



**DEVELOPMENT  
SERVICES  
DEPARTMENT**

# The City of Morgantown

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August 18, 2016

Phillip Davis  
2060 Eugenia Avenue  
Morgantown, WV 26505

**RE: V16-25 / Davis / 2060 Eugenia Avenue  
Tax Map 44, Parcel 123**

Dear Mr. Phillips:

This letter is to notify you of the decisions made by the Board of Zoning Appeals concerning the above referenced variance petition relating to the minimum setback standard for an uncovered stairs/landing/porch at 2060 Eugenia Avenue. The decisions are as follows:

**Board of Zoning Appeals, August 17, 2016:**

1. Each of the Findings of Fact was found in the positive as stated in Addendum A of this letter.
2. The Board granted a two foot, two inch (2', 2") foot front setback variance relief and one and a half (1.5) foot side setback variance relief from Article 1335.04 as requested without conditions.
3. In addition to the above variances, the Board of Zoning Appeals determined that no accessory structures were present in the front half of the parcel.

This decision may be appealed to the Circuit Court of Monongalia County within thirty (30) days. Any work done relating to decisions rendered by the Board of Zoning Appeals during this thirty-day period is at the sole financial risk of the petitioner.

The above referenced approvals are set to expire in twelve (12) months unless it can be demonstrated that they have been activated as evidenced by permits, construction, or required licenses. This expiration deadline may be extended to eighteen (18) months upon prior written request of the Board.

Please note that building permits must be issued prior to the commencement of work for which the variance approvals was granted herein.

Should you have any questions or require further clarification, please contact the undersigned. We look forward to serving the development's planning and permitting needs.

Respectfully,

Stacy Hollar  
Executive Secretary

**ADDENDUM A – Approved Findings of Fact**  
**V16-25 / Davis / 2060 Eugeniva Avenue**

**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 variance will not adversely affect any of the following: public health, safety or welfare, or rights of adjacent property owners/residents due to the variance requested for an uncovered deck meets an existing privacy fence located 10 inches from front property line and 18 inches from the front property line. The uncovered deck will be on property and within property lines. Uncovered deck will also create more appeal to the area and residence.

**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 present area is a slope and/or inclined hill not useful to property owners and/or tenants, present area is currently more hazardous and an inconvenience. The variance will allow utilization of the property.

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

The land is a slope making the area useless and a hazard to occupants. The variance will allow use of land in a safe environment for occupants. The variance will also eliminate hardship with keeping area clean and grass cutting on a sloped environment.

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

Variance will enable better use of the property. The variance will not decrease property value and will not impact and adjacent property negatively.