



MORGANTOWN BOARD OF ZONING APPEALS

March 16, 2016
6:30 PM
City Council Chambers

Board Members:

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

STAFF REPORT

CASE NO: V16-09 / Strader / 633 Madison Avenue

REQUEST and LOCATION:

Request by Bonnie Strader for variance relief from Article 1335.04 as it relates to a setback encroachment at 633 Madison Avenue.

TAX MAP NUMBER(s) and ZONING DESCRIPTION:

Tax Map 40, Parcels 318 and 318.2; R-1A, Single-Family Residential District

SURROUNDING ZONING:

R-1A, Single-Family Residential District

BACKGROUND and ANALYSIS:

The petitioner seeks to construct an addition to the rear of a single-family dwelling at 633 Madison Avenue that will encroach into the minimum rear setback standard. Addendum A of this report illustrates the location of the subject site.

Article 1335.04 provides that the minimum rear setback be twenty (20) feet. The single-family dwelling with the proposed addition will have a five (5) foot rear setback from the rear wall. As such, a fifteen (15) foot rear setback variance is required for the development as proposed.

633 Madison Avenue includes two parcels, identified as Tax Map 40, Parcels 318 and 318.2. Physical development of Madison Avenue does not appear to fall into the platted right-of-way, affecting the development potential of Parcel 318, and greater project site. The platted right-of-way compared to 2010 aerial photos are shown below:



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 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 "Findings of Fact" responses (deleted matter struck through; new matter underlined).

Staff recommends approval of the variance as requested with the condition that minor subdivision approval combining Parcels 318 and 318.2 of Tax Map 40 be granted by the Planning Commission and conditions related thereto observed.

Enclosures: Application and accompanying exhibits

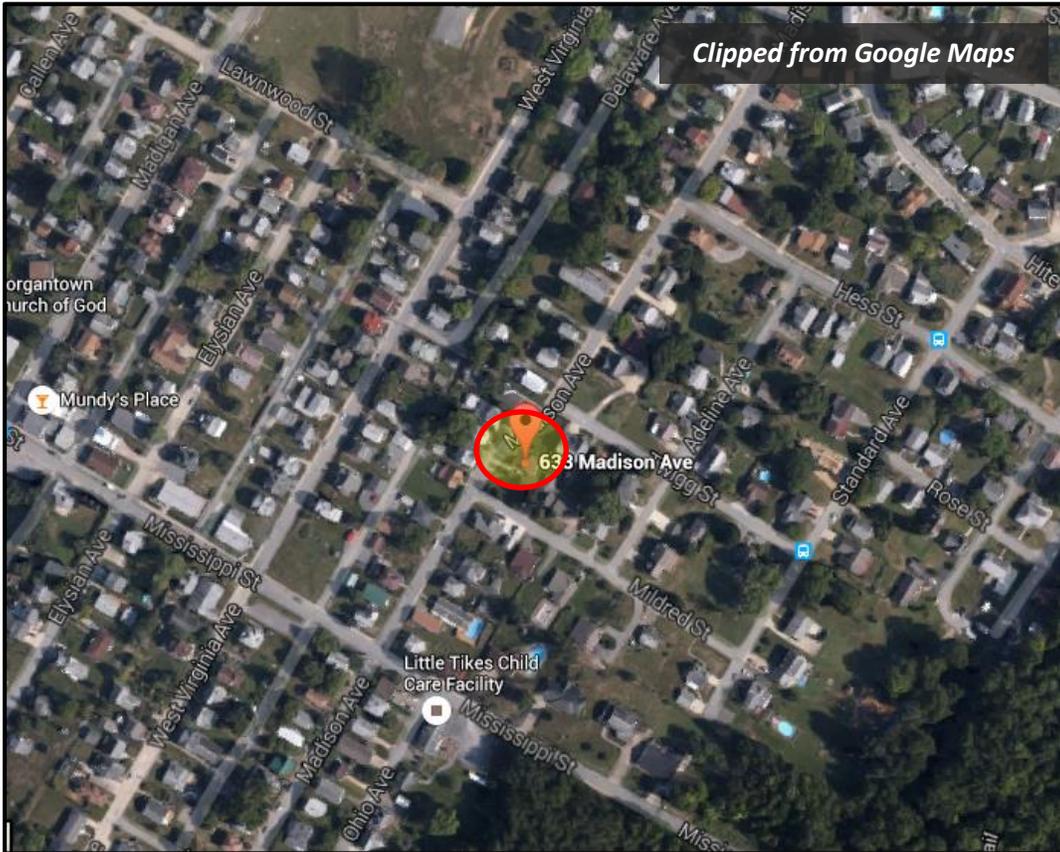
Development Services

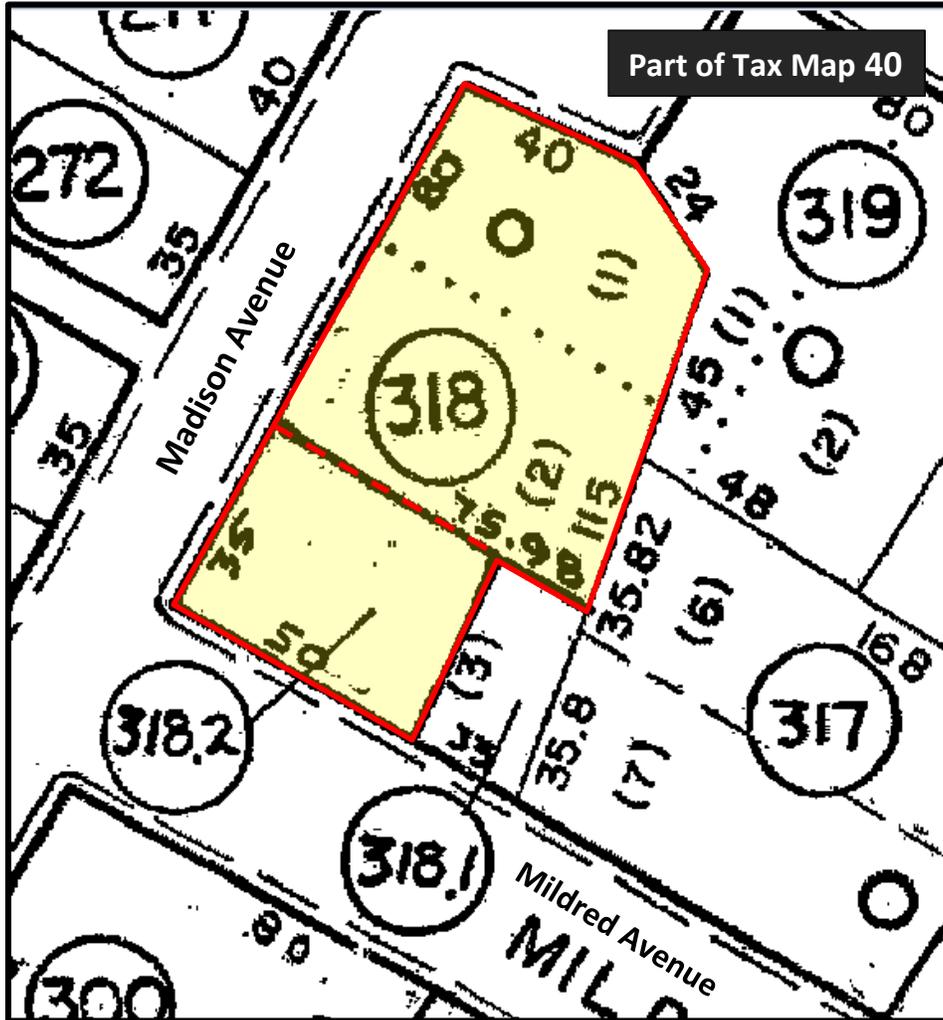
Christopher Fletcher, AICP
Director

Planning Division

389 Spruce Street
Morgantown, WV 26505
304.284.7431

STAFF REPORT ADDENDUM A
V16-09 / Strader / 633 Madison Avenue





STAFF REPORT ADDENDUM B

V16-09 / Strader / 633 Madison Avenue

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).

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:

This garage addition leaves alone the max turning area – at nearest intersection, continuing save turns. Add driveway will not block neighbors driveways. Safer local for accessing Mildred Avenue. Add. Will have 20' X 20' plus part of City right-of-way – concrete offstreet parking. Addition is on level ground, so line of sight is not impaired by construction this addition. The home's siding and windows will be upgraded creating a better visual appearance to properties near us. Thus increasing property values, we're sure.

The garage addition does not change traffic turning area in the vicinity. The addition and driveway will not block the neighbors' driveways, and will allow safer travel to Mildred Avenue. The Addition will have 20' x 20' parking, plus off-street parking. Addition is on level ground, so line of sight is not impaired by the construction of this addition. The home's siding and windows will be upgraded creating a better visual appearance to properties near us, increasing property values.

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:

Madison Avenue driveway entrance presently is more dangerous. There is no garage present on property. The safest local is our proposal.

The present driveway entrance on Madison Avenue is dangerous. The addition and new driveway is the safest location for onsite parking.

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

Wider and safer offstreet ingress. Egress local. This lot is not blocked by buildings. It is most reasonable to relocate off street parking area with this garage add. Proposal, because it stops the dangerous traffic problems on Madison Ave. from prop. entrance. This addition in no way will decrease prop. value or the views of nearby prop's.

The addition and driveway will allow safer access to and from the property. The addition will not decrease property values and will not impact the views of near-by properties.

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

Being R1A zoning area parking off street is a premium with two car parking gar. and 2

offstreet spaces added. Property usage zoning will not be affected, except in all possible ways.

Off-Street parking in the R-1A zoning district is at a premium. Newly created off-street parking will enable better use of the property in keeping with the R-1A zoning district.



City of Morgantown, West Virginia

APPLICATION FOR VARIANCE PETITION

OFFICE USE	
CASE NO.	V 16-09
RECEIVED:	

(PLEASE TYPE OR PRINT IN BLACK INK)

Fee: \$75

I. APPLICANT		Name:	BONNIE STRADEN	Pen STRADEN 290.5231
Mailing Address:	Street	633 Madison Ave	Phone:	290 5231
	City	Morgantown WV 26508	Mobile:	
	State		Zip	
		Email:		

II. PROPERTY		Street Address:				
Owner:			Zoning:	R 1 A		
Mailing Address:	Street	SAME		Tax Map No:	40	
	City		State		Zip	
	Parcel No:	318 318.2		Phone:		

III. NARRATIVE	Please describe the nature and extent of your variance request(s).
<p>CREATE A 30x24' GAR ADDITION ON RT SIDE OF HOME - CAUSING ACCESS to GAR. FROM Mildred Ave. Add, INCLD. 6x24' LIV. RM INCREASE AREA.</p> <p>Need this Add. to be 5' FROM Rear, RIGHT PART OF PROPERTY. THAT will put it AS FAR FROM Mildred/MADISON AVE INTERSECTION AS possible, FOR LEAVING MAX. TURNING THERE.</p> <p>this 5' setback will NOT INTERFERE w/ our neighbors home. They have GRASSY AREA then their own off street PARKING AREA.</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.	
Steve Straden	Steve Straden	JAN 25/16
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.



APPLICATION FOR VARIANCE PETITION

OFFICE USE	
CASE NO.	
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. <i>Staff will check the appropriate boxes below that must be addressed.</i>
<input checked="" type="checkbox"/> Land Use Characteristics (complete only those that apply) <input checked="" type="checkbox"/> Residential <input checked="" type="checkbox"/> Single-Family Dwelling <input type="checkbox"/> Townhouse Dwelling <input type="checkbox"/> Two-Family Dwelling <input type="checkbox"/> Multi-Family Dwelling <input type="checkbox"/> Non-Residential or Mixed <i>(please explain)</i>
<input type="checkbox"/> Structure Characteristics (complete only those that apply) Total number of buildings: _____ Gross floor area of each building: _____ Estimated number of employees: _____ No. of dwelling units: _____ No. of bedrooms: _____ Additional structure-related details: _____
<input type="checkbox"/> Additional Information (as required by Staff): _____
<input type="checkbox"/> 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. <ul style="list-style-type: none"> • 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



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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:

This add. Addition LEAVES ALONG THE MAX TURNING AREA - AT NEAREST INTERSECTION, CONTINUING SAFE TURN SO - ADD. DRIVEWAY WILL NOT BLOCK NEIGHBORS DRIVEWAYS, SAFER LOCAL FOR ACCESSING MILDRED AVE.

ADD. WILL HAVE 20'x20' - PLUS PART OF CITY RIGHTOFWAY - ~~CONCRETE~~ CONCRETE OFF-STREET PARKING. ADDITION IS ON LEVEL GROUND, SO LINE OF SIGHT IS NOT IMPAIRED. ~~WITH~~ BY CONSTRUCTING THIS ADDITION, THE HOME SIDING & WINDOWS WILL BE UPGRADED - CREATING A BETTER VISUAL APPEARANCE TO PROPERTIES NEAR US, - THUS INCREASING PROPERTY VALUES, WE'RE SURE.

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:

ENTERANCE MADISON AVE DRIVEWAY ~~ENTERANCE~~ PRESENTLY IS MORE DANGEROUS AND THERE IS NO GARAGE PRESENT ON PROPERTY. ~~THE~~ THE SAFEST LOCAL IS OUR PROPOSAL.



APPLICATION FOR VARIANCE PETITION

OFFICE USE	
CASE NO.	
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:

- wider & safer off street ingress ~~to~~ local.

- this lot is NOT blocked by buildings

it is most reasonable to relocate off street parking AREA with this garage add. proposac, BECAUSE IT stops the DANGEROUS traffic problems on madison Ave. from prop. entrance.

- this addition in no way will decrease prop. values or the ~~est~~ views of nearby prop's.

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

BEING R1A ZONING AREA - PARKING off street is a premium - with 2 CAR PARKING GAR. & 2 off street SPACES added.

PROPERTY USAGE ZONING will NOT be affected, EXCEPT IN ALL possible ways

ENT. LOCATION CHG / PROPOSAL

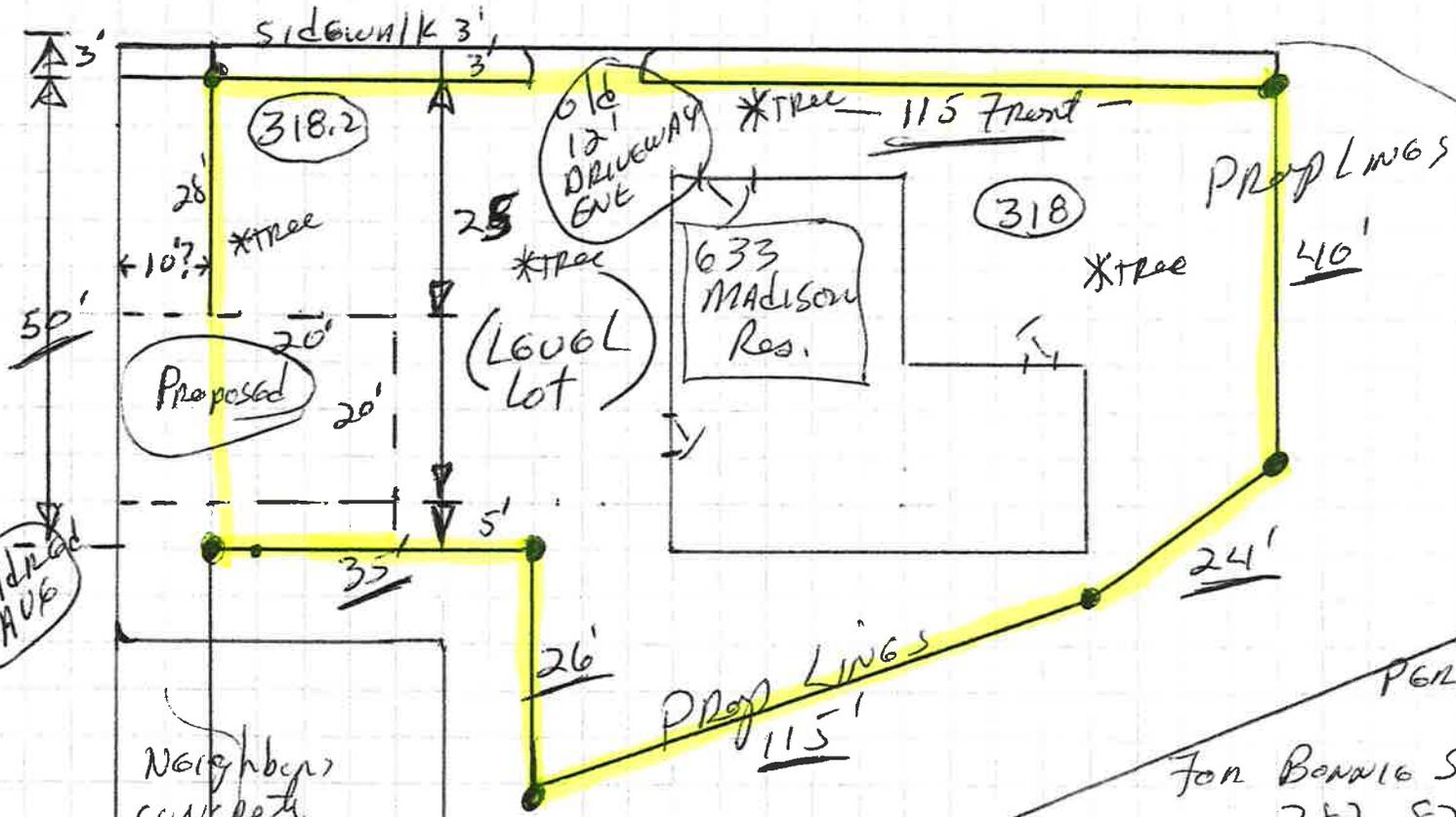
W13 318.2
MAP 40

ON STREET PARKING

MADISON AVE

ON STREET PARKING ALONG SIDE

10' sidewalk



MILDRED AVE

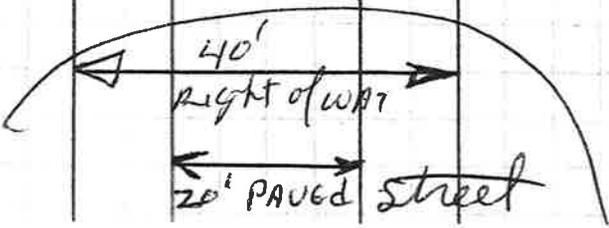
Neighbors CONCRETE DRIVEWAY

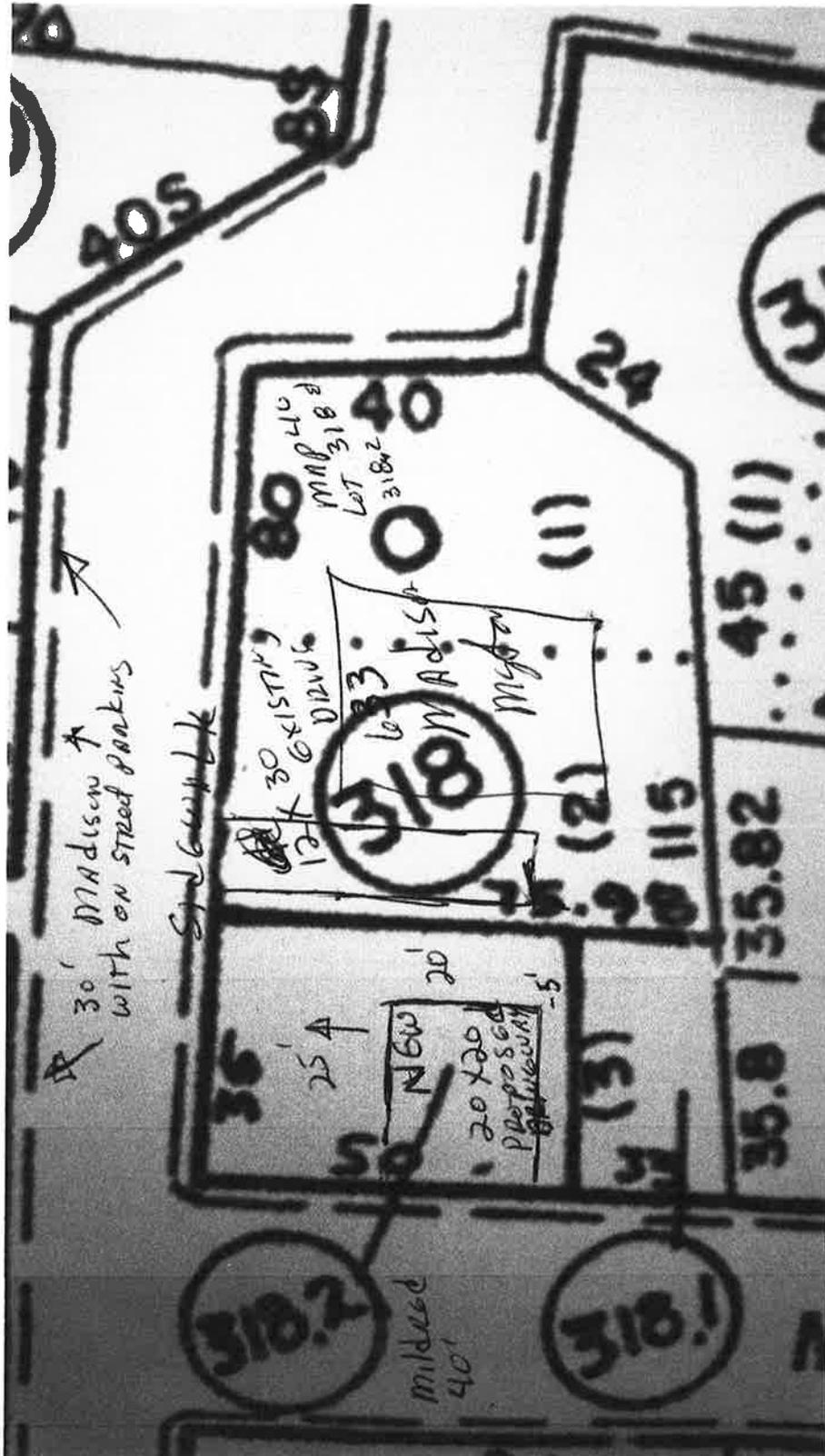
Neighbors CONCRETE DRIVE

Neighbors GRAN

Neighbors DRIVE

290-5231
 PER: STEVE STRADEN
 FOR BONNIE STRADEN
 282 8211
 MICH WU

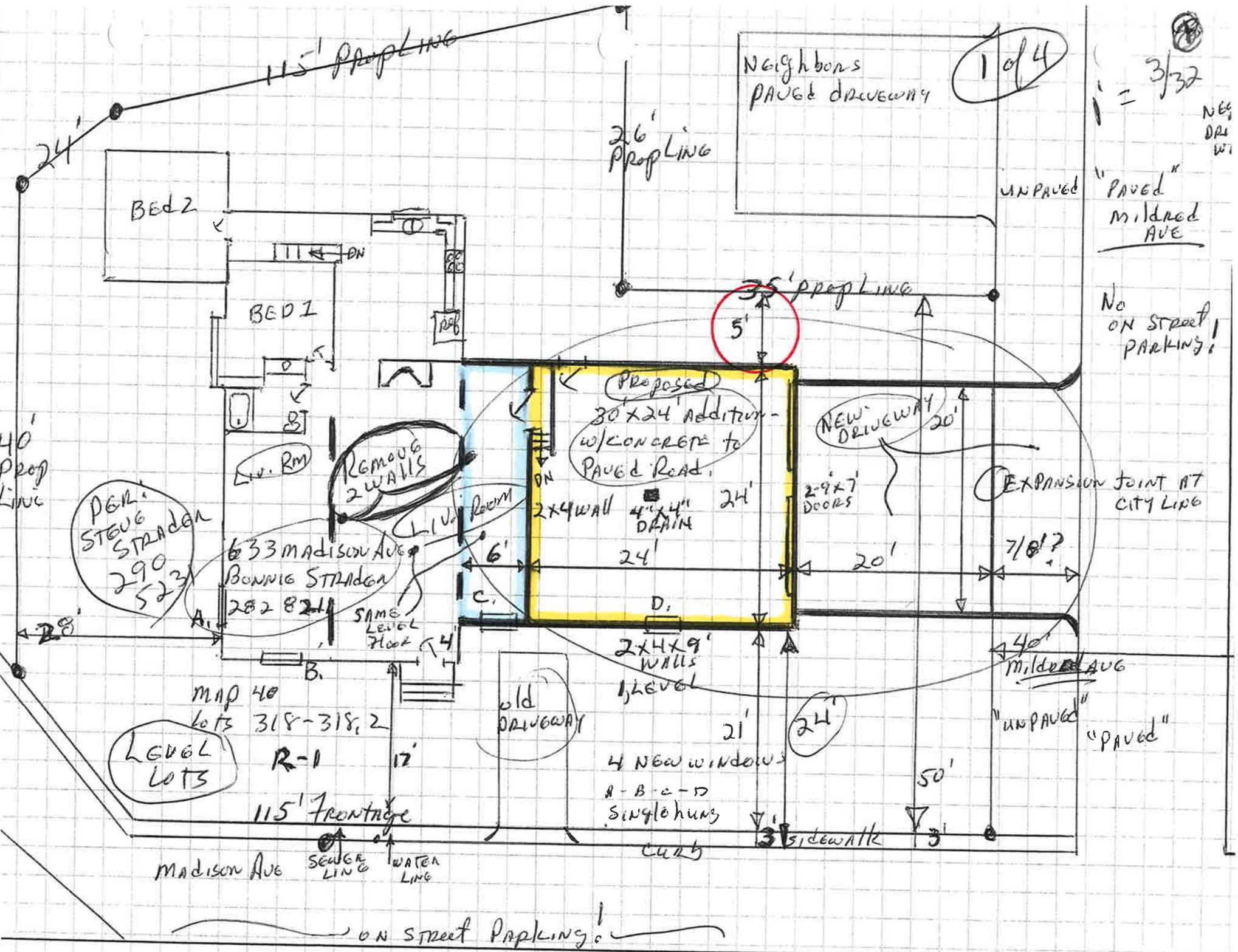




STEVE STRANDE
 FOR BONNIE STRANDE
 Proposed
 DRIVEWAY,
 Relocation
 PLAN.

290
 5231
 Steve

NO
 Street
 parking
 NO walks



Neighbors
PAVED DRIVEWAY (1 of 4)

NEG. DR. W. = 3/32
UNPAVED "PAVED" MILDRED AVE

No ON STREET PARKING!

NEW DRIVEWAY 20'

EXPANSION JOINT AT CITY LINE

PER. STEVE STRADEN
290
523

33 MADISON AVE
BONNIE STRADEN
282 821

LEVEL LOTS

MAP 40
lots 318-318, 2

R-1

115' Frontage

MADISON AVE
SEWER LINE
WATER LINE

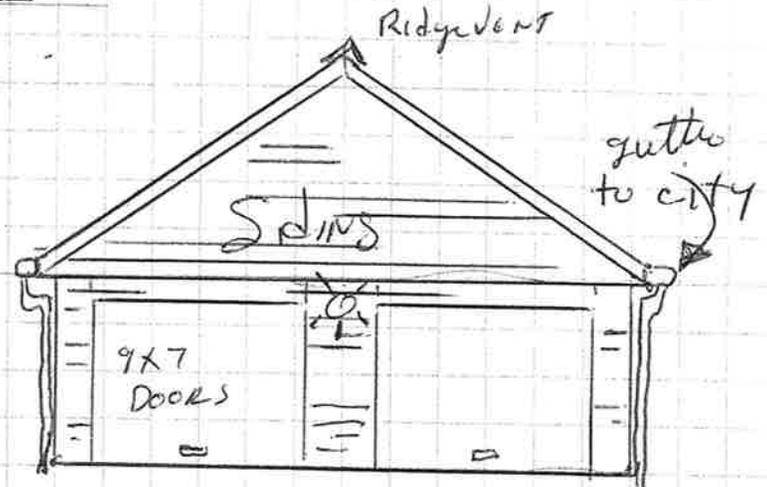
4 NEW WINDOWS
A-B-C-D
SINGLEHUNG

ON STREET PARKING!

EXISTING
WIND
Room
Floor
Floor Level



DRIVE
WAY



gar. addition Rt 6nd

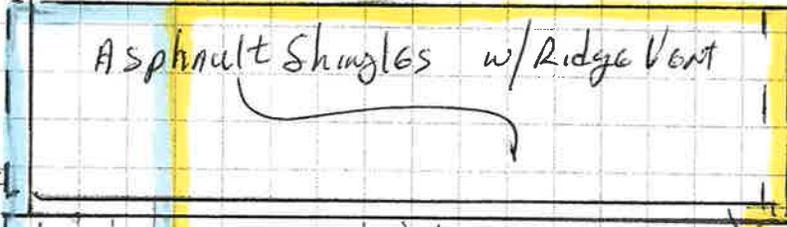
633 Madison
home

top

gar. Addition
Level
lot

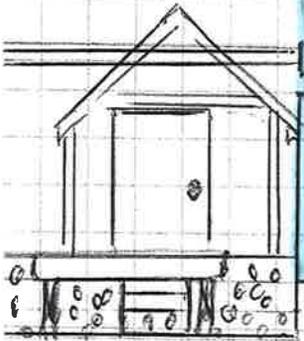
Bonnie
STRADON

EXISTING
home



12" overhang

Perf. Soffit
4" gutter to City



front

Footings

633 Madison

Madison
AVE

City of Morgantown Application for Building Permit

P

Application Date <u>Feb 19, 16</u>	Type of Work:		Is Applicant Owner?
	<input type="checkbox"/> New Construction SFD <input type="checkbox"/> SFD Addition <input type="checkbox"/> New Construction Rental/Commercial <input type="checkbox"/> Rental/Commercial Addition	<input checked="" type="checkbox"/> Garage- attached <input type="checkbox"/> Garage- detached	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

PROPERTY INFORMATION:

Street address: 633 Madison Ave Map# 41V Parcel# 318, 318.2 Ward 1 Zoning R-1

PROPERTY OWNER INFORMATION:

Name: BONNIE STRADER Business name: PER STOV6 STRADER
 Address: 633 Madison Ave Phone: 282 8211 290 5231
 Email: _____ property owner contractor

CONTRACTOR INFORMATION:

TYPE:	Contractors Business Name	City License Number
Architect/Engineer		
General Contractor	<u>GoldLine Const. LLC</u>	
Excavation		
Concrete		
Carpentry		
Electrical		
Plumbing		
Sewer		
Mechanical		
Roofing		
Masonry		
Drywall/Lathing		
Sprinkler		
Paving		
Fire Alarm		

Est. value of building \$ 30,000.00 Electrical value \$ 1000.00

Square footage of build 720 Square footage of grading 560

Must attach detailed construction plans and site plan 720 + 560 = 1280 sq ft

I hereby certify that I am the owner of record of the named property, or that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his authorized agent and I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the code official or the code official's authorized representative shall have the authority to enter areas covered by such permit at any reasonable hour to enforce the provisions of the code(s) applicable to this permit.

Stev Shad Morgan 290 5231
 SIGNATURE OF APPLICANT ADDRESS OF APPLICANT PHONE

PRINT NAME: STOV6 STRADER

Detailed Description of Work to be Done:

Const. 30x24 ATTACH GAR Addition w/ 9' ceiling - INTER home
 2- 9x7 GAR doors 1- 32" main door 1 window - vinyl Siding
 4 rock siding, asphalt shingles soff it gutter - INSUL - NO
 Finish walls in GAR, weld - 6" Addition to Living AREA - finished
 4" Reinforced concrete GAR Floor, off street parking up to paved
 elect to code CITY Street.
 REMOVE 2 INT WALLS w/ REPAIRS Storms into City Lines
 RESEED LAWN AS NEEDED (IN home)

STRUCTURAL FRAME INFORMATION:

Steel Masonry Concrete Wood Other (identify) _____

EXTERIOR WALL INFORMATION:

Steel Masonry Concrete Wood Other (identify) _____

Street Frontage (FEET)	30'	Stories (NUMBER)	1	Lot Area (SQ. FT.)	6790
Front Setback (FEET)	24' from curb	Bed Rooms (NUMBER)	—	Total Building Area (SQ. FT.)	1526
Rear Setback (FEET)	5'	Full Baths (NUMBER)	—	Parking Area (SQ. FT.)	400
Left Setback (FEET)	30'	Partial Baths (NUMBER)	—	Living Area (SQ. FT.)	950
Right Area (FEET)	20'	Garages (NUMBER)	ATTACHED - 1	Basement Area (SQ. FT.)	616
Height Above Grade (FEET)	10 8'	Windows (NUMBER)	41	Garage Area (SQ. FT.)	576
New Residential Units (NUMBER)		Fireplaces (NUMBER)	—	Office/Sales Area (SQ. FT.)	—
Existing Residential Units (NUMBER)		Enclosed Parking (NUMBER)	2	Service Area (SQ. FT.)	—
Elevators/Escalator (NUMBER)		Outside Parking (NUMBER)	2	Manufacturing Area (SQ. FT.)	—

ELECTRICAL INFORMATION:

Size of underground conductor
 Size of grounded conductor
 Size of grounding conductor
 Type of grounding system (water pipe, ground rods, etc)
 Size of conduit used
 Electrician license number

6
 1/2"
 WATER LINE & GR RDS
 WU 208 WU MO 5099

OFFICE USE ONLY

APPROVALS:

Engineering Department Approval Notes:

Signature of person reviewing: _____ DATE

Planning Department Approval Notes:

Signature of person reviewing: _____ DATE

Code Enforcement Approval Notes:

Signature of person reviewing: _____ DATE

Fire Department Approval Notes:

Signature of person reviewing: _____

VALIDATION:

Permit Number: <i>Garage Res-2016-0000119</i>	Fee
Electrical:	Fee <i>50.00</i>
Other:	Fee
Other:	Fee
Stop Work Order:	Fee

Application Accepted and Processed By: _____

Total Fee

Approved By: _____ DATE

Signature of Person Picking Up Building Permit: _____ DATE

Print Name of Person Picking up Permit: _____

