



MORGANTOWN BOARD OF ZONING APPEALS

October 21, 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: V15-61 / Hall / 1260 Longdon Avenue

REQUEST and LOCATION:

Request by Justin Hall for variance relief from Article 1333.04 as it relates to the minimum rear setback requirement at 1260 Longdon Avenue.

TAX MAP NUMBER(s) and ZONING DESCRIPTION:

Tax Map 54, Parcel 63; R-1, Single-Family Residential District

SURROUNDING ZONING:

R-1, Single-Family Residential District

BACKGROUND and ANALYSIS:

The petitioner seeks to construct an approximate 25-foot wide by 24'-4" addition to the existing attached garage at 1260 Longdon Avenue. The addition will increase the existing two-car garage to a four-car garage and include a master bedroom suite and related amenities on the second level. Addendum A of this report illustrates the location of the subject site.

Article 1333.04(A)(4) provides a minimum rear setback requirement of twenty-five (25) feet in the R-1 District. The proposed rear setback of the proposed addition to the principal building is 15 feet, which requires a 10-foot variance.

The petitioner notes that the purpose of the variance request is to create four (4) off-street parking spaces and to allow for a turn-around area so vehicles in the garage may approach Killarney head-out instead of backing into the street. The proposed addition would be in compliance with the minimum side setback and the maximum lot coverage requirements of the R-1 District.

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. If the Board disagrees with the petitioner's "Findings of Fact" and determines the proposed request does not meet the standard criteria for a variance, then the Board must state findings of fact and conclusions of law on which it bases its decision to deny the subject variance petition. [See WV State Code 8A-8-11(e) and 8A-7-11(b)].

Addendum B of this report restates the petitioner's "Findings of Fact" provided in the subject variance application. No recommendations are submitted concerning the petitioner's "Findings of Fact" responses or whether or not variance relief should be granted.

Enclosures: Application and accompanying exhibits

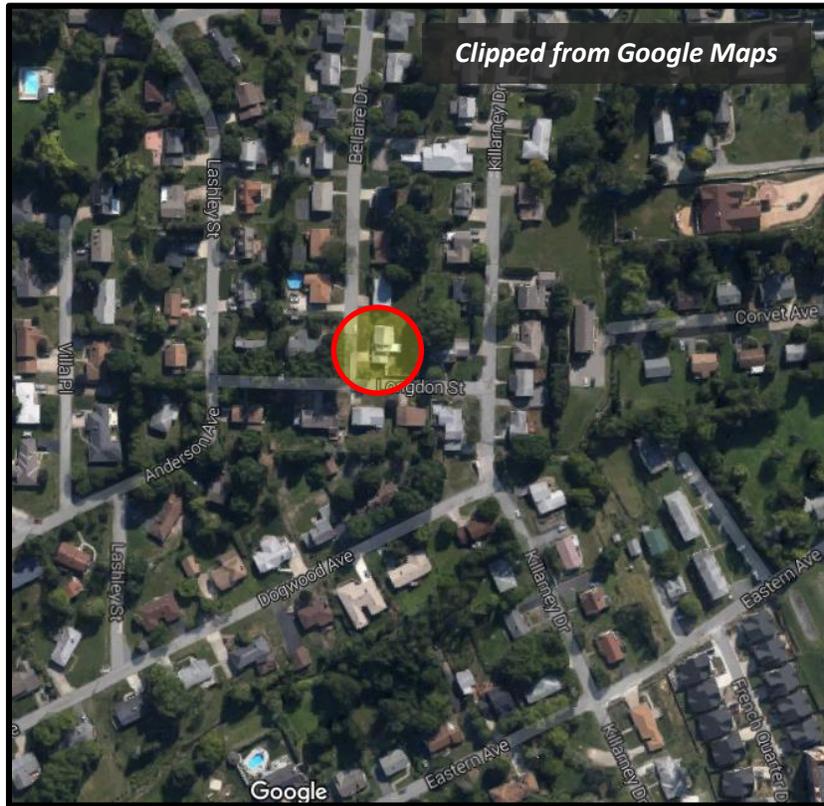
Development Services

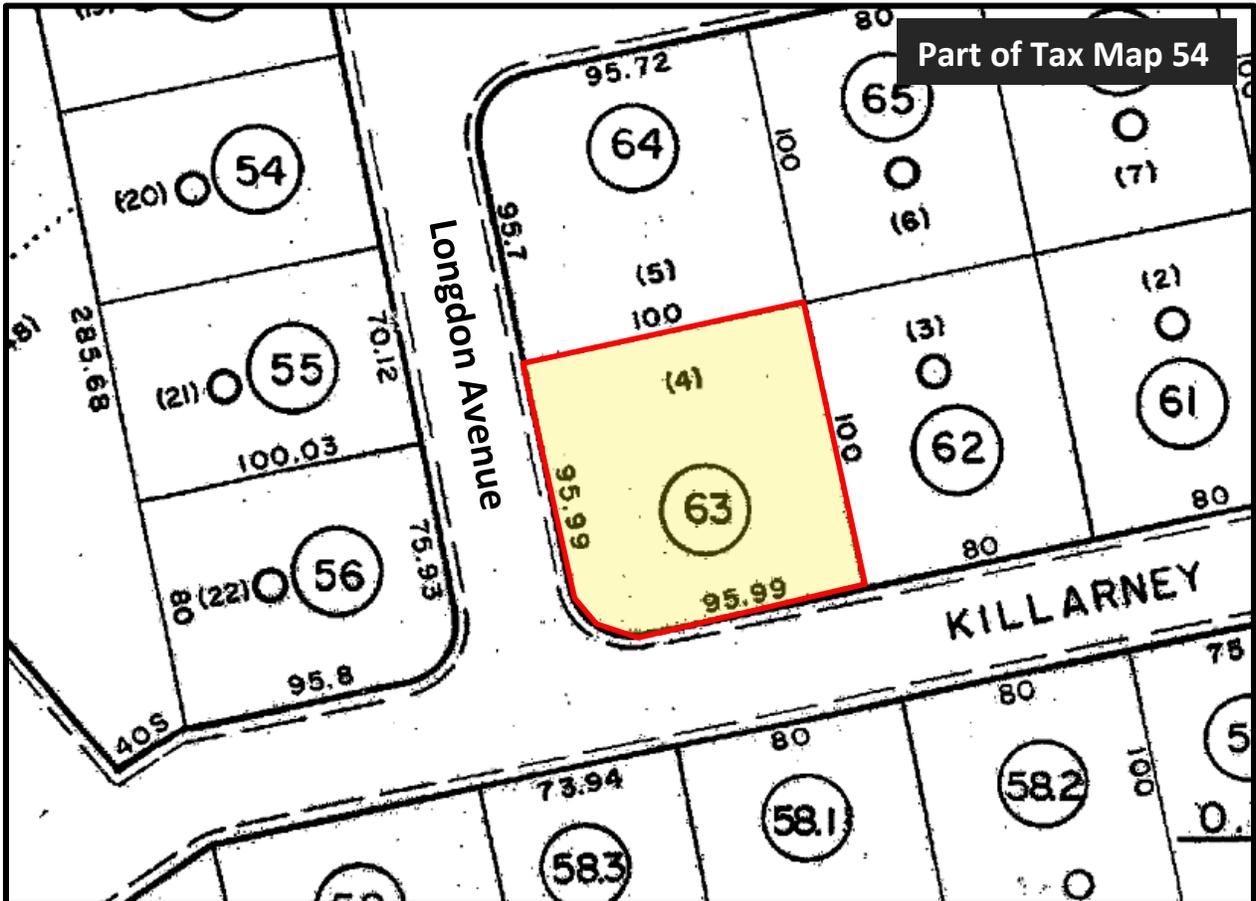
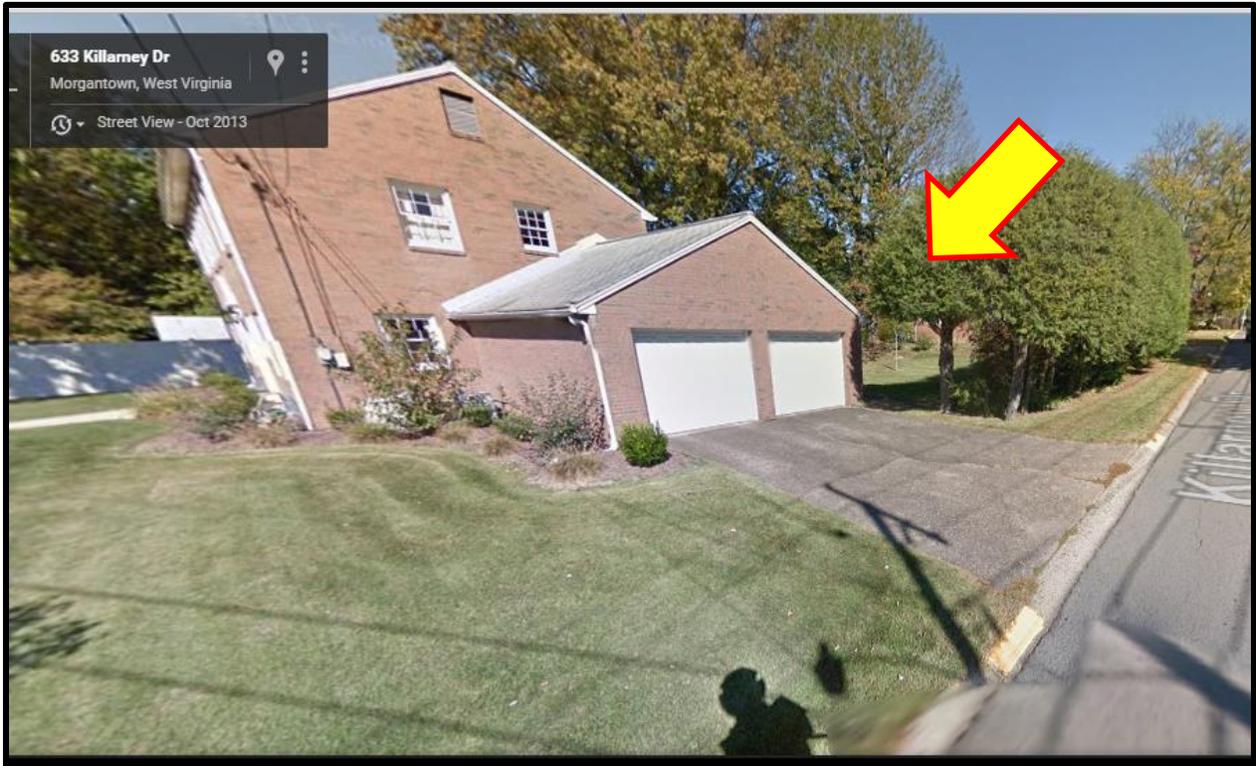
Christopher Fletcher, AICP
Director

Planning Division

389 Spruce Street
Morgantown, WV 26505
304.284.7431

STAFF REPORT ADDENDUM A
V15-61 / Hall / 1260 Longdon Avenue





STAFF REPORT ADDENDUM B

V15-61 / Hall / 1260 Longdon Avenue

The following table restates the petitioner's Findings of Fact responses provided on Pages 3 and 4 of the subject variance application.

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 existing garage/driveway configuration have the same orientation from Killarney to the house as the proposed addition. No excessive grading, walls, etc. will be required between adjacent lot and subject property.

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 garage/driveway force the owner to back onto Killarney Drive, just beyond a crest in the beginning of the slope in the road. Granting the variance will allow the owner to approach Killarney head on when backing out of the garage.

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

On street parking for the owner and their guest has become increasingly dangerous as Killarney is a "cut thru" road. The variance provides for 4 off street parking spaces for the residence. The owner has parked his car on Killarney and has had to submit 2 claims to his insurance because his car was "sideswiped" while being parked on Killarney.

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

The variance requested is intended to construct an addition onto the existing residence that will provide privacy and security to the rear yard, as seen from Killarney Drive. The area requested for the variance is equal to 10% of the setback leaving 90% of the original setback intact.



City of Morgantown, West Virginia

APPLICATION FOR VARIANCE PETITION

OFFICE USE	
CASE NO.	V15-61
RECEIVED:	

(PLEASE TYPE OR PRINT IN BLACK INK)

Fee: \$75

I. APPLICANT		Name:	THOMAS TRETHERWAY JUSTIN HALL		
Mailing Address:	Street	SMOLA CONSTRUCTION CO, INC 2501 CRANBERRY SQ.		Phone:	304 594 3444
	City	State	Zip	Mobile:	304 276 3136
	MORGANTOWN	WV	26508	Email:	ttrettheway@gmail.com
II. PROPERTY		Street Address:	1200 LONGDON AVE		
Owner:	JUSTIN HALL		Zoning:	R-1	
Mailing Address:	Street			Tax Map No:	54
	City	State	Zip	Parcel No:	63
				Phone:	304-246-2050
III. NARRATIVE		Please describe the nature and extent of your variance request(s).			
<p>WE ARE ASKING FOR A 10' VARIANCE ON THE REAR YARD SETBACK FOR 4-25' (AS SHOWN ON ATTACHED SITE PLAN). GRANTING THE VARIANCE ALLOWS FOR GARAGE/HOUSE ADDITION & DRIVEWAY EXPANSION - ALLOWING 4 PARKING SPACES - OFF STREET. IT ALSO ALLOWS FOR TURN AROUND AREA SO VEHICLES IN THE GARAGE MAY APPROACH KILLBUCKY HEAD ON INSTEAD OF BACKING INTO THE STREET.</p>					
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.			
Justin Hall THOMAS TRETHERWAY				10-15-15 8.25.15	
Type/Print Name of Applicant/Agent		Signature of Applicant/Agent		Date	

PAID PAID PAID
BY: SEP 04 2015

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

OFFICE USE table with fields for CASE NO. and 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 (checked), 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: +/- 1500, Estimated number of employees: N/A, No. of dwelling units: 1, No. of bedrooms: 4

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

OFFICE USE	
CASE NO.	
RECEIVED:	

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:

THE EXISTING GARAGE/DRIVEWAY CONFIGURATION HAVE THE SAME ORIENTATION FROM KILLARNEY TO THE HOUSE AS THE PROPOSED ADDITION WILL.

NO EXCESSIVE GRADING, WALLS, ETC WILL BE REQUIRED BY THE ADJ LOT & SUBJECT PROPERTY.

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 GARAGE/DRIVEWAY FORCE THE OWNER TO BACK ONTO KILLARNEY DRIVE, JUST BEYOND A CREST IN THE BEGINNING OF THE SLOPE IN THE ROAD.

GRANTING THE VARIANCE WILL ALLOW THE OWNER TO APPROACH KILLARNEY HEAD ON WHEN BACKING OUT OF THE GARAGE.



APPLICATION FOR
VARIANCE PETITION

OFFICE USE	
CASE NO.	
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:

ON STREET PARKING FOR THE OWNER & THEIR GUEST HAS BECOME INCREASINGLY DANGEROUS AS KILLARNEY IS A "CUT THRU" ROAD. THE VARIANCE PROVIDES FOR 4 OFF STREET PARKING SPACES FOR THE RESIDENCE.

THE OWNER HAS PARKED HIS CAR ON KILLARNEY & HAS HAD TO SUBMIT 2 CLAIMS TO HIS INSURANCE BECAUSE HIS CAR WAS "SIDE SWIPE" WHILE BEING PARKED ON KILLARNEY.

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

THE VARIANCE REQUESTED IS INTENDED TO CONSTRUCT AN ADDITION ON TO THE EXISTING RESIDENCE THAT WILL PROVIDE PRIVACY & SECURITY TO THE REAR YARD, AS SEEN FROM KILLARNEY DRIVE.

THE AREA REQUESTED FOR THE VARIANCE IS EQUAL TO 10% OF THE SETBACK LEAVING 90% OF THE ORIGINAL SET BACK INTACT.



Smola Construction
Company, Inc.
2501 Cranberry Square
Morgantown, West Virginia
26508
ph. 304.594.3444
fx. 304.594.3883

COMPANY NAME:

PROJECT NAME:

Hall
Residence
1260 Longdon
Avenue

Key Plan:



Revision	Date	Description

JOB NO.:

DRAWN BY:

tet

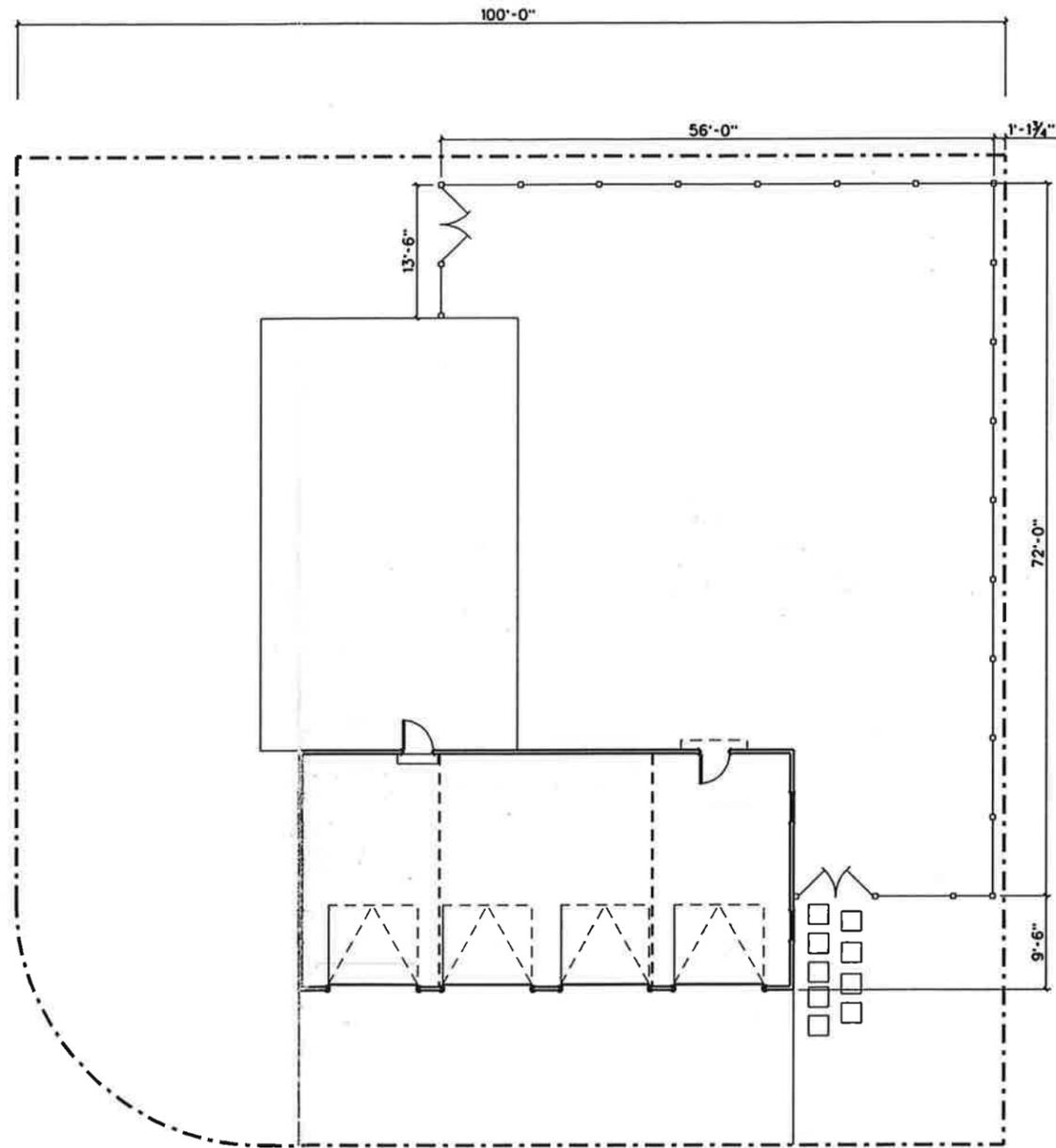
Sheet Title:

schematic design
concepts

Issue Date:

09.06.15

Sheet Number:



1 SITE PLAN

SCALE: 1/4" = 1'-0"



Smola Construction Company, Inc.
 2501 Cranberry Square
 Morgantown, West Virginia
 26508
 ph. 304.594.3444
 fx. 304.594.3883

COMPANY NAME:

PROJECT NAME:

Hall Residence
 1260 Longdon Avenue

Key Plan:



Revision	Date	Description

JOB NO.:

DRAWN BY:

tet

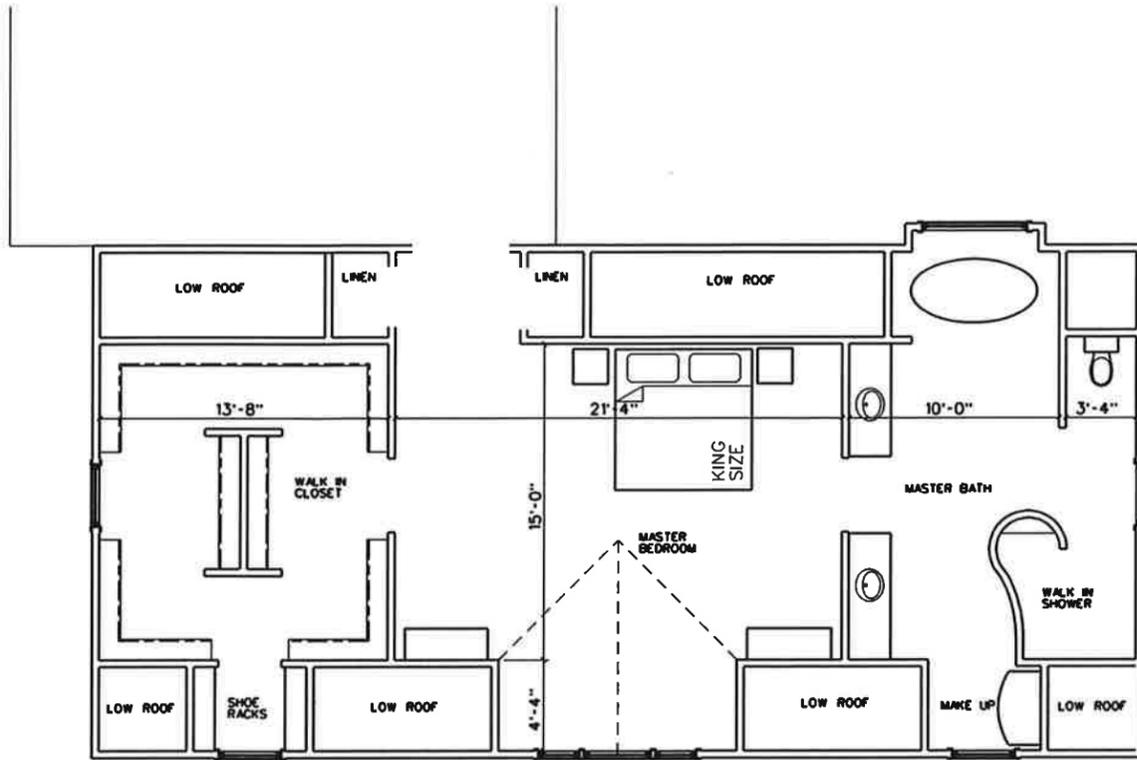
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schematic design concepts

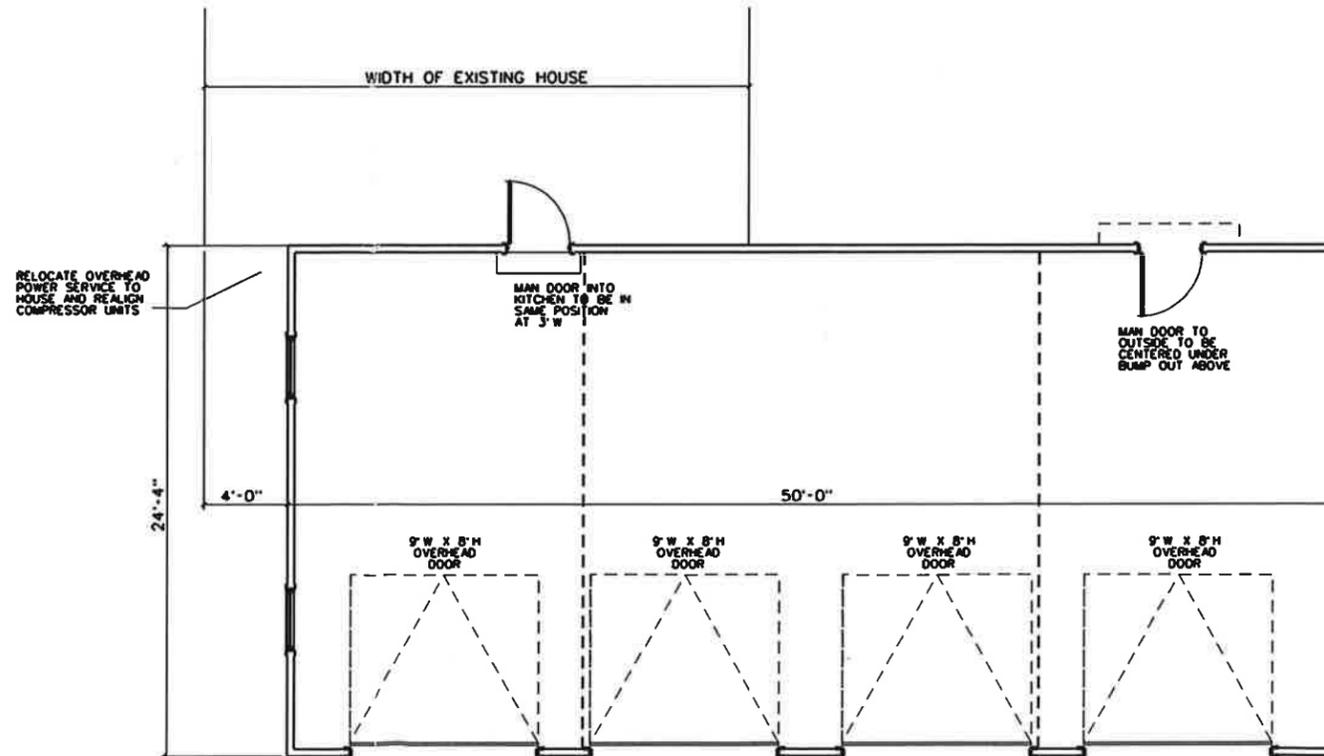
Issue Date:

09.06.15

Sheet Number:



2 UPPER LEVEL PLAN
 SCALE: 1/4" = 1'-0"



1 GROUND LEVEL PLAN
 SCALE: 1/4" = 1'-0"



Smola Construction Company, Inc.
 2501 Cranberry Square
 Morgantown, West Virginia
 26508
 ph. 304.594.3444
 fx. 304.594.3883

COMPANY NAME:

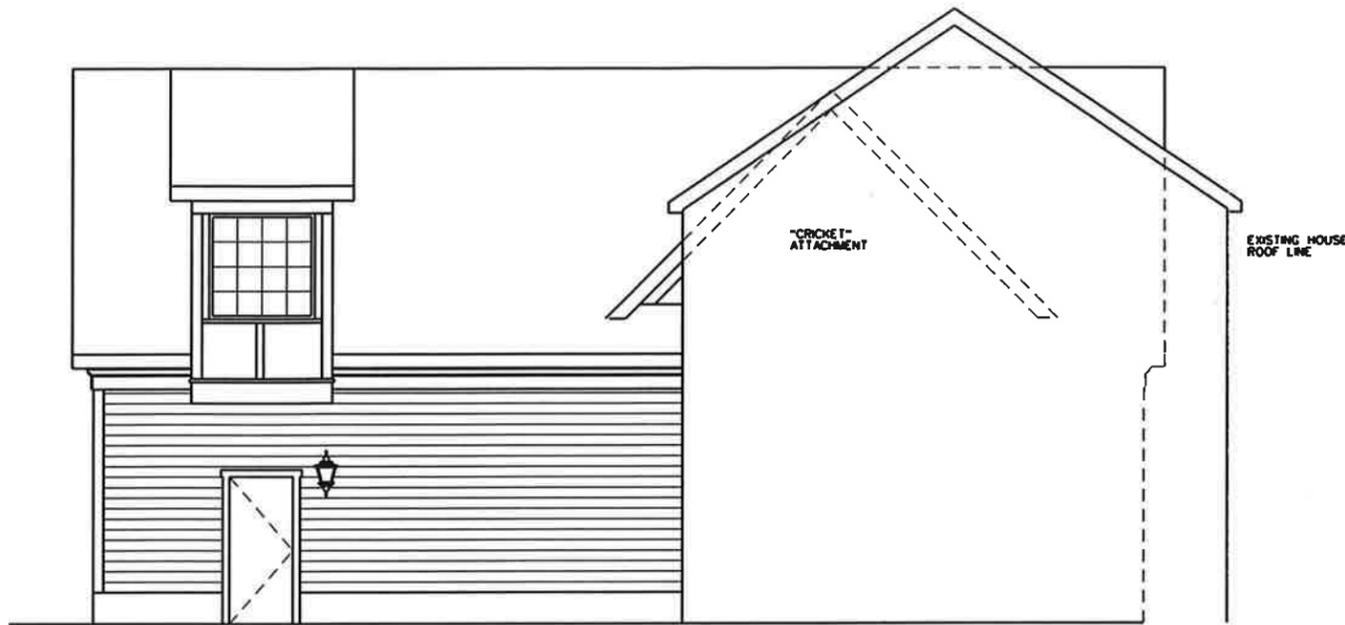
PROJECT NAME:

Hall Residence
 1260 Longdon Avenue

Key Plan:



Revision	Date	Description



4 LEFT ELEVATION
 SCALE: 1/4" = 1'-0"
 VIEW FROM REAR YARD FACING KILLARNEY



3 REAR ELEVATION
 SCALE: 1/4" = 1'-0"
 VIEW FROM REAR YARD



2 FRONT ELEVATION
 SCALE: 1/4" = 1'-0"
 VIEW FROM LONGDON AVE



1 RIGHT SIDE ELEVATION
 SCALE: 1/4" = 1'-0"
 VIEW FROM KILLARNEY DRIVE

JOB NO.:

DRAWN BY:

tet

Sheet Title:

schematic design
 concepts

Issue Date:

09.06.15

Sheet Number:

**GREENLEAF SURVEYING
COMPANY**

ALLAN J. WITSCHI, P.S.

1215 Greenbag Road
Morgantown, West Virginia - 26508-1533
Phone / fax number (304) 291-1264

June 26, 2015

**DESCRIPTION OF SURVEY FOR
JUSTIN HALL**

All of Lot No. 4 of the Virginia Manor Addition, situate in the Seventh Ward of the City of Morgantown, Morgan District, Monongalia County, West Virginia, and being more particularly described as follows:

Beginning at a concrete monument (found) standing on the northern right-of-way limits of Killarney Drive and marking the southwest corner to Lot No. 3 of the Virginia Manor Addition (see plat of said Addition recorded in Deed Book 575, at Page 185 and Map Cabinet No. 1, at File No. 55B);

Thence with said limits of Killarney Drive, North $84^{\circ}23'00''$ West 80.00 feet to a 5/8 inch reinforcing rod (set), said rod standing on the eastern right-of-way limits of Longdon Avenue;

Thence with two (2) lines with said limits of Longdon Avenue, with a curve to the right having a radius of 20.00 feet, an arc distance of 31.44 feet and a chord of North $39^{\circ}25'10''$ West 28.30 feet to a 5/8 inch reinforcing rod (set);

Thence North $05^{\circ}32'30''$ East 80.00 feet to a 5/8 inch reinforcing rod (set), said rod marking the southwest corner to Lot No. 5 of said Addition;

Thence with said Lot No. 5, South $84^{\circ}23'00''$ East 100.00 feet to a 5/8 inch reinforcing rod (set), said rod marking a common corner to Lots No. 5, 6 and 3 of said Addition;

Thence with said Lot No. 3, South $05^{\circ}32'30''$ West 100.00 feet to the beginning, containing 9,914 square feet or 0.2276 acres more or less, and being more particularly shown on a plat of survey prepared by Greenleaf Surveying Company dated June 22, 2015, a copy of which accompanies and is made a part of this description.

Being all of the same lands conveyed to Evelyn Ethel Andrews by deed dated April 8, 2015 and recorded in the Office of the Clerk of the County Commission of Monongalia County, West Virginia, in Deed Book 1521, at Page 588.

Being all of the same lands conveyed to Evelyn Ethel Andrews by deed dated July 5, 1961 and recorded in the Office of the Clerk of the County Commission of Monongalia County, West Virginia, in Deed Book 597, at Page 182.

Being shown on Morgantown Corporation Tax Map 54 as being Parcel 63.

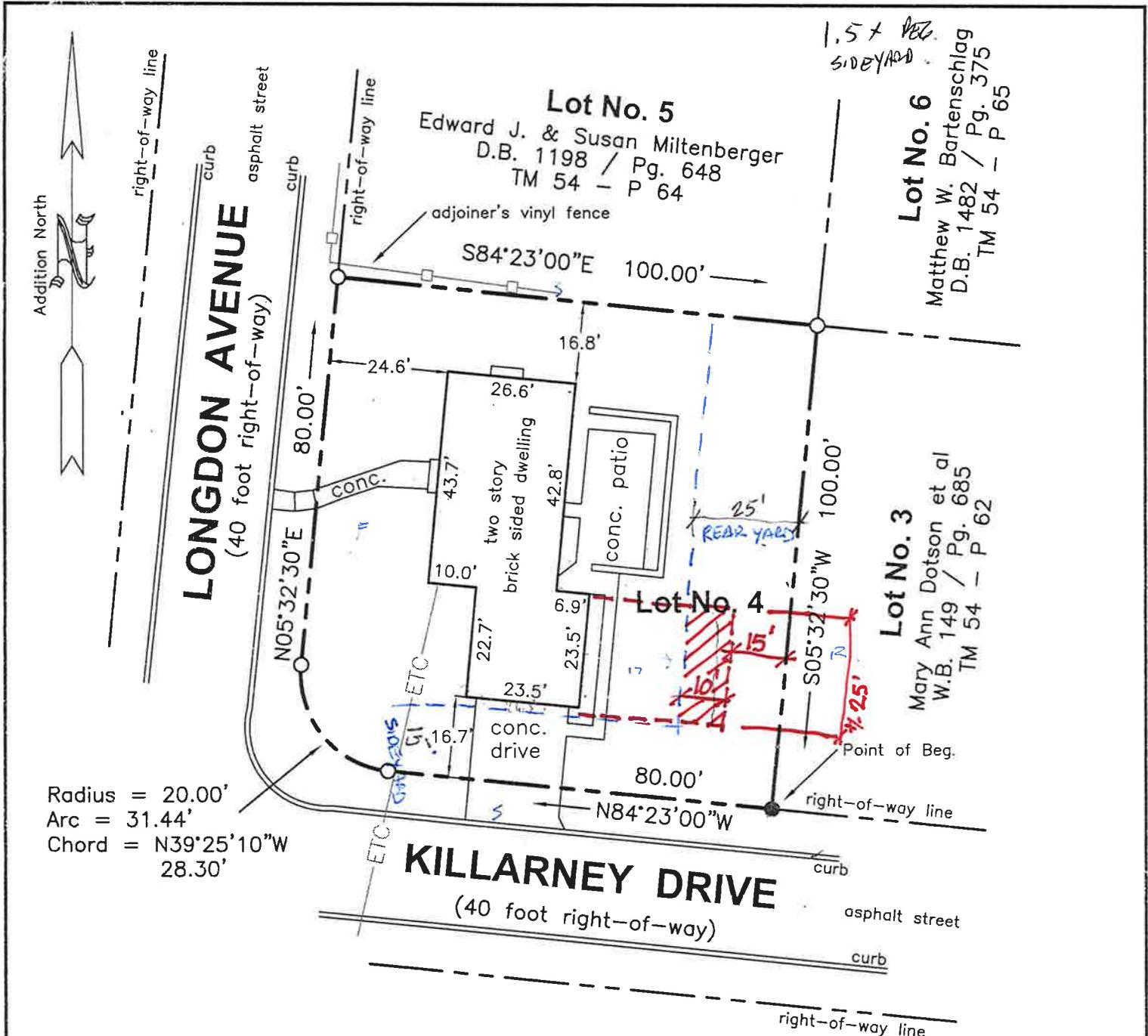


Allan J. Witschi, P.S. No. 587

file number: 03115.doc

Application. VARIANCE. STACEY.
 10.21 BZA mtg. 7/13/10 Appeal time.
 9.4 SUBMIT. 75 00

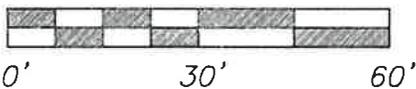
2-1



Radius = 20.00'
 Arc = 31.44'
 Chord = N39°25'10"W
 28.30'

LEGEND

- concrete monument (found)
- 5/8" reinforcing rod (set)



NOTES:

- 1) Location of underground utilities not shown.
- 2) Survey was conducted without benefit of lawyer's title report and may not reflect all exceptions, rights-of-way, easements or restrictions.



GREENLEAF SURVEYING COMPANY

1215 GREENBAG ROAD
 MORGANTOWN, WEST VIRGINIA 26508
 304 / 291-1264

[Handwritten Signature]

ALLAN J. WITSCHI, P.S. NO. 587

PLAT OF SURVEY FOR
JUSTIN HALL

Description: Lot No. 4 of the Virginia Manor Addition
 Addition Ref.: D.B. 575, at Pg. 185
 Addition Ref.: Map Cab. 1 / File No. 55B
 Area: 9,914 sq.ft., or 0.2276 acres
 Title: Evelyn Ethel Andrews
 D.B. 597, at Page 182
 D.B. 1521, at Page 588
 Tax Map No. 54, Parcel 63
 Corporation: Seventh Ward of Morgantown
 District: Morgan
 of Monongalia County, West Virginia.
 Address: 1260 Longdon Avenue, Morgantown, WV
 Scale 1" = 30' Date: June 22, 2015
 file number 031-15