



**DEVELOPMENT
SERVICES
DEPARTMENT**

The City of Morgantown

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November 20, 2015

**VIA CERTIFIED MAIL
7008 1140 0002 2808 9929**

R. Austin Porter
848 Riverview Drive
Morgantown, WV 26505

**RE: V15-64, V15-72 & V15-73 / Porter / 848 Riverview Drive
Tax Map 15, Parcel 22**

Dear Mr. Porter:

This letter is to notify you of the decisions made by the Board of Zoning Appeals concerning the above referenced petitions.

The decisions are as follows:

Board of Zoning Appeals, November 18, 2015:

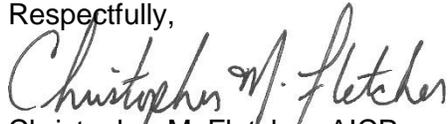
1. Case No. V15-64 – Variance relief from Article 1333.04(A)(3) concerning minimum side setback standard at 848 Riverview Drive.
 - a. Each of the Findings of Fact was found in the positive as stated in Addendum A of this letter.
 - b. The Board granted a 4.73 foot side setback variance relief from Article 1333.04(A)(3) as requested without conditions.
2. Case No. V15-72 – Variance relief from Article 1333.05(A)(2) concerning minimum setback standard for an uncovered porch/landing.
 - a. Three (3) of the four (4) findings of fact were found in the negative as stated in Addendum A of this letter.
 - b. The Board denied the subject variance relief petition based on the above referenced negative findings and conclusions.
3. Case No. V15-73 – Variance relief from Article 1331.08(A)(3) concerning minimum setback standards for an accessory structure at 848 Riverview Drive.
 - a. The Board tabled the subject variance petition affording you an opportunity to provide a more detailed site plan or consider alternate development options given the prohibition set forth in Article 1381.03(J) from re-submitting the same variance petition request for a period of one (1) year.
 - b. Please advise the undersigned when you are prepared to appear before the Board again concerning this petition so it can be included on an upcoming Board agenda. Attached hereto is the Board's 2016 hearing dates and associated application deadlines. You must contact this Office no later than two (2) weeks before the

Board's hearing date for this petition to be included on the Board's agenda under "UNFINISHED BUSINESS."

These decisions may be appealed to the Circuit Court of Monongalia County within thirty (30) days.

Should you have any questions or require further clarification, please contact the undersigned.

Respectfully,



Christopher M. Fletcher, AICP
Director of Development Services

Enc: 2016 Board of Zoning Appeals Hearing Dates

ADDENDUM A

Approved Findings of Fact for Case No. V15-64, V15-72 & V15-73

Case No. V15-64 Minimum side setback to enclose existing side porch.

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:

Enclosing the side porch by adding two solid walls and a third with a door will not in any way adversely affect the public health, safety or welfare, or the rights of adjacent property owners. It is an existing structure consisting of a cinder-block base, a cement floor, and a roof. The intent is to add two solid walls and one wall with an exterior door.

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 small porch existed at the time the current owners purchased the property. It is original to the house. Its location has not changed.

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

Enclosing the structure will eliminate the need for the current kitchen door, will open the space to the kitchen, provide storage for coats and shoes, and ease access to the basement and the dining room.

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

Enclosing the structure in no way changes the purpose of the house from its current use as a dwelling.

Case No. V15-72 Minimum setback standard to construct an uncovered porch/deck/landing.

Finding of Fact No. 1 – The variance MAY adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents, because of the proximity of the adjoining house to the property boundary shared with the petitioner.

Finding of Fact No. 2 – The variance does NOT arise from special conditions or attributes which pertain to the property for which a variance is sought and appears to be created by the petitioner.

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

The area the new deck and stairs will occupy is currently uneven earth with sporadic circular pavers that are unstable. The new construction will provide safe exterior access to the existing deck. It will also provide a stable platform for a gas grill, and trash cans convenient to the kitchen door.

Finding of Fact No. 4 – The variance will NOT allow the intent of the zoning ordinance to be observed and substantial justice done.

City of Morgantown

2016 Calendar - Planning and Zoning Hearings



Planning Commission

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Hearing Date	14-Jan	11-Feb	10-Mar	14-Apr	12-May	9-Jun	14-Jul	11-Aug	8-Sep	13-Oct	10-Nov	8-Dec
Application Deadline	4-Dec	5-Jan	5-Feb	4-Mar	1-Apr	6-May	3-Jun	1-Jul	5-Aug	2-Sep	5-Oct	4-Nov

Board of Zoning Appeals

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Hearing Date	20-Jan	17-Feb	16-Mar	20-Apr	18-May	15-Jun	20-Jul	17-Aug	21-Sep	19-Oct	16-Nov	14-Dec
Application Deadline	4-Dec	5-Jan	5-Feb	4-Mar	1-Apr	6-May	3-Jun	1-Jul	5-Aug	2-Sep	5-Oct	4-Nov

Development Services Department

Planning Division

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