



# MORGANTOWN BOARD OF ZONING APPEALS

April 30, 2014  
6:30 PM  
City Council Chambers

## **Board Members:**

Bernie Bossio, Chair  
Leanne Cardoso, Vice-Chair  
Bill Burton  
George Papandreas  
Jim Shaffer

## **STAFF REPORT**

**CASE NO:** V14-17 / Mon County Habitat for Humanity / Jersey Street

### **REQUEST and LOCATION:**

Request by Evan Zuverink, on behalf of Mon County Habitat for Humanity, for variance relief as it relates to side setbacks along Jersey Street.

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

Tax Map 24, p/o Parcel 41; R-1A, Single-Family Residential District

### **SURROUNDING ZONING:**

R-1A, Single-Family Residential District

### **BACKGROUND and ANALYSIS:**

Mon County Habitat for Humanity is constructing six (6) single-family dwellings along Jersey Street. The construction of the first two (2) dwelling units has resulted in encroachments into minimum side setback standards and the petitioner seeks variance relief accordingly. Addendum A of this report illustrates the location of the subject site.

Article 1335.04(A) provides that the minimum interior side yard setback requirement in the R-1A District is five (5) feet. For corner lots, Article 1335.04(B) provides that the minimum side yard setback requirement on the side facing a street is one and one-half (1.5) times the normal side setback, which is seven and one-half (7.5) feet.

The petitioner's letter dated 14 MAR 2014, which is attached hereto, provides an explanation of why variance relief has become necessary.

### **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. Staff recommends that the following variance relief be granted as requested:

- For the parcel at the corner of Jersey Street and Jerome Street and illustrated on the petitioner's survey as "Lot 1", a 1.54 foot encroachment into the minimum side setback requirement for corner lots facing the street.
- For the parcel illustrated on the petitioner's survey as "Lot 2", a 0.38 foot encroachment into the minimum interior side setback requirement.

Enclosures: Application and accompanying exhibits

## **Development Services**

Christopher Fletcher, AICP  
Director

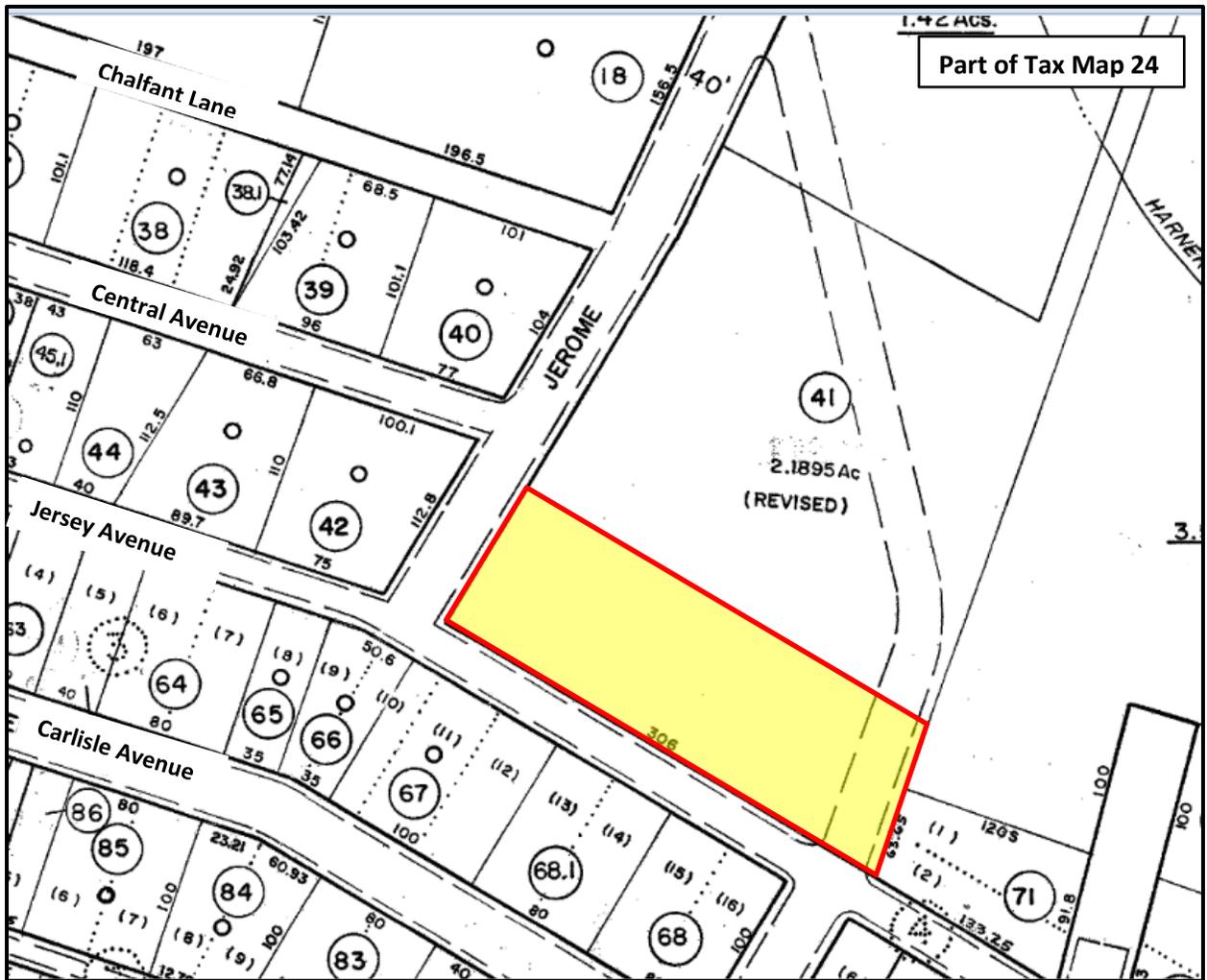
## **Planning Division**

389 Spruce Street  
Morgantown, WV 26505  
304.284.7431

# STAFF REPORT ADDENDUM A

V14-17 / Mon County Habitat for Humanity / Jersey Street





## STAFF REPORT ADDENDUM B

### V14-17 / Mon County Habitat for Humanity / Jersey Street

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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:

~~This is the only affordable homeownership development project that is under construction in Monongalia County. With this variance, 6 additional units of affordable housing will be provided to the community.~~ The distance between the petitioner's corner lot and the paved portion of Jerome Street is approximately 30 feet to 40 feet due to the location, alignment, and maintenance of Jerome Street on the opposite side of the adjoining right-of-way boundary, which should not be adversely impacted by the 1.54 foot encroachment by the constructed single-family dwelling.

**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:

~~As the only affordable housing development currently under construction, this variance is necessary to provide homeownership as an opportunity to low income families in Monongalia County.~~ It appears that the single-family dwelling at 1289 Carlisle Avenue does not meet the minimum side setback standard for corner lots. Additionally, the single-family dwellings at 1261 and 1265 Carlisle Avenue do not appear to meet minimum interior side setback standards. The noted addresses are located across Jersey Avenue from the petitioner's development site.

**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:

This only creates 6 additional units of affordable housing to the community.

**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:

This variance deals with lot layout exclusively. Additionally, affordable housing has no negative impact on market values or land use in the community.



City of Morgantown, West Virginia

APPLICATION FOR ZONING VARIANCE

OFFICE USE	
CASE NO.	V14-17
RECEIVED:	3/13
COMPLETE:	

(PLEASE TYPE OR PRINT IN BLACK INK)

Fee: \$75

<b>I. APPLICANT</b>		Name: <u>Mon County Habitat for Humanity</u>	
Mailing Address:	Street	<u>251 Oak Knotts Blvd</u>	Phone: <u>304-292-0914</u>
	City	<u>Morgantown WV 26501</u>	Mobile: <u>304-633-0036</u>
	State	Zip	Email: <u>admin@moncountyhabitat.org</u>
<b>II. PROPERTY</b>		Street Address: <u>Jerome Park Phase I</u>	
Owner:	<u>Same as above</u>		Zoning: <u>R-1A</u>
Mailing Address:	Street		Tax Map No:
	City	State	Zip
			Parcel No:
		Phone: <u>304-292-0914</u>	
<b>III. NARRATIVE</b>		Please describe the nature and extent of your variance request(s).	
<u>We are requesting a 3' (36") variance for the 5 ft setback requirement from the house to the property line, specifically the side setback</u>			
<b>V. ATTEST</b>			
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.			
<u>Evan Zverink</u>			
Type/Print Name of Applicant/Agent	Signature of Applicant/Agent		Date
			<u>3/13/14</u>

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.	V14-17
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.



City of Morgantown, West Virginia

**APPLICATION FOR  
ZONING VARIANCE**

OFFICE USE	
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COMPLETE:	

Suggested Scale: 1 square = 5'

*Please see renderings.*



APPLICATION FOR ZONING VARIANCE

OFFICE USE	
CASE NO.	V14-17
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: *This is the only affordable homeownership development project that is under construction in Monongalia county. With this variance, 6 additional units of affordable housing will be provided to the community*

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: *As the only affordable housing development currently under construction, this variance is necessary to provide ~~homeownership~~ homeownership as an opportunity to low income families in Monongalia County.*

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: *this only creates 6 additional units of affordable housing to the community*

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: *This variance deals with lot layout exclusively. Additionally, affordable housing has no negative impact on market values or land use in the community*



*Now More Than Ever.  
Help Build It!*

City of Morgantown  
Attn: Zoning Commission, CC: Chris Fletcher, Stacy Hollar  
389 Spruce Street  
Morgantown, WV 26501

March 14, 2014

RE: Jerome Park Phase 1

To Whom It May Concern:

Mon County Habitat for Humanity is requesting a variance, specifically to the side setback requirements, as it applies to R1-A zoning in the 6<sup>th</sup> Ward. We are requesting this variance due to construction complications that have arisen on the first 2 houses of our phase 1 development.

As noted in our application, we are seeking a 3 foot (36") side setback between the building envelope and the lot line. This would be a deviation of 2 feet (24") from the current setback requirements. It is our intention to continue to move forward building to meet the current 5 foot (60") setback requirement, but are seeking this variance specifically for lots 1 and 2 and to ensure potential future challenges could be handled under one variance request.

Specifically, as you'll note on the plat of phase 1 (Exhibit A), the development was designed to accommodate for a minimum of a 5 foot setback, and in several cases exceeding that by an additional 2 feet. However, based upon several challenges we encountered around the initial stages of development, lots 1 and 2 do not meet the setbacks (see Exhibit B). Lot 1 encroaches the setback by roughly 1.5 feet (18") and lot two encroaches by less than a foot.

This variance is needed to proceed forward with the development of the remaining homes on the project as well as to close with our Partner Families on Lots 1 and 2.

With your support through granting this request, Mon County Habitat for Humanity will develop these 6 lots into single family detached homes to make homeownership a reality for 6 low income families in the City of Morgantown.

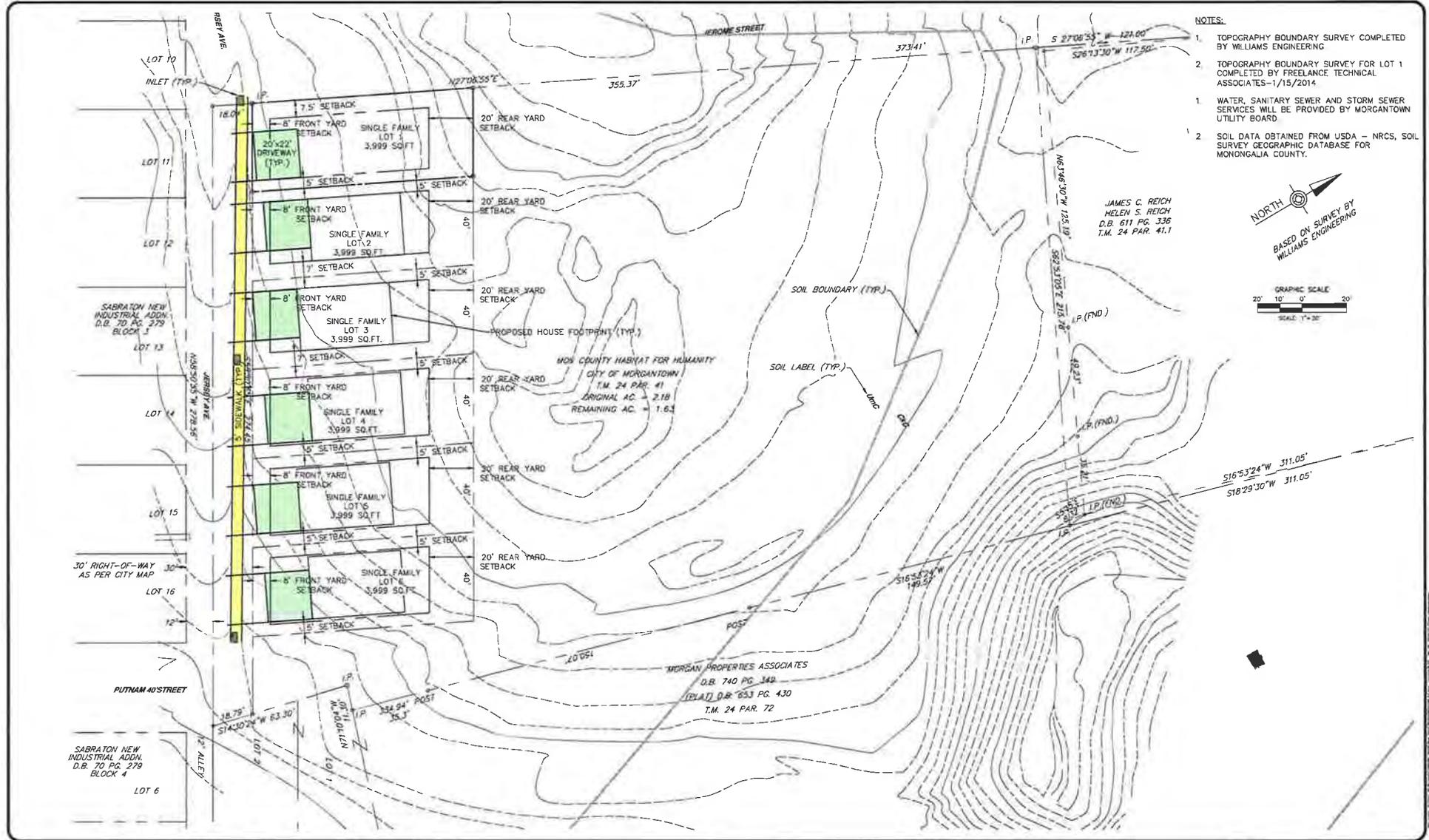
Should you have any questions about our comments, please do not hesitate to contact me.

In Partnership,

A handwritten signature in blue ink, appearing to read "Evan Zuverink".

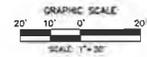
Evan Zuverink  
Director of Operations  
Mon County Habitat for Humanity

# Exhibit A Phase 1 Plat



- NOTES:
- TOPOGRAPHY BOUNDARY SURVEY COMPLETED BY WILLIAMS ENGINEERING
  - TOPOGRAPHY BOUNDARY SURVEY FOR LOT 1 COMPLETED BY FREELANCE TECHNICAL ASSOCIATES-1/15/2014
  - WATER, SANITARY SEWER AND STORM SEWER SERVICES WILL BE PROVIDED BY MORGANTOWN UTILITY BOARD
  - SOIL DATA OBTAINED FROM USDA - NRCS, SOIL SURVEY GEOGRAPHIC DATABASE FOR MONONGALIA COUNTY.

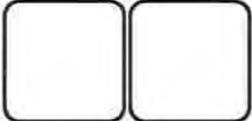
NORTH  
 BASED ON SURVEY BY  
 WILLIAMS ENGINEERING



JAMES C. REICH  
 HELEN S. REICH  
 D.B. 611 PG. 336  
 T.M. 24 PAR. 41.1

MORGAN PROPERTIES ASSOCIATES  
 D.B. 740 PG. 349  
 (PLAT) D.B. 653 PG. 430  
 T.M. 24 PAR. 72

NO.	REVISION	DATE	BY



**HRG**  
 Engineering & Professional Services  
 240 Scott Avenue, Suite 1  
 Morgantown, WV 26508  
 (304) 284-9222  
 Fax (304) 284-9223  
 hrg@hrginc.com  
 www.hrginc.com

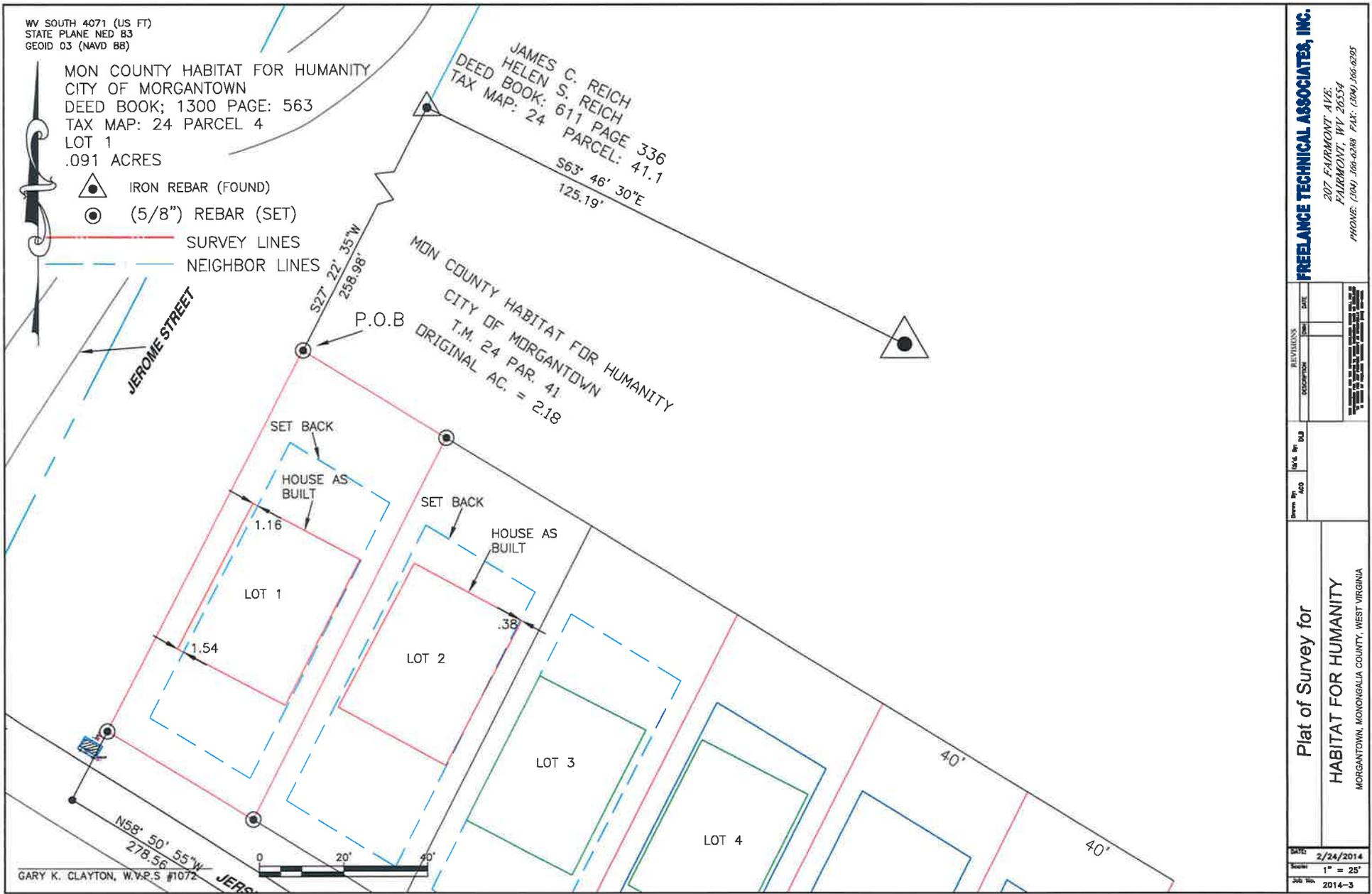
Mon County  
**Habitat for Humanity**  
 251 DON KNOTTS BLVD.  
 MORGANTOWN, WV 26501  
 (304)-282-0814

**JEROME PARK SUBDIVISION PRELIMINARY PLAT**  
 FOR  
**HABITAT FOR HUMANITY**  
 MORGANTOWN MONONGALIA COUNTY WEST VIRGINIA

PROJ. MGR - SHP
DESIGN - CES
CADD - CES
CHECKED - DB
SCALE - 1" = 20'
DATE - JAN 2014

DRAWING NO  
**PLAT**  
 SHEET NO  
**1 OF 1**  
 PROJECT 008459 0426

Exhibit B  
 Phase 1 Lots 1 & 2  
 Actual / Redline



**FREELANCE TECHNICAL ASSOCIATES, INC.**  
 207 FAIRMONT AVE.  
 FAIRMONT, WV 26554  
 PHONE: (204) 366-6286 FAX: (204) 366-6295

REV	DATE	DESCRIPTION

DATE: 2/24/2014  
 SCALE: 1" = 25'  
 JOB NO: 2014-3

Plat of Survey for  
**HABITAT FOR HUMANITY**  
 MORGANTOWN, MONONGALIA COUNTY, WEST VIRGINIA