



MORGANTOWN BOARD OF ZONING APPEALS

September 17, 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: V14-37 / Blondell Trickett / 412 Cobun Avenue

REQUEST and LOCATION:

Request by Blondell Trickett for variance relief from Article 1331.08(3) as it relates to setbacks for an accessory structure at 412 Cobun Avenue.

TAX MAP NUMBER(s) and ZONING DESCRIPTION:

Tax Map 29, Parcel 565; R-1A, Single-Family Residential District

SURROUNDING ZONING:

R-1A, Single-Family Residential District

BACKGROUND and ANALYSIS:

The petitioner seeks to erect a detached accessory carport structure in the rear yard. The dimensions of the proposed carport are 12 feet wide by 21 feet deep for a total area of 252 square feet. 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's site plan, there is fifteen (15) feet between the rear of the principal building and the rear property boundary. The petitioner seeks to set the proposed carport one-foot from the principal structure leaving a two-foot setback from the rear property boundary, which requires a three-foot rear setback variance.

Additionally, Article 1335.03(C) provides a maximum lot coverage standard of fifty (50) percent for all principal and accessory structures in the R-1A District. The existing lot coverage, based on the dimensions of the parcel illustrated on the Tax Map and the approximate dimension of the principal structure based on GIS aerial photography, is approximately 45.6%. The proposed carport increases the lot coverage to approximately 59.3%, which requires a 9.3% lot coverage variance.

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). Staff recommends that a condition be included in a variance approval that the side setback requirement of five (5) feet must be observed for each side yard.

Enclosures: Application and accompanying exhibits

Development Services

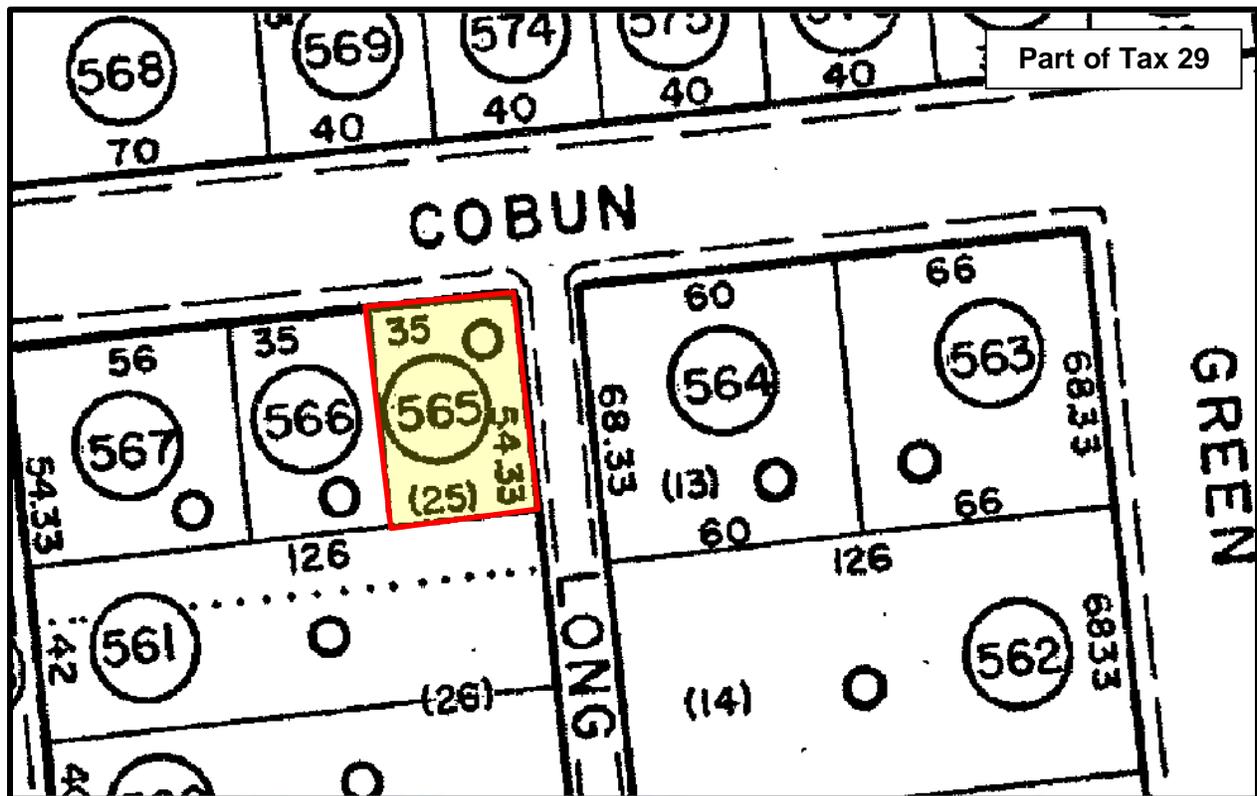
Christopher Fletcher, AICP
Director

Planning Division

389 Spruce Street
Morgantown, WV 26505
304.284.7431

STAFF REPORT ADDENDUM A
V14-37 / Blondell Trickett / 412 Cobun Avenue





STAFF REPORT ADDENDUM B

V14-37 / Blondell Trickett / 412 Cobun Avenue

Staff recommended revisions to the petitioner's Findings of Fact responses (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 carport will not affect any of the above criteria. It will be placed above an existing cement pad that is presently used to park my car for off-street parking. There appears to be several carports and principal structures in the South Park and Greenmont neighborhoods that do not comply with requisite setback and lot coverage standards given compact parcel configurations and development patterns.~~

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:

~~Amount of space between properties. Presently there is fencing on 2 sides of where carport would be, house is on 3rd side and the alley at bottom. There is not sufficient space in the rear yard to develop a carport over an existing paved off-street parking space without encroaching into the minimum rear yard setback standard or exceeding the maximum lot coverage standard because of the limited space available on the 1,902 square foot parcel.~~

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

~~Mrs. Trickett is a senior citizen with health issues. It will not only protect her car from weather but make it easier for her to use in winter as snow build up won't be as big an issue. The hardship exists due to the limited size of the lot and confined rear yard, which appears to be a common challenge given the compact development patterns of the South Park and Greenmont neighborhoods.~~

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

Granting variance relief as requested will permit the development of a carport over an existing paved off-street parking space in a manner that will foster the comfort, convenience, and enjoyment of the property without undermining the legislative intent of protecting and preserving the predominant development pattern within the immediate built environment.



City of Morgantown, West Virginia

APPLICATION FOR VARIANCE PETITION

OFFICE USE table with CASE NO. V14-37 and RECEIVED: 7/30/14

(PLEASE TYPE OR PRINT IN BLACK INK)

Fee: \$75

Form sections: I. APPLICANT (Name: BLONDELL TRICKETT, Address: 412 COBURN AVE, MORGANTOWN, WVA), II. PROPERTY (Street Address: SAME, Zoning: R-1A, Tax Map No: 29, Parcel No: 565), III. NARRATIVE (I wish to have carport placed over an existing cement pad...), V. ATTEST (I hereby certify that I am the owner of record...)

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	
CASE NO.	V14-37
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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**

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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:

Carport will not affect any of above criteria.
It will be placed above cement pad that is presently used to park my car.

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:

Amount of space between properties.
Presently there is fencing on 2 sides of where carport would be, house is on 3rd side and the alley at bottom.



**APPLICATION FOR
VARIANCE PETITION**

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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:**

Mrs Tricket is a senior citizen with health issues. It will not only protect her car from weather but make it easier for her to use in winter as snow build up wont be as big an issue.

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

V14-37

Blondell TRICKETT
412 COBURN AVE
MORGANTOWN, W.VA.

