



# MORGANTOWN BOARD OF ZONING APPEALS

April 15, 2015  
6:30 PM  
City Council Chambers

## **Board Members:**

Leanne Cardoso, Chair  
Bill Burton, Vice-Chair  
Linda Herbst  
George Papandreas  
Jim Shaffer

## **STAFF REPORT**

**CASE NO:** V15-23 and V15-24 / Hardwood Interiors, Inc. / 936 Riverview Drive

### **REQUEST and LOCATION:**

Request by Reg Messenger, on behalf of Hardwood Interiors, Inc. for variance relief from Article 1333.04 as it relates to front and side setbacks at 936 Riverview Drive.

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

Tax Map 15, Parcels 33.1 and 34; R-1, Single-Family Residential District

### **SURROUNDING ZONING:**

R-1, Single-Family Residential District

### **BACKGROUND and ANALYSIS:**

The petitioner seeks to construct an attached single-car garage on the front left (southwest) corner of the existing residence as well as a portico at the front door entrance at 936 Riverview Drive. Addendum A of this report illustrates the location of the subject site.

Article 1333.04(A)(1) provides a minimum front setback requirement of twenty-five (25) feet in the R-1 District. The proposed front setback of the attached single-car garage will be 14 feet, which requires an 11-foot variance.

Article 1333.04(A)(3) provides a minimum side setback requirement of ten (10) feet in the R-1 District. The proposed side setback of the attached single-car garage is 8.75 feet, which requires a 1.25-foot variance.

Article 1333.05(A)(3) provides that, "Open and covered, but un-enclosed front porches attached to single-family dwellings may extend into the required front setback a distance equal to fifty (50) percent of the setback depth. Such porches may not subsequently be enclosed unless the normal setback requirements for the district are met." As such, variance relief for the proposed front "portico" is not required.

### **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). No recommendation as to whether or not variance relief should be granted is submitted.

## **Development Services**

Christopher Fletcher, AICP  
Director

## **Planning Division**

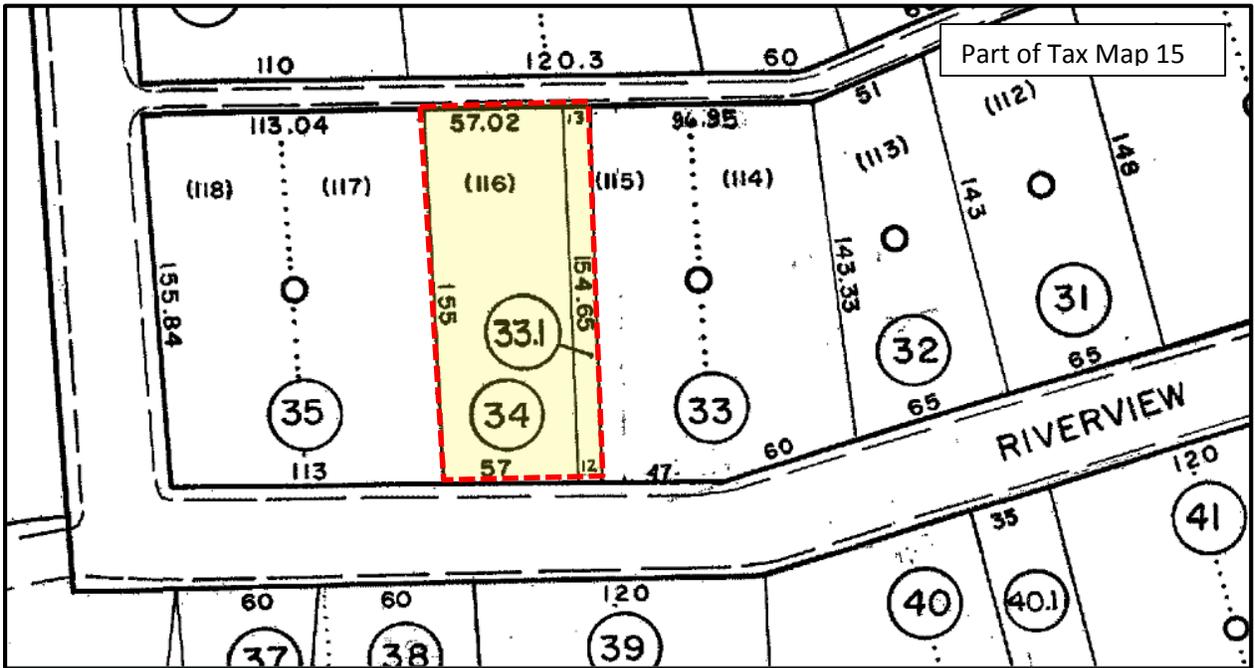
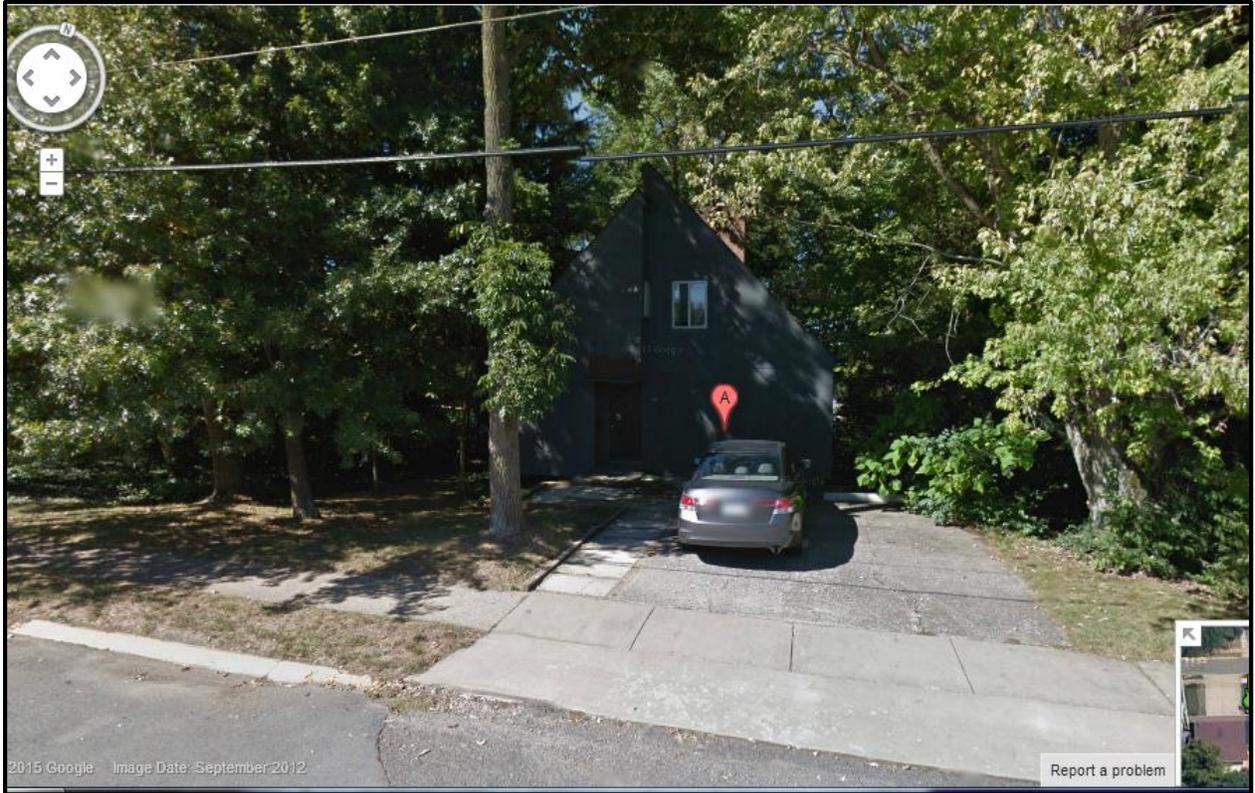
389 Spruce Street  
Morgantown, WV 26505  
304.284.7431

Enclosures: Application and accompanying exhibits

# STAFF REPORT ADDENDUM A

V15-23 and V15-24 / Hardwood Interiors, Inc. / 936 Riverview Drive





## STAFF REPORT ADDENDUM B

### V15-23 & V15-24 / Hardwood Interiors, Inc. / 936 Riverview Drive

Staff recommended revisions to petitioner's Findings of Fact (deleted matter struck through; new matter underlined).

#### Case No. 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 and front portico, along with a completely new front façade, will should improve the property value and the value of the properties adjacent to this newly improved property. ~~The home style will also be more in keeping with the style homes on this street. 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, ~~in keeping with other homes on this street, a variance is sought~~ 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 will should~~ also improve the property value of the adjacent homes. This home is located just 3 houses away from the WVU Presidents home and many other prominent property owners on this street. 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 ~~in this price range~~ and many of the compatible homes on this street have attached garages on the front or sides. ~~Without a garage, the degree to which the property value may be increased becomes much less and the plans for adding the additional bedrooms, new kitchen, and family room may need to be reduced or eliminated.~~

**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 as the surrounding homes. The variance will allow for the property to be improved to its maximum value and bring the property value up to the other homes on this street improved the property's contribution to the surrounding built environment.

**Case No. V15-24** Variance Relief To Encroach Into Minimum Front 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 and front portico, along with a completely new front façade, ~~will~~ should improve the property value and the value of the properties adjacent to this newly improved property. ~~The home style will also be more in keeping with the style homes on this street. 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, ~~in keeping with other homes on this street, a variance is sought~~ 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 ~~will~~ should also improve the property value of the adjacent homes. ~~This home is located just 3 houses away from the WVU Presidents home and many other prominent property owners on this street.~~ 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 ~~in this price range~~ and many of the compatible homes on this street have attached garages on the front or sides. ~~Without a garage, the degree to which the property value may be increased becomes much less and the plans for adding the additional bedrooms, new kitchen, and family room may need to be reduced or eliminated.~~

**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 as the surrounding homes. The variance will allow for the property to be improved to its maximum value and ~~bring the property value up to the other homes on this street~~ improved the property's contribution to the surrounding built environment.

side



City of Morgantown, West Virginia

APPLICATION FOR VARIANCE PETITION

OFFICE USE	
CASE NO.	V15-23
RECEIVED:	3/6/15

(PLEASE TYPE OR PRINT IN BLACK INK)

Fee: \$75

ck 12/80

<b>I. APPLICANT</b>		Name:	Hardwood Interiors, Inc		
Mailing Address:	Street	3005 Northpointe Plaza		Phone:	304-292-1835
	City	State	Zip	Mobile:	301-616-9453
	Morgantown	WV	26505	Email:	rmessenger@hardwoodinteriorsinc.com
<b>II. PROPERTY</b>		Street Address:	936 Riverview Drive		
Owner:	Hardwood Interiors, Inc.			Zoning:	R-1
Mailing Address:	Street	3005 Northpointe Plaza		Tax Map No:	15
	City	State	Zip	Parcel No:	33.1 & 34
	Morgantown	WV	26505	Phone:	304-292-1835
<b>III. NARRATIVE</b>		Please describe the nature and extent of your variance request(s).			
Applicant is requesting a left side setback variance from the existing 10' limit in order to improve the property by adding a single car garage on the front left corner of the existing residence as well as a portico at the front door entrance. The garage would require a 1.5' variance (13' setback from the front property line).					
<b>V. ATTEST</b>		BY: _____			
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.					
Reg Messenger, Pres.		_____ Hardwood Interiors, Inc		_____ Signature of Applicant/Agent	
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.



City of Morgantown, West Virginia

APPLICATION FOR VARIANCE PETITION

OFFICE USE	
CASE NO.	V15-23
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: 1594 above ground  
768 Basement

Estimated number of employees: \_\_\_\_\_      No. of dwelling units: \_\_\_\_\_      No. of bedrooms: 2

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



City of Morgantown, West Virginia

**APPLICATION FOR  
VARIANCE PETITION**

OFFICE USE	
CASE NO.	V15-23
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VII. FINDINGS OF FACT	COMPLETE THE FOLLOWING STATEMENTS IN THIRD PERSON.
<p><b>3. The variance will eliminate an unnecessary hardship and permit a reasonable use of the land, because:</b></p> <p>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, only a building permit approval. This addition will increase the finished square footage from 1,594 to 2,700 and with the addition of a garage and new front facade cottage look will be increased from its current dilapidated value of \$200,000 to approximately \$590,000 when complete. This will also improve the property value of the adjacent homes. This home is located just 3 houses away from the WVU Presidents home and many other prominent property owners on this street. 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 in this price range and many of the compatible homes on this street have attached garages on the front or sides. Without a garage, the degree to which the property value may be increased becomes much less and the plans for adding the additional bedrooms, new kitchen, and family room may need to be reduced or eliminated.</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>The garage, front portico, new facade/cottage style home with increased square footage and bedrooms will increase the property value of this home as well as the surrounding homes. The variance will allow for the property to be improved to its maximum value and bring the property value up to the other homes on this street.</p>	



City of Morgantown, West Virginia

**APPLICATION FOR  
VARIANCE PETITION**

OFFICE USE	
CASE NO.	V15-23
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 new garage and front portico, along with a completely new front facade, will improve the property value and the value of the properties adjacent to this newly improved property. The home style will also be more in keeping with the style homes on this street.

**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, in keeping with other homes on this street, a variance is sought.

Front



City of Morgantown, West Virginia

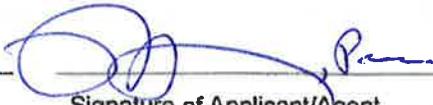
APPLICATION FOR VARIANCE PETITION

OFFICE USE	
CASE NO.	V15-84
RECEIVED:	3/10/15

(PLEASE TYPE OR PRINT IN BLACK INK)

Fee: \$75

OK 12179

<b>I. APPLICANT</b>		Name: <b>Hardwood Interiors, Inc</b>	
Mailing Address:	Street	Phone:	304-292-1835
	3005 Northpointe Plaza	Mobile:	301-616-9453
	City	State	Zip
	Morgantown	WV	26505
		Email:	rmessenger@hardwoodinteriorsinc.com
<b>II. PROPERTY</b>		Street Address: <b>936 Riverview Drive</b>	
Owner:	<b>Hardwood Interiors, Inc.</b>		Zoning: <b>R-1</b>
Mailing Address:	Street	Tax Map No:	15
	3005 Northpointe Plaza	Parcel No:	33.1 & 34
	City	State	Zip
	Morgantown	WV	26505
		Phone:	304-292-1835
<b>III. NARRATIVE</b>		Please describe the nature and extent of your variance request(s).	
<p>Applicant is requesting a front setback variance from the existing 25' limit in order to improve the property by adding a single car garage on the front left corner of the existing residence and a portico at the front door entrance. The garage would require a 11' variance (14' setback from front property line) and the portico, a 1' variance (24' from front property line).</p> <p style="text-align: center;">PAID MAR 09 2015 PAID</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>			
Reg Messenger, Pres. Hardwood Interiors, Inc		 Signature of Applicant/Agent	
Type/Print Name of Applicant/Agent		Date	
		3/5/15	

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.



City of Morgantown, West Virginia

# APPLICATION FOR VARIANCE PETITION

OFFICE USE	
CASE NO.	VIS-24
RECEIVED:	

## VI. SUPPLEMENTAL INFORMATION

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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: 1594 above ground  
768 Basement  
Estimated number of employees: \_\_\_\_\_      No. of dwelling units: \_\_\_\_\_      No. of bedrooms: 2  
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



City of Morgantown, West Virginia

**APPLICATION FOR  
VARIANCE PETITION**

OFFICE USE	
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VII. FINDINGS OF FACT	COMPLETE THE FOLLOWING STATEMENTS IN THIRD PERSON.
<p>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.</p>	
<p><b>1. The variance will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents, because:</b></p> <p>The new garage and front portico, along with a completely new front facade, will improve the property value and the value of the properties adjacent to this newly improved property. The home style will also be more in keeping with the style homes on this street.</p>	
<p><b>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:</b></p> <p>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, in keeping with other homes on this street, a variance is sought.</p>	



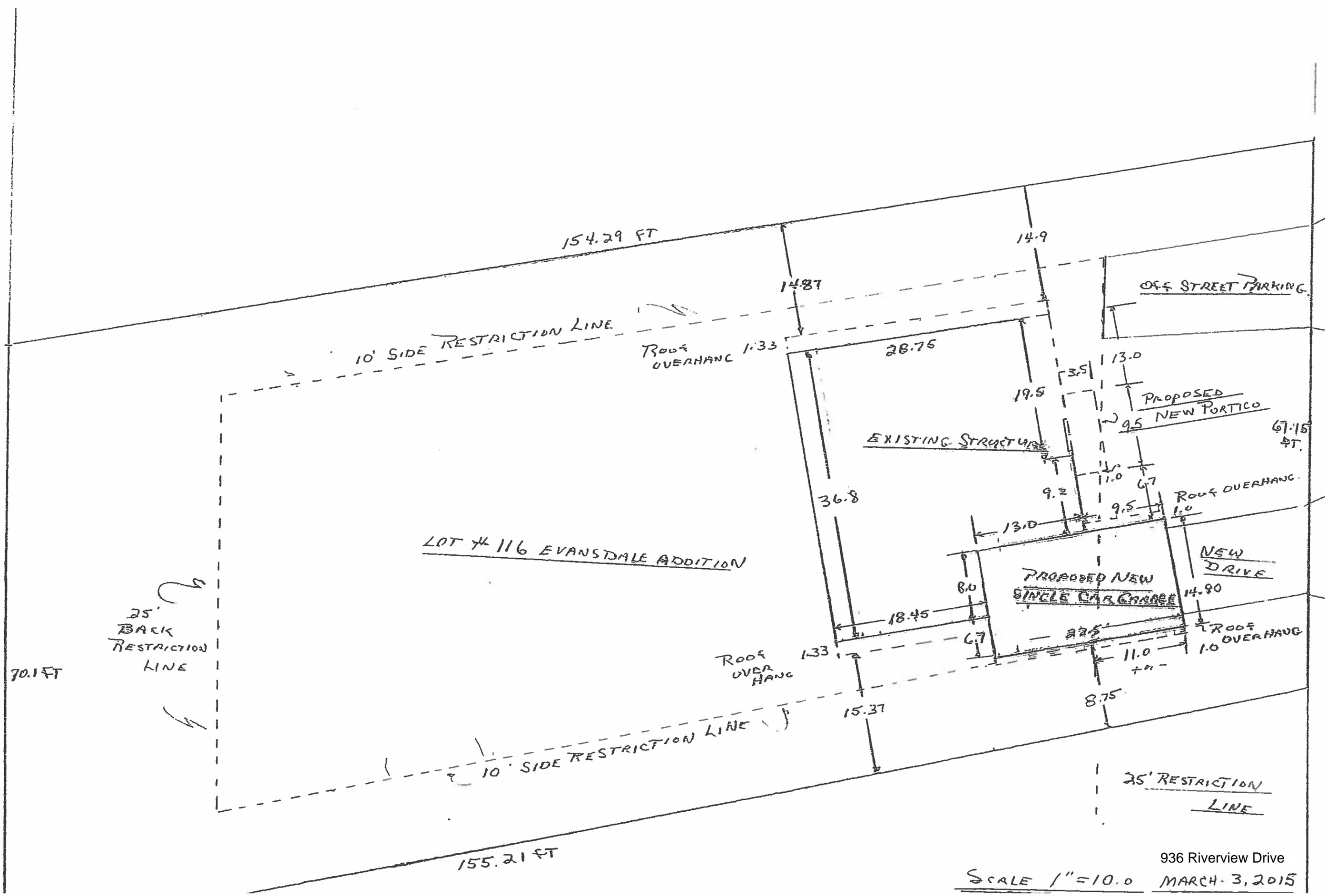
City of Morgantown, West Virginia

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<p><b>4. The variance will allow the intent of the zoning ordinance to be observed and substantial justice done, because:</b></p> <p>The garage, front portico, new facade/cottage style home with increased square footage and bedrooms will increase the property value of this home as well as the surrounding homes. The variance will allow for the property to be improved to its maximum value and bring the property value up to the other homes on this street.</p>	





936 Riverview Drive

SCALE 1" = 10.0 MARCH 3, 2015



936 Riverview Drive



