



# MORGANTOWN BOARD OF ZONING APPEALS

August 20, 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:** COMBINED REPORT  
V14-32, V14-33, V14-34 and V14-35  
Delores Mashuda / 1889 Sturgiss Avenue

### **REQUEST and LOCATION:**

Request by Delores Mashuda for approval of four (4) variance petitions relating to a proposed development at 1889 Sturgiss Avenue.

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

Tax Map 33, Parcel 36; PRO, Professional, Residential and Office District

### **SURROUNDING ZONING:**

West: B-2, Service Business District  
East and South: R-1A, Single-Family Residential District  
North: PRO, Professional, Residential and Office District

### **BACKGROUND and ANALYSIS:**

The petitioner seeks to construct a structure to the north of the existing "ESSO" 1950's style building that will be occupied by a "Barber Shop / Beauty Salon" use permitted by-right in the PRO District. Addendum A of this report illustrates the location of the subject site.

### **Proposed Development Program**

The following summarizes the petitioner's proposed development program:

- Construction of a 24' (D) x 36' (W) building to the north of the "ESSO" 1950's style building that will contain a total gross floor area of 864 square feet.
- The building will be occupied by a *Strandz Hair Salon*, which is currently located at 213 Fayette Street.
- The hair salon will include three (3) client chairs.
- A total of five (5) parking spaces are proposed that will flank the proposed building, one of which is an accessible space.

## **Development Services**

Christopher Fletcher, AICP  
Director

## **Planning Division**

389 Spruce Street  
Morgantown, WV 26505  
304.284.7431

### **Required Planning and Zoning Code Approvals**

The following Planning and Zoning Code related approvals are required for the development program as proposed. Each case number is followed with a related description.



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Case No. V14-32 .....Variance relief as it relates to number of principal buildings on a lot.

Article 1363.04(A) provides that only one (1) principal building may be located on a lot. The proposed development results in two (2) principal buildings being located on the same lot, which requires variance relief.

Case No. V14-33 .....Variance relief as it relates to setback standards.

Article 1341.04 provides a minimum front setback of 10 feet and a minimum rear setback of 40 feet. The proposed front setback is 8.6 feet and the proposed rear setback is 7.2 feet, which require variance relief of 1.4 feet in the front and 32.8 feet in the rear. It should be noted that the depth of the parcel at the narrowest point where the building is proposed is approximately 39.8 feet. Additionally, similar variance relief was granted on 19 MAR 2008 to construct two canopies and a small office to the “ESSO” building due to the limited depth of the subject property.

Case No. V14-34 .....Variance relief as it relates to performance standards.

Article 1341.07(C)(1) provides that walls must be clad in any combination of wood, stone, brick, marble and/or cast concrete. The petitioner seeks to use split-faced block to complement the “ESSO” principal structure, which require variance relief.

Case No. V14-35 .....Variance relief as it relates to development standards.

Article 1347.07(I) provides that sidewalks must be constructed along the frontage of a lot upon which a use is to be constructed and that new sidewalks must be at least six (6) feet wide, or the same width as an existing but incomplete sidewalk along the same side of the street. The petitioner seeks to construct a six-foot wide sidewalk between the parking spaces proposed on either side of the building rather than constructing a sidewalk the length of the entire parcel along Sturgiss Avenue, which requires variance relief.

It should be noted that minor parking space design modifications in the site plan will be required during building permit plans review to ensure that related minimum design standards are observed.

Staff recommends that the Board, without objection from members of the Board, the petitioner, or the public, combine the public hearings for Case Nos. V14-32, V14-33, V14-34 and V14-35. However, each respective variance petition must be considered and acted upon by the Board separately.

**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).

**Development Services**

Christopher Fletcher, AICP  
Director

**Planning Division**

389 Spruce Street  
Morgantown, WV 26505  
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**Board Members:**

- Bernie Bossio, Chair
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Please note that each respective variance petition must be considered and acted upon by the Board separately.

Staff recommends the following determinations and/or conditions for each of the subject variance petitions.

Case No. V14-32 .....Variance relief as it relates to number of principal buildings on a lot.

Staff recommends that variance relief be granted from Article 1363.04(A) so that two (2) principal buildings may be developed on Parcel 36 of Tax Map 33 as requested without conditions.

Case No. V14-33 .....Variance relief as it relates to setback standards.

Staff recommends that that a 1.4-foot variance be granted from the minimum front setback standard of 10 feet and that a 32.8-foot variance be granted from the minimum rear setback standard set forth in Article 1341.04 for the PRO District as requested without conditions.

Case No. V14-34 .....Variance relief as it relates to performance standards.

Staff recommends that variance relief from the wall cladding material standards set forth in Article 1341.07(C)(1) for the PRO District be granted so that ornamental split-faced concrete block may be used or cement block that emulates cast concrete as requested without conditions.

Case No. V14-35 .....Variance relief as it relates to development standards.

Staff recommends that variance relief from Article 1347.07(I) be granted with the condition that a sidewalk with a minimum width of six (6) feet be constructed to the satisfaction of the City Engineer within the Sturgiss Avenue right-of-way connecting the two parking areas on either side of the proposed building and include any accessibility provisions as determined by the City Engineer.

Enclosures: Applications and accompanying exhibits

**Development Services**

Christopher Fletcher, AICP  
Director

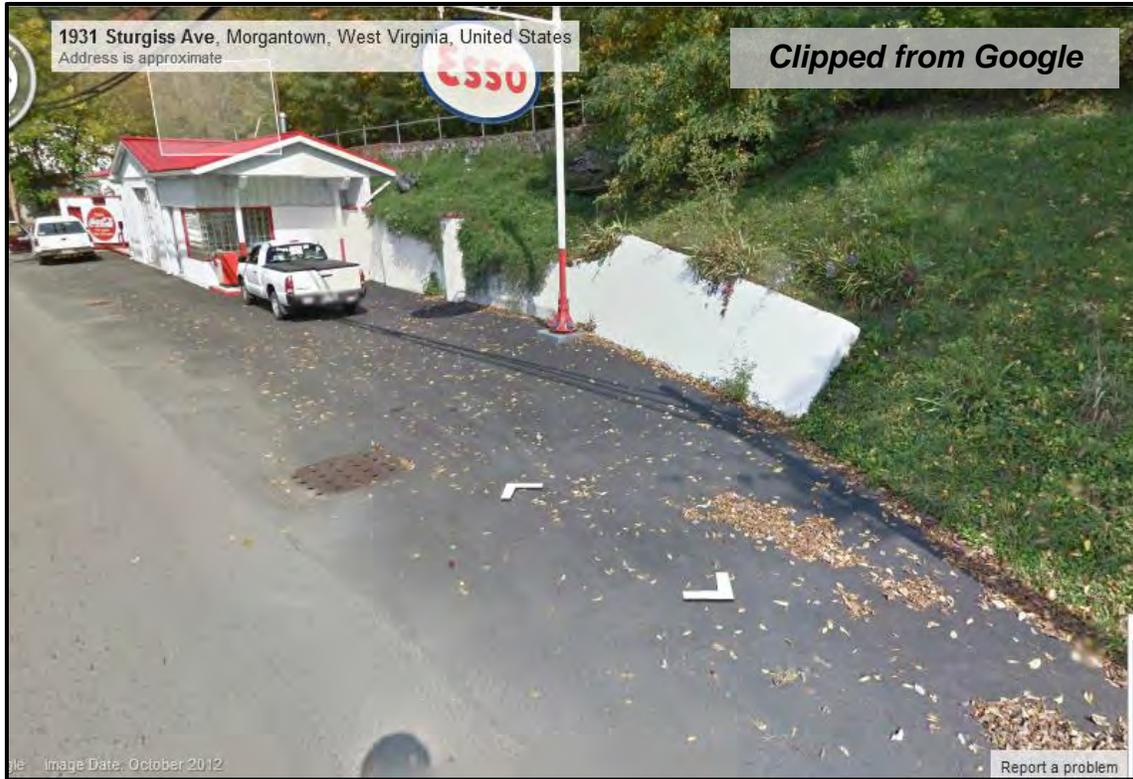
**Planning Division**

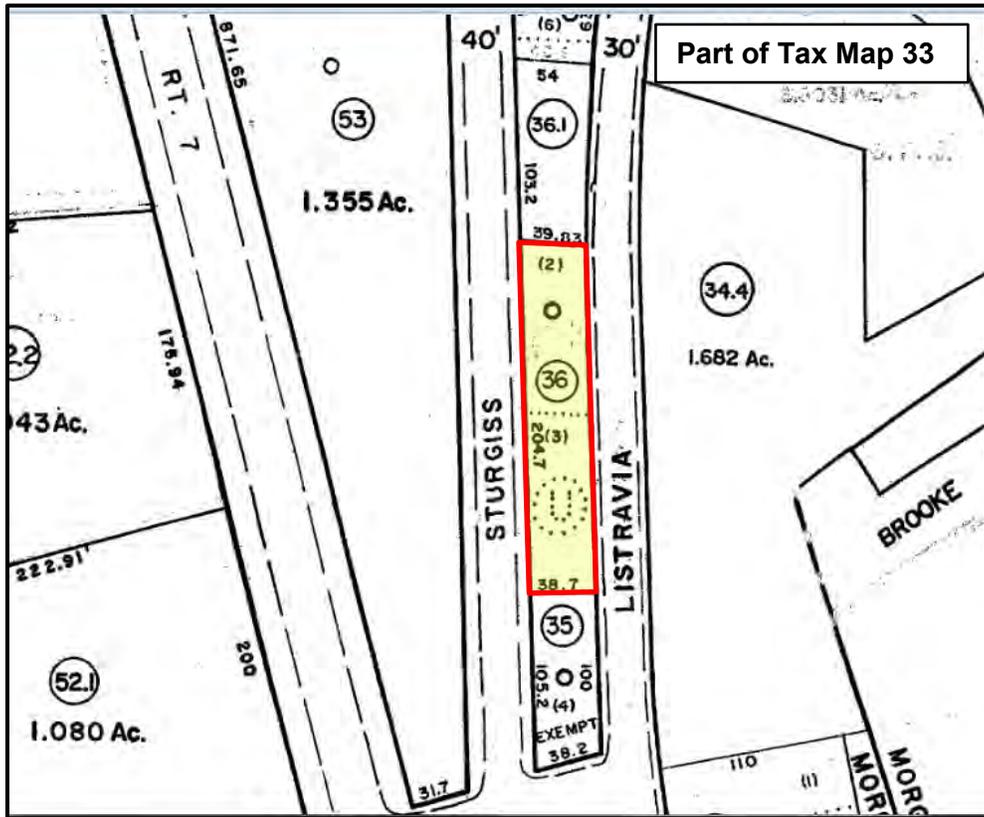
389 Spruce Street  
Morgantown, WV 26505  
304.284.7431

# STAFF REPORT ADDENDUM A

V14-32 thru V14-35 / Delores Mashuda / 1889 Sturgiss Avenue







## STAFF REPORT ADDENDUM B

### V14-32 through V14-35 / Delores Mashuda / 1889 Sturgiss Avenue

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 recommends the following findings of fact.

Case No. V14-32.....Variance relief as it relates to number of principal buildings on a lot.

**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 proposed building which will consist of a beauty salon will be an asset to the community and will not affect public health, safety or welfare of property owners. Given the unique geometry of the parcel and the development pattern of the surrounding built environment, permitting the construction of two (2) principal buildings on the subject realty should not manifest harm to public interest, the public realm, or the rights of adjoining property owners.~~

**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:

~~Such property is not being used at present time. Is on an empty lot next to old ESSO station that is from 1950's era. A variance is necessary to utilize the property. The building will match up with the existing 1950's ESSO station. Subdividing the already oddly shaped and very narrow realty so that each principal structure is located on separate parcels would increase the extent of parcels' nonconformity with the related Planning and Zoning Code provisions.~~

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

~~Variance is necessary to utilize the property and the new structure will be an asset to the community. The realty is oddly shaped, very narrow, and situated between two public streets leaving no prospect to subdivide the property in conformity to related Planning and Zoning Code provisions.~~

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

~~Variance is needed because it is needed to build the beauty salon on the small vacant lot. Granting the variance will permit the development of a small commercial space that will include adequate parking.~~

Case No. V14-33..... Variance relief as it relates to setback standards.

**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:

~~Variance is needed for building and parking to fit on the lot although everything is sandwiched in between the back street Listravia and front Sturgiss Street. It will not affect public health, safety or welfare of property owners. Given the unique geometry of the parcel and the development pattern of the surrounding built environment, permitting encroachment into the minimum front and rear setbacks should not manifest harm to public interest, the public realm, or the rights of adjoining property owners.~~

**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:

~~To utilize the property a variance is necessary for setback to fit new building on property. The combined minimum front and rear setback standards equal fifty (50) feet while the depth of the parcel at the narrowest point where the building is proposed is approximately 39.8 feet.~~

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

~~Variance is necessary to utilize the property for the new structure and will be an asset to the community. The depth of the parcel is less than the combined minimum front and rear setback requirements.~~

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

~~Variance is needed to fit the beauty salon and parking on the small lot. Variance relief from the minimum front and rear setbacks will permit the development of a small commercial space given the geometry and depth of the subject realty.~~

Case No.V14-34 ..... Variance relief as it relates to performance standards (split face block).

**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:

~~Variance is needed for split face block it will match up with the 1950's ESSO station. Will not affect public health, safety or welfare.~~ The use of split face block should complement the adjoining 1950's "ESSO" structure that is located on the subject realty and should not manifest harm to public interest, the public realm, or the rights of adjoining property owners.

**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:

~~Need to use split faced block because it will blend in with other structures.~~ The petitioner seeks to develop the small commercial building in a design manner that should further restoration and investment efforts of creating a 1950's era site.

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

~~Variance is needed because split faced block is maintenance free and has a nice appearance to it.~~ The use of split face block should complement the adjoining 1950's "ESSO" building over the use of wood, stone, brick, marble, and/or cast concrete.

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

~~The split face block will match other structures on property to keep the nostalgic look of the 1950's.~~ The petitioner has made a significant investment in creating the nostalgic look of the 1950's "ESSO" building and seeks to further these efforts by utilizing complementary split face block.

Case No. V14-35.....Variance relief as it relates to development standards (sidewalk).

**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:

~~Variance is needed for sidewalk in front of new building and will to the existing asphalt and will not affect public health, safety or welfare of property owners. Will actually benefit the community.~~ There does not appear to be sidewalks on the east side of Sturgiss Avenue and the area of the 1950's "ESSO" building currently has a long paved driveway. Developing a sidewalk connecting the proposed parking spaces flanking the proposed building will increase the lineal distance pedestrians may safely walk along the petitioner's Sturgiss Avenue frontage.

**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:

~~With the way the building is designed and parking on each side. Variance is needed for sidewalk in front.~~ No sidewalks exist on the east side of Sturgiss Avenue. However, the development of a sidewalk connecting the proposed parking spaces flanking the proposed building will increase the lineal distance pedestrians may safely walk along the petitioner's Sturgiss Avenue frontage given the existing paved area along the 1950's "ESSO" building's frontage.

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

~~Variance is needed for sidewalk to extend across from to go from parking lot on each side of building.~~ Developing a sidewalk that will connect the proposed parking spaces flanking the proposed building will increase the lineal distance along Sturgiss Avenue where pedestrians may safely walk.

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

~~There will still be a hard surface across front with sidewalk connecting with asphalt.~~ There is approximately 170 feet of paved surface for pedestrians to safely walk along the 1950's "ESSO" building's frontage, which will be increased by additional asphalt parking and concrete sidewalk connecting the proposed parking spaces flanking the proposed building.

0107



City of Morgantown, West Virginia

APPLICATION FOR VARIANCE PETITION

OFFICE USE	
CASE NO.	M4-32
RECEIVED:	7/8/14

(PLEASE TYPE OR PRINT IN BLACK INK)

Fee: \$75

<b>I. APPLICANT</b>		Name:	Delores Mashuda		
Mailing Address:	Street	316 TYRONE RD.		Phone:	304.594.3823
	City	State	Zip	Mobile:	304-288-3370
				Email:	elmo322@comcast.net
<b>II. PROPERTY</b>		Street Address:	1889 Sturgis St. mjpconstructionllc@comcast.net		
Owner:	Delores Mashuda		Zoning:	PRO	
Mailing Address:	Street			Tax Map No:	36
	City	State	Zip	Parcel No:	33
				Phone:	

<b>III. NARRATIVE</b>	Please describe the nature and extent of your variance request(s).
2 principle buildings being located on 1 Lot Article # 1363.04(A)	

<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 Development Services 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.		
Delores Mashuda	<i>Delores Mashuda</i>	7/8/2014
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 VARIANCE PETITION

OFFICE USE table with CASE NO. V14-32 and RECEIVED:

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



APPLICATION FOR VARIANCE PETITION

OFFICE USE	
CASE NO.	V14-32
RECEIVED:	

VII. FINDINGS OF FACT

COMPLETE THE FOLLOWING STATEMENTS IN THIRD PERSON.

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. The variance will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents, because:

The proposed building which will consist of a beauty salon will be an asset to the community and will not affect public health, safety or welfare of property owners.

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:

Such property is not being used at present time. It is on an empty lot next to old ESSO station that is from 1950's era. A variance is necessary to utilize the property. The building ~~will~~ will match up with the existing 1950's ESSO station



APPLICATION FOR  
VARIANCE PETITION

OFFICE USE	
CASE NO.	V14-32
RECEIVED:	

VII. FINDINGS OF FACT	COMPLETE THE FOLLOWING STATEMENTS IN THIRD PERSON.
<p>3. The variance will eliminate an unnecessary hardship and permit a reasonable use of the land, because:</p>	<p>VARIance is necessary to utilize the property and the new Structure will be an asset to to the Community</p>
<p>4. The variance will allow the intent of the zoning ordinance to be observed and substantial justice done, because:</p>	<p>VARIance is needed because it is needed to build the Beauty Salon on the small VACANT lot.</p>



City of Morgantown, West Virginia

APPLICATION FOR VARIANCE PETITION

OFFICE USE	
CASE NO.	V14-33
RECEIVED:	7/8/14

(PLEASE TYPE OR PRINT IN BLACK INK)

Fee: \$75

0107

<b>I. APPLICANT</b>		Name:	Delores Mashuda		
Mailing Address:	Street	316 Tyrone Road		Phone:	304-594-3823
	City	MORGANTOWN WV	26508	Mobile:	304-288-3370
	State		Zip	Email:	elmo322@comcast.net
<b>II. PROPERTY</b>		Street Address:	1889 Sturgis St. MJPCONSTRUCTIONLLC@comcast.net		
Owner:	Delores Mashuda			Zoning:	PRO
Mailing Address:	Street			Tax Map No:	30
	City	State	Zip	Parcel No:	33
				Phone:	

<b>III. NARRATIVE</b>	Please describe the nature and extent of your variance request(s).
<p>Rear setback requested is 4 Ft.</p> <p>Article 1341.04 (A)(4)</p>	

<b>V. ATTEST</b>		
<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 Development Services 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>		
Delores Mashuda	<i>Delores Mashuda</i>	7/8/2014
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 VARIANCE PETITION

OFFICE USE table with CASE NO. V14-33 and RECEIVED:

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.



APPLICATION FOR VARIANCE PETITION

OFFICE USE	
CASE NO.	V14-33
RECEIVED:	

VII. FINDINGS OF FACT

COMPLETE THE FOLLOWING STATEMENTS IN THIRD PERSON.

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. The variance will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents, because:

VARIANCE is needed For building & parking to Fit ON the lot although everything is sandwiched in between the back st listravia & Front Sturgiss ST. IT will not affect public health, safety or welfare of property owners

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:

to utilize the property A VARIANCE is necessary for setback to fit new building on property



**APPLICATION FOR  
VARIANCE PETITION**

OFFICE USE	
CASE NO.	V14-33
RECEIVED:	

**VII. FINDINGS OF FACT** COMPLETE THE FOLLOWING STATEMENTS IN THIRD PERSON.

3. The variance will eliminate an unnecessary hardship and permit a reasonable use of the land, because:

Variance is necessary to utilize the property for the new structure & will be an asset to the community

4. The variance will allow the intent of the zoning ordinance to be observed and substantial justice done, because:

Variance is needed to fit the beauty salon & parking on the small lot.



City of Morgantown, West Virginia

APPLICATION FOR VARIANCE PETITION

OFFICE USE	
CASE NO.	V14-34
RECEIVED:	

(PLEASE TYPE OR PRINT IN BLACK INK)

Fee: \$75

0107

<b>I. APPLICANT</b>		Name:	Delores Mashuda		
Mailing Address:	Street	316 TYRONE RD.		Phone:	304-594-3823
	City	State	Zip	Mobile:	304-288-3310
				Email:	elmo322@comcast.net
<b>II. PROPERTY</b>		Street Address:	1889 Sturgiss ST. Mjpcconstruction LLC@comcast.net		
Owner:	Delores Mashuda		Zoning:	R20	
Mailing Address:	Street			Tax Map No:	36
	City	State	Zip	Parcel No:	33
				Phone:	

<b>III. NARRATIVE</b>	Please describe the nature and extent of your variance request(s).
White split faced block is Requested Article 1347.07(C)(1)	

<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 Development Services 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.		
Delores Mashuda	<i>Delores Mashuda</i>	7/8/14
Type/Print Name of Applicant/Agent	Signature of Applicant/Agent	Date

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APPLICATION FOR VARIANCE PETITION

OFFICE USE table with CASE NO. V14-34 and RECEIVED:

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



APPLICATION FOR VARIANCE PETITION

OFFICE USE	
CASE NO.	V14-34
RECEIVED:	

VII. FINDINGS OF FACT

COMPLETE THE FOLLOWING STATEMENTS IN THIRD PERSON.

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. The variance will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents, because:

VARIANCE IS NEEDED FOR SPLITFACE BLOCK IT WILL MATCH UP WITH THE 1950'S ESSO STATION. WILL NOT AFFECT PUBLIC HEALTH, SAFETY OR WELFARE

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:

Need to use splitface block because it will blend in with other structures.



APPLICATION FOR  
VARIANCE PETITION

OFFICE USE	
CASE NO.	V14-34
RECEIVED:	

VII. FINDINGS OF FACT

COMPLETE THE FOLLOWING STATEMENTS IN THIRD PERSON.

3. The variance will eliminate an unnecessary hardship and permit a reasonable use of the land, because:

Variance is needed because split faced block is maintenance free & has a nice appearance to it.

4. The variance will allow the intent of the zoning ordinance to be observed and substantial justice done, because:

the split faced block will match other structures on property to keep the nostalgic look of the 1950's



City of Morgantown, West Virginia

APPLICATION FOR VARIANCE PETITION

OFFICE USE	
CASE NO.	V14-35
RECEIVED:	

(PLEASE TYPE OR PRINT IN BLACK INK)

Fee: \$75

<b>I. APPLICANT</b>		Name:	Delores Mashuda		
Mailing Address:	Street	316 Tyrone Rd.		Phone:	304-594-3823
	City	State	Zip	Mobile:	304-288-3390
				Email:	elmo322@comcast.net
<b>II. PROPERTY</b>		Street Address:	1889 Sturgiss ST. mjp construction LLC @comcast.net		
Owner:	Delores Mashuda		Zoning:	PRO	
Mailing Address:	Street			Tax Map No:	36
	City	State	Zip	Parcel No:	33
			Phone:		

<b>III. NARRATIVE</b>	Please describe the nature and extent of your variance request(s).
Side walks	
Article 1341.01(I)	

<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 Development Services 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.		
Delores Mashuda	<i>Delores Mashuda</i>	7/8/14
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.

0107



APPLICATION FOR VARIANCE PETITION

OFFICE USE table with fields for CASE NO. (V14-35) and RECEIVED:

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



APPLICATION FOR VARIANCE PETITION

OFFICE USE	
CASE NO.	V14-35
RECEIVED:	

VII. FINDINGS OF FACT

COMPLETE THE FOLLOWING STATEMENTS IN THIRD PERSON.

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. The variance will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents, because:

~~THE~~ VARIANCE is needed for sidewalk in front of NEW building & will tie to the existing asphalt. & will not affect public health, safety or welfare of property owners. Will actually benefit the community.

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:

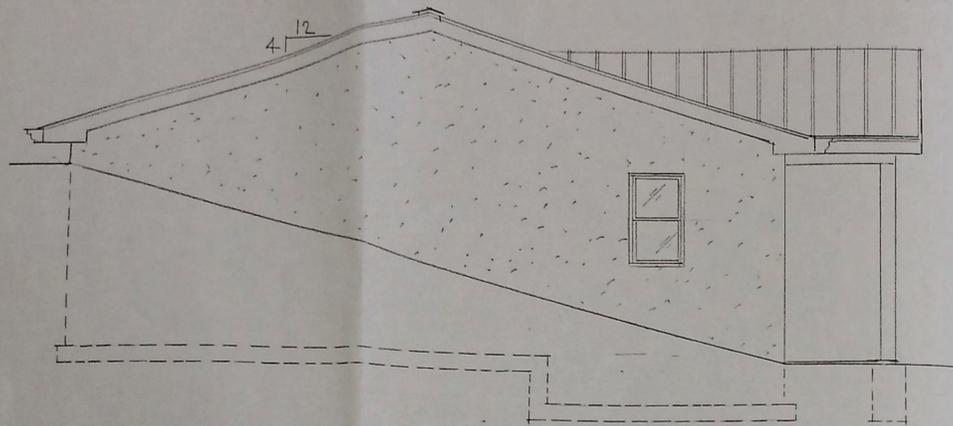
with the way the building is designed & parking on EACH side. VARIANCE is needed for sidewalk in front.



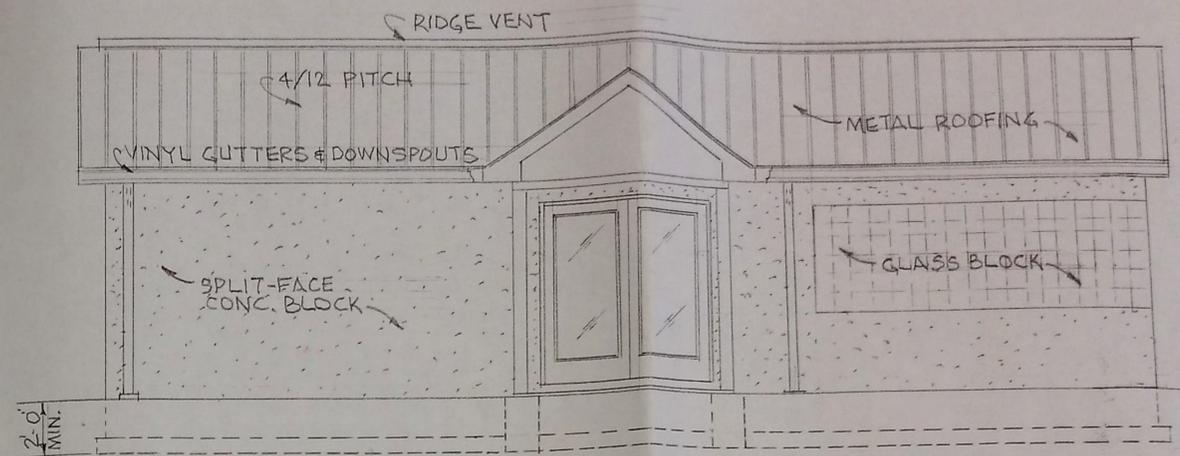
APPLICATION FOR VARIANCE PETITION

OFFICE USE	
CASE NO.	V14-35
RECEIVED:	

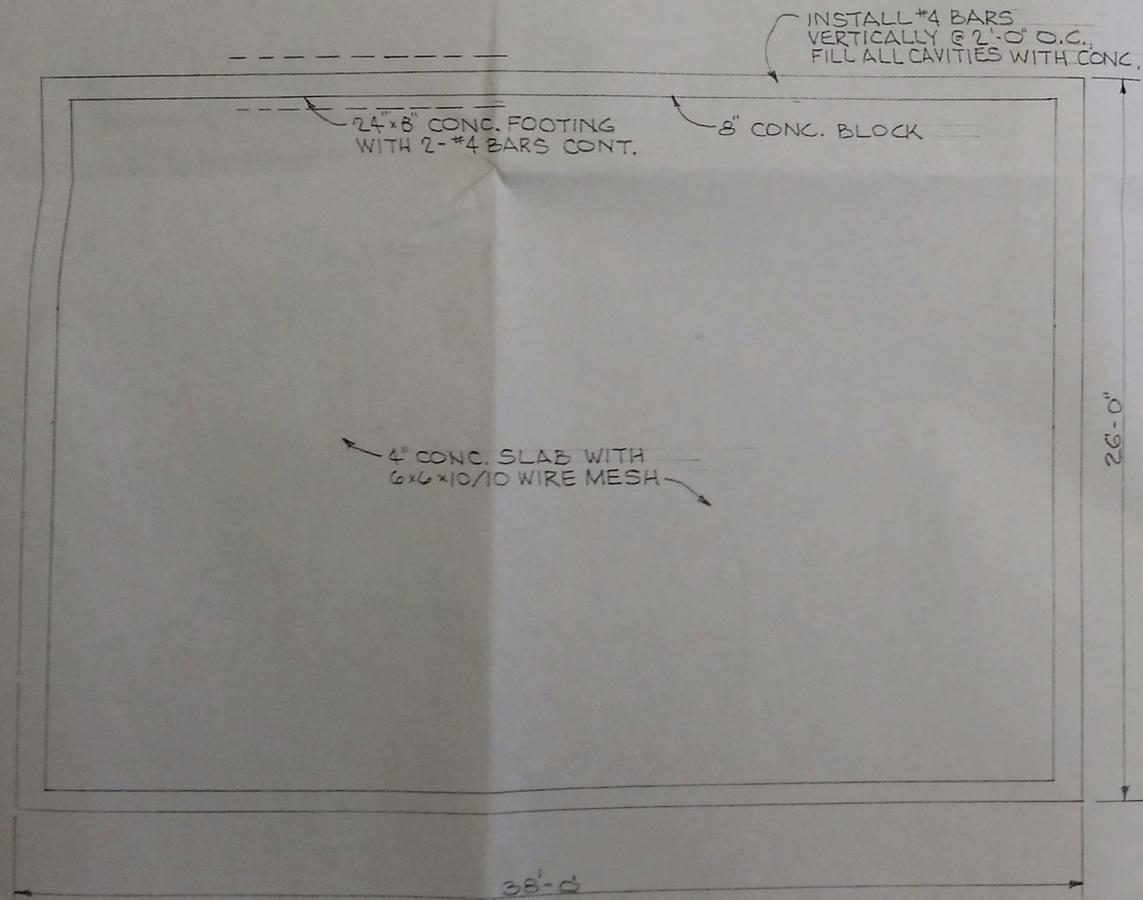
<b>VII. FINDINGS OF FACT</b>	<b>COMPLETE THE FOLLOWING STATEMENTS IN THIRD PERSON.</b>
<p><b>3. The variance will eliminate an unnecessary hardship and permit a reasonable use of the land, because:</b></p> <p style="text-align: center;">VARIANCE is needed for sidewalk to extend ACROSS Front to go from parking lot on each Side of building.</p>	
<p><b>4. The variance will allow the intent of the zoning ordinance to be observed and substantial justice done, because:</b></p> <p style="text-align: center;">There will still be a hard surface ACROSS Front with sidewalk connecting with ASPHALT</p>	



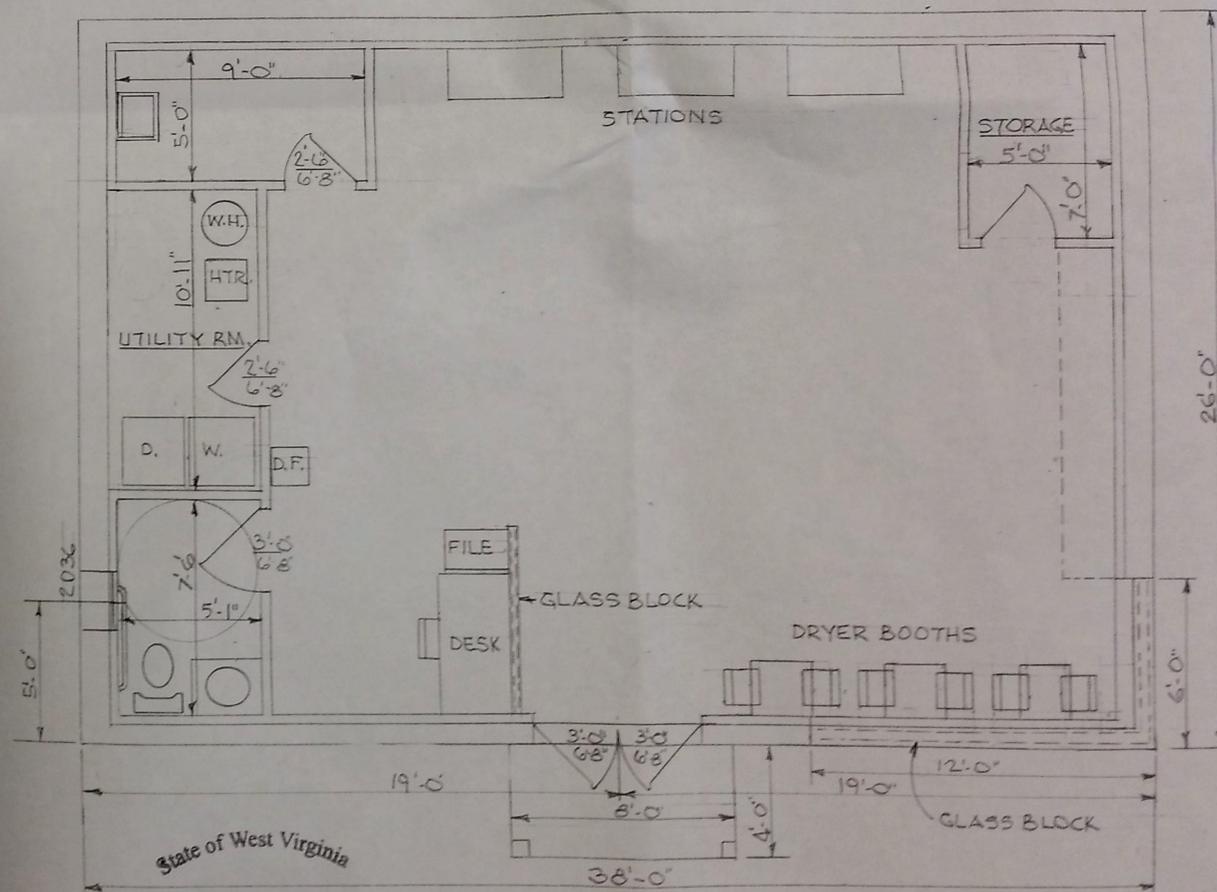
LEFT SIDE ELEVATION



FRONT ELEVATION



FOUNDATION PLAN



FLOOR PLAN

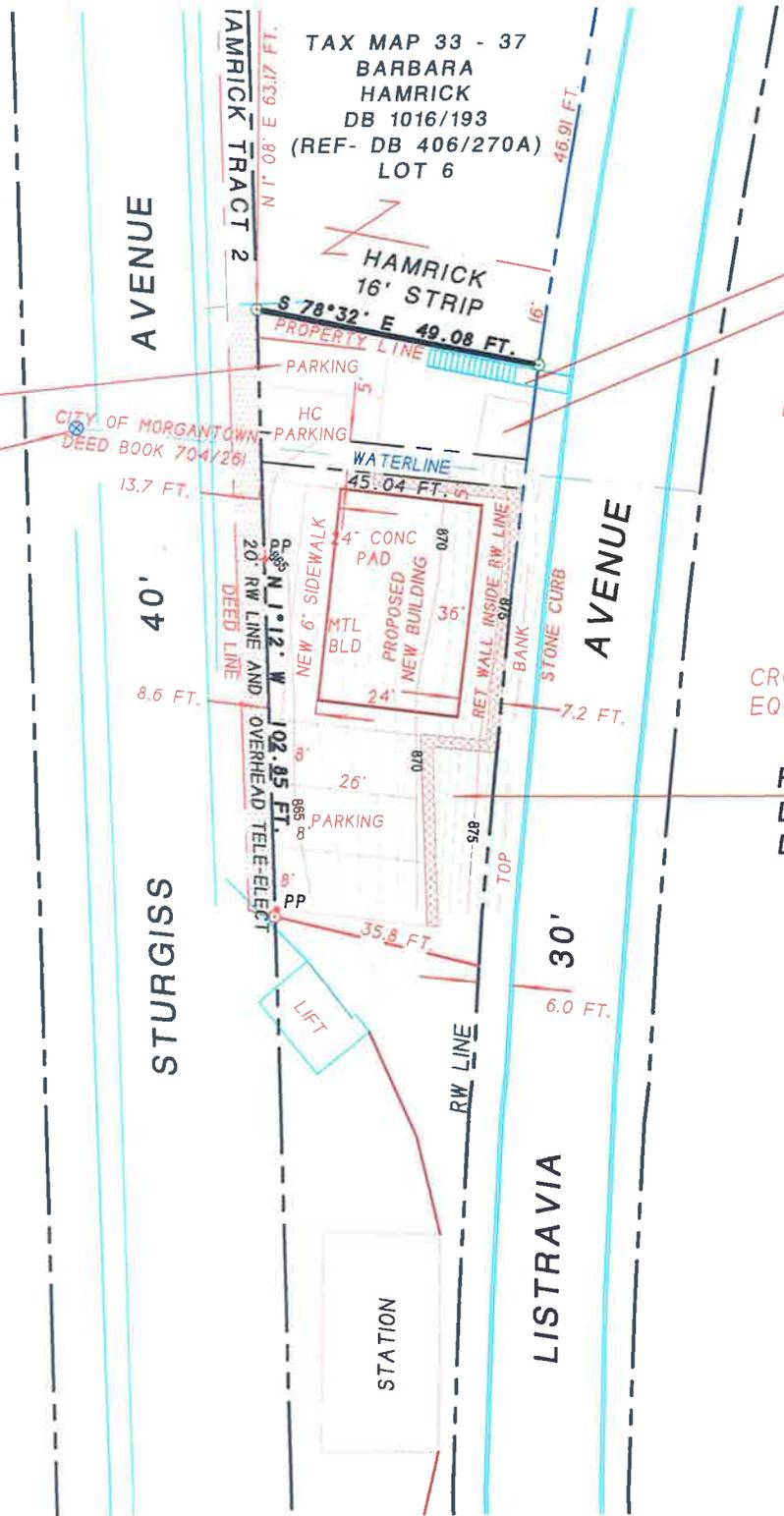
State of West Virginia  
Dale Thomas Heaster  
No. 1565

Registered Architect  
*Dale Heaster*

BUILDING FOR DELORES MASHUDA	
SCALE: 1/4" = 1'-0"	DRAWN: D. HEASTER
DATE: 5-5-14	
REV. 5-14-14	DWG. NO. A-1

TAX MAP 33 - 53  
 FARMERS & MERCHANTS  
 BANK  
 DEED BOOK 802/36

HAMRICK  
 DRIVEWAY  
 WATER  
 VALVE



TAX MAP 33 - 37  
 BARBARA  
 HAMRICK  
 DB 1016/193  
 (REF- DB 406/270A)  
 LOT 6

AVENUE

IAMRICK TRACT 2  
 N 78° 32' E 63.17 FT.

HAMRICK  
 16' STRIP  
 S 78° 32' E 49.08 FT.

POSSIBLE  
 STEP ENCROACHMENT

POSSIBLE BUILDING  
 ENCROACHMENT

NOTES:

1) PROPERTY LINE DIMENSIONS MAY CHANGE WHEN  
 A SEARCH FOR ORIGINAL MARKERS IS COMPLETE  
 AND PERMANENT CORNERS ARE SET.

2) VARIANCES WILL BE APPLIED FOR A WAIVER  
 OF THE STANDARD PROFESSIONAL ZONING  
 SET-BACK REQUIREMENTS OFF OF THE STREET LINES.

CROSS HATCHED STRIP  
 EQUALS PROPOSED RETAINING WALL

P/O TAX MAP 33 - 36  
 DELORES MASHUDA  
 DEED BOOK 1287/164

**SITE PLAN  
 FOR  
 DELORES MASHUDA**

SCALE: 1 INCH = 20 FEET



REDUCED: 1 INCH = 30 FEET

MORGANTOWN CORPORATION (SABRATAN)  
 MONONGALIA COUNTY, WEST VIRGINIA  
 NEW PROPOSED CONSTRUCTION BEING PART OF A TRACT  
 OF LAND AS WAS CONVEYED BY PAUL L. MANSBERGER, JR.  
 AND BETTY L. MANSBERGER TO RALPH V. MASHUDA AND  
 DELORES J. MASHUDA ON JANUARY 7, 2005 AND  
 RECORDED IN DEED BOOK 1287 AT PAGE 164.  
 TAX MAP SHEET 33, PART OF PARCEL NO. 36.

7/07/2014

Site Plan In July 2014  
 By LEON G. MALLOW  
 Professional Surveyor No. 567 Of  
 LEON G. MALLOW SURVEYING, INC.  
 Route 1, Box 117, Montrose, WV 26283