



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: V16-16 / Kristin Clovis / 568 Princeton Avenue

REQUEST and LOCATION:

Request by Kristin Clovis for variance relief from Article 1333.04 as it relates to a rear setback encroachment at 568 Princeton Avenue.

TAX MAP NUMBER(s) and ZONING DESCRIPTION:

Tax Map 2, Parcel 10; 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 at 568 Princeton Avenue that will encroach into the minimum rear setback standard. The dwelling is a legal, pre-existing structure permitted as a nonconforming structure per Article 1373.02, as the structure is encroaching into the rear setback standard for the R-1 Residential Zoning District. Addendum A of this report illustrates the location of the subject site.

Article 1373.02(A) provides that, "No legal, pre-existing structure may be enlarged, moved or otherwise changed in such a manner that increases the extent of its non-conformity, unless a variance from the terms of the ordinance is obtained from the Board of Zoning Appeals."

Article 1333.04 provides that the minimum rear setback be twenty-five (25) feet. The proposed addition will have a fourteen and a half foot (14.5) foot rear setback. As such, a ten and a half (10.5) foot rear setback variance is required for the development as proposed.

The petitioner submitted signatures of neighboring homeowners in agreement with the proposed variance, the addresses for which are illustrated in the map below in yellow (petitioner's property illustrated in blue).



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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Additionally, a letter of support was submitted to the Planning Office from Robert and Barbara Solly (address not provided). The signatures and the Solly letter are included with the petitioner's application.

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, with the condition that any additional alteration to the structure that results in additional rear yard non-conformance be brought to the Board of Zoning Appeals for approval.

Enclosures: Application and accompanying exhibits

Development Services

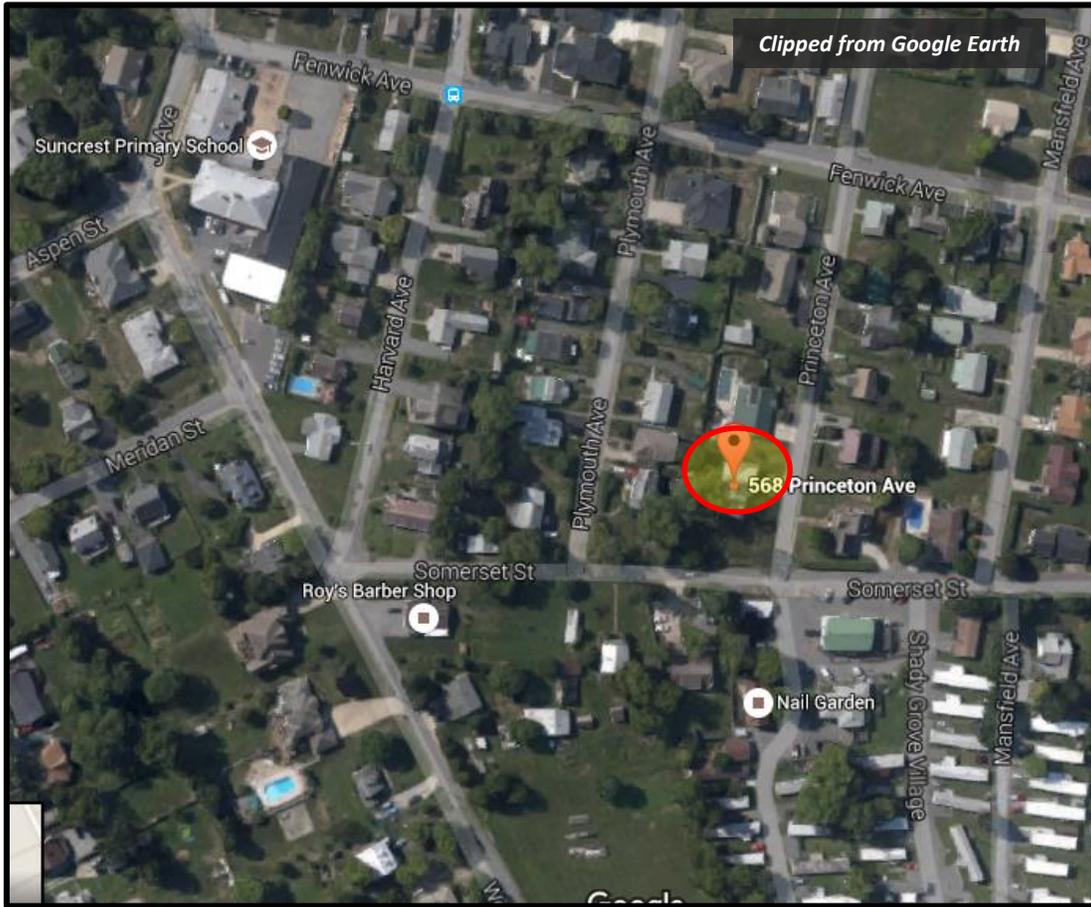
Christopher Fletcher, AICP
Director

John Whitmore, AICP
Planner III

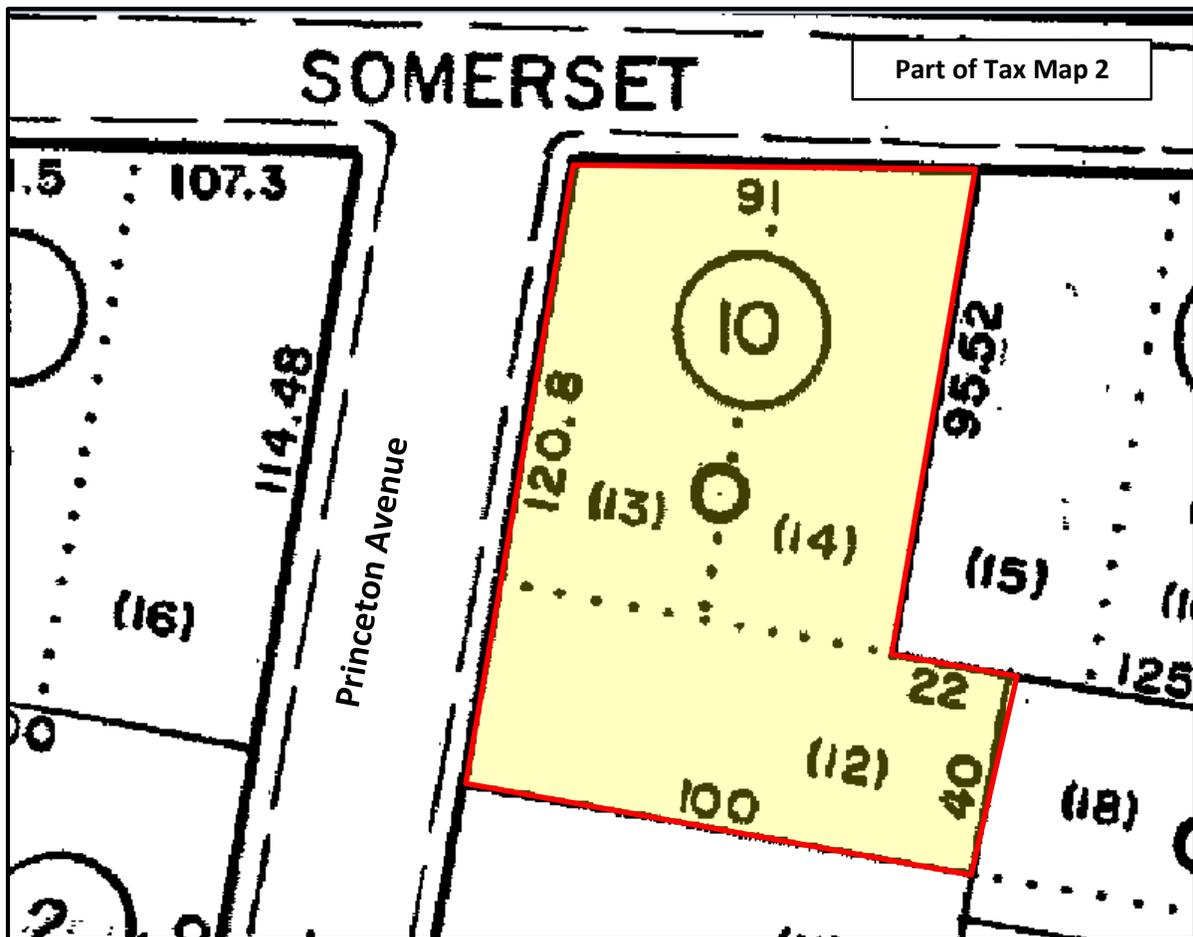
Planning Division

389 Spruce Street
Morgantown, WV 26505
304.284.7431

STAFF REPORT ADDENDUM A
V16-16 / Kristin Clovis / 568 Princeton Avenue



STAFF REPORT ADDENDUM A
V16-16 / Kristin Clovis / 568 Princeton Avenue



STAFF REPORT ADDENDUM B
V16-16 / Kristin Clovis / 568 Princeton Avenue

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

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 Clovis' proposed addition does not encroach on any neighboring lots. The addition is only a continuation of the existing home in which the existing setback is approximately 15 ft. being grandfathered in to the min of 25 ft. Attached you will find a letter explaining to surrounding property owners the proposed variance in which not one property owner approached opposed.~~

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 Clovis family needs additional~~ The 950 sq. ft. and addition cannot be smaller as it will not give the space required of the family to build a smaller addition. The addition as designed will to "keep the lines straight" on the rear of the house and allow for the property to look symmetrical ~~the 950-sq. ft addition is needed.~~

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

~~The Clovis family will continue to reside in their Suncrest home for years to come. Their family has grown by 2 since purchasing the house 2 years ago and the location of the residence provides a wonderful neighborhood and schools for which we will send our children. If the variance is not granted the Clovis family would be forced to sell their Suncrest home and relocate to a potentially less desirable area. The variance will allow for the use of the structure as is the neighborhood character of other parcels not encumbered by non-polygonal designs, as most parcels in Suncrest are rectangular.~~

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

~~The Clovis family will be able to add 2 more bedrooms to accommodate the twins that were born in March of 2016.~~ The variance will allow for the continued use of the structure, and provides for a usable single-family dwelling as is supported by the underlying zoning district.



City of Morgantown, West Virginia

APPLICATION FOR VARIANCE PETITION

OFFICE USE	
CASE NO.	Vile-16
RECEIVED:	

PAID JUN 02 2016 PAID

VISA Fee: \$75

(PLEASE TYPE OR PRINT IN BLACK INK)

I. APPLICANT	Name: Kristin Clovis
---------------------	----------------------

Mailing Address:	Street: 568 Princeton Ave	Phone: 724 328 1111
	City: Morgantown State: WV Zip: 26505	Mobile: 724 328 1111
		Email: KristinKuchera@gmail.com

II. PROPERTY	Street Address: 568 Princeton Ave Morgantown, WV 26505
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Owner:	Kristin (Kuchera) Clovis	Zoning: 7th Ward
Mailing Address:	Street: 568 Princeton Ave	Tax Map No: 2
	City: Morgantown State: WV Zip: 26505	Parcel No: 10
		Phone: (724) 328-1111

III. NARRATIVE	Please describe the nature and extent of your variance request(s).
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The variance requested is to add approximately 950 sqft. to the existing structure at 568 Princeton Ave for which the rear setback is 25ft. We propose that the structure be allowed to be constructed with the setback of the existing house of 14.5ft. running parallel to existing home as to accommodate the Clovis' growing family

V. ATTEST	
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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.

Kristin Clovis		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.

V16-16



City of Morgantown, West Virginia

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. *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: _____ Gross floor area of each building: _____

Estimated number of employees: _____ No. of dwelling units: _____ No. of bedrooms: _____

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.	V116-116
RECEIVED:	

VII. FINDINGS OF FACT	COMPLETE THE FOLLOWING STATEMENTS IN THIRD PERSON.
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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 Clovis' proposed addition does not encroach on any neighboring lots. The addition is only a continuation of the existing home in which the existing setback is approx. 15 ft being grandfathered in to the min of 25ft. Attached you will find a letter explaining to surrounding property owners the proposed variance in which not one property owner approached opposed!

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 Clovis' family needs the additional ~950 sq ft and cannot be smaller as it will not give the space required of the family to build a smaller addition. To "Keep the lines straight" on the rear of the house & for the property to look symmetrical the 950 sq ft addition is needed.

Vile-De

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City of Morgantown, West Virginia

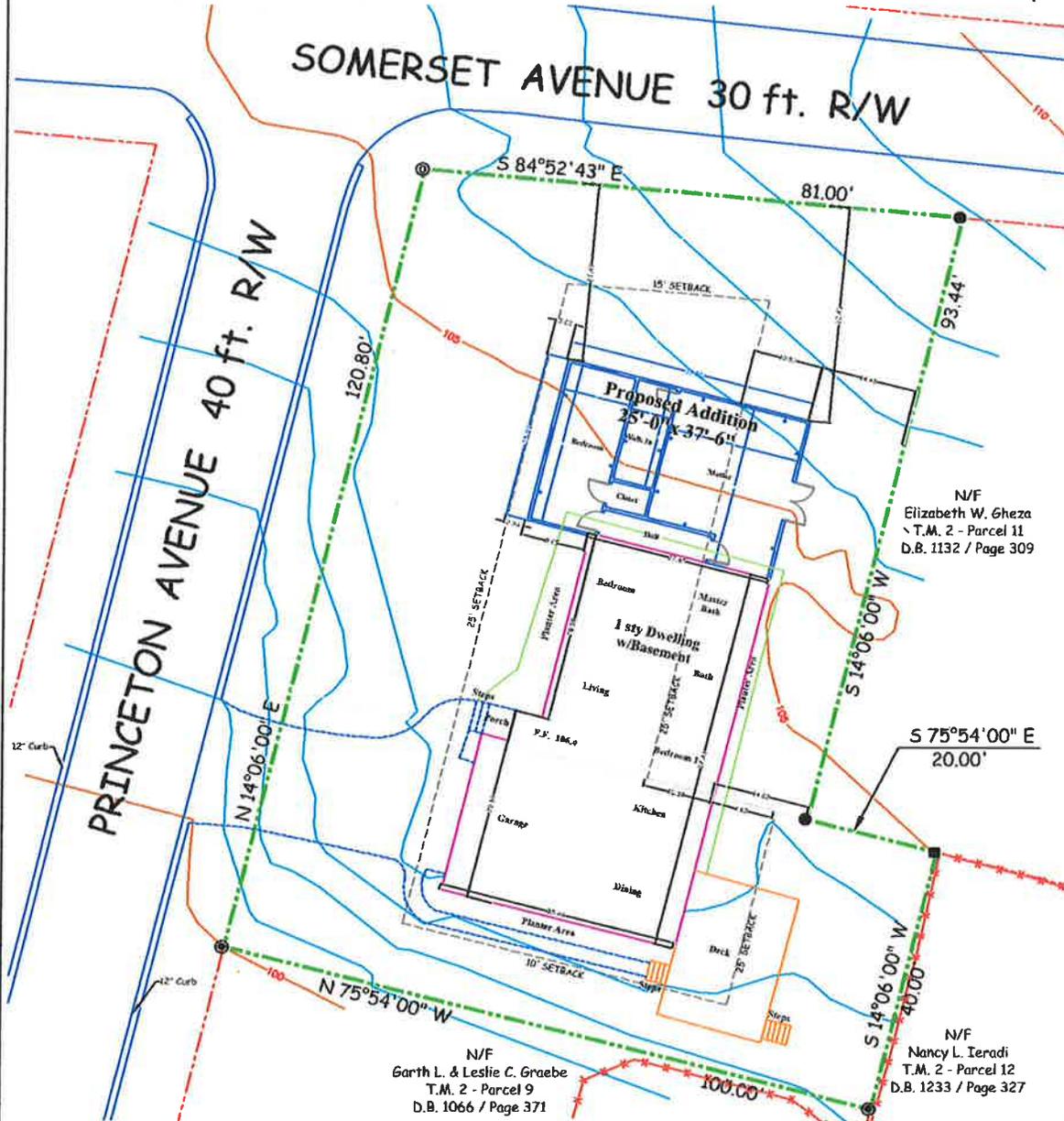
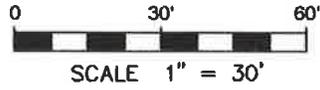
**APPLICATION FOR
VARIANCE PETITION**

OFFICE USE	
CASE NO.	
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><i>The clovis family will continue to reside in their Suncrest home for years to come. Their family has grown by 2 since purchasing the house 2 years ago and the location of the residence provides a wonderful neighborhood & schools for which we will send our children. If the variance is not granted the Clovis family would be forced to sell their Suncrest home and relocate to a potentially less desirable area.</i></p>	
<p>4. The variance will allow the intent of the zoning ordinance to be observed and substantial justice done, because:</p> <p><i>The clovis family will be able to add 2 more bedrooms to accomodate the twins that were born in March of 2016.</i></p>	

LEGEND

- Property Line
- Adjacent Property Line
- Existing Contours (5' Intervals)
- Existing Contours (1' Intervals)
- Edge of Concrete
- Edge of Pavement
- Fenceline
- Point
- 3/8" Rebar (Found)
- ⊙ 5/8" Rebar (Found)
- ⊙ 3/4" Rebar in Concrete (Found)



**Site Plan
Made For
Kristin and Hillary Clovis**

Proposed 1 Sty Addition - 938.0 sq. ft.
 Tax Map No. 2 - Parcel No. 10
 Deed Book 1491 at Page 231
 Lot Nos. 12, 13 & 14 in Block No. 6
 of the Morgan Park Addition
 Seventh Ward - City of Morgantown
 Monongalia County, West Virginia

PATRICK E. GALLAGHER P.S. # 1352
**CTL Engineering of
 West Virginia, Inc.**

1001 Chaplin Road
 Morgantown, WV 26501
 Phone: 304.252-1135
 Fax: 304.296-0382
 CIVIL & SITE PLANNING * SURVEYING &
 MAPPING * ENVIRONMENTAL * MINING *
 GEOTECHNICAL * TESTING &
 CONSTRUCTION OBSERVATION *
 LABORATORY *



DRAWN BY: JBC APPROVED BY: PEG
 SCALE: As Shown DATE: 05/26/16

Development Services Department
389 Spruce Street
Morgantown, WV 26505
304-284-7431

June 1, 2016

Dear Development Services Department,

This proposal letter is to request and substantiate the grant of a Variance for a residence at **568 Princeton Avenue in Morgantown, WV**. The Variance requested is to add approximately 950 square feet to the existing structure at this address. The homeowner owns 2 city lots adjacent to the lot on which the current residence exists, for a total of 3 city lots. The addition to the property is proposed to run parallel with the existing structure, which is grandfathered in to city set back parameters.

To support a finding in favor of the Variance, property owner will provide signatures of all surrounding residents and supporting structure details below.

Property Addition:

The petitioner requests a Variance allowing an approximate 950 square feet addition to be built in conjunction to the existing residential property, so as to *otherwise encroach* into the City's set back parameters. This encroachment would occur in primarily one area on the West side of the property on Princeton and Somerset Avenues. The reason for the addition to the existing structure is to provide a larger residential dwelling for a growing family, as the Clovis family recently welcomed twins in March of 2016. The Clovis family is hoping to accommodate their growing family by adding to their current structure in their established neighborhood rather than relocate to another, unfamiliar location.

The petitioner's equally important need for this additional space is to continue to reside in the community in which they have "built a home" and established strong relationships with the surrounding homeowners. To ensure harmony and peaceful coexistence with our neighbors and friends, we have had all dwellers in the area sign in agreeance to the grant of the proposed Variance.

Furthermore, the proposed addition to property **568 Princeton Avenue in Morgantown, WV** will add significant property value to the petitioner, as well as the surrounding homeowners. With the increase in property value, additional property tax sums will be paid to the City of Morgantown on a yearly basis.

Please see below for a list of homeowners and contact information in our community in agreeance with the granting of the proposed Variance.

Your consideration is greatly appreciated,
The Clovis Family

Neighboring Homeowners In Agreeance With The Proposed Variance At Residence 568 Princeton Avenue:

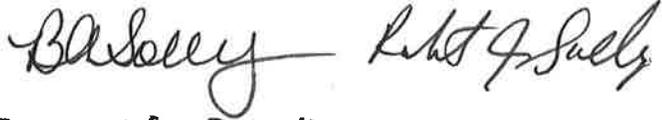
Kellam Wiles The Wiles Family	545 Princeton Ave. Morgantown WV 26505	304.680.3387
Jana Curtis	1365 Fenwick Ave Morgantown, WV 26505	WVU Gal93@ gmail.com
Sandy Everly	1356 Fenwick Ave Morgantown, WV 26505	SMEverly@ comcast.net
Ms Ken	1380 Weston Ave Morgantown WV 26505	304-669-0728
Kathleen Welch	545 Plymouth Ave Morgantown WV	304- 599-3515
Richard Burnselt	557 Plymouth Ave	304-599-1798
Betty O'Neil	561 Plymouth	304 599-2367
Nancy Gerardi	565 Plymouth Morgantown WV 26505	304-241- 4674

Elizabeth W. Giza	509 Plymouth Morgantown WV	
Karen Leppard	560 Plymouth Ave Morgantown WV	412-719-0784
Robert Hill	564 Mansfield Ave	304-598-2426
Duke	557 Princeton Ave Morgantown WV	304-276-4737
Stephane	554 Princeton Morgantown WV	304-288-6070
Tommy	554 Princeton Morgantown, WV	304 288 0167
John	564 Princeton Ave Morgantown, WV	304 216 1169

June 16, 2016

TO: Stacy Hollar

FR: Robert and Barbara Solly

Handwritten signatures of Robert and Barbara Solly in cursive script.

RE: Hillary and Kristen Clovis Request for Permit
568 Princeton Ave.

As neighbors of the above mentioned people we are in favor of the City of Morgantown allowing them to add an addition on to their existing home. If you have any questions we can be reached at R_Solly@msn.com or our home phone is 304-598-2426.

Thank you for your attention to this matter.