executive, personnel, finance, legal and sales activities, performed in a single location or building for other branches or divisions of the same company."

Table 1331.05.01 provides that "Artist Studio" uses are permitted in the B-2 District with conditional use approval and "Administrative Office" uses are permitted in the B-2 District by-right.

Based on Staff's understanding of the petitioner's use intentions, it is the opinion of the Planning Division that the most appropriate use classification for the revised development program is an "Administrative Office."

The following narrative describes each of the variance cases presented herein.

Agenda Item A..... Case No. V13-36

The following table identifies related lot coverage and setback requirements for the proposed structure and notes requisite variances in bold font highlighted in yellow.

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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.

As the table above illustrates, variance relief of 16.75 feet from the minimum side (east) setback standard and 18 feet from the minimum rear setback standard is required for the development as proposed.

It should be noted that said minimum building envelope standards result in a by-right buildable area of only 15' X 15' for the subject 40' x 40' parcel.

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Agenda Item B..... Case No. V13-49

Article 1361.03(P)(1) provides that the first two (2) floors of a building must be constructed of natural materials including stone, brick, and wood siding, but not including materials such as, or similar to, wood roof shingles, reflective glass, split-faced concrete block, imitation stone, and imitation stucco or Drivit.



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Because the proposed development program includes the use of split-faced concrete block, variance relief is required. It should be noted the petitioner has stated that wood siding will be used rather than the reference to brick illustrated on the submitted renderings.

Agenda Item C..... Case No. V13-50

Article 1361.03(E) provides that building facades adjacent to public streets must have at least 60% ground floor transparency. Because no windows are provided in the proposed development along Carson Street or Grant Avenue, variance relief is required.

Agenda Item D..... Case No. V13-51

Article 1347.06 and Table 1365.04.01 provides the following minimum parking requirement for "Administrative Office" uses:

3 spaces per 1,000 sq. ft. of net floor area up to 20,000 sq. ft. plus 2 spaces per 1,000. sq. ft. of net floor area greater than 20,000 sq. ft.

The minimum parking requirement is calculated as follows:

$$\frac{832.5 \text{ sq. ft.}}{1,000 \text{ sq. ft.}} \times 3 = 2.4 \text{ spaces or } \mathbf{2 \text{ spaces}}$$

The petitioner has revised the interior design of the proposed building to include one internal garage parking space. Because there is no remaining site space for exterior surface parking, variance relief of one (1) parking space is required.

It should be noted that although Article 1361.03(Q)(2) permits on-street parking spaces immediately adjacent to a land use to count towards fulfilling minimum parking requirements, the subject's frontage along Carson Street and Grant Avenue is striped yellow and on-street parking is not permitted.

Agenda Item E..... Case No. V13-52

Article 1361.03(O)(5) provides a minimum building height of two (2) stories along secondary streets in the Sunnyside Overlay Districts. Because the proposed building height is one (1) story, variance relief is required.

It should be noted that the matter of one-story and two-story development scenarios was discussed by the Board during its 18 SEP 2013 hearing for Case No. CU13-15. Staff reminds the Board that the subject site is a 40' x 40', 1,600 square foot tract of realty, which is only 27% of the minimum lot area standard for the B-2 District. Additionally, increasing the intensity of development on the subject site will only increase the extent of requisite variance relief in terms of minimum parking, building envelope encroachments, etc.

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Staff recommends that the Board, without objection from members of the Board, the petitioner, or the public, combine the public hearings for the five (5) variance petitions presented herein. However, each respective variance petition must be considered and acted upon by the Board separately.

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 respective "Findings of Fact" submitted by the applicant. Addendum B of this report provides Staff recommended findings of fact.

Again, each respective variance petition must be considered and acted upon by the Board separately.

Staff recommends that the following conditions be included in the approvals for each petition.

Agenda Item A..... Case No. V13-36
Variance relief as it relates to setbacks.

No conditions recommended.

Agenda Item B..... Case No. V13-49
Variance relief as it relates to design and performance standards.

To see the spirit and intent of the Sunnyside Overlay Districts' design and performance standards relative to building materials are observed and substantial justice done, Staff recommends the following conditions:

1. That wood siding, if used, shall be horizontally articulated clapboard, lap, or similar design and not a vertically articulated design often resembled in board-and-batten or T-111 type siding.
2. That wood siding, if used, shall be treated, painted, and/or stained for resistance to outdoor, severe weather.
3. That the color of the split-faced block shall be comparable and complementary to the color (e.g., limestone color, sandstone color, etc.) of the existing cut foundation stone located on the subject site and proposed for use as a portion of the subject building's foundation. The color of the split-faced block may not be concrete grey, white, red or a similar contrasting color.
4. That cement fiberboard siding replicating horizontally articulated wood clapboard, lap, or similarly designed siding may be used; provided, it is comprised of a simulated wood grain profile.

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Agenda Item C..... Case No. V13-50

Variance relief as it relates to transparency.

To see that the spirit and intent of the Sunnyside Overlay Districts' design and performance standards relative to fenestration are observed and substantial justice done, Staff recommends the following condition:

1. That, to soften the otherwise plain wall of the proposed building that will face Grant Avenue given the absence of windows as required, landscaping of arborvitae, upright yew, or similarly appropriate vertically growing evergreen shrubs must be planted as generally illustrated in the following graphic.



Agenda Item D..... Case No. V13-51

Variance relief as it relates to minimum parking requirements.

No conditions recommended.

Agenda Item E..... Case No. V13-52

Variance relief as it relates to minimum building height.

No conditions recommended.

Development Services

Christopher Fletcher, AICP
Director

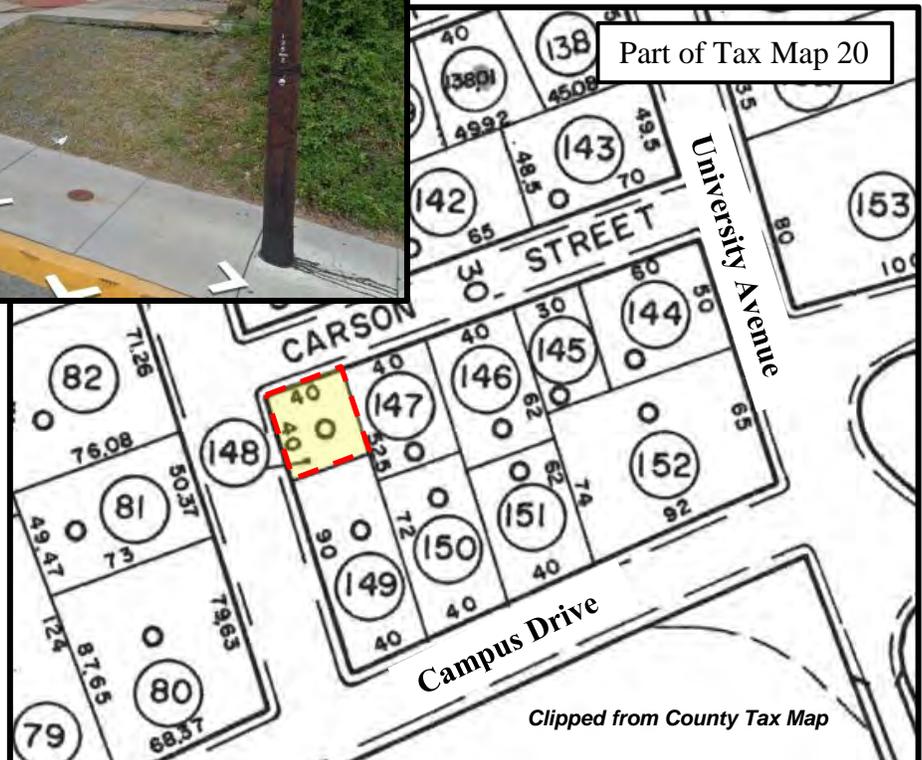
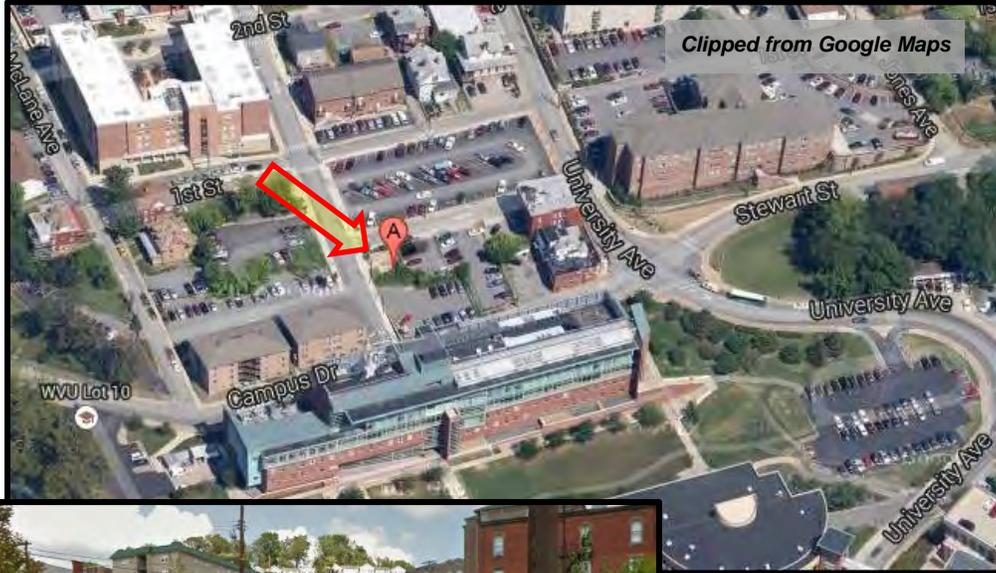
Planning Division

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Enclosures: Application and accompanying exhibit

STAFF REPORT ADDENDUM A

V13-36, V13-49 thru V13-52 / Sunnyside Properties, LLC /
300 Carson Street





STAFF REPORT ADDENDUM B
V13-36, V13-49 thru V13-52 / Sunnyside Properties, LLC /
300 Carson Street

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

V13-36 Setbacks and Encroachments

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 proposed development will use the existing foundation of a formally razed and removed nonconforming residential structure.

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:

Developing the subject 40' x 40' lot, given minimum setback requirements, could not be built upon.

Finding of Fact No. 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:

~~No garage only.~~ Allowing the setback encroachment will permit the development of a small parcel that is currently vacant, underutilized, and otherwise considered a noncontributing small tract of land.

Finding of Fact No. 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:

~~Will meet all city codes.~~ The proposed building and use should serve to improve a nonconforming parcel that is currently vacant, underutilized, and otherwise a noncontributing small tract of land. The nature of the variance cannot contribute to or diminish existing traffic congestion within the immediate area.

V13-49 Design and Performance Standards

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:

With the exception of cost-prohibitive cut natural stone, split faced block will match the existing stone walls better than other materials.

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:

Structure could not be built otherwise. Similar variances have been granted in the Sunnyside Overlay Districts.

Finding of Fact No. 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:

Garage only. The use of split-faced type block should not adversely impact the built environment within the immediate area as similar appearing hardscape materials were used to create a retaining wall surrounding the bus stop developed under the Sunnyside Up Grant Avenue streetscape project at the nearby corner of Grant Avenue and First Street.

Finding of Fact No. 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:

Will meet all city codes. Conditions required by the Board should see that the spirit and intent of the Sunnyside Overlay Districts' design and performance standards relative to building materials are observed and substantial justice done thereby mitigating adverse impacts to the immediate built environment. The nature of the variance cannot contribute to or diminish existing traffic congestion within the immediate area.

V13-50 Transparency

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:

Security appears prevailing is of paramount importance given the proposed use and structure.

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:

Structure could not be built otherwise. Although variance relief to the minimum window/fenestration standards in the Sunnyside Overlay Districts has been approved by the Board, the circumstances of the site in terms of topography and use of existing foundation walls along with the proposed use and proposed structure appears unique warranting relief as requested.

Finding of Fact No. 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:

Garage only. The nature of the variance, given the proposed use and proposed structure, should not adversely impact the neighboring built environment.

Finding of Fact No. 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:

Will meet all city codes. Conditions required by the Board should see that the spirit and intent of the Sunnyside Overlay Districts' design and performance standards are observed and substantial justice done thereby mitigating adverse impacts to the immediate built environment by requiring landscaping to soften the plain wall of the subject building that will face Grant Avenue. The nature of the variance cannot contribute to or diminish existing traffic congestion within the immediate area.

V13-51 Minimum Parking Requirements

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:

Any vehicle used will be parked inside of the structure.

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:

~~Structure could not be built otherwise.~~ Developing the subject 40' x40' lot, given minimum parking requirements, does not appear otherwise likely.

Finding of Fact No. 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:

~~Garage only.~~ The proposed structure will be for the personal use of the petitioner and maximum vehicle use should be limited to one vehicle at any given time.

Finding of Fact No. 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:

~~Will meet all city codes.~~ The proposed building and use should serve to improve a nonconforming parcel that is currently vacant, underutilized, and otherwise a noncontributing small tract of land. The nature of the variance, given the personal use of the proposed structure by the petitioner, should not contribute to or diminish existing traffic congestion within the immediate area.

V13-52 Minimum Building Height

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:

Facility is to be used for ~~storage~~ administrative office activities customarily associated with property leasing and management and incidental woodworking. Any additional height would be wasted space and expense. Increasing development intensity of the 40' x 40' parcel will only increase the extent of requisite variance relief in terms of minimum parking, building envelope encroachments, etc.

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:

Structure could not be built otherwise. Developing the subject 40' x 40' lot, given minimum parking and other related development intensity requirements, does not appear otherwise likely.

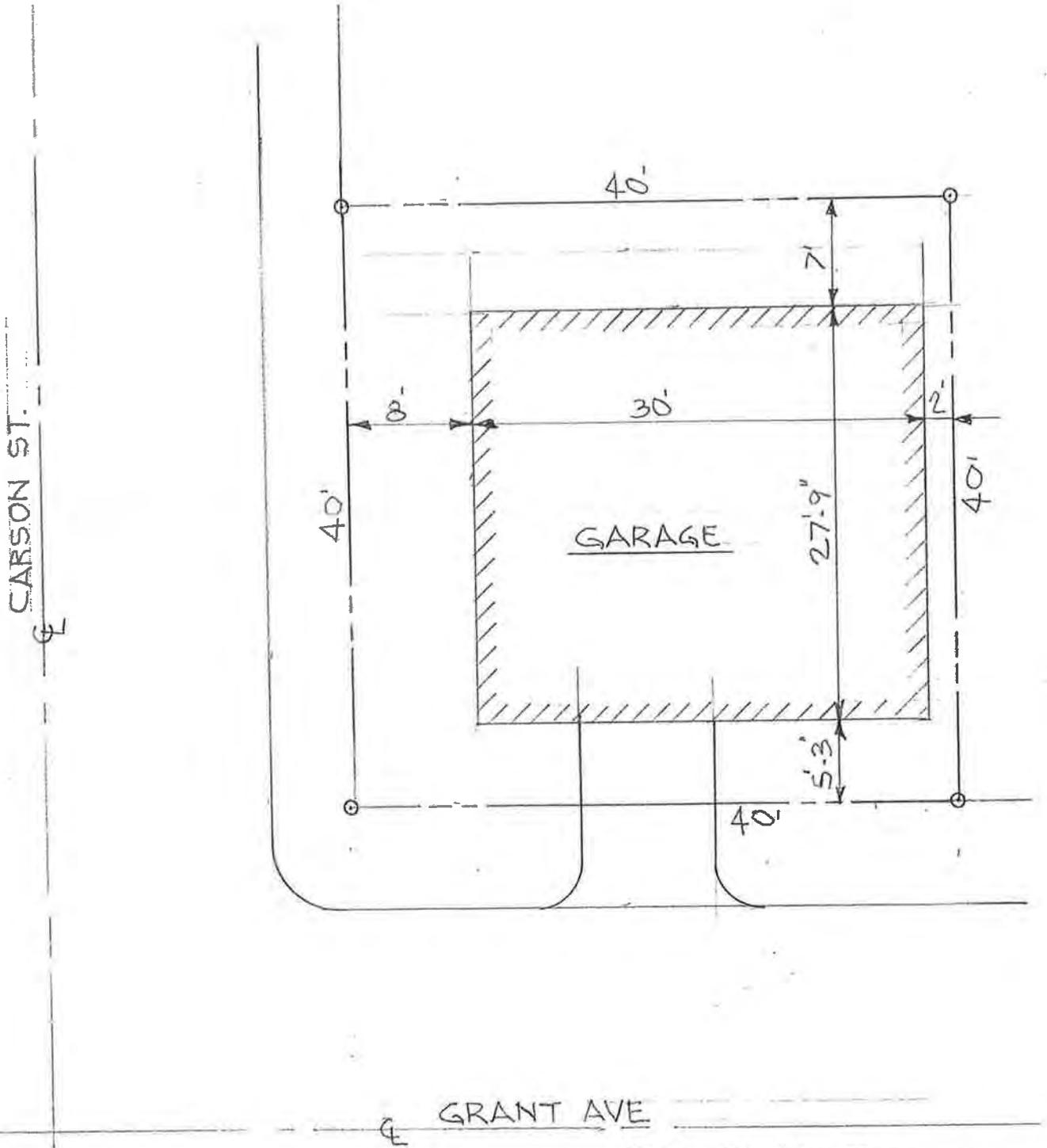
Finding of Fact No. 3 – The granting of this variance not be harmful to the public welfare and will not harm property or improvements in the vicinity and zoning district in which the subject property is located, because:

~~Garage only.~~ The nature of the variance, given the proposed use, the proposed structure, and the 40' x 40' parcel, should not adversely impact the immediate built environment of private and WVU parking lots.

Finding of Fact No. 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:

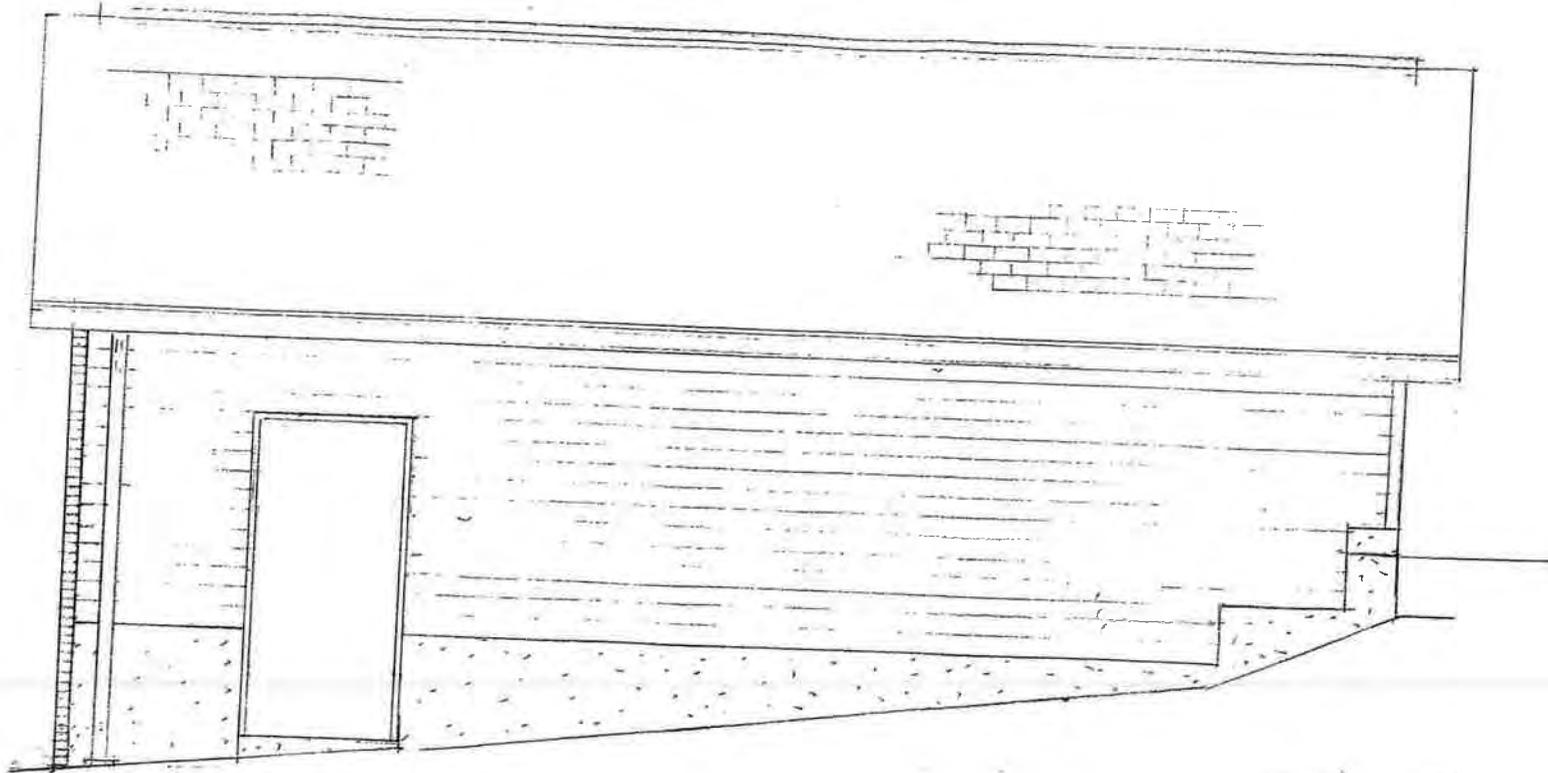
~~Will meet all city codes.~~ The proposed building and use should serve to improve a nonconforming parcel that is currently vacant, underutilized, and otherwise a noncontributing small tract of land surrounded by private and WVU parking lots. The nature of the variance cannot contribute to or diminish existing traffic congestion within the immediate area.

V13-36



SITE PLAN FOR
BILL MORLINO
SCALE: 1" = 10'

DATE: 7-5-13



RIGHT SIDE ELEVATION

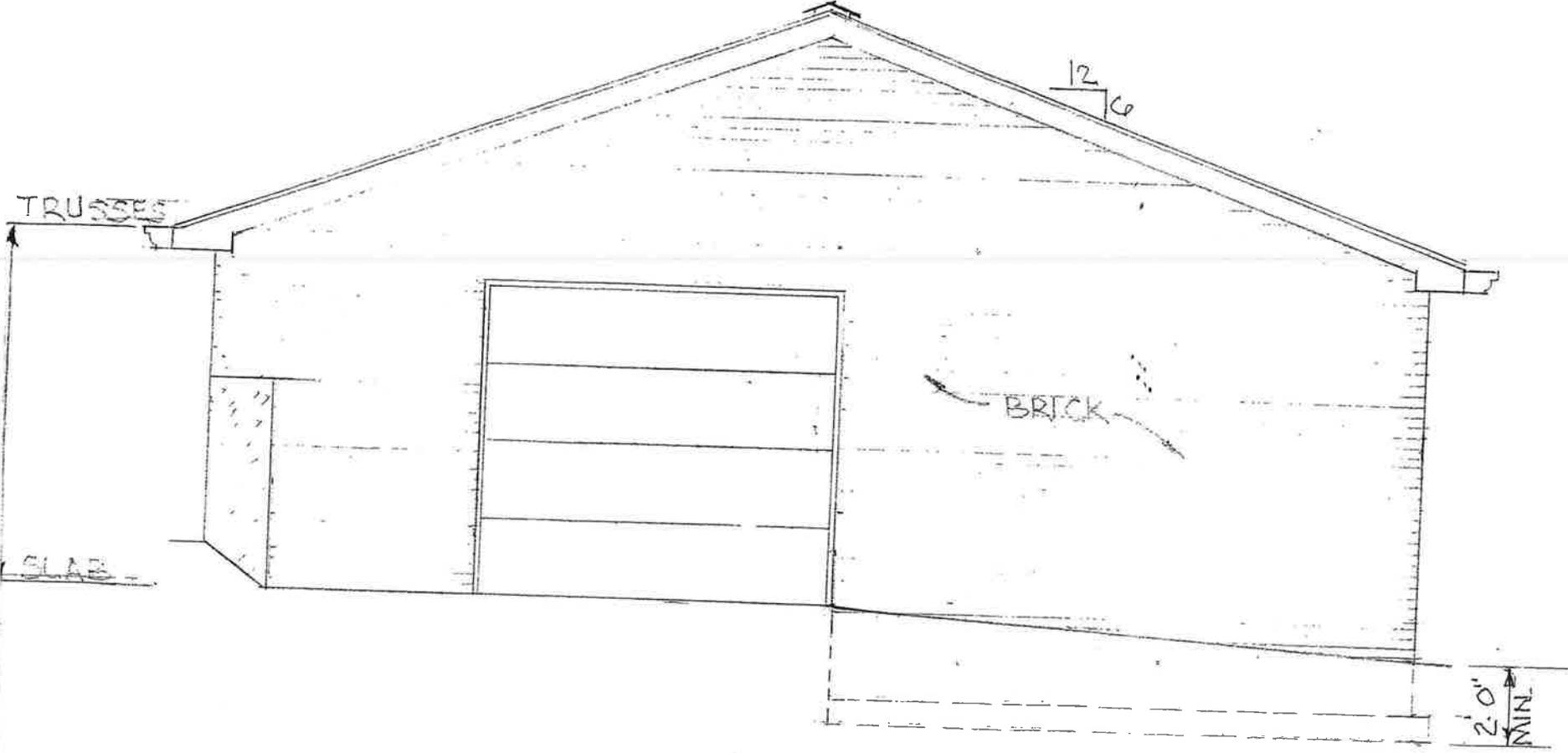
State of West Virginia

Dale Thomas Heaster
No. 1565

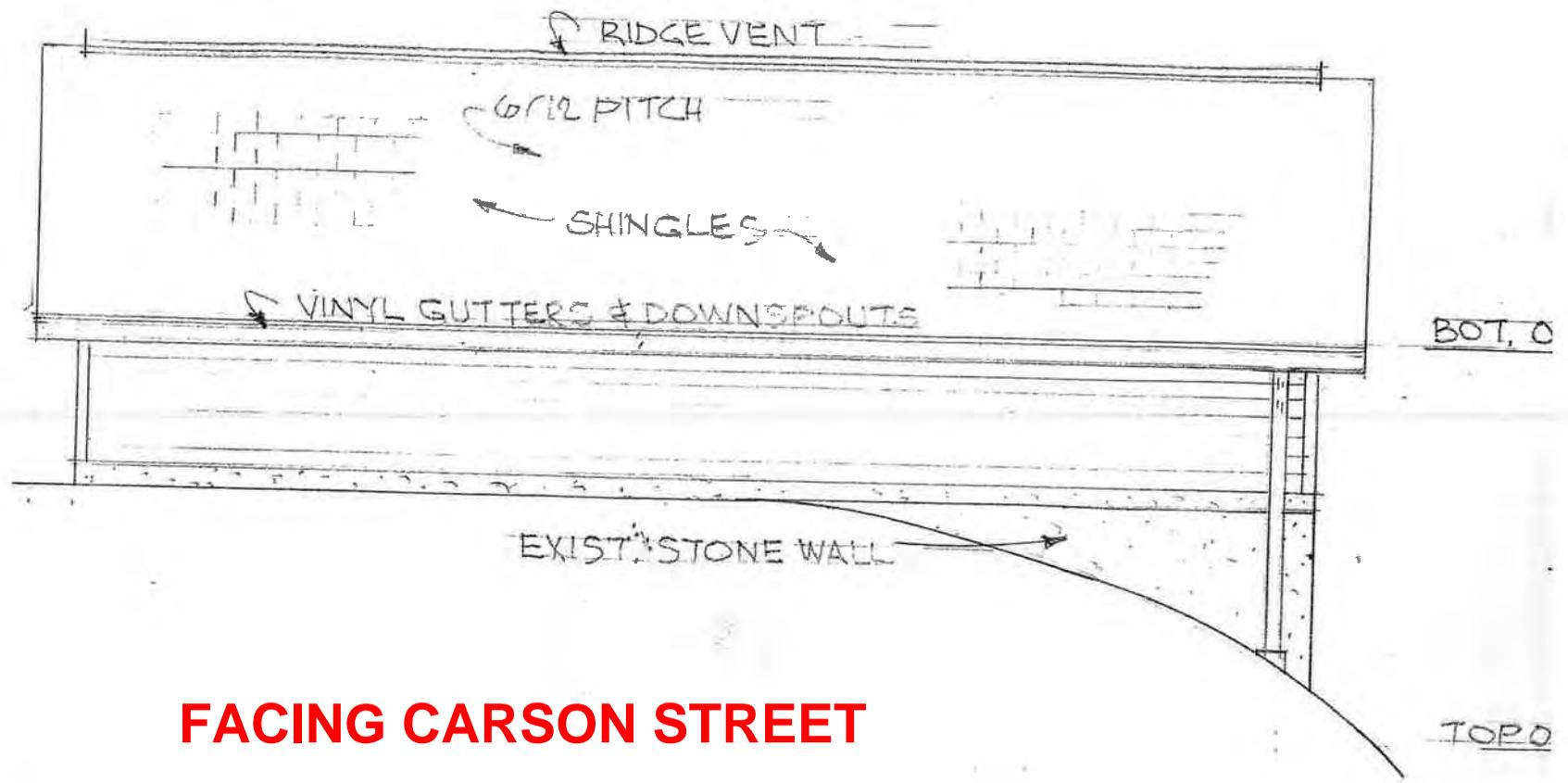
Registered Architect
Dale Heaster

GARAGE PLANS	
SCALE: 1/4" = 1'-0"	DRAWN: D. HEASTER
DATE:	
DWG. NO.	

FACING GRANT AVENUE

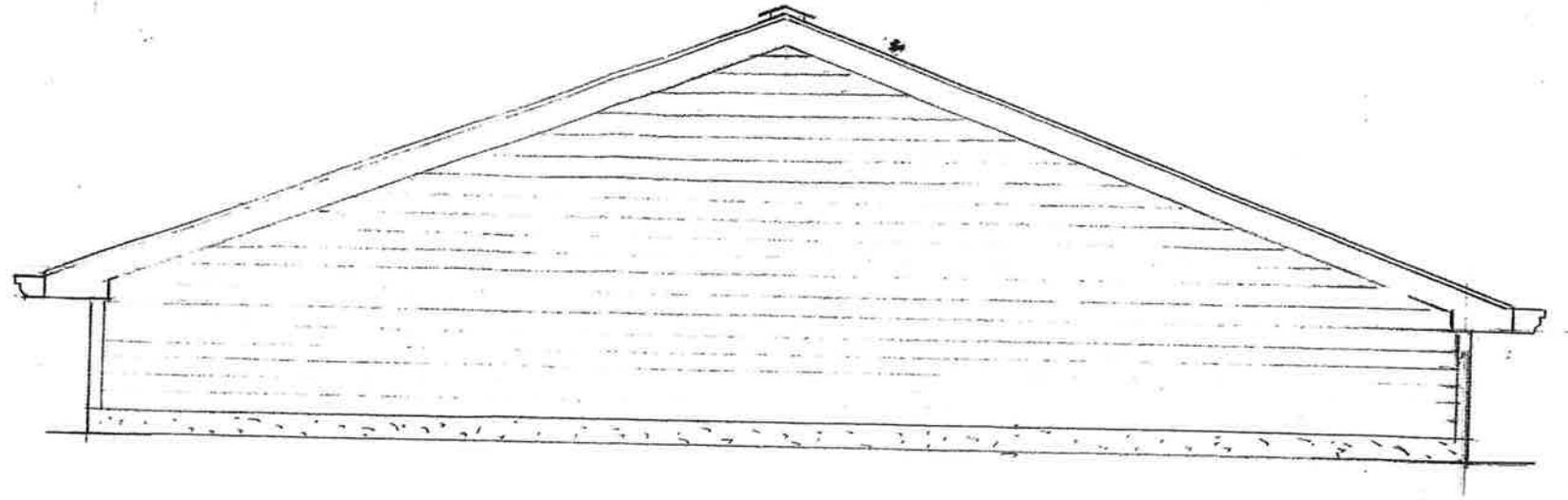


FRONT ELEVATION



FACING CARSON STREET

LEFT SIDE ELEVATION



REAR ELEVATION



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



City of Morgantown, West Virginia

APPLICATION FOR ZONING VARIANCE

OFFICE USE	
CASE NO.	V13-36
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**

OFFICE USE	
CASE NO.	V13-36
RECEIVED:	_____
COMPLETE:	_____

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



City of Morgantown, West Virginia

APPLICATION FOR ZONING VARIANCE

OFFICE USE	
CASE NO.	V13-49
RECEIVED:	8/26/13
COMPLETE:	

(PLEASE TYPE OR PRINT IN BLACK INK)

Fee: \$75

I. APPLICANT		Name:	Sunnyside Properties LLC		
Mailing Address:	Street	PO Box 599		Phone:	(304) 291-1000
	City	State	Zip	Mobile:	
	Morgantown	WV	26507-0599	Email:	
II. PROPERTY		Street Address:	300 CANSON ST		
Owner:	Sunnyside Properties LLC		Zoning:	B-2	
Mailing Address:	Street	Same		Tax Map No:	20
	City	State	Zip	Parcel No:	148
				Phone:	
III. NARRATIVE		Please describe the nature and extent of your variance request(s).			
<p>SPLIT faced block will MATCH the EXISTING STONE WALLS better than other materials</p>					
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.			
Type/Print Name of Applicant/Agent		Signature of Applicant/Agent		PAID	Date
W. Moeher		[Signature]		8/26/2013	8/26/13

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.

OK 10726



City of Morgantown, West Virginia

APPLICATION FOR ZONING VARIANCE

OFFICE USE	
CASE NO.	V13-49
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 sq ft

Estimated number of employees: 0 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**

OFFICE USE	
CASE NO.	V13-49
RECEIVED:	
COMPLETE:	

Suggested Scale: 1 square = 5'

See attached site plan
C.M.F. 13-Sep-2013



City of Morgantown, West Virginia

**APPLICATION FOR
ZONING VARIANCE**

OFFICE USE	
CASE NO.	V13-49
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:

*Split faced block will match the existing
store walls better than other materials*

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:

Structure could not be built otherwise

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:

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



City of Morgantown, West Virginia

APPLICATION FOR ZONING VARIANCE

OFFICE USE	
CASE NO.	113-50
RECEIVED:	8/26/13
COMPLETE:	

(PLEASE TYPE OR PRINT IN BLACK INK)

Fee: \$75

I. APPLICANT		Name: <i>Sunnyside Properties LLC</i>	
Mailing Address:	Street	<i>PO Box 599</i>	
	City	State	Zip
	<i>Morgantown</i>	<i>WV</i>	<i>26507-0599</i>
	Phone:	<i>(304) 291-1000</i>	
	Mobile:		
	Email:		
II. PROPERTY		Street Address: <i>300 CARSON ST</i>	
Owner:	<i>Sunnyside Properties LLC</i>		Zoning: <i>B-2</i>
Mailing Address:	Street	<i>Same</i>	
	City	State	Zip
	Tax Map No:	<i>20</i>	
	Parcel No:	<i>148</i>	
	Phone:		
III. NARRATIVE		Please describe the nature and extent of your variance request(s).	
<i>FACILITY IS TO BE FOR STORAGE. SECURITY IS OF MORE IMPORTANCE THAN TRANSPARENCY.</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>W. Martin</i>		<i>[Signature]</i>	
Type/Print Name of Applicant/Agent	Signature of Applicant/Agent	PAID	Date <i>8/26/13</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.

OK 10726



City of Morgantown, West Virginia

APPLICATION FOR ZONING VARIANCE

OFFICE USE	
CASE NO.	V13-50
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 sq ft
 Estimated number of employees: 0 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**

OFFICE USE

CASE NO. V13-50
RECEIVED: _____
COMPLETE: _____

Suggested Scale: 1 square = 5'

See attached site plan
C.M.F. 13-Sep-2013



City of Morgantown, West Virginia

**APPLICATION FOR
ZONING VARIANCE**

OFFICE USE

CASE NO.

V13-50

RECEIVED:

8/26

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:

Security is of PARAMOUNT IMPORTANCE

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:

Structure could not be built otherwise

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:

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



City of Morgantown, West Virginia

APPLICATION FOR ZONING VARIANCE

OFFICE USE	
CASE NO.	V13-51
RECEIVED:	8/29/13
COMPLETE:	

(PLEASE TYPE OR PRINT IN BLACK INK)

Fee: \$75

I. APPLICANT		Name:	Sunnyside Properties LLC		
Mailing Address:	Street	PO Box 599		Phone:	(304) 291-1000
	City	State	Zip	Mobile:	—
	MORGANTOWN WV		26507-0599	Email:	—

II. PROPERTY		Street Address:	300 GARSON ST		
Owner:	Sunnyside Properties LLC		Zoning:	B-2	
Mailing Address:	Street	Same		Tax Map No:	20
	City	State	Zip	Parcel No:	148
			Phone:		

III. NARRATIVE	Please describe the nature and extent of your variance request(s).
<p>Relief from minimum on site parking requirements</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	Date
W. Martin		8/26/13

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.

OK 10726



APPLICATION FOR ZONING VARIANCE

OFFICE USE	
CASE NO.	V13-51
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 sq ft
 Estimated number of employees: 0 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**

OFFICE USE

CASE NO. V13-51
RECEIVED: _____
COMPLETE: _____

Suggested Scale: 1 square = 5'

See attached site plan
C.M.F. 13-Sep-2013



City of Morgantown, West Virginia

APPLICATION FOR ZONING VARIANCE

OFFICE USE

CASE NO.

V13-51

RECEIVED:

8/20/13

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:

*Any Vehicle Used Will be Parked
inside of the Structure*

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:

Structure Could not be built otherwise

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:

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



City of Morgantown, West Virginia

APPLICATION FOR ZONING VARIANCE

OFFICE USE	
CASE NO.	V13-62
RECEIVED:	8/26/13
COMPLETE:	

(PLEASE TYPE OR PRINT IN BLACK INK)

Fee: \$75

I. APPLICANT		Name: <i>Sunnyside Properties LLC</i>	
Mailing Address:	Street	<i>PO Box 599</i>	
	City	State	Zip
	<i>MORGANTOWN</i>	<i>WV</i>	<i>26507-0599</i>
	Phone:	<i>(304) 291-1000</i>	
	Mobile:		
	Email:		
II. PROPERTY		Street Address: <i>300 CARSON ST</i>	
Owner:	<i>Same</i>		Zoning: <i>B-2</i>
Mailing Address:	Street	<i>Sunnyside Properties LLC</i>	
	City	State	Zip
	Tax Map No:	<i>20</i>	
	Parcel No:	<i>148</i>	
	Phone:		
III. NARRATIVE		Please describe the nature and extent of your variance request(s).	
<i>Relief from minimum building height standard</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>			
 Type/Print Name of Applicant/Agent		 Signature of Applicant/Agent	
		 Date: <i>8/26/13</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.

OK 107226



APPLICATION FOR ZONING VARIANCE

OFFICE USE	
CASE NO.	V13-52
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 sq ft
 Estimated number of employees: 0 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**

OFFICE USE

CASE NO. V13-52

RECEIVED: _____

COMPLETE: _____

Suggested Scale: 1 square = 5'

See attached site plan
C.M.F. 13-Sep-2013



City of Morgantown, West Virginia

**APPLICATION FOR
ZONING VARIANCE**

OFFICE USE	
CASE NO.	V13-52
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:

Facility is to be used for storage. Any additional height would be wasted space and expense

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:

Structure could not be built otherwise

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:

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