



MORGANTOWN BOARD OF ZONING APPEALS

December 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: V13-61 / Fairmont-Morgantown Housing Authority (FMHA)
Buckhannon Avenue

REQUEST and LOCATION:

Request by Chris Eckhardt, on behalf of FMHA, for variance relief from Article 1335.04 as it relates to setbacks on Buckhannon Avenue

TAX MAP NUMBER(s) and ZONING DESCRIPTION:

Tax Map 36, Parcel 690; R-1A, Single-Family Residential District

SURROUNDING ZONING:

R-1A, Single-Family Residential District

BACKGROUND and ANALYSIS:

The petitioner seeks to construct a new single-family dwelling as part of the FMHA's Morgantown Homecoming Program. Addendum A of this report illustrates the location of the subject.

Article 1335.04(A) provides a maximum front setback standard of 20 feet and minimum rear setback standard of 20 feet in the R-1A District. The petitioner's proposed site plan illustrates a proposed front setback of approximately 24 feet and a proposed rear setback of approximately 16 feet. As such, the petitioner must obtain variance relief of approximately 4 feet from the maximum front setback standard and variance relief of approximately 4 feet from the minimum rear setback standard.

The petitioner notes in the submitted findings of fact that the subject site has topographical challenges toward the rear or Charleston Avenue side of the property, which restricts parking development from Buckhannon Avenue and results in the four-foot encroachment given the proposed 24' wide x 30' deep building footprint.

STAFF RECOMMENDATION:

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

Staff recommends that a four-foot variance be granted from the maximum front setback standard and a four-foot variance be granted from the minimum rear setback standard.

Enclosures: Application and accompanying exhibits

Development Services

Christopher Fletcher, AICP
Director

Planning Division

389 Spruce Street
Morgantown, WV 26505
304.284.7431

STAFF REPORT ADDENDUM A

V13-61 / Fairmont Morgantown Housing Authority / Buckhannon Avenue



STAFF REPORT ADDENDUM B

V13-61 / Fairmont-Morgantown Housing Authority / Buckhannon Avenue

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

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

The lot has topographical issues in the rear of property that will only allow front access for the development of required off-street parking spaces.

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:

~~The topographical issues infringe on lot size.~~ There appears to be seven single-family homes along Buckhannon Avenue to the west of the petitioner's property who do not meet current R-1A building envelop standards.

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:

~~Home will be built for owner-occupant single family use only thus stabilizing surrounding properties by not becoming rental.~~ The proposed setbacks appear to be consistent with the predominant development pattern along Buckhannon Avenue to the west of the subject site.

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:

Single family house construction with an owner-occupied deed restriction will enhance surrounding properties. The nature of the variance cannot contribute to or mitigate existing traffic congestion along neighboring streets.

0107



City of Morgantown, West Virginia

APPLICATION FOR ZONING VARIANCE

OFFICE USE	
CASE NO.	V13-61
RECEIVED:	10/11/2013
COMPLETE:	

(PLEASE TYPE OR PRINT IN BLACK INK)

CR 1297
Fee: \$75

I. APPLICANT	Name:	FAIRMONT MORGANTOWN HOUSING AUTHORITY (Chris Eckhardt)
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Mailing Address:	Street	PO BOX 2738	Phone:	
	City	FAIRMONT	State	WV
	Zip	26555-2738	Mobile:	304-212-8575
			Email:	ceckhardt@mhousing.com

II. PROPERTY	Street Address:	LOT 5 BUCKHANNON AVE
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Owner:	FAIRMONT MORGANTOWN HOUSING AUTHORITY	Zoning:	I2-1A	
Mailing Address:	Street	PO BOX 2738	Tax Map No:	36
	City	FAIRMONT	State	WV
	Zip	26555-2738	Parcel No:	690
		Phone:	304-212-8575	

III. NARRATIVE	Please describe the nature and extent of your variance request(s).
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FMHA would like to construct a single family home as part of its Morgantown Homeowning program however due to lot size a front or rear setback requirement will be not be achieved. Proposed home size will infringe due to topography on rear of lot. See attached site plan.

V. ATTEST	
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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.

Christopher E. Eckhardt		
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.	113-61
RECEIVED:	10/11/2013
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: 1200sf

Estimated number of employees: _____ No. of dwelling units: 1 No. of bedrooms: 3

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. V13-61
RECEIVED: 10/11/2013
COMPLETE: _____

Suggested Scale: 1 square = 5'

*See attachment
CMT
11 OCT 2013*



**APPLICATION FOR
ZONING VARIANCE**

OFFICE USE	
CASE NO.	V13-61
RECEIVED:	10/11/2013
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:

The lot has topographical issues in the rear of property that will only allow front access.

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:

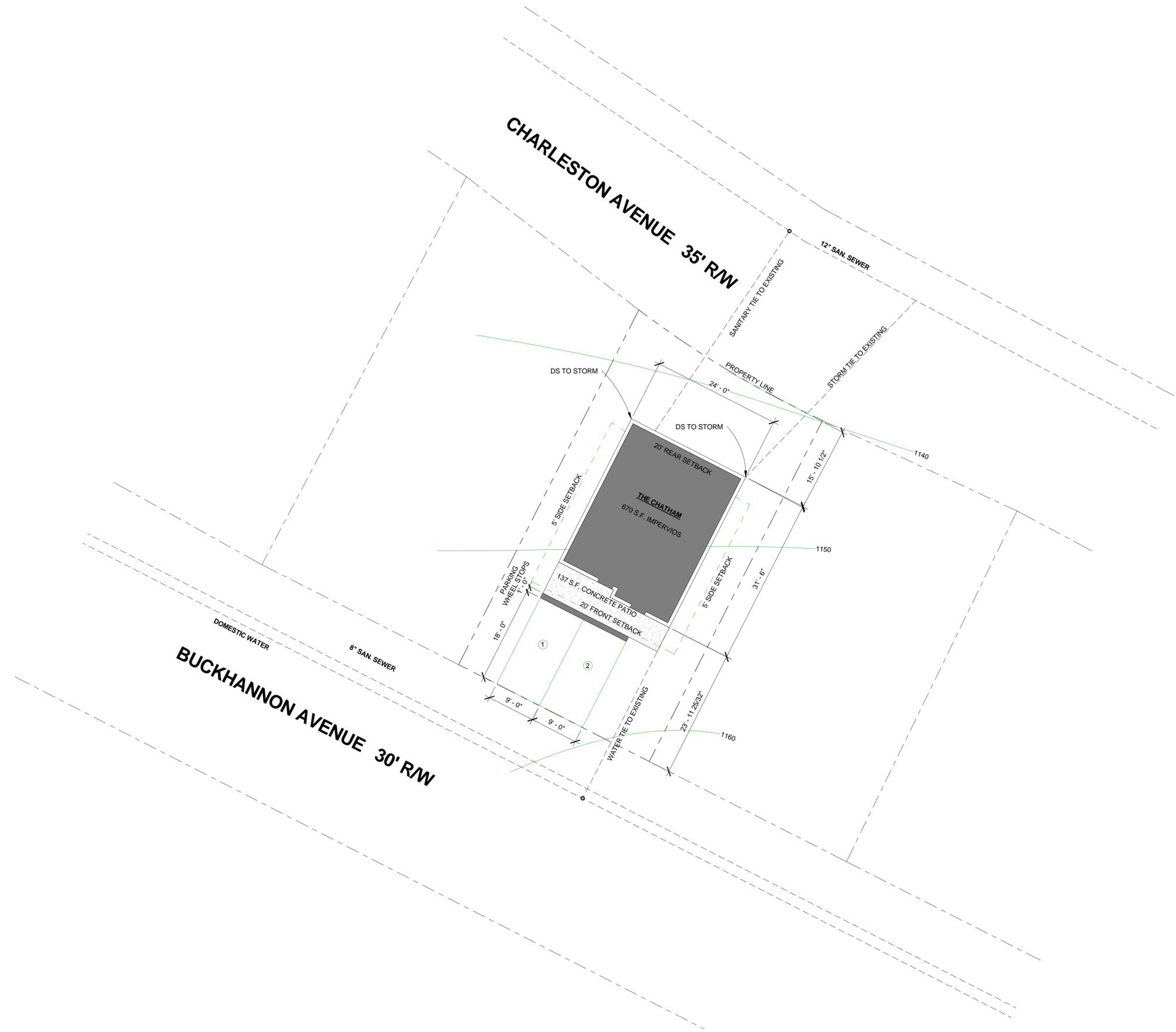
The topographical issues intrude on lot size.

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:

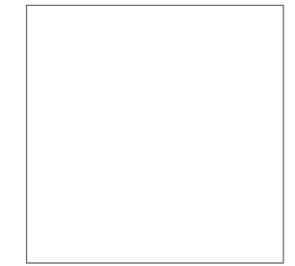
Home will be built for owner occupied single family use only thus stabilizing surrounding properties by not becoming rented.

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:

Single family home construction with an owner occupied deed restriction will enhance surrounding properties.



① Site
 1" = 10'-0"



PROJECT:
THE CHATHAM
 BUCKHANNON AVENUE, MORGANTOWN, WV
 AUGUSTA DEVELOPMENT CORP
SITE PLAN

Drawing Set Number

Revision Schedule		
No.	Revision Description	Date

PERMITTING	<input type="checkbox"/> Conceptual
	<input type="checkbox"/> Review
	<input type="checkbox"/> Permitting
	<input type="checkbox"/> Bidding
	<input type="checkbox"/> Construction Documents

Project number 13121
 Date 10/10/2013
 Drawn by JSG
 Checked by RKH

A101

Scale 1" = 10'-0"

NOT FOR CONSTRUCTION

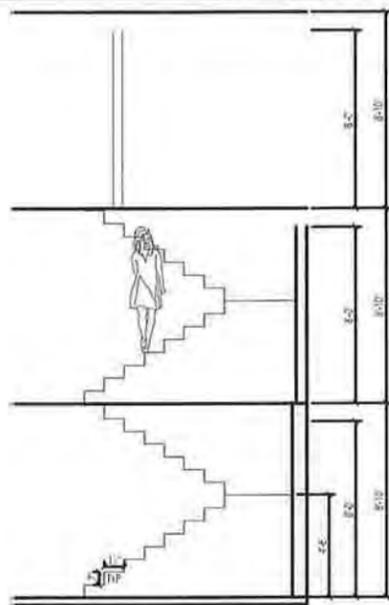
PROJECT SCOPE:
FMHA RICHWOOD
 MORGANTOWN, WV
 FAIRMONT / MORGANTOWN HOUSING AUTH.

CONSTRUCTION DOCUMENT

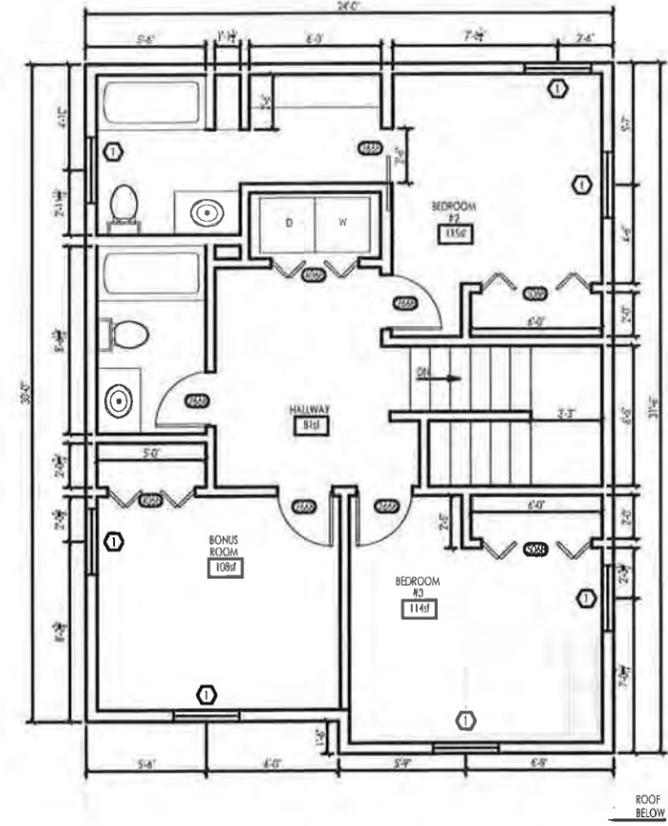
DATE: 03-29-2011
 ISSUED FOR: PERMIT
 PROJECT NO. 11014
 DRAWN BY: RKH
 CHECKED BY: RKH
 APPROVED BY: INITIALS
 REVISION # / DATE: -

FLOOR PLANS

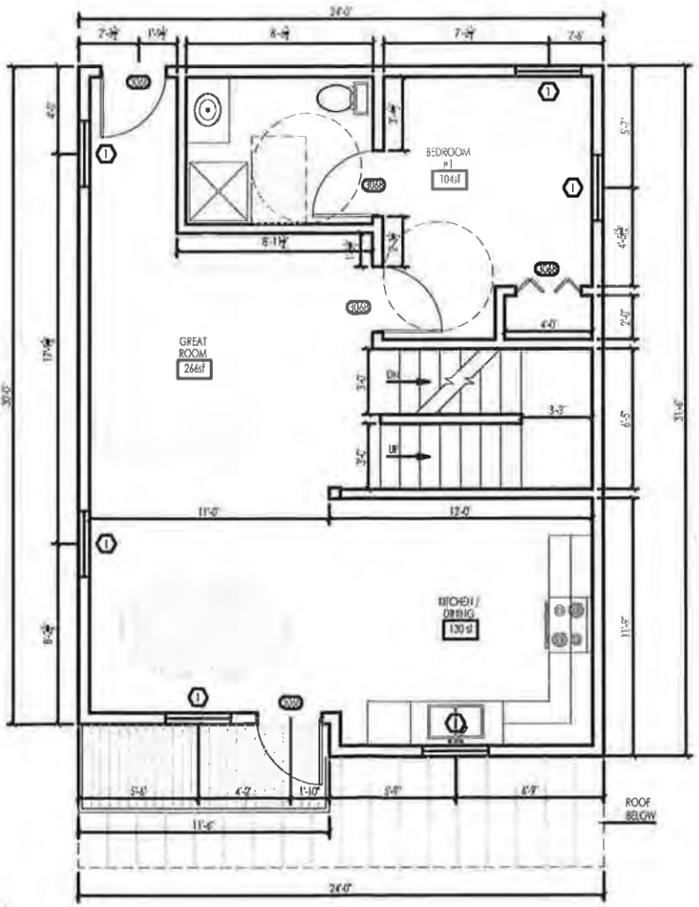
Sheet: - of: -
A-101



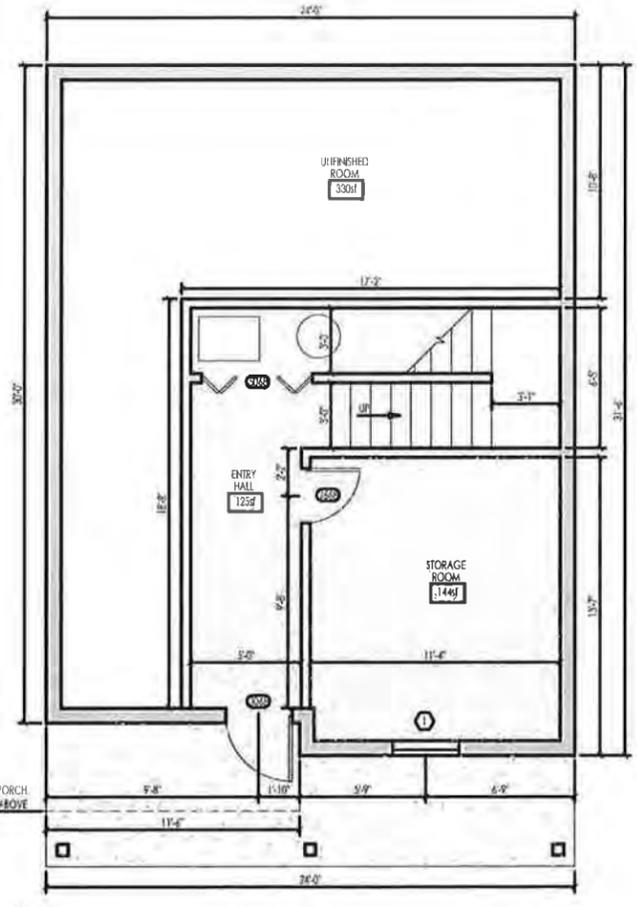
STAIR SECTION
 SCALE: 1/4" = 1'0"



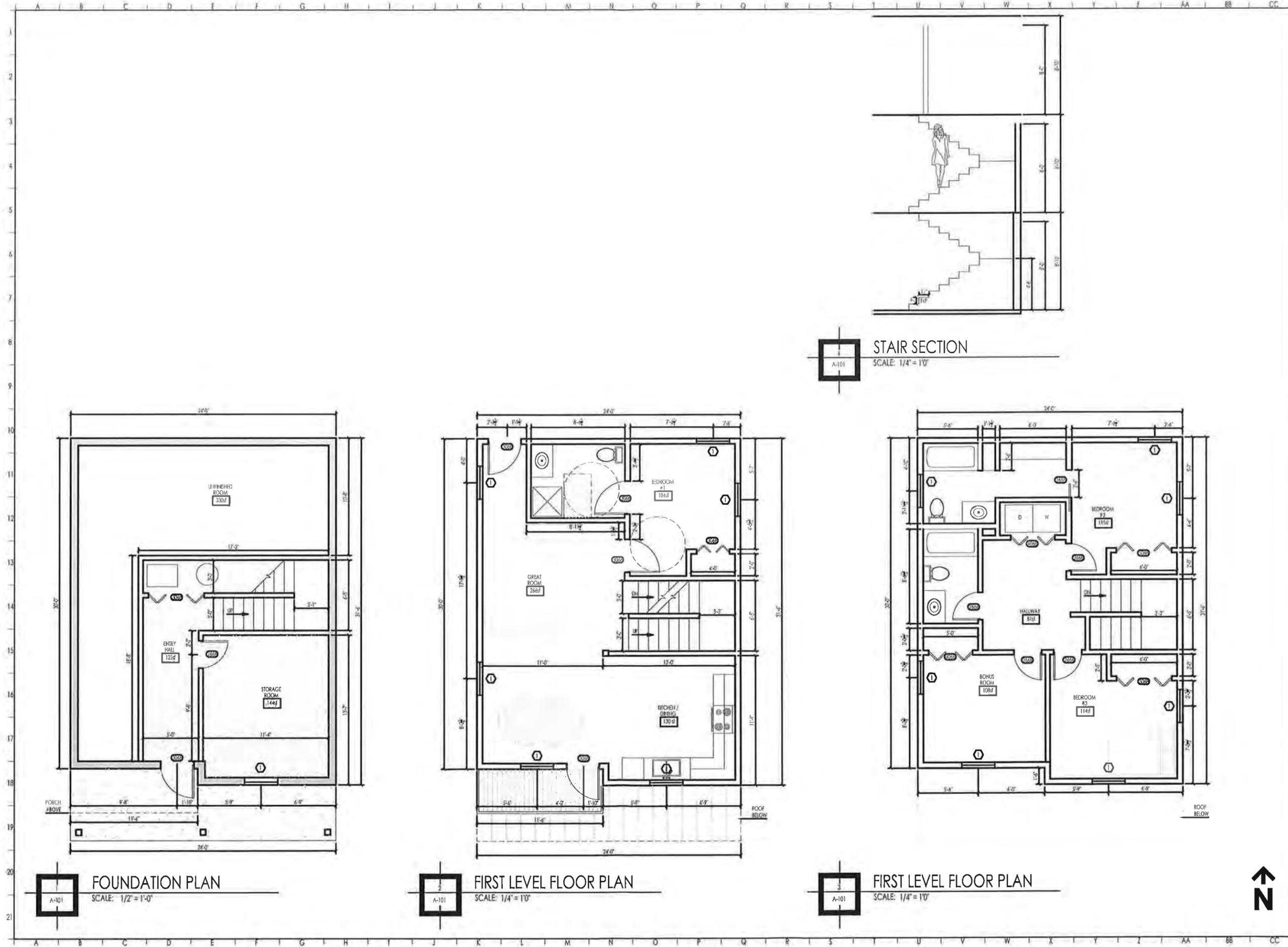
FIRST LEVEL FLOOR PLAN
 SCALE: 1/4" = 1'0"



FIRST LEVEL FLOOR PLAN
 SCALE: 1/4" = 1'0"



FOUNDATION PLAN
 SCALE: 1/2" = 1'0"



NOV 14, 2013

STACY HOLLAR, Executive Secretary
planning Division
City of MORGANTOWN
389 Spruce Street
MORGANTOWN, West Virginia 26505

Dear Ms Hollar,

Thank you for your notification of a proposed construction of a single-family house on Buckhannon Ave. Unfortunately I am disabled and cannot attend the hearing scheduled on Wednesday November 20, 2013 at 6:30 PM. However, as a property owner I have major concerns over this proposed construction. I am hoping that your planning committee/commission would inspect the site (on foot) both front and rear of location not just look at maps.

I own Block 81 - 32 to 39 and 40 (which is the Smith addition) these lots abut Huntington Ave. Huntington Ave is a one car road and as it progresses it becomes extremely narrow as it continues to Yak St which becomes a hairpin or ess curve - this area has produced many ^{car} accidents. So you are asking for a variance on an already narrow road.

I think we have a planning commission to protect and add beautification to our homes and property - something we never use to have. IF you need 200 foot variance relief front and rear setback you obviously don't have enough land for construction. - plus this area is already congested.

As a footnote the end house on HUNTINGTON AVE was given a permit to build on BUCKHANNON AVE. After the house was built they changed the address from BUCKHANNON to HUNTINGTON where they now receive their mail and entrance. EVEN the house next to it did the same thing - AND I AM SURE that the same situation will occur with this proposed variance - please do not let politics or poor judgement skirt the laws that were set up to protect and beautify our land -

Thank you,

Mary Petropoulos