



MORGANTOWN BOARD OF ZONING APPEALS

December 16, 2015
6:30 PM
City Council Chambers

Board Members:

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

STAFF REPORT

CASE NO: V15-74 / Rising Sun Construction, LLC / 1213 Macomb Street

REQUEST and LOCATION:

Request by Chris Bailey, on behalf of Rising Sun Construction, LLC, for variance relief from Article 1333.04 as it relates to the minimum rear setback requirement at 1213 Macomb Street.

TAX MAP NUMBER(s) and ZONING DESCRIPTION:

Tax Map 48B, Parcel 21; R-1, Single-Family Residential District

SURROUNDING ZONING:

R-1, Single-Family Residential District

BACKGROUND and ANALYSIS:

The petitioner seeks to construct an addition to the existing single-family house at 1213 Macomb Avenue. 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 addition includes a roof over a rear patio that will encroach into the rear setback standard by 6'-2", which requires variance relief.

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 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). Of particular note is the petitioner's response to Finding of Fact No. 2, which may reveal more of a self-imposed hardship rather than establishing special conditions or attributes pertaining to the property to merit variance relief.

Development Services

Christopher Fletcher, AICP
Director

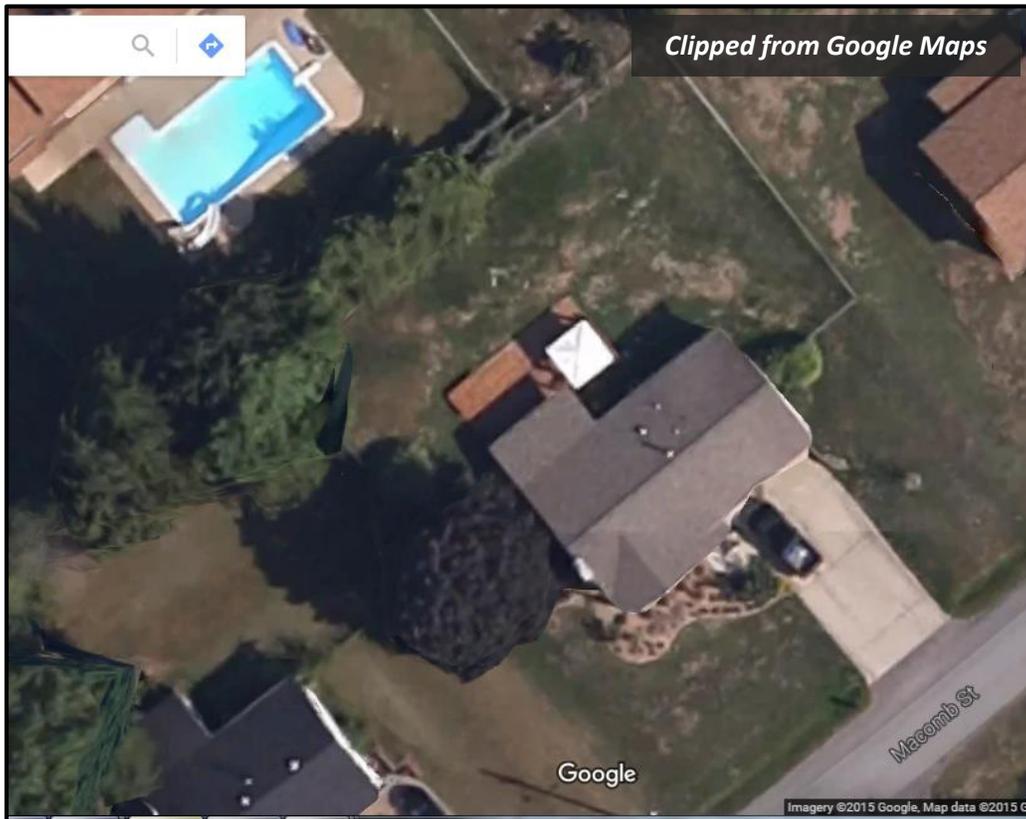
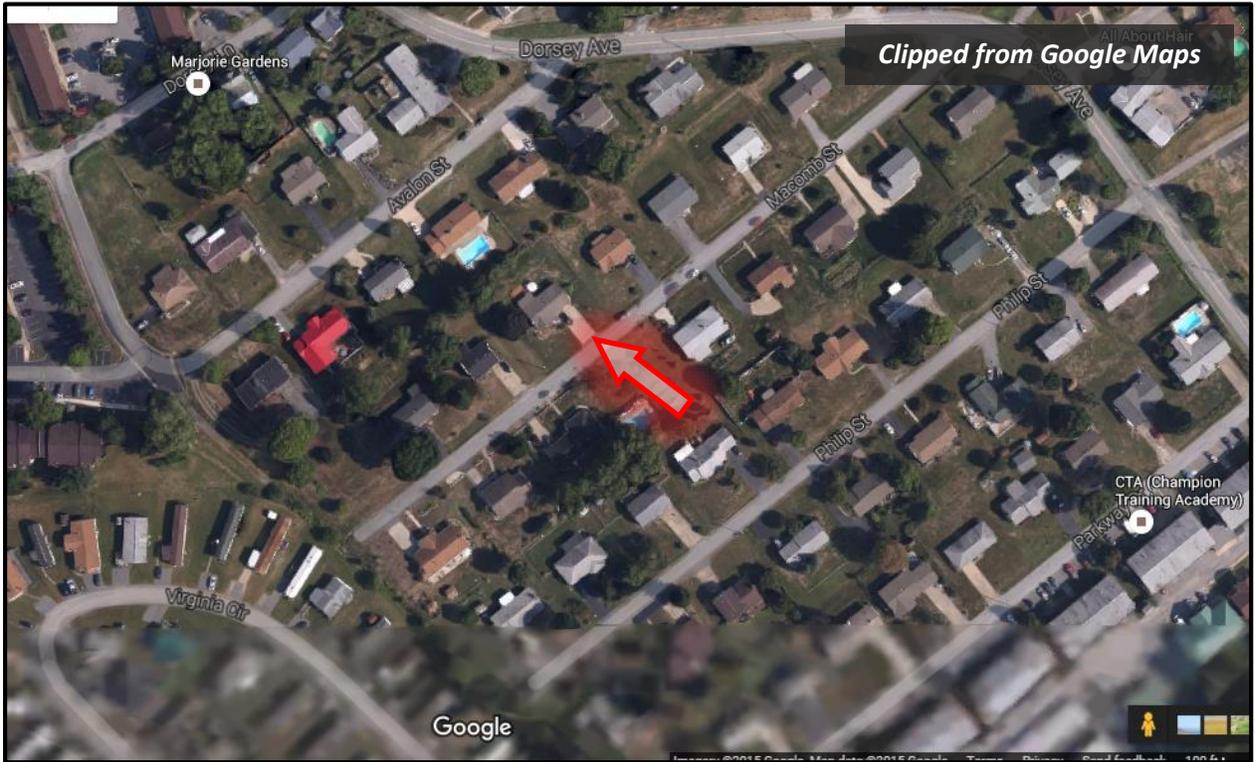
Planning Division

389 Spruce Street
Morgantown, WV 26505
304.284.7431

Enclosures: Application and accompanying exhibits

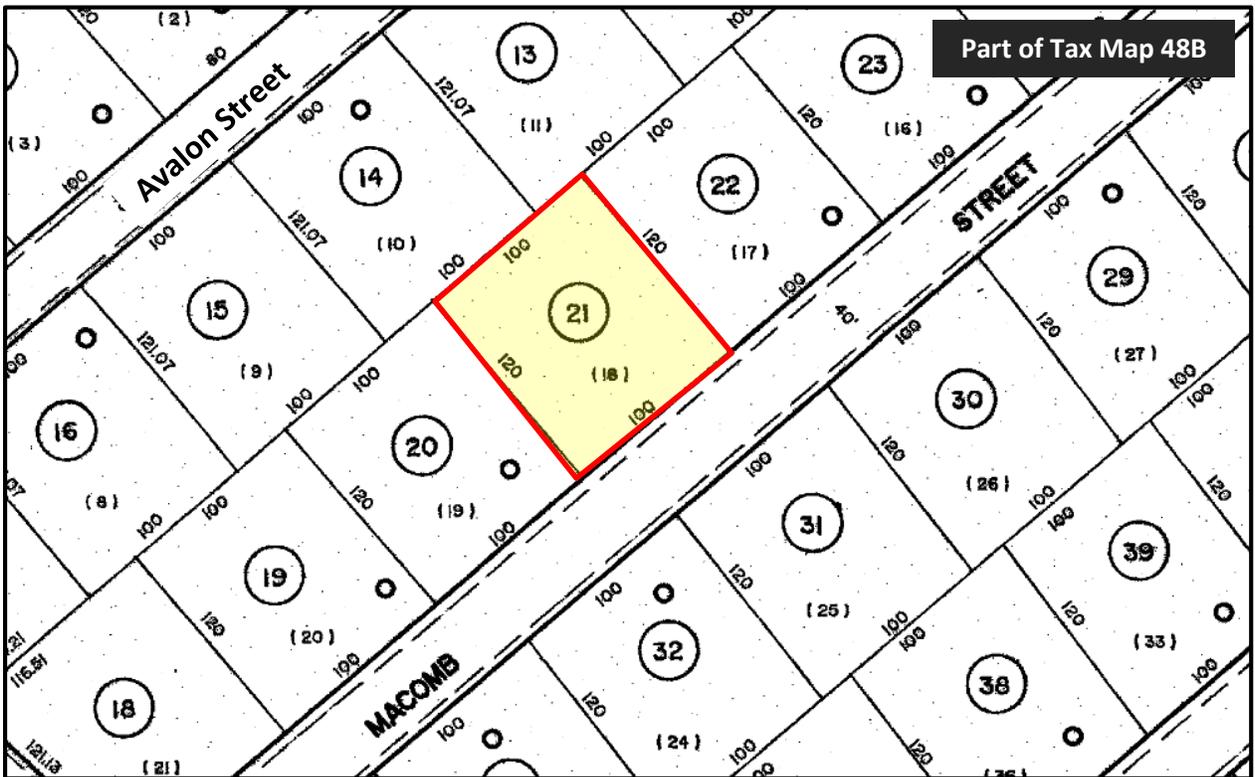
STAFF REPORT ADDENDUM A

V15-74 / Rising Sun Construction, LLC / 1213 Macomb Street



STAFF REPORT ADDENDUM A

V15-74 / Rising Sun Construction, LLC / 1213 Macomb Street



STAFF REPORT ADDENDUM B

V15-74 / Rising Sun Construction, LLC / 1213 Macomb Street

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 overhanging roofline does not interfere or change the surrounding environment or use of said environment since the roofline is low-lying and will only be utilized as weather protection for the new porch/deck area.

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 architectural/design integrity relies on complying with the existing design to suit the needs of the clients.~~

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

The space was designed, and is intended for the use to provide a weather protection for the newly designed porch/decking area and persons using the area.

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

~~The roof we are seeking a variance relief for is in the rear of the proposed addition. It The proposed roof over the rear patio is low in relation to the surrounding land and so being attached to the rear of the houses and it will not be easily distinguished in comparison to the other houses in the neighborhood. Therefore we believe that this variance, if granted, would be helpful to the owners, and also should not negatively affecting the surrounding houses.~~



City of Morgantown, West Virginia

APPLICATION FOR VARIANCE PETITION

OFFICE USE	
CASE NO.	V15-74
RECEIVED:	12 OCT 15

CK 1886

(PLEASE TYPE OR PRINT IN BLACK INK)

Fee: \$75

I. APPLICANT		Name:	Rising Sun Construction LLC			
Mailing Address:	Street	2203 Circle Drive			Phone:	3043814972
	City	Morgantown	State	WV	Zip	26505
					Email:	risingsunconstructionllc@yahoo.com
II. PROPERTY		Street Address:				
Owner:	Joe Bartolo				Zoning:	R-1
Mailing Address:	Street	1213 Macomb Street			Tax Map No:	48B
	City	Morgantown	State	WV	Zip	26501
					Parcel No:	21
III. NARRATIVE		Please describe the nature and extent of your variance request(s).				
<p>For the new design of the home, there extends an overhanging roof line of 6' - 2" in length and 28' - 3" past the city's set back boundary line towards the rear of the property on the NW side of the 12,000 square foot lot. A total of 174.2 sq. ft. will come past the set back line.</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.				
Chris Bailey		[Signature]			10/9/15	
Type/Print Name of Applicant/Agent		Signature of Applicant/Agent			Date	

PAID PAID OCT 12 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	
CASE NO.	V15-74
RECEIVED:	12 OCT 15

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: 2474

Estimated number of employees: n/a No. of dwelling units: n/a 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.	V15-74
RECEIVED:	12 007 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 overhanging roofline does not interfere or change the surrounding environment or use of said environment since the roofline is low-lying and will only be utilized as weather protection for the new porch/deck area.

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 architectural/design integrity relies on complying with the existing design to suite the needs of the clients.



**APPLICATION FOR
VARIANCE PETITION**

OFFICE USE	
CASE NO.	V15-74
RECEIVED:	12/01/15

VII. FINDINGS OF FACT

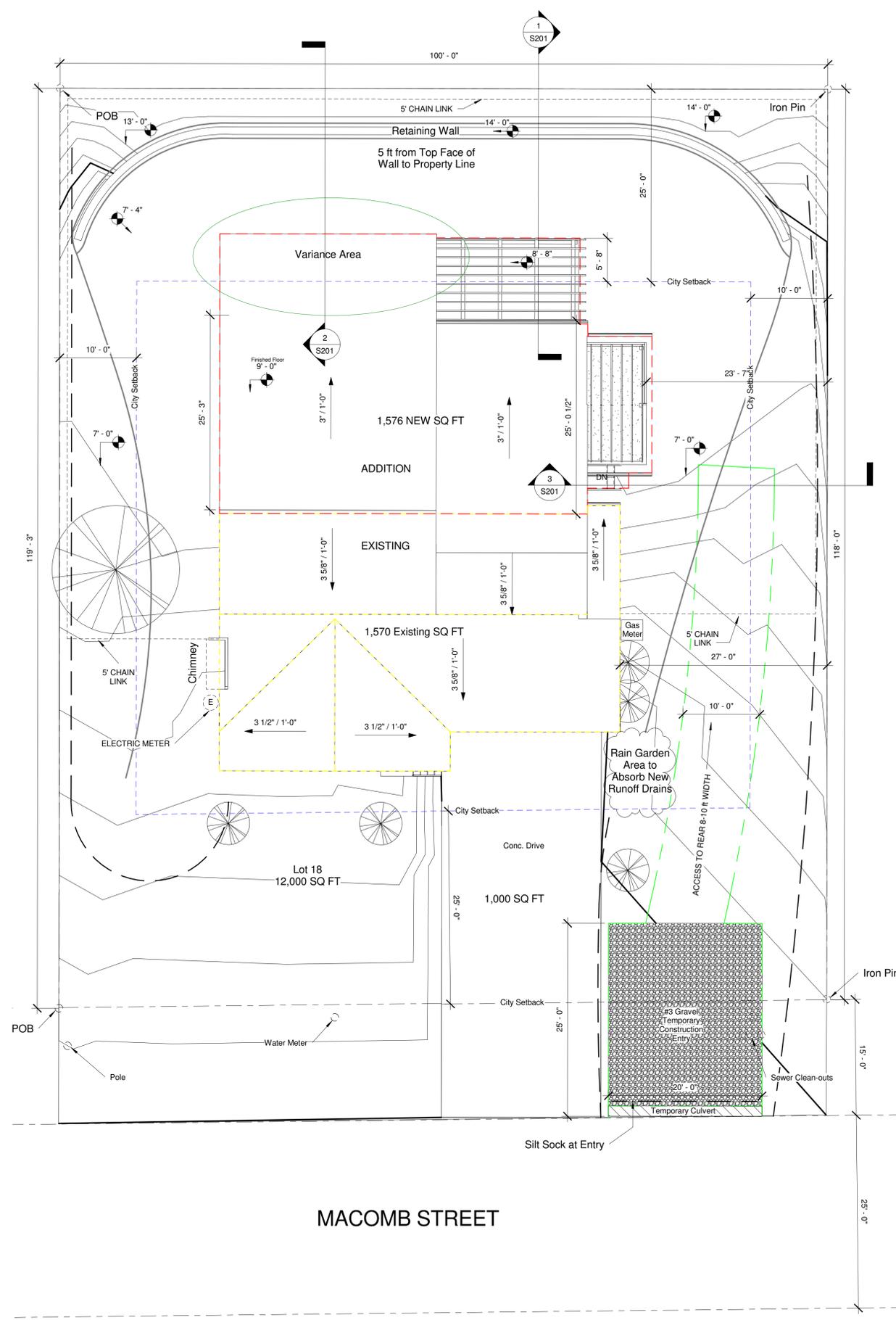
COMPLETE THE FOLLOWING STATEMENTS IN THIRD PERSON.

3. The variance will eliminate an unnecessary hardship and permit a reasonable use of the land, because:

The space was designed, and is intended for the use to provide a weather protection for the newly designed porch/decking area and persons using the area.

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

The roof we are seeking a variance relief for is in the rear of the proposed addition. It is low in relation to the surrounding land and so being attached to the rear of the house it will not be easily in comparison to the other houses in the neighborhood. Therefore we believe that this variance, if granted, would be helpful to the owners, and also not negatively affecting the surrounding houses.



	Permeable Area	Non-Permeable Area
Pre	9,526 SQ FT	2,474 SQ FT
Post	7,754 SQ FT	4,246 SQ FT
12,000 SQ FT TOTAL AREA		

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DRAINAGE AND RUNOFF
Connect Footing and Gutter Drains to Existing Storm Drains
New Sewer Connected to Existing
Slope Ground Away From House to Provide Proper Drainage

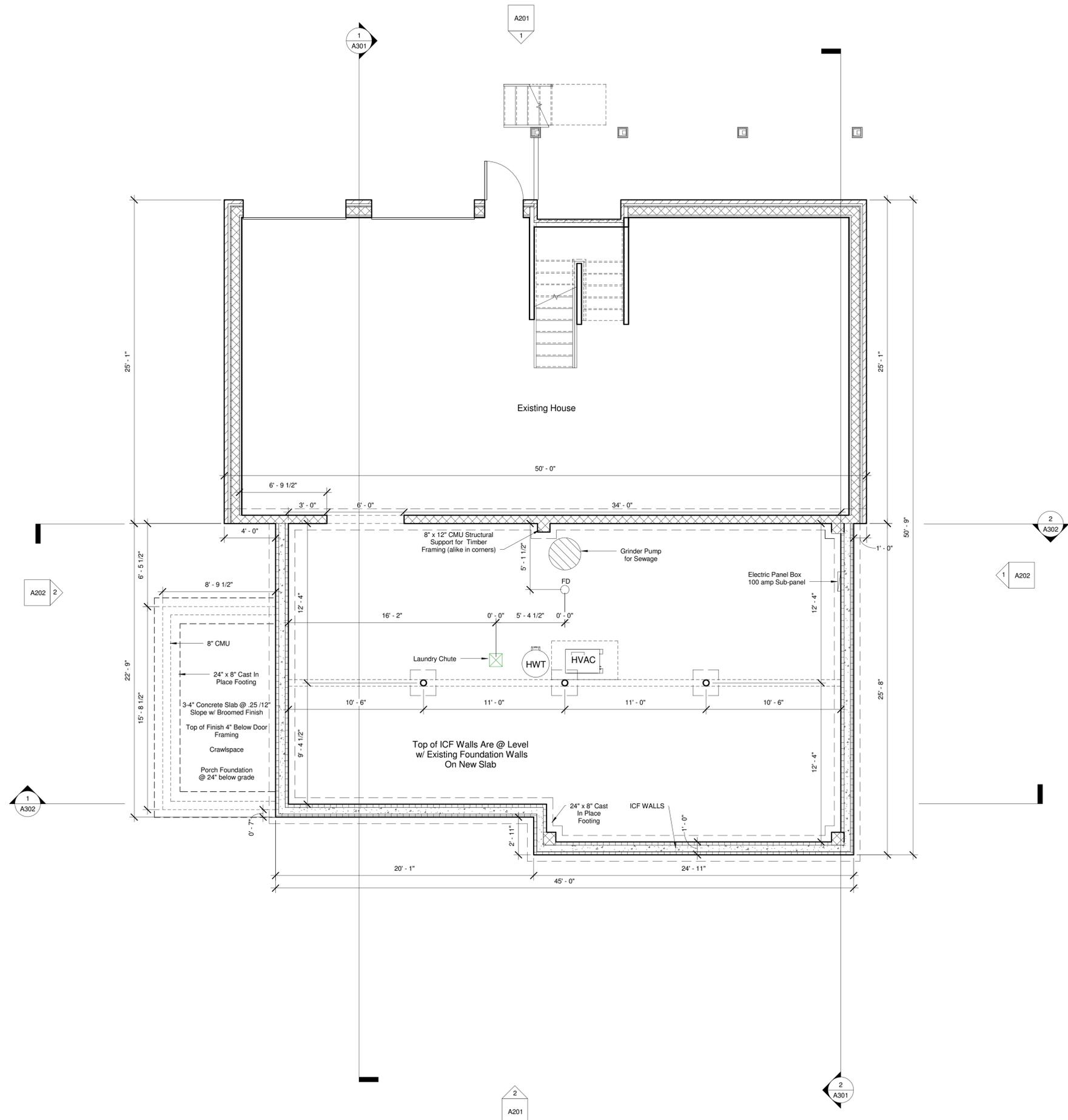
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PH. 304.381.4972
RisingSunConstructionLLC@gmail.com

PROJECT: BARTOLO RESIDENCE
DRAWING FOR: Bartolo

Legend

Existing	---
New Construction	---
Site Zoning	---
Silt Sock	---
Daylight Drains	---
City Setback	---
Variance Area	---

Site Plan
Designed by TKP
Date 12/9/2015 10:22:33 AM
Drawn by TKP
Checked by CB
A100
Scale 1/8" = 1'-0"



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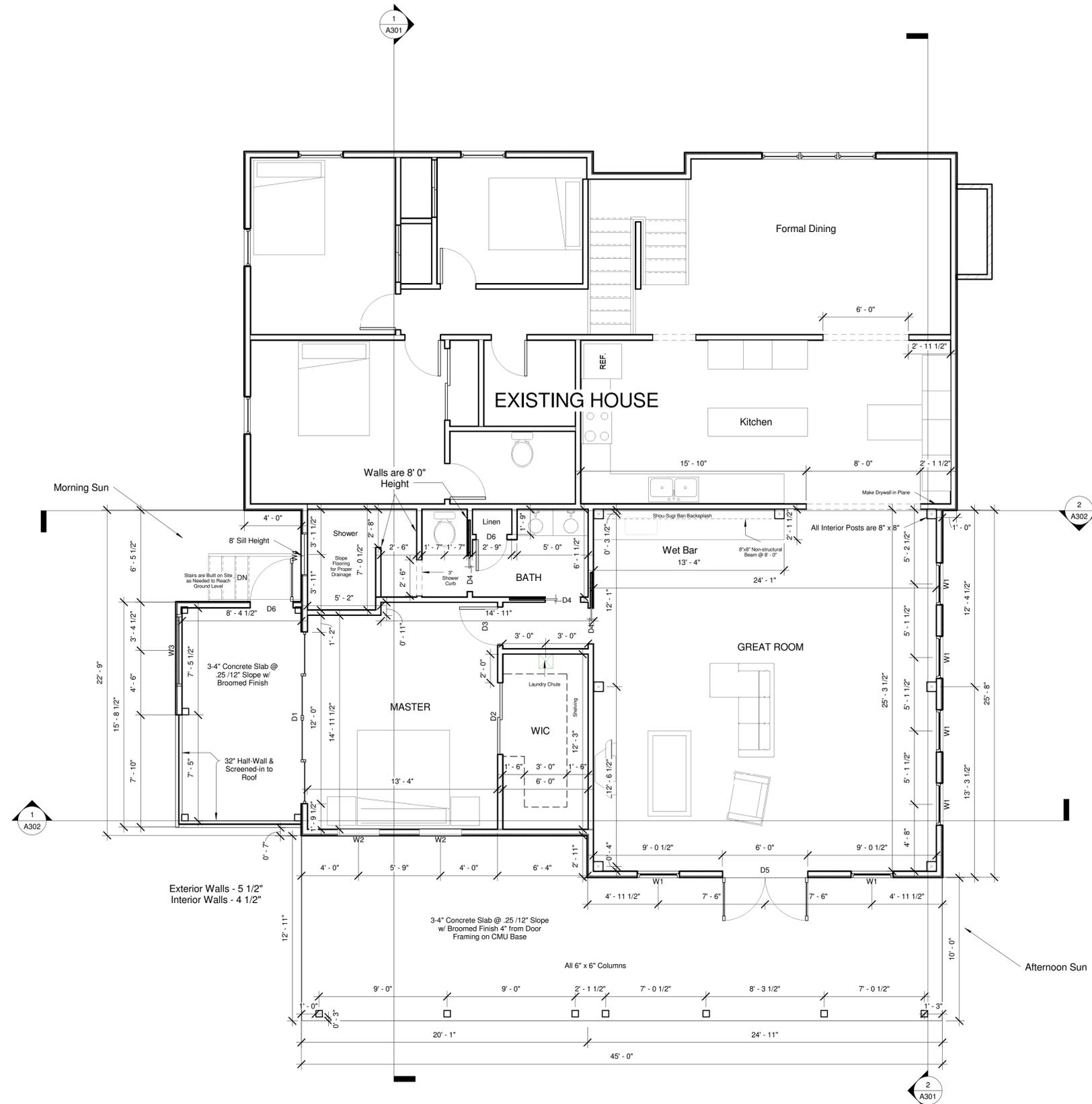
DRAWING FOR:

DRAWING USE: Bartolo

Foundation / Basement

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A101
 Scale 1/4" = 1'-0"



① Level 3
1/4" = 1'-0"

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PROJECT: BARTOLO RESIDENCE

DRAWING FOR: Bartolo

Main Floor

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A102

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PROJECT: BARTOLO RESIDENCE

DRAWING USE:
 Bartolo

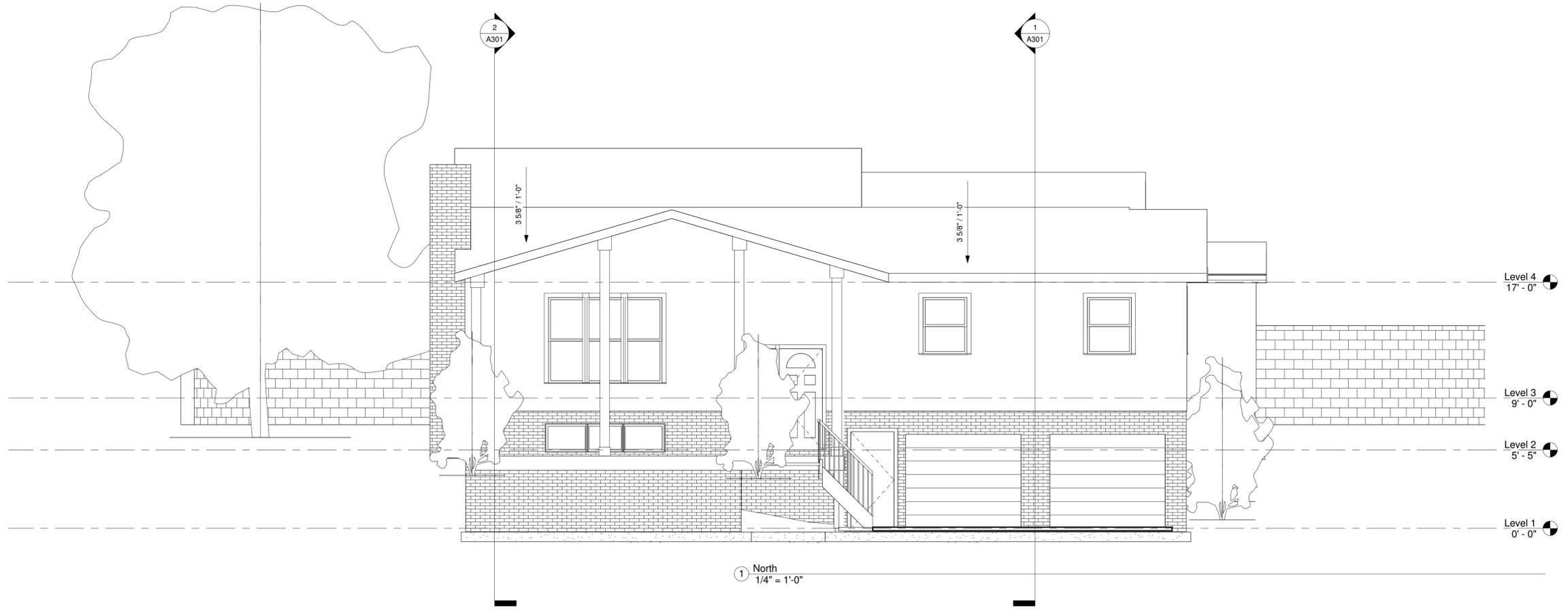
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Elevations

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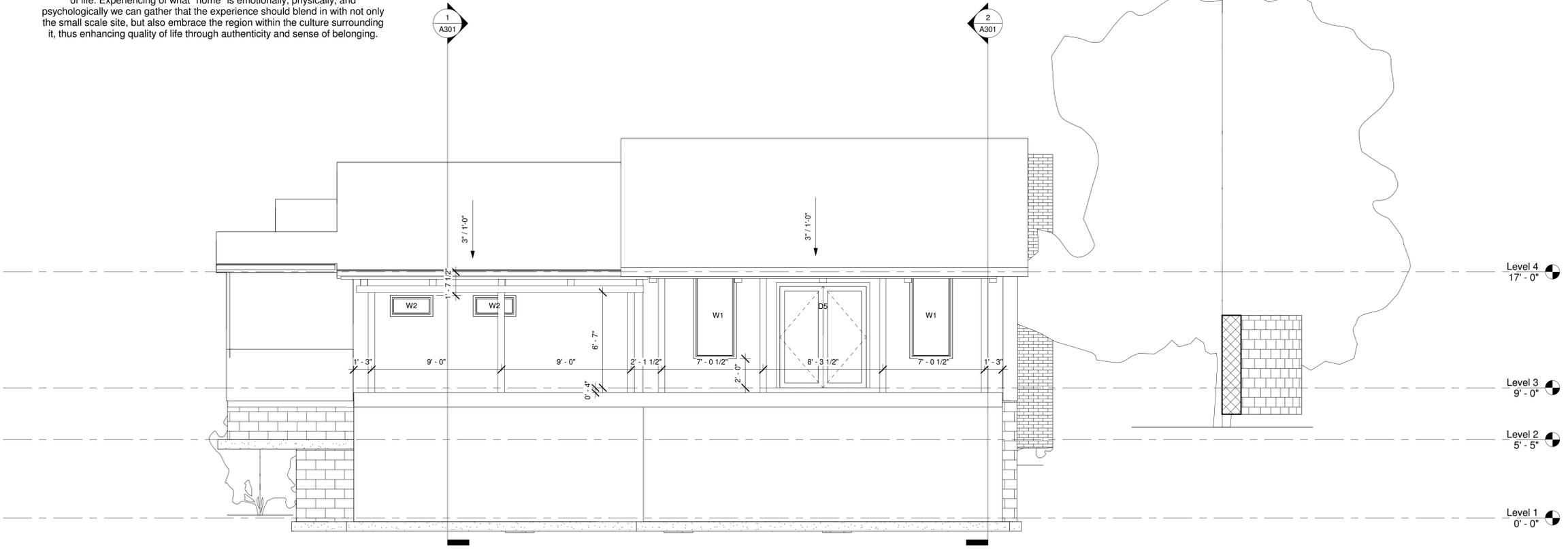
A201

Scale 1/4" = 1'-0"



1 North
 1/4" = 1'-0"

How you picture your life within this habitat that we call "home" signifies quality of life. Experiencing of what "home" is emotionally, physically, and psychologically we can gather that the experience should blend in with not only the small scale site, but also embrace the region within the culture surrounding it, thus enhancing quality of life through authenticity and sense of belonging.



2 South
 1/4" = 1'-0"

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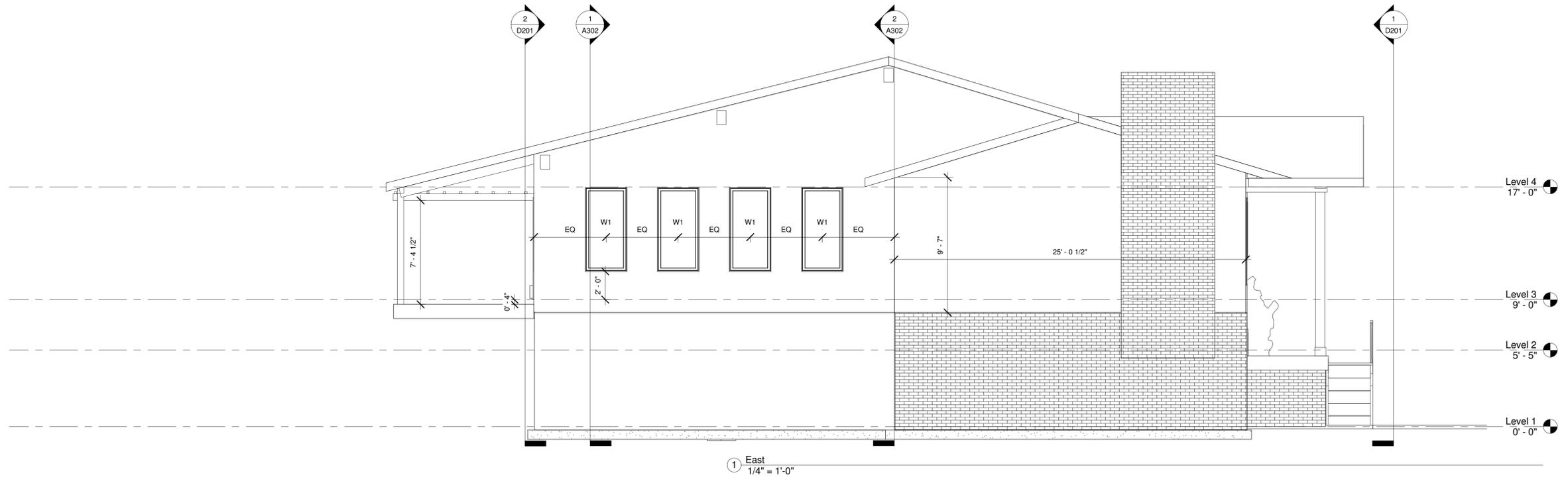
PROJECT: BARTOLO RESIDENCE
 DRAWING FOR: Bartolo
 DRAWING USE:

Elevations

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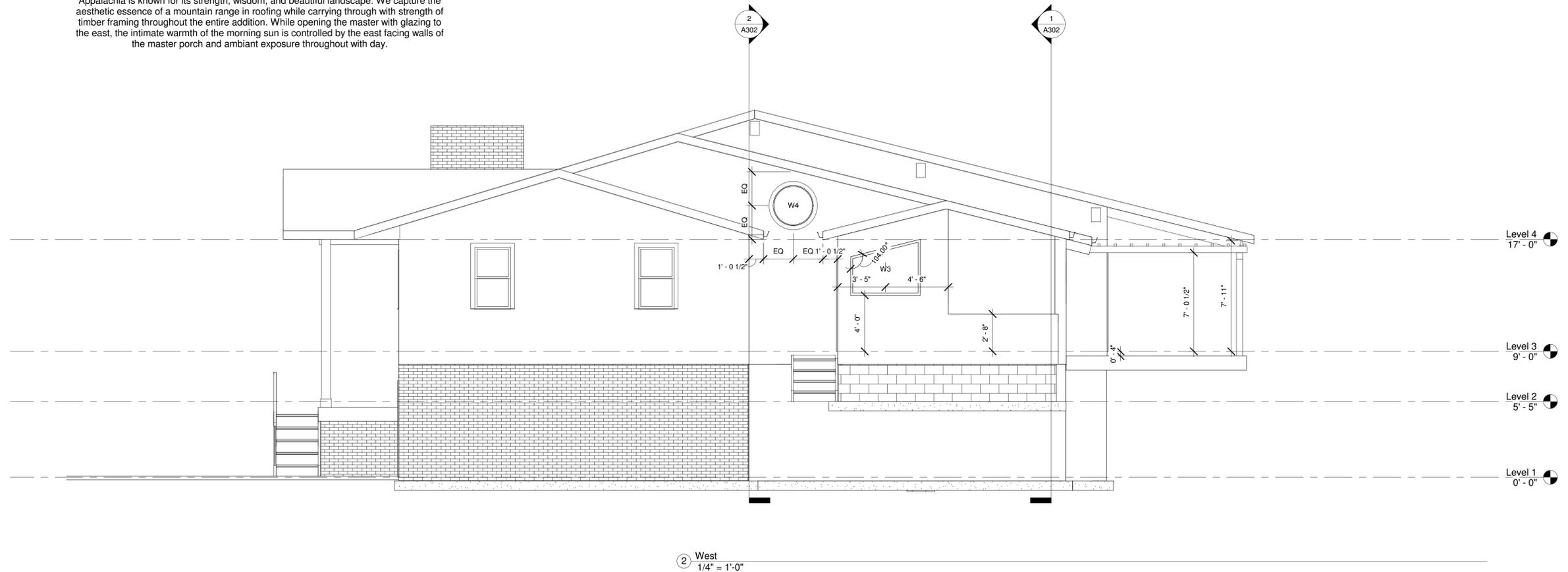
A202

Scale 1/4" = 1'-0"



① East
 1/4" = 1'-0"

Appalachia is known for its strength, wisdom, and beautiful landscape. We capture the aesthetic essence of a mountain range in roofing while carrying through with strength of timber framing throughout the entire addition. While opening the master with glazing to the east, the intimate warmth of the morning sun is controlled by the east facing walls of the master porch and ambient exposure throughout with day.



② West
 1/4" = 1'-0"

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PROJECT: BARTOLO RESIDENCE

DRAWING USE:
 Bartolo

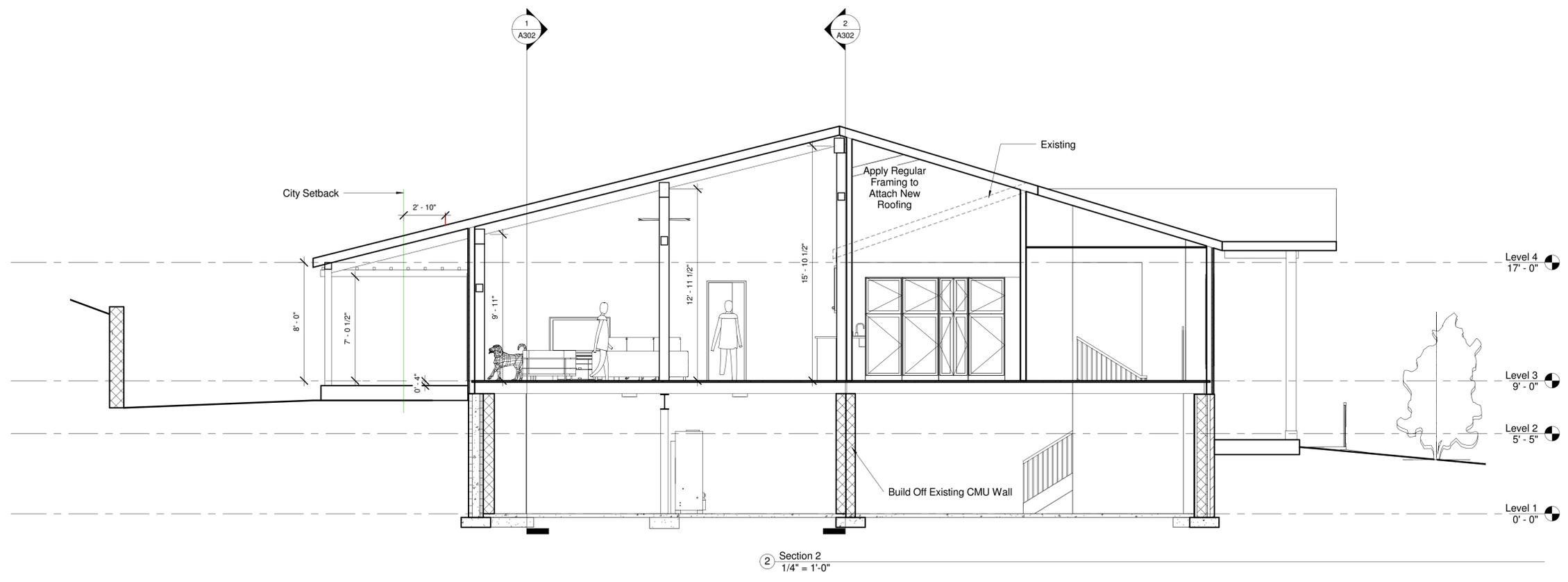
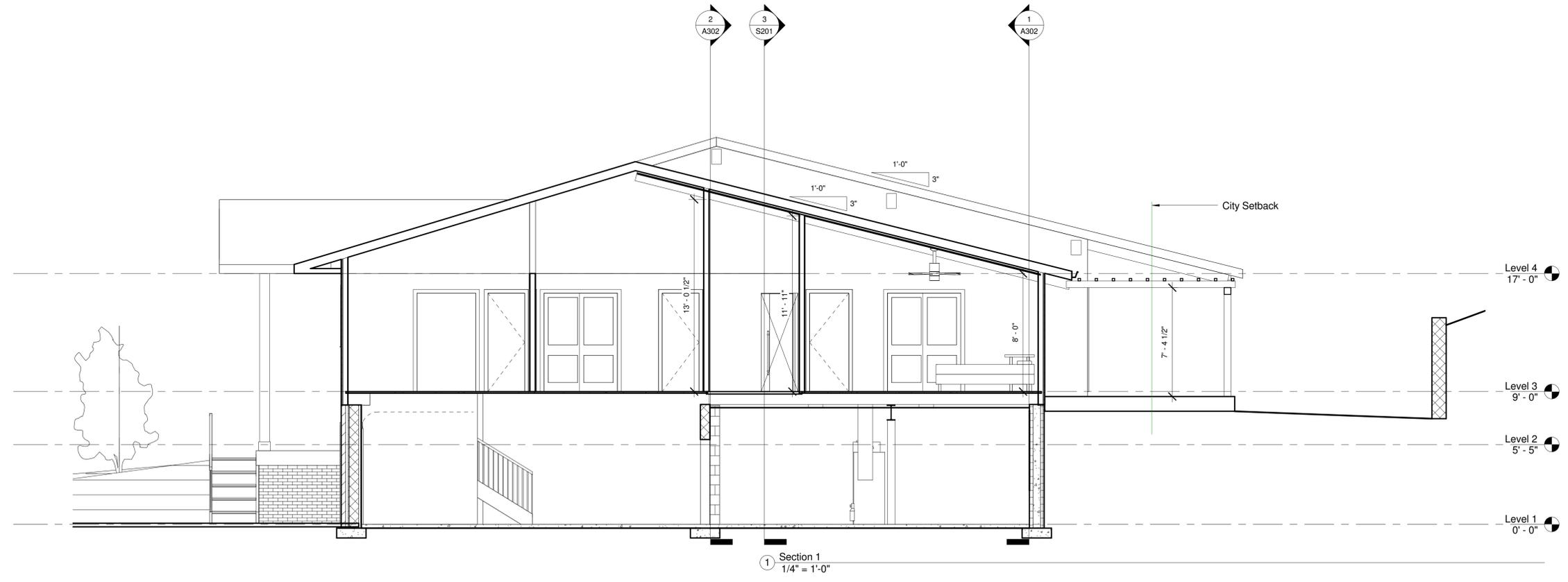
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Sections

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A301

Scale 1/4" = 1'-0"



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PROJECT: BARTOLO RESIDENCE

DRAWING USE:
 Bartolo

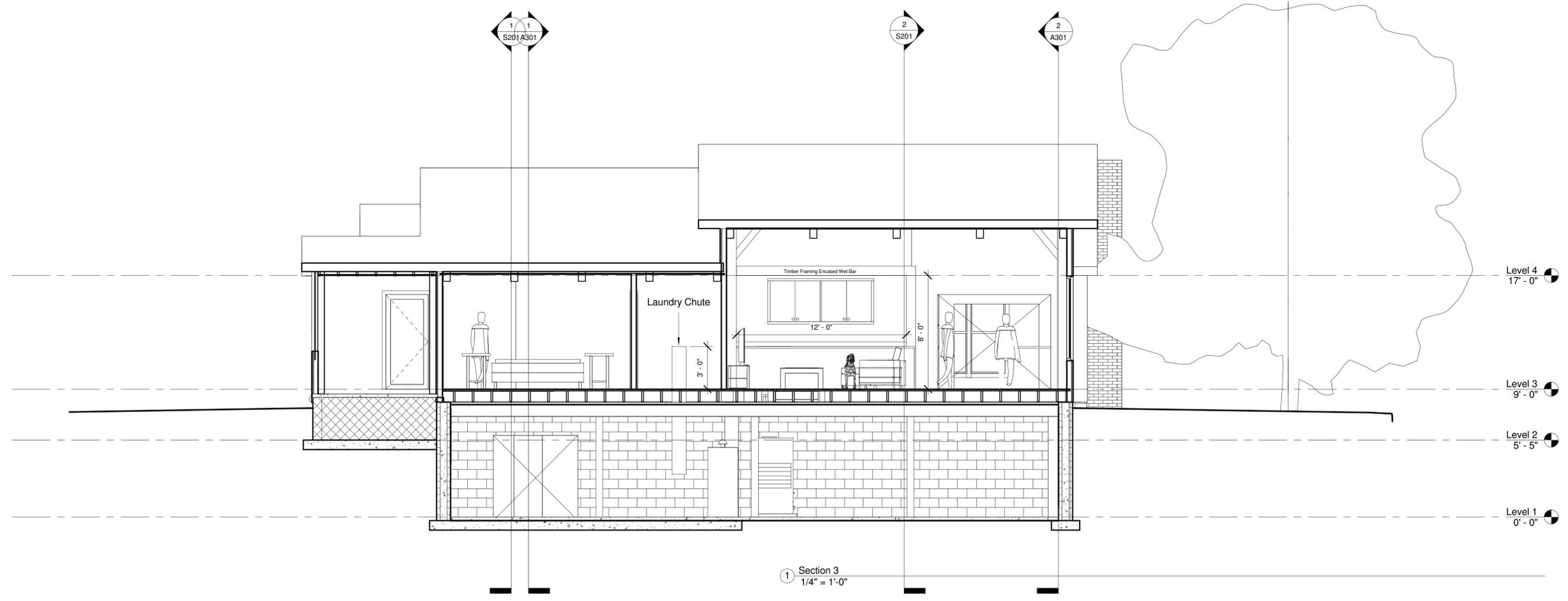
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Sections

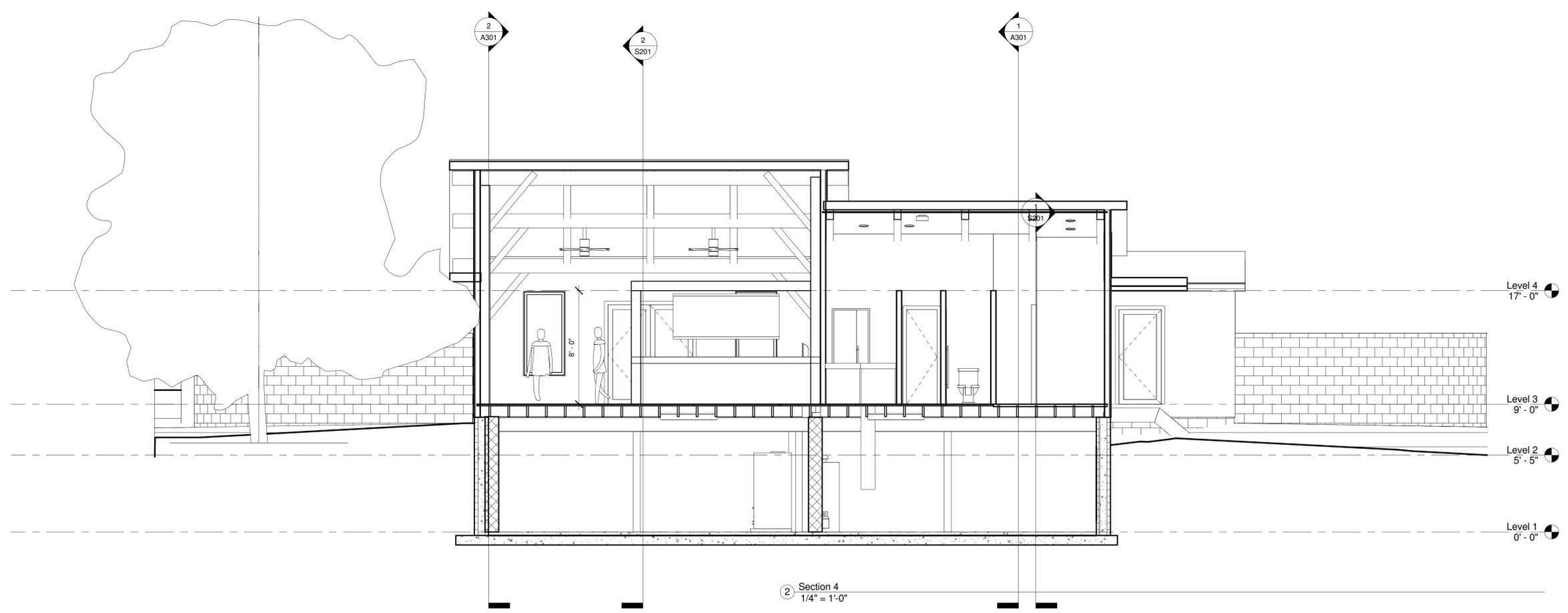
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A302

Scale 1/4" = 1'-0"



1 Section 3
 1/4" = 1'-0"



2 Section 4
 1/4" = 1'-0"

Door Schedule

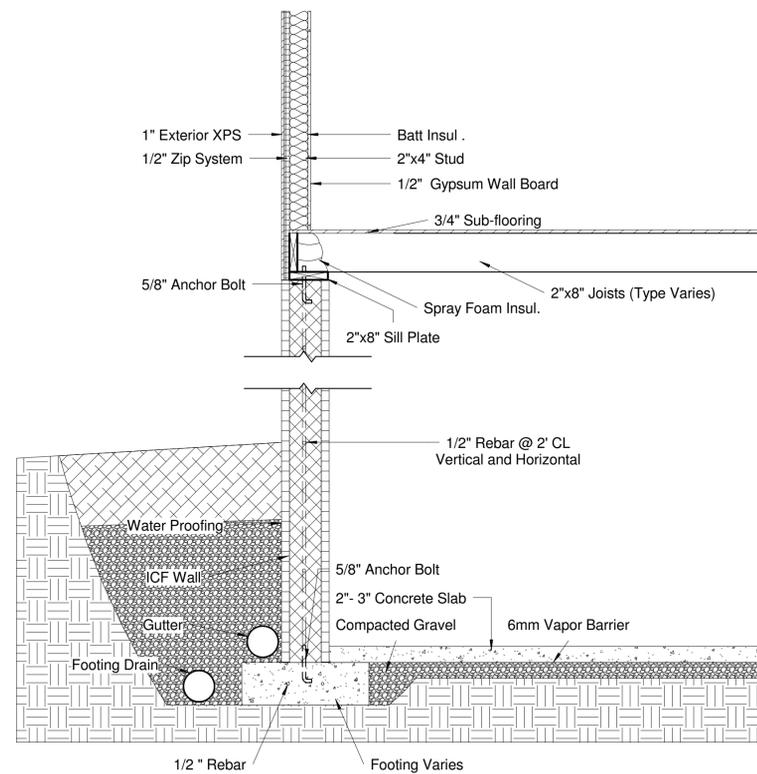
Count	Tag	Room Location	Type	Width	Height
1	D5	Great Room	Ext. French	6' 0"	0' 84"
1	D1	Master Porch	Exterior*	12' 0"	0' 84"
1	D6	Deck to Yard	Ext. Glass	0' 36"	6' 8"
3	D4	Restroom, Hall Entry, Toilet	Int. Pocket	0' 30"	6' 8"
1	D3	Master	Int. Single Flush	0' 32"	6' 8"
1	D2	Master Closet	Int. Sliding Closet	5' 0"	6' 8"

* = Specified by Owner

Window Schedule

Count	Tag	Type	Sill Height from Level 3	Width	Height
1	W3	Trapezoidal CS**	4' 0"	0' 60"	0' 48"
1	W4	Circle CS**	8' 0"	0' 36"	0' 36"
2	W2	Jeld - Wen	4' 6"	0' 35 1/2"	0' 17 1/2"
6	W1	Jeld - Wen	2' 0"	0' 35 1/2"	0' 71 1/2"

** = Specified by Designer



4 Wall Section ICF Basement
3/4" = 1'-0"

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PROJECT: BARTOLO RESIDENCE

DRAWING USE:
Bartolo

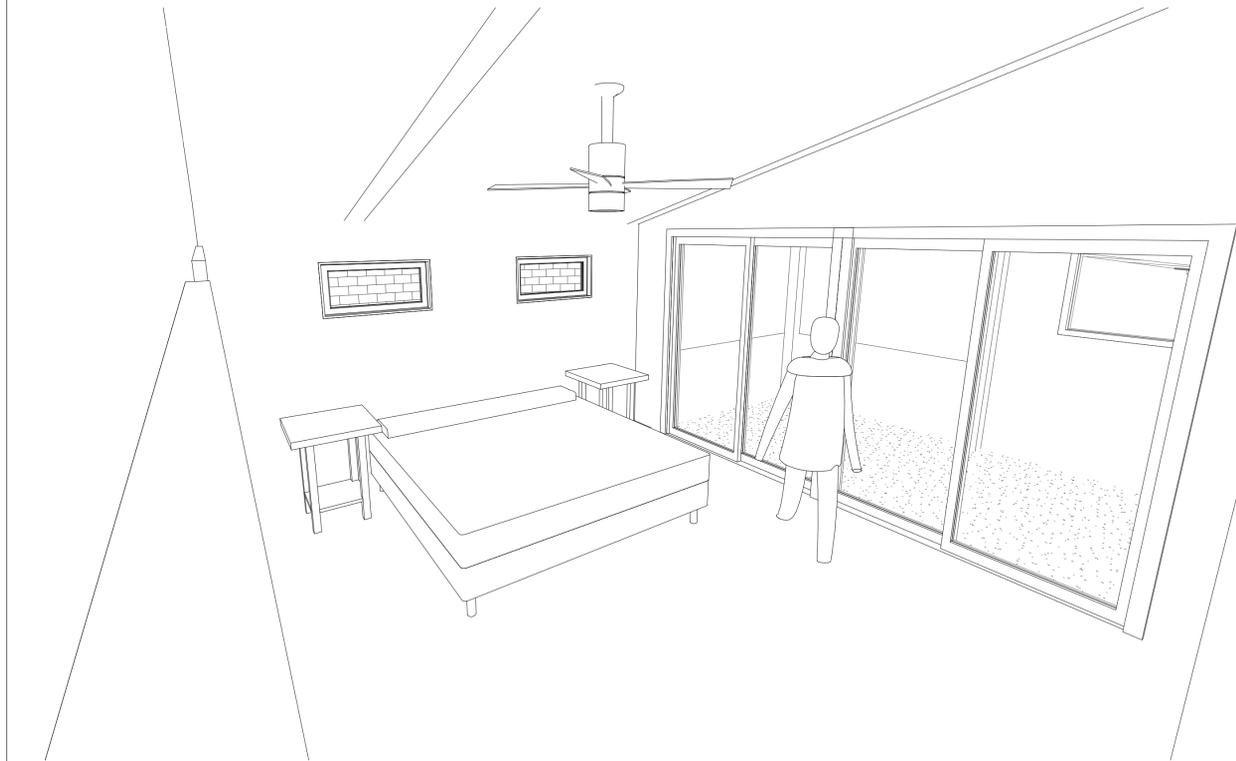
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Sections / Details

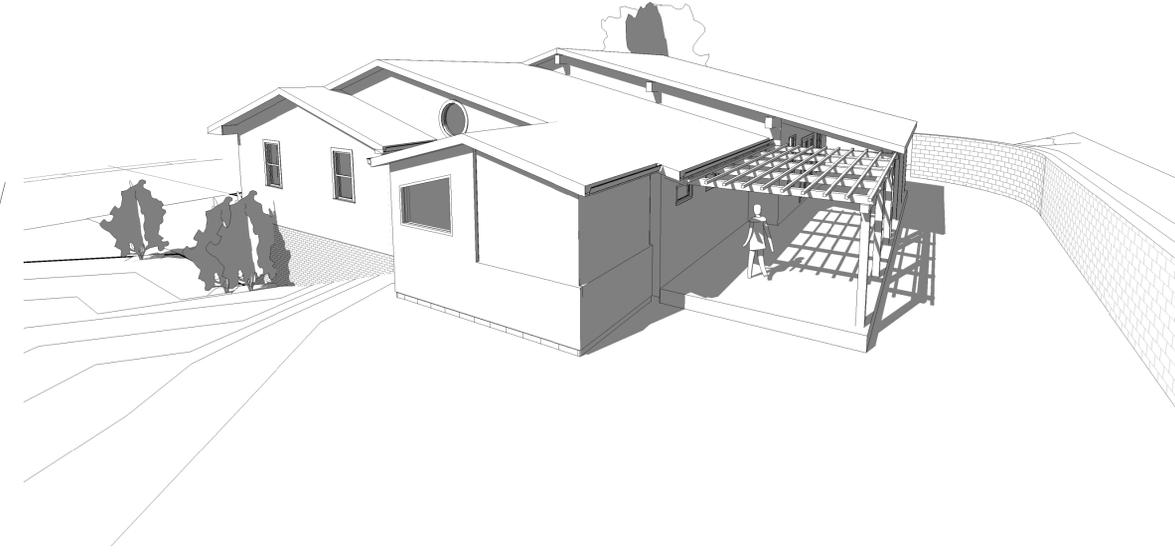
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Scale 3/4" = 1'-0"



3 Walkthrough 1 Master



1 Walkthrough 4 Exterior Master



2 Walkthrough 2 Great Room

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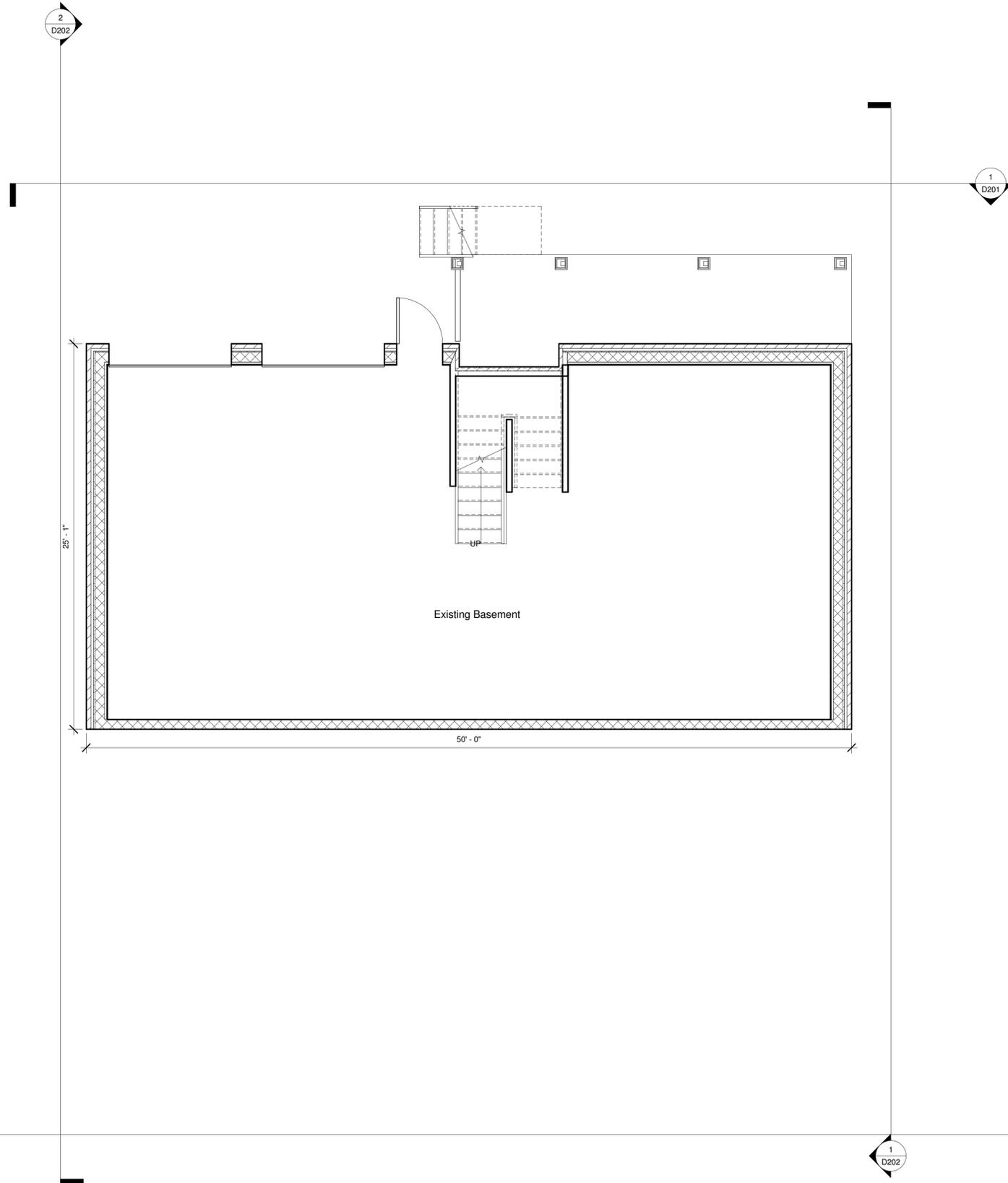
PROJECT: BARTOLO RESIDENCE
 DRAWING FOR:
 DRAWING USE: Bartolo

Perspectives / 3D Views

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A401
 Scale

① Level 1 - Existing
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PROJECT: BARTOLO RESIDENCE

DRAWING FOR:

DRAWING USE:
Bartolo

Existing Basement

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AE100

Scale 1/4" = 1'-0"



① Level 3 - Existing
1/4" = 1'-0"

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PROJECT: BARTOLO RESIDENCE

DRAWING FOR:
DRAWING USE: Bartolo

Existing Main Level

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AE101
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PROJECT: BARTOLO RESIDENCE

DRAWING FOR:

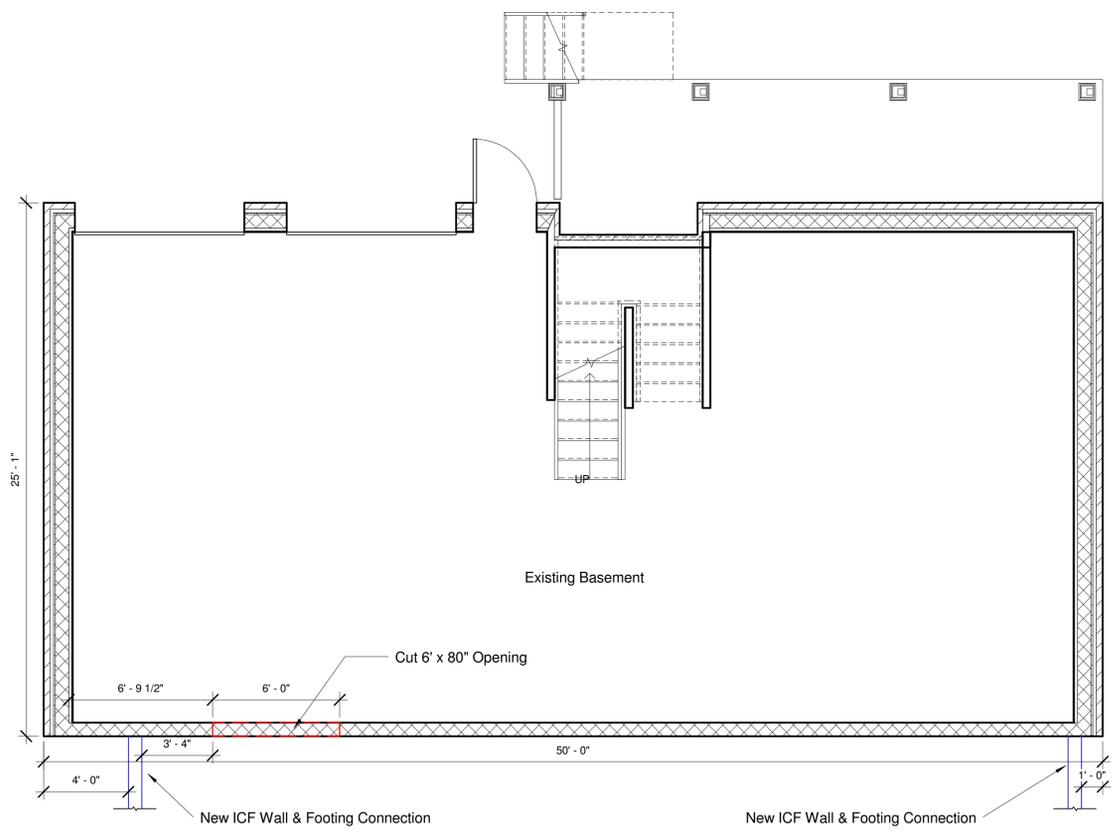
DRAWING USE: **Bartolo**

Cover Sheet

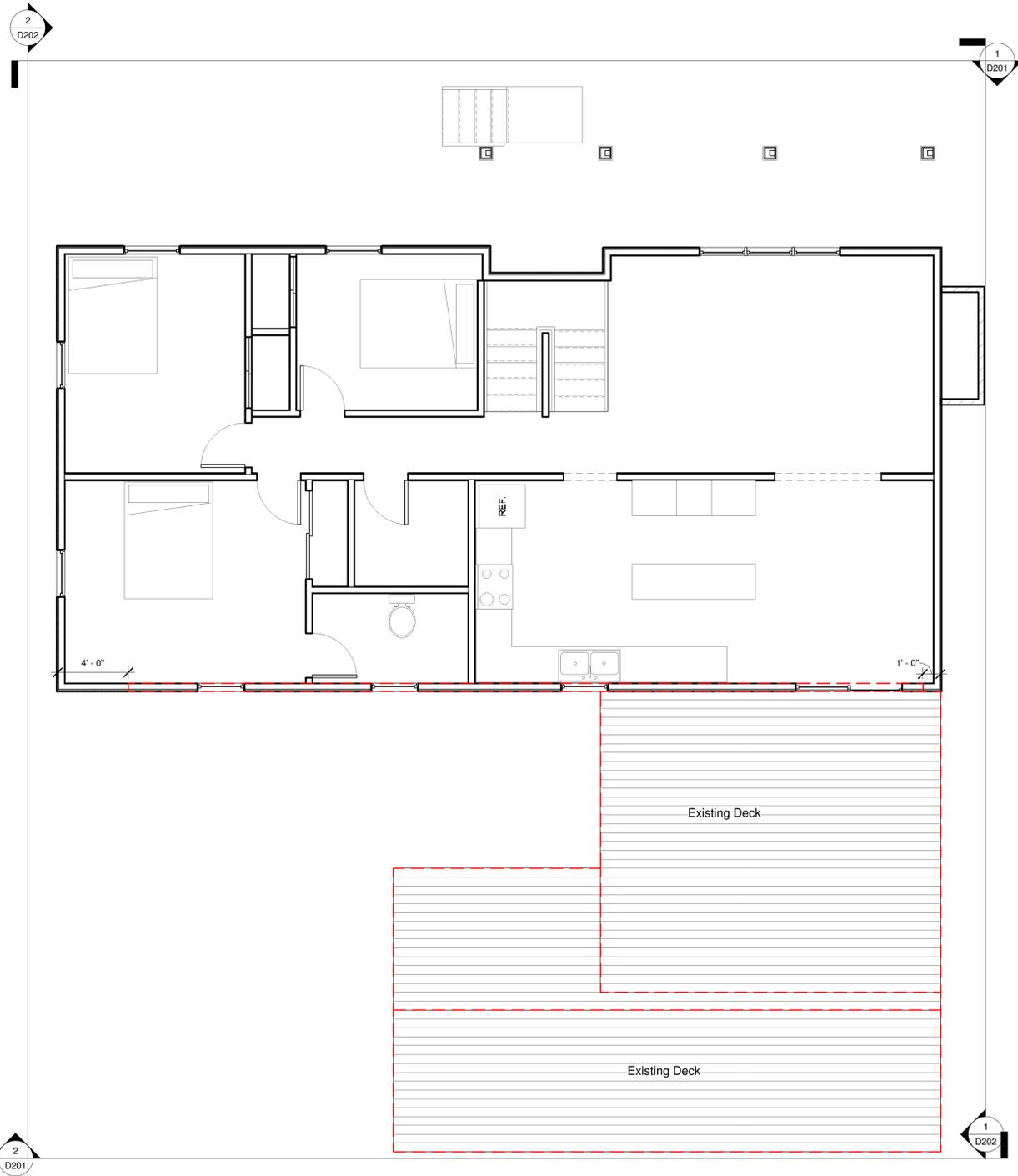
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Date	12/9/2015 10:22:50 AM
Drawn by	TKP
Checked by	CB

CS

Scale 12" = 1'-0"



① Level 1 - Demo
1/4" = 1'-0"



② Level 3 - Demo
1/4" = 1'-0"

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PROJECT: BARTOLO RESIDENCE

DRAWING FOR: **Bartolo**

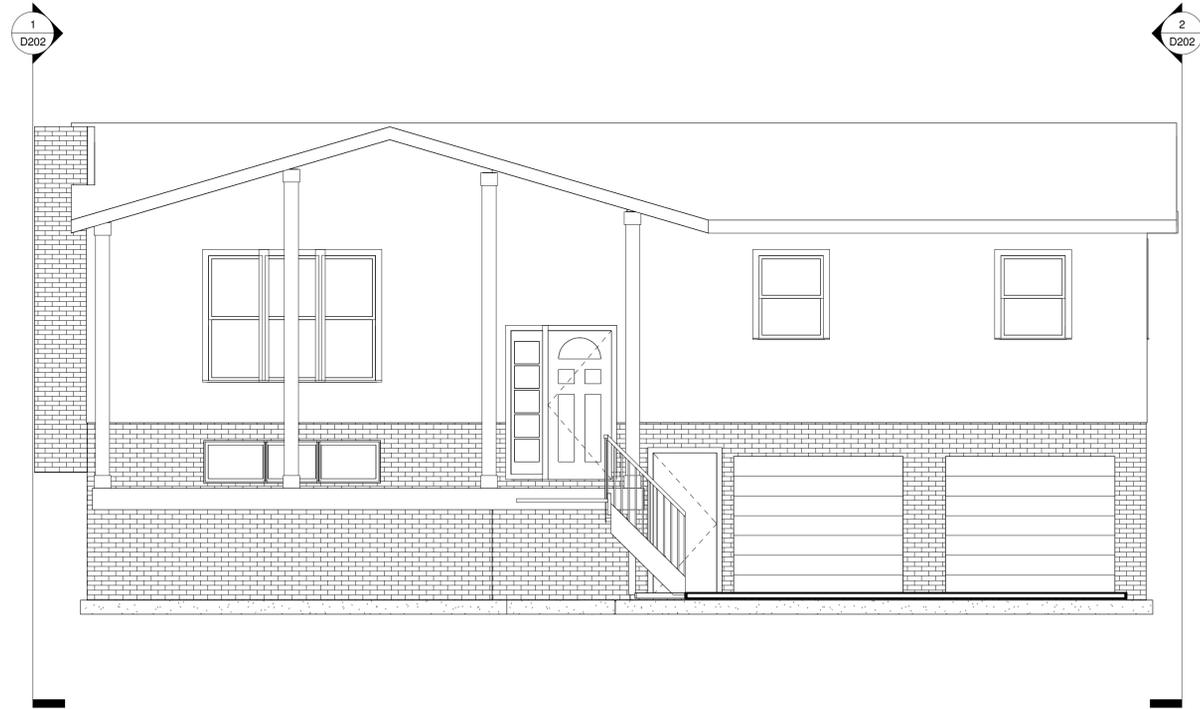
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Demo Plan

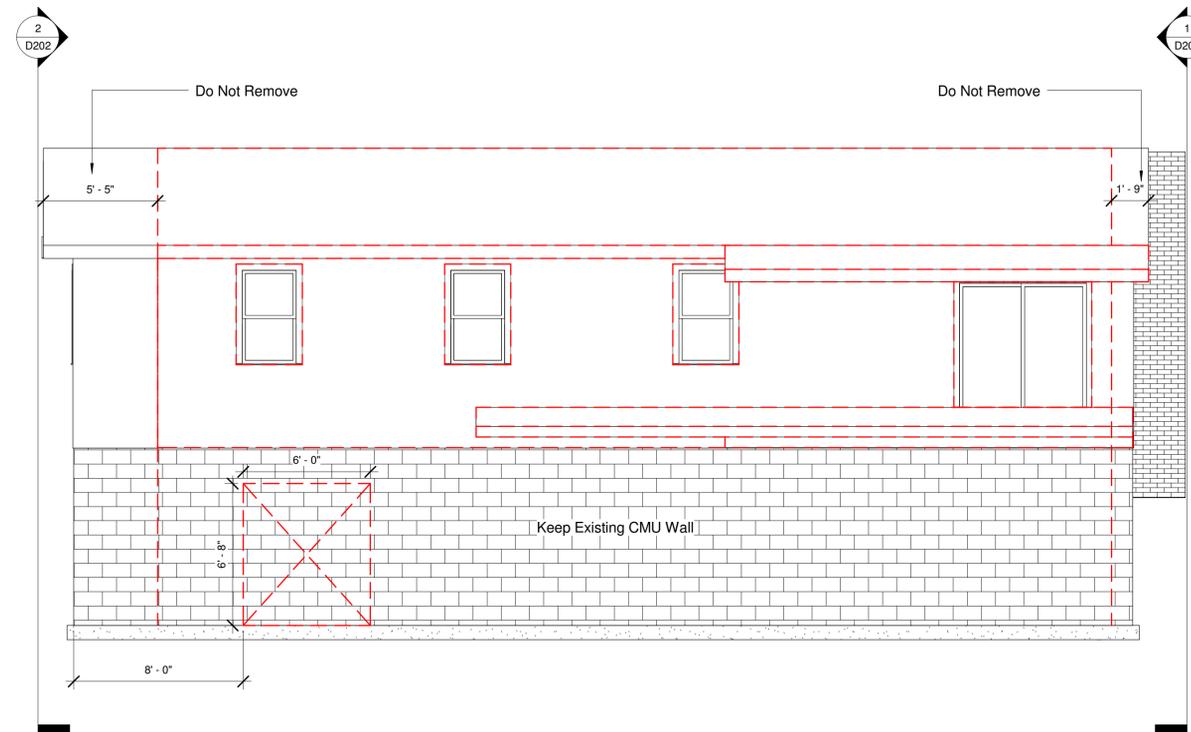
Designed by TKP
Date 12/9/2015 10:22:54 AM
Drawn by TKP
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D101

Scale 1/4" = 1'-0"



① Demo North
1/4" = 1'-0"



② Demo South
1/4" = 1'-0"

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PROJECT: BARTOLO RESIDENCE

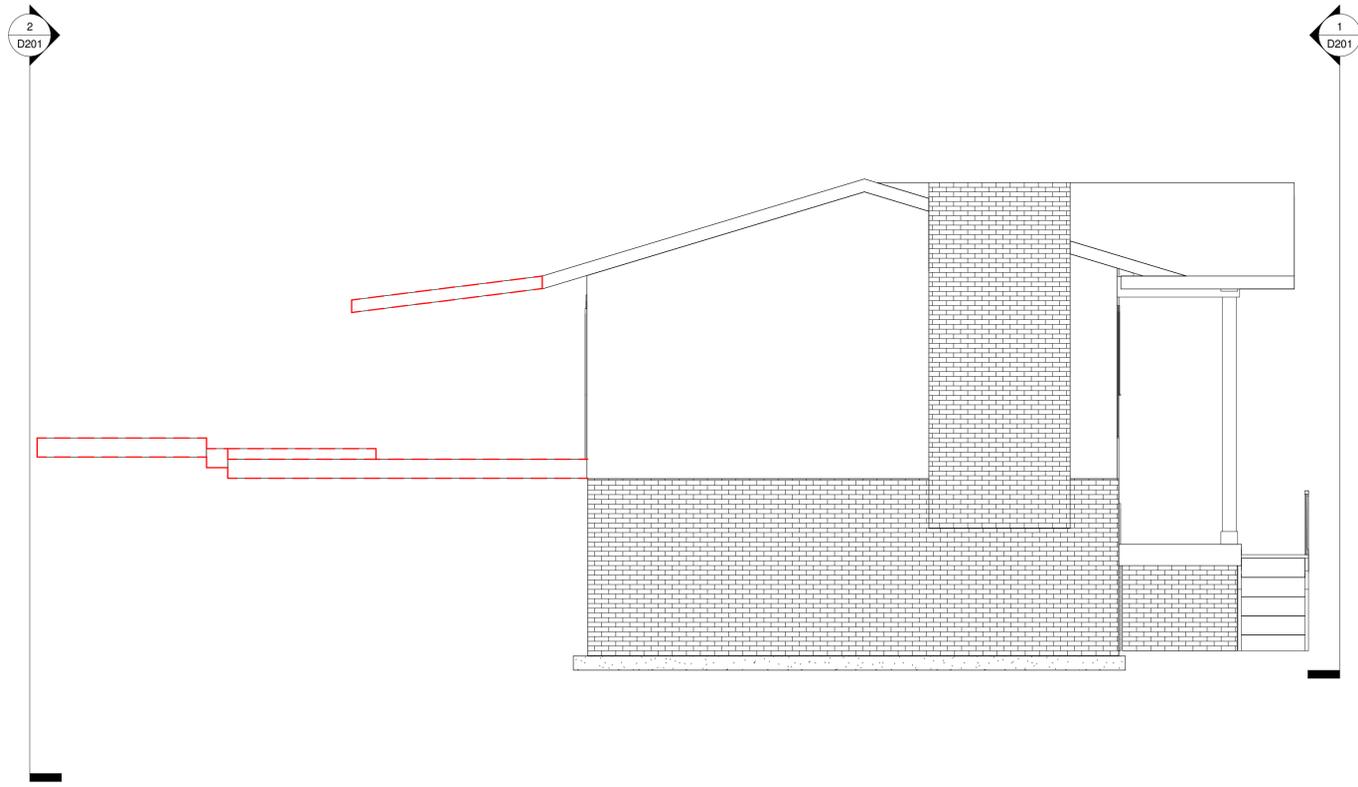
DRAWING FOR:
Bartolo

Demo Elevations

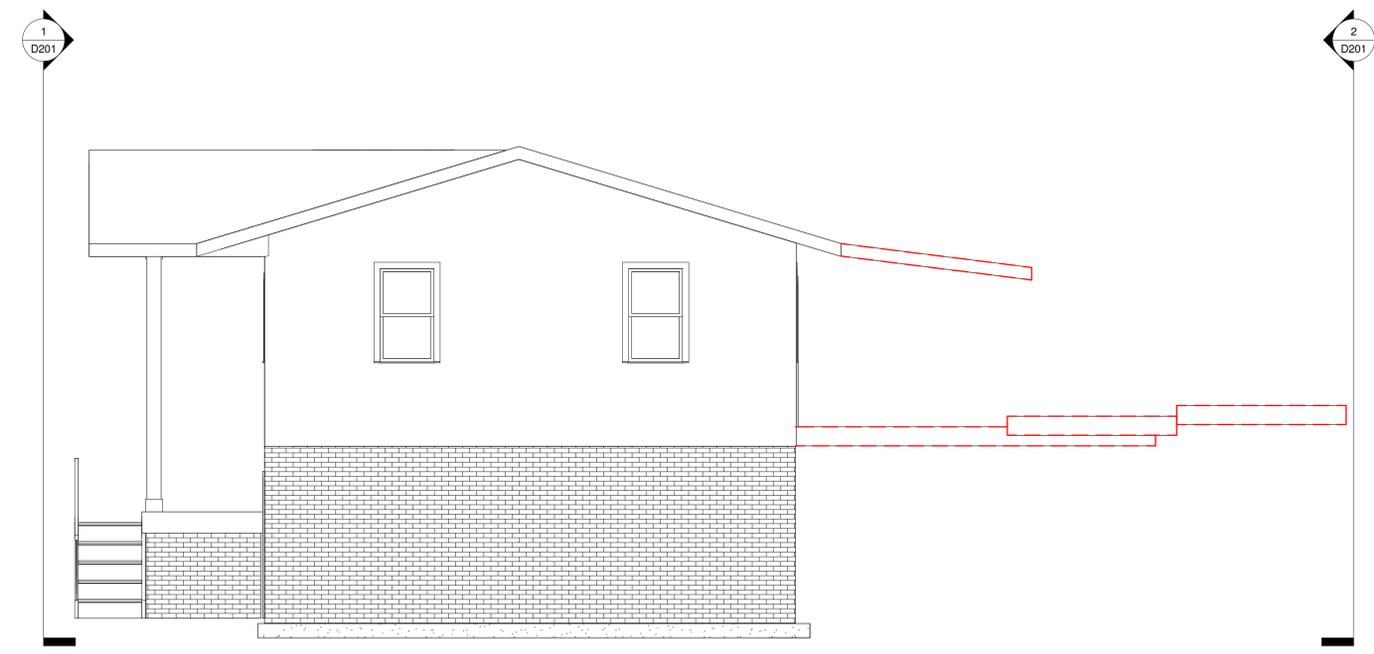
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Date 12/9/2015 10:22:54 AM
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D201

Scale 1/4" = 1'-0"



1 Demo East
1/4" = 1'-0"



2 Demo West
1/4" = 1'-0"

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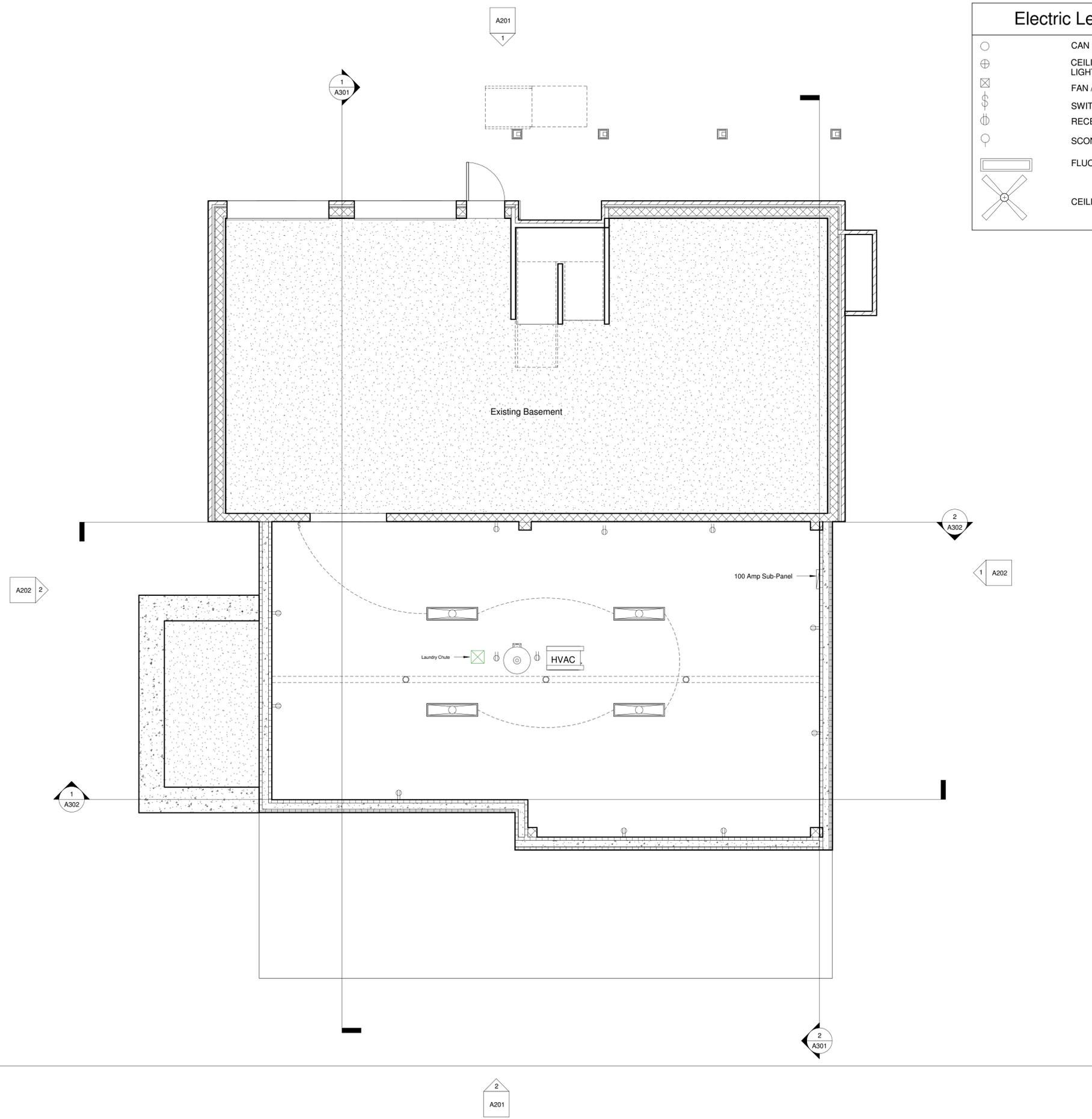


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PROJECT: BARTOLO RESIDENCE	DRAWING USE: Bartolo
DRAWING FOR:	

Demo Elevations	
Designed by	TKP
Date	12/9/2015 10:22:55 AM
Drawn by	TKP
Checked by	CB
D202	
Scale	1/4" = 1'-0"

① Level 1
1/4" = 1'-0"



Electric Legend	
	CAN LIGHT
	CEILING MOUNTED LIGHT
	FAN / LIGHT
	SWITCH
	RECEPTACLE
	SCONCE LIGHT
	FLUORESCENT LIGHT
	CEILING FAN/LIGHT

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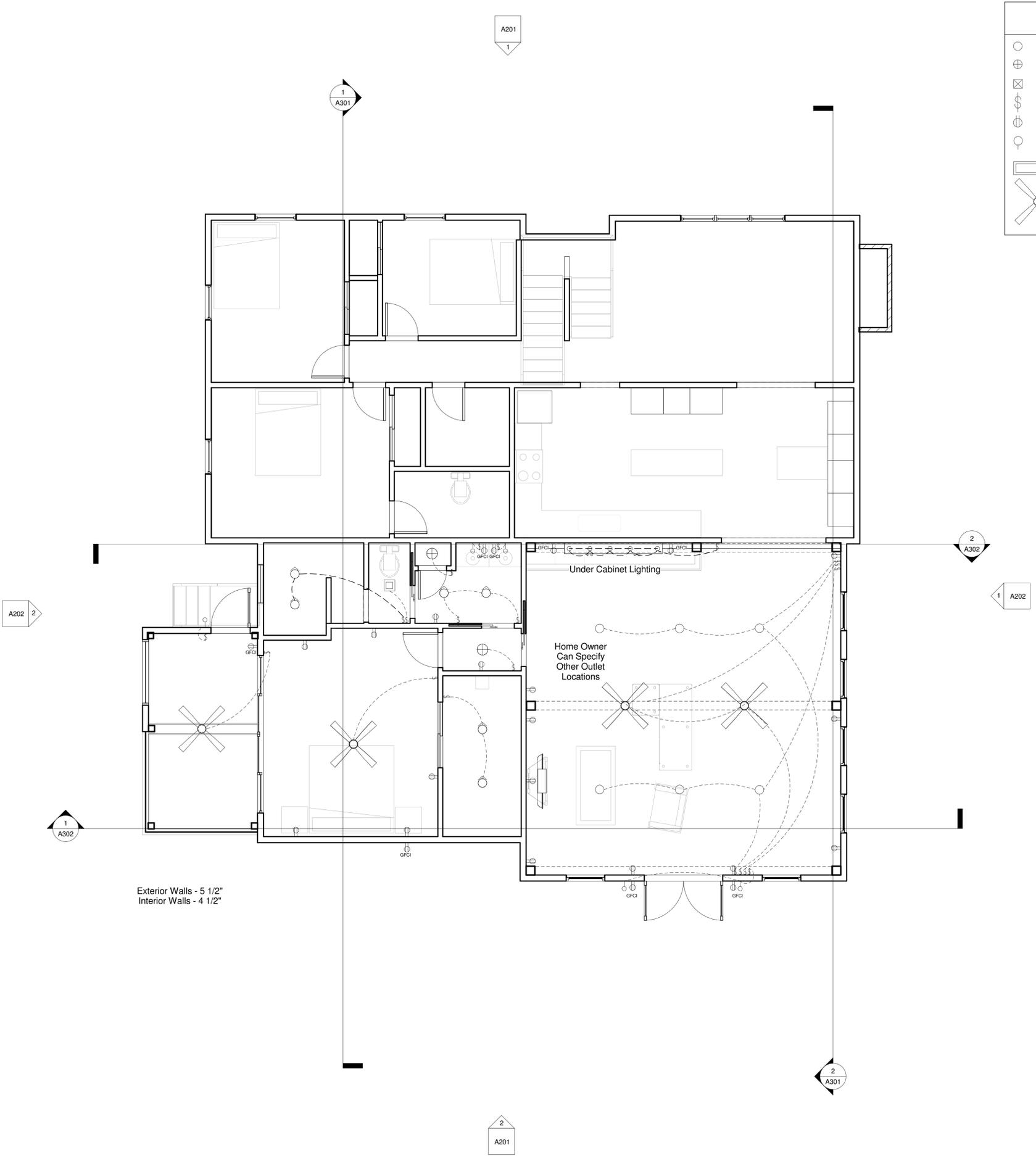
Chris Bailey
 Morgantown, WV
 PH. 304.381.4972
 RisingSunConstructionLLC@gmail.com

PROJECT: BARTOLO RESIDENCE

DRAWING FOR: **Bartolo**

DRAWING USE:

Basement Electrical	
Designed by	TKP
Date	12/9/2015 10:22:56 AM
Drawn by	TKP
Checked by	CB
E100	
Scale	1/4" = 1'-0"



Electric Legend	
	CAN LIGHT
	CEILING MOUNTED LIGHT
	FAN / LIGHT
	SWITCH
	RECEPTACLE
	SCONCE LIGHT
	FLUORESCENT LIGHT
	CEILING FAN/LIGHT

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PROJECT: BARTOLO RESIDENCE

DRAWING FOR: **Bartolo**

DRAWING USE:

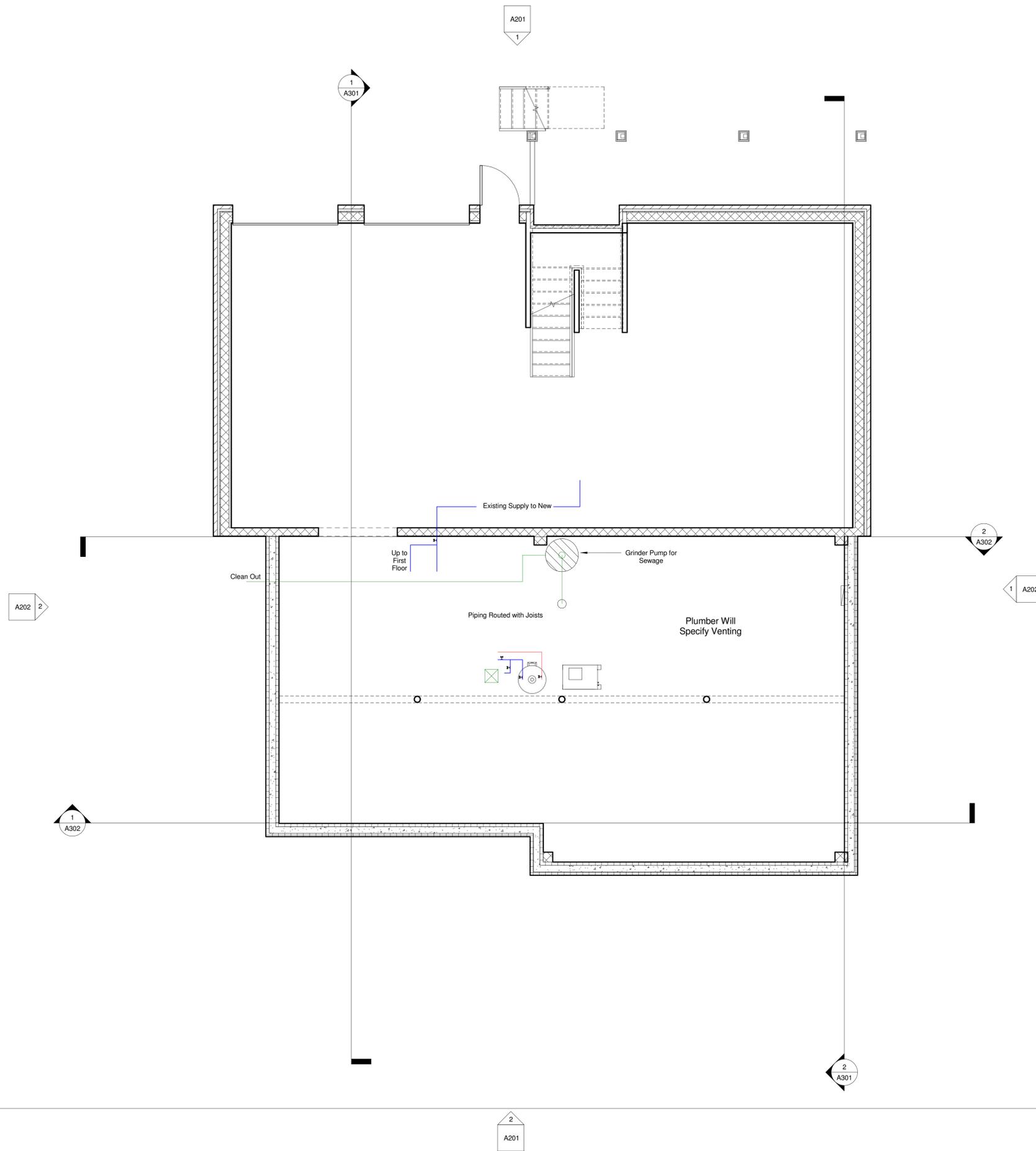
Main Floor Electrical

Designed by: TKP
 Date: 12/9/2015 10:22:57 AM
 Drawn by: TKP
 Checked by: CB

E101

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

① Level 1 Plumbing
1/4" = 1'-0"



PLUMBING LEGEND	
	VALVE
	VERTICAL SEWAGE
	SEWAGE
	HOT
	COLD

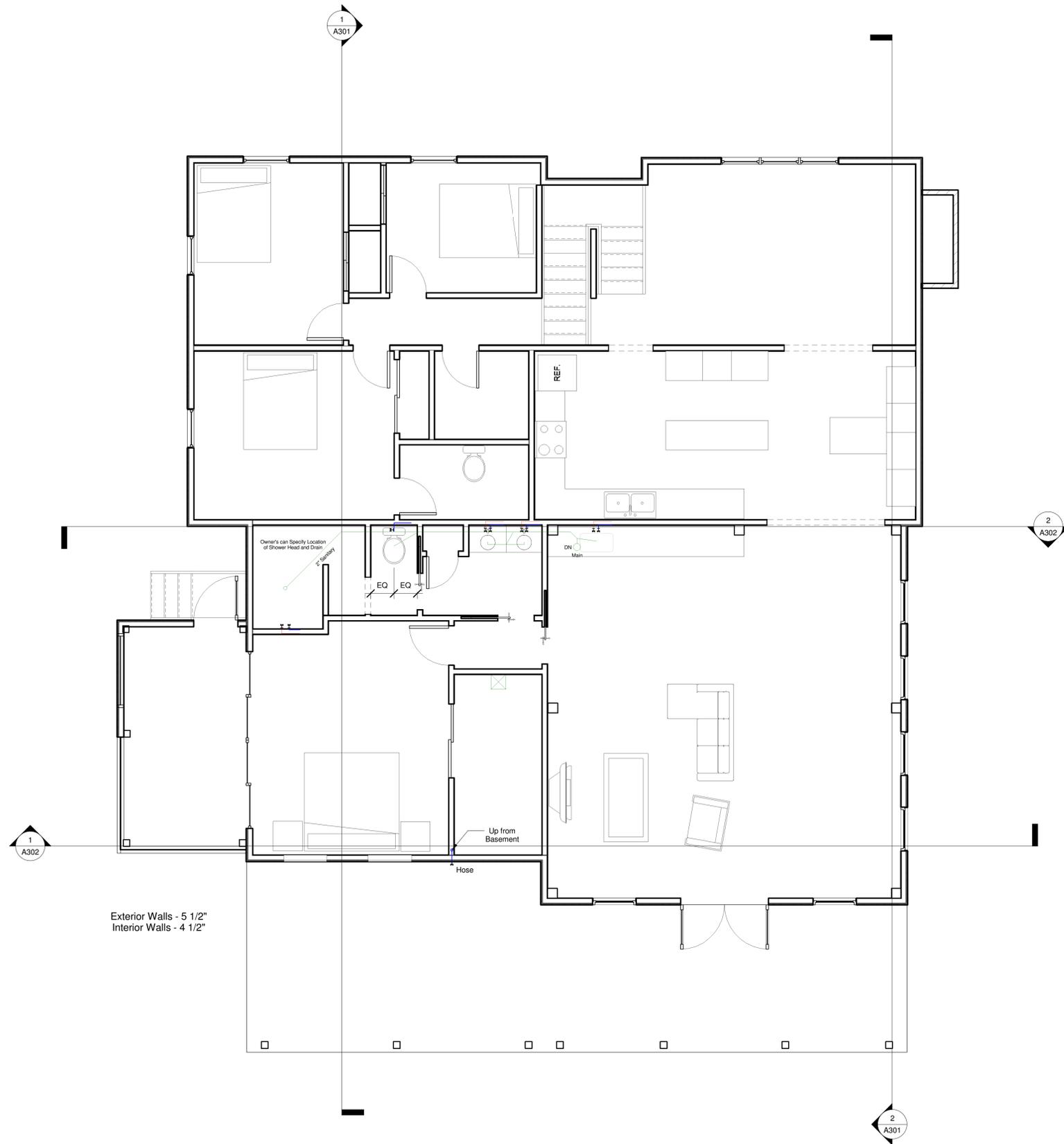
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PROJECT: BARTOLO RESIDENCE	DRAWING FOR:
DRAWING USE: 	Bartolo

Basement Plumbing	
Designed by	TKP
Date	12/9/2015 10:22:57 AM
Drawn by	TKP
Checked by	CB
P100	
Scale	1/4" = 1'-0"



PLUMBING LEGEND	
	VALVE
	VERTICAL SEWAGE
	SEWAGE
	HOT
	COLD

① Level 3 Plumbing
1/4" = 1'-0"

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PROJECT: BARTOLO RESIDENCE

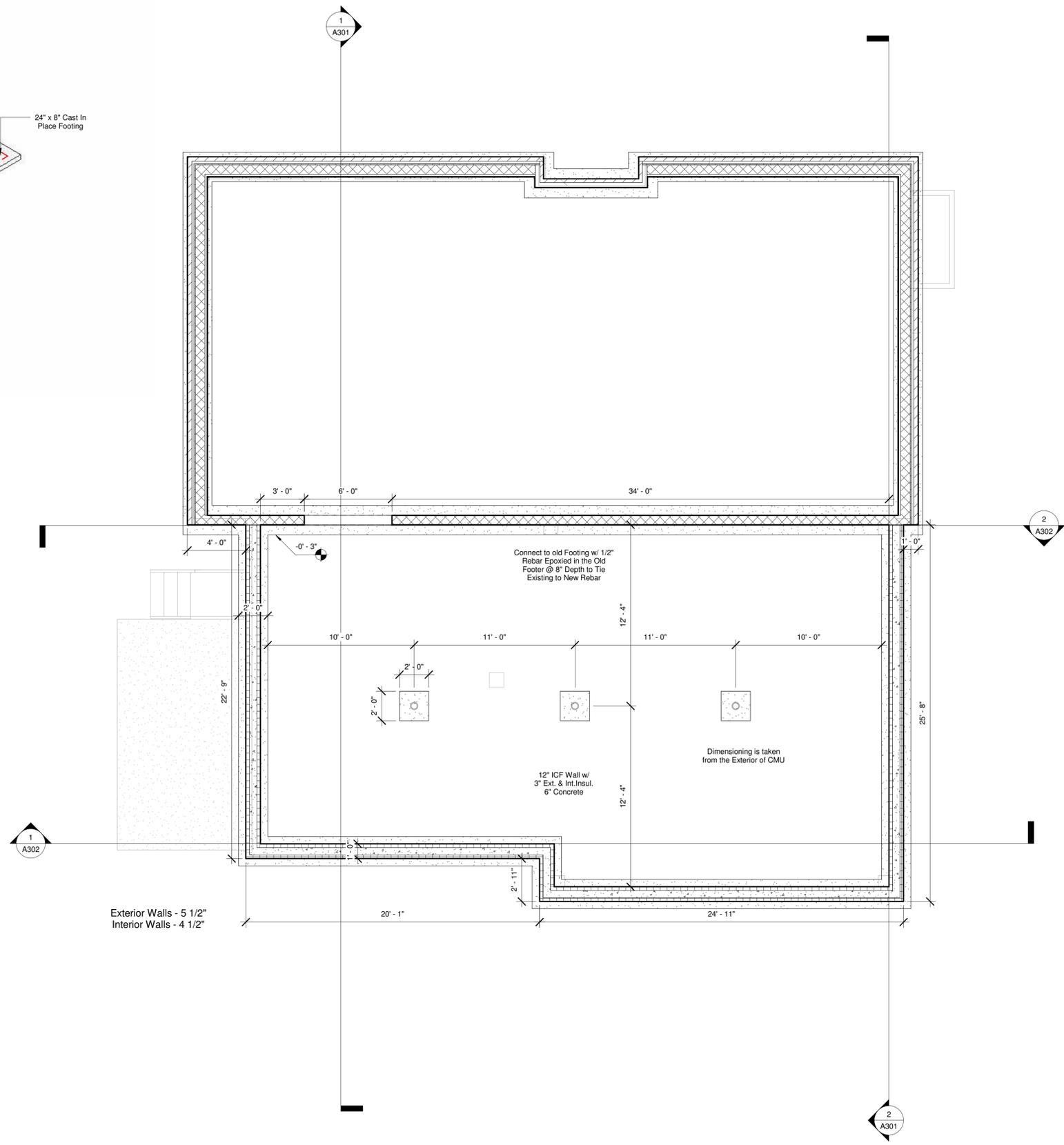
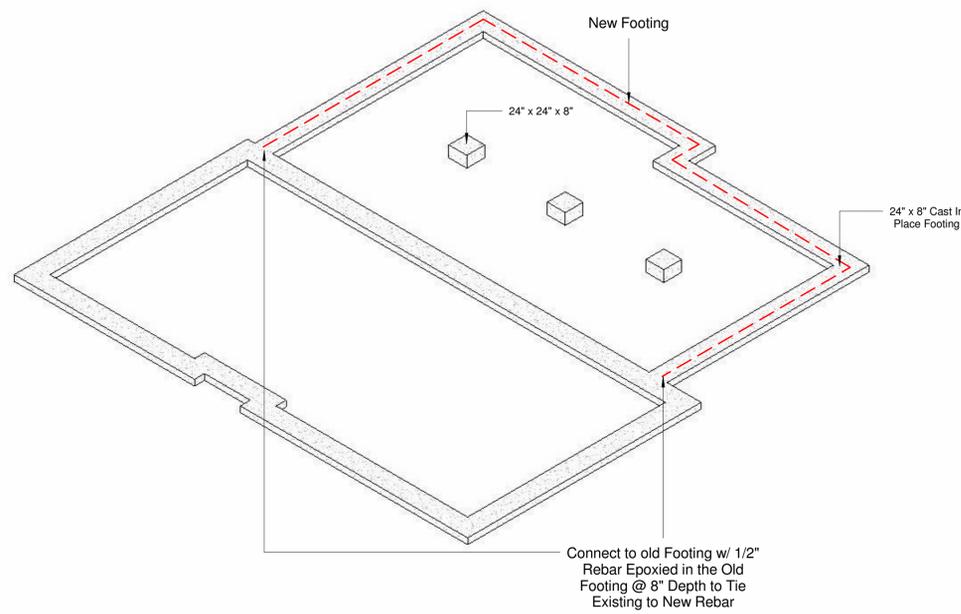
DRAWING FOR:
Bartolo

Main Floor Plumbing

Designed by TKP
Date 12/9/2015 10:23:01 AM
Drawn by TKP
Checked by CB

P101

Scale 1/4" = 1'-0"



Exterior Walls - 5 1/2"
Interior Walls - 4 1/2"

1 Level 1
1/4" = 1'-0"

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PROJECT: BARTOLO RESIDENCE

DRAWING FOR: **Bartolo**

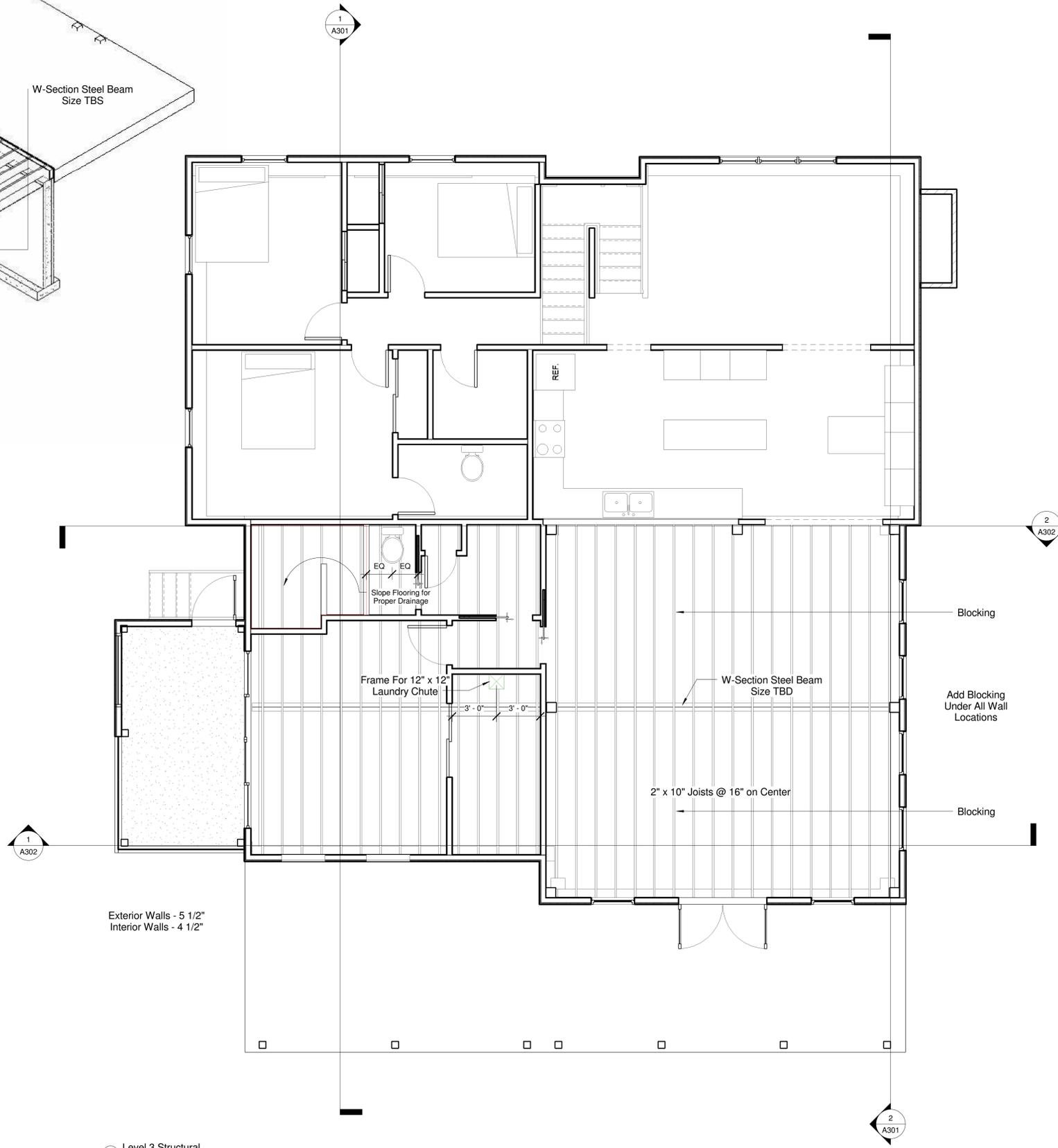
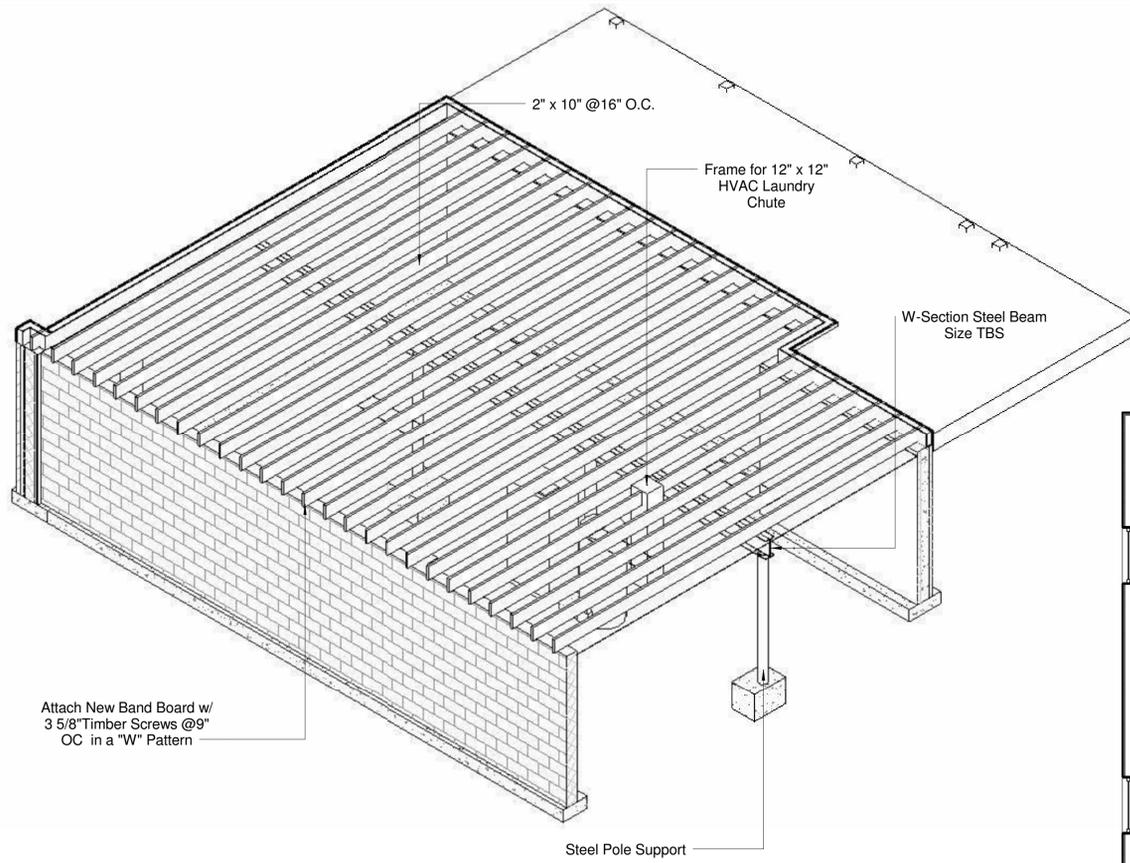
DRAWING USE:

Foundation Plan

Designed by	TKP
Date	12/9/2015 10:23:02 AM
Drawn by	TKP
Checked by	CB

S100

Scale 1/4" = 1'-0"



1 Level 3 Structural
1/4" = 1'-0"

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PROJECT: BARTOLO RESIDENCE

DRAWING FOR: Bartolo

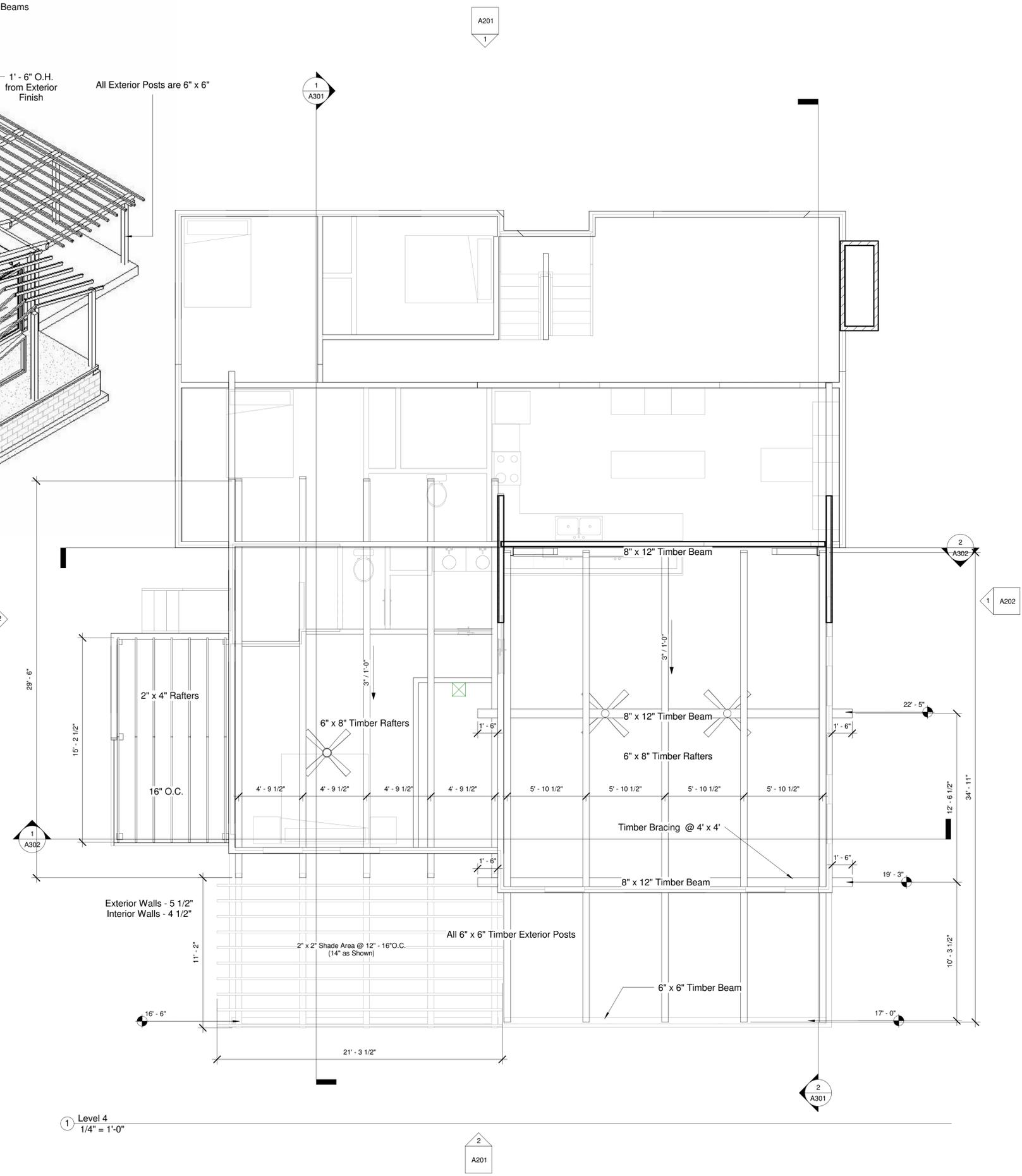
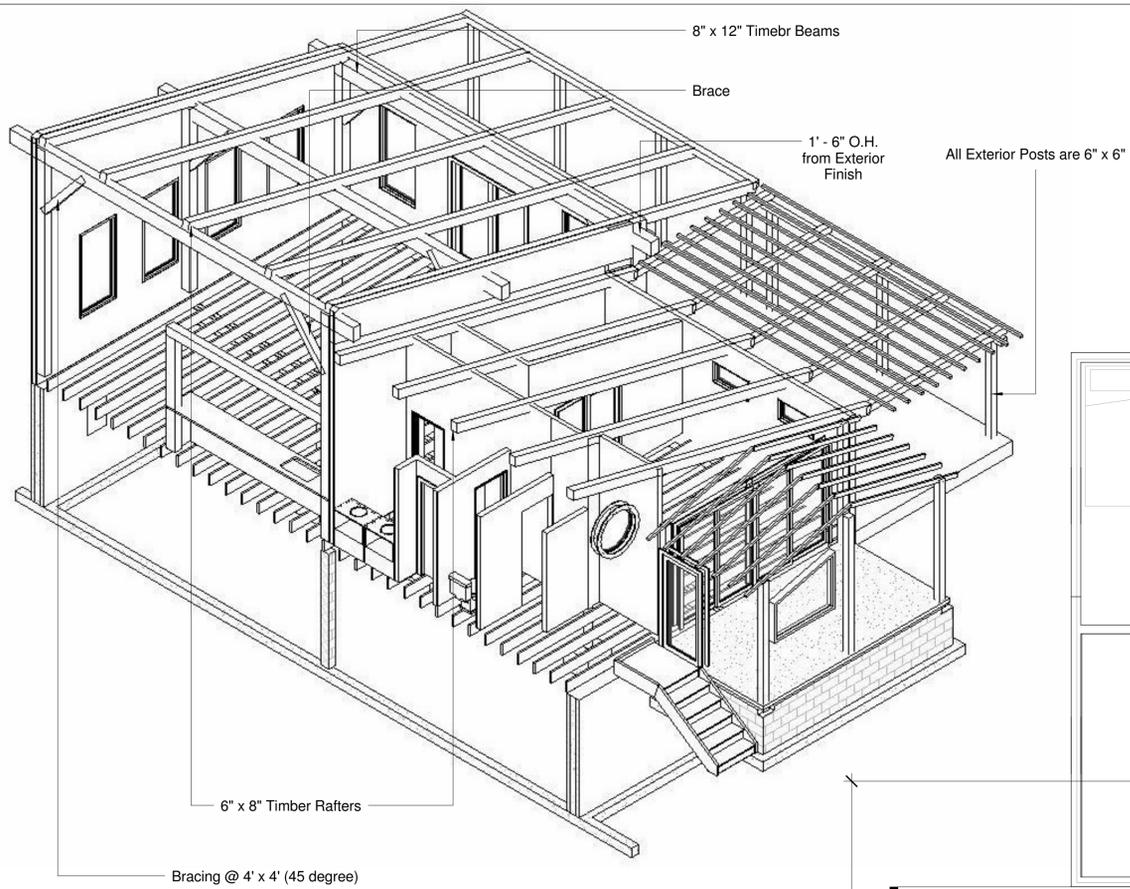
DRAWING USE:

Main Floor Structure

Designed by	TKP
Date	12/9/2015 10:23:09 AM
Drawn by	TKP
Checked by	CB

S101

Scale 1/4" = 1'-0"



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PROJECT: BARTOLO RESIDENCE

DRAWING FOR: DRAWING USE: Bartolo

Timber Framing

Designed by TKP
Date 12/9/2015 10:23:10 AM
Drawn by TKP
Checked by CB

S102

Scale 1/4" = 1'-0"

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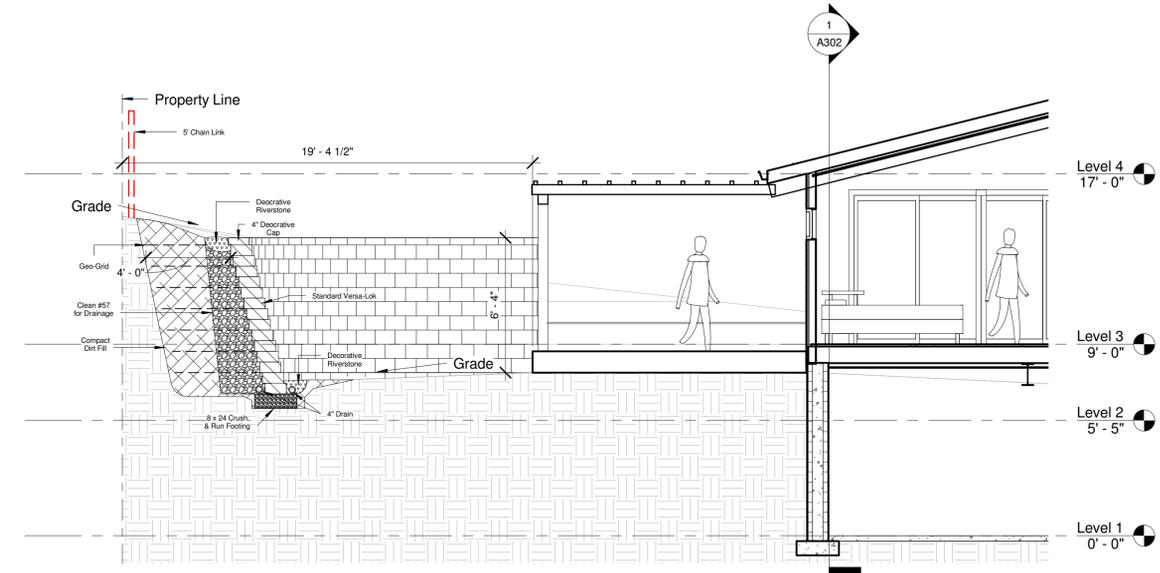
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PROJECT: BARTOLO RESIDENCE
 DRAWING FOR: DRAWING USE:
 Bartolo

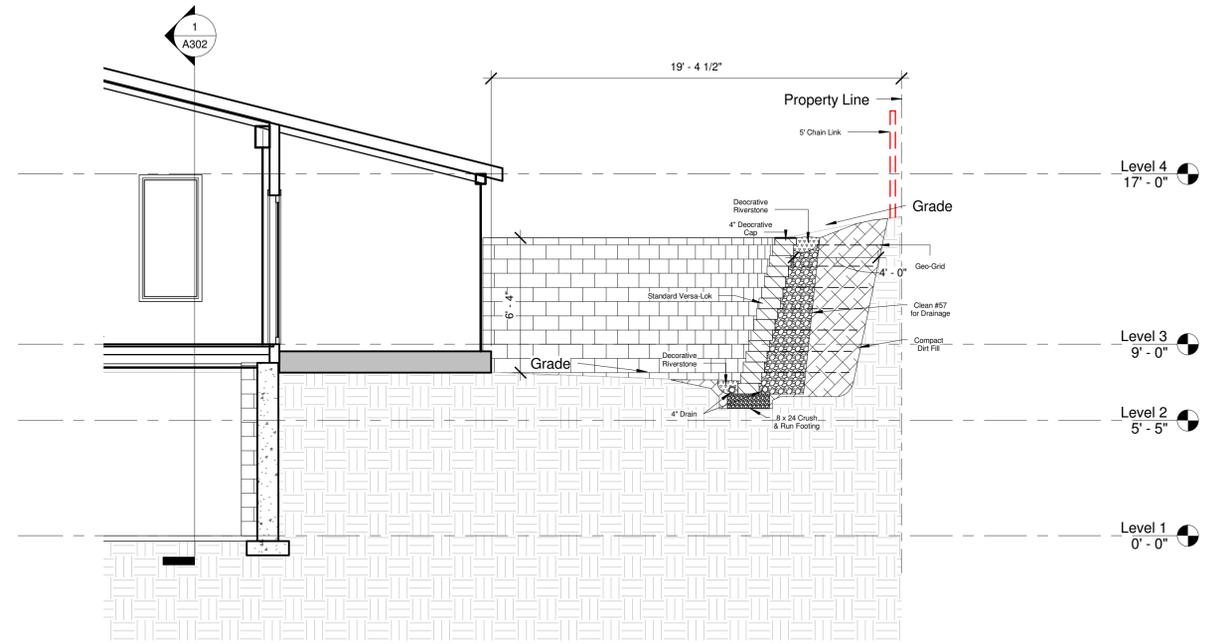
Retaining Wall Sections

Designed by TKP
 Date 12/9/2015 10:23:12 AM
 Drawn by TKP
 Checked by CB

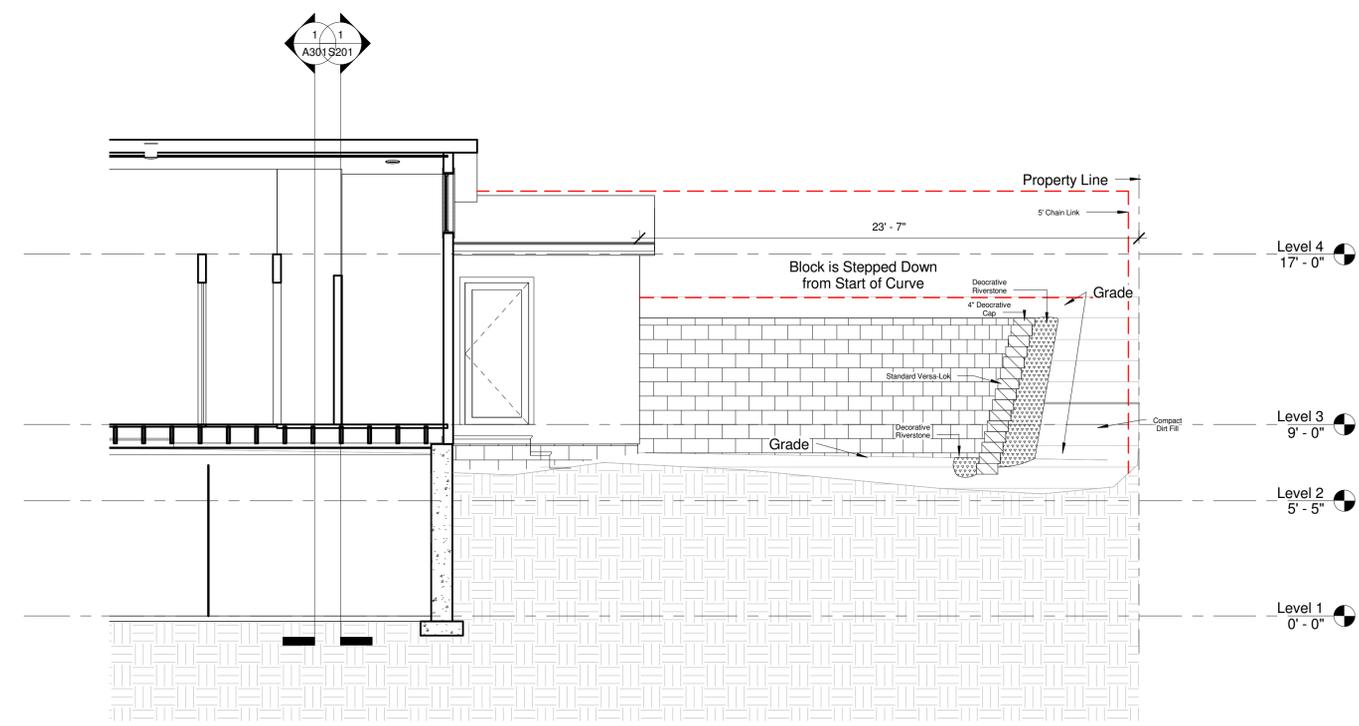
S201
 Scale 1/4" = 1'-0"



1 Retaining Wall Section 1
 1/4" = 1'-0"



2 Retaining Wall Section 2
 1/4" = 1'-0"



3 Retaining Wall Section 3
 1/4" = 1'-0"