



Development Services

389 Spruce Street
Morgantown, WV 26505
304.284.7431

MEMORANDUM

Date: Wednesday, August 19, 2015
To: Board of Zoning Appeals
RE: V14-29 / Bradford / 474 Pythian Street
Tax Map 2, Parcel 110

Article 1381.05 "Expiration" of the Planning and Zoning Code provides that:

"In the case where a variance has not been used within twelve (12) months after the granting thereof, then without further action it shall be null and void. This may be extended to eighteen (18) months upon prior written request of the Board. The word 'used' shall mean that the approved variance has been activated as evidenced by permits, construction, or required licenses."

On June 16, 2014, the Board granted a one (1) foot variance from the minimum front setback standard of 24 feet provided in Article 1363.02 under Case No. V14-29. Said approval, in accordance with Article 1381.05, was set to expire on June 16, 2015. Attached herewith is the June 17, 2014 action letter.

Mr. Bradford contacted the Planning Division on July 10, 2015 requesting that he be included on the Board's August 19, 2015 agenda to seek approval of a six-month extension for said variance approval.

Staff recommends the Board grant a six-month variance approval extension for Case No. V14-29 so that the expiration of same is extended from June 16, 2015 to December 16, 2015.

Christopher M. Fletcher



**DEVELOPMENT
SERVICES
DEPARTMENT**

The City of Morgantown

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July 17, 2014

Geoffrey Bradford
474 Pythian Street
Morgantown, WV 26505

**RE: V14-29 / Bradford / 474 Pythian Street
Tax Map 2, Parcel 110**

Dear Mr. Bradford,

This letter is to notify you of the decision made by the Board of Zoning Appeals concerning the above referenced variance petition for variance relief from Article 1333.04 as it relates to front setbacks at 474 Pythian Street.

The decision is as follows:

Board of Zoning Appeals, July 16, 2014:

1. Each of the Findings of Fact was found in the positive as stated in Addendum A of this letter.
2. The Board approved a one (1) foot variance from the minimum front setback standard of 24 feet provided in Article 1363.02 without conditions.

This decision may be appealed to the Circuit Court of Monongalia County within thirty (30) days. Any work done relating to decisions rendered by the Board of Zoning Appeals during this thirty-day period is at the sole financial risk of the petitioner.

The above referenced approval is set to expire in twelve (12) months unless you can demonstrate that they have been activated as evidenced by permits, construction, or required licenses. This expiration deadline may be extended to eighteen (18) months upon prior written request of the Board. Please note that a building permit must be obtained prior to the commencement of work for which variance relief was granted herein.

Should you have any questions or require further clarification, please contact the undersigned. We look forward to serving your plans review and permitting needs.

Respectfully,

Stacy Hollar
Executive Secretary
Development Services Department
shollar@cityofmorgantownwv.gov

ADDENDUM A – Approved Findings of Fact

V14-29 / Bradford / 474 Pythian Street

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:

The addition planned for the front of the house, including the garage, should improve the appearance of the house, and should not in any way take away from the single-family neighborhood atmosphere or encroach on the street. The position of the garage, being one-foot closer to the street compared to the rest of the front of the house, should be imperceptible and should not adversely affect the predominant building line form by houses on the south side of Pythian Street between Kiwanis Avenue and Rebecca Street.

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:

It appears from information provided by the petitioner and the architectural plans reviewed by the Board that by constructing the proposed addition along the side of the house in conformance with the minimum front setback requirement would result in the elimination of an existing living room window on the west façade. Removing said window would appear to unnecessarily change the quality, character, and enjoyment of the existing livable space.

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

According to the petitioner, a living room window will not have to be removed from an existing structural wall with the granting of the requested variance. If the garage were to be built one (1) foot further back, the existing window will have to be removed.

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

The granting of a one (1) foot variance in this case should not undermine the legislative intent of protecting and preserving predominant development patterns and building lines within the existing single-family built environment. Further, the proposed addition will eliminate the carport and actually bring the final setback of the existing main structure closer to the front property boundary and in more alignment with other houses fronting the south side of Pythian Street.

474 Pythian St
Morgantown, WV 26505-2224
304-599-4896

Development Services Department
Board of Zoning Appeals
The City of Morgantown
389 Spruce St
Morgantown, WV 26505
July 10, 2015

RE: V14-29/ Bradford/ 474 Pythian St
Tax Map 2, Parcel 110

Dear Development Services Department,

We received a letter July 17, 2014 granting our request for setback at our house on 474 Pythain Street. We are making plans to move ahead with a contractor but are not yet ready to apply for the permits required.

We are therefore requesting an extension of this permit to eighteen (18) months to January 2016.

Thank you for this consideration.

Sincerely,



Geoffrey E. Bradford



Kathryn S. Moffett-Bradford