



# MORGANTOWN BOARD OF ZONING APPEALS

November 20, 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:** V13-62 / Donald Field / 235 Darst Street

### **REQUEST and LOCATION:**

Request by Donald Field for variance relief from Article 1331.08(A)(4) as it relates to accessory structures and uses in residential districts at 235 Darst Street.

### **TAX MAP NUMBER(s) and ZONING DESCRIPTION:**

Tax Map 24, Parcel 47; R-1A, Single-Family Residential District

### **SURROUNDING ZONING:**

R-1A, Single-Family Residential District

### **BACKGROUND and ANALYSIS:**

The petitioner seeks to construct a 21' x 31' accessory detached carport structure between the principal structure and Jersey Avenue. Addendum A of this report illustrates the location of the subject site.

Article 1329.02 provides the following definition to guide determining lot frontage:

LOT FRONT – The side of a lot that abuts a public street is the front of the lot. For corner lots, the shortest side fronting upon a street shall be considered the front of the lot. Where buildings exist on the lot, the frontage may be established by the orientation of the building, or of the principal entrance, if building orientation does not clearly indicate lot frontage. Where no other method determines conclusively the front of a lot, the Planning Director shall select one frontage on the basis of traffic flow on adjacent streets, so that the lot is considered to front on the street with the greatest traffic flow.

The subject property is bordered on three sides by public rights-of-way; specifically, Darst Street, Central Street, and Jersey Avenue. Additionally, the area directly behind the house is used as a driveway connecting Central Street and Jersey Avenue

Article 1331.08 "Accessory Structures and Uses in Residential District" provides the following related provisions:

- (A)(2) Accessory structures, if detached from a principal structure, shall not be placed in the front yard. If placed in a side yard, accessory structures shall not be located closer to the street than the required front setback of the principal structures.
- (A)(4) On corner lots, accessory structures shall not be located between any portion of the principal structure and either street.

Because the petitioner seeks to construct the detached accessory carport structure between the principal structure and Jersey Avenue, variance relief is required from Article 1331.08(A)(2) and Article 133108(A)(4).

## **Development Services**

Christopher Fletcher, AICP  
Director

## **Planning Division**

389 Spruce Street  
Morgantown, WV 26505  
304.284.7431



## MORGANTOWN BOARD OF ZONING APPEALS

November 20, 2013  
6:30 PM  
City Council Chambers

### **Board Members:**

Bernie Bossio, Chair  
Leanne Cardoso, Vice-Chair  
George Papandreas  
Jim Shaffer  
Tom Shamberger

It should be noted that similar variance relief was granted under Case No. V13-54 on OCT 16 2013 for a detached accessory storage shed structure at 324 Barrickman Street.

### **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 approval of the variance petition V13-62 with the following conditions:

1. That the proposed accessory detached garage may be located no closer to Darst Street than the principal structure.
2. That the setback of the proposed accessory detached garage may be no closer than ten (10) feet from the property boundary running with the Jersey Street right-of-way.

Enclosures: Application and accompanying exhibits

### **Development Services**

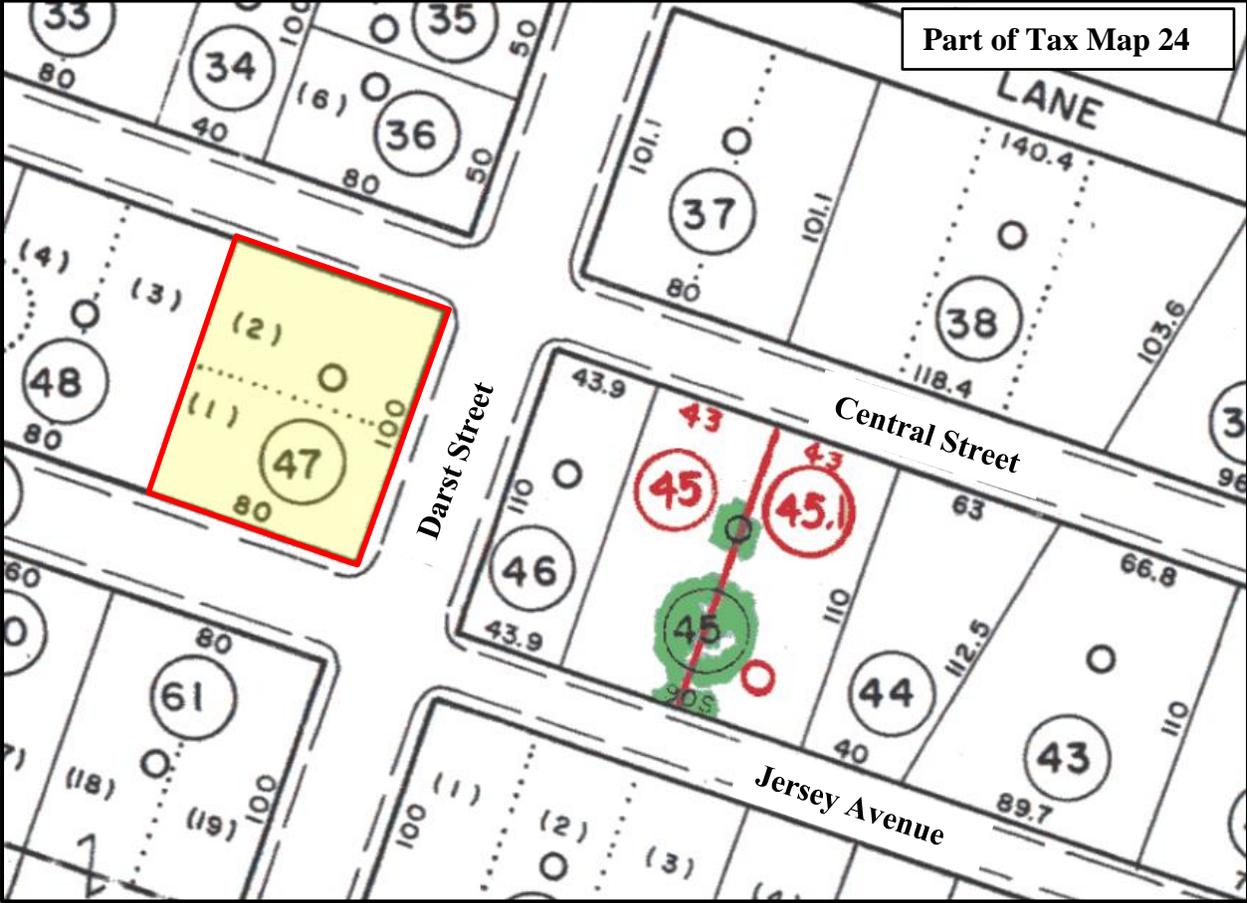
Christopher Fletcher, AICP  
Director

### **Planning Division**

389 Spruce Street  
Morgantown, WV 26505  
304.284.7431

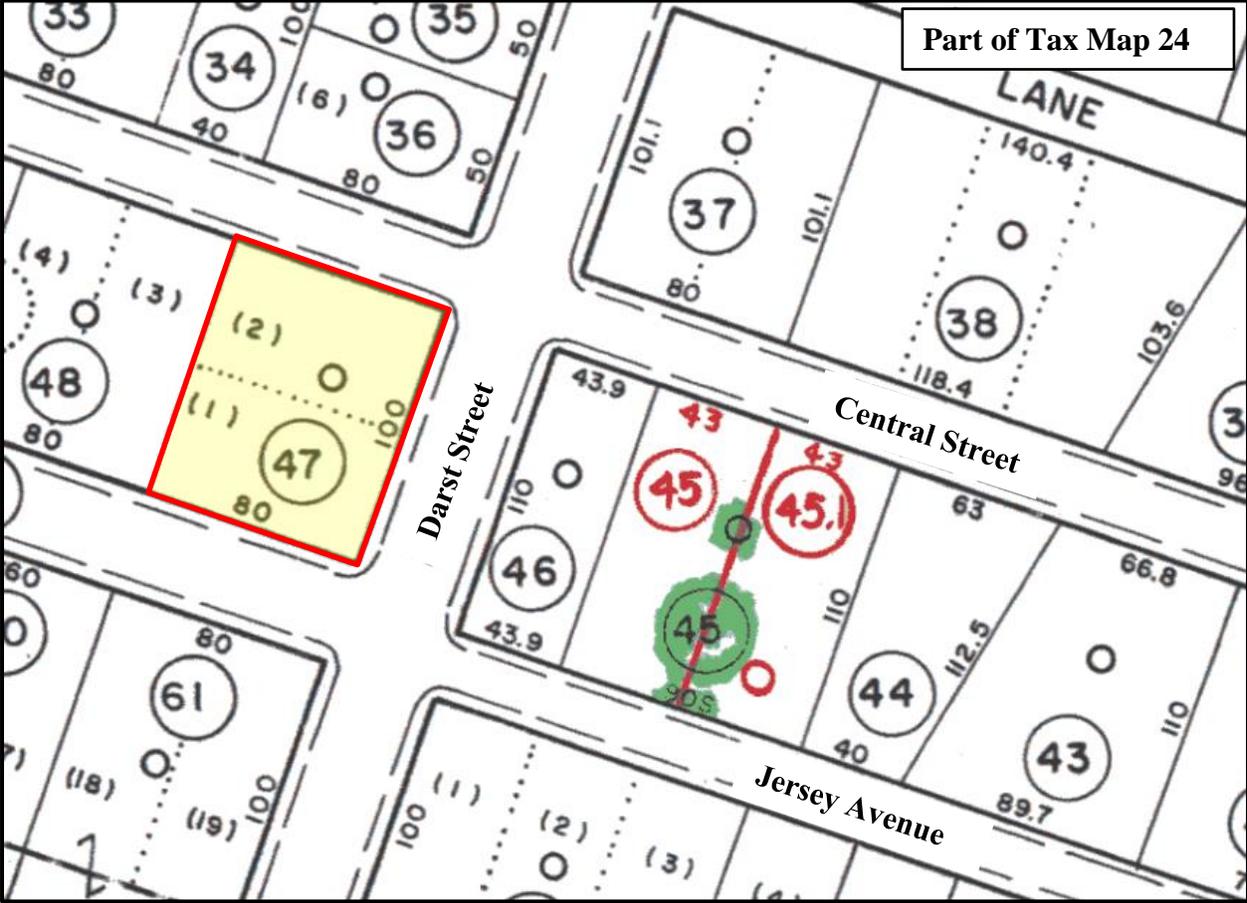
**STAFF REPORT ADDENDUM A**  
**V13-62 / Donald Field / 235 Darst Street**





**STAFF REPORT ADDENDUM A**  
**V13-62 / Donald Field / 235 Darst Street**





## STAFF REPORT ADDENDUM B

### V13-62 / Donald Field / 235 Darst Street

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:

~~There are no exceptions.~~ The petitioner's property is bordered on three sides by public streets; specifically, Darst Street, Central Street, and Jersey Avenue. The prohibition of accessory structures being developed between any portion of the principal structure and any street restricts the development of the proposed accessory structure to an area of the property currently used as a rear driveway connecting Central Street and Jersey Avenue.

**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:

~~Will not cause any problems with neighbor property or views.~~ Similar variance relief has been granted by the Board on 16 OCT 2013 for Case No. V13-54 and on 25 JUL 2012 for Case No. V12-21.

**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:

~~It is not harmful to the public.~~ There are existing nonconforming detached accessory structures on the petitioner's property in the general area of the proposed carport that do not appear to harm neighboring properties or improvements.

**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:

~~Will not increase any traffic congestion or vision problems.~~ The proposed carport will not change the existing single-family use of the subject property. The proposed carport should serve to further the general comfort and convenience of the petitioner without adversely affecting market value of neighboring properties. The nature of the variance relief cannot contribute to or mitigate existing traffic congestion along adjoining roadways.



City of Morgantown, West Virginia

APPLICATION FOR ZONING VARIANCE

OFFICE USE

CASE NO. 113-62
RECEIVED: 10/16/13
COMPLETE:

(PLEASE TYPE OR PRINT IN BLACK INK)

Fee: \$75

I. APPLICANT: Name: DONALD FIELD, Mailing Address: 235 DARST ST, MORGANTOWN WV 26505, Phone: 304) 296-4320, Mobile: 304) 290-0564
II. PROPERTY: Street Address: 235 Darst Street, Owner: 235 Darst Street, Mailing Address: Morgantown, WV, 26505, Zoning, Tax Map No, Parcel No, Phone
III. NARRATIVE: Please describe the nature and extent of your variance request(s). Carport between house and street.
V. ATTEST: I hereby certify that I am the owner of record of the named property... DONALD FIELD, Signature of Applicant/Agent, Date 11-16-13

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.



APPLICATION FOR ZONING VARIANCE

OFFICE USE	
CASE NO.	V13-102
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: \_\_\_\_\_ Gross floor area of each building: \_\_\_\_\_

Estimated number of employees: \_\_\_\_\_ No. of dwelling units: \_\_\_\_\_ No. of bedrooms: \_\_\_\_\_

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.





APPLICATION FOR ZONING VARIANCE

OFFICE USE	
CASE NO.	V13-162
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:

THERE ARE NO EXCEPTIONS

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:

will not cause any problems with neighbor property or views.

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:

IT IS NOT HARMFUL TO THE PUBLIC

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 not increase any traffic congestion or vision problems.



CENTRAL

DARST ST

House

Garport

33'

20'

31'

Driveway

JERSEY ST

