MORGANTOWN BOARD OF ZONING APPEALS

September 18, 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 – V13-37 / V13-38 / V13-48
GCF Properties, LLC / 246 & 248 Fife Street

REQUEST and LOCATION:

Request by Lisa Mardis of Project Management Services, on behalf of GCF Properties, LLC, for the following approvals related to a proposed project at 246 and 248 Fife Street.

Agenda Item G..... Case No. V13-37 – Variance petition concerning maximum front setbacks.

Agenda Item H..... Case No. V13-38 – Variance petition concerning minimum rear setbacks.

Agenda Item I..... Case No. V13-48 – Variance petition concerning curb cut width.

TAX MAP NUMBER(s) and ZONING DESCRIPTION:

Tax Map 26, Parcels 156 and 157; R-3, Multi-Family Residential District

SURROUNDING ZONING:

North and East: R-2, Single- and Two-Family Residential District

West: OI, Office and Institutional District

South: R-3, Multi-Family Residential District

BACKGROUND and ANALYSIS:

The petitioner seeks to raze two structures and construct one "Multi-Family Dwelling" structure at 246 and 248 Fife Street. Addendum A of this report illustrates the location of the subject development site.

The follow summary details the proposed development program.

- Ten (10) one-bedroom units and one (1) two-bedroom unit for a total of 12 occupants.
- Twelve on-site parking spaces with 10 spaces having direct access onto Fife Street and two spaces along the side of the proposed structure. It should be noted that the parking layout must be adjusted to provide 2.5 additional feet to the accessible parking space and that the accessible space be designed as either a van or universal accessible space.

Development Services
Christopher Fletcher, AICP
Director

Planning Division
389 Spruce Street
Morgantown, WV 26505
304.284.7431

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V13-37 and V13-38 Setbacks and Encroachments

The following table identifies R-3 District setback requirements set forth in Article 1339.04, the petitioner's corresponding proposed setbacks, and required variances.

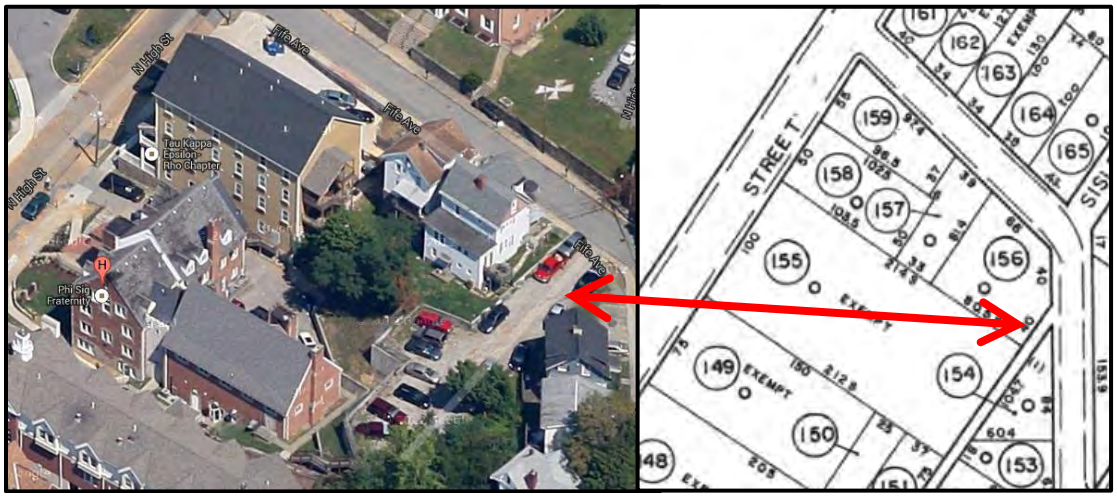
Setback Standard	Requirement	Proposed	Required Variance
Maximum Front	20 feet	23' – 6.5"	**3' – 6.5"**
Minimum Rear	20 feet	10 feet	**10 feet**

V13-48 Curb Cuts

Article 1365.09(B)(2) provides a maximum width of twenty-two (22) feet for private driveway entrances (curb cuts) at the right-of-way line of the street. Additionally, driveways may be not located closer than 30 feet of the nearest point of the intersection of two streets.

The proposed width of the curb cut is approximately 104.5 feet, which requires an 82.5 foot variance.

The proposed location of the curb cut abuts a very narrow, dead-end public right-of-way that appears to have been used to access a parking area behind Parcel 155 of Tax Map 26 by the Phi Sig Fraternity at 672 North High Street (see illustration below). The abutting alley does not appear to have been improved or accepted by the City for maintenance purposes. The proposed location of the driveway entrance requires variance relief.



Staff recommends that the Board, without objection from members of the Board, the petitioner, or the public, combine the public hearings for the three (3) variance petitions presented herein. However, each respective variance petition must be considered and acted upon by the Board separately.

Development Services
Christopher Fletcher, AICP
Director

Planning Division
389 Spruce Street
Morgantown, WV 26505
304.284.7431

MORGANTOWN BOARD OF ZONING APPEALS

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STAFF RECOMMENDATION:

The Board of Zoning Appeals must determine whether the proposed requests meet the standard criteria for a variance by reaching a positive determination for *each* of the "Findings of Fact" submitted by the applicant. Addendum B of this report provides Staff recommended revisions to the petitioner's findings of fact (deleted matter struck through; new matter underlined).

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

Staff recommends that the petitioner's variance requests be approved with the following conditions for each respective petition:

V13-37 Maximum Front Setbacks

No recommended conditions.

V13-38 Minimum Rear Setbacks

No recommended conditions.

V13-48 Curb Cuts

Recommended Condition:

1. That the existing curbs and sidewalk along the subject property's frontage be removed and replaced with a concrete sidewalk of no less than six feet in width; designed to the satisfaction of the City Engineer; and, that said sidewalk improvement begin at the property's northwest most frontage with Fife Street thence to the east edge of the abutting public right-of-way (alley).

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

V13-37, V13-38, & V13-48 / GCF Properties, LLC / 246 & 248 Fife Street

Fife Avenue, Morgantown, West Virginia, United States
ress is approximate
A
Date: September 2012
Report a problem

700
299
692
246
248
672
254
256
780
670
660
679
669

STAFF REPORT ADDENDUM B

V13-37, V13-38 & V13-48 / GCF Properties, LLC / 246 & 248 Fife Street

---

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

V13-37 Maximum Front Setbacks

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 Design Professionals have worked diligently to creatively utilize the uniquely shaped parcel and topography to maximize the proposed building footprint and related parking while maintaining adequate open space as well as adhering to requirements of the Morgantown Utility Board. The building had to be pushed to the rear of the property in order to bring storm water, sanitary sewer, and water to Fife Street. The Design Professionals have also included a shed-style roof that will direct water to Fife Street. Therefore, the parking had to be placed in front of the building, creating the need for a variance from the maximum front setback requirement. The proposed front setbacks are between 20' and 29". In order to maximize the property's potential the applicant is requesting a maximum front setback variance of 1'-9', the distance of the building.~~ Based on consultation with the Morgantown Utility Board, the development of stormwater management facilities at the rear of the property is physically not possible given the location of existing infrastructure. This challenge necessitated parking to be developed to the front of the property rather than the rear and a shed roof design directing rain water towards Fife Street, resulting in a proposed setback that exceeds the maximum related front setback standard.

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:

> Although the current structures have non-conforming front setbacks that encroach into the minimum front set back requirement, the proposed structure is located further back more than twenty (20) feet. It appears that other structures have similar non-conforming front setbacks that were built under the previous zoning code in which there was not a maximum front set back requirement. The fraternity house located across Fife Street appears to setback further than twenty (20) feet from the property line. The adjacent TKE House, although fronting on High Street, has definite presence on Fife Street due to their parking area. Therefore, the proposed front setback will not be out of character will the built environment.

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:

> The redevelopment of this parcel will result in the removal of two structures with nonconforming front setbacks which appears at one point to encroach into the City's right-of-way. A front side setback variance will keep with the established building line of adjacent properties, in particular the side of the TKE house, and will not harm this property or vicinity improvements. ~~Redevelopment of this property will help to add to the improvements of the proposed nearby "Greek Village at West Virginia University".~~ No significant grading will be

necessary that would harm the adjoining property, public rights-of-way, or existing utilities. The variance should not affect emergency or service vehicle access to adjacent properties.

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:

The redevelopment should enhance the value of the area and accordingly contribute to the market value of neighboring structures. Granting this variance cannot improve nor mitigate traffic congestion that is already present within the neighborhood. Likewise, the approval of this variance would have no impact on the land-use characteristics of the vicinity or zoning district.

V13-38 Minimum Rear Setbacks

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 Design Professionals have worked diligently to creatively utilize the uniquely shaped parcel and topography to maximize the proposed building footprint and related parking while maintaining adequate open space as well as adhering to requirements of the Morgantown Utility Board. Due to the Morgantown Utility Board requirement, the building was pushed to the rear of the property in order to bring storm water, sanitary sewer, and water to Fife Street. The Design Professionals have also included a shed-style roof that will direct water to Fife Street. Therefore, the parking had to be placed in front of the building instead of using the preferred approach of having parking in the rear.~~ Based on consultation with the Morgantown Utility Board, the development of stormwater management facilities at the rear of the property is physically not possible given the location of existing infrastructure. This challenge necessitated parking to be developed to the front of the property rather than the rear and a shed roof design directing rain water towards Fife Street, resulting in a proposed setback that encroaches into the related minimum rear setback standard.

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:

Located in a medium to high density area with an array of parcel configurations, it is sometimes difficult to adequately tell one property boundary from the next. It appears that there are an abundance of structures that do not meet the required rear setback set forth in the zoning code, especially on smaller parcels with a high degree of lot coverage. The applicant seeks to abide by the intent of the ordinance by providing both adequate sidewalk and green space around the structure.

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:

~~The urban in-fill development improves the vicinity by offering multi-family housing and related parking on a site where a functionally obsolete vacant school exists. The design professional worked diligently to incorporate a design that is fitting with the built environment while adding new concepts to improve the area. As in the Sunnyside area, hopefully new development will spark more interest to redevelop this area that this on the main campus~~

~~and downtown fringes. The redevelopment of this parcel will result in removing two very used rentals for one multi-family structure that makes an excellent addition to the proposed Greek Village at West Virginia improvements. No significant grading will be necessary that would harm the adjoining property, public rights-of-way, or existing utilities. The variance should not affect emergency or service vehicle access to adjacent properties.~~ The redevelopment of this parcel will result in the removal of two structures with nonconforming front setbacks which appears at one point to encroach into the City's right-of-way. A front side setback variance will keep with the established building line of adjacent properties, in particular the side of the TKE house, and will not harm this property or vicinity improvements. No significant grading will be necessary that would harm the adjoining property, public rights-of-way, or existing utilities. The variance should not affect emergency or service vehicle access to adjacent properties.

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:

The proposed development should enhance the market value of adjacent properties while maintaining the residential aspect of the vicinity. Granting this variance will in no way diminish or increase congestion on public streets, but incorporate a design that is fitting with the area.

V13-48 Curb Cuts

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 Design Professionals have worked diligently to creatively utilize the uniquely shaped parcel and topography to maximize the proposed building footprint and related parking while maintaining adequate open space as well as adhering to requirements of the Morgantown Utility Board. The building had to be pushed to the rear of the property in order to bring storm water, sanitary sewer, and water to Fife Street. The Design Professionals have also included a shed-style roof that will direct water to Fife Street. Therefore, the parking had to be placed in front of the building. ~~Article 1351.01(D) states that curb cuts cannot exceed twenty-six (26) feet. GCF, LLC is requesting a 104.5' curb cut on Fife Street. The curb cut/sidewalk will be similar to the curb cut/sidewalk that was installed at the Farmer's Market.~~

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:

It appears that there has not been new development in the immediate area and in the same zoning ordinance that would have to adhere to this requirement. It also appears that there are curb cuts that exceed the twenty-two foot standard as evidenced in photographs submitted by the petitioner. ~~twenty-six (26) feet as evidenced in the attached photo, for example 252 Fife Street, a rental at the corner of Fife and Spruce Streets, and 651 Spruce Street. Attached, please find pictures of non-conforming curb cuts in other areas of the City.~~

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:

~~The redevelopment of this parcel will result in a curb cut that exceeds twenty-six (26) feet.~~ The building was pushed back to the rear of the property and parking located in front due to requirements of storm, sanitary sewer, and water. The Parking Authority may have to remove 2-3 parking spaces located on the opposite side of Fife Street for safety reasons; however, it appears that the Parking Authority may have installed the subject meters as a means to control on-street storage parking by adjacent uses. No significant grading will be necessary that would harm the adjoining property, public rights-of-way, or existing utilities. The variance should not affect emergency or service vehicle access to adjacent properties.

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:

The redevelopment should enhance the value of the area and accordingly contribute to the market value of neighboring structures. Granting this variance cannot improve nor mitigate traffic congestion that is already present within the neighborhood. Likewise, the approval of this variance would have no impact on the land-use characteristics of the vicinity or zoning district.

City of Morgantown, West Virginia

APPLICATION FOR ZONING VARIANCE

OFFICE USE	
CASE NO.	V13-37
RECEIVED:	7/5/13
COMPLETE:	

(PLEASE TYPE OR PRINT IN BLACK INK) **Fee: $75**

I. APPLICANT	Name: Project Management Serices		
Mailing Address:	160 Fayette Street, Suite 101 (Street)	Phone:	304-212-5256
	Morgantown (City) WV (State) 26505 (Zip)	Mobile:	304-692-7116
		Email:	pms160@comcast.net
II. PROPERTY	Street Address: 246 & 248 Fife Street		
Owner:	GCF Properties, LLC	Zoning:	R-3
Mailing Address:	PO Box 4147 (Street)	Tax Map No:	26
	Morga ntown (City) WV (State) 26505 (Zip)	Parcel No:	156-157
		Phone:	304-685-3243

III. NARRATIVE Please describe the nature and extent of your variance request(s).

Variance request from the Planning and Zoning Code Article 1339.04 (A) (2) as it relates to maximum front setback in an R-3 District.

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.

Lisa Mardis		7/5/13
Type/Print Name of Applicant/Agent	Signature of Applicant/Agent	Date

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.	V13-37
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)*

☐ **Structure Characteristics** (complete only those that apply)

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

Estimated number of employees: 0 No. of dwelling units: 11 No. of bedrooms:

Additional structure-related details:

10 one-bedrrom units; 1 two-bedroom units

☐ **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.	V13-37
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.	V13-37
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:**

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:**

Attached

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:**

City of Morgantown, West Virginia

APPLICATION FOR ZONING VARIANCE

OFFICE USE	
CASE NO.	V13-38
RECEIVED:	7/5/13
COMPLETE:	

(PLEASE TYPE OR PRINT IN BLACK INK) **Fee: $75**

I. APPLICANT	Name:	Project Management Serices	
Mailing Address:	160 Fayette Street, Suite 101	Phone:	304-212-5256
	Morgantown (City) WV (State) 26505 (Zip)	Mobile:	304-692-7116
		Email:	pms160@comcast.net
II. PROPERTY	Street Address:	246 & 248 Fife Street	
Owner:	GCF Properties, LLC	Zoning:	R-3
Mailing Address:	PO Box 4147	Tax Map No:	26
	Morga ntown (City) WV (State) 26505 (Zip)	Parcel No:	156-157
		Phone:	304-685-3243

III. NARRATIVE Please describe the nature and extent of your variance request(s).

Variance request from the Planning and Zoning Code Article 1339.04 (A) (4) as it relates to minimum front setback in an R-3 District.

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.

Lisa Mardis — Type/Print Name of Applicant/Agent

Signature of Applicant/Agent — Date 7/5/13

KRISTEN 07/05/2013 14:02:47 314869 SITE PLAN

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) 284-7409

City of Morgantown, West Virginia

APPLICATION FOR ZONING VARIANCE

OFFICE USE	
CASE NO.	V13-38
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)*

☐ **Structure Characteristics** (complete only those that apply)

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

Estimated number of employees: 0 No. of dwelling units: 11 No. of bedrooms: _____

Additional structure-related details:

10 one-bedrrom units; 1 two-bedroom units

☐ **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.	V13-38
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.	V13-38
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:**

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:**

City of Morgantown, West Virginia

APPLICATION FOR ZONING VARIANCE

OFFICE USE	
CASE NO.	V13-48
RECEIVED:	8/9/13
COMPLETE:	

(PLEASE TYPE OR PRINT IN BLACK INK) **Fee: $75**

I. APPLICANT	Name:	Project Management Services		
Mailing Address:	160 Fayette Street Suite 101 (Street)		Phone:	304-212-5256
	Morgantown (City)	WV (State)	26505 (Zip)	Mobile: 304-692-7116
			Email:	pms160@comcast.net

II. PROPERTY	Street Address:	246 & 248 Fife Street		
Owner:	GCF, LLC		Zoning:	R-3
Mailing Address:	PO Box 4147 (Street)		Tax Map No:	26
	Morgantown (City)	WV (State)	26505 (Zip)	Parcel No: 156 & 157
			Phone:	304-685-3243

III. NARRATIVE Please describe the nature and extent of your variance request(s).

Variance relief from Article 1351.01 (D) as it relates to curb cuts.

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.

Lisa Mardis	Lisa Mardis	8/8/13
Type/Print Name of Applicant/Agent	Signature of Applicant/Agent	Date

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.	V13-48
RECEIVED:	8/9/13
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:

Estimated number of employees: 0 No. of dwelling units: 11 No. of bedrooms: 12

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.	V13-48
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.	V13-48
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:**

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:**

Attached

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:**

V13-48

FINDINGS OF FACT
GCF Properties, LLC / Fife Street

Variance relief from the Planning and Zoning Code, Article 1351.05 as it relates to the Curb Cuts.

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 Design Professionals have worked diligently to creatively utilize the uniquely shaped parcel and topography to maximize the proposed building footprint and related parking while maintaining adequate open space as well as adhering to requirements of the Morgantown Utility Board. The building had to be pushed to the rear of the property in order to bring storm water, sanitary sewer, and water to Fife Street. The Design Professionals have also included a shed-style roof that will direct water to Fife Street. Therefore, the parking had to be placed in front of the building.

Article 1351.01(D) states that curb cuts cannot exceed twenty-six (26) feet. GCF, LLC is requesting a 104.5' curb cut on Fife Street. The curb cut/sidewalk will be similar to the curb cut/sidewalk that was installed at the Farmer's Market.

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:

It appears that there has not been new development in the immediate area and in the same zoning ordinance that would have to adhere to this requirement. It also appears that there are curb cuts that exceed twenty-six (26) feet as evidenced in the attached photo, for example 252 Fife Street, a rental at the corner of Fife and Spruce Streets, and 651 Spruce Street.

Attached, please find pictures of non-conforming curb cuts in other areas of the City.

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 redevelopment of this parcel will result in a curb cut that exceeds twenty-six (26) feet. The building was pushed back to the rear of the property and parking located in front due to requirements of storm, sanitary sewer, and water. The Parking Authority may have to remove 2-3 parking spaces located on the opposite side of Fife Street for safety reasons.

No significant grading will be necessary that would harm the adjoining property, public rights-of-way, or existing utilities. The variance should not affect emergency or service vehicle access to adjacent 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:

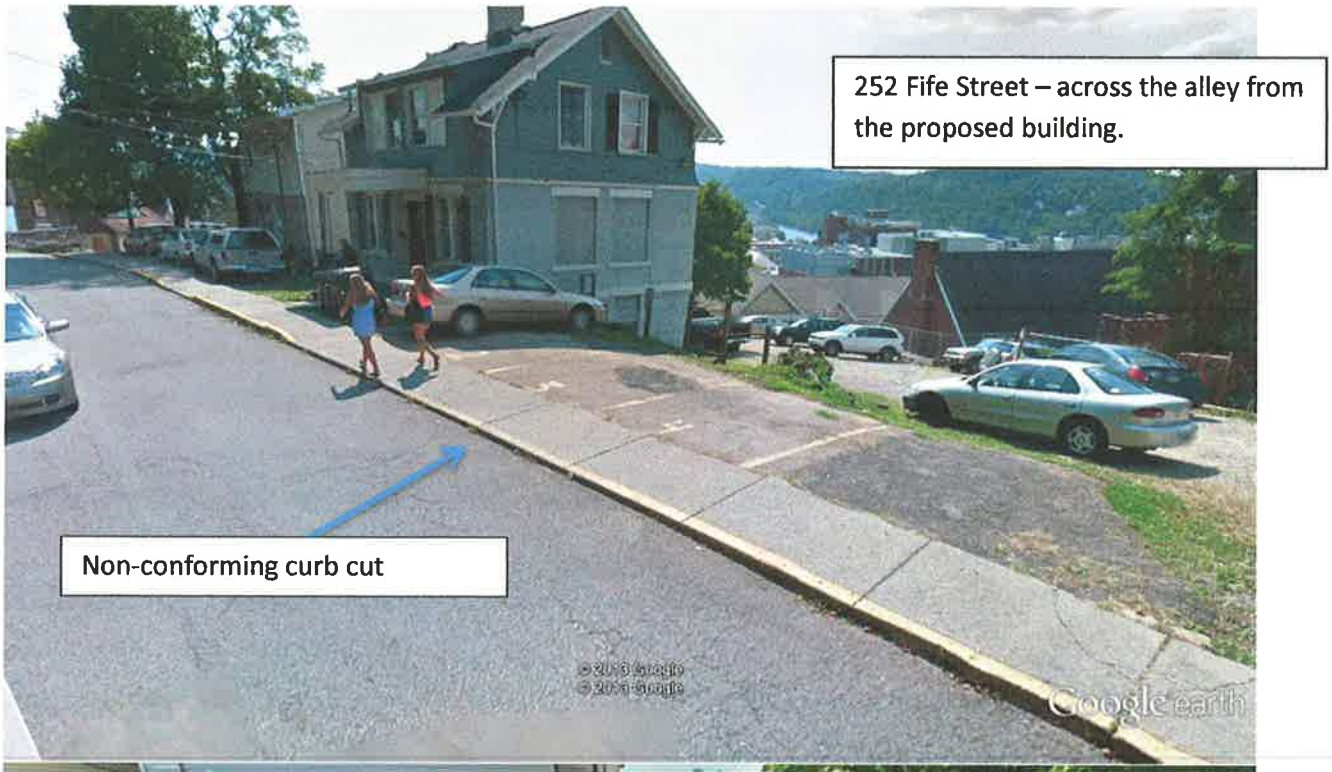
The redevelopment should enhance the value of the area and accordingly contribute to the market value of neighboring structures. Granting this variance cannot improve nor mitigate traffic congestion

V13-48

that is already present within the neighborhood. Likewise, the approval of this variance would have no impact on the land-use characteristics of the vicinity or zoning district.

V13-48

GCF, LLC / 246-248 Fife Street



V13-48

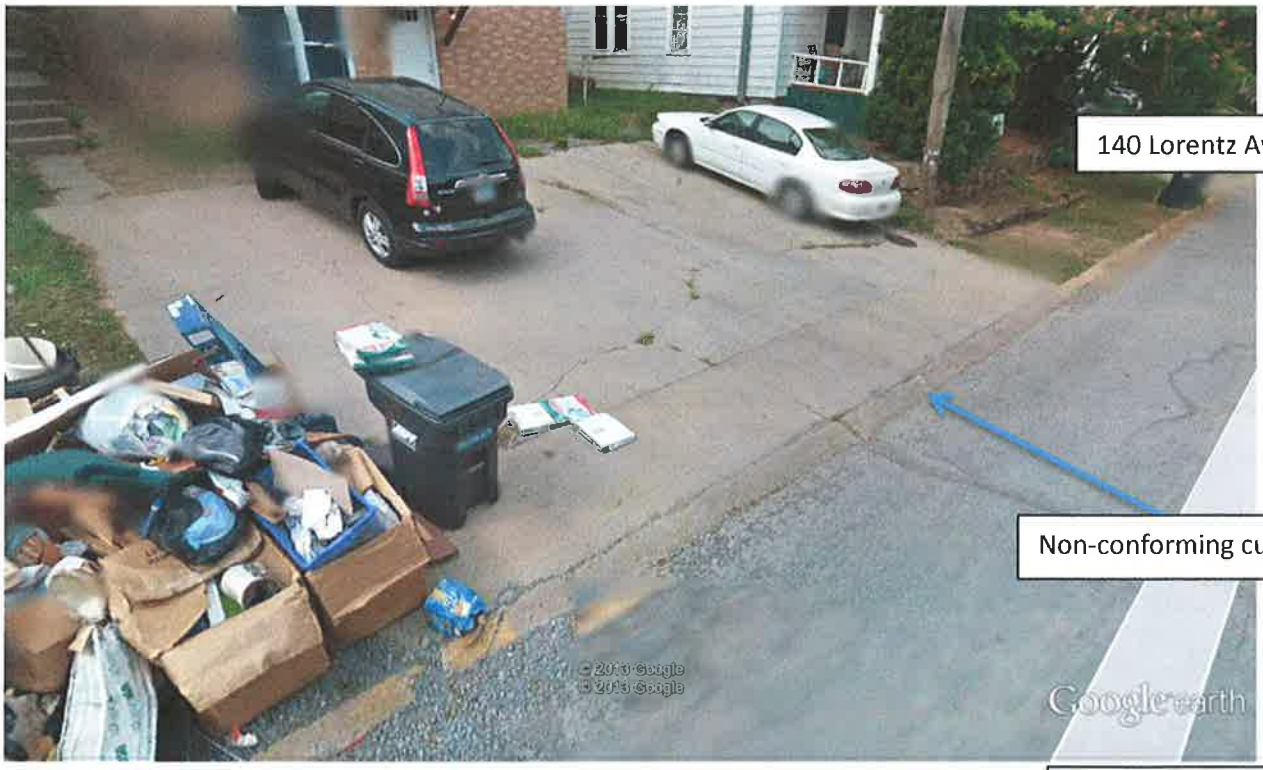
Non –conforming curb cuts

V13-48

544 Stewart Street
Non-conforming curb cuts
Google earth

144 Lorentz Avenue
Non-conforming Curb Cut
Google earth

V13-48


140 Lorentz Avenue
Non-conforming curb cut
© 2013 Google
© 2013 Google
Google earth

132 Lorentz Avenue
Non-conforming curb cut
© 2013 Google
© 2013 Google
Google earth

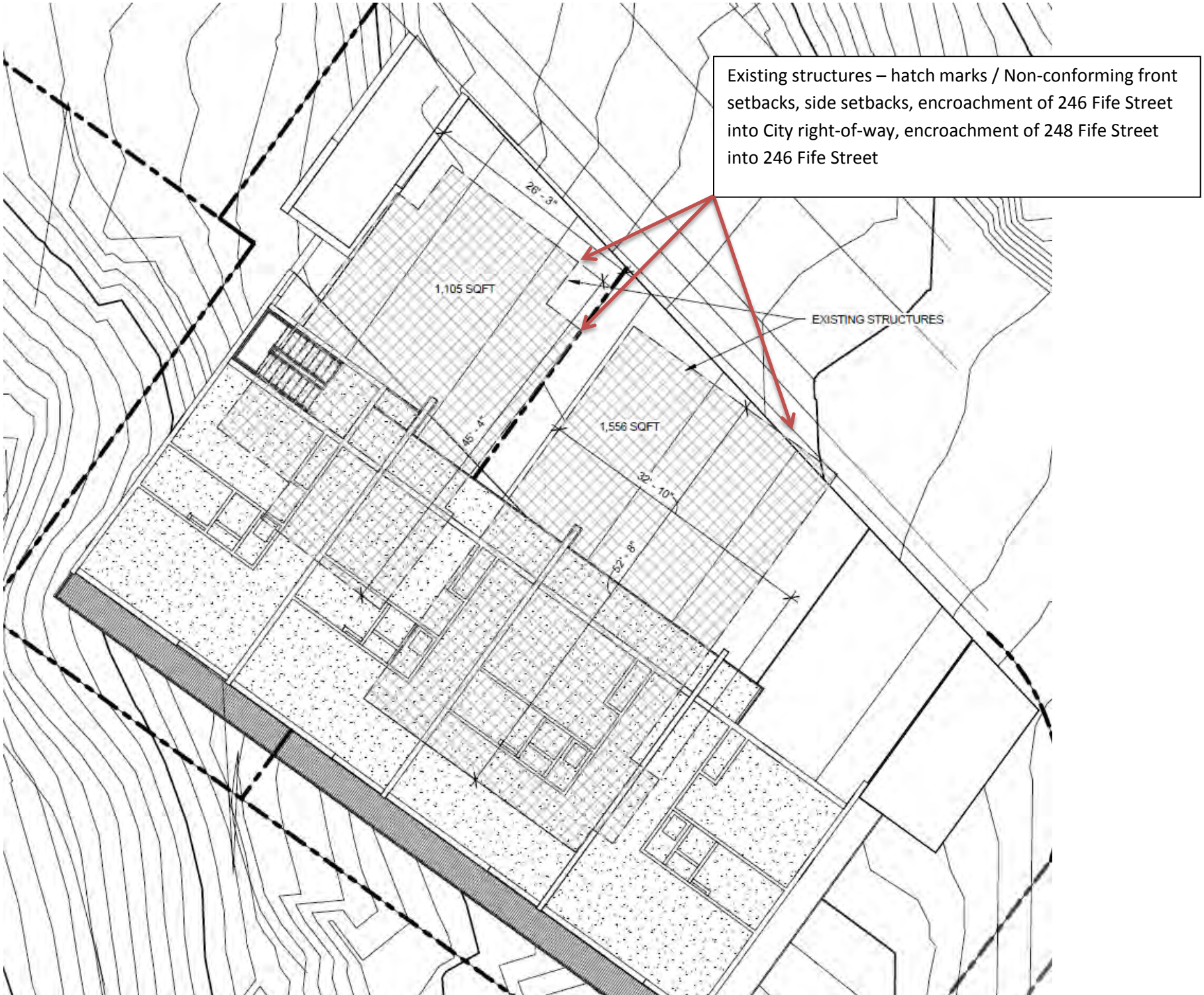
GCF Properties, LLC / Fife Street

Non-conforming R-3 front setback
Fife Street

246 Fife Street – Subject Site
Fife Street

246 Fife Street – Subject Site
Fife Street

246 & 248 Fife Street – Subject Sites
TKE House
Non-conforming side setbacks in R-3


Existing structures – hatch marks / Non-conforming front setbacks, side setbacks, encroachment of 246 Fife Street into City right-of-way, encroachment of 248 Fife Street into 246 Fife Street
26' - 3"
1,105 SQFT
EXISTING STRUCTURES
45' - 4"
1,556 SQFT
32' - 10"
52' - 8"

246 Fife Street – private access road to be improved

Located Directly across Fife Street – non-conforming front setback (R-2)

FIFE STREET

Sheet List	
Sheet Number	Sheet Name
CS	COVER SHEET
C101	SITE PLAN
C102	SITE PLAYOUT PLAN
A100	FOUNDATION LAYOUT PLAN
A101	LEVEL 1
A102	LEVEL 2
A103	LEVEL 3
A104	ROOF
A105	PERSPECTIVES
A201	ELEVATIONS
A301	SECTIONS
A302	SECTIONS
A401	ENLARGED PLANS
A501	STAIR DETAILS
A601	SCHEDULES
A602	SCHEUDLES
A801	REFLECTED CEILING PLAN

MULTI FAMILY HOUSING R-3
11 UNITS
TYPE VB CONSTRUCTION
FULLY SPRINKLERED
IBC 2009 R-2
NEC 2005
NFPA 2009
2003 ICC/ANSI

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PH: 304.296.1010
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PROJECT:
FIFE STREET
MORGANTOWN, WV
HTM Properties
COVER SHEET

Drawing Set Number

Revision Schedule		
No.	Revision Description	Date

INTENDED DRAWING USE:

REVIEW	Conceptual
	Review
	Permitting
	Bidding
	Construction Documents

Project number	13046
Date	08-08-13
Drawn by	RGE
Checked by	MJM

CS

Scale

8/9/2013 11:12:18 AM

1 SITE
1" = 10'-0"

Lot Coverage:

Existing Structures: 2,661 sqft

New Structure: 2,640 sqft

Percent Change: 0.99% Reduction

Lot Coverage: 31.5%

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PROJECT:
FIFE STREET
MORGANTOWN, WV
HTM Properties
SITE PLAN

Drawing Set Number

Revision Schedule		
No.	Revision Description	Date

INTENDED DRAWING USE:

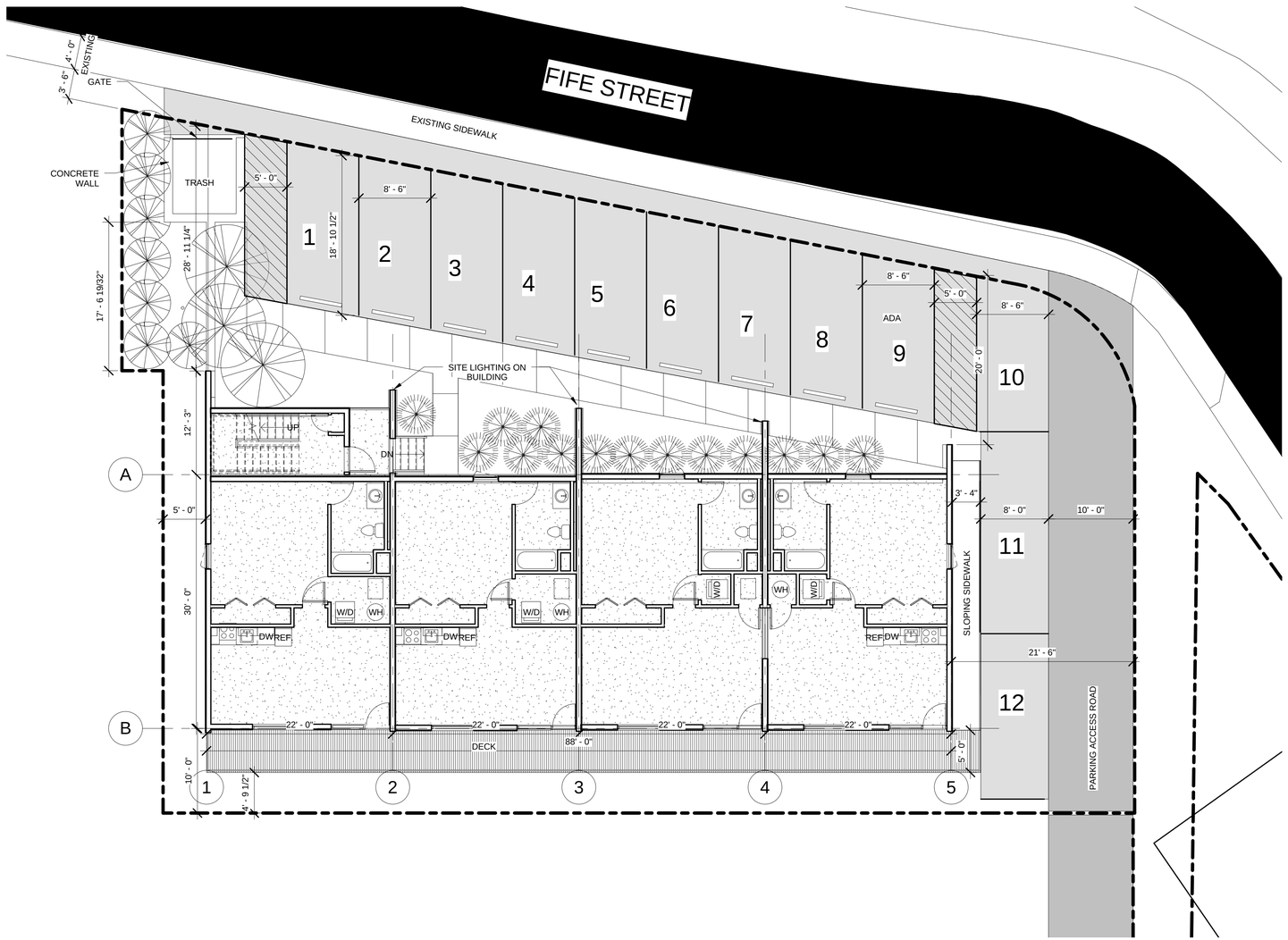
REVIEW	Conceptual
	Review
	Permitting
	Bidding
	Construction Documents

Project number	13046
Date	08-08-13
Drawn by	RGE
Checked by	Checker

C101

Scale 1" = 10'-0"

8/9/2013 11:12:16 AM



1 SITE LAYOUT PLAN
1/8" = 1'-0"

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PROJECT:
FIFE STREET
MORGANTOWN, WV
HTM Properties
SITE PLAYOUT PLAN

Drawing Set Number

Revision Schedule		
No.	Revision Description	Date

INTENDED DRAWING USE:

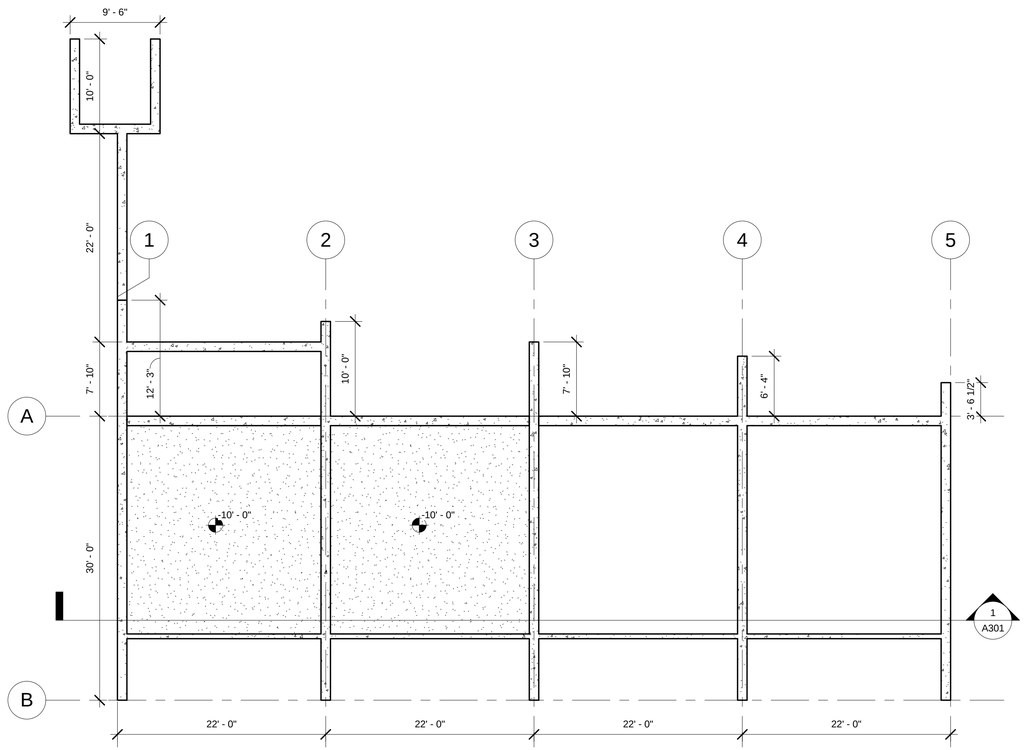
REVIEW	Conceptual
	Review
	Permitting
	Bidding
	Construction Documents

Project number	13046
Date	08-08-13
Drawn by	RGE, MLR
Checked by	MJM

C102

Scale 1/8" = 1'-0"

8/9/2013 11:12:18 AM



REFER TO STRUCTURAL ENGINEER
FOR ALL FOUNDATIONS

1 LEVEL 0
1/8" = 1'-0"

REFERANCE FOR LAYOUT ONLY. A STRUCTURAL ENGINNER WOULD NEED TO BE INVOLVED FOR FOUNDATION DESIGN

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PROJECT:
FIFE STREET

MORGANTOWN, WV

HTM Properties

FOUNDATION LAYOUT PLAN

Drawing Set Number

Revision Schedule		
No.	Revision Description	Date

INTENDED DRAWING USE:

REVIEW

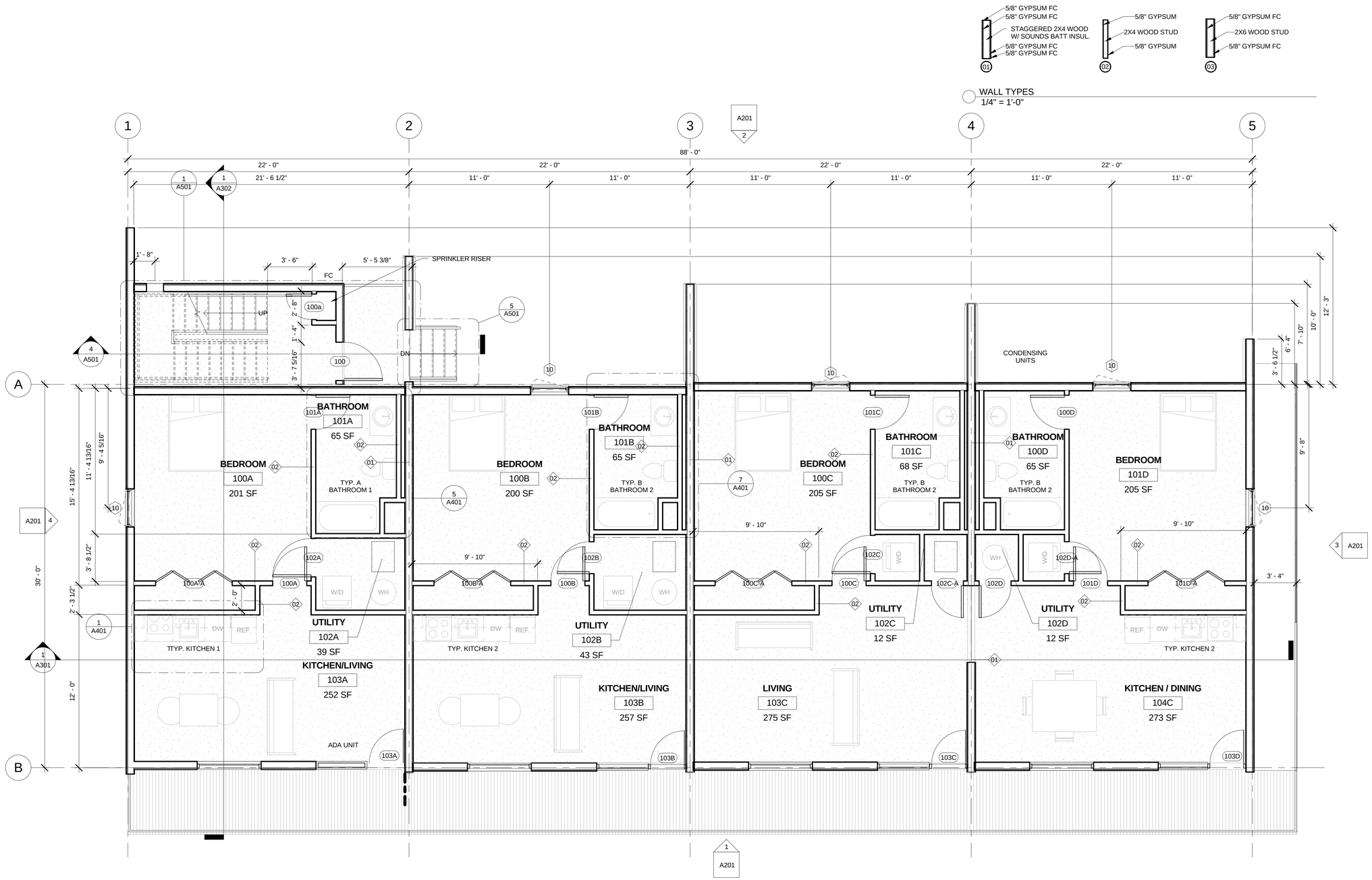
- Conceptual
- Review
- Permitting
- Bidding
- Construction Documents

Project number	13046
Date	08-08-13
Drawn by	Author
Checked by	Checker

A100

Scale 1/8" = 1'-0"

8/9/2013 11:11:27 AM



1 LEVEL 1
1/4" = 1'-0"

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PROJECT:
FIFE STREET
MORGANTOWN, WV
HTM Properties
LEVEL 1

Drawing Set Number

Revision Schedule		
No.	Revision Description	Date

INTENDED DRAWING USE:

REVIEW

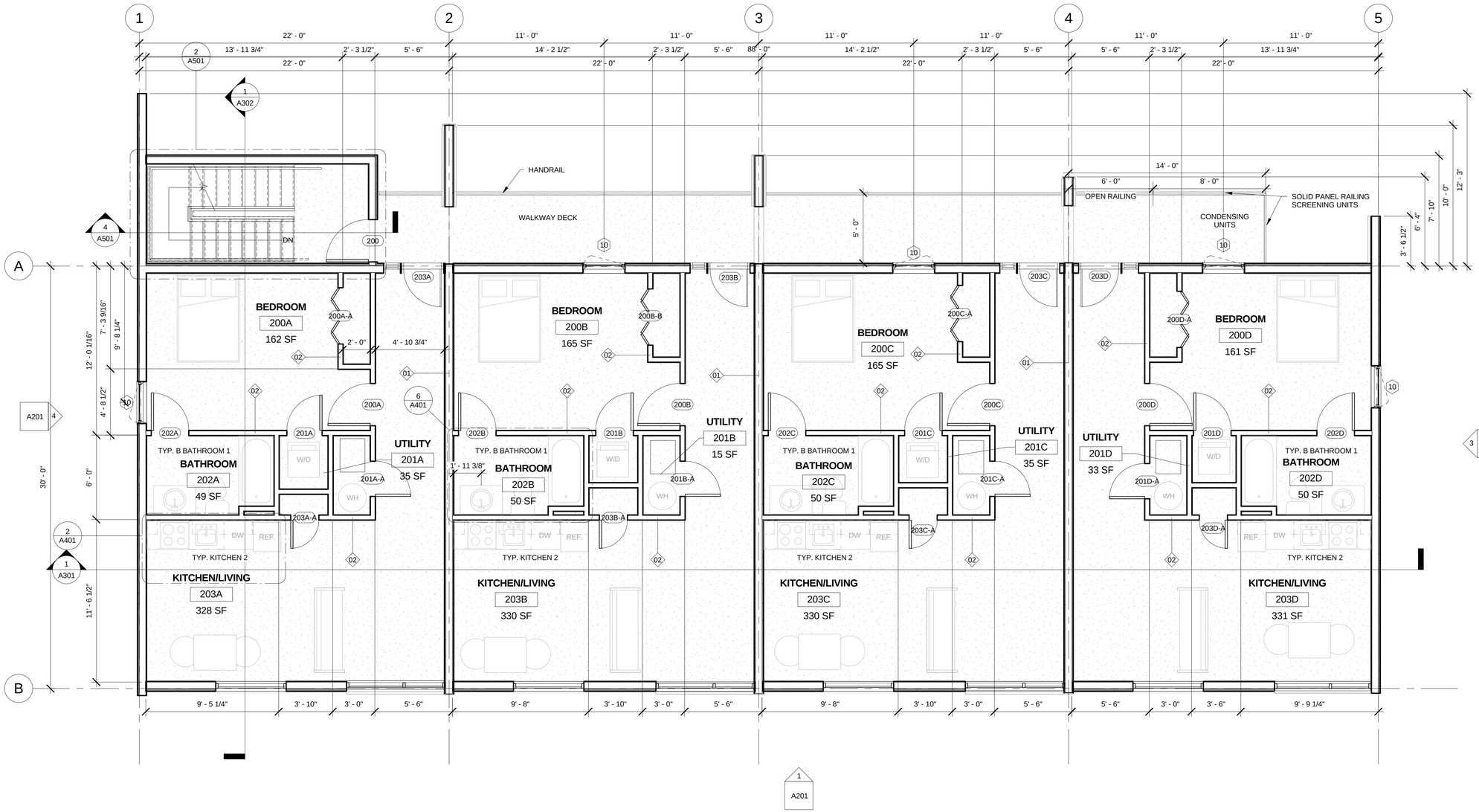
- Conceptual
- Review
- Permitting
- Bidding
- Construction Documents

Project number	13046
Date	08-08-13
Drawn by	RGE, MLR
Checked by	Checker

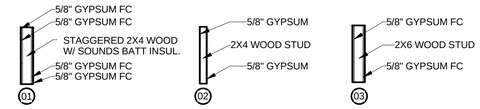
A101

Scale 1/4" = 1'-0"

8/9/2013 11:11:29 AM



1 LEVEL 2
1/4" = 1'-0"



WALL TYPES
1/4" = 1'-0"

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PROJECT:
FIFE STREET

MORGANTOWN, WV

HTM Properties

LEVEL 2

Drawing Set Number

Revision Schedule		
No.	Revision Description	Date

INTENDED DRAWING USE:

REVIEW

- Conceptual
- Review
- Permitting
- Bidding
- Construction Documents

Project number	13046
Date	08-08-13
Drawn by	RGE, MLR
Checked by	Checker

A102

Scale 1/4" = 1'-0"

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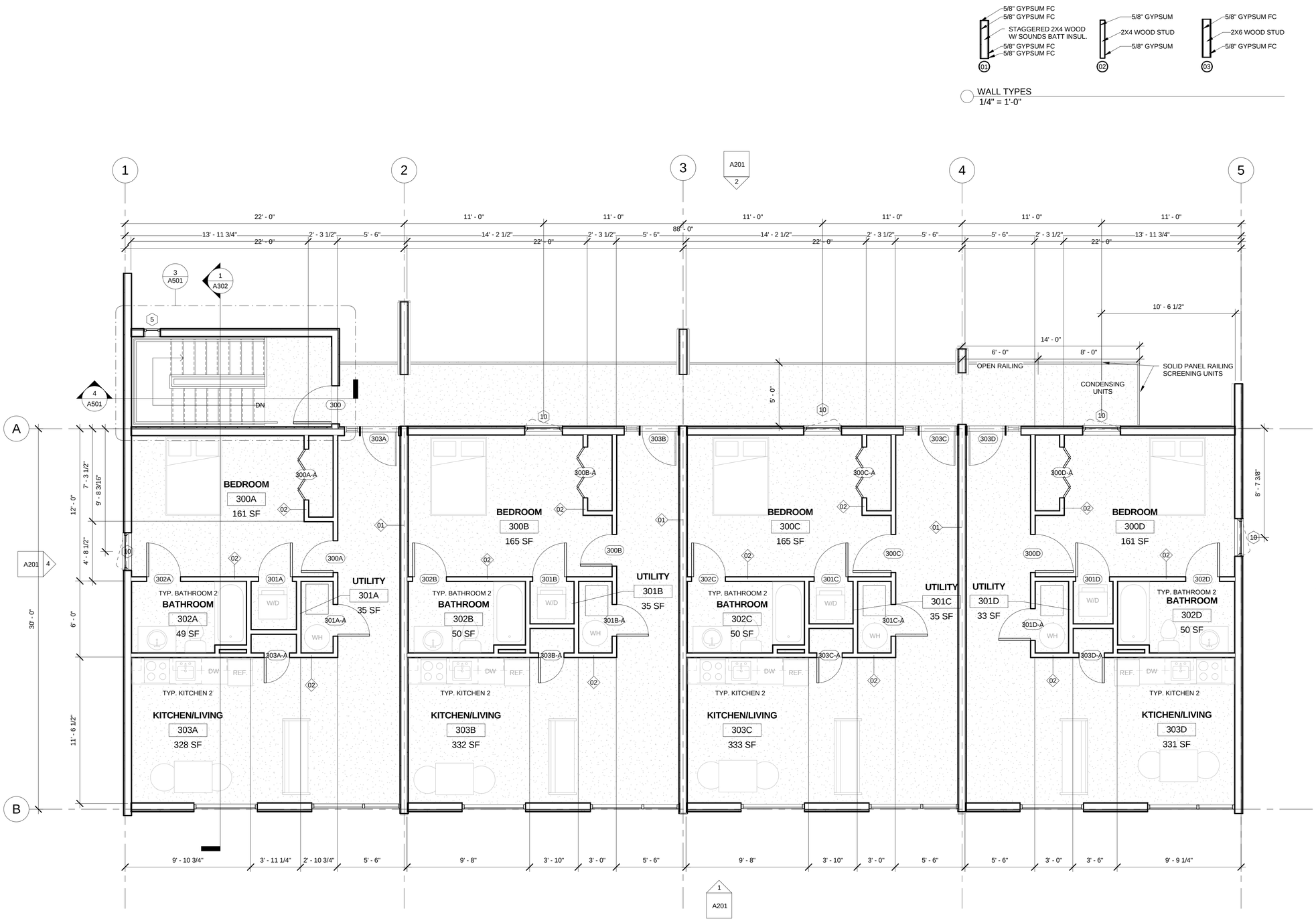

1 LEVEL 3
1/4" = 1'-0"

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PROJECT:
FIFE STREET
MORGANTOWN, WV
HTM Properties
LEVEL 3

Drawing Set Number

Revision Schedule		
No.	Revision Description	Date

INTENDED DRAWING USE:

REVIEW

- Conceptual
- Review
- Permitting
- Bidding
- Construction Documents

Project number	13046
Date	08-08-13
Drawn by	RGE, MLR
Checked by	Checker

A103

Scale 1/4" = 1'-0"

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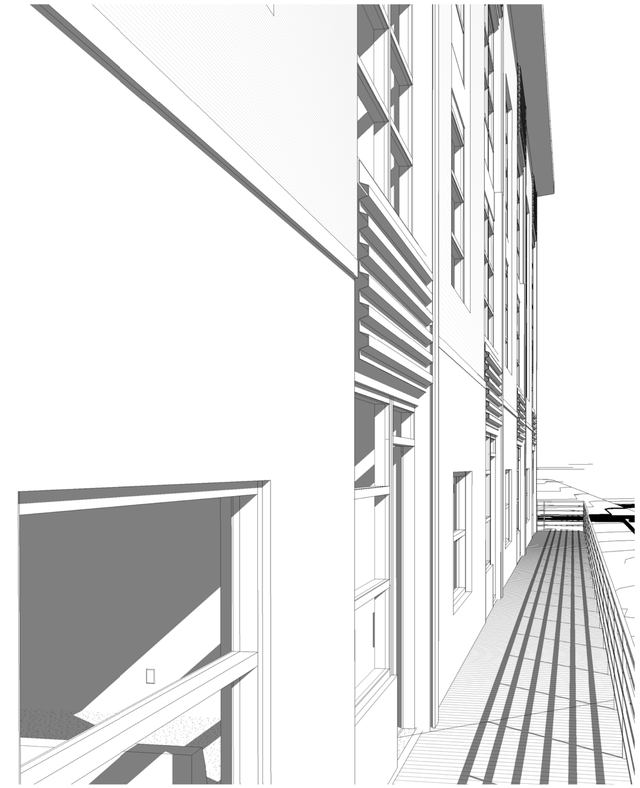
1 EXTERIOR SOUTH PERSPECTIVE



4 EXTERIOR SOUTH PERSPECTIVE 2

2 EXTERIOR NORTH PERSPECTIVE

3 EXTERIOR NORTH PERSPECTIVE 2

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PROJECT:
FIFE STREET
MORGANTOWN, WV
HTM Properties
PERSPECTIVES

Drawing Set Number

Revision Schedule		
No.	Revision Description	Date

INTENDED DRAWING USE:

REVIEW

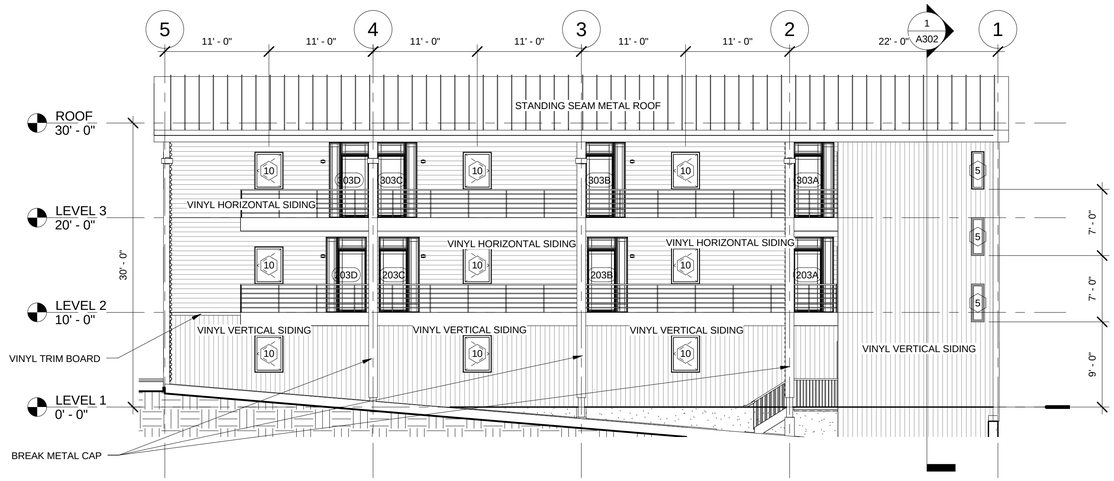
- Conceptual
- Review
- Permitting
- Bidding
- Construction Documents

Project number	13046
Date	08-08-13
Drawn by	RGE, MLR
Checked by	Checker

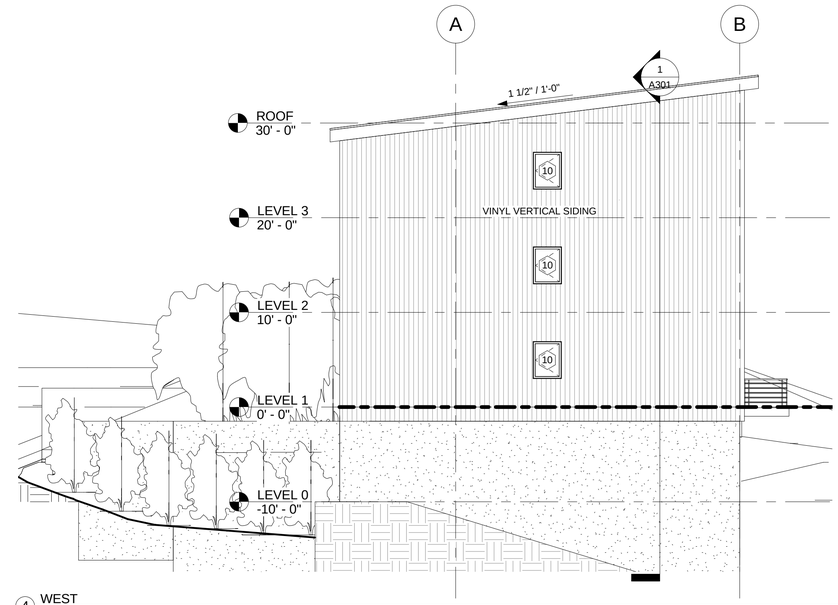
A105

Scale

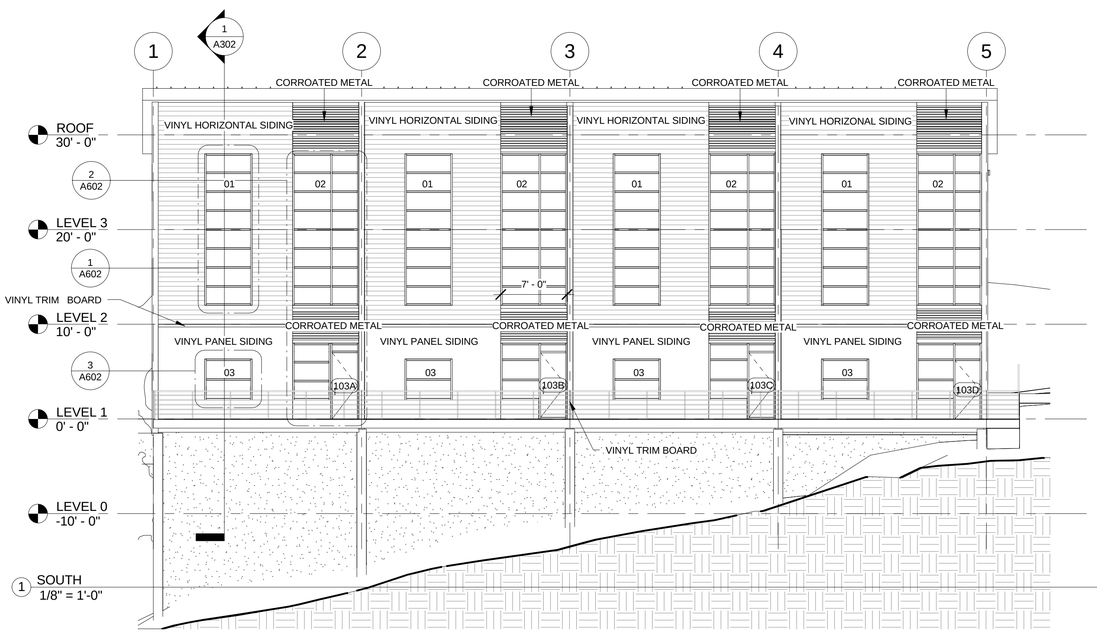
8/9/2013 11:11:50 AM



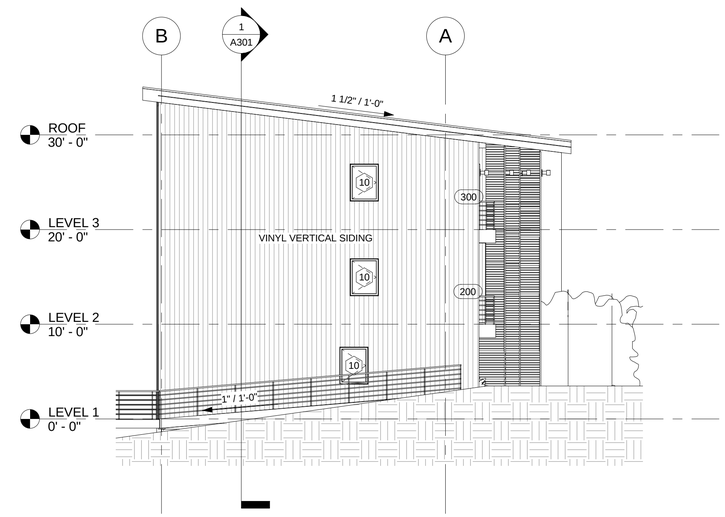
2 NORTH
1/8" = 1'-0"



4 WEST
1/8" = 1'-0"



1 SOUTH
1/8" = 1'-0"



3 EAST
1/8" = 1'-0"

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PROJECT:
FIFE STREET
MORGANTOWN, WV
HTM Properties
ELEVATIONS

Drawing Set Number

Revision Schedule		
No.	Revision Description	Date

INTENDED DRAWING USE:

REVIEW	Conceptual
	Review
	Permitting
	Bidding
	Construction Documents

Project number	13046
Date	08-08-13
Drawn by	RGE, MLR
Checked by	Checker

A201

Scale 1/8" = 1'-0"

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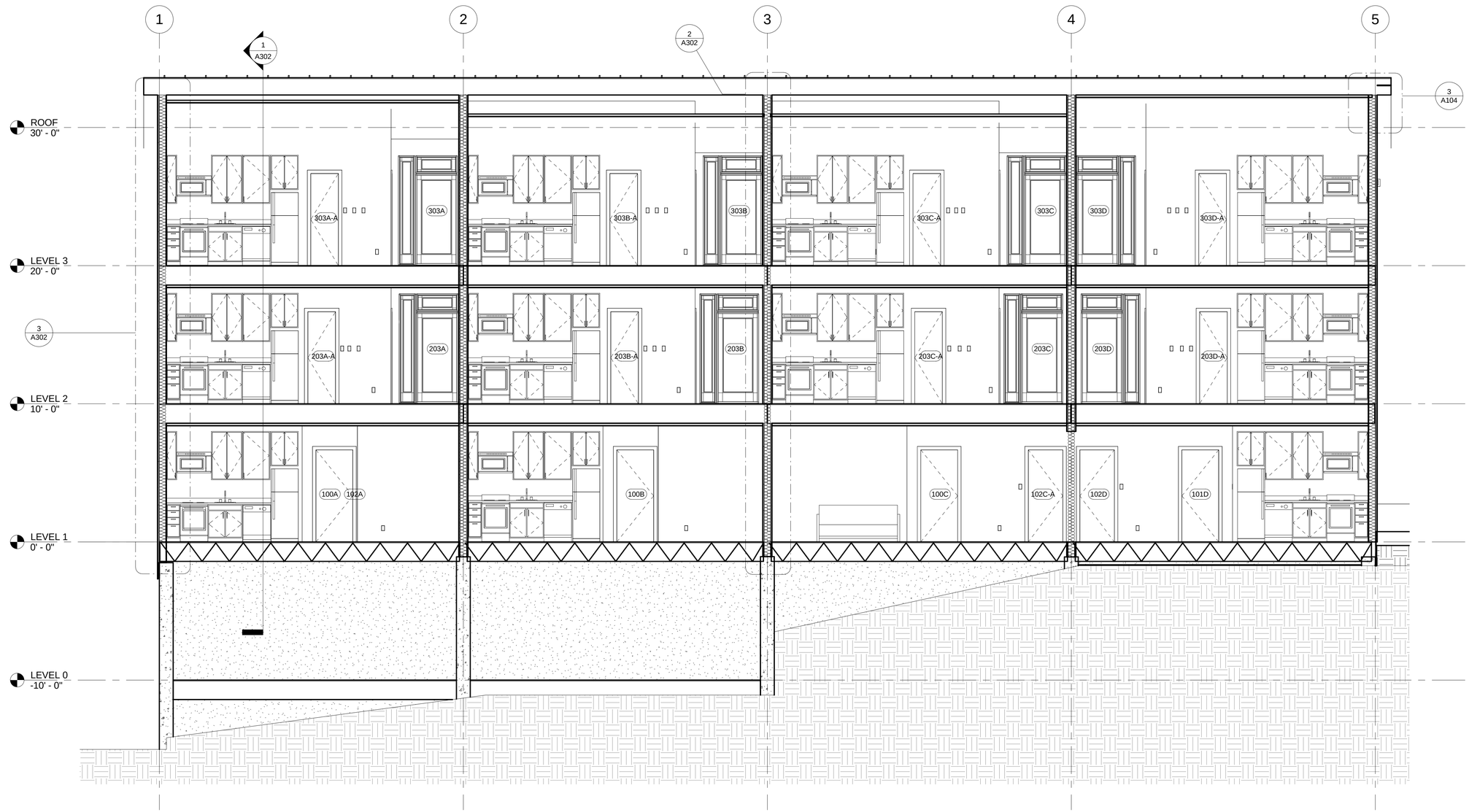

1 LONGITUDINAL SECTION
1/4" = 1'-0"

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PROJECT:
FIFE STREET
MORGANTOWN, WV
HTM Properties
SECTIONS

Drawing Set Number

Revision Schedule		
No.	Revision Description	Date

INTENDED DRAWING USE:

REVIEW

- Conceptual
- Review
- Permitting
- Bidding
- Construction Documents

Project number	13046
Date	08-08-13
Drawn by	RGE, MLR
Checked by	Checker

A301

Scale 1/4" = 1'-0"

8/9/2013 11:11:57 AM