



**DEVELOPMENT  
SERVICES  
DEPARTMENT**

# The City of Morgantown

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April 17, 2015

Hardwood Interiors, Inc.  
c/o Reg Messenger  
3005 Northpointe Plaza  
Morgantown, WV 26505

**RE: V15-23 and V15-24 / Hardwood Interiors, Inc. / 936 Riverview Drive  
Tax Map 15, Parcels 33.1 and 34**

Dear Mr. Messenger:

This letter is to notify you of the decisions made by the Board of Zoning Appeals concerning the above referenced variance petitions relating to the proposed development at 936 Riverview Drive. The decisions are as follows:

**Board of Zoning Appeals, April 15, 2015:**

**V15-23** – Variance petition to encroach into minimum side setback requirement.

- A. Each of the Findings of Fact was found in the positive as stated in Addendum A of this letter.
- B. The Board granted variance relief from Article 1335.04 to permit a one (1) foot, three (3) inch encroachment of into the minimum side setback standard as requested without conditions.

**V15-24** – Variance petition to exceed minimum front setback standard.

- A. Each of the Findings of Fact was found in the positive as stated in Addendum A of this letter.
- B. The Board granted variance relief to permit an eleven (11) foot encroachment into the minimum front setback standard as requested without conditions.

These decisions may be appealed to the Circuit Court of Monongalia County within thirty (30) days. Any work done relating to decisions rendered by the Board of Zoning Appeals during this thirty-day period is at the sole financial risk of the petitioner.

The above referenced approvals are set to expire in twelve (12) months unless it can be demonstrated that they have been activated as evidenced by permits, construction, or required licenses. This expiration deadline may be extended to eighteen (18) months upon prior written request of the Board.

Please note that building permits must be issued prior to the commencement of work for which the variance approvals were granted herein.

Should you have any questions or require further clarification, please contact the undersigned. We look forward to serving the development's planning and permitting needs.

Respectfully,



Stacy Hollar  
Executive Secretary

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## ADDENDUM A

### Approved Findings of Fact

#### **V15-23 – Variance relief to encroach into Minimum Side Setback Requirement**

**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 new attached single-car garage, along with a completely new front façade, should improve the property value and the value of the properties adjacent to this newly improved property. The proposed side setback encroachment should not harm public interests or the rights of adjacent 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:

The existing home was constructed over 30 years ago and a garage was not planned as part of its placement on the lot. In order to improve their home and increase the property value, it appears necessary to encroach into the minimum side setback requirement to construct a one-car attached garage. A detached one-car garage would only be required to have a side setback of five (5) feet; however, detached accessory structures are not permitted to be located any closer to the front property line than the principal structure (house). Additionally, the subject realty has approximately 35 feet less of frontage width along Riverview Drive than the properties on either side.

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

The current size and style/appearance of the home is not in keeping with the other homes on Riverview Drive. The square footage and number of bedrooms, 2, make the home unappealing to couples with children. Under a separate permit, applicant is requesting to add 3 additional bedrooms, updated larger kitchen, and a family room to the rear of the existing home, which does not require a variance, on a building permit approval. The addition will increase the finished square footage from 1,594 to 2,700 and with the addition of a garage and new front façade cottage look will be increased from its current dilapidated value of \$200,000 to approximately \$590,000 when complete, according to the petitioner. This should also improve the property value of the adjacent homes. The hardship arises due to the fact that the increased property value and potential increased square footage inevitably requires a garage for most home buyers and many of the compatible homes on this street have attached garages on the front or sides.

**Finding of Fact No. 4** – The variance will allow the intent of the zoning ordinance to be observed and

substantial justice done, because:

The garage, front portico, new façade/cottage style home with increased square footage and bedrooms will increase the property value of this home and should as well the surrounding homes. The variance will allow for the property to be improved to its maximum value and improved the property's contribution to the surrounding built environment.

## **V15-24 – Variance relief to exceed Minimum Front Setback Standard**

**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 new attached single-car garage, along with a completely new front façade, should improve the property value and the value of the properties adjacent to this newly improved property. The proposed front setback encroachment should not harm public interests or the rights of adjacent 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:

The existing home was constructed over 30 years ago and a garage was not planned as part of its placement on the lot. In order to improve their home and increase the property value, it appears necessary to encroach into the minimum front setback requirement to construct a one-car attached garage because of the width of the existing principal structure (house) in relation to the width of the subject development site. Additionally, the subject realty has approximately 35 feet less of frontage width along Riverview Drive than the properties on either side.

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

The current size and style/appearance of the home is not in keeping with the other homes on Riverview Drive. The square footage and number of bedrooms, 2, make the home unappealing to couples with children. Under a separate permit, applicant is requesting to add 3 additional bedrooms, updated larger kitchen, and a family room to the rear of the existing home, which does not require a variance, on a building permit approval. The addition will increase the finished square footage from 1,594 to 2,700 and with the addition of a garage and new front façade cottage look will be increased from its current dilapidated value of \$200,000 to approximately \$590,000 when complete, according to the petitioner. This should also improve the property value of the adjacent homes. The hardship arises due to the fact that the increased property value and potential increased square footage inevitably requires a garage for most home buyers and many of the compatible homes on this street have attached garages on the front or sides.

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

The garage, front portico, new façade/cottage style home with increased square footage and bedrooms will increase the property value of this home and should as well the surrounding homes. The variance will allow for the property to be improved to its maximum value and improved the property's contribution to the surrounding built environment.