



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: V16-11 / Santee / 564 Harvard Avenue

REQUEST and LOCATION:

Request by Paul Walker, on behalf of Robert G. Santee, Jr., for variance relief from Article 1363.02 as it relates to a setback encroachment at 564 Harvard Avenue.

TAX MAP NUMBER(s) and ZONING DESCRIPTION:

Tax Map 2, Parcel 38; 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 front of the single-family dwelling at 564 Harvard Avenue that will encroach into the minimum front setback standard. Addendum A of this report illustrates the location of the subject site.

Article 1333.04 provides a minimum front setback of twenty (20) feet in the R-1 District. However, Article 1363.02(C) supersedes Article 1333.04.

(C) Developed Blocks. If seventy-five percent (75%) or more of the lots in a block, on both sides of the street, are occupied by buildings, the following regulations shall apply:

(1) Residential Uses. The front setback shall vary by not more than 8 feet from the home(s) on either side of the lot. This requirement shall supercede the normal minimum and maximum front setbacks.

The petitioner's proposed addition will extend approximately two (2) feet closer to the front property boundary than the average front setback of the homes on either side of the lot plus eight (8) feet. In other words, the proposed addition will be ten (10) feet from the average front setback of the homes on either side, which requires a two-foot variance.

It should be noted Article 1333.05 provides that, "Uncovered stairs, landings and porches shall not extend closer than three (3) feet from the property line." The petitioner's proposed uncovered front steps and porch do not extend closer than three (3) feet from the front property boundary.

The petitioner submitted nine (9) letters of support from the following neighboring residents / property owners. One of graphics provided in Addendum A of this report identifies the following addresses.

- Carla Riley, 556 Harvard Avenue
- Donald Spencer and Carol Hamblen, 565 Harvard Avenue

Development Services

Christopher Fletcher, AICP
Director

Planning Division

389 Spruce Street
Morgantown, WV 26505
304.284.7431



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- Chandy Paul Martin, 569 Harvard Avenue
- Theresa Gibson, 571 Harvard Avenue
- Grant Zimmerman, 553 Harvard Avenue
- Gail Shibley, 541 Harvard Avenue
- Nichole Huggins, 1412 Western Avenue
- Greg and Victoria Lacy, 1370 Western Avenue
- Dolores Kolanko, 1428 Western Avenue

STAFF RECOMMENDATION:

It is the duty of the Board of Zoning Appeals to 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 restates the petitioner's responses to the Findings of Fact portion of the subject variance application. No revisions to the petitioner's response are recommended by Staff. No recommendation is submitted concerning whether or not variance relief should be granted as requested.

Enclosures: Application and accompanying exhibits
 Letters of support (9) submitted by the petitioner

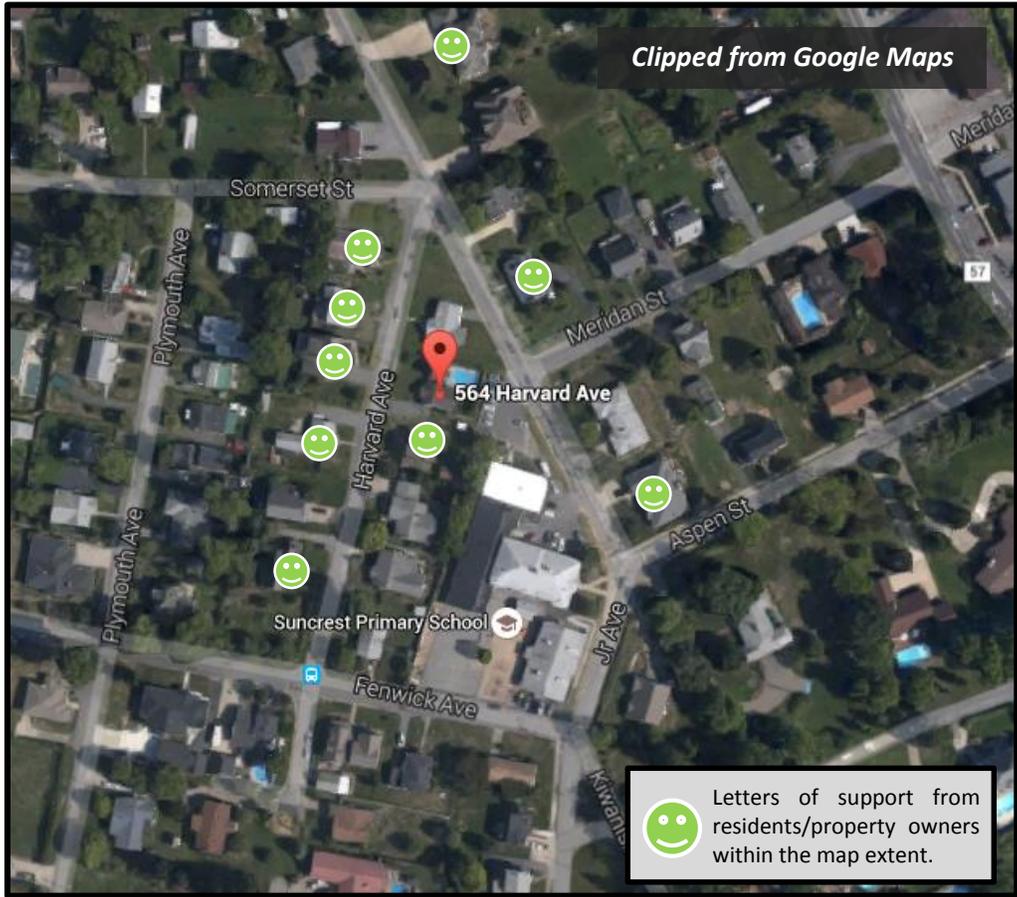
Development Services

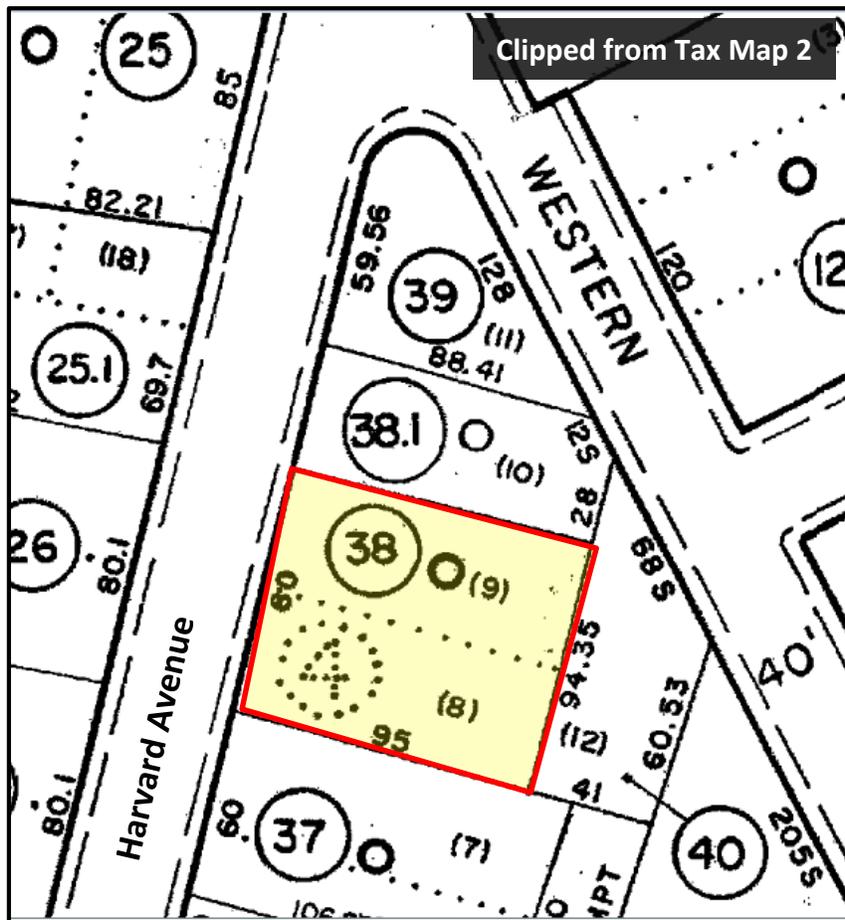
Christopher Fletcher, AICP
Director

Planning Division

389 Spruce Street
Morgantown, WV 26505
304.284.7431

STAFF REPORT ADDENDUM A
V16-11 / Santee / 564 Harvard Avenue





STAFF REPORT ADDENDUM B

V16-11 / Santee / 564 Harvard Avenue

The following restates the petitioner's responses to the Findings of Fact portion of the variance application. No revisions are recommended by Staff.

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 design decision to construct the garage where the existing driveway and expand the living space in front of the house will not adversely affect adjacent property owners due to the fact the applicant will utilize the existing driveway and available setback with a minimal variance in the middle of the property. Applicant is not asking for a variance on either side of the subject property, just front middle.

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 residence was constructed off-center on the property and the proposed location of the garage and new addition in the right and front of the existing structure is the most logical placement. Placement decisions are driven by standard physical dimensions of a two-car garage and how situating the garage at the front of the existing home results in the front setback encroachment. The left or north side of the structure houses an in-ground pool and all utility cables, along with an electric pole which all come to an end at said pole preventing expansion on this side. With the exception of the front center of the addition, the proposed project will observe minimum side setback and maximum lot coverage standards.

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

Since the home was constructed off-center, the location of the in-ground pool and utilities on the left side of the structure, construction of the garage and addition on the front of the structure will alleviate the need to ask for an encroachment on the either side of the house, which could affect neighboring properties. But for the granting of this variance, there appears to be no other option to construct a two-car attached garage on the site without encroaching into a minimum standard given the location of the existing house on the parcel. The granting of this variance will permit a reasonable use of the land since two-car attached garages are common for single-family houses within the neighborhood.

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

The minimal variance will enhance the neighborhood property values as the applicant constructs an addition to enhance the functional living space and utilize the land appropriately with no adverse impact to the neighborhood.



City of Morgantown, West Virginia

APPLICATION FOR VARIANCE PETITION

| OFFICE USE | |
|------------|--------|
| CASE NO. | V16-11 |
| RECEIVED: | 2/5/16 |

(PLEASE TYPE OR PRINT IN BLACK INK)

OK 1073

Fee: \$75

| | | | |
|---|-----------------------|--|---------------------------|
| I. APPLICANT | | Name: Robert G. Santee, Jr. | |
| Mailing Address: | 564 Harvard Avenue | | Phone: 304-598-1321(work) |
| | Street Morgantown | | Mobile: 304-598-2922 |
| | City | State | Zip |
| | | Email: rgsantee@msn.com | |
| II. PROPERTY | | Street Address: 564 Harvard Avenue | |
| Owner: | Robert G. Santee, Jr. | | Zoning: R-1 |
| Mailing Address: | same | | Tax Map No: 2 |
| | Street | | Parcel No: 38 |
| | City | State | Zip |
| | | Phone: same | |
| III. NARRATIVE | | Please describe the nature and extent of your variance request(s). | |
| <p>Petitioner is requesting front yard setback variance to allow for a new addition to the existing residence. The minimal encroachment into the setback is required in order to physically accommodate the dimensions for a new garage. Effort has been made to step the front facade where possible to remain within the setback limit. Topographic grades and a utility pole location prevents the garage from being located on the opposite side of the existing house.</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> | | | |
| Paul A. Walker, Agent | | | |
| Type/Print Name of Applicant/Agent | | Signature of Applicant/Agent | |
| | | Date | |
| | | 02/05/2016 | |

DEVELOPMENT SERVICES DEPARTMENT
BY: FEB 16 2016

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. | V16-71 |
| 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: Exist 1720sf; Add 1928sf

Estimated number of employees: -- No. of dwelling units: 1 No. of bedrooms: 3

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. | V116-11 |
| RECEIVED: | |

| | |
|---|---|
| VII. FINDINGS OF FACT | COMPLETE THE FOLLOWING STATEMENTS IN THIRD PERSON. |
| <p>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.</p> | |
| <p>1. The variance will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents, because:</p> <p>The design decision to construct the garage where the existing driveway and expand the living space in front of the house will not adversely affect adjacent property owners due to the fact the applicant will utilize the existing driveway and available setback with a minimal variance in the middle of the property. Applicant is not asking for a variance on either side of the subject property, just front middle.</p> | |
| <p>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:</p> <p>The existing residence was constructed off-center on the property and the proposed location of the garage and new addition in the right and front of the existing structure is the most logical placement. Placement decisions are driven by standard physical dimensions of a two-car garage and how situating the garage at the front of the existing home results in the front setback encroachment. The left or north side of the structure houses an in-ground pool and all utility cables, along with an electric pole which all come to an end at said pole preventing expansion on this side. With the exception of the front center of the addition, the proposed project will observe minimum side setback and maximum lot coverage standards.</p> | |



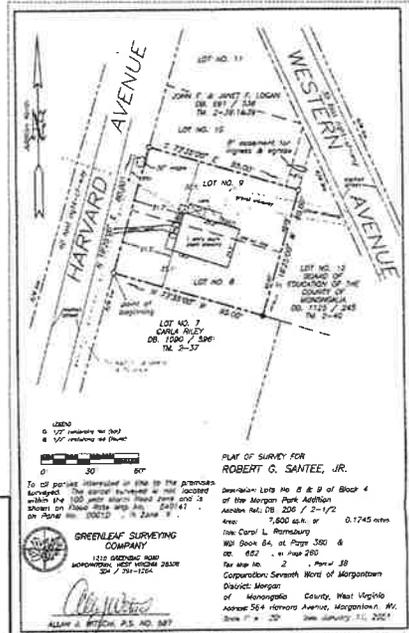
**APPLICATION FOR
VARIANCE PETITION**

| OFFICE USE | |
|------------|---------|
| CASE NO. | V11e-11 |
| RECEIVED: | |

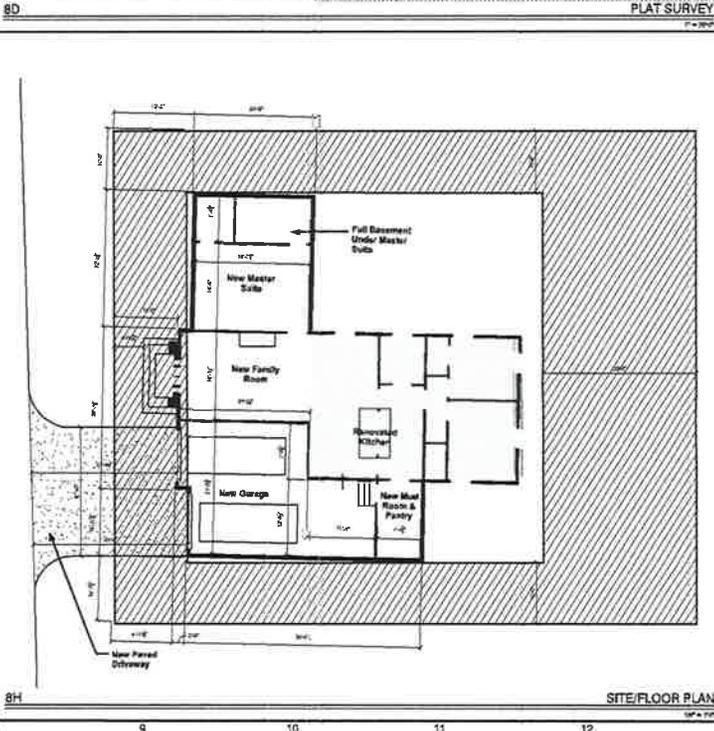
| | |
|--|---|
| VII. FINDINGS OF FACT | COMPLETE THE FOLLOWING STATEMENTS IN THIRD PERSON. |
| <p>3. The variance will eliminate an unnecessary hardship and permit a reasonable use of the land, because:</p> <p>Since the home was constructed off-center, the location of the in-ground pool and utilities on the left side of the structure, construction of the garage and addition on the front of the structure will alleviate the need to ask for an encroachment on the either side of the house, which could affect neighboring properties. But for the granting of this variance, there appears to be no other option to construct a two-car attached garage on the site without encroaching into a minimum setback standard given the location of the existing house on the parcel. The granting of this variance will permit a reasonable use of the land since two-car attached garages are common for single family houses within the neighborhood.</p> | |
| <p>4. The variance will allow the intent of the zoning ordinance to be observed and substantial justice done, because:</p> <p>The minimal variance will enhance the neighborhood property values as the applicant constructs an addition to enhance the functional living space and utilize the land appropriately with no adverse impact to the neighborhood.</p> | |



PROPERTY VICINITY MAP
1" = 75'



Lots No. 8 & 9 of Block 4 of the Morgan Park Addition
Lot Coverage: 30.4%
Lot size: 7,600sf
Renovated Bldg size: 2,314sf



2225 Chest Road, Suite 200
 Morgantown, WV 26508
 Tel: 304-281-9018 Fax: 304-281-1474
 2450 Valleydale Road, Suite 150
 Birmingham, AL 35244
 Tel: 205-422-2742 Fax: 205-422-0742 Fax

SANTEE HOUSE RENOVATION
 564 Harvard Avenue
 Morgantown, WV

sheet title
SITE PLANS
 sheet number
A1.00
 DRAWN BY: PAV
 CHECKED BY: PAV
 Copyright © 2018



stacy

Email: Shollar@morgantownwv.gov

City of Morgantown, West Virginia

APPLICATION FOR VARIANCE PETITION

| OFFICE USE | |
|------------|--|
| CASE NO. | |
| RECEIVED: | |

(PLEASE TYPE OR PRINT IN BLACK INK)

Fee: \$75

| | | | |
|---|-----------------------|--|---------------------------|
| I. APPLICANT | | Name: Robert G. Santee, Jr. | |
| Mailing Address: | 564 Harvard Avenue | | Phone: 304-598-1321(work) |
| | Street Morgantown | | Mobile: 304-598-2922 |
| | City | State | Zip |
| | | Email: rgsantee@msn.com | |
| II. PROPERTY | | Street Address: 564 Harvard Avenue | |
| Owner: | Robert G. Santee, Jr. | | Zoning: R-1 |
| Mailing Address: | same | | Tax Map No: 2 |
| | Street | | Parcel No: 38 |
| | City | State | Zip |
| | | Phone: same | |
| III. NARRATIVE | | Please describe the nature and extent of your variance request(s). | |
| <p>Petitioner is requesting front yard setback variance to allow for a new addition to the existing residence. The minimal encroachment into the setback is required in order to physically accommodate the dimensions for a new garage. Effort has been made to step the front facade where possible to remain within the setback limit. Topographic grades and a utility pole location prevents the garage from being located on the opposite side of the existing house.</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> | | | |
| Paul A. Walker, Agent | | | 02/05/2016 |
| 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.

Untitled

My name is Carla Riley. I am writing in regards to the variance application requested by my neighbor Robert G Santee. I have lived next to Mr. Santee for several years and have complete faith that any addition to his home would be well thought out and beautifully completed. I give my complete approval.

Carla Riley
556 Hammond Ave
Morgantown WA
26505



DEVELOPMENT SERVICES
PLANNING DIVISION

The City of Morgantown

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

February 23, 2016

RILEY CARLA
556 HARVARD AVE
MORGANTOWN, WV 26505

**RE: V16-11 / Santee / 564 Harvard Avenue
Tax Map 2, Parcel 38**

Dear Property Owner:

The City's Planning and Zoning Code requires notification of property owners within two-hundred (200) feet of a site where certain land development and/or land use decisions are required by the Planning Commission or Board of Zoning Appeals.

Paul Walker, on behalf of Robert G. Santee, Jr., has submitted one (1) **variance application** that will be considered by the **Board of Zoning Appeals on Wednesday, March 16, 2016** at 6:30 PM in City Council Chambers, City Hall, 389 Spruce Street.

Project Description:

The petitioner seeks to construct an addition to the existing single-family dwelling at 564 Harvard Avenue that will encroach into the minimum front setback standard, which requires variance approval from the Board of Zoning Appeals.

Should you have any questions concerning these petitions or require special accommodations to attend the hearing noted above, please call the Planning Division at 304-284-7431 or email to shollar@morgantownwv.gov. Written comments may be submitted to this email address or by mail to the Planning Division address noted above.

The agenda for this hearing and related staff reports will be posted on the City's website, www.morgantownwv.gov, approximately one week before the hearing.

Respectfully,

Stacy Hollar
Executive Secretary

565 Harvard Ave.
Morgantown, WV 26505
304-598-5085

February 28, 2016

Board of Zoning Appeals
Attn: Planning Division
City of Morgantown
389 Spruce Street
Morgantown, WV 26505

Dear Persons:

This letter is written in support of the request for a variance relating to the owner – occupied property at 564 Harvard Ave. The owner, Robert Santee, is requesting a variance to permit the addition of a two car garage as well as the expansion of the present 900 square feet total living area of the dwelling. Completion of this project will require a 2 foot front boundary encroachment into the specified setback on street frontage.

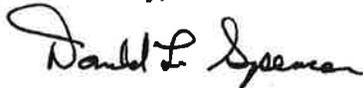
We support this request for two reasons. First of all and foremost, Santee and his family are unusually outstanding neighbors and have made multiple improvements to the property in their tenure. We have lived directly across the street from the 564 property since 1970. While they have lived there, Santee and his family have cared for the 564 property in a notably excellent manner. Santee has made sound improvements to the house interior and exterior, impeccably maintained the property year round, and added significantly to the value of all properties in the neighborhood by doing so.

Santee and his family are neighborly with adults, demonstrate interest in children, and each year maintain attractive landscaping which marvel us all – including people passing through the neighborhood on foot or traveling by vehicles to and from the adjacent Suncrest neighborhood school. Santee has demonstrated over and over that anything that he does to his property he will do with taste, class, and competence. We as a neighborhood have been better off for it.

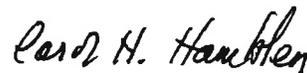
A secondary reason for our support is that Santee's plan to subtract two feet to the set back requirement would not be the first on Harvard Ave. to break a street set back margin. The property at 571 Harvard has been constructed 20 feet from a present approximated curb area. (*There is presently no curb or permanent pavement edging on Harvard Ave.*) The Santee plan when completed would also be located approximately 20 feet from a present approximated curb area – in other words, closely in keeping with an already established precedent.

We encourage and support Board of Zoning Appeals action to approve Santee's request for the two foot variance.

Yours truly,



Donald L. Spencer



Carol H. Hamblen

February 29, 2016

This is a letter of support for Robert Santee at 564 Harvard Avenue, Morgantown, WV 26505 who is seeking a 2 foot encroachment into the setback of the city on the street frontage to add a 2 car garage and additional living space onto his home. I have lived on Harvard Avenue for over 10 years; Bob and Chuck are two of the nicest, friendliest neighbors I have. Over those 10 years I have seen the changes in the house as they have made improvements to add value and appeal to their home. The changes they are seeking to make will not only add value to their own home but the neighborhood in general.

Thank you for your time.

A handwritten signature in black ink that reads "Chandy Paul Martin". The signature is written in a cursive style with a large, stylized initial "C".

Chandy Paul Martin
569 Harvard Ave
Morgantown, WV 26505

March 3, 2016

RE: Residence/Bob Santee

564 Harvard Ave

Morgantown, WV

To Whom It May Concern:

I have been neighbors with the above residence for years. I admire their care to their home by curb appeal. I admire their active participation within the street community. I consider them very good neighbors that anyone would be very lucky and very happy to have. I have absolutely no hesitation supporting them with their request for variance for expansion to their existing structure. I am excited to see change and believe that the neighborhood will benefit with a beautiful home on the block.


Theresa Gibson

571 Harvard Ave

Morgantown, WV

Mr. Robert Santee
564 Harvard Avenue
Morgantown, WV 26505

Re: Proposed addition and two foot encroachment
564 Harvard Avenue
Morgantown, WV 26505

Dear Robert,

I am writing this letter to show support of your proposed variance to the City of Morgantown. We fully appreciate the desire to facilitate accommodations on a smaller, older home as we have done so ourselves throughout the years. It's a great neighborhood and your requested improvements will only add value to it.

Regards,

A handwritten signature in black ink, appearing to read "Grant Zimmerman". The signature is fluid and cursive, with a large, stylized "Z".

Grant Zimmerman
553 Harvard Avenue
Morgantown, WV 26505

To Whom It May Concern,

I have been a neighbor of Bob for many years now. He has kept his property neat and attractive the whole time. His gardens are well kept and attended all season. In fact, he decorates in a beautiful fashion.

I have no objections to any changes that he should plan and look forwards to them. He is a friendly and thoughtful neighbor, in every way.

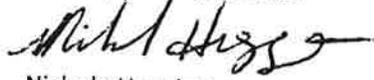
Respectfully,
GAIL SHIBLEY
Gail Shibley
541 Harvard Ave
Morgantown, W.V
26505

(304) 590-3664

February 29, 2016

This is a letter of support for Robert Santee at 564 Harvard Avenue, Morgantown, WV 26505 who is seeking a 2 foot encroachment into the setback of the city on the street frontage to add a 2 car garage and additional living space onto his home. I have lived in the neighborhood for around a year and a half but have been familiar with the neighborhood for over 10 years. The house in question is always well cared for and maintained.

Thank you for your time.

A handwritten signature in black ink, appearing to read "Nichole Huggins", written in a cursive style.

Nichole Huggins
1412 Western Avenue
Morgantown, WV 26505

2-28-16

MORGANTOWN City Officials,

My wife and I ARE writing to support the Santee's request for a VARIANCE at 564 HARVARD Street. They would like to expand their living room and add a two CAR GARAGE. We believe these changes are beneficial to the entire neighborhood. They would most certainly add to the curb appeal of the entire area as well as add value to the existing properties. They have proven to be good neighbors who are respectful to those around them. Should you require more information please feel free to contact us at 304-599-8969.

yours for a better MORGANTOWN,

Angony R. Kacy
Victoria Lacy
1370 Western Avenue
304-599-8969

To Whom It May Concern,

My name is Dolores Kolanko. My husband Vince and I live at 1428 Western Ave. in Morgantown, WV.

We were asked by our neighbor Robert Santee, to express our opinion on his request for a new addition at their address. I can say without any reservation that anything they would choose to do would be a welcome addition to our neighborhood. The outside of their home is always pristine. On our walks we always enjoy the beauty and charm they place on their property. As a matter of fact I have always wanted to ask their advice on gardening as well as decorating. Best of luck to them on this endeavor.

Warm Regards,

A handwritten signature in black ink, appearing to read 'Dolores Kolanko', written in a cursive style.

Dolores{Dody} Kolanko