



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

COMBINED STAFF REPORT

CASE NO: V15-62 and V15-63 / 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 right (southeast) corner of the existing residence at 936 Riverview Drive. Addendum A of this report illustrates the location of the subject site.

Case No. V15-62 Minimum side setback encroachment

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 1.5 feet, which requires an **8.5 foot variance**.

Case No. V15-63 Minimum front setback encroachment

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 20.5 feet, which requires a **4.5 foot variance**.

It should be noted the petitioner received a 1'-3" minimum side setback variance from the Board on 15 APR 2015 under Case No. V15-23 and an 11-foot minimum front setback variance under Case No. V15-24 to construct a single-car garage on the front left (southwest) corner of the subject principal building. Attached hereto is the Board's action letter concerning those variances.

Staff recommends that the Board, without objection from members of the Board, the petitioner, or the public, combine the public hearings for the two (2) variance petitions addressed herein. However, each respective petition must be considered and acted upon by the Board separately.

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 requests meet 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 one or both of the proposed requests do 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(s) to deny the subject variance petition(s). [See WV State Code 8A-8-11(e) and 8A-7-11(b)].

Again, each respective variance petition must be considered and acted upon by the Board separately.

Addendum B of this report restates the petitioner's "Findings of Fact" provided in the subject variance applications. 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

V15-62 and V15-63 / Hardwood Interiors, Inc. / 936 Riverview Drive



STAFF REPORT ADDENDUM B

V15-62 & V15-63 / Hardwood Interiors, Inc. / 936 Riverview Drive

The following tables restate the petitioner's Findings of Fact responses provided on Pages 3 and 4 of the respective variance applications.

Case No. V15-62 Minimum side setback encroachment

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 single car garage as well as the previously approved single car garage on the left façade 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. The new right side garage helps balance the home and adds to the curb appeal.

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. The right side single car garage will add balance to the home, make it more valuable, and make the home more attractive to buyers with large families and more vehicles.

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 large kitchen, and a family room to the rear of the existing home, which does not require variance relief, only a building permit approval. This addition will increase the finished square footage from 1,594 to 2,700 and with the addition of the garage and new front façade cottage look will be increased from its current dilapidated value of \$200,000 to approximately \$770,000 when complete. This will, also, improve the property value of the adjacent homes. This home is located just 3 houses away from the WVU President's 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 inevitable requires a 2 car garage for many home buyers in this price range and many of the compatible homes on this street have attached 2 car garages on the front or sides. Without a 2 car garage, the degree to which the property value maybe increased becomes much less.

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

The new garage along with the previously added single car garage 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.

Case No. V15-63 Minimum front setback encroachment

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 single car garage as well as the previously approved single car garage on the left façade 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. The new right side garage helps balance the home and adds to the curb appeal.

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. This right side single car garage will add balance to the home, make it more valuable, and make the home more attractive to buyers with large families and more vehicles.

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 large kitchen, and a family room to the rear of the existing home, which does not require variance relief, only a building permit approval. This addition will increase the finished square footage from 1,594 to 2,700 and with the addition of the garage and new front façade cottage look will be increased from its current dilapidated value of \$200,000 to approximately \$770,000 when complete. This will, also, improve the property value of the adjacent homes. This home is located just 3 houses away from the WVU President's 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 inevitable requires a 2 car garage for many home buyers in this price range and many of the compatible homes on this street have attached 2 car garages on the front or sides. Without a 2 car garage, the degree to which the property value maybe increased becomes much less.

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

The new garage along with the previously added single car garage 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.



City of Morgantown, West Virginia

APPLICATION FOR VARIANCE PETITION

OFFICE USE	
CASE NO.	V15-62
RECEIVED:	

side

(PLEASE TYPE OR PRINT IN BLACK INK)

Fee: \$75

I. APPLICANT		Name: Hardwood Interiors, Inc.	
Mailing Address:	3005 Northpointe Plaza		Phone: 304-292-1835
	Street	Morgantown WV 26505	Mobile: 301-616-9453
	City	State Zip	Email: rmessenger@hardwoodinteriorsinc.com
II. PROPERTY		Street Address: 936 Riverview Drive	
Owner:	Hardwood Interiors, Inc.		Zoning: R-1
Mailing Address:	3005 Northpointe Plaza		Tax Map No: 15
	Street	Morgantown WV 26505	Parcel No: 33.1 & 34
	City	State Zip	Phone: 304-292-1835
III. NARRATIVE		Please describe the nature and extent of your variance request(s).	
<p>Applicant is requesting a right side setback variance from the existing 10' limit in order to improve the property by adding a single car garage on the front right corner of the existing residence. The garage would require a 8.5' variance (1.5' setback from the side property line).</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>			
Reg Messer		[Signature]	
Type/Print Name of Applicant/Agent		Signature of Applicant/Agent	
		Date: 9/10/15	

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.

PAID
 SEP 10 2015
 Page 1 of 4
 Form Rev. 20140601
 BY: _____



APPLICATION FOR VARIANCE PETITION

OFFICE USE table with CASE NO. V15-102 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, 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: 4
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**

OFFICE USE	
CASE NO.	V15-162
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 single car garage as well as the previously approved single car garage on the left 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. The new right side garage helps balance the home and adds to the curb appeal.

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. This right side single car garage will add balance to the home, make it more valuable, and make the home more attractive to buyers with large families and more vehicles.



**APPLICATION FOR
VARIANCE PETITION**

OFFICE USE	
CASE NO.	V15-62
RECEIVED:	

VII. FINDINGS OF FACT	COMPLETE THE FOLLOWING STATEMENTS IN THIRD PERSON.
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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 large 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 \$770,000 when complete. This will, also, improve the property value of the adjacent homes. This home is located just 3 houses away from the WVU President's 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 2 car garage for many home buyers in this price range and many of the compatible homes on this street have attached 2 car garages on the front or sides. Without a 2 car garage, the degree to which the property value may be increased becomes much less.

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

The new garage along with the previously added single car garage 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

Front



City of Morgantown, West Virginia

APPLICATION FOR VARIANCE PETITION

OFFICE USE	
CASE NO.	V15-103
RECEIVED:	

(PLEASE TYPE OR PRINT IN BLACK INK)

Fee: \$75

I. APPLICANT		Name: Hardwood Interiors, Inc.	
Mailing Address:	3005 Northpointe Plaza		Phone: 304-292-1835
	Street	Morgantown WV 26505	Mobile: 301-616-9453
	City	Slate Zip	Email: rmessenger@hardwoodinteriorsinc.com
II. PROPERTY		Street Address: 936 Riverview Drive	
Owner:	Hardwood Interiors, Inc.		Zoning: R-1
Mailing Address:	3005 Northpointe Plaza		Tax Map No: 15
	Street	Morgantown WV 26505	Parcel No: 33.1 & 34
	City	Slate Zip	Phone: 304-292-1835
III. NARRATIVE		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 right corner of the existing residence. This garage would require a 4.5' variance (20.5' setback from the front property line).</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>			
Reg Messenger		[Signature]	
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.

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BY: SEP 10 2015 Page 1 of 4
Form Rev. 20140601



City of Morgantown, West Virginia

APPLICATION FOR VARIANCE PETITION

OFFICE USE	
CASE NO.	V15-63
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
 - Two-Family Dwelling
 - Townhouse 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: 4

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**

OFFICE USE	
CASE NO.	V15-63
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 single car garage as well as the previously approved single car garage on the left 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. The new right side garage helps balance the home and adds to the curb appeal.

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. This right side single car garage will add balance to the home, make it more valuable, and make the home more attractive to buyers with large families and more vehicles.



APPLICATION FOR VARIANCE PETITION

OFFICE USE	
CASE NO.	V15-63
RECEIVED:	

VII. FINDINGS OF FACT	COMPLETE THE FOLLOWING STATEMENTS IN THIRD PERSON.
<p>3. The variance will eliminate an unnecessary hardship and permit a reasonable use of the land, because:</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 large 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 \$770,000 when complete. This will, also, improve the property value of the adjacent homes. This home is located just 3 houses away from the WVU President's 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 2 car garage for many home buyers in this price range and many of the compatible homes on this street have attached 2 car garages on the front or sides. Without a 2 car garage, the degree to which the property value may be increased becomes much less.</p>	
<p>4. The variance will allow the intent of the zoning ordinance to be observed and substantial justice done, because:</p> <p>The new garage along with the previously added single car garage 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>	



**DEVELOPMENT
SERVICES
DEPARTMENT**

The City of Morgantown

389 SPRUCE STREET
MORGANTOWN, WEST VIRGINIA 26505
(304) 284-7431 TDD (304) 284-7512
FAX (304) 284-7534 www.morgantownwv.gov

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

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:

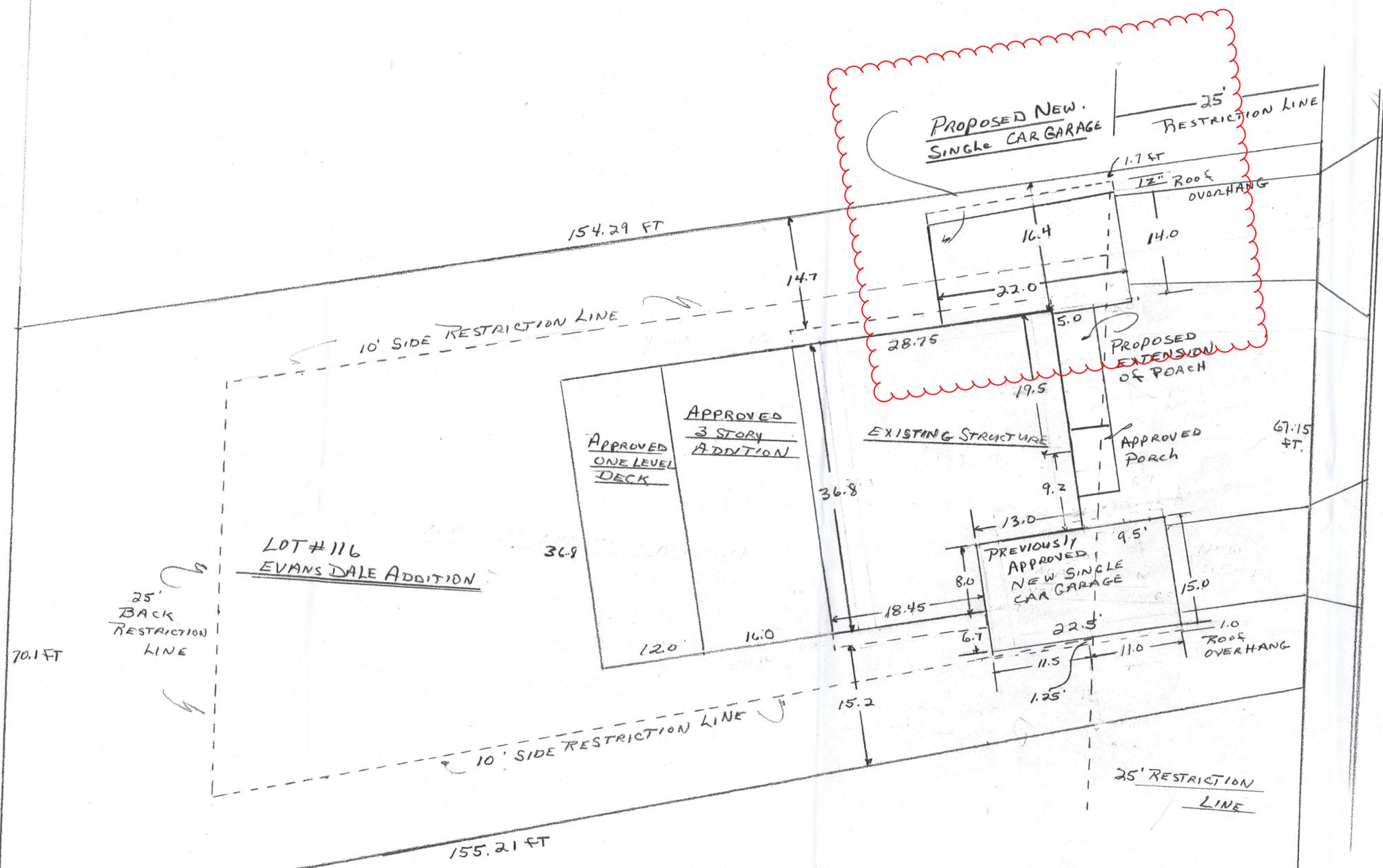
The existing home was constructed over 30 years ago and a garage was not planned as part of its placement on the lot. In order to improve their home and increase the property value, it appears necessary to encroach into the minimum front setback requirement to construct a one-car attached garage because 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.



936 RIVERVIEW DRIVE
 MORGANTOWN W.V.
 9/8/15
 SCALE 1" = 10'0"



FRONT ELEVATION

HARDWOOD INTERIORS INC.
 936 RIVERVIEW DR
 DATE: 9/8/15
 SCALE: 1/4" = 1'0"