



**DEVELOPMENT  
SERVICES  
DEPARTMENT**

# The City of Morgantown

389 SPRUCE STREET  
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October 17, 2013

Eve Faulkes  
49 Maple Avenue  
Morgantown, WV 26501

**RE: V13-55 / Eve Faulkes / 49 Maple Avenue  
Tax Map 36, Parcel 479**

Dear Ms. Faulkes,

This letter is to notify you of the decision made by the Board of Zoning Appeals concerning the above referenced variance petition for variance relief from Article 1331.08 as it relates to an accessory structure at 49 Maple Avenue.

The decision is as follows:

**Board of Zoning Appeals, October 16, 2013:**

1. Each of the Findings of Fact was found in the positive as stated in Addendum A of this letter.
2. The Board granted variance relief under Article 1331.08 with the following condition:
  - a. That the detached accessory structure may not extend closer to Maple Avenue than the front building line of the principal structure at 49 Maple Avenue, exclusive of the front porch.

This decision may be appealed to the Circuit Court of Monongalia County within thirty (30) days. Any work done relating to decisions rendered by the Board of Zoning Appeals during this thirty-day period is at the sole financial risk of the petitioner.

The above referenced approval is set to expire in twelve (12) months unless you can demonstrate that they have been activated as evidenced by permits, construction, or required licenses. This expiration deadline may be extended to eighteen (18) months upon prior written request of the Board. Please note that building permits must be obtained prior to the commencement of work for which variance relief was granted herein.

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

Respectfully,

Stacy Hollar  
Executive Secretary  
[shollar@cityofmorgantown.org](mailto:shollar@cityofmorgantown.org)

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

**V13-55 / Eve Faulkes / 49 Maple Avenue**

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**Finding of Fact No. 1** – There are exceptional or extraordinary circumstances or conditions applicable to this property or to the intended use, that generally do not apply to other properties or uses in the same vicinity, because:

There is an existing driveway that is used for parking. On that block of Maple Avenue there are only two permit parking spaces on the street – one of which is handicapped, and there are six houses on the street. Given the prevailing proximity of houses in the South Park neighborhood to property boundaries, additions to existing principal structures and the construction of new detached accessory structures, appears to be challenged by requisite setback standards.

**Finding of Fact No. 2** – The variance is necessary for the preservation and enjoyment of a substantial property right that is possessed by other properties in the same vicinity and zoning district, but which denied to this property, because:

There appears to be several carports and principal structures in the South Park neighborhood that do not comply with requisite setback standards. A carport covering should serve to help control rainwater run-off for the existing two-car driveway.

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

There appears to be several carports in the South Park neighborhood that are close to property lines. According to the petitioner, the proposed carport will be an open-walled design with engineered hurricane tie downs for safety and strength.

**Finding of Fact No. 4** – The granting of this variance will not alter the land-use characteristics of the vicinity and zoning district, or diminish the market value of adjacent properties, or increase traffic congestion on public streets, because:

It will not change the present use and should increase market property values. The nature of the variance cannot contribute to or mitigate existing traffic congestion within the immediate area.