



MORGANTOWN BOARD OF ZONING APPEALS

November 19, 2014
6:30 PM
City Council Chambers

Board Members:

Bernie Bossio, Chair
Leanne Cardoso, Vice-Chair
Bill Burton
George Papandreou
Jim Shaffer

STAFF REPORT

CASE NO: V14-28 / Mon County Habitat for Humanity / Jerome Street

REQUEST and LOCATION:

Request by Evan Zuverink, on behalf of Mon County Habitat for Humanity, for variance relief as it relates to sidewalks along Jerome 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 in the process of pursuing final subdivision plat approval from the Planning Commission to develop ten (10) single-family dwellings along Jerome Street. The petitioner is currently in various stages of constructing six (6) single-family dwellings on adjoining property along Jersey Avenue. Addendum A of this report illustrates the location of the subject site.

Article 1335.07(F) provides the following requirement:

Sidewalks shall be constructed along the frontage of a lot upon which a use is to be constructed unless waived by the City Engineer for single- and two-family infill development on practicability merits. New sidewalks shall be at least five (5) feet wide. The City Engineer shall have the discretion to reduce this minimum standard to four (4) feet based on site constraints, or to conform to an existing but incomplete sidewalk along the same side of the street.

Rather than constructing sidewalks along the proposed development's cul-de-sac, the petitioner seeks to construct a sidewalk beginning at the proposed entrance of the development and ending at the intersection of Jerome Street and Jersey Avenue, which will connect to a sidewalk that the petitioner will construct as a part of the six (6) houses being developed along Jersey Avenue. This sidewalk development scenario requires variance relief from the Board in terms of location and having a width of four (4) feet rather than five (5).

The petitioner received preliminary plat approval by the Planning Commission on 07 JUL 2014, which included the following condition:

That, prior to final plat submission, the developer must obtain variance relief from the Board of Zoning Appeals from Article 1335.07(F) so that a four (4) to five (5) foot sidewalk can be constructed from the proposed cul-de-sac entrance thence along Jerome Street to the sidewalk that will be constructed at the intersection of Jerome Street and Jersey Avenue rather than constructing a sidewalk along the cul-de-sac frontages of

Development Services

Christopher Fletcher, AICP
Director

Planning Division

389 Spruce Street
Morgantown, WV 26505
304.284.7431



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the building lots. Should said variance relief be granted by the Board of Zoning Appeals, final plat documents must illustrate said sidewalk.

The petitioner has worked with the Planning Division and the Engineering Department to identify the desired alignment of the proposed sidewalk along Jerome Street given the alignment of Jerome Street between Central Avenue and Jersey Avenue. It is the opinion of Staff that developing a sidewalk along Jerome Street rather than within the development will have a greater public benefit in terms of utilization by the development and neighboring residents as well as safer access to school bus and public transit routes.

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 approval be granted for Case No. V14-50 as requested so that a four-foot sidewalk can be structured as illustrated on petitioner's plan that was submitted with the respective variance application.

Enclosures: Application and accompanying exhibits

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STAFF REPORT ADDENDUM A

V14-50 / Mon County Habitat for Humanity / Jerome Park



STAFF REPORT ADDENDUM B

V14-50 / Mon County Habitat for Humanity / Jerome Park

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 variance request will allow MCHFH to construction additional sidewalks in the Jerome Park neighborhood which ~~will only~~ should serve to enhance the walkability of the community and public safety.

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:

The variance is requested to enhance the walkability of Jerome Street where sidewalks do not currently exist. MCHFH has made this request to assist with making the community more walkable. Whereas there are no sidewalks along this stretch of road, ~~we~~ MCHFH are requesting the variance to make the area safer for pedestrians along Jerome Street.

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

The variance will serve to help alleviate unsafe walking conditions in the community and ~~will~~ reduce development costs for Mon County Habitat for Humanity as they seek to develop 10 additional units of affordable housing within the City of Morgantown.

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

By granting this variance, MCHFH will increase walkability within the community and serve the greater community need of decent, affordable housing within the city of Morgantown.



City of Morgantown, West Virginia

APPLICATION FOR VARIANCE PETITION

OFFICE USE	
CASE NO.	V14-50
RECEIVED:	10/3/14

(PLEASE TYPE OR PRINT IN BLACK INK)

Fee: \$75

I. APPLICANT		Name: Evan Zuverink on behalf of Mon County Habitat for Humanity	
Mailing Address:	251 Don Knotts Blvd		Phone: 304-292-0914
	Street	Morgantown	WV 26501
	City	State	Zip
			Mobile: 304-633-0036
			Email: ezuverink
II. PROPERTY		Street Address: Intersection of Jerome St & Central Ave	
Owner:	Mon County Habitat for Humanity		Zoning: R-1A
Mailing Address:	251 Don Knotts Blvd		Tax Map No: 24
	Street	Morgantown	WV 26501
	City	State	Zip
			Parcel No: 152
			Phone: 304-292-0914
III. NARRATIVE		Please describe the nature and extent of your variance request(s).	
<p>Mon County County Habitat for Humanity is requesting variance relief from Article 1335.07(F) to construct 4 foot sidewalks from the cul-de-sac entrance of Deckers Court that will run parallel to Jerome St to the intersection of Jerome St and Jersey Ave. This variance is an alternative to construction a sidewalk along the cul-de-sac frontages of the building lots.</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 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>			
Evan Zuverink			10/3/14
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.



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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



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

This variance request will allow MCHFH to construction additional sidewalks in the Jerome Park neighborhood which will only enhance the walkability of the community and public safety.

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 is requested to enhance the walkability of Jerome St where sidewalks do not currently exist. MCHFH has made this request to assist with making the community more walkable. Whereas there are no sidewalks along this stretch of road, we are requesting the variance to make the area safer for pedestrians along Jerome St.



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VII. FINDINGS OF FACT

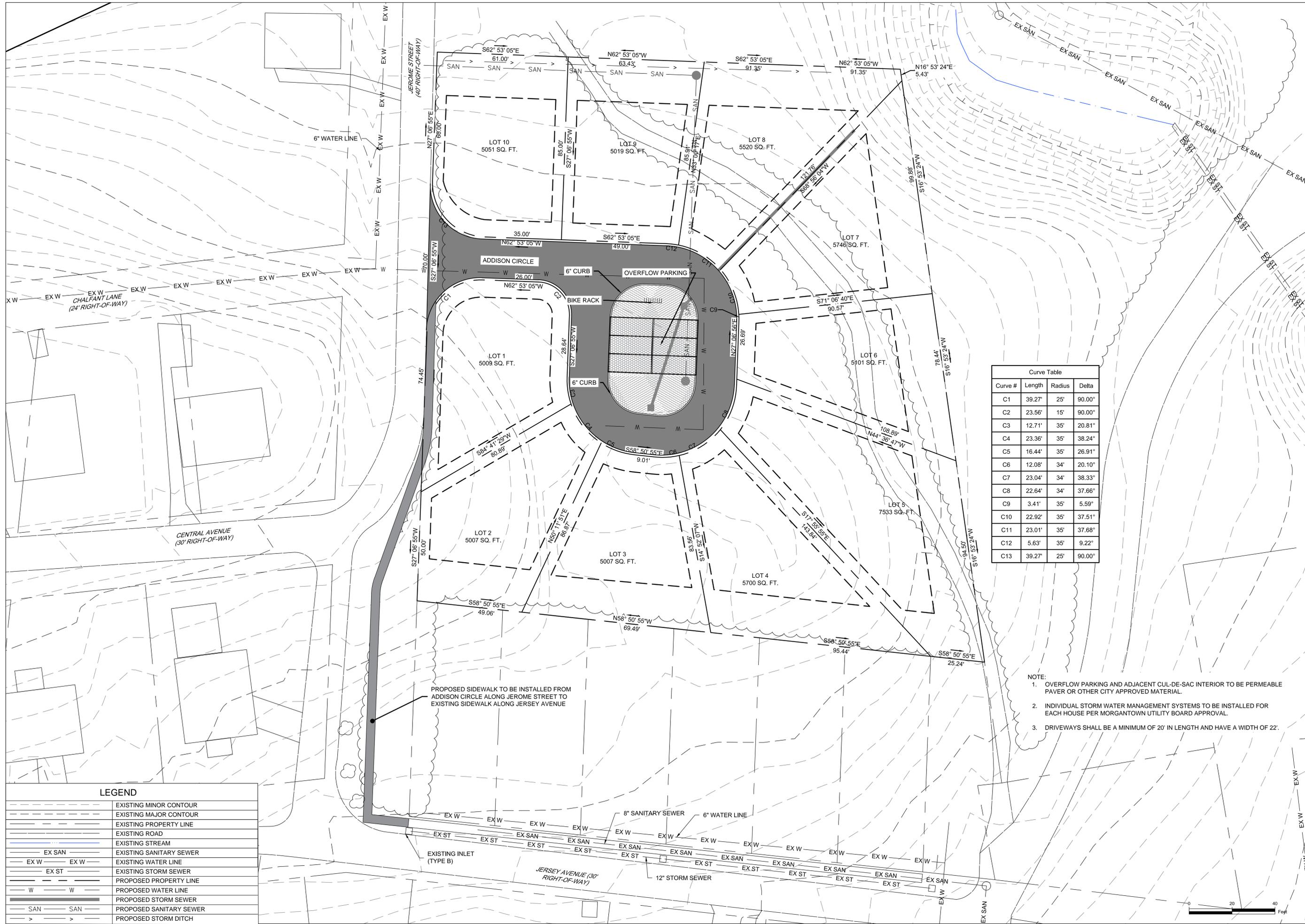
COMPLETE THE FOLLOWING STATEMENTS IN THIRD PERSON.

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

This variance will alleviate unsafe walking conditions in the community and will reduce development costs for Mon County Habitat for Humanity as they seek to develop 10 additional units of affordable housing within the City of Morgantown.

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

By granting the variance, MCHFH will increase walkability within the community and serve the greater community need of decent, affordable housing within the city of Morgantown.



Curve Table			
Curve #	Length	Radius	Delta
C1	39.27'	25'	90.00°
C2	23.56'	15'	90.00°
C3	12.71'	35'	20.81°
C4	23.36'	35'	38.24°
C5	16.44'	35'	26.91°
C6	12.08'	34'	20.10°
C7	23.04'	34'	38.33°
C8	22.64'	34'	37.66°
C9	3.41'	35'	5.59°
C10	22.92'	35'	37.51°
C11	23.01'	35'	37.68°
C12	5.63'	35'	9.22°
C13	39.27'	25'	90.00°

- NOTE:
- OVERFLOW PARKING AND ADJACENT CUL-DE-SAC INTERIOR TO BE PERMEABLE PAVER OR OTHER CITY APPROVED MATERIAL.
 - INDIVIDUAL STORM WATER MANAGEMENT SYSTEMS TO BE INSTALLED FOR EACH HOUSE PER MORGANTOWN UTILITY BOARD APPROVAL.
 - DRIVEWAYS SHALL BE A MINIMUM OF 20' IN LENGTH AND HAVE A WIDTH OF 22'.

LEGEND	
	EXISTING MINOR CONTOUR
	EXISTING MAJOR CONTOUR
	EXISTING PROPERTY LINE
	EXISTING ROAD
	EXISTING STREAM
	EXISTING SANITARY SEWER
	EXISTING WATER LINE
	EXISTING STORM SEWER
	PROPOSED PROPERTY LINE
	PROPOSED WATER LINE
	PROPOSED SANITARY SEWER
	PROPOSED STORM DITCH

BY				
REV. #	DATE	DESCRIPTION		
				
CHEAT ROAD ENGINEERING, INC. 300 Business Park Dr. Suite 202 Morgantown, WV 26508 P 304-212-5480				
MON. COUNTY HABITAT FOR HUMANITY MOO. DECKERS COURT MOP. RESIDENTIAL DEVELOPMENT MORGANTOWN, WV		PROJECT NO: 13-036 DRAWING FILE: 13-036_DESIGN.DWG		
DRAWN BY: G. SEPP CHECKED BY: S. COPEN DRAWING SCALE: 1" = 20' DRAWING DATE: October 2, 2014	SITE PLAN SHEET NUMBER: C-03			