



MORGANTOWN BOARD OF ZONING APPEALS

September 21, 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: V16-30 / Santos / 2037 Eugeniva Avenue

REQUEST and LOCATION:

Request by Anthony and Crystal Santos for variance relief from Article 1335.04 as it relates to a front setback at 2037 Eugeniva Avenue.

TAX MAP NUMBER(s) and ZONING DESCRIPTION:

Tax Map 44, Parcel 149; R-1A, Single-Family Residential District

SURROUNDING ZONING:

R-1A, Single-Family Residential District

BACKGROUND and ANALYSIS:

The petitioner seeks to construct a single-family house at the subject site, the location of which is illustrated in Addendum A of this report.

Section 1335.04(A)(2) of the Planning and Zoning Code provides a maximum front setback standard of 20 feet in the R-1 District. The petitioner seeks to construct the single-family dwelling 24 feet from the front property line, which requires variance relief of four (4) feet.

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 restates the petitioner's responses to the Findings of Fact portion of the variance application. No recommendations are offered concerning the petitioner's findings of fact responses or whether or not variance relief should be granted.

Development Services

Christopher Fletcher, AICP
Director

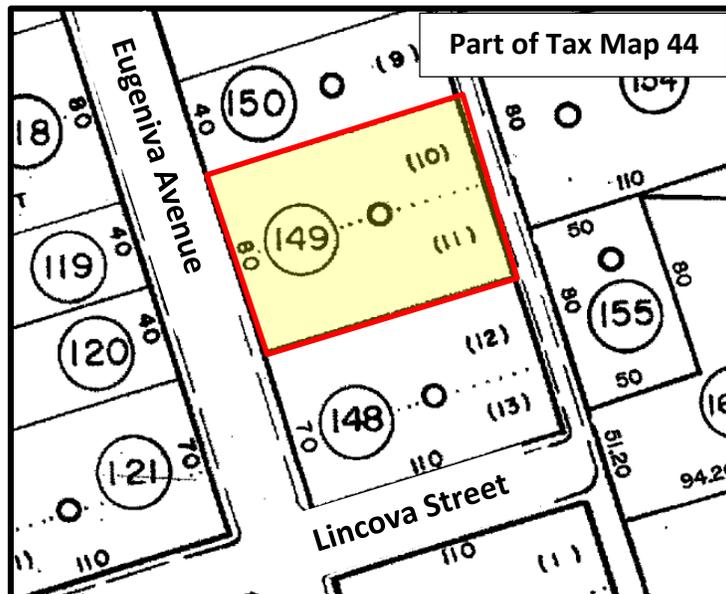
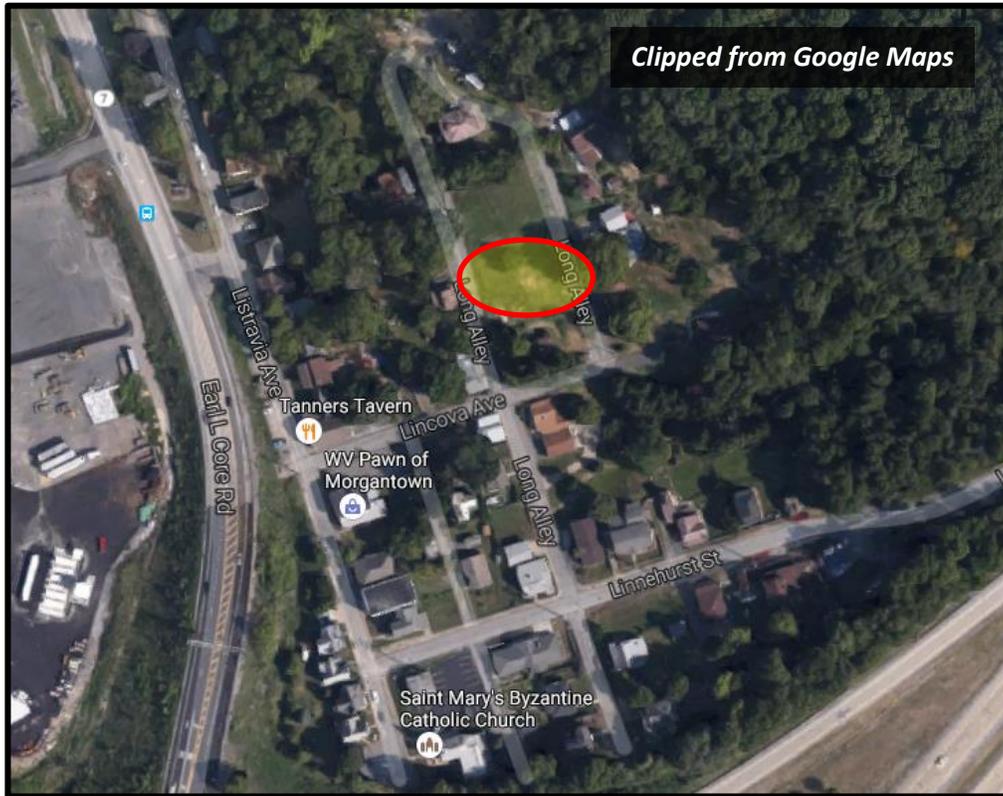
John Whitmore, AICP
Planner III

Planning Division

389 Spruce Street
Morgantown, WV 26505
304.284.7431

Enclosures: Application and accompanying exhibits

STAFF REPORT ADDENDUM A
V16-30 / Santos / 2037 Eugenia Avenue





STAFF REPORT ADDENDUM B
V16-30 / Santos / 2037 Eugenia Avenue

The following restates the petitioner's responses to the findings of fact.

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:

On this parcel of private property, the location of our new home does not impact the overall visual of the neighborhood.

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:

By setting our new home an extra 4' beyond the maximum building line. We will be able to enjoy a larger front yard and lessen the grade of our driveway.

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

Our piece of land is small, by allowing us to set our home and extra 4' back, it would help create a larger and flatter front yard. This would help make yard maintenance easier to maintain and help to keep future children away from the street when they are outside. It would also help the grade of the driveway by making it less steep and creating an easier access up and down our driveway in the winter months.

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

It would help make our home more enjoyable to live in by creating a front yard that can be made better use of and a driveway that is more convenient to use. Moving the home an extra 4' back will condense the bank in the front yard and driveway. This will give the home a nicer outside looks and a better living environment.



City of Morgantown, West Virginia

APPLICATION FOR VARIANCE PETITION

OFFICE USE	
CASE NO.	V16-30
RECEIVED:	8/18/16

Check

(PLEASE TYPE OR PRINT IN BLACK INK)

Fee: \$75

I. APPLICANT		Name:	Anthony and Crystal Santos		
Mailing Address:	Street	186 Bluegrass Village		Cell Phone:	240-522-2078
	City	State	Zip	Mobile:	240-522-2095
	Morgantown WV 26501			Email:	Sto+Hemyer-@Hotmail-Com

II. PROPERTY		Street Address:	2037 Eugenia Ave.		
Owner:	Anthony and Crystal Santos		Zoning:		
Mailing Address:	Street	186 Bluegrass Village		Tax Map No:	44 } 10TS
	City	State	Zip	Parcel No:	0149 } 10-11
	Morgantown WV 26501			Phone:	See above

III. NARRATIVE	Please describe the nature and extent of your variance request(s).
<p>We are requesting a variance in the front set-back dimension at our property. Current set-back min. is 8' - max is 20'. We would like the front wall of our porch stoop to be 24' from the property line.</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.		
Crystal Santos	Crystal Santos	8/4/16
Anthony Santos	Anthony Santos	8/4/16
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.

V16-30



City of Morgantown, West Virginia

APPLICATION FOR
VARIANCE PETITION

OFFICE USE	
CASE NO.	V16-30
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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



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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:

On this parcel of private property, the location of our new home does not impact the overall visual of the neighborhood.

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:

By setting our new home an extra 4' beyond the maximum building line, we will be able to enjoy a larger front yard and lessen the grade of our driveway.

V116-30



City of Morgantown, West Virginia

**APPLICATION FOR
VARIANCE PETITION**

OFFICE USE	
CASE NO.	
RECEIVED:	8/18/16

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:

Our piece of land is small, by allowing us to set our home an extra 4' back, it would help create a larger and flatter front yard. This would help make yard maintenance easier to maintain and help to keep future children away from the street when they are outside. It would also help the grade of the driveway by making it less steep and creating an easier access up and down our driveway in the winter months.

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

It would help make our home more enjoyable to live in by creating a front yard that can be made better use of and a driveway that is more convenient to use. Moving the home an extra 4' back will condense the bank in the front yard and driveway. This will give the home a nicer outside look and a better living environment.

Santos P

City of Morgantown Application for Building Permit

Application Date <u>7/19/2016</u>	Type of Work: <input checked="" type="checkbox"/> New Construction SFD <input type="checkbox"/> SFD Addition <input type="checkbox"/> New Construction Rental/Commercial <input type="checkbox"/> Rental/Commercial Addition	<input type="checkbox"/> Garage-attached <input type="checkbox"/> Garage-detached	Is Applicant Owner? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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PROPERTY INFORMATION:

Street address: 2037 Eugenia Ave. Map# 44 Parcel# 0149 Ward _____ Zoning _____
Morgantown WV 26505

PROPERTY OWNER INFORMATION:

Name: Anthony & Crystal Santos Business name: _____
 Address: 186 Bluegrass Village, Morgantown WV Phone: 240-522-2078
 Email: jameslee63@hotmail.com property owner contractor 26501

CONTRACTOR INFORMATION:

TYPE:	Contractors Business Name	City License Number
Architect/Engineer	<u>K. Hornanion Homes</u>	
General Contractor	<u>K. Hornanion Homes</u>	<u>License #</u>
Excavation	<u>Earthwork Excavating</u>	
Concrete	<u>North Star</u>	<u>on file</u>
Carpentry	<u>K & F Construction</u>	
Electrical	<u>Vinnie's Electric</u>	<u>w/ City</u>
Plumbing	<u>McAttee</u>	
Sewer		
Mechanical	<u>Midwest</u>	
Roofing	<u>K & F Construction</u>	
Masonry		
Drywall/Lathing	<u>O.C. Class</u>	
Sprinkler		
Paving	<u>Home owner</u>	
Fire Alarm		

Est. value of building \$ 153,145.⁰⁰ Electrical value \$ 3981.⁰⁰ (Approx)
 Square footage of build 1390 Square footage of grading Unknown at

Must attach detailed construction plans and site plan This time

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.

Lynette A Liprando % K Hornanion Homes
 ADDRESS OF APPLICANT 733 Brush Run Rd Greensburg PA 15601 PHONE 724-468-3540
 SIGNATURE OF APPLICANT
 PRINT NAME: Lynette A Liprando

Detailed Description of Work to be Done:

New bi-level single family dwelling constructed of concrete + frame Home has 3 bedrooms, 2 baths, unfinished lower level and a 2 car integral garage

STRUCTURAL FRAME INFORMATION:

Steel Masonry Concrete Wood Other (Identify) _____

EXTERIOR WALL INFORMATION:

Steel Masonry Concrete Wood Other (Identify) _____

Street Frontage (FEET)	80'	Stories (NUMBER)	Bi-level	Lot Area (SQ. FT.)	8800
Front Setback (FEET)	24'	Bed Rooms (NUMBER)	3	Total Building Area (SQ. FT.)	1400
Rear Setback (FEET)	58'	Full Baths (NUMBER)	2	Parking Area (SQ. FT.)	✓
Left Setback (FEET)	15'	Partial Baths (NUMBER)	0	Living Area (SQ. FT.)	1390
Right Area (FEET)	15'	Garages (NUMBER)	2	Basement Area (SQ. FT.)	784
Height Above Grade (FEET)	21'	Windows (NUMBER)	15	Garage Area (SQ. FT.)	546
New Residential Units (NUMBER)	1	Fireplaces (NUMBER)	0	Office/Sales Area (SQ. FT.)	N/A
Existing Residential Units (NUMBER)	0	Enclosed Parking (NUMBER)	2	Service Area (SQ. FT.)	N/A
Elevators/ Escalator (NUMBER)	0	Outside Parking (NUMBER)	0	Manufacturing Area (SQ. FT.)	N/A

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 Vinnie's _____

Electric

TBS

WV #041778

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: SFD Res 2016-00000982	Fee
Electrical:	Fee
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: _____

Lots shown hereon are in Block "L" of the South Sabraton Addition, of record in the Office of the Clerk of the County Commission of Monongalia County, West Virginia in Deed Book 234, Page 472B



Bearings shown hereon are based on "ADDITION NORTH" of record as shown in Deed Book 234, Page 472B.

NOW OR FORMERLY
GERALD W. & VICTORIA N. MUSICK
(DB 1386/Page 644)
Tax Map 44 /Parcel 151

NOW OR FORMERLY
GERALD W. & VICTORIA N. MUSICK
(DB 1386/Page 644)
Tax Map 44 /Parcel 150

CONTAINING
± 0.20 ACRES

PROPOSED
HOUSE
LOCATION

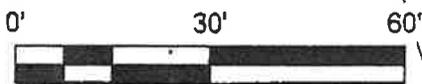
NOW OR FORMERLY
JAMES BERNARD PICRUNSKI
(DB.1243/Page 218)
Tax Map 44 /Parcel 148

EUGENIA AVENUE
35' RIGHT OF WAY

COTTAGE ALLEY
14' RIGHT OF WAY

LINCOVA STREET
30' RIGHT OF WAY

*Requesting
a sidewalk
waiver*



SCALE: 1" = 30'

LEGEND

-  MONUMENT FOUND
(5/8" x 30" IRON ROD)
-  5/8" X 30" CAPPED IRON ROD
-  POINT
-  LOT NUMBER