



MORGANTOWN BOARD OF ZONING APPEALS

May 21, 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: V14-18 / Joseph Pride / 883 Vandalia Road

REQUEST and LOCATION:

Request by Joseph Pride for variance relief from Article 1331.08 as it relates to setbacks for accessory structures at 883 Vandalia Road.

TAX MAP NUMBER(s) and ZONING DESCRIPTION:

Tax Map 34, Parcel 19; R-1, Single-Family Residential District

SURROUNDING ZONING:

R-1, Single-Family Residential District

BACKGROUND and ANALYSIS:

The petitioner seeks to construct a gazebo atop an existing wood deck next to an in-ground pool in the rear yard. Addendum A of this report illustrates the location of the subject site.

Article 1331.08(3) provides that detached accessory structures shall not be located closer than five (5) feet to the side or rear property line.

According to the petitioner, the locations of the existing fire pit and the mechanical equipment for the pool hinder placing the proposed gazebo at least five (5) feet from the rear property line given structural support elements of the gazebo's design. Additionally, the wood deck that the proposed gazebo will cover is considered nonconforming as it is closer than three (3) from the rear property line as required under Article 1333.05(A)(2) in the R-1 District.

As such, the proposed location of the petition's detached accessory structure requires a two-and-one-half foot (2.5) variance from the rear property line.

Staff received an email of support from Mr. and Mrs. Dennis Bidwell, which is attached hereto.

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). No recommendation is submitted concerning approval.

Enclosures: Application and accompanying exhibits

Development Services

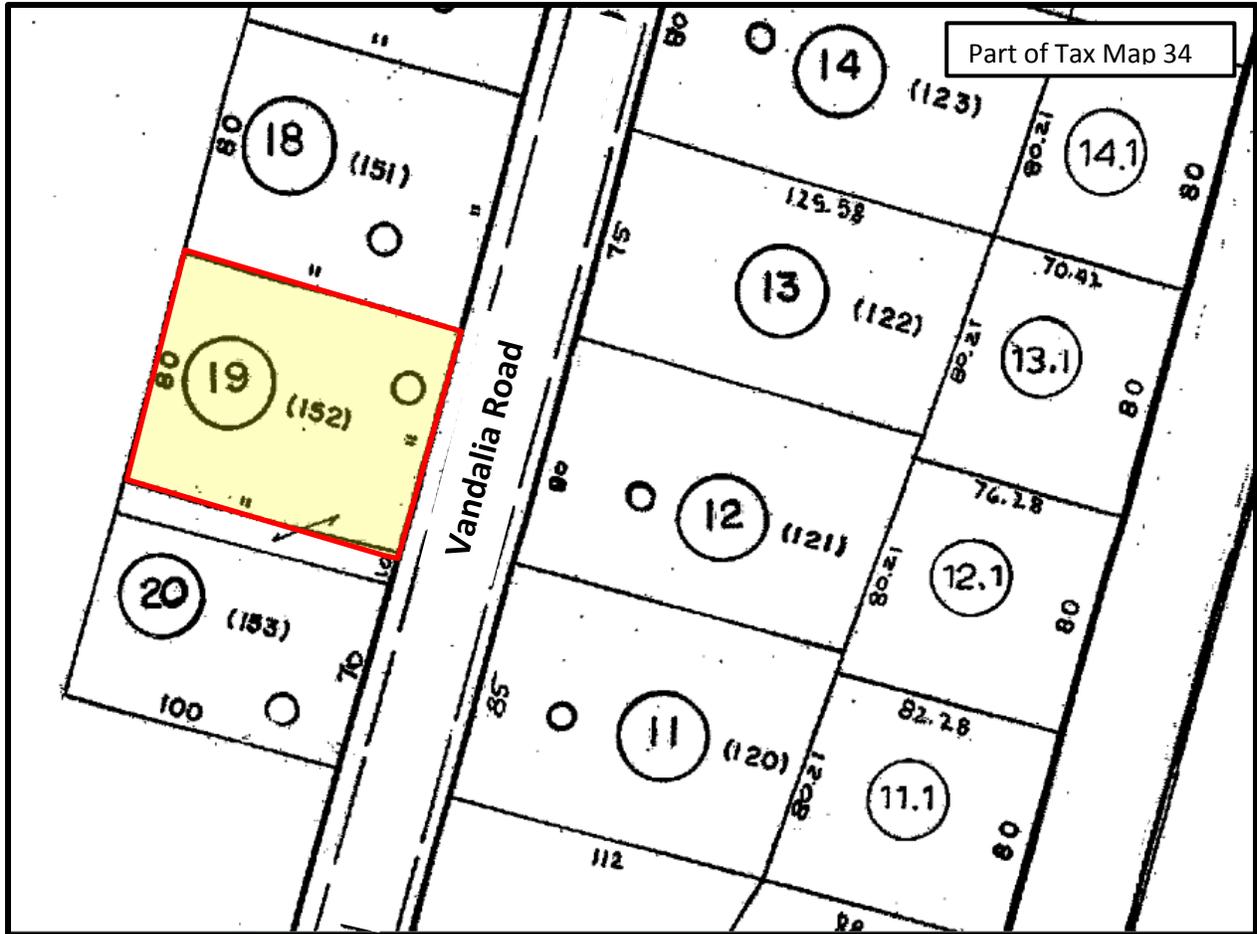
Christopher Fletcher, AICP
Director

Planning Division

389 Spruce Street
Morgantown, WV 26505
304.284.7431

STAFF REPORT ADDENDUM A
V14-18 / Joseph Pride / 883 Vandalia Road







STAFF REPORT ADDENDUM B

V14-18 / Joseph Pride / 883 Vandalia Road

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 deck is built up to within one and a half foot of property line, which is a retaining wall. The existing location of the fire pit and the mechanical equipment for the in-ground pool appear to hinder placing the proposed gazebo accessory structure at least five (5) feet from the rear property line given structural support elements of the gazebo's design.

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:

Variance is necessary because of existing pull pump house and fire pit.

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 are no houses located directly below the proposed structure.~~ The adjoining house to the rear of the petitioner's property appears to be approximately thirty-five (35) feet from the proposed location of the accessory gazebo structure. The space over which the gazebo is to be located has been used as a deck adjoining the in-ground pool for a number of years. The proposed gazebo is simply covering existing utilized deck space at the southwest corner of the petitioner's rear yard, which should not alter the context of how the petitioner's rear yard space currently performs and relates to adjoining properties and 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:

~~The request is for personal use and does not involve an increase in traffic.~~ The nature of the variance relief cannot contribute to or mitigate existing traffic patterns on neighboring streets. The proposed gazebo should enhance market value of the petitioner's property and neighboring properties as is customary to similar home improvements. The proposed gazebo should not alter the context of the existing land utilization of the petitioner's rear yard in terms of how it currently performs and relates to adjoining properties.



City of Morgantown, West Virginia

APPLICATION FOR ZONING VARIANCE

OFFICE USE
CASE NO. <u>V14-18</u>
RECEIVED: <u>3/24/14</u>
COMPLETE: _____

(PLEASE TYPE OR PRINT IN BLACK INK)

Fee: \$75

I. APPLICANT		Name:	<u>JOSEPH V. PRIDE</u>			
Mailing Address:	Street	<u>883 VANDALIA ROAD</u>			Phone:	<u>304-296-4112</u>
	City	State	Zip	Mobile:		
	<u>MORGANTOWN</u>	<u>W.V.</u>	<u>26501</u>		Email:	<u>pridejoseph@yahoo.com</u>
II. PROPERTY		Street Address:	<u>883 VANDALIA ROAD</u>			
Owner:	<u>Joseph V. PRIDE</u>			Zoning:	<u>R-1</u>	
Mailing Address:	Street	<u>883 VANDALIA ROAD.</u>			Tax Map No:	<u>34</u>
	City	State	Zip	Parcel No:	<u>19</u>	
	<u>MORGANTOWN</u>	<u>W.V.</u>	<u>26501</u>	Phone:		

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

Requesting 2.5 foot variance from rear setback to build a gazebo. ☺

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.

JOSEPH PRIDE Joseph Pride **PAID**

Type/Print Name of Applicant/Agent Signature of Applicant/Agent Date MAR 24 2014

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.	VI4-18
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	
CASE NO.	V14-18
RECEIVED:	_____
COMPLETE:	_____

Suggested Scale: 1 square = 5'

**SEE
ATTACHMENT
C.M.F.**



APPLICATION FOR ZONING VARIANCE

OFFICE USE	
CASE NO.	V14-18
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:

The deck is built up to within one and a half foot of property line, which is a retaining wall.

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:

variance is necessary because of existing pull pump house & fire pit.

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 are no houses located directly below the proposed structure.

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:

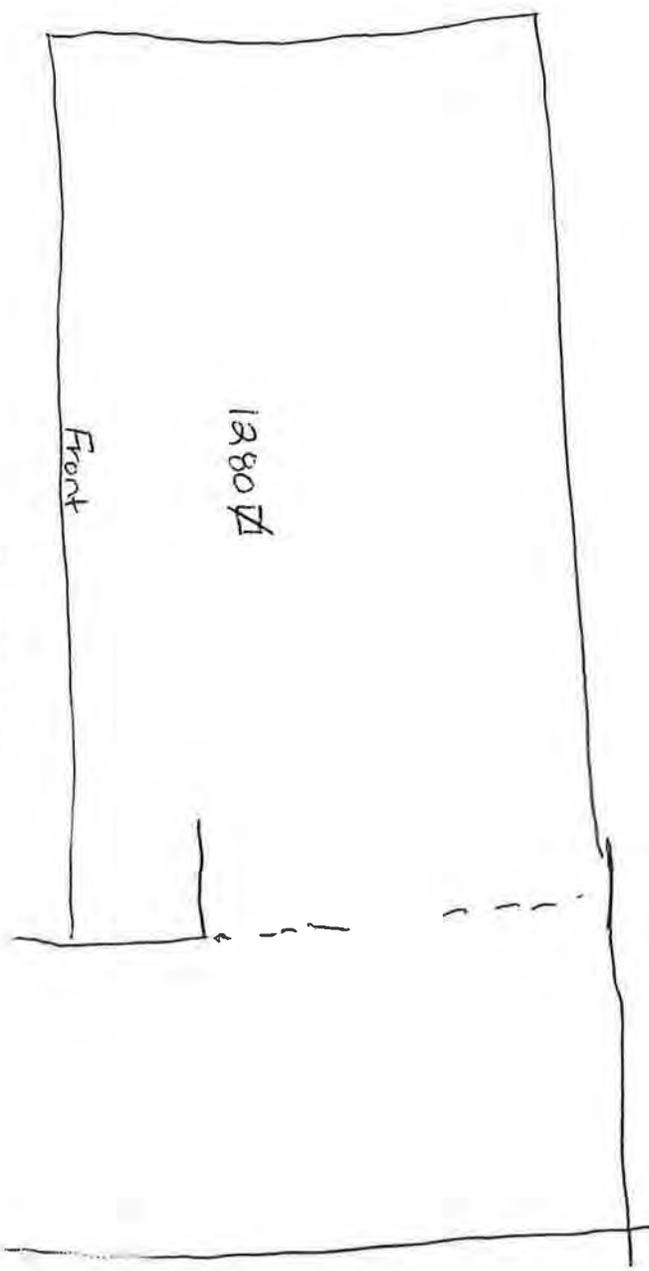
This request is for personal use and does not involve an increase in traffic.

V14-18



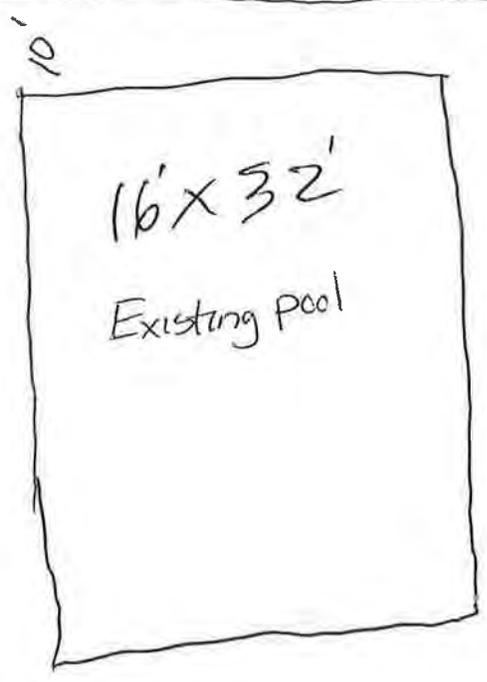
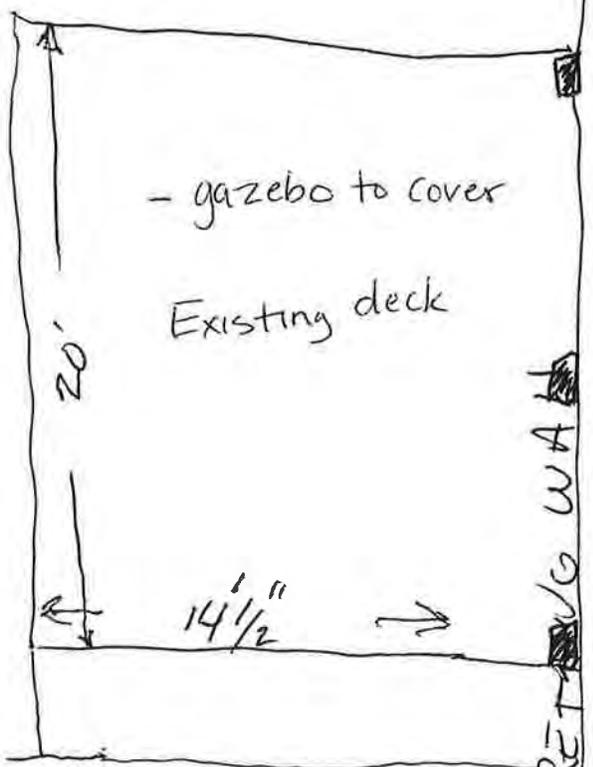
STREET VANDALIA ROAD

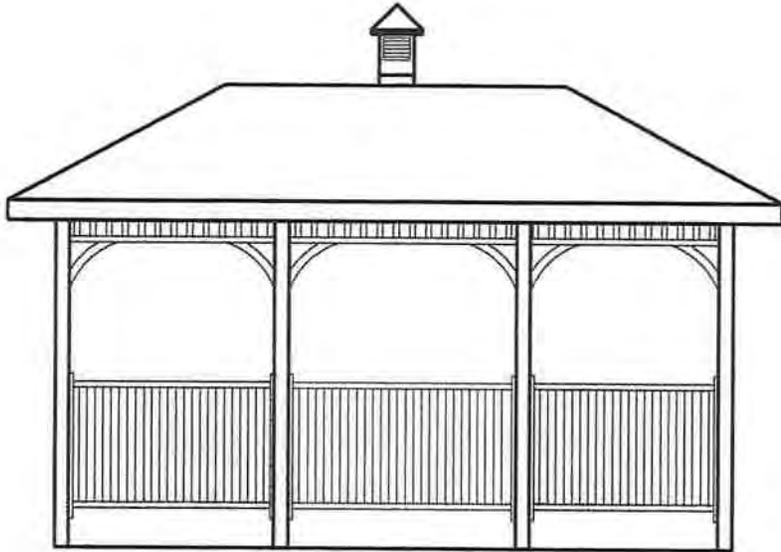
LAWN



PROPERTY LINE

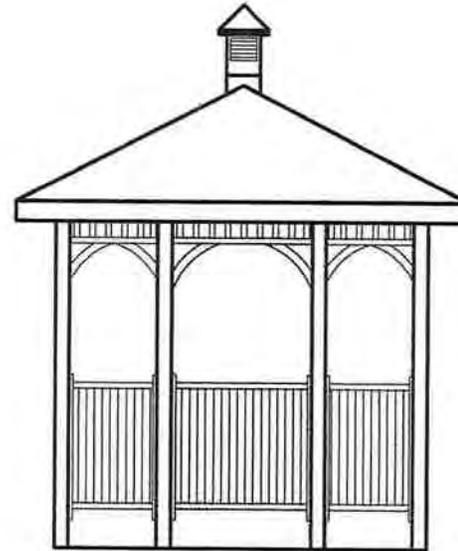
8" piers
18" in ground





Front Elevation

NTS



Side Elevation

NTS

CONTRACTOR:
 Amish Country Gazebos
 340 Hosteller Road
 Manheim, PA 17545
 Ph: 800-700-1777
 Fax: 717-665-0374

DRAWING TITLE:

PROJECT:

DATE	DATE	DATE

Zimbra

shollar@cityofmorgantown.org

V14-19/Joseph Pride/883 Vandalia Road/Tax Map 34, Parcel 19

From : Dennis Bidwell <drbidwell@comcast.net>

Sat, Apr 26, 2014 10:07 AM

Subject : V14-19/Joseph Pride/883 Vandalia Road/Tax Map 34, Parcel 19**To :** shollar@cityofmorgantown.org**Cc :** cfletcher@cityofmorgantown.org

Mr. Fletcher:

We are writing in regards to the variance request submitted by Joseph Pride, 883 Vandalia Road.

We fully support Mr. Pride's request for a variance and strongly recommend that the Board of Zoning Appeals approve his application. It is our understanding, based on our discussions with Mr. Pride, that his plan to construct a gazebo requires a variance because of setback requirements for accessory structures.

Your assistance in this matter is appreciated.

Dennis R. and Beth A. Bidwell

876 Vandalia Road

Morgantown, WV 26501

(304) 319-0429
