



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 Papandreas
Jim Shaffer

STAFF REPORT

CASE NO: V14-51 / Ralph Cook / 819 Fenwick Avenue

REQUEST and LOCATION:

Request by Ralph Cook for variance relief from Article 1331.08(A) as it relates to accessory structures and uses in residential districts at 819 Fenwick Avenue.

TAX MAP NUMBER(s) and ZONING DESCRIPTION:

Tax Map 2, Parcel 55; R-1, Single-Family Residential District

SURROUNDING ZONING:

R-1, Single-Family Residential District

BACKGROUND and ANALYSIS:

The petitioner seeks to construct a 16' x 24' accessory detached carport structure at 819 Fenwick Avenue. Addendum A of this report illustrates the location of the subject site.

Article 1331.08(A)(4) provides that on corner lots, accessory structures shall not be located between any portion of the principal structure and either street.

The petitioner's property is located at the corner of Fenwick Avenue and Plymouth Avenue. Because of the orientation of the existing home, the lot frontage is along Fenwick Avenue and the side yard is along Plymouth Avenue. The petitioner's site plan illustrates that the proposed carport structure will be located between the principal single-family dwelling structure and Plymouth Avenue, which requires variance relief.

It should be noted that similar variance relief was granted under Case No. V13-62 on 20 NOV 2013 for a detached accessory carport structure at 235 Darst Street.

Article 1331.08(A)(7) provides that the total square footage of all accessory structures shall not exceed fifty (50) percent of the first or ground floor area of the principal building.

The following table identifies the areas of the principal and accessory structures.

Structure	Area
Principal Structure (based on aerial orthoimagery)	3,024 sq. ft.
Existing Accessory Structure (based on V10-18 Staff Report)	1,329 sq. ft.
Proposed Accessory Structure (based on present plans)	384 sq. ft.
Total Area for Accessory Structures	1,713 sq. ft.

Total Area for accessory structures is **56.6%** of area of the principal structure, which requires variance relief.

Development Services

Christopher Fletcher, AICP
Director

Planning Division

389 Spruce Street
Morgantown, WV 26505
304.284.7431



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The petitioner obtained variance approval by the Board on 21 JUL 2010 under Case No. V10-18 to construct an addition to an existing accessory structure at the site that exceeded 50% of the principal structure. Said Staff Report noted that a significant addition to the single-family dwelling was planned that would increase the footprint of the home and result in the desired proportional relationship between principal and accessory structures. The petitioner has since completed said home addition.

For the benefit of the petitioner and plans for additional accessory structures, should variance relief be granted herein, Staff notes that the total square footage of the existing principal and accessory structures and the proposed accessory structure will result in a lot coverage of approximately 38%, which is less than the maximum lot coverage standard of 40% in the R-1 District [see Article 1333.03(C)].

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 approval of petition V14-51 as requesting by granting variance relief to construct the proposed accessory carport structure between the principal structure and Plymouth Avenue as provided under Article 1331.08(A)(4) and by granting a 6.6% variance to the maximum area standard for accessory structures in the residential district as provided under Article 1331.08(A)(7) with the following conditions:

1. That the proposed accessory carport structure may be located no closer to Fenwick Avenue than the principal structure.
2. That the setback of the proposed accessory carport structure may be no closer than sixteen (16) feet from the Plymouth Street right-of-way.

Enclosures: Application and accompanying exhibits

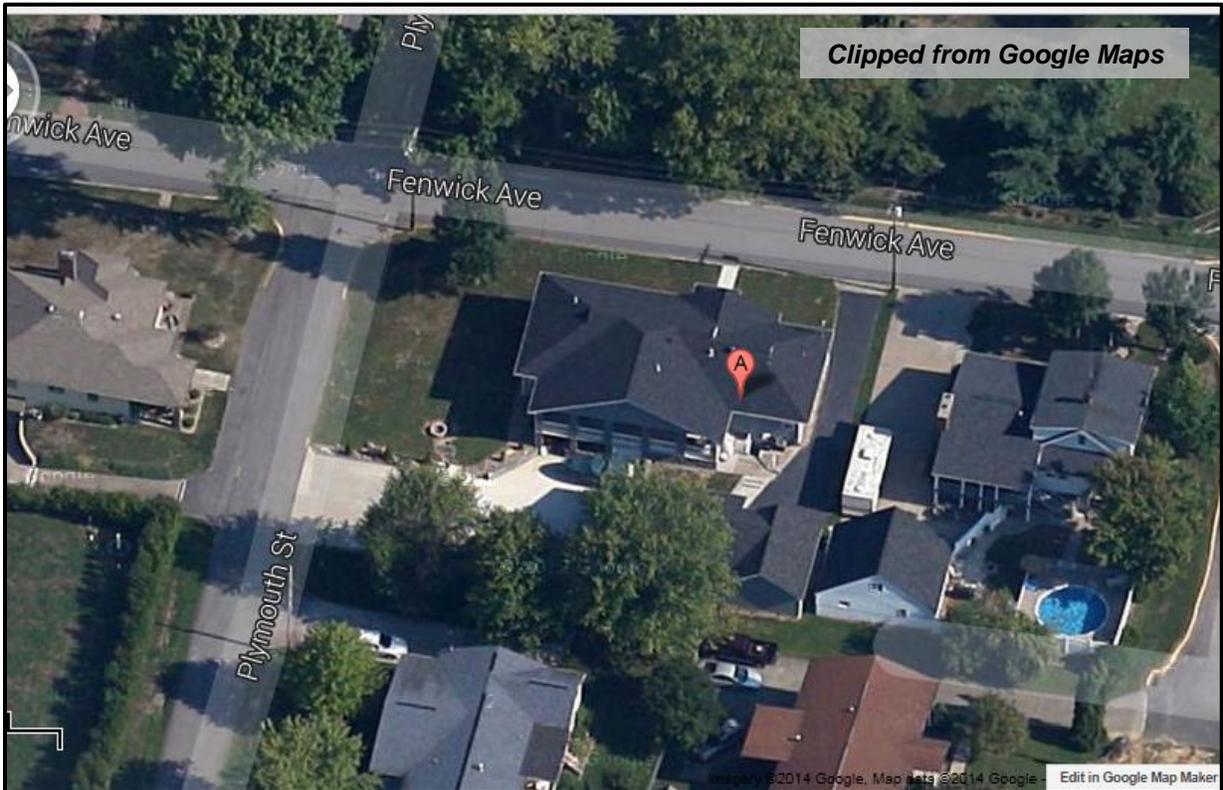
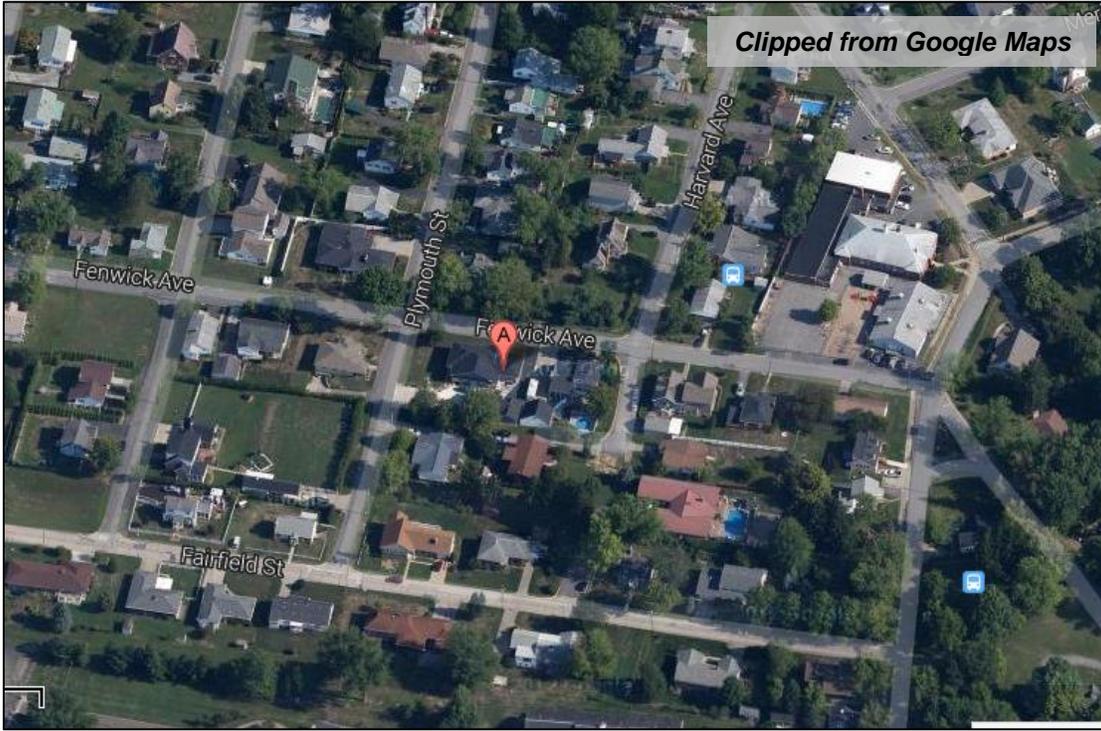
Development Services

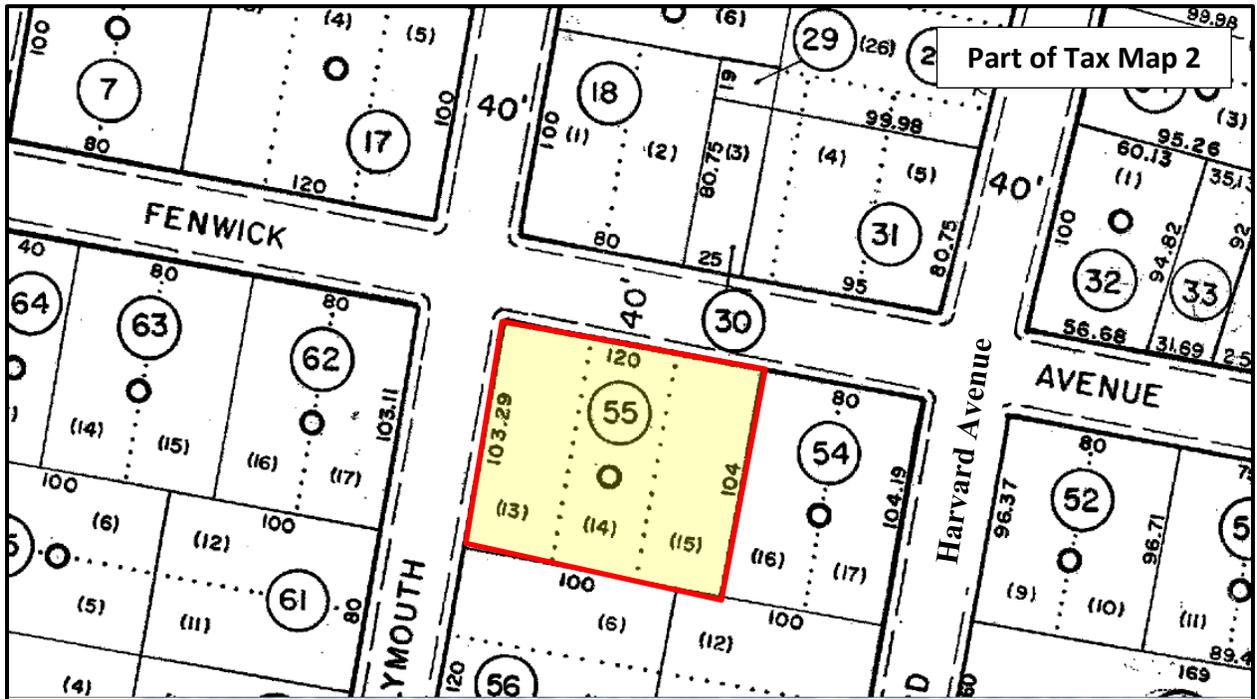
Christopher Fletcher, AICP
Director

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STAFF REPORT ADDENDUM A
V14-51 / Ralph Cook / 819 Fenwick Avenue





STAFF REPORT ADDENDUM B
V14-51 / Ralph Cook / 819 Fenwick 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:

~~Will not effect anyone. Structure will be located off my personal driveway behind the fence. Property on corner lot so doesn't adjoin other properties where structure will be located.~~
The proposed carport will be accessed from the petitioner's driveway and located behind a fence, which should not adversely impact the general public, corner visibility, the rights of neighbors, or the enjoyment and value of adjacent properties.

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's a structure that would be located on the side of corner lot between house and two streets.~~ The existing principal structure, which was not constructed by the petitioner, is situated on the property much closer to the east or internal property line leaving a large side yard at the corner of Fenwick Avenue and Plymouth Avenue. Additionally, the petitioner's driveway entrance from Plymouth Avenue leads to a detached garage in the rear yard. These conditions result in the corner side yard being the only location for the petitioner to construct and access the desired carport, which do not appear to have been created by the petitioner.

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

~~That~~ The proposed location of the carport is the only space the petitioner is able to build the proposed structure. According to the petitioner, there is a water retain retention system tank next to the home so unable to attach to home that appears to prohibit an attached addition to the principal structure that will accomplish the petitioner's desired objectives.
The structure will allow shade for yard and a place to entertain family.

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

(submitted by petitioner via email) – ~~Because that parcel of property is only space able to build on. The structure could not be attached to main home because of MUB water retaining system, or else I would have liked to attach. Much consideration has been involved in the location of this structure. Off set from side road (Plymouth St.) and off side of drive way for access, and leaves plenty of green space for children.~~ The Board's condition included in the variance relief granted herein of not allowing the proposed carport structure to be located any closer than sixteen (16) feet from the side property boundary along Plymouth Avenue observes the minimum side setback requirement for principal structures on corner lots in the R-1 District.



City of Morgantown, West Virginia

APPLICATION FOR VARIANCE PETITION

OFFICE USE	
CASE NO.	114-51
RECEIVED:	9/23

(PLEASE TYPE OR PRINT IN BLACK INK)

Fee: \$75

I. APPLICANT		Name:	Ralph E COOK II			
Mailing Address:	Street	819 Fenwick Ave			Phone:	304-599-7406
	City	Morgt	State	WV	Zip	26505
					Mobile:	304-216-1183
				Email:	RJNCOOK422@hotmail.com	
II. PROPERTY		Street Address:	2			
Owner:	Ralph + Jaclyn Cook			Zoning:	Residential R-1	
Mailing Address:	Street	819 Fenwick Ave			Tax Map No:	#2 block 1324 pg 239
	City	Morgt	State	WV	Zip	26505
					Parcel No:	#55
				Phone:	304-599-7406	
III. NARRATIVE		Please describe the nature and extent of your variance request(s).				
<p>To build a wood carport / pavilion between house + Plymouth Ave. No Services will be needed. Just a stand alone structure. Structure will face driveway. Size 16' wide x 24' long on a concrete pad. Can NOT be attached to house because of MUB's WATER Retin. system tank is in yard. Only Available space for structure.</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>						
Ralph E. Cook II		[Signature]			9-23-14	
Type/Print Name of Applicant/Agent		Signature of Applicant/Agent			Date	

block 4 lots 13, 14, 15 7th ward

to

You or a representative **MUST** be present at the scheduled hearing to present your request and answer questions. Failure to appear at the hearing will result in your request being tabled.

PAID PAID SEP 23 2014 BY: [Signature]



APPLICATION FOR VARIANCE PETITION

OFFICE USE	
CASE NO.	V14-51
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: 1 Gross floor area of each building: 16' x 24'

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:

Will not effect anyone. Structure will be located off my personal driveway behind the fence. Property on corner lot so doesn't join other properties where structure will be located.

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's a structure that would be located on the side of corner lot between house + two streets.



**APPLICATION FOR
VARIANCE PETITION**

OFFICE USE	
CASE NO.	V14-51
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: That is only space able to build structure. There is a water retain. system tank next to home so Unable to Attach to home. The structure will allow shade for yard + a place to entertain family.

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

Zimbra

shollar@cityofmorgantown.org

Ralph Cook

From : Jaclyn Cook <rjncook422@hotmail.com>

Fri, Nov 07, 2014 10:19 AM

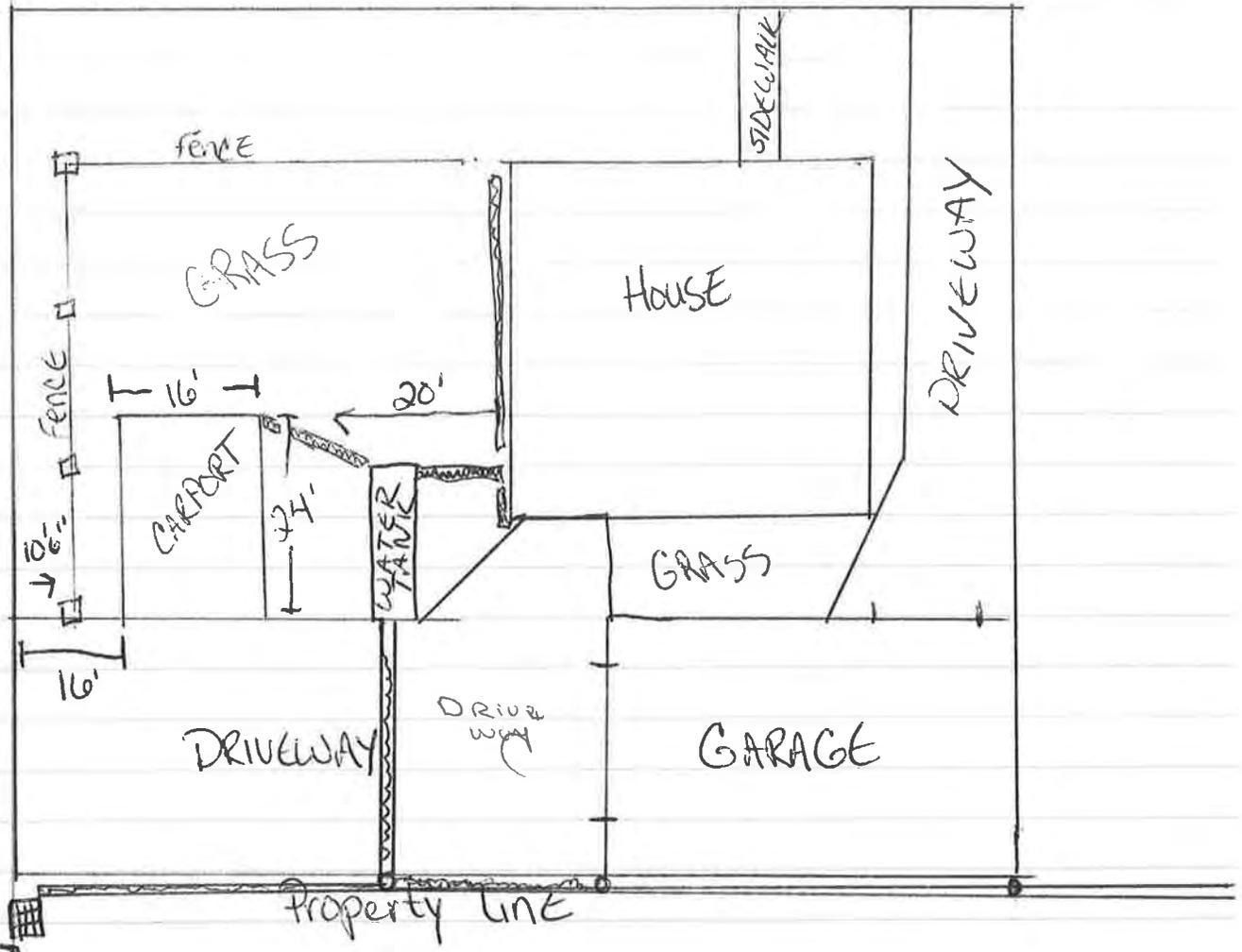
Subject : Ralph Cook**To :** shollar@cityofmorgantown.org

Answer: because that parcel of property is only space able to build on. The structure could not be attached to main home because of MUB water retaining system, or else I would have liked to attach. Much consideration has been involved in the location of this structure. Off set from side road (Plymouth St.) & off side of drive way for access, & leaves plenty of green space for children.

Sent from my iPhone

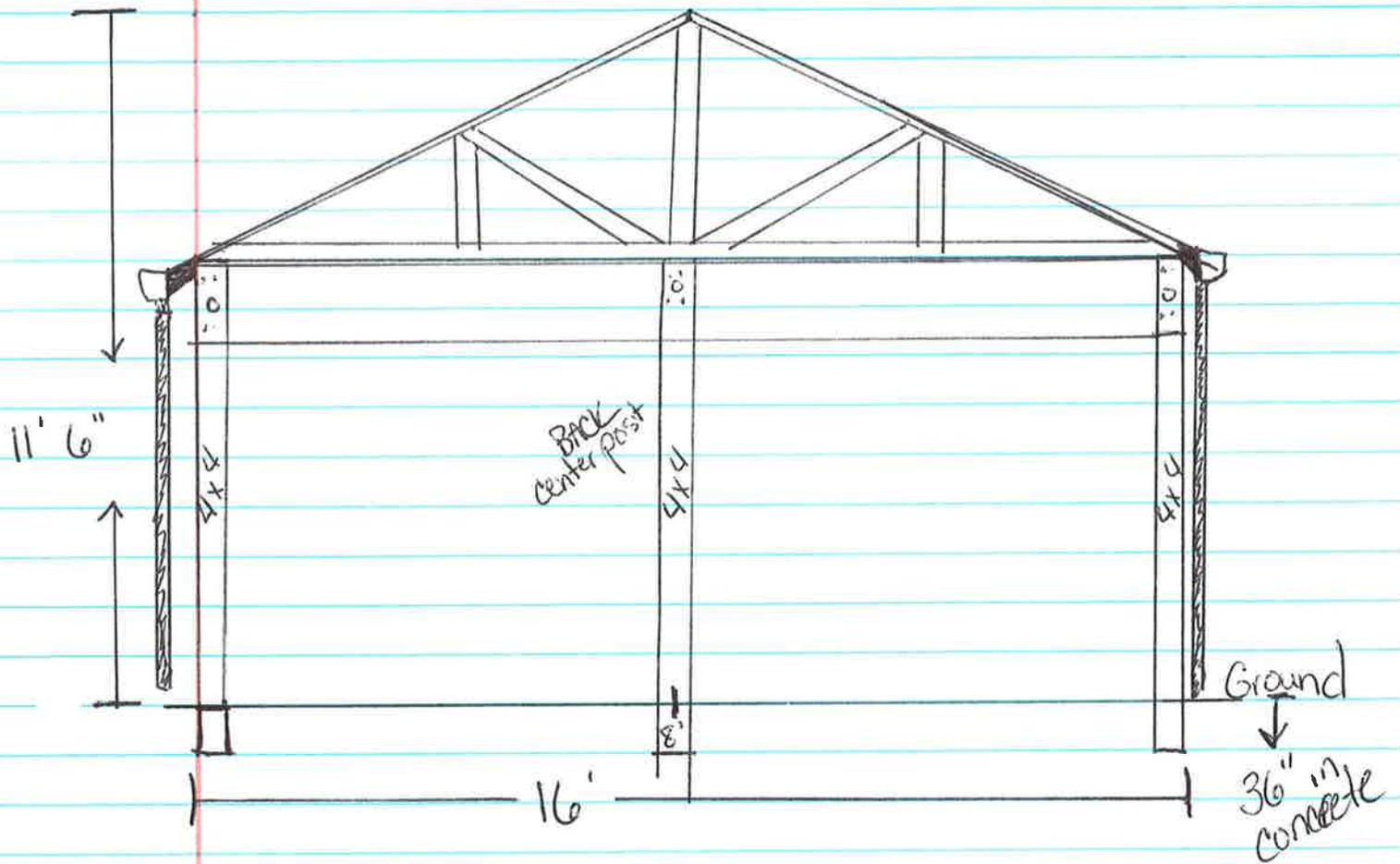
Fenwick Ave

Plymouth St



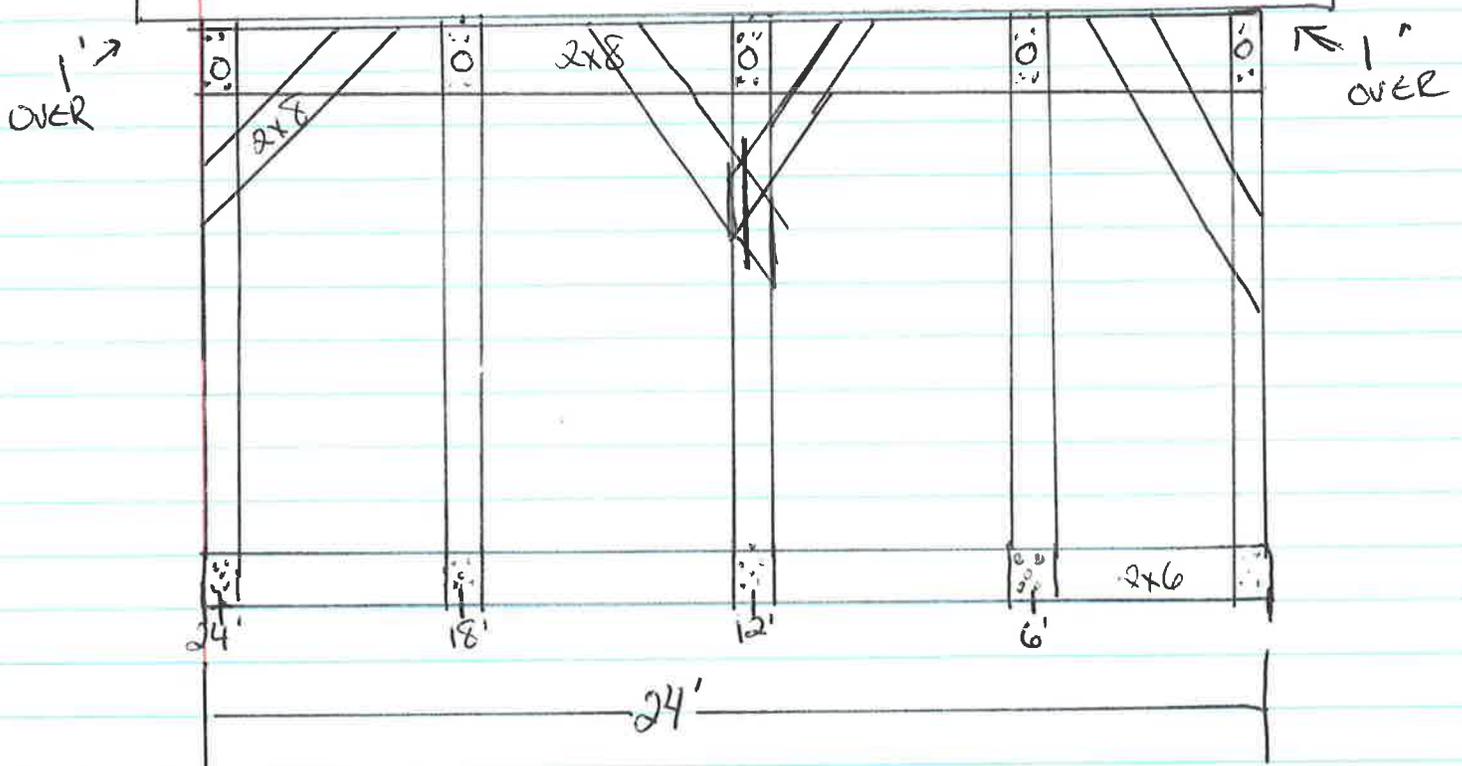
MUB Drop

FRONT VIEW



- treated 4x4 post (11)
- 2x4 4-12 pitch Roof trusses (13)
- treated 2x4 fascia board
- 4" Alum. Gutler
- 4" Sewer + drain Pipe into 6" that feeds MUB APPROVED WATER Holding tank system

SIDE VIEW ROOF



- = 8" x 1/2 Hex bolt w/ washers + nut
- = 3 1/2 High Performance Exterior Screws
- 2x8x4 Angle braces
- 3 1/2 coated Exterior screws
- 8" x 1/2 Hex bolts w/ double washers + nuts
- treat 4x4 posts 36" in concrete