



MORGANTOWN BOARD OF ZONING APPEALS

June 18, 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: V14-28 / 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 petitioner seeks a two-foot side setback variance for each of lots 3, 4, 5, and 6 as a part of their single-family development along Jersey Avenue. The petitioner's reason for requesting the variance is to accommodate placing a square house on an angular lot. Addendum A of this report illustrates the location of the subject site.

Article 1335.04(A)(3) provides that the minimum interior side yard setback requirement in the R-1A District is five (5) feet.

Similar variance relief was granted by the Board under Case No. V14-17 on 30 APR 2014 for the petitioner's lots 1 and 2 that is a part of the same development along Jersey 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.

Please note that Staff has taken the petitioner's Findings of Fact responses submitted with the old variance application, associated said responses to similar Findings of Fact provided in the new variance application, and included recommended revisions (deleted matter struck through; new matter underlined).

Enclosures: Application and accompanying exhibits

Development Services

Christopher Fletcher, AICP
Director

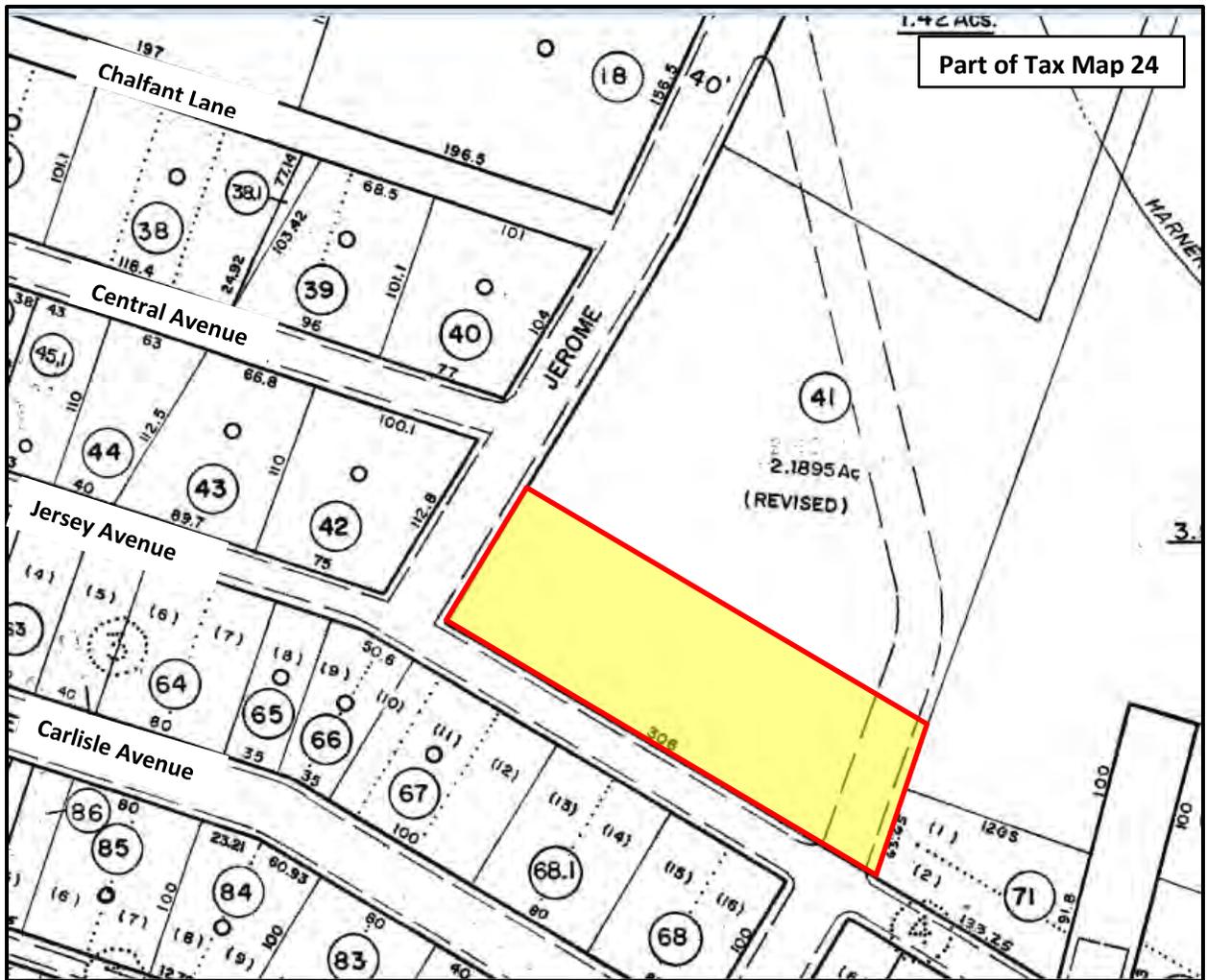
Planning Division

389 Spruce Street
Morgantown, WV 26505
304.284.7431

STAFF REPORT ADDENDUM A

V14-28 / Mon County Habitat for Humanity / Jersey Street





STAFF REPORT ADDENDUM B

V14-28 / Mon County Habitat for Humanity / Jerome Park

Staff has taken the petitioner's Findings of Fact responses submitted with the old variance application, associated said responses to similar Findings of Fact provided in the new variance application, and included recommended revisions (deleted matter struck through; new matter underlined).

Finding of Fact No. 1 – The variance will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents, because:

There are several other single-family dwellings in the vicinity that do not meet the minimum side setback requirements in this community. Examples would include 1289 Carlisle Avenue, 1261 Carlisle Avenue, and 1265 Carlisle Avenue, all of which are located across Jersey Avenue from the development. This variance would have no adverse effect on any other property in this community. Similar variance relief was granted by the Board under Case No. V14-17 on 30 APR 2014 for the petitioner's lots 1 and 2 that is a part of the same development along Jersey Street. Additionally, affordable housing has no negative impact on market values or land use in this community.

Finding of Fact No. 2 – The variance arises from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance, because:

This variance ~~deals with~~ is a result of the lot configuration and angular layout ~~exclusively~~.

Finding of Fact No. 3 – The variance will eliminate an unnecessary hardship and permit a reasonable use of the land, because:

This variance aids in mitigating site design given the angular layout of the parcels in relation to Jersey Street, a desire for the single-family dwelling structures to be at or near parallel with Jersey Street, and ~~only~~ allows for the creation of 4 additional units of affordable housing in the community.

Finding of Fact No. 4 – The variance will allow the intent of the zoning ordinance to be observed and substantial justice done, because:

This variance request will only effect the side setback requirement between the houses ~~we~~ that Habitat for Humanity is ~~are~~ developing on Jersey Avenue. All other setback requirements, rights-of-ways, and city requirements will remain in effect and be observed. This variance ~~is essential to our~~ appears prudent to Habitat for Humanity's continued development of affordable housing in the City of Morgantown.



City of Morgantown, West Virginia

APPLICATION FOR ZONING VARIANCE

OFFICE USE	
CASE NO.	V14-28
RECEIVED:	
COMPLETE:	

(PLEASE TYPE OR PRINT IN BLACK INK)

Fee: \$75

I. APPLICANT		Name: Mon County Habitat for Humanity, Inc.	
Mailing Address:	251 Don Knotts Blvd		Phone: 304-292-0914
	Street	Morgantown WV 26501	Mobile: 304-633-0036
	City	State Zip	Email: admin@moncountyhabitat.org
II. PROPERTY		Street Address: 1285 (lot 3), 1289 (lot 4), 1293 (lot 5), 1297 (lot 6) Jersey Avenue	
Owner:	Mon County Habitat for Humanity, Inc.		Zoning: R-1A
Mailing Address:	251 Don Knotts Blvd		Tax Map No: 24
	Street	Morgantown WV 26501	Parcel No: 41
	City	State Zip	Phone: 304-292-0914
III. NARRATIVE		Please describe the nature and extent of your variance request(s).	
<p>We are requesting a variance to the 5 foot minimum side setback requirement for scattered site lots 3,4,5,& 6 on Jersey Avenue. We are requesting a 3 foot setback (2 ft. variance) for each of these lots to accommodate for placing a square house on an angular lot.</p>			
V. ATTEST			
<p>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.</p>			
Evan T. Zuverink			05/07/2014
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. V14-28
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: 4 Gross floor area of each building: approx. 1100 sq. ft.
- Estimated number of employees: NA No. of dwelling units: 4 No. of bedrooms: 3 per unit
- 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.	<u>V14-28</u>
RECEIVED:	_____
COMPLETE:	_____

Suggested Scale: 1 square = 5'

See attached.



City of Morgantown, West Virginia

APPLICATION FOR ZONING VARIANCE

OFFICE USE

CASE NO.

V14-28

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 variance request will only effect the side setback requirement between the houses we are developing on Jersey Avenue. All other setback requirements, right of ways, and city requirements will remain in effect and be observed. This variance is essential to our continued development of affordable housing in the City of Morgantown.

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 are several other single-family dwellings in the vicinity that do not meet the minimum side setback requirements in this community. This variance would have no adverse effect on any other property in this community. Examples would include 1289 Carlisle Avenue, 1261 Carlisle Avenue, and 1265 Carlisle Avenue, all of which are are located across Jersey avenue from the development.

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 variance only allows for the creation of 4 additional units of affordable housing in 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 this community.

