



# MORGANTOWN BOARD OF ZONING APPEALS

November 18, 2015  
6:30 PM  
City Council Chambers

## **Board Members:**

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

## **COMBINED STAFF REPORT**

**CASE NOS:** V15-64, V15-72 & V15-73 / Porter / 848 Riverview Drive

### **REQUEST and LOCATION:**

Request by Austin Porter for approval of three (3) variance petitions relating to property at 848 Riverview Drive.

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

Tax Map 15, Parcel 22; R-1, Single-Family Residential District

### **SURROUNDING ZONING:**

R-1, Single-Family Residential District

### **BACKGROUND and ANALYSIS:**

The petitioner seeks to construct a new storage shed, enclose an existing side porch, and construct a new uncovered side landing/porch. Addendum A of this report illustrates the location of the subject site.

The following summarizes requisite variance relief under the three (3) petitions before the Board.

#### **Case No. V15-64**      Encroach into Minimum Side Setback Standard

Article 1333.04(A)(3) provides that the minimum side setback standard in the R-1 District for the principal building is ten (10) feet. The petitioner seeks to enclose the existing side porch of the principal building. Based on the petitioner's submitted documents, the setback of the side of the house is 9.53 feet, which does not include the side porch. The side porch appears to extend 4 feet from the house, which leaves a side setback of approximately 5.53 feet. To enclose the side porch as requested by the petitioner, an approximate 4.47 foot variance is required.

#### **Case No. V15-72**      Minimum Setback Standard for an uncovered porch/deck

Article 1333.05(A)(2) provides that uncovered stairs, landings and porches shall not extend closer than three (3) feet from the property line. The petitioner seeks to construct an uncovered landing abutting the petitioner's existing fence near the property boundary. The petitioner's stated purpose for the landing is to place garbage cans and an outdoor grill. If the petitioner's subject fence was erected on the property line, than a three-foot variance is required to construct the proposed uncovered landing at the property boundary.

Staff received a letter of opposition to this petition dated 11 NOV 2015 from Michael L. Solomon, Esq. on behalf of Eugene D. Regad of 854 Riverview Drive whose residence adjoins the petitioner's property on the west.

## **Planning Department**

Christopher Fletcher, AICP  
Planning Director  
389 Spruce Street  
Morgantown, WV 26505  
304.284.7431



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### **Case No. V15-73** Minimum setback standard for an accessory structure

Article 1331.08(A)(3) provides that accessory structures, if detached from the principal structure, shall not be located closer than five (5) feet to the side or rear property line. The petitioner seeks to construct a 12-foot wide by 20-foot deep detached accessory storage shed structure. The petitioner's submitted documents illustrate the corner of the proposed shed to be located at the corner of the driveway. It appears that the corner of the driveway is approximately 3.3 feet from the side property boundary. To construct the detached accessory structure as proposed, an approximate 1.7 foot variance is required.

Staff recommends that the Board, without objection from members of the Board, the petitioner, or the public, combine the public hearings for the three (3) variance petitions addressed herein. However, each respective variance petition must be considered and acted upon by the Board separately.

### **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 more 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 provides Staff recommended revisions to the petitioner's "Findings of Fact" responses and serve only to remove narrative that is clearly inapplicable. Staff recommended revisions should not be considered or construed as supporting or opposing the merits of the petitioner's responses (deleted matter struck through; new matter underlined).

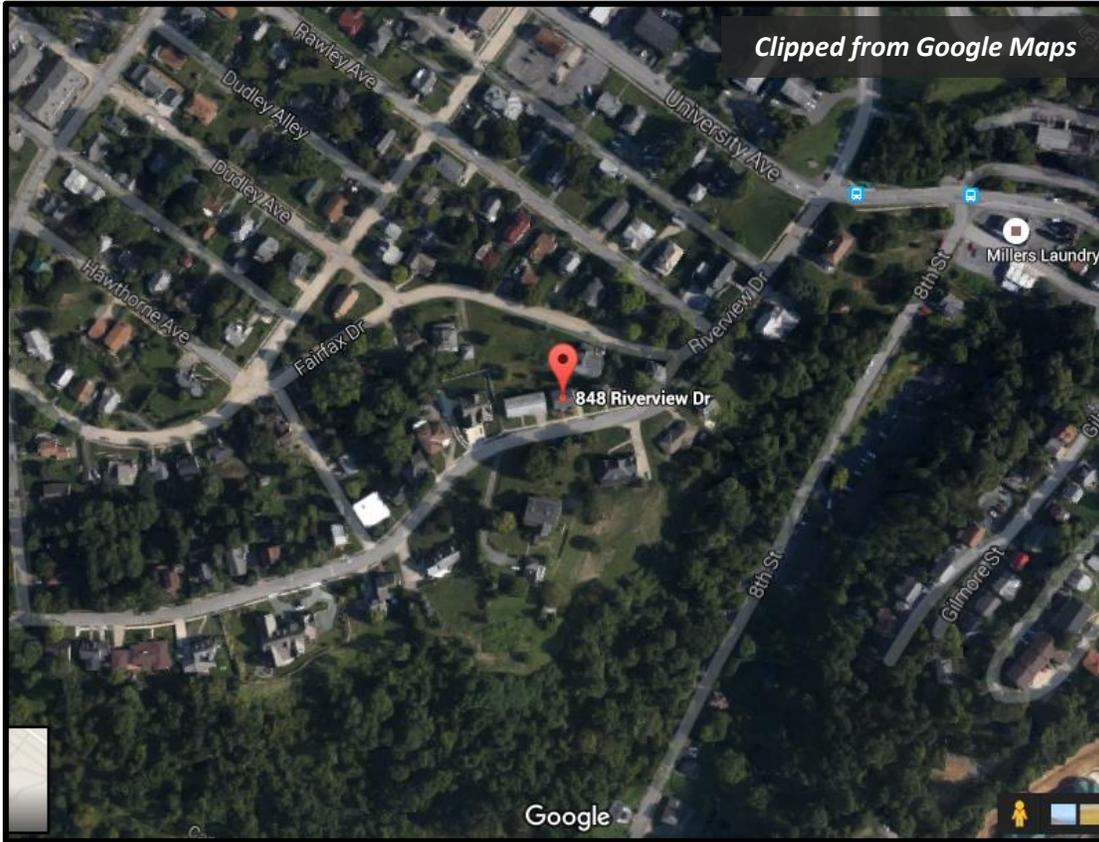
Enclosures: Application and accompanying exhibits

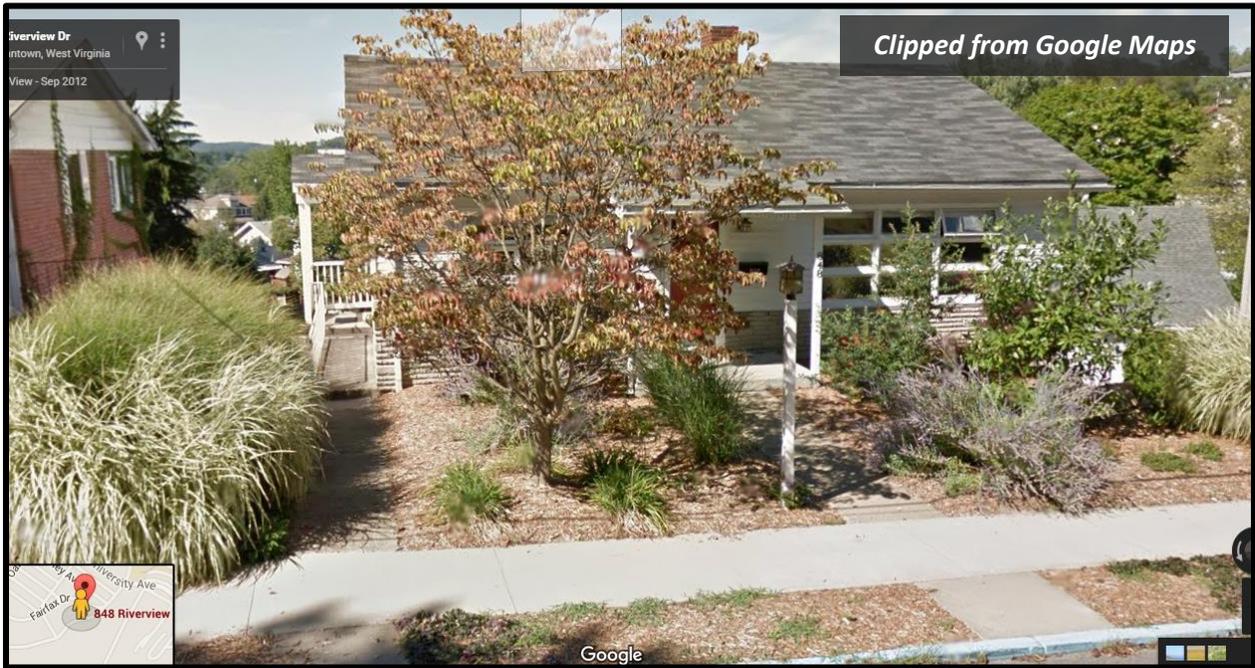
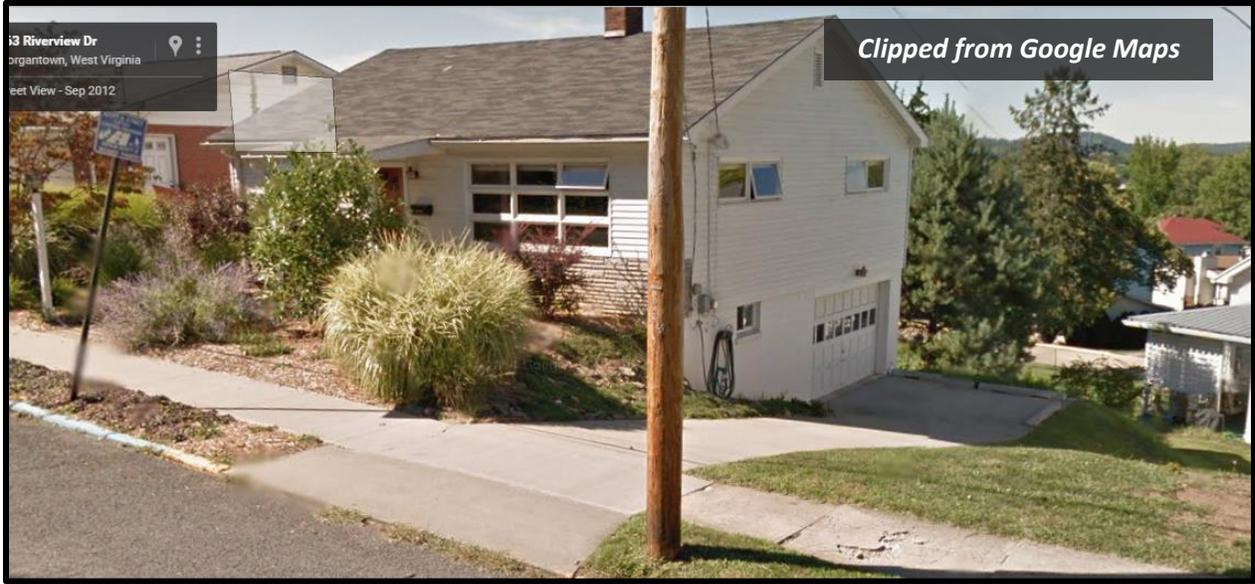
### **Planning Department**

Christopher Fletcher, AICP  
Planning Director  
389 Spruce Street  
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# STAFF REPORT ADDENDUM A

V15-64, V15-72 & V15-73 / Porter / 848 Riverview Drive







## STAFF REPORT ADDENDUM B

### V15-64, V15-72 & V15-73 / Porter / 848 Riverview Drive

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Staff recommended revisions to the petitioner's Findings of Fact responses provided herein serve only to remove narrative that is clearly inapplicable. Staff recommended revisions should not be considered or construed as supporting or opposing the merits of the petitioner's responses (deleted matter struck through; new matter underlined).

**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 will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents, because:

The dwelling is on a hill. There is an existing ground level deck on the lower end of the building which runs from the basement to an existing fence that the new deck will mimic on the high end of the building. The two will be connected by stairs. This deck will not affect the public health, safety or welfare, or the rights of the adjacent property owners or residents just as the current lower deck does not.

**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 variance request arises from the position of the house and its proximity to the property line. The new owners assume that the existing deck went through the variance process before it was constructed.

**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 allow the intent of the zoning ordinance to be observed and substantial justice done, because:

The intent of the zoning ordinance will be observed because the dwelling will remain a home, ~~a place where two people can grow old together.~~

**Case No. V15-73** Minimum setback standard for an accessory structure.

**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 storage shed will be located at the end of an existing driveway. Its width will be less than this driveway. Because the building is on a hill, it will sit on a level platform. When completed, the structure will match the style of the existing house and not disrupt the ambiance of the neighborhood.

**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 topography of the property, the position of the house on the property, and the location of the driveway has not been changed by the new owners. There is no other location on the property where the shed can be located and provide easy access.

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

The house is relatively small with limited storage. The shed will store such things as suit cases, garden and yard tools, handyman type tools, camping equipment, bicycles, weed whacker, snow blower and the like. Again, there is no other location on the property where the structure can be located and provide easy access.

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

The purpose and the function of the dwelling and the proposed structure will remain unchanged, ~~a place where two people can make a home and grow old together.~~



City of Morgantown, West Virginia

APPLICATION FOR VARIANCE PETITION

OFFICE USE	
CASE NO.	V15-14
RECEIVED:	26 OCT 15

Original application filed 02 OCT 15

*[Signature]*

(PLEASE TYPE OR PRINT IN BLACK INK)

Fee: \$75

<b>I. APPLICANT</b>		Name:	R. Austin Porter		
Mailing Address:	Street	848 Riverview Dr.		Phone:	
	City	Morgantown WV	26505	Mobile:	
	State			304-579-9274	
				Email:	
				2aport1950@gmail.com	
<b>II. PROPERTY</b>		Street Address:	848 Riverview Drive		
Owner:	Robert Austin & Laura J Porter		Zoning:	R-1	
Mailing Address:	Street			Tax Map No:	15
	City			Parcel No:	22
	State			Phone:	
<b>III. NARRATIVE</b>		Please describe the nature and extent of your variance request(s).			
<p>Article 1333.04 (A)(3)  Variance relief to encroach into  the minimum side setback standard  of 10 feet  side porch enclosure</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>					
<i>Robert Austin Porter</i>		<i>[Signature]</i>		10/26/15	
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.	V15-64
RECEIVED:	26 OCT 15

**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:**

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.

**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.



City of Morgantown, West Virginia

**APPLICATION FOR  
VARIANCE PETITION**

OFFICE USE	
CASE NO.	V15-64
RECEIVED:	26 OCT 15

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



City of Morgantown, West Virginia

APPLICATION FOR VARIANCE PETITION

OFFICE USE	
CASE NO.	V15-72
RECEIVED:	26 OCT 15

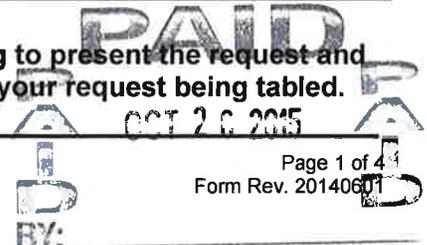
Original application filed 02 OCT 15  
Call.

(PLEASE TYPE OR PRINT IN BLACK INK)

Fee: \$75

<b>I. APPLICANT</b>		Name: R. Austin Porter	
Mailing Address:	Street	848 Riverview Drive	
	City	Morgantown WV	26505
	State	Zip	
	Phone:	304-579-9274	
	Mobile:		
	Email:	aport1950@gmail.com	
<b>II. PROPERTY</b>		Street Address: 848 Riverview DR.	
Owner:	Robert Austin & Laura J. Porter		Zoning: R-1
Mailing Address:	Street		
	City	State	Zip
	Phone:		
	Tax Map No:	15	
	Parcel No:	22	
<b>III. NARRATIVE</b>		Please describe the nature and extent of your variance request(s).	
<p>Article 1333.05(A)(2) variance relief to encroach into the minimum setback standard for an uncovered porch/deck &lt; 3 feet LANDING</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>			
Robert Austin Porter		[Signature]	
Type/Print Name of Applicant/Agent	Signature of Applicant/Agent		Date: 10/26/15

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.	V15-72
RECEIVED:	20 OCT 15

**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 dwelling is on a hill. There is an existing ground level deck on the lower end of the building which runs from the basement to an existing fence that the new deck will mimic on the high end of the building. The two will be connected by stairs. This deck will not affect the public health, safety or welfare, or the rights of the adjacent property owners or residents just as the current lower deck does not.

**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 variance request arises from the position of the house and its proximity to the property line. The new owners assume that the existing deck went through the variance process before it was constructed.



City of Morgantown, West Virginia

**APPLICATION FOR  
VARIANCE PETITION**

OFFICE USE	
CASE NO.	V15-72
RECEIVED:	26 Oct 15

**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:**

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.

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

The intent of the zoning ordinance will be observed because the dwelling will remain a home, a place where two people can grow old together.

# Solomon & Solomon

*Attorneys and Counsellors at Law*

330 Chestnut Street

P.O. Box 655

Morgantown, West Virginia 26507-0655

mlsolomon@frontier.com

Michael L. Solomon

Telephone 304-296-6696

Fax 304-292-2607

November 11, 2015

Ms. Stacy Hollar  
Executive Secretary  
Development Services Dept.  
City of Morgantown  
389 Spruce Street  
Morgantown, WV 26505

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

Dear Ms. Hollar:

I am writing this letter on behalf of Eugene D. Regad who resides at 854 Riverview Drive, Morgantown, West Virginia (Tax Map 15, Parcel 23.01). Mr. Regad's residence adjoins the property located at 848 Riverview Drive on the west.

Mr. Regad objects to the variance being requested by the property owner with respect to the construction of a 6 foot by 13 foot deck on the west side of the subject property.

The basis of Mr. Regad's objection is as follows:

1. The construction of the deck will place the deck within 3 feet of the common boundary of Mr. Regad's property and the subject property. This is in violation of Section 1333.05 of The Morgantown City Code.
2. The property owner's request does not meet the standards for the granting of a variance as specified in Section 1389.03 of The Morgantown City Code as follows:
  - (1) Mr. Regad believes that the placement of a wooden deck within three (3) feet of his property increases the risk of fire to his property especially because of the property owner's stated purpose of placing a gas grill on the deck. In addition, placing trash receptacles on the deck could create health concerns for Mr. Regad because of odors and insects.
  - (2) There are no special conditions or attributes which pertain to the property.

- (3) Denying the request would not create any unnecessary hardship on the property owner as there are additional areas available for the placement of decks/porches on the property.
- (4) Allowing a variance in this case would defeat the purpose of Section 1333.05 of The Morgantown City Code by eliminating the 3 foot "buffer zone" required by said section.

Sincerely,

**SOLOMON & SOLOMON**

A handwritten signature in black ink, appearing to read "Michael L. Solomon", with a horizontal line extending to the right.

Michael L. Solomon

MLS/bas

Enclosure



City of Morgantown, West Virginia

APPLICATION FOR VARIANCE PETITION

OFFICE USE	
CASE NO.	V15-73
RECEIVED:	26 OCT 15

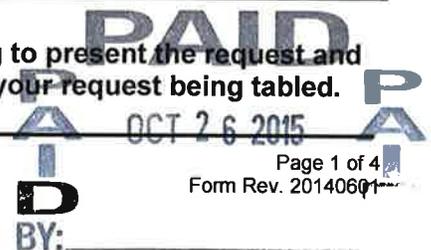
Original application filed 02/01/15  
C.A.F.

(PLEASE TYPE OR PRINT IN BLACK INK)

Fee: \$75

<b>I. APPLICANT</b>		Name: R. Austin Porter	
Mailing Address:	Street	848 Riverview Drive	
	City	State	Zip
	Morgantown WV 26505		Phone: 304-579-9274
		Mobile:	
		Email:	aport1950@gmail.com
<b>II. PROPERTY</b>		Street Address: 848 Riverview Dr.	
Owner:	Robert Austin & Laura J Porter		Zoning: R-1
Mailing Address:	Street		
	City	State	Zip
			Tax Map No: 15
		Parcel No: 22	Phone:
<b>III. NARRATIVE</b>		Please describe the nature and extent of your variance request(s).	
<p>Article 1331.08(A)(3)  Variance relief to encroach  into the minimum setback standard  for an accessory structure &lt; 5 feet</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>			
Robert Austin Porter			10/26/15
Type/Print Name of Applicant/Agent		Signature of Applicant/Agent	Date

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BY: \_\_\_\_\_



City of Morgantown, West Virginia

**APPLICATION FOR  
VARIANCE PETITION**

OFFICE USE	
CASE NO.	V15-73
RECEIVED:	26 OCT 15

**VII. FINDINGS OF FACT**

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City of Morgantown, West Virginia

**APPLICATION FOR  
VARIANCE PETITION**

OFFICE USE	
CASE NO.	V15-73
RECEIVED:	26 OCT 15

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 house is relatively small with limited storage. The shed will store such things as suit cases, garden and yard tools, handyman type tools, camping equipment, bicycles, weed whacker, snow blower and the like. Again, there is no other location on the property where the structure can be located and provide easy access.</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 purpose and the function of the dwelling and the proposed structure will remain unchanged, a place where two people can make a home and grow old together.</p>

V15-64  
V15-72  
V15-73

PART OF LOT 94

BOOK 984 PAGE 525

ALONZO RINKER  
D.B. 691-292  
T.M. 1-15-18

3/4" PIPE  
FD.

S 80° 00' E

93.35

63.89

3/4" PIPE FD.

S 70° 19' E

5,120 SQ. FT.

PART OF LOT 94

DECK

sh  
240  
1885  
2548

(95)

EUGENE REGAD  
D.B. 813-352  
T.M. 1-15-23.1

9.53

31'

1 STORY  
FRAME WITH  
BASEMENT

1128.4  
58.71

36.4'

(93)

WILLIAM SANTONAS  
D.B. 687-220  
T.M. 1-15-22

N 70° 19' W

19.37

19.61

74.33

1/2" I.P. SET

61.00

S 82° 41' W

1/2" PIPE FD.



S 70° W

2

V15-73

North

848 Riverway

Trees



848 Riverway

42.98

West

-9.53

Deck 411T

36.1

Deck Level 1st Floor

36.1

12

Shed

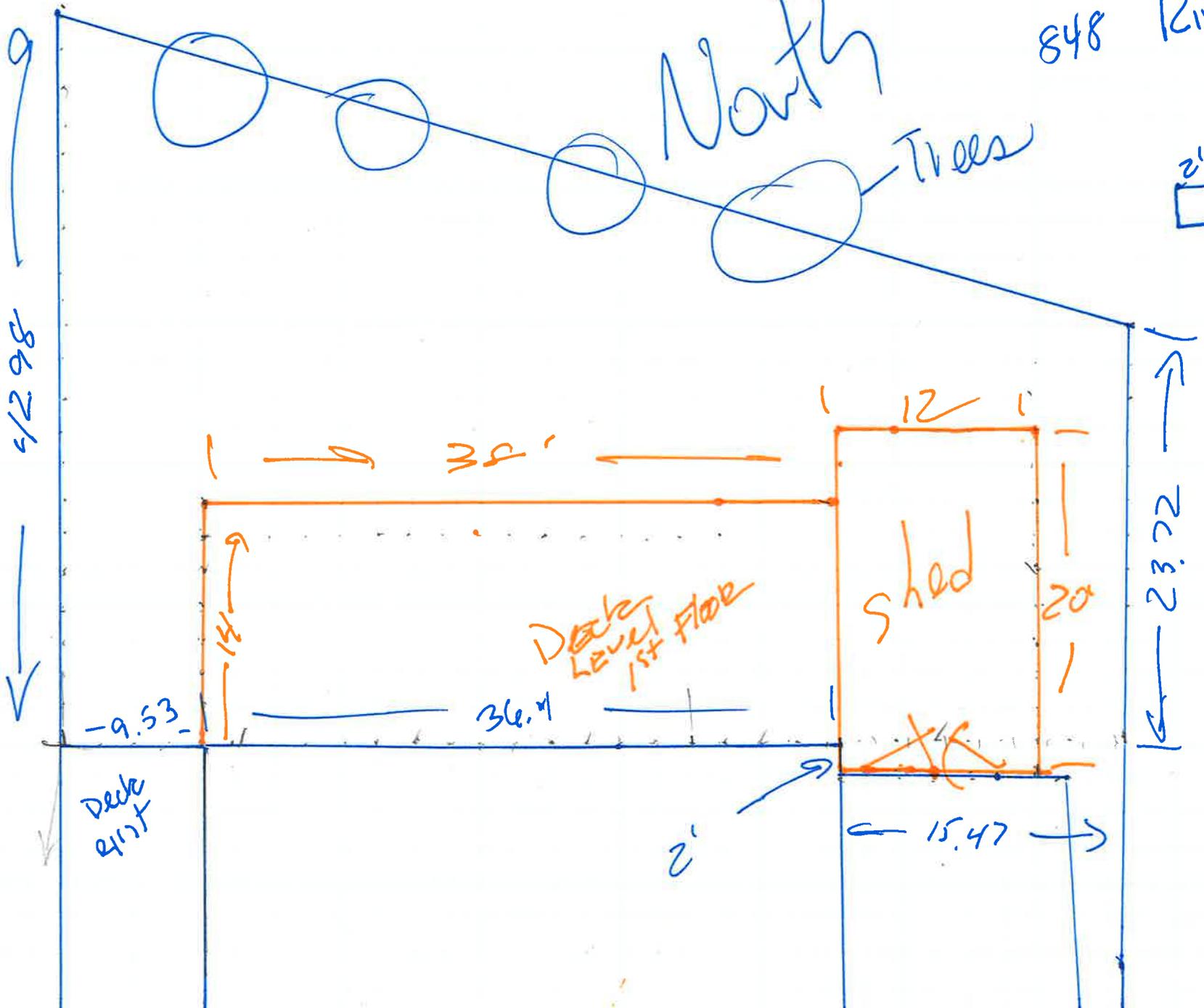
20

23.72

2'

15.47

(2/19)



V15-73

shad →



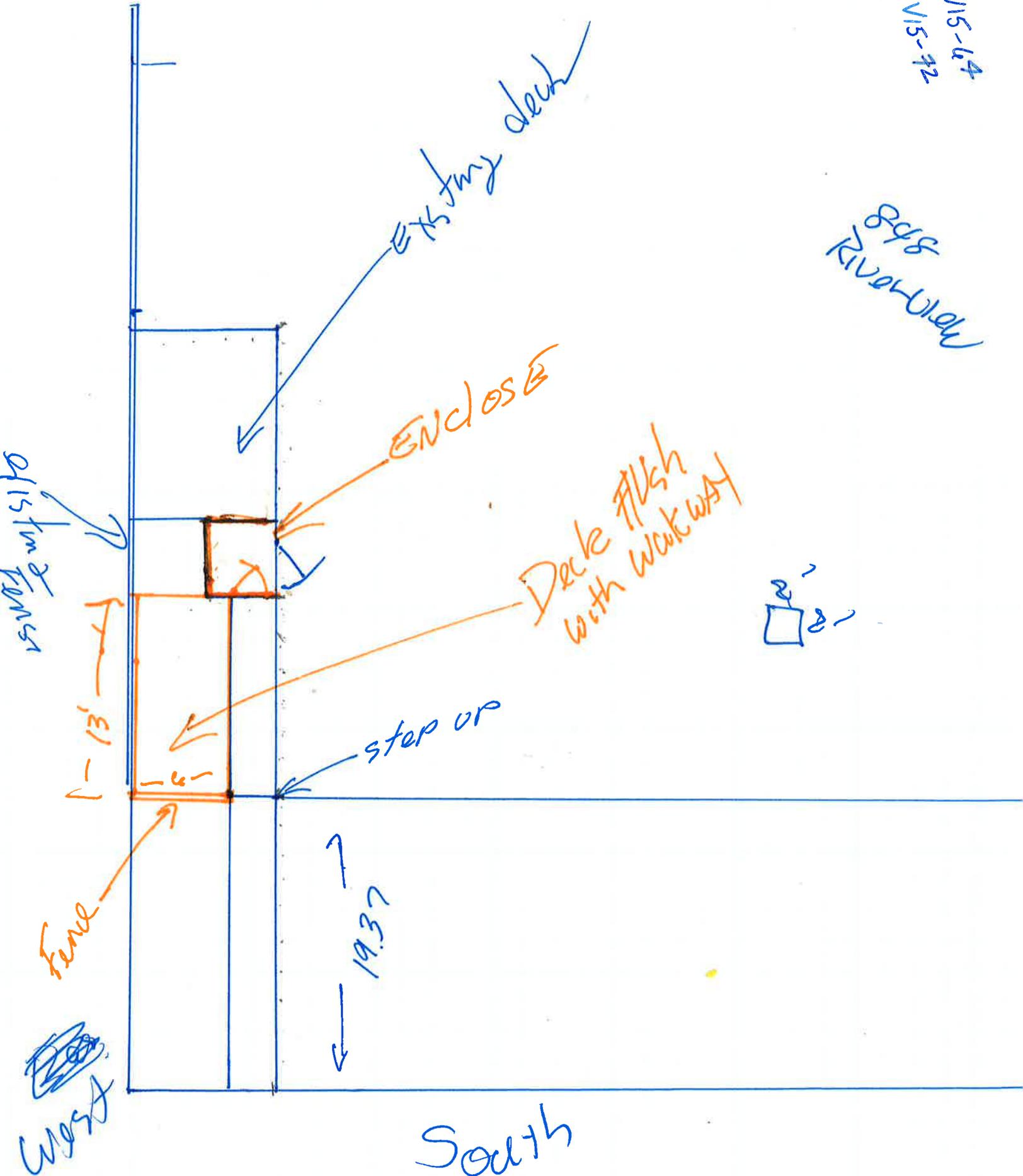
V15-73



848 RIVOLUION

V15-64  
V15-72

848  
RIVOLUION



V15-6A  
V15-7Z





V15-64  
V15-72



# Solomon & Solomon

*Attorneys and Counsellors at Law*

330 Chestnut Street

P.O. Box 655

Morgantown, West Virginia 26507-0655

mlsolomon@frontier.com

Michael L. Solomon

Telephone 304-296-6696

Fax 304-292-2607

November 11, 2015

Ms. Stacy Hollar  
Executive Secretary  
Development Services Dept.  
City of Morgantown  
389 Spruce Street  
Morgantown, WV 26505

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

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Mr. Regad objects to the variance being requested by the property owner with respect to the construction of a 6 foot by 13 foot deck on the west side of the subject property.

The basis of Mr. Regad's objection is as follows:

1. The construction of the deck will place the deck within 3 feet of the common boundary of Mr. Regad's property and the subject property. This is in violation of Section 1333.05 of The Morgantown City Code.
2. The property owner's request does not meet the standards for the granting of a variance as specified in Section 1389.03 of The Morgantown City Code as follows:
  - (1) Mr. Regad believes that the placement of a wooden deck within three (3) feet of his property increases the risk of fire to his property especially because of the property owner's stated purpose of placing a gas grill on the deck. In addition, placing trash receptacles on the deck could create health concerns for Mr. Regad because of odors and insects.
  - (2) There are no special conditions or attributes which pertain to the property.

- (3) Denying the request would not create any unnecessary hardship on the property owner as there are additional areas available for the placement of decks/porches on the property.
- (4) Allowing a variance in this case would defeat the purpose of Section 1333.05 of The Morgantown City Code by eliminating the 3 foot "buffer zone" required by said section.

Sincerely,

**SOLOMON & SOLOMON**



Michael L. Solomon

MLS/bas

Enclosure