



MORGANTOWN BOARD OF ZONING APPEALS

June 17, 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: V15-27 / Lytle / Hampton Avenue

REQUEST and LOCATION:

Request by Ron and Jennifer Lytle for variance relief from Article 1335.04 as it relates to front setback requirement on Hampton Avenue.

TAX MAP NUMBER(s) and ZONING DESCRIPTION:

Tax Map 22, Parcels 14 and 15; R-1A, Single-Family Residential District

SURROUNDING ZONING:

R-1A, Single-Family Residential District

BACKGROUND and ANALYSIS:

The petitioner seeks to construct two (2) single-family homes that will exceed the maximum front setback standard on Hampton Avenue. Addendum A of this report illustrates the location of the subject site.

Article 1335.04(A)(2) provides a maximum front setback requirement of twenty (20) feet in the R-1A District. The proposed front setback of the principal structures is approximately 35 feet, which requires a 15-foot variance.

The petitioner notes that the purpose of the variance request is to provide a turnaround in front of both proposed single-family structures, which should serve to mitigate back-out movements from the homes onto Hampton Avenue. The following graphic illustrates the narrow width of Hampton Avenue along with poor site line conditions.



Development Services

Christopher Fletcher, AICP
Director

Planning Division

389 Spruce Street
Morgantown, WV 26505
304.284.7431



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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 fifteen-foot (15') variance be granted from the maximum front setback standard for Parcels 14 and 15 of Tax Map 22 as requested with the condition that side and rear setback standards must be observed for both single-family dwelling development sites.

Enclosures: Application and accompanying exhibits

Development Services

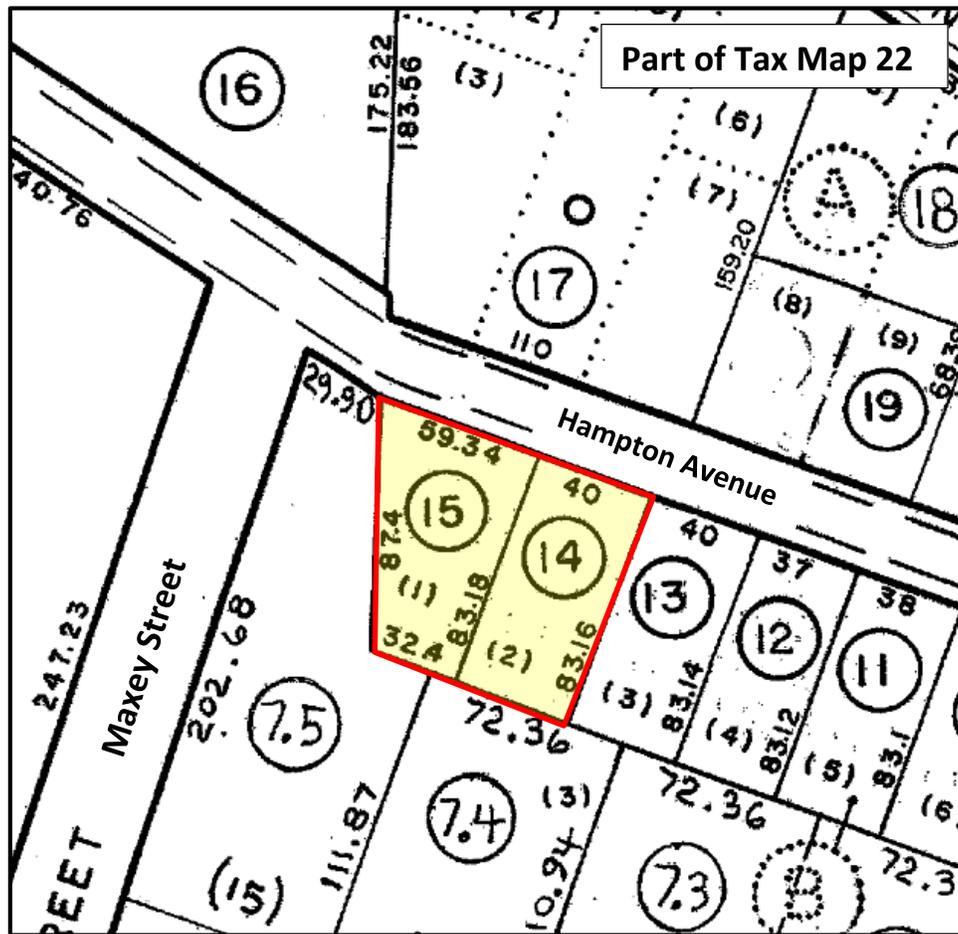
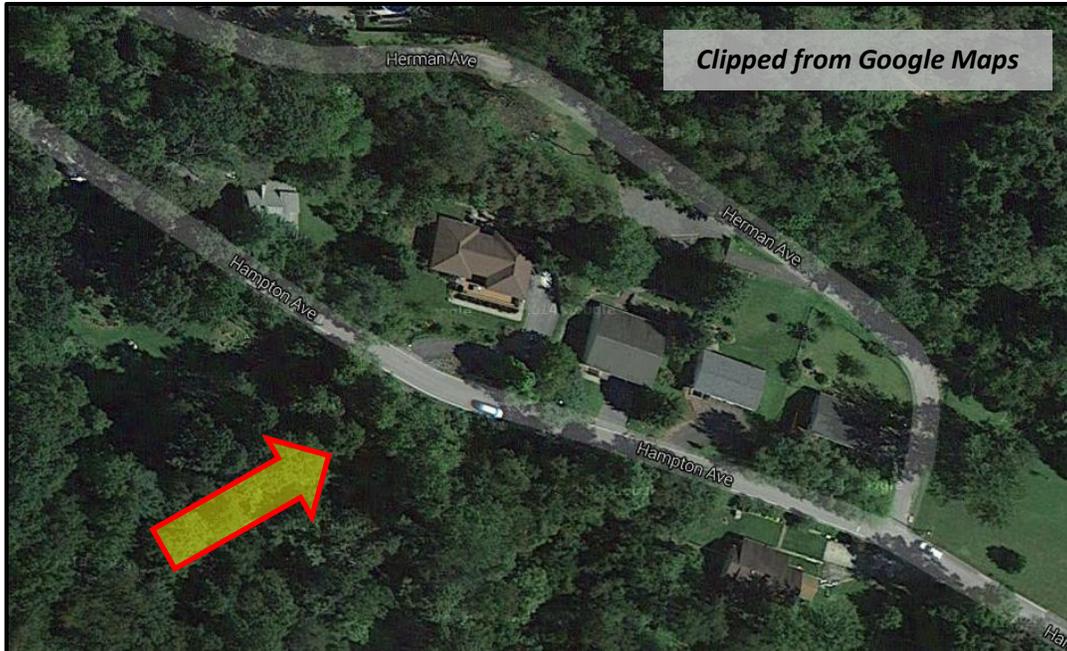
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STAFF REPORT ADDENDUM A
V15-27 / Lytle / Hampton Avenue





STAFF REPORT ADDENDUM B

V15-27 / Lytle / Hampton 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:

~~It is simply making the house farther from the road and will keep owners from backing into a heavily traveled and fastly traveled road.~~ Exceeding the maximum front setback standard for Parcels 14 and 15 of Tax Map 22 should serve to improve public safety by mitigating back-out movements from the sites onto Hampton Avenue, which is narrow, has poor site lines, and is heavily traveled as a cut-through route connecting the Mileground and Sabraton areas.

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 area is not your typical Morgantown street, parallel parking along street is not safe.~~ The subject development sites are located along a narrow and heavily traveled roadway used as a cut-through route connecting the Mileground and Sabraton areas, the conditions of which are existing.

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

~~We need more depth for parking and a front yard, and the city has encroached on the land with the road.~~ The increase in front yard depth will permit turnarounds to be constructed between the houses and the front property boundaries at both development sites thereby mitigating back-out movements onto Hampton Avenue.

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

~~The homes will be consistent with the surrounding homes on this street.~~ Exceeding the maximum front setback standard, with the condition that side and rear yard setback standards must be observed, will ensure that minimum building envelope requirements are maintained while permitting the construction of two (2) new single-family homes with public safety and access management in mind.



City of Morgantown, West Virginia

APPLICATION FOR VARIANCE PETITION

OFFICE USE	
CASE NO.	VIS-27
RECEIVED:	29 APR 15

P A I D
APR 29 2015
P A I D

VISA

(PLEASE TYPE OR PRINT IN BLACK INK)

Fee \$75

I. APPLICANT		Name:	Ron and Jennifer Lytle			
Mailing Address:	Street	102 Bierer Lane		Phone:	304 291 3578	
	City	Morgantown	WV	26508	Mobile: 304 692 6380	
	State				Email: rlytle@lytleconstructioncorp.com	
II. PROPERTY		Street Address:	1164 Hampton Ave (across rd from 1165)			
Owner:	Ronald & Jennifer Lytle			Zoning:	R-1A	
Mailing Address:	Street	102 Bierer Lane		Tax Map No:	22	
	City	Morgantown	WV	26508	Parcel No:	14 & 15
	State				Phone:	304 692 6380

III. NARRATIVE	Please describe the nature and extent of your variance request(s).
Increase front setback minimum 20' to 35' due to need for turn around on property to access Hampton Ave.	

V. ATTEST		
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.		
Ronald Lytle	Ronald & Lytle	4/29/2015
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.



APPLICATION FOR VARIANCE PETITION

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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: 2 Gross floor area of each building: 1050 1st fl, 1050 Basement
 Estimated number of employees: Residential No. of dwelling units: 2 No. of bedrooms: 3/house
 Additional structure-related details: two single family homes

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:

It is simply making the house farther from the road and will keep owners from backing into a heavily traveled, and fastly traveled road.

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 area is not your typical Morgantown street, parallel parking along street is not safe.



**APPLICATION FOR
VARIANCE PETITION**

OFFICE USE	
CASE NO.	V15-27
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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:

We need more depth for parking and a front yard, and the city has encroached on the land with the road.

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

The homes will be consistent with the surrounding homes on this street

MNS15-09

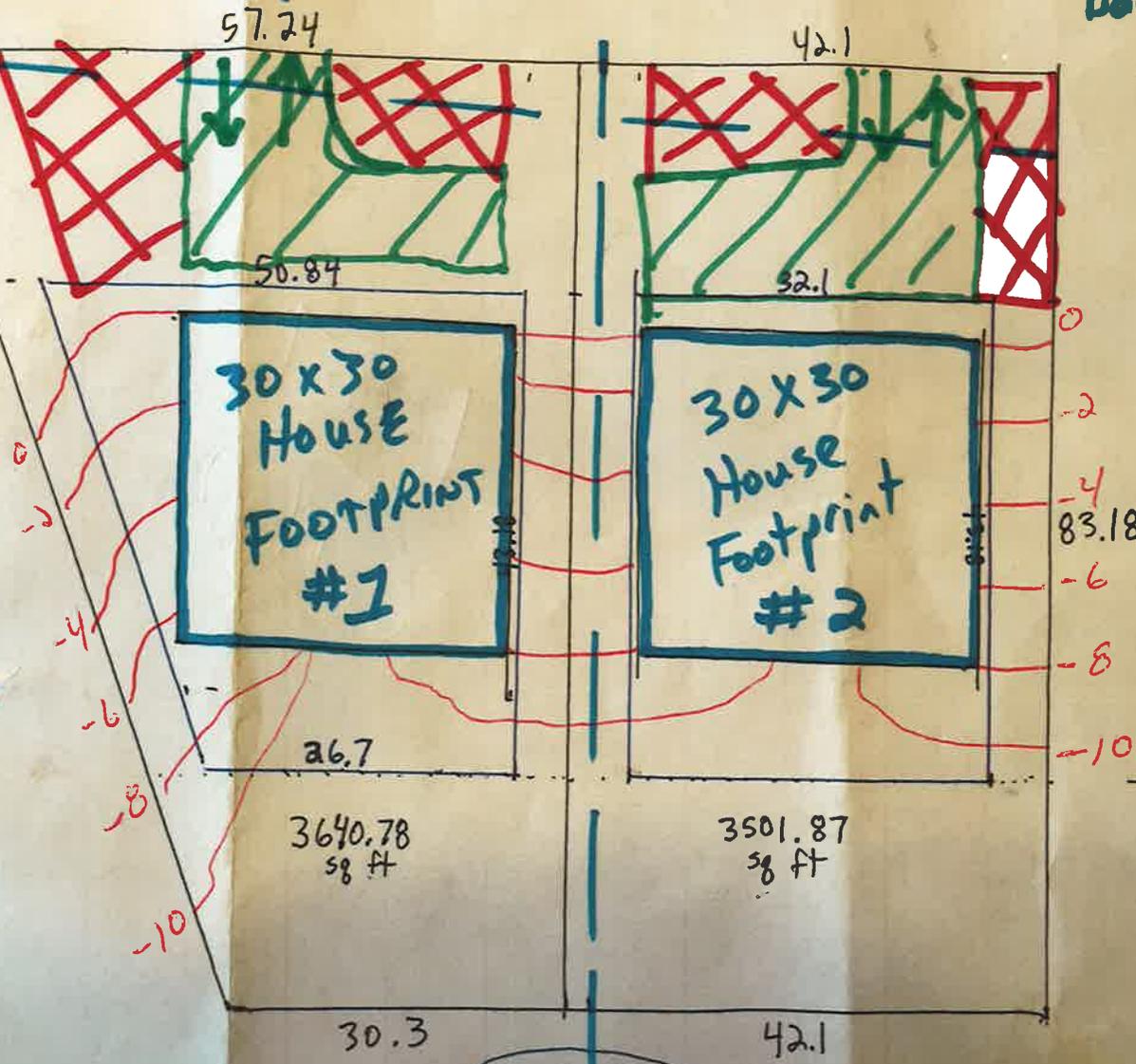
Hampton Ave

To
mileground ←

To
Dorset →

Location of
actual
encroached
city street.

Might require
additional setback
of House #2



- Contour elev. Red
- ▨ Paved Area
- ▨ Landscape
- ▨ Landscape

32.4 | 40
Current lot line

- If moved only variance needed is frontage setback of greater than 20'