



MORGANTOWN BOARD OF ZONING APPEALS

July 20, 2016
6:30 PM
City Council Chambers

Board Members:

Bill Burton,
Chair

George Papandreas,
Vice Chair

Linda Herbst

Jim Shaffer

Colin Wattleworth

STAFF REPORT

CASE NO: V16-15 / Trevor Lloyd / 574 Killarney Drive

REQUEST and LOCATION:

Request by Trevor Lloyd for variance relief from Article 1333.04 as it relates to a side setback encroachment at 574 Killarney Drive.

TAX MAP NUMBER(s) and ZONING DESCRIPTION:

Tax Map 55, Parcel 18; 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 a single-family dwelling located at 574 Killarney Drive 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 standard of twenty-five (25) feet. However, the standard front yard setback for residential uses is superseded by Article 1363.02(C), which provides that:

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 supersede the normal minimum and maximum front setbacks.

The structure to the east of petitioner's property appears to be 23 feet +/- from its respective front property line and the structure to the west appears to be 25 feet +/- from its respective front property line. Averaged together, the front setback for the petitioner's property would not be permitted to be closer than 16 feet +/- . The proposed addition will have a 13.5-foot front setback. As such, a 2.5-foot front setback variance from Article 1363.02(C) is required for the development as proposed.

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)].

Development Services

Christopher Fletcher, AICP
Director

John Whitmore, AICP
Planner III

Planning Division

389 Spruce Street
Morgantown, WV 26505
304.284.7431



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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).

No recommendation is submitted concerning whether or not variance relief should be granted as requested.

Enclosures: Application and accompanying exhibits

Development Services

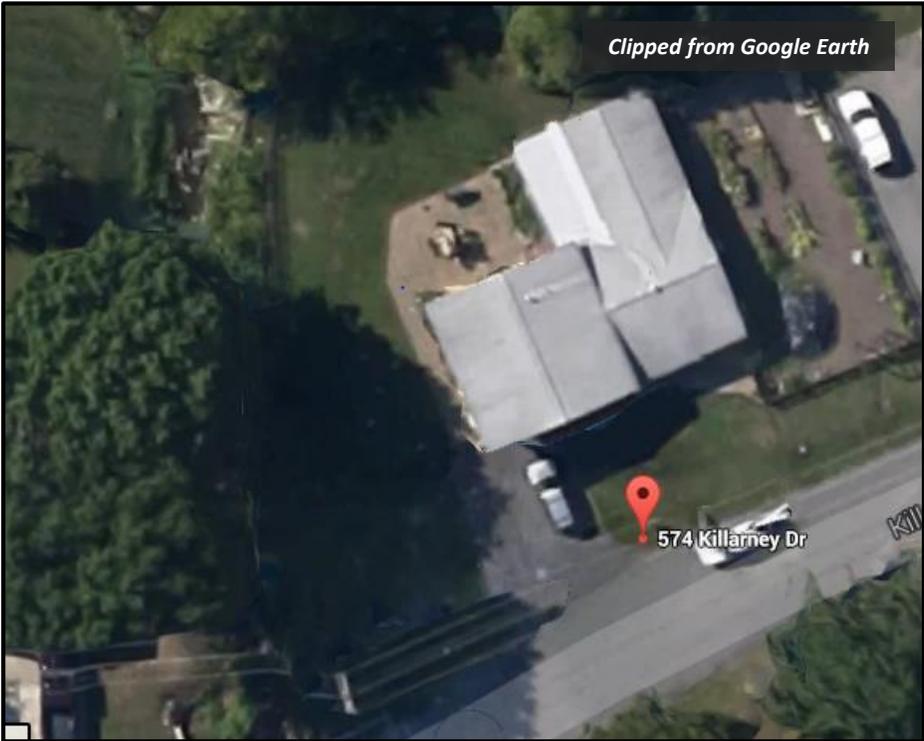
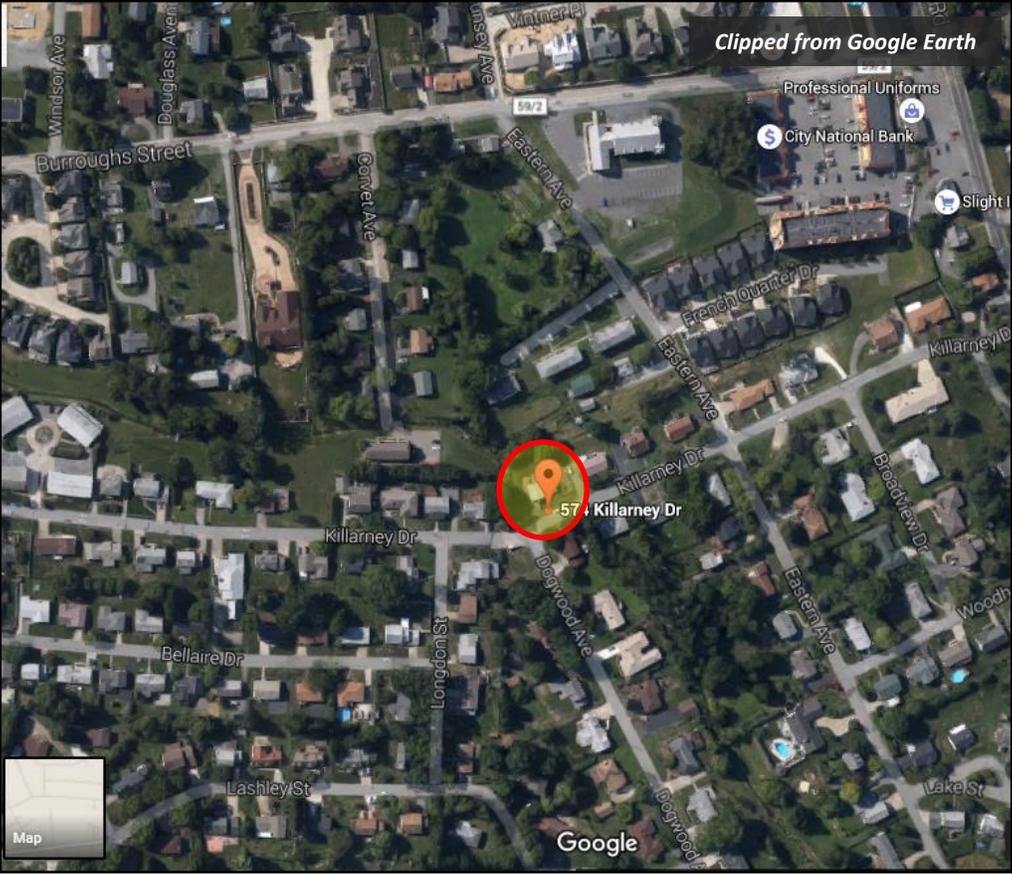
Christopher Fletcher, AICP
Director

John Whitmore, AICP
Planner III

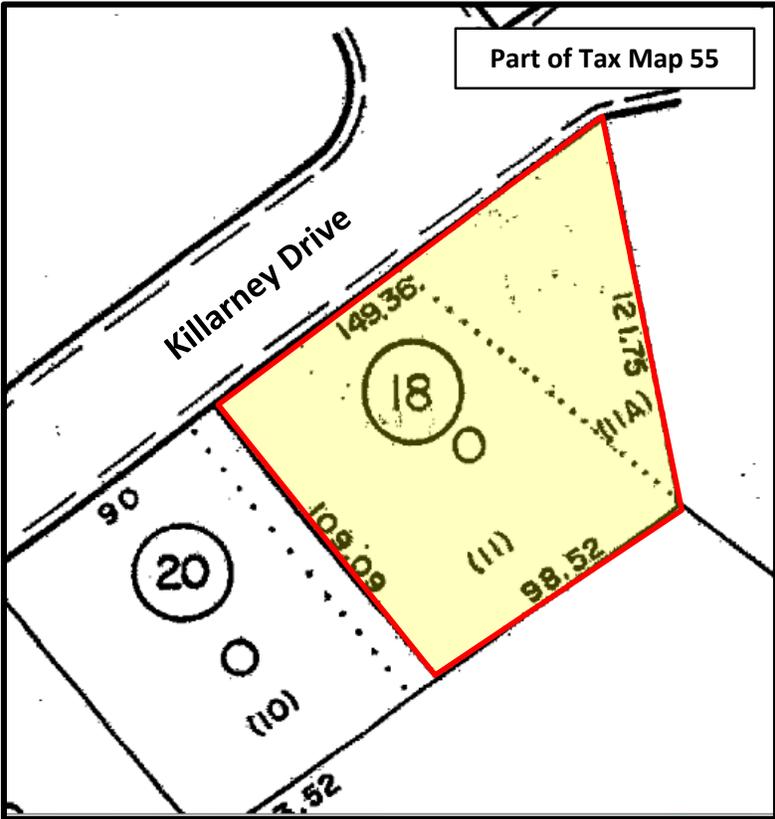
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STAFF REPORT ADDENDUM A
V16-15 / Trevor Lloyd / 574 Killarney Drive



STAFF REPORT ADDENDUM A
V16-15 / Trevor Lloyd / 574 Killarney Drive



STAFF REPORT ADDENDUM B

V16-15 / Trevor Lloyd / 574 Killarney Drive

Staff recommends the following revisions to the petitioner's Findings of Fact 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 variance does not encroach on any other private properties, does not affect the floodplain in anyway, does not affect utilities and does not block line of sight for vehicular or pedestrian traffic.

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:

There exists a ~~20'~~ 20-foot wide MUB utility easement in the area ~~we wish to place the addition where the petitioner seeks to construct the proposed addition.~~ This easement is for a ~~45"~~ 15-inch diameter sanitary sewer main which would be cost prohibitive to move. Therefore, ~~we the petitioner~~ the petitioner can only expand ~~42'~~ 12 feet out from the rear of the house. ~~According to the petitioner, in order to make this addition worth the expense and effort it has to meet our the petitioner's needs and in order to do that, we the petitioner would like seeks to extend out a little further into the front setback standard~~ than zoning regulations Article 1363.02(C) allow.

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

There exists a ~~20'~~ 20-foot wide MUB utility easement in the area ~~we wish~~ the petitioner seeks to place the proposed addition. This easement is for a ~~45"~~ 15-inch diameter sanitary sewer main which would be cost prohibitive to move. Therefore, ~~we the petitioner~~ the petitioner can only expand ~~42'~~ 12 feet out from the rear of the house. ~~According to the petitioner, in order to make this addition worth the expense and effort it has to meet our the petitioner's needs and in order to do that, we the petitioner would like seeks to extend out a little further into the front setback standard~~ than zoning regulations Article 1363.02(C) allow.

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

This ~~appears to be~~ is a special case due to a public utility line and easement crossing ~~our the petitioner's~~ the petitioner's property that services the entire area. If this utility did not exist on ~~our the petitioner's~~ the petitioner's property, as it does not exist on the neighboring properties, ~~we the petitioner~~ the petitioner would have ~~designed our been able to design an~~ designed an addition to a more desirable shape to meet all related setback regulations. As it stands, ~~we the petitioner has~~ the petitioner has designed to this particular shape and ~~are is~~ is asking for a variance. ~~We also recognize that our~~ The petitioner recognizes the proposed addition has a long wall on the side ~~which is~~ that will be visible from the public street. ~~We added~~ According to the petitioner, the following architectural design elements will be incorporated to add aesthetic interest: a step back, broken up the roof lines, ~~plan to use~~ plan to use high end cladding, and ~~are providing~~ providing additional windows and shutter ~~to add aesthetic interest.~~



City of Morgantown, West Virginia

APPLICATION FOR VARIANCE PETITION

OFFICE USE	
CASE NO.	Vllc-15
RECEIVED:	

(PLEASE TYPE OR PRINT IN BLACK INK)

MC Fee: \$75

I. APPLICANT		Name:	Trevor Lloyd	
Mailing Address:	574 Killarney Dr		Phone:	302-989-1723
	Street	Morgantown WV 26505	Mobile:	
	City	State	Email:	lvld@crewv.com
II. PROPERTY		Street Address:	574 Killarney Dr	
Owner:	Trevor Lloyd		Zoning:	R1
Mailing Address:	574 Killarney Dr		Tax Map No:	55
	Street	Morgantown, WV 26505	Parcel No:	18
	City	State	Zip	Phone: 304-989-1723
III. NARRATIVE		Please describe the nature and extent of your variance request(s).		
<p>We would like to build an addition on our house but can not extend very far towards the creek due to a sanitary sewer easement held by MUB. Therefore in order to make the project worth the expense and effort, we would like to extend the addition towards the front of the property. This will require a variance of 2 feet 6 inches.</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>				
Trevor Lloyd				5/27/16
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.



City of Morgantown, West Virginia

APPLICATION FOR VARIANCE PETITION

OFFICE USE	
CASE NO.	V116-15
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 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: 3,000

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.	V116-15
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 variance does not encroach on any other private properties, does not affect the floodplain in anyway, does not affect utilities and does not block line of sight for vehicular or pedestrian traffic.

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:

There exists a 20' MUB easement in the area we wish to place the addition. This easement is for a 15" diameter sanitary sewer main which would be cost prohibitive to move. Therefore we can only expand 12' out from the rear of the house. In order to make this addition worth the expense and effort it has to meet our needs and in order to do that, we would like to extend out a little further than the zoning regulations allow.



City of Morgantown, West Virginia

**APPLICATION FOR
VARIANCE PETITION**

OFFICE USE	
CASE NO.	V116-15
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>There exists a 20' MUB easement in the area we wish to place the addition. This easement is for a 15" diameter sanitary sewer main which would be cost prohibitive to move. Therefore we can only expand 12' out from the rear of the house. In order to make this addition worth the expense and effort it has to meet our needs and in order to do that, we would like to extend out a little further than the zoning regulations allow.</p>	
<p>4. The variance will allow the intent of the zoning ordinance to be observed and substantial justice done, because:</p> <p>This is a special case due to a public utility line crossing our property that services the entire area. If this utility did not exist on our property, as it does not exist on the neighboring properties, we would have designed our addition to a more desirable shape to meet all regulations. As it stands, we designed to this particular shape and are asking for a variance. We also recognize that our proposed addition has a long wall on the side which is visible from the public street. We added a step back, broke up roof lines, plan to use high end cladding, and are providing additional windows and shutters to add aesthetic interest.</p>	



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Chris Bailey
 Morgantown, WV
 PH. 304.361.4972
 RisingSunConstructionLLC@gmail.com

PROJECT: LLOYD RESIDENCE 574 Killarney Drive	DRAWING FOR: DRAWING USE: Bidding / Construction
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Cover Sheet	
Designed by	TKP
Date	4/29/2016 2:57:47 PM
Drawn by	TKP
Checked by	CB
CS	
Scale	1/2" = 1'-0"

A105

2
A106

A104

1
A105

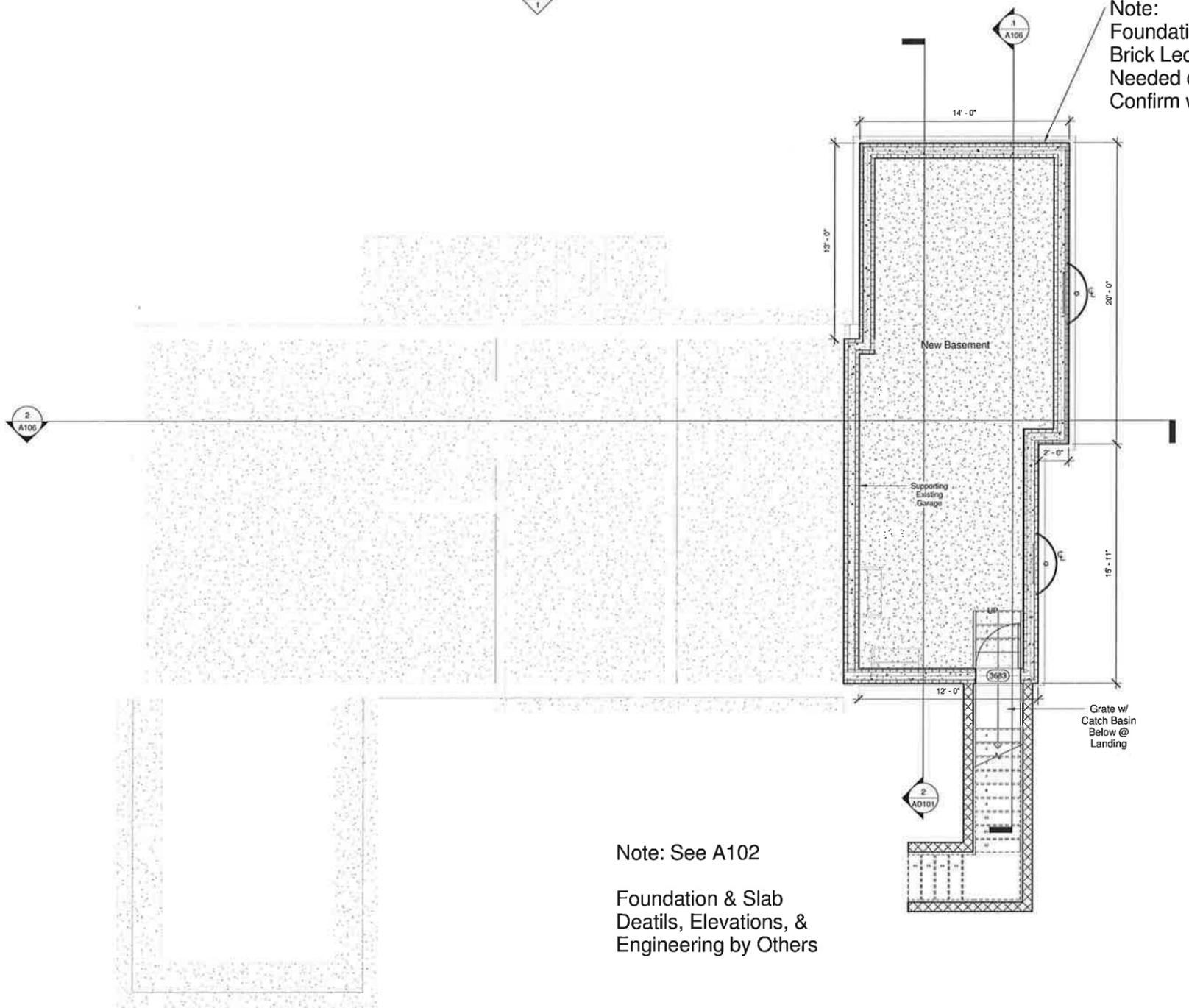
1
A105

2
A104

1 Basement Design
1/4" = 1'-0"

Note: See A102
Foundation & Slab
Deatils, Elevations, &
Engineering by Others

Note:
Foundation Contractor:
Brick Ledge May Be
Needed @ Grade.
Confirm w/ Home Owner



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RisingSunConstructionLLC@gmail.com

PROJECT: LLOYD RESIDENCE
574 Killarney Drive

DRAWING FOR:

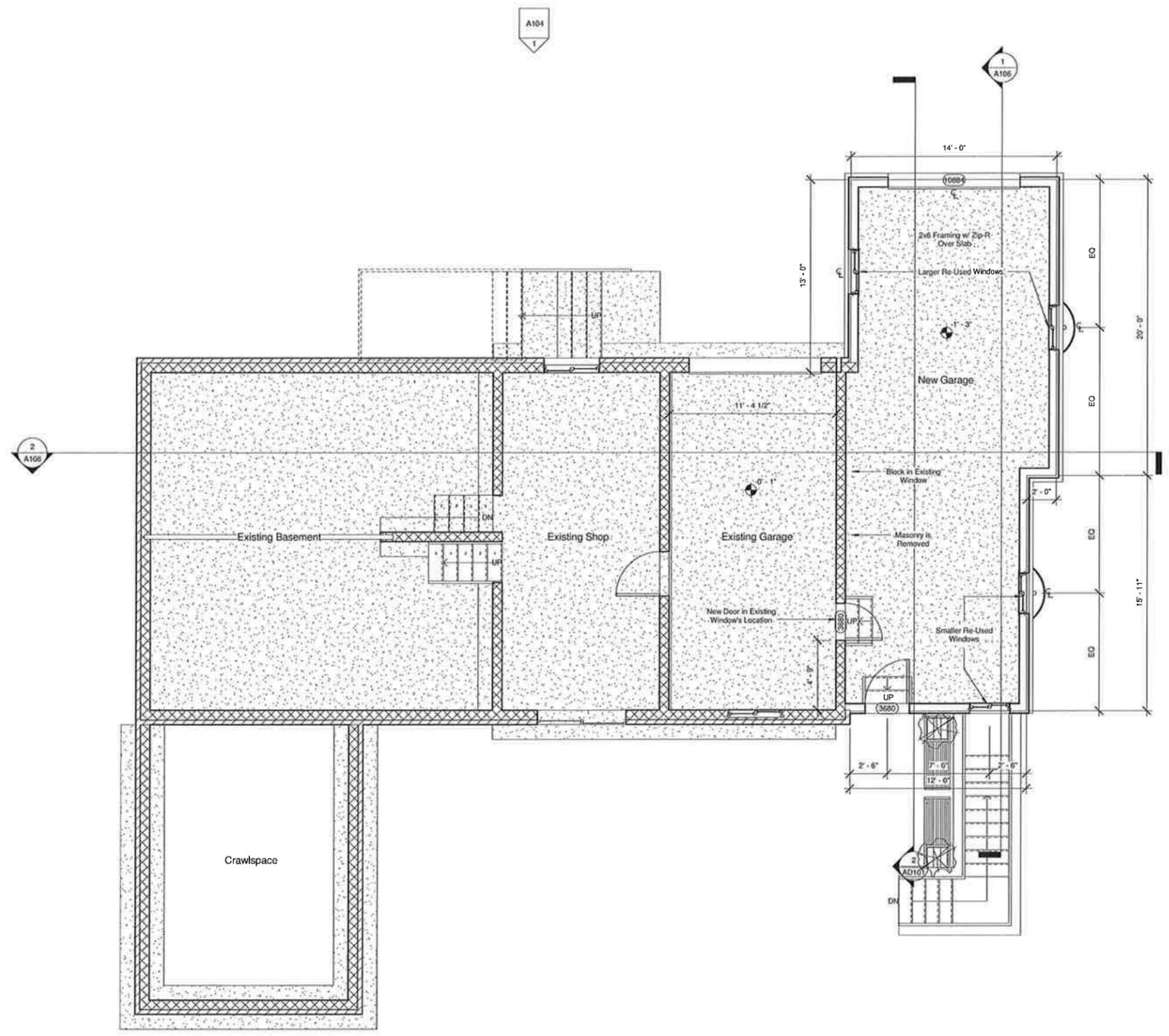
DRAWING USE:
Bidding / Construction

Basement Design

Designed by TKP
Date 4/29/2016 2:57:11 PM
Drawn by TKP
Checked by CB

A100

Scale 1/4" = 1'-0"



Note:
Q- Deck Details &
Construction by Others

Stair Specifications Will
Change per Basement
Height

① Foundation Design
1/4" = 1'-0"

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PROJECT: LLOYD RESIDENCE
574 Killamey Drive

DRAWING FOR: Bidding / Construction

DRAWING USE:

Foundation Design

Designed by	TKP
Date	4/29/2016 2:57:11 PM
Drawn by	TKP
Checked by	CB

A101

Scale 1/4" = 1'-0"

A105

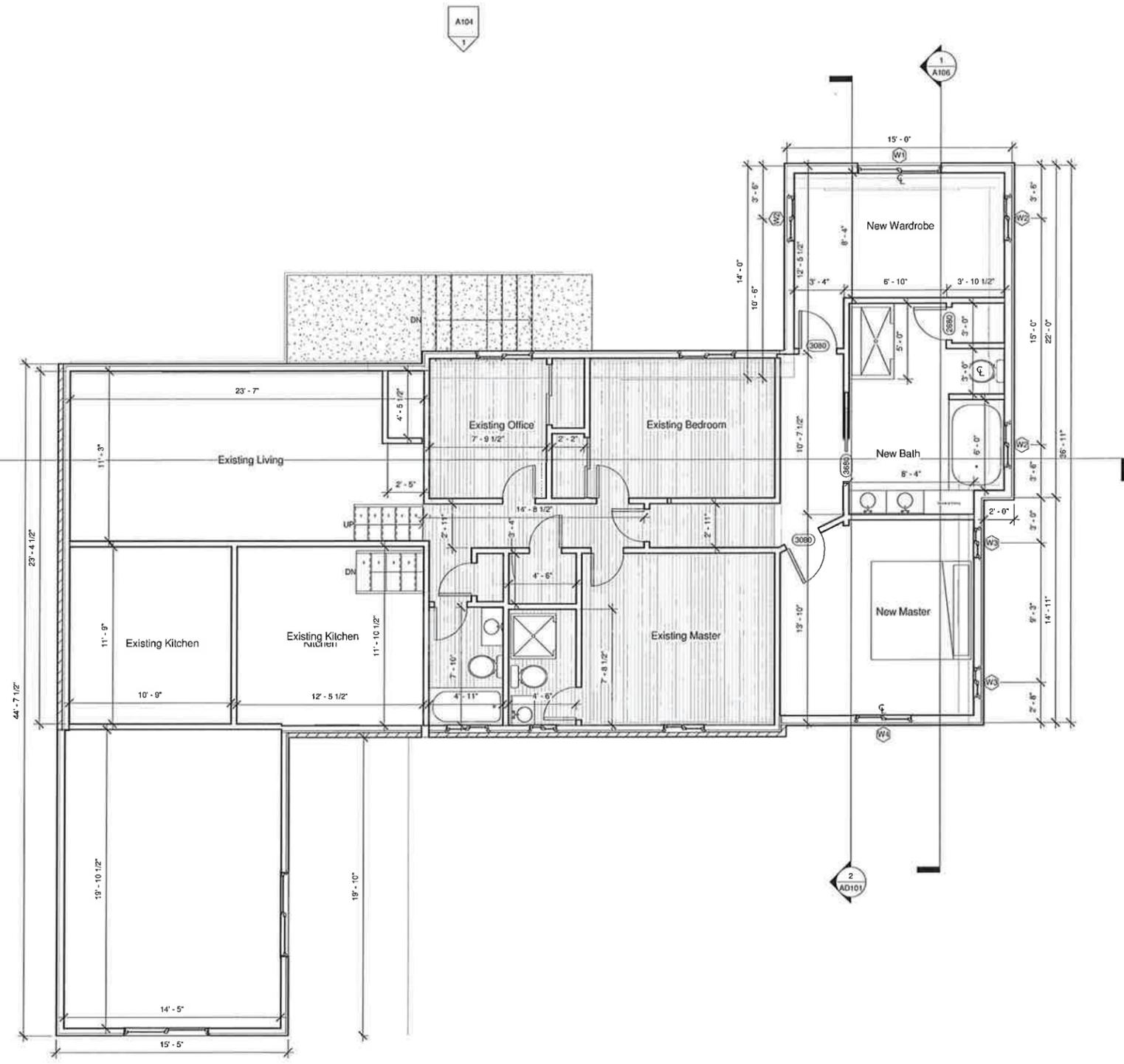
2
A106

A101

1
A106

1
A105

2
A104



Window Legend		
W1	5'-6" x 4'-0"	All Sill Heights are 3'-10" from Finished Flooring
W2	3'-0" x 4'-0"	
W3	2'-0" x 3'-0"	
W4	4'-0" x 3'-0"	

NOTE:
2x6 Framed
Ext. Walls w/
Zip-R

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PROJECT: LLOYD RESIDENCE
574 Killarney Drive

DRAWING FOR: Bidding / Construction

DRAWING USE:

Top Level Design

Designed by TKP
Date 4/29/2016 2:57:12 PM
Drawn by TKP
Checked by CB

A102

Scale 1/4" = 1'-0"

1 3 Top Level Design
1/4" = 1'-0"