



MORGANTOWN BOARD OF ZONING APPEALS

July 16, 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: V14-29 / Bradford / 474 Pythian Street

REQUEST and LOCATION:

Request by Geoffrey Bradford and Kathryn Moffett-Bradford for variance relief from minimum front setback standards at 474 Pythian Street.

TAX MAP NUMBER(s) and ZONING DESCRIPTION:

Tax Map 2, Parcel 110; R-1, Single-Family Residential District

SURROUNDING ZONING:

R-1, Single-Family Residential District

BACKGROUND and ANALYSIS:

The petitioner seeks to construct an addition onto the front and side of the house that will include a two-car garage, mud-room and entry way, front living space, and an upstairs bedroom and bathroom. Addendum A illustrates the location of the subject.

The petitioner's site plan illustrates a proposed front setback of 23 feet. The petitioner notes in the findings of fact that they wish to preserve an existing living room window on the west side of the house. Constructing the garage addition in conformance with the front setback standard would result in the removal of said window.

Article 1333.04(A)(1) provides that the minimum front setback standard for principal structures in the R-1 District is 25 feet.

However, Article 1363.02 provides:

- (C) Developed Blocks. If seventy-five percent (75%) or more of the lots in a block, on both sides of the street, are occupied by buildings, the following regulations shall apply:
 - (1) Residential Uses. The front setback shall vary by not more than 8 feet from the home(s) on either side of the lot. This requirement shall supersede the normal minimum and maximum front setbacks.

All of the lots on both sides of Pythian Street between Kiwanis Avenue and Rebecca Street are occupied by buildings. Therefore, Article 1363.02(C) is applicable in determining front setback requirements and supersedes the front setback standards under Article 1333.04(A)(1)

The front setback for the home (472 Kiwanis Avenue) to the west of the petitioner's home was not used by Staff in determining the "developed blocks" front setback standard as it fronts Kiwanis Avenue rather than Pythian Street.

Development Services

Christopher Fletcher, AICP
Director

Planning Division

389 Spruce Street
Morgantown, WV 26505
304.284.7431



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The front setback for the home (478 Pythian Street) to the east of the petitioner's home is approximately 32 feet, based on aerial photography and physical features illustrated on the petitioner's scaled site plan.

According to Article 1363.02(C)(1), the minimum front setback standard is 24 feet (32 feet - 8 feet) and the maximum front setback standard is 40 feet (32 feet + 8 feet) for the petitioner's home.

Therefore, the petitioner must obtain a one (1) foot variance from the minimum front setback standard determined under Article 1363.02(C)(1) to construct the addition 23 feet from the front property boundary as proposed.

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).

Staff recommends that the Board grant a one (1) foot variance from the minimum front setback standard of 24 feet established under Article 1363.02(C)(1) so that the petitioner may construct the proposed addition as presented no closer than 23 feet from the front property boundary.

Enclosures: Application and accompanying exhibits

Development Services

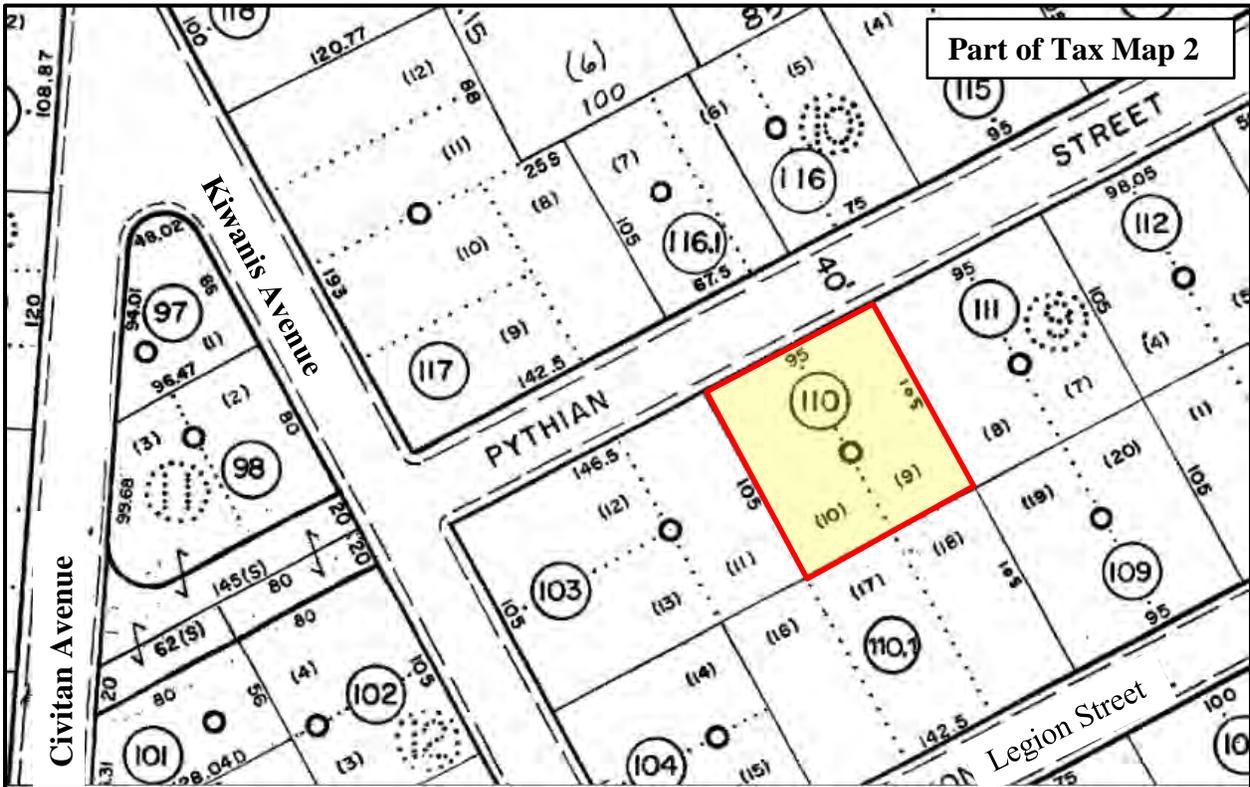
Christopher Fletcher, AICP
Director

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STAFF REPORT ADDENDUM A
V14-29 / Bradford / 474 Pythian Street





STAFF REPORT ADDENDUM B

V14-29 / Bradford / 474 Pythian Street

Staff has taken the petitioner's Findings of Fact responses submitted with the old variance application, associated said responses to similar Findings of Facts of 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:

The addition planned for the front of the house, including the garage, ~~will~~ 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 2 feet one-foot closer to the street compared to the rest of the front of the house, ~~will~~ 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 2 feet 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.



City of Morgantown, West Virginia

APPLICATION FOR ZONING VARIANCE

OFFICE USE	
CASE NO.	VH-29
RECEIVED:	6/2/14
COMPLETE:	

(PLEASE TYPE OR PRINT IN BLACK INK)

Fee: \$75

I. APPLICANT		Name: Geoffrey Bradford & Kathryn Moffett-Bradford	
Mailing Address:	474 Pythian St		Phone: 304-599-4896
	Street Morgantown	WV 26505	Mobile: 304-216-48-5 or 216-7210
	City	State Zip	Email: kmoffett@hsc.wvu.edu
II. PROPERTY		Street Address: 474 Pythain St (all of lots 9 & 10 of block No. 9 Suncrest Addition)	
Owner:	smae as above		Zoning: Seventh Ward
Mailing Address:	474 Pythain St		Tax Map No: 2
	Street Morgantown	WV 26505	Parcel No: 110
	City	State Zip	Phone: 304-599-4896
III. NARRATIVE		Please describe the nature and extent of your variance request(s).	
<p>Plans have been drawn up by an architect (Larry Martin) to put an addition on the front of our house which will include a 2-car garage, mud-room and entry way, front living space, and an upstairs bedroom and bathroom. This request is for the front face of the garage to extend two feet closer to the front boundary line along Pythian Street. This variance is being requested to avoid blocking an existing side living room window which will be adjacent to the back of the proposed garage.</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>			
Geoffrey Bradford & K Moffett-Bradford			06/02/2014
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.



APPLICATION FOR ZONING VARIANCE

OFFICE USE	
CASE NO.	V14-29
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: one Gross floor area of each building: _____

Estimated number of employees: n/a No. of dwelling units: n/a No. of bedrooms: 3

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.

VI4-29

RECEIVED: _____

COMPLETE: _____

Suggested Scale: 1 square = 5'

Please see attached house plans.



**APPLICATION FOR
ZONING VARIANCE**

OFFICE USE	
CASE NO.	V14-29
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:

We would like to add an attached 2-car garage to the side of our house. However, we do not wish to block an existing living room window on that side. Therefore the location of the garage is placed as the architecture plans indicate. We are requesting a 2-foot variance for the garage front. The variance is requested to place the garage 2 feet closer to the street (ie a front set back of 23 feet rather than 25 feet) to avoid the removal of the existing side living room window.

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:

A living room window will not have to be removed from an existing structural wall. If the garage were to be built 2 feet further back, the existing window will have to be removed.

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 addition planned for the front of the house, including the garage, will improve the appearance of the house, and not in anyway take away from the family neighborhood atmosphere or encroach on the street. The position of the garage, being 2 feet closer to the street compared to the rest of the front of the house, will be imperceptible.

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 garage built will only be a very slight amount closer to the street (2') and not encroach in anyway on the street. It will have a driveway in front. The aesthetic plans for the front of the house, with the front door and porch, as well as the garage, are intended to be inviting and welcoming, with a path and a driveway leading up to the house.

R/W line

PYTHIAN STREET

R/W line

5/8" reinforcing rod (set)

25.0' SET BACK LINE

LOT NO. 11

N25°04'00"W 105.00'

LOT NO. 8

S25°04'00"E 105.00'

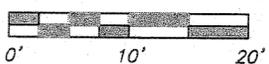
LOT NO. 16

LOT NO. 17

LOT NO. 18

LOT NO. 19

SCALE 1 inch = 10 feet
CONTOUR INTERVAL = 1 foot



NOTES:

- 1) Location of underground utilities not shown.
- 2) Survey was conducted without benefit of lawyer's title report and may not reflect all exceptions, rights-of-way, easements or restrictions.



GREENLEAF SURVEYING COMPANY
 1215 GREENBAG ROAD
 MORGANTOWN, WEST VIRGINIA 26508
 304 / 291-1264

**PLAT OF SURVEY FOR
 GEOFFREY K. BRADFORD &
 KATHY MOFFETT-BRADFORD**

Description: All of Lots No. 9 and 10 of Block No. 9 Suncrest Addition

Addition Ref.: DB. 199/276-1/2 & MC 1/44A

Area: 9,975 sq.ft., or acres

Title: Geoffrey K. Bradford & Kathy Moffett-Bradford

D.B. 1473, at Page 675

Tax Map No. 2, Parcel 110

Corporation: Seventh Ward of Morgantown

District: Morgan

of Monongalia County, West Virginia.

Address: 474 Pythian Street, Morgantown, WV.

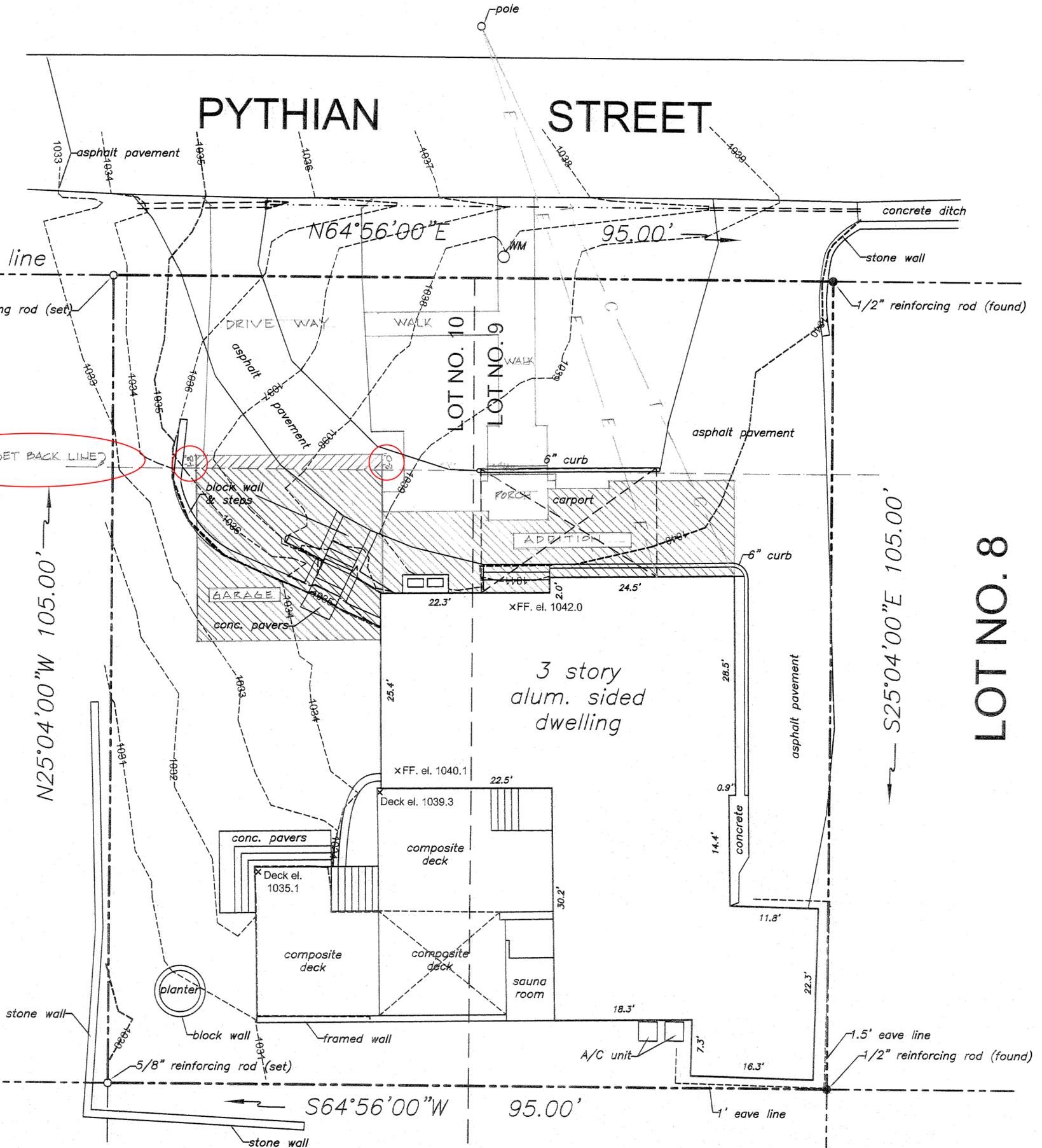
Scale 1" = 10' Date: April 16, 2013

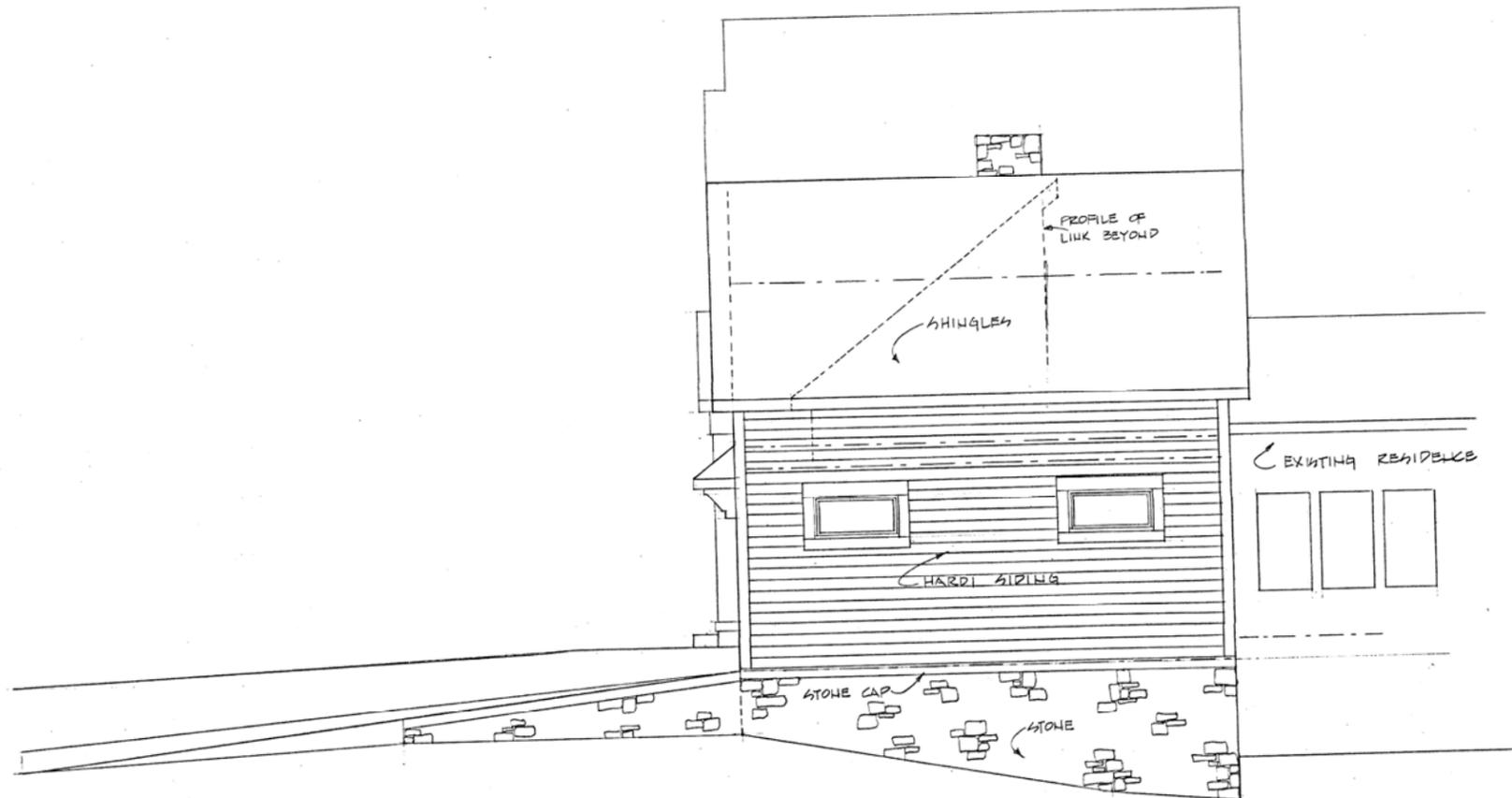
Add topo

September 3, 2013

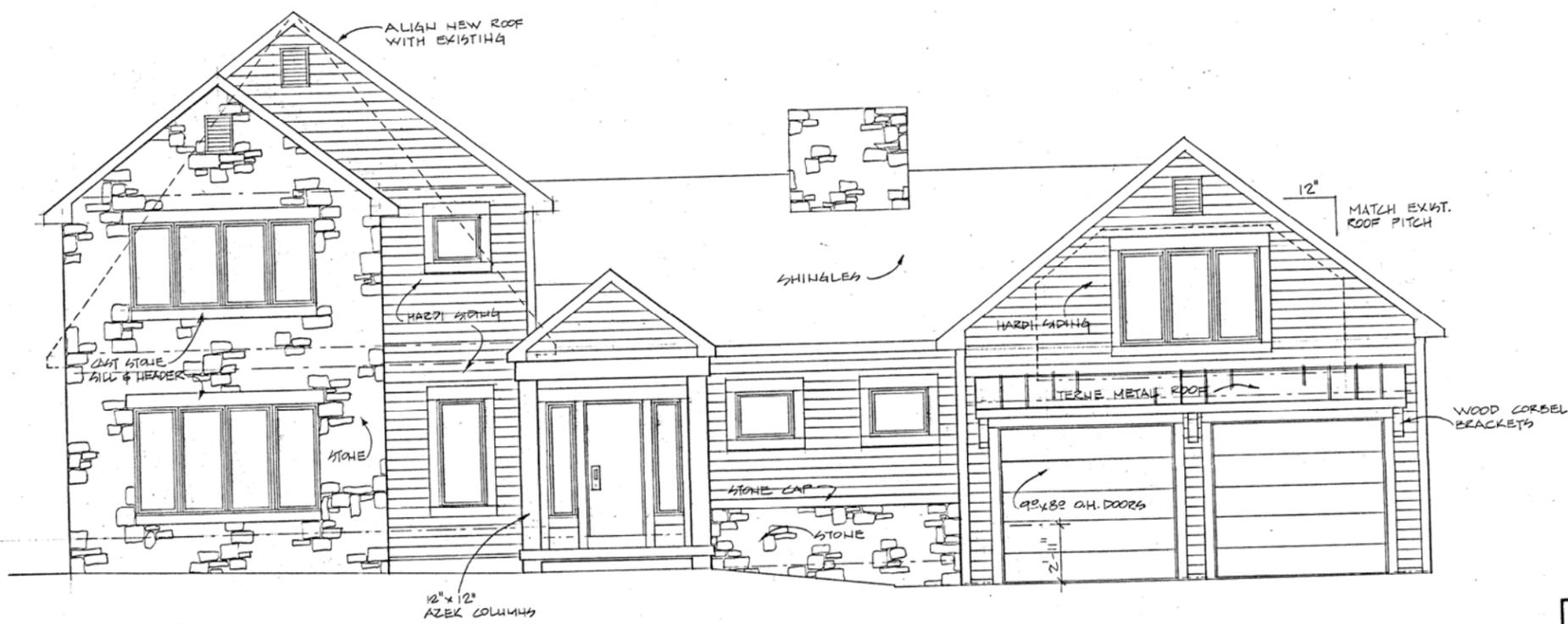
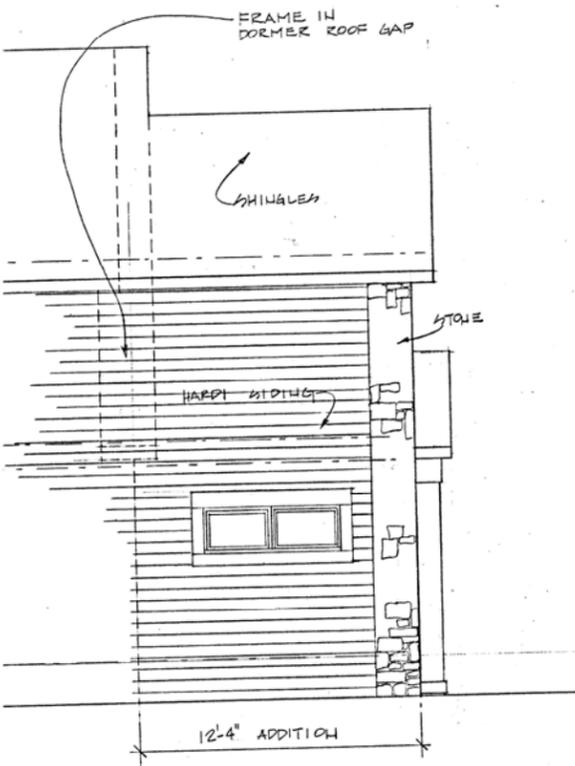
ALLAN J. WITSCHI, P.S. NO. 587

file number 154-13-91

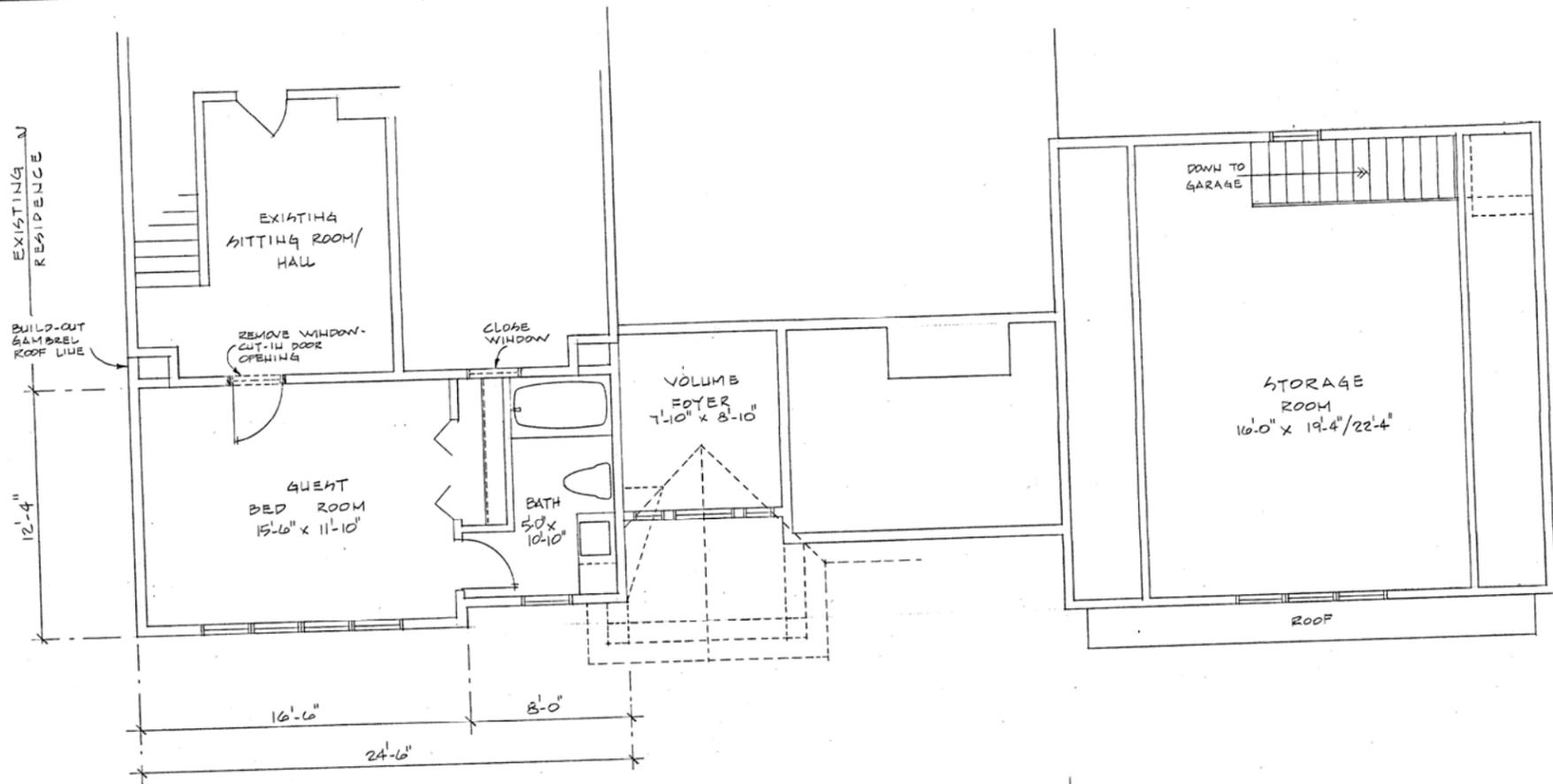




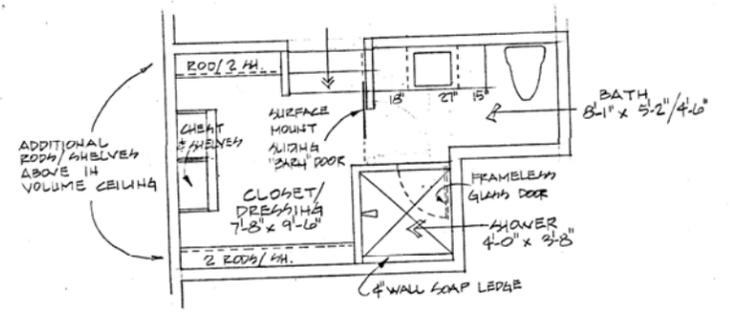
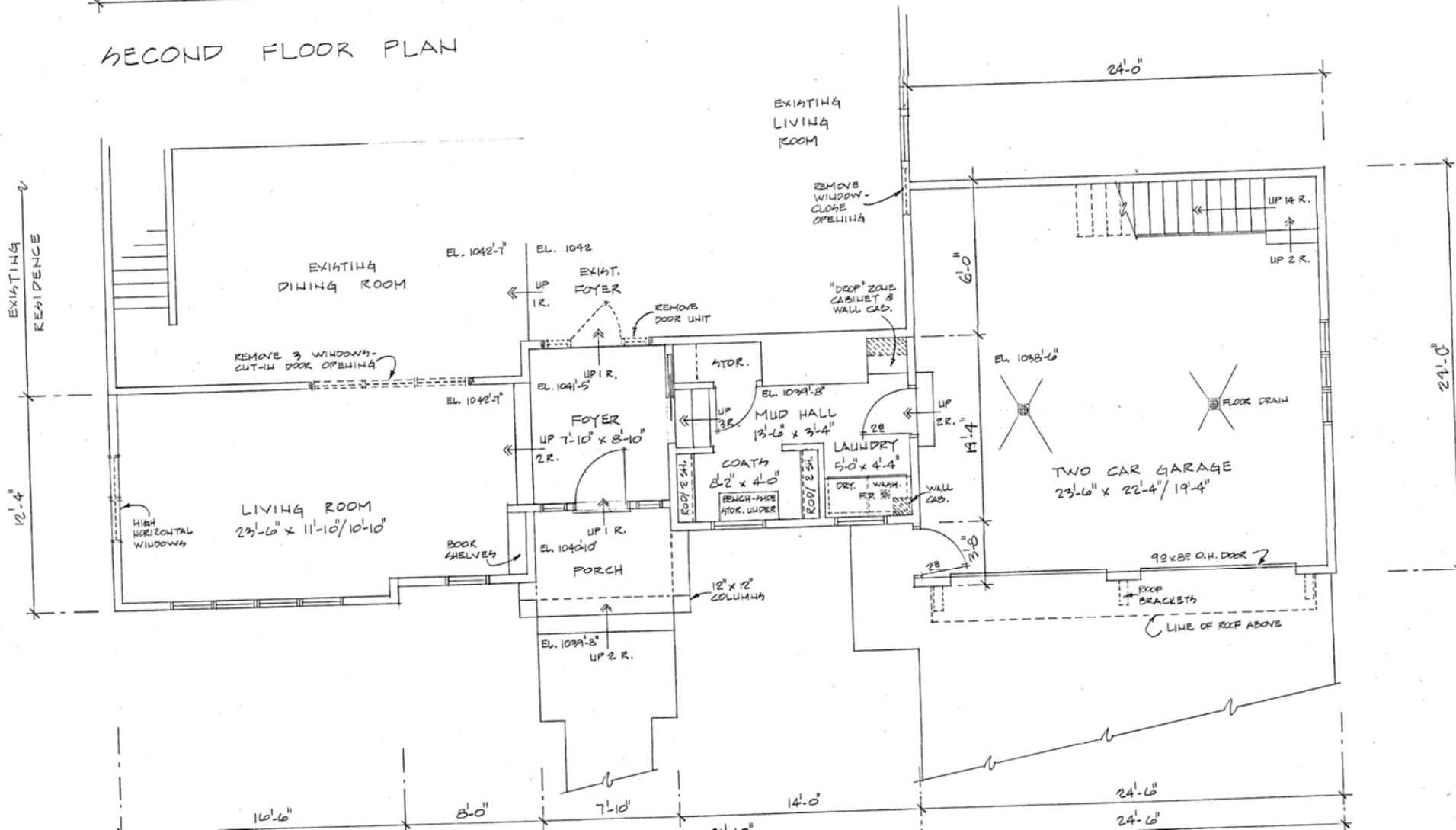
RIGHT SIDE ELEVATION



ADDITION TO THE RESIDENCE OF GEOFF & KATHY BRADFORD			
SCALE: 1/4" = 1'-0"	APPROVED BY:	DRAWN BY:	
DATE: 9-19-14		REVISED:	
474 PYTHIAN STREET MORGANTOWN, WV			



SECOND FLOOR PLAN



MASTER CLOSET-BATH

ADDITION TO THE RESIDENCE OF			
GEOFF & KATHY BRADFORD			
SCALE: 1/4"=1'-0"	APPROVED BY:	DRAWN BY:	
DATE: 3-19-14		REVISED:	
474 PYTHIAN STREET SHEPHERDSTOWN, WV			