

Morgantown Planning Commission



REGULAR MEETING PACKET

Thursday, September 10, 2020

6:30 p.m.

By Electronic Means

Planning Commissioners:

Peter DeMasters, 6th Ward
President

Carol Pyles, 7th Ward
Vice-President

Sam Loretta, 1st Ward

Tim Stranko, 2nd Ward

William Blosser, 3rd Ward

Bill Petros, 4th Ward

Michael Shuman, 5th Ward

AJ Hammond, Admin.

Ronald Dulaney, City Councilor

Development Services Department

Christopher M. Fletcher, AICP, Director

John Whitmore, AICP, Senior Planner

Planning Commission Electronic Means Meeting Announcement

Confirming Member Access:

As a preliminary matter, this is **Morgantown Planning Commission President Peter DeMasters**. Permit me to confirm that all Planning Commissioners and persons anticipated on the agenda are present and can hear me.

- Planning Commissioners, when I call your name, please respond in the affirmative.

State each members' name:

- Vice-President Carol Pyles
- Commissioner Sam Loretta
- Commissioner Tim Stranko
- Commissioner William Blosser
- Commissioner Bill Petros
- Commissioner Michael Shuman
- Council Member Ronald Dulaney
- Commissioner AJ Hammond

- Staff, when I call your name, please respond in the affirmative.

State each staff members' name:

- Chris Fletcher, Director of Development Services

Introduction to Electronic Means Meeting:

Good Evening. This meeting of the **Morgantown Planning Commission** is being conducted by electronic means consistent with the West Virginia Open Governmental Proceedings Act and the guidance of the West Virginia Ethics Commission due to the current State of Emergency given the outbreak of COVID-19.

In order to mitigate the transmission of the virus and reduce risk of COVID-19 illness, we have been advised and directed to suspend public gatherings. In keeping with that direction, and the authority provided by the Open Governmental Proceedings Act and the Ethics Commission guidance allowing the conduct of public meetings by electronic means so long as the public is able to observe the meeting, this meeting is being conducted by remote electronic participation and in-person attendance by the public is not permitted.

This meeting will include a public comment portion concerning matters not on the agenda and public hearings for each of the cases listing on this evening's agenda. Members of the public will be permitted to comment during these portions by submitting comments in writing or by speaking during their designated time, if they have signed up to do so prior to the start of the meeting. Even if members of the public do not provide comment, participants are advised that people may be listening who do not provide comment, and those persons are not required to identify themselves.

For this meeting, the **Planning Commission** is convening by **Cisco Webex video and telephone conference** as posted on the City's Website identifying how the public may join.

Please note that this meeting is being recorded, and that some attendees are participating by video conference.

Planning Commission Electronic Means Meeting Announcement

Accordingly, please be aware that other people may be able to see you and your video feed, and that you take care not to “screen share” your computer. Anything that you broadcast may be captured by the recording.

All supporting materials that have been provided members of this body are available on the City’s website with the Planning Commission meeting packet unless otherwise noted. The public is encouraged to follow along using the posted agenda.

Meeting Business Ground Rules

Before we turn to the first item on the agenda, permit me to cover some ground rules for effective and clear conduct of our business and to ensure accurate meeting minutes.

- Please remember to mute your phone or computer when you are not speaking.
- Please remember to wait to be recognized by the President before speaking and to speak clearly and in a way that helps generate accurate minutes.
- For any response, please wait until the President yields the floor to you and state your name before speaking.
- If Planning Commissioners wish to engage in colloquy with other members, please do so through the President, taking care to identify yourself.

The Planning Commission conducts business in the following order:

- (1) There will be a general public comment portion when anyone who wishes to address the Planning Commission may do so, but only on matters that are not on the agenda. I will first read, or have read, all written comments submitted, and will then review the list of public commenters who have signed up by the meeting start time. Once I have a list of all public commentators, I will call on each by name. All speakers will be limited to five (5) minutes. If members of the Planning Commission have any questions of the speaker, that time will not be counted toward the speaker’s five (5) minutes. Public speakers must state their name and address for the record. Speakers are notified that irrelevant comments or comments of a personal nature or personal attacks may result in the speaker forfeiting their opportunity to participate in the general public comment portion.
- (2) We review, amend, and approve minutes of the previous meeting.
- (3) We consider any Unfinished Business from previous meetings.
- (4) We move on to New Business items. First, we introduce the item and the Planning Division representative presents the Staff Report.
- (5) Next, we ask the petitioner to make a presentation. Planning Commissioners may ask the petitioner questions at that time. To ensure an accurate record and to aid the preparation of meeting minutes, presenters and Planning Commissioners must first be recognized by the President and state your name before proceeding.

Planning Commission Electronic Means Meeting Announcement

- (6) I will then open a Public Hearing to hear testimony in support of, or in opposition to, the request. Rules regarding public testimony are as follows:
- (a) I will first read, or have read, all written comments submitted, and will then review the list of public commenters who have signed up by the meeting start time.
 - (b) Once I have a list of all public commentators, I will call on each by name. All speakers will be limited to five (5) minutes. If members of the Planning Commission have any questions of the speaker, that time will not be counted toward the speaker's five (5) minutes.
 - (c) Public speakers must state their name and address for the record. All comments must be addressed to the Commission. Speakers are notified that irrelevant comments or comments of a personal nature or personal attacks may result in the speaker forfeiting their opportunity to participate in the public hearing.
 - (d) If there is a large number of speakers, including many who are part of groups or organizations, I may, to avoid repetitive comments, elect to ask for a representative to speak on behalf of the group or organization.
 - (e) I may elect to recognize the applicant/agent at the end of the public hearing to provide rebuttal or additional comments, which will be limited to five (5) minutes. If members of the Commission have any questions of the applicant/agent, that time will not be counted toward the applicant's/agent's five (5) minutes.
- (7) After all testimony is heard, I will declare the Public Hearing closed and no further public comment will be permitted. At that time, no one in the audience may speak again unless a Planning Commissioner asks a question. If someone is asked a question, they must first be recognized by the President and identify themselves once again before answering.
- (8) Next, the Planning Commission will discuss and take action on the application.
- (9) Because this public meeting is being conducted by remote electronic participation and to ensure accurate meeting minutes each vote taken during this meeting will be conducted by roll call vote.
- (10) Uncivil, unruly, and/or disruptive behavior at any time during this meeting is prohibited and will result in removal from this public meeting.

Thank you for your consideration and respect for these proceedings and the opinions of all meeting participants.

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MORGANTOWN PLANNING COMMISSION

September 10, 2020
6:30 p.m.
By Electronic Means

President:

Peter DeMasters, 6th Ward

Vice-President:

Carol Pyles, 7th Ward

Planning Commissioners:

Sam Loretta, 1st Ward

Tim Stranko, 2nd Ward

William Blosser, 3rd Ward

Bill Petros, 4th Ward

Michael Shuman, 5th Ward

Ronald Dulaney, City Council

AJ Hammond, City Admin.

City buildings remain partially closed to the public to protect public health during the COVID-19 pandemic. Personal attendance at this meeting will not be permitted. The public may participate in the public portions through the following Cisco WebEx videoconference access methods:

Meeting Link: <https://cityofmorgantown.my.webex.com/meet/cityofmorgantown>

Meeting Number: 793 734 477

Phone: 408-418-9388

Access Code: 793 734 477

All members of the public may view the meeting on Channel 15 and by streaming hosted on the City's website at www.morgantownwv.gov. If you do not wish to speak at the meeting, please view it by these methods to conserve capacity on the videoconference.

Any person wishing to speak at the meeting may sign up by completing the form available at: <http://morgantownwv.gov/FormCenter/Public-Comment-Sign-Up-Sheet-14/Public-Comment-Form-Morgantown-Planning--94>. Another option to speak during a public comment portion is by providing their name, phone number they will use to participate, and the specific Case Number and/or General Public Comments listed on the Planning Commission's agenda on which they would like to speak by texting or calling 304-906-7843. You may sign up to speak at any time until the meeting begins. Additionally, the public may submit written comments for the public hearing portions of the meeting by sending an email to the Development Services Department at bmcdonald@morgantownwv.gov. In the email, please use the subject line "Public Comment PC 09/10/2020" and indicate in the body of the email the specific Case Number you wish to address and if you would like your comment to be read aloud during the public hearing portion for that case.

AGENDA

- I. **CALL TO ORDER AND ROLL CALL**
- II. **GENERAL PUBLIC COMMENTS** – concerning matters not on the agenda

III. **MATTERS OF BUSINESS**

- A. Approval of the August 13, 2020 minutes.

IV. **UNFINISHED BUSINESS:** None.

V. **NEW BUSINESS:**

- A. **MNS20-08 / Wang / 558 Aspen Street:** Request by Xiaoqiang Wang and Lan Hu for minor subdivision approval of property located at 558 Aspen Street and 1360 Eastern Avenue. Seventh Ward Tax District, Tax Map 54, Parcels 23 and 23.1; R-1, Single-Family Residential District.

Development Services

Planning Division

John Whitmore, AICP
Senior Planner

389 Spruce Street
Morgantown, WV 26505
304.284.7431



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September 10, 2020
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Tim Stranko, 2nd Ward

William Blosser, 3rd Ward

Bill Petros, 4th Ward

Michael Shuman, 5th Ward

Ronald Dulaney, City Council

AJ Hammond, City Admin.

B. MNS20-09 / Watson / 558 Burroughs Street: Request by Douglas Bell on behalf of Scott and Jami Watson for minor subdivision approval of property located at 558 Burroughs Street. Seventh Ward Tax District, Tax Map 55, Parcel 64; R-1, Single-Family Residential District.

C. MNS20-10 / Scott Properties, LLC / 1244-1246 Eastern Avenue: Request by Gregg Methany on behalf of Scott Properties, LLC for minor subdivision approval of property located at 1244-1246 Eastern Avenue. Seventh Ward Tax District, Tax Map 55, Parcel 72; R-1, Single-Family Residential District.

VI. OTHER BUSINESS

A. Committee Reports

- Traffic Commission
- Other Committees

B. Staff Comments

VI. FOR THE GOOD OF THE COMMISSION

VII. ADJOURNMENT

If you need an accommodation, please contact 304-284-7431 or TDD 304-284-7512

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MORGANTOWN PLANNING COMMISSION

MINUTES

6:30 p.m.

August 13, 2020

By Electronic Means

COMMISSIONERS PRESENT: Peter DeMasters, William Blosser, AJ Hammond, Sam Loretta, Carol Pyles, Tim Stranko

COMMISSIONERS ABSENT: Ronald Dulaney, Bill Petros, and Michael Shuman.

STAFF PRESENT: John Whitmore, AICP

I. CALL TO ORDER/ROLL CALL: DeMasters called the meeting to order at 6:30 p.m. DeMasters and dispensed with the reading of the pre-meeting announcement.

II. MATTERS OF BUSINESS:

A. Approval of the July 9, 2020 meeting minutes. Loretta moved to approve as presented; seconded by Stranko. The motion carried unanimously.

III. UNFINISHED BUSINESS: None.

IV. NEW BUSINESS:

A. MNS20-06 / McIntosh / 116 Maple Avenue: Request by Chad Frasher on behalf of Jennifer McIntosh for minor subdivision approval of property located at 116 Maple Avenue. Second Ward Tax District, Tax Map 36, Parcel 503; R-1A, Single-Family Residential District.

Whitmore presented the Staff Report and noting the petitioner was present.

There being no comments or questions by the Commission, DeMasters opened the public hearing and asked if anyone was present to speak in favor of or in opposition to the petition. Whitmore confirmed no one signed up to speak on this matter. There being no public comments, DeMasters closed the public hearing and asked for staff's recommendation.

Staff recommends approval of the minor subdivision as requested with the following conditions:

1. That the petitioner submits at least three (3) original final plat documents, including all access/utility easements, signed, and sealed by a surveyor licensed in the State of West Virginia for the Planning Commission President's signature.
2. That the final plat is recorded at the Monongalia County Courthouse within thirty (30) days of receiving the executed plat.

A motion to approve the minor subdivision with staff conditions was made by Loretta, seconded by Stranko. The motion was approved unanimously.

B. MNS20-07 / Smalls / 1105 and 1117 Ross Street: Request by Jamel and Lindsay Smalls for minor subdivision approval of property located at 1105 and 1117 Ross Street. Second Ward Tax District, Tax Map 41, Parcels 227, 228, 228.1, 229, 229.1, and 230; R-1A, Single-Family Residential District.

Whitmore presented the Staff Report, petitioner is represented by Staff. Pyles asked what portion of Parcel 228 would be combined with Parcel 230. Whitmore indicated that Parcel 228 would be consolidated with 1117 Ross Street.

Demasters opened the public hearing and asked if there were any members of the public present to speak in favor or opposed to the petition, being none, he closed the public hearing and asked for Staff recommendations.

Staff recommends approval of the minor subdivision as requested with the following conditions:

1. That the petitioner submits at least three (3) original final plat documents, including all access/utility easements, signed, and sealed by a surveyor licensed in the State of West Virginia for the Planning Commission President's signature.
2. That the final plat is recorded at the Monongalia County Courthouse within thirty (30) days of receiving the executed plat.

Demasters asked if there were any items to discuss and there were none. Stanko made a motion to approve the minor subdivision with staff conditions, seconded by Hammond. The motion was unanimously approved.

VI. OTHER BUSINESS

A. Committee Reports

- Traffic Commission Report: None.
- Other Committees: None.

B. Staff Comments: None.

V. FOR THE GOOD OF THE COMMISSION

VI. ADJOURNMENT: 6:45 p.m.

VII. MINUTES APPROVED:

COMMISSION SECRETARY:

John Whitmore, AICP

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MORGANTOWN PLANNING COMMISSION

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Carol Pyles, 7th Ward

Planning Commissioners:

Sam Loretta, 1st Ward

Tim Stranko, 2nd Ward

William Blosser, 3rd Ward

Bill Petros, 4th Ward

Michael Shuman, 5th Ward

Ronald Dulaney, City Council

AJ Hammond, City Admin.

STAFF REPORT

CASE NO: MNS20-08 / Wang / 558 Aspen Street

REQUEST and LOCATION:

Request by Xiaoqiang Wang and Lan Hu for minor subdivision approval of property located at 558 Aspen Street and 1360 Eastern Avenue.

TAX MAP NUMBER (s) and ZONING DESCRIPTION:

Tax District 15, Tax Map 54, Parcels 23 and 23.1; R-1, Single-Family Residential District.

SURROUNDING ZONING:

R-1, Single-Family Residential District.

BACKGROUND and ANALYSIS:

The petitioner seeks to subdivide Parcels 23 and 23.1, consolidating approximately 1,600 square feet from Parcel 23 to Parcel 23.1. Addendum A of this report illustrates the location of the subject site.

Parcel 23, commonly known as 1360 Eastern Avenue, is a 15,624 square foot +/- parcel, with a frontage along Eastern Avenue of 124-feet. Parcel 23.1, commonly known as 558 Aspen Street, is a 9,335.96 square foot +/- parcel, with a frontage of approximately 75.29-feet along Aspen Street. The redistribution of land would result in Parcel 23 being 14,024 square feet +/- and Parcel 23.1 being 10,935.96 square feet +/- . Parcel 23.1's frontage would also increase to approximately 85.82 linear feet. Both parcels will exceed the minimum R-1, Single-Family Residential District parcel area standard (7,200 square feet) and parcel frontage standard (70-feet).

The staff enhanced image on page 2 indicates the extent of the subdivision, with the highlighted area to be transferred from Parcel 23 to 23.1.

STAFF RECOMMENDATION:

Staff recommends approval of the minor subdivision as requested with the following conditions:

1. That the petitioner submits at least three (3) original final plat documents, including all access/utility easements, signed and sealed by a surveyor licensed in the State of West Virginia for the Planning Commission President's signature.
2. That the final plat is recorded at the Monongalia County Courthouse within thirty (30) days of receiving the executed plat.

Enclosure: Application and accompanying exhibits

Development Services

John Whitmore, AICP
Senior Planner

Planning Division

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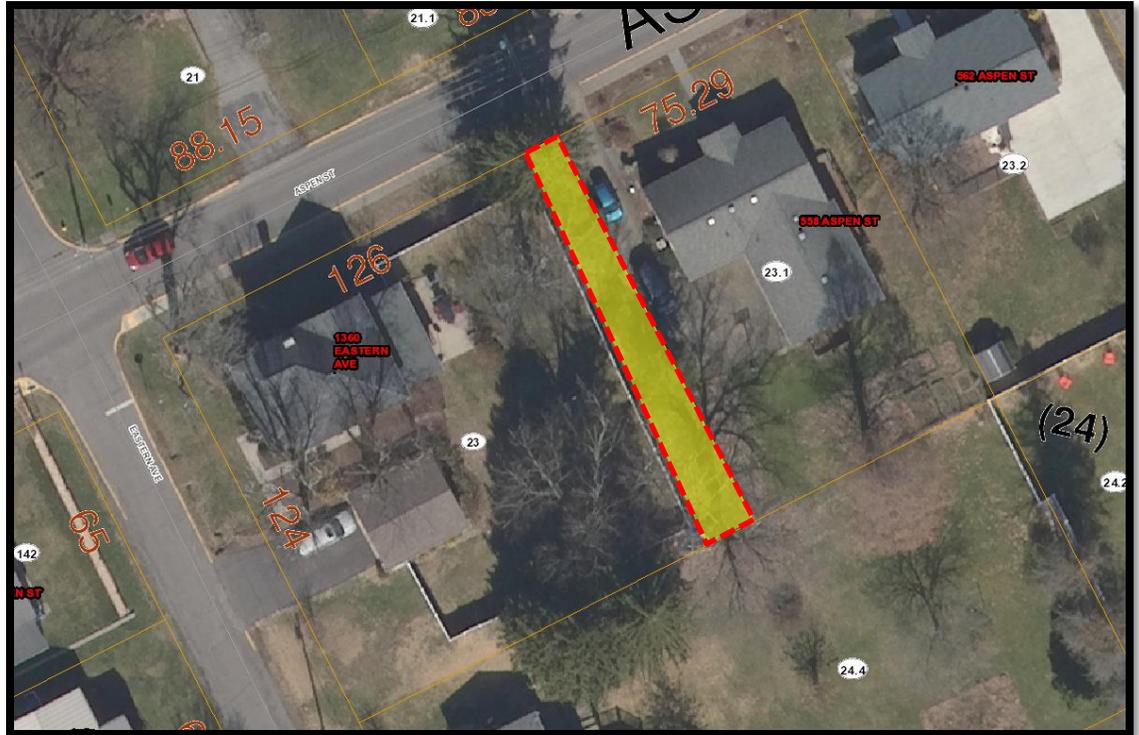
William Blosser, 3rd Ward

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Development Services

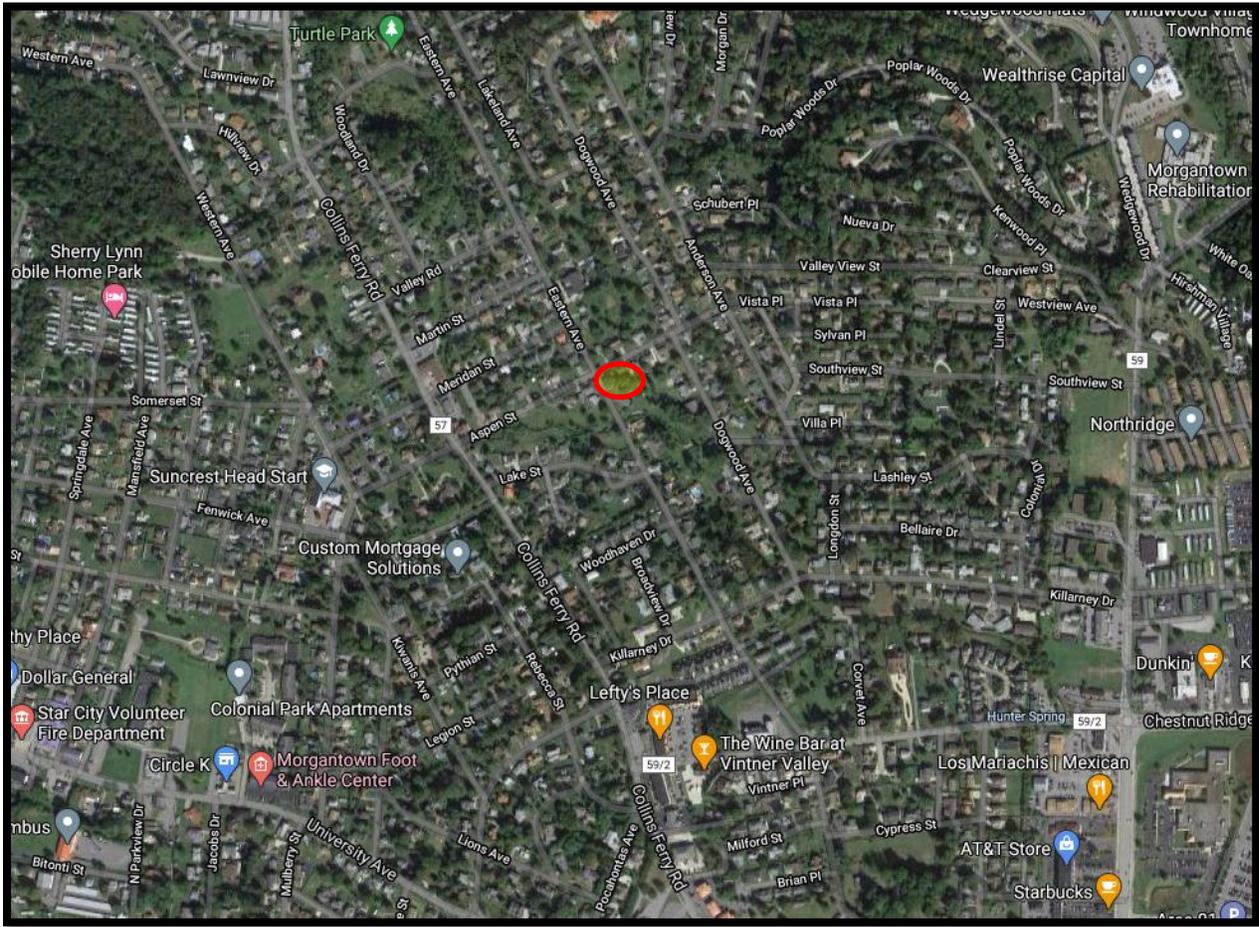
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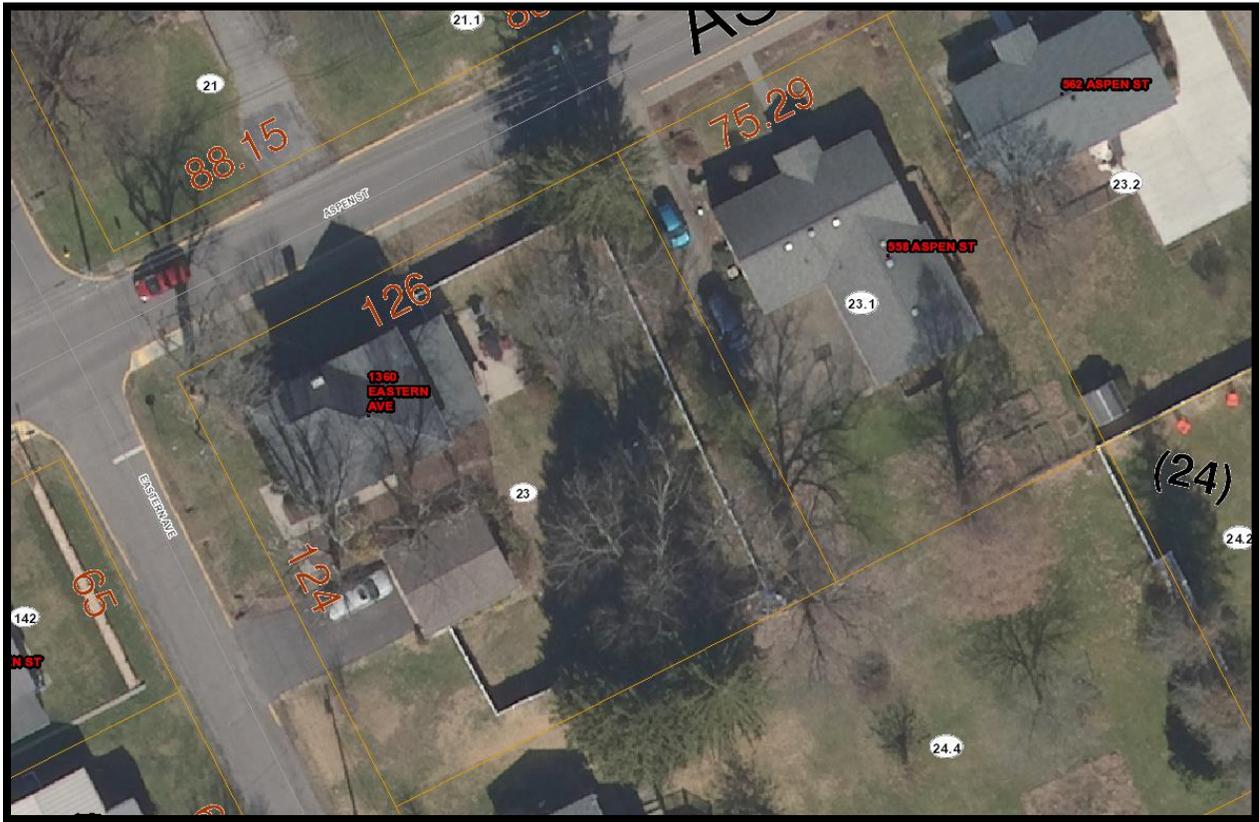
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STAFF REPORT ADDENDUM A

MNS20-08 / Wang / 558 Aspen Street



STAFF REPORT ADDENDUM A
MNS20-08 / Wang / 558 Aspen Street



APPLICATION FOR MINOR SUBDIVISION

A Minor Subdivision of property includes the creation of up to four (4) parcels or the consolidation of existing parcels via survey plat or approved deeded covenants, but does not involve the extension of off-site facilities (streets, etc.) or the dedication of a portion of the site for public use.

(PLEASE TYPE OR PRINT IN BLACK INK)

FEE: \$75.00 [Z-MNS] *MC*

I. APPLICANT			
Name:	XIAOQIANG WANG & LAN HU	Phone:	304-685-0414
Mailing Address:	558 Aspen St.	Mobile:	412-918-6300
	Street Morgantown	City	State
	WV	26505	Zip
		Email:	adeofjoy910@gmail.com
II. AGENT / CONTACT INFORMATION			
Name:		Phone:	
		Mobile:	
Mailing Address:	Street	Email:	
	City	State	Zip
Mailings –	Send all correspondence to (check one): <input type="checkbox"/> Applicant OR <input type="checkbox"/> Agent/Contact		
III. PROPERTY			
Owner:	Douglas and Fanny Murken	Phone:	215-518-7396
Mailing Address:	1360 Eastern Ave.	Mobile:	215-531-1593
	Street Morgantown	City	State
	WV	26505	Zip
		Email:	
IV. SITE			
Street Address (if assigned):	1360 Eastern Ave, Morgantown WV 26505	Tax Map No(s):	54
Zoning:	R1	Parcel No(s):	23
Subdivision Description, including areas (sq. ft.) of proposed parcel(s):	From the current boundary line between 558 Aspen St & 1360 Eastern Ave. to 8 inch away from current existly fence in 1360 Eastern Ave property.		
Are there any Variances from the Subdivision Regulations anticipated:		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If yes, to what extent is a variance necessary?			

\$75.00
 Z-MNS
 2021-00007322
 Kim M. Grider
 8/20/2020 4:07:18 PM
 Minor Subdivision
 For Deposit Only
 City of Morgantown



APPLICATION FOR MINOR SUBDIVISION

V. PLAT

Preliminary Plat submission – A Minor Subdivision Application must also include one (1) preliminary plat illustrating:

- (a) Existing and proposed property boundaries, property boundary dimensions, and square footage.
(b) A letter of service availability and approval from the Morgantown Utility Board.

Final Plat submission – Upon approval by the Planning Commission, three (3) sealed Final Plat surveys must be submitted to the Planning Office and meet the following standards:

- (a) Drawn to a scale of one inch (1") equals fifty feet (50') or larger;
(b) Date of preparation, north arrow, and scale;
(c) Legal description;
(d) Applicant/owner name and address;
(e) Existing zoning;
(f) Legend;
(g) Vicinity map;
(h) Existing and proposed utility lines and easements;
(i) Certification by a registered land surveyor, licensed in the State of West Virginia, that the dimension and bearings are accurately delineated with a seal and signature;
(j) Location, shape, exterior dimensions of each existing building on the site(s);
(k) Location and dimensions of paved surfaces including sidewalks and curb cuts, and of all abutting streets;
(l) Location of springs, streams, other water bodies, and areas subject to flooding;
(m) Floodplain designation making reference to pertinent FEMA Firm Community Panel Number;
(n) Approval signature block allowing space for President of Morgantown Planning Commission;
(o) Other items as deemed necessary by Planner Director or City Engineer.

Please note that all approved minor subdivision plats must be filed with the Monongalia County Tax Office within thirty (30) days of approval. Plats not filed within thirty (30) days will be considered invalid by the City of Morgantown and will require a new application.

VIII. ATTEST

I hereby certify that I have read and examined this document and know the same to be true and correct. All provisions of laws and ordinance governing this type of work will be complied with whether specified herein or not. Granting of a permit 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.

XIAOQIANG WANG & LAN HU [Signature] [Signature] 8/20/2020
Type/Print Name of Applicant/Agent Signature of Applicant/Agent Date



MORGANTOWN PLANNING COMMISSION

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Michael Shuman, 5th Ward

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AJ Hammond, City Admin.

STAFF REPORT

CASE NO: MNS20-09 / Watson / 558 Burroughs Street

REQUEST and LOCATION:

Request by Douglas Bell on behalf of Scott and Jami Watson for minor subdivision approval of property located at 558 Burroughs Street.

TAX MAP NUMBER (s) and ZONING DESCRIPTION:

Tax District 15, Tax Map 55, Parcel 64; R-1, Single-Family Residential District.

SURROUNDING ZONING:

R-1, Single-Family Residential District.

BACKGROUND and ANALYSIS:

The petitioner seeks to subdivide Parcel 64 into two (2) parcels. Addendum A of this report illustrates the location of the subject site. A preliminary subdivision plat is included with the application materials. Please be aware that application materials erroneously indicate the address of this application as being 588 Burroughs Street.

Tax District 15; Tax Map 55; Parcel 64, commonly known as 558 Burroughs Street is a 14,679.72 square foot corner-lot parcel with a 113.69-foot +/- frontage along Burroughs Street. The petitioner seeks to subdivide the parcel into two parcels, with one parcel containing the existing single-family dwelling becoming a corner lot and portions of the existing rear/side yard becoming a separate parcel. The northern parcel will have an approximate area of 7,486 square feet and the southern parcel will have an approximate area of 7,202 square feet. Both parcels will exceed the R-1, Single-Family Residential District minimum lot area standard.

Due to the geometry of Parcel 64, it is impossible to subdivide the parcel in a manner that meets the R-1, Single-Family Residential District minimum parcel standards. Both sides of the parcel available to public right-of-way are below 140-linear feet in length. The Burroughs Street side of the parcel is 113.69-linear feet +/- and the Douglas Street side of the parcel is 138.68-linear feet +/- . A layout could be achieved that creates a pan-handle parcel meeting the minimum parcel frontage standard. Such a layout would create a non-conformity with the existing structure and the minimum parcel area requirement (7,200 square feet) as there is only 279.72-square feet +/- of allowable area to be split between the subdivided parcels.

A staff enhanced map is located in Addendum B of this staff report. This map shows R-1 zoned parcels in the vicinity of the subject site that are currently nonconforming with respect to parcel frontages. Of the forty-five (45) parcels included in the analysis, seven

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(7) parcels had frontages that did not meet Planning and Zoning Code Section 1333.03(B) requirements for parcel frontage in the R-1, District as required.

STAFF RECOMMENDATION:

Section 1315.07 requires the Planning Commission to determine that the departure from the minimum frontage standard does not destroy the intent of the provision for which the variance or modification is requested. Additionally, the Planning Commission must state the reason on which the departure was justified.

Staff recommends the following justification considerations when considering granting the requested subdivision variance or modification:

- Approximately 84% of R-1 zoned parcels in the vicinity of the location meets or exceeds the R-1, District minimum lot frontage and area standards.
- Only one (1) parcel in this block does not meet the R-1 District minimum lot frontage and area standards.
- Staff is unaware of, nor has the petitioner provided substantiated topographic or other conditions peculiar to the site necessitating a variance from R-1 District minimum lot frontage and area standards.
- The parcel's geometry does not lend itself for a subdivision layout the meets the R-1 District minimum parcel standards as provided in Section 1333.03 of the Planning and Zoning Code.

Staff provides no recommendation as to whether the proposed subdivision should be approved.

In the event the Planning Commission finds favorable reasoning to justify departure from the minimum lot frontage standard and approve the subdivision, staff recommends the following conditions be included:

1. That the petitioner submit at least three (3) original final plat documents, including all access/utility easements if applicable, signed and sealed by a surveyor licensed in the State of West Virginia for the Planning Commission President's signature; and,
2. That the final plat is recorded at the Monongalia County Courthouse within thirty (30) days of receiving the executed plat.

Enclosure: Application and accompanying exhibits

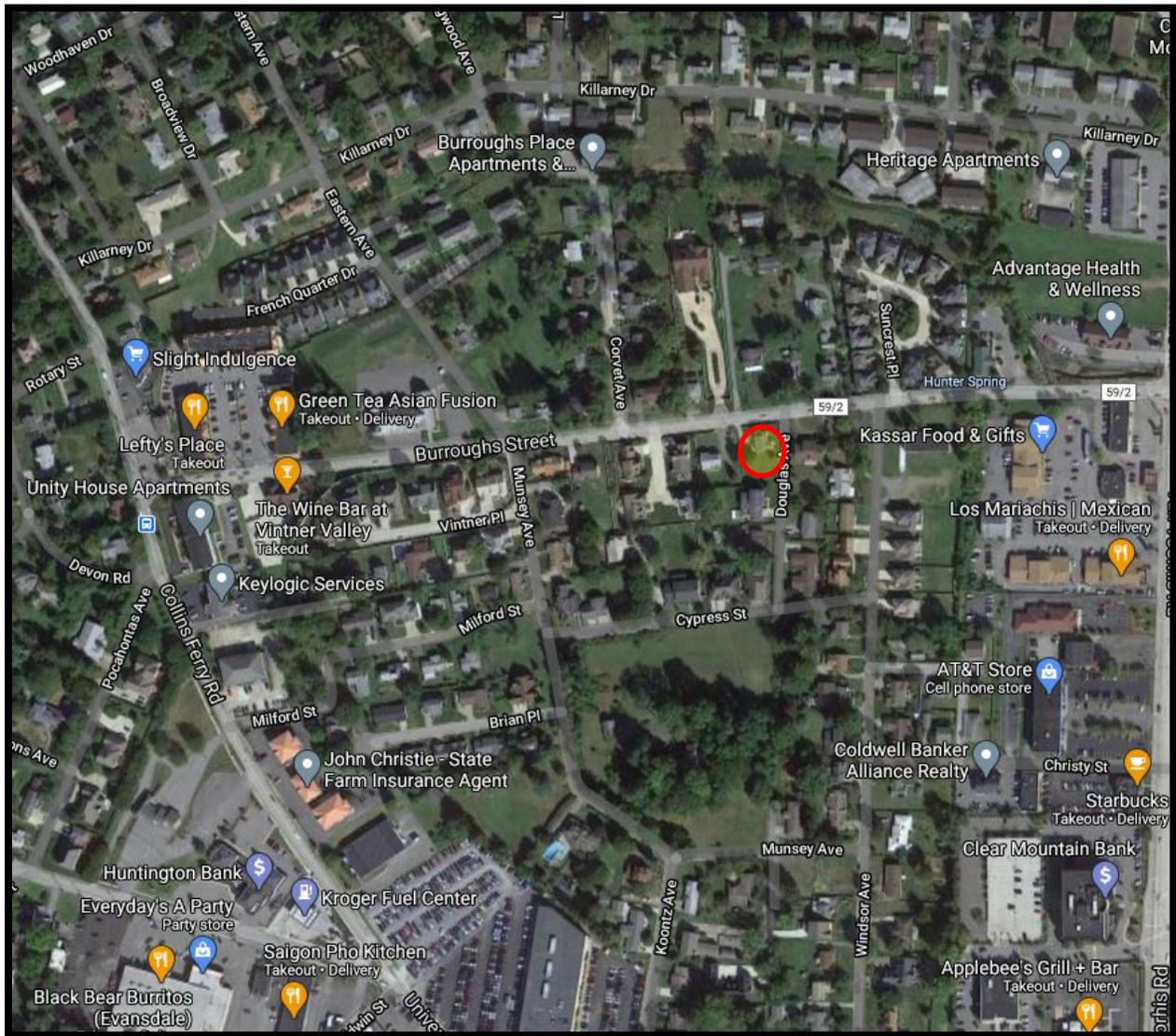
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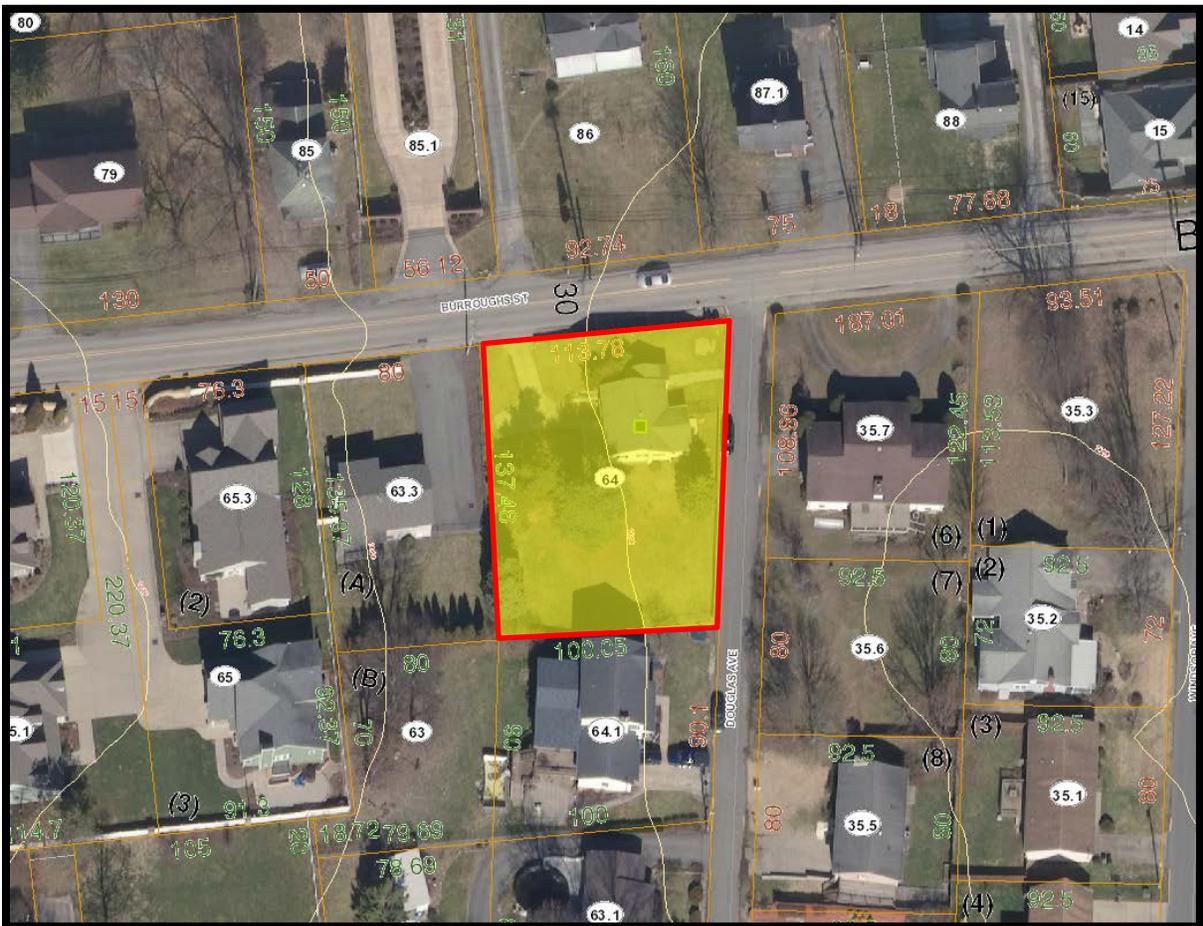
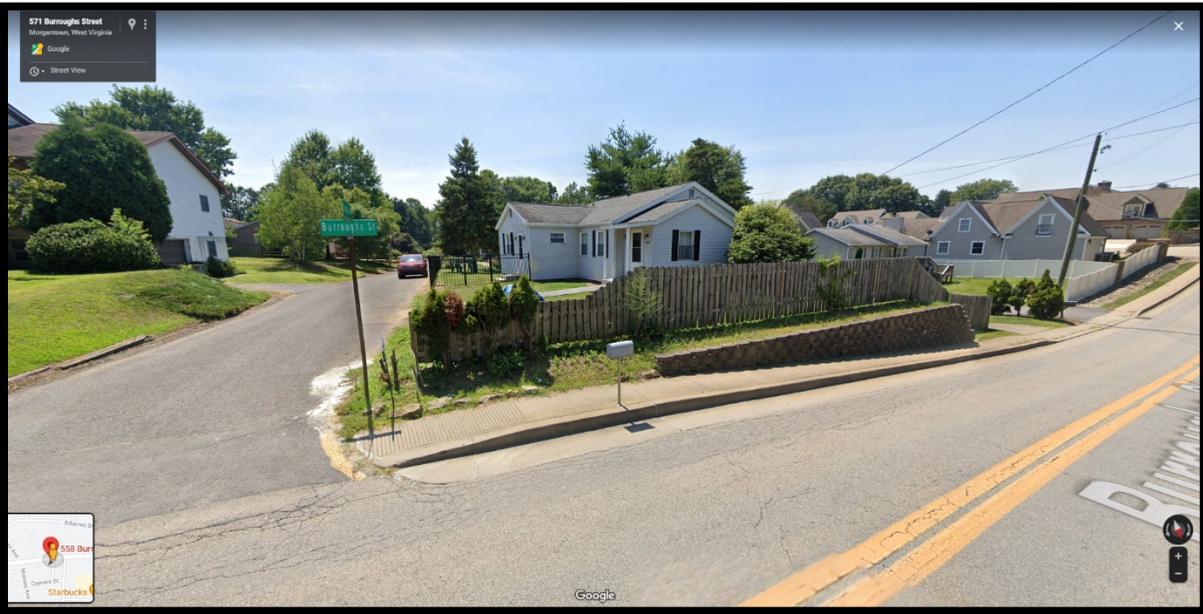
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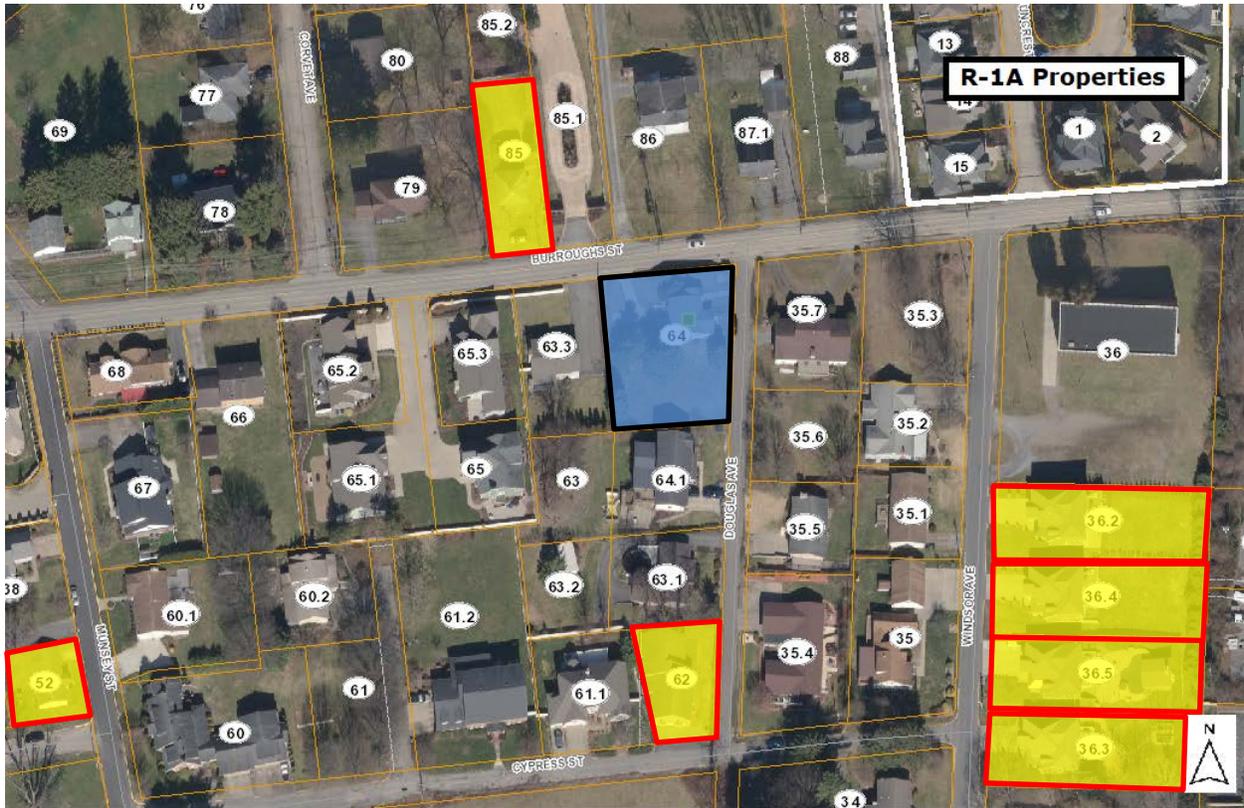
STAFF REPORT ADDENDUM A
MNS20-09 / Watson / 558 Burroughs Street



STAFF REPORT ADDENDUM A
MNS20-09 / Watson / 558 Burroughs Street



STAFF REPORT ADDENDUM B
MNS20-09 / Watson / 558 Burroughs Street



R-1 Zoned Properties with Nonconforming Frontages

Non Conforming

558 Burroughs Street

Not to scale

Notes:

1. Parcels 85.1 and 85.2 are right-of-way for a single dwelling not shown on this map. Parcels 85.1 and 85.2 were not included in this analysis.
2. Parcels outlined in white at the top right-hand corner of the map are zoned R-1A and were not included in this analysis.
3. Parcels 60, 65, and 65.1 are conforming with Section 1333.03(B) provisions allowing a minimum frontage waiver for parcels not fronting an existing road and that are served by a proper right-of-way. Parcels 60, 65, and 65.1 were included in the analysis.



APPLICATION FOR MINOR SUBDIVISION

A Minor Subdivision of property includes the creation of up to four (4) parcels or the consolidation of existing parcels via survey plat or approved deeded covenants, but does not involve the extension of off-site facilities (streets, etc.) or the dedication of a portion of the site for public use.

(PLEASE TYPE OR PRINT IN BLACK INK)

FEE: \$75.00 [Z-MNS]

I. APPLICANT			
Name:	Scott Watson & Jami Watson		Phone: (304)599-4453
Mailing Address:	299 Richland Avenue		Mobile: (304)376-6080
	Street	Morgantown WV 26505	Email: sjw829@comcast.net
	City	State Zip	
II. AGENT / CONTACT INFORMATION			
Name:	Douglas Bell		Phone: (304)698-5557
Mailing Address:	785 Amherst Road		Mobile:
	Street	Morgantown WV 26505	Email: dbell@bls-pllc.com
	City	State Zip	
Mailings –	Send all correspondence to (check one): <input type="checkbox"/> Applicant OR <input checked="" type="checkbox"/> Agent/Contact		
III. PROPERTY			
Owner:	Alexander Watson/Applicants are in process of		Phone:
Mailing Address:	purchasing the property.		Mobile:
	Street		Email:
	City	State Zip	
IV. SITE			
Street Address (if assigned):	588 Burroughs Street	Tax Map No(s):	55
Zoning:	R1	Parcel No(s):	64
Subdivision Description, including areas (sq. ft.) of proposed parcel(s):	Proposed subdivision of one parcel containing approximately 7,202 square feet from the southern portion of Tax Parcel 64.		
Are there any Variances from the Subdivision Regulations anticipated:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
If yes, to what extent is a variance necessary?	Frontage along Douglas Street for the new parcel will be approximately 65.5 feet, R1 specifies a minimum of 70 feet.		

\$75.00
 Z-MNS
 2021-00007363
 Kim Nigro
 8/24/2020 12:06:12 PM
 Minor Subdivision Application
 For Deposit
 City of Morgantown



APPLICATION FOR MINOR SUBDIVISION

V. PLAT

Preliminary Plat submission – A Minor Subdivision Application must also include one (1) preliminary plat illustrating:

- (a) Existing and proposed property boundaries, property boundary dimensions, and square footage.
- (b) A letter of service availability and approval from the Morgantown Utility Board.

Final Plat submission – Upon approval by the Planning Commission, three (3) sealed Final Plat surveys must be submitted to the Planning Office and meet the following standards:

- (a) Drawn to a scale of one inch (1") equals fifty feet (50') or larger;
- (b) Date of preparation, north arrow, and scale;
- (c) Legal description;
- (d) Applicant/owner name and address;
- (e) Existing zoning;
- (f) Legend;
- (g) Vicinity map;
- (h) Existing and proposed utility lines and easements;
- (i) Certification by a registered land surveyor, licensed in the State of West Virginia, that the dimension and bearings are accurately delineated with a seal and signature;
- (j) Location, shape, exterior dimensions of each existing building on the site(s);
- (k) Location and dimensions of paved surfaces including sidewalks and curb cuts, and of all abutting streets;
- (l) Location of springs, streams, other water bodies, and areas subject to flooding;
- (m) Floodplain designation making reference to pertinent FEMA Firm Community Panel Number;
- (n) Approval signature block allowing space for President of Morgantown Planning Commission;
- (o) Other items as deemed necessary by Planner Director or City Engineer.

Please note that all approved minor subdivision plats must be filed with the Monongalia County Tax Office within thirty (30) days of approval. Plats not filed within thirty (30) days will be considered invalid by the City of Morgantown and will require a new application.

VIII. ATTEST

I hereby certify that I have read and examined this document and know the same to be true and correct. All provisions of laws and ordinance governing this type of work will be complied with whether specified herein or not. Granting of a permit 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.

Douglas Bell

08/23/2020

Type/Print Name of Applicant/Agent

Signature of Applicant/Agent

Date

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MORGANTOWN PLANNING COMMISSION

September 10, 2020
6:30 p.m.
By Electronic Means

President:

Peter DeMasters, 6th Ward

Vice-President:

Carol Pyles, 7th Ward

Planning Commissioners:

Sam Loretta, 1st Ward

Tim Stranko, 2nd Ward

William Blosser, 3rd Ward

Bill Petros, 4th Ward

Michael Shuman, 5th Ward

Ronald Dulaney, City Council

AJ Hammond, City Admin.

STAFF REPORT

CASE NO: MNS20-10 / Scott Properties, LLC / 1244-1246 Eastern Avenue

REQUEST and LOCATION:

Request by Gregg Methany on behalf of Scott Properties, LLC for minor subdivision approval of property located at 1244-1246 Eastern Avenue.

TAX MAP NUMBER (s) and ZONING DESCRIPTION:

Tax District 15, Tax Map 55, Parcel 72; R-1, Single-Family Residential District.

SURROUNDING ZONING:

R-1, Single-Family Residential District.

BACKGROUND and ANALYSIS:

The petitioner seeks to subdivide Parcel 72 into four (4) individual parcels with access achieved via a twenty (20) foot wide private right-of-way. Addendum A of this report illustrates the location of the subject site.

Parcel 72 contains two principal buildings commonly known as 1244 and 1246 Eastern Avenue. The parcel is approximately 38,768.4 square feet in area, with a frontage along Eastern Avenue of 101-feet. Parcel 72 was previously subdivided under application MNS19-04 / Zeni / Eastern Avenue. The survey plat for the MNS19-04 subdivision appears to have been recorded in conjunction with a deed of sale that was recorded on March 13, 2020 in Deed Book 1698; Page 499. A direct copy could not be located via the Monongalia County IDX record search tool but is referenced in the deed. A copy of the signed survey plat is included with report as supplemental material.

The petitioner seeks a new subdivision which affects the entirety of Parcel 72. This minor subdivision will result in the creation of four (4) parcels on-site, with three (3) parcels lacking road frontage accessed via a twenty (20) foot private right-of-way. Parcels that do not have frontage along a road in the R-1, Single-Family Residential District, are permitted if the subject parcel is served by a proper right-of-way, per Section 1333.03(B) of the Planning and Zoning Code as shown below:

(B) The minimum lot frontage shall be 70 feet. The frontage requirement may be waived for a parcel not fronting on an existing road if the parcel is served by a proper right-of-way.

Development Services staff has confirmed that the proposed right-of-way is acceptable for the Fire and Engineering Departments. A staff enhanced image of the subdivision is shown on page 2 of this report.

Development Services

John Whitmore, AICP
Senior Planner

Planning Division

389 Spruce Street
Morgantown, WV 26505
304.284.7431



MORGANTOWN PLANNING COMMISSION

September 10, 2020
6:30 p.m.
By Electronic Means

President:

Peter DeMasters, 6th Ward

Vice-President:

Carol Pyles, 7th Ward

Planning Commissioners:

Sam Loretta, 1st Ward

Tim Stranko, 2nd Ward

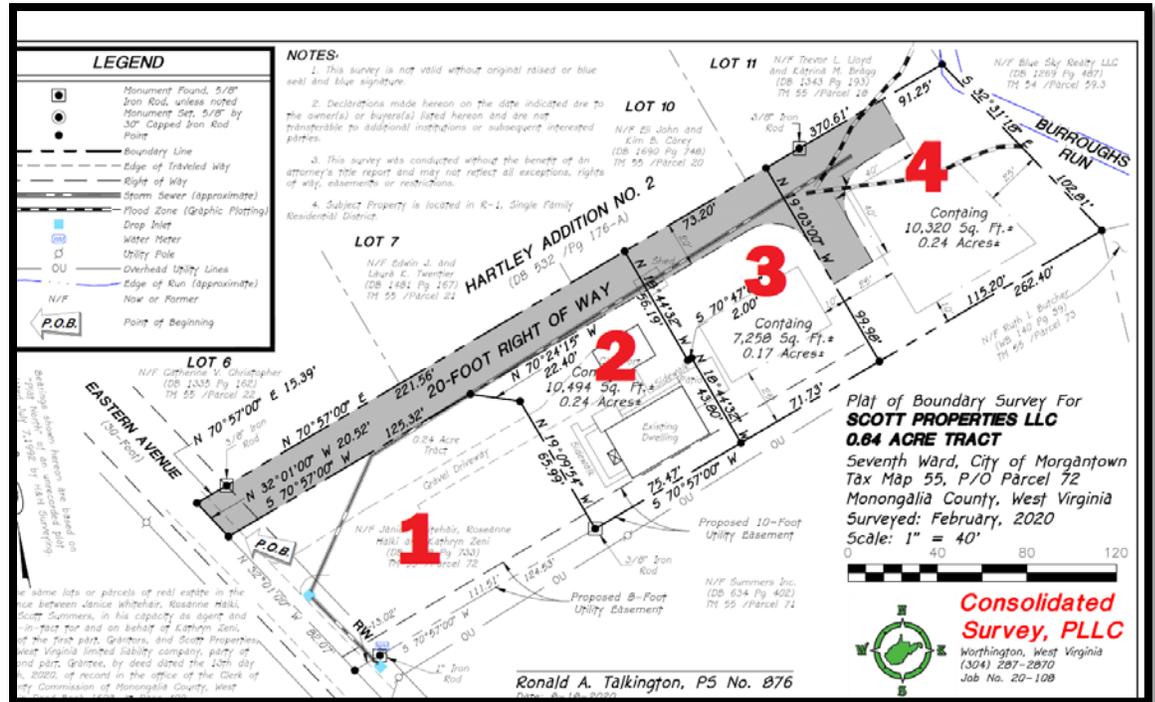
William Blosser, 3rd Ward

Bill Petros, 4th Ward

Michael Shuman, 5th Ward

Ronald Dulaney, City Council

AJ Hammond, City Admin.



In addition to the parcel frontage requirement, all four (4) parcels will exceed the R-1, District minimum lot standard of 7,200 square feet.

STAFF RECOMMENDATION:

Staff recommends approval of the minor subdivision as requested with the following conditions:

- That a perpetual shared access right-of-way easement on the parcel fronting shall be illustrated on the final plat documents and properly described in the deeds for the resultant parcels, the width of which shall be no less than twenty (20) feet;
- That the petitioner submits at least three (3) original final plat documents, including all access/utility easements, signed and sealed by a surveyor licensed in the State of West Virginia for the Planning Commission President's signature.
- That the final plat is recorded at the Monongalia County Courthouse within thirty (30) days of receiving the executed plat.

Enclosure: Application and accompanying exhibits

Development Services

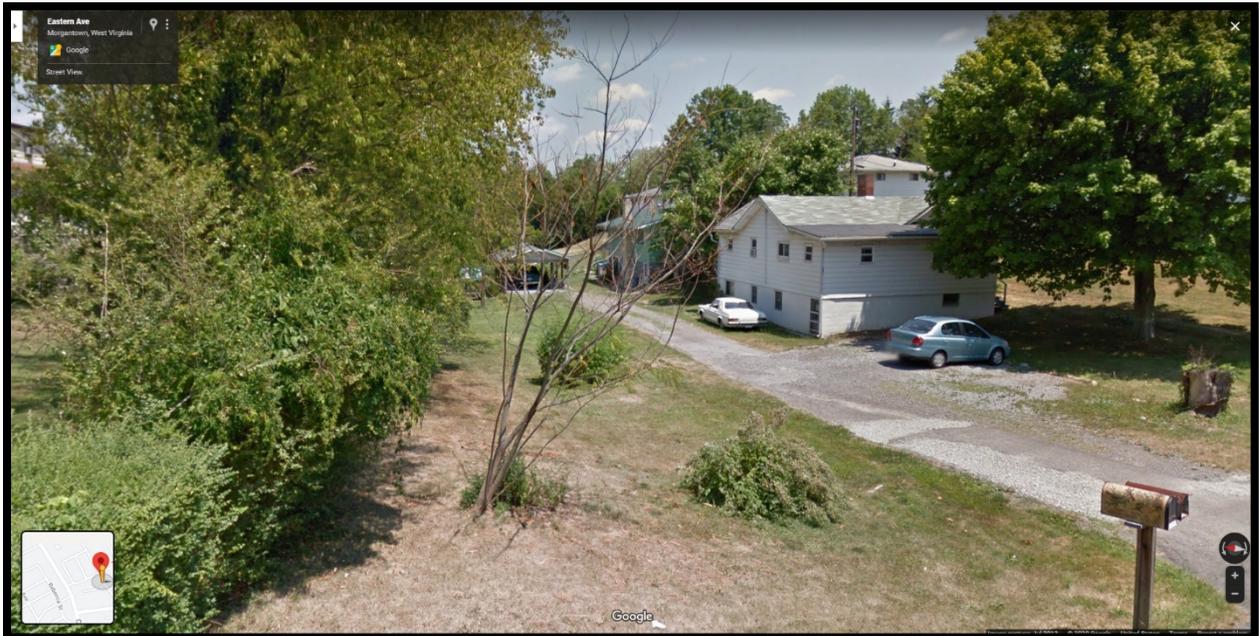
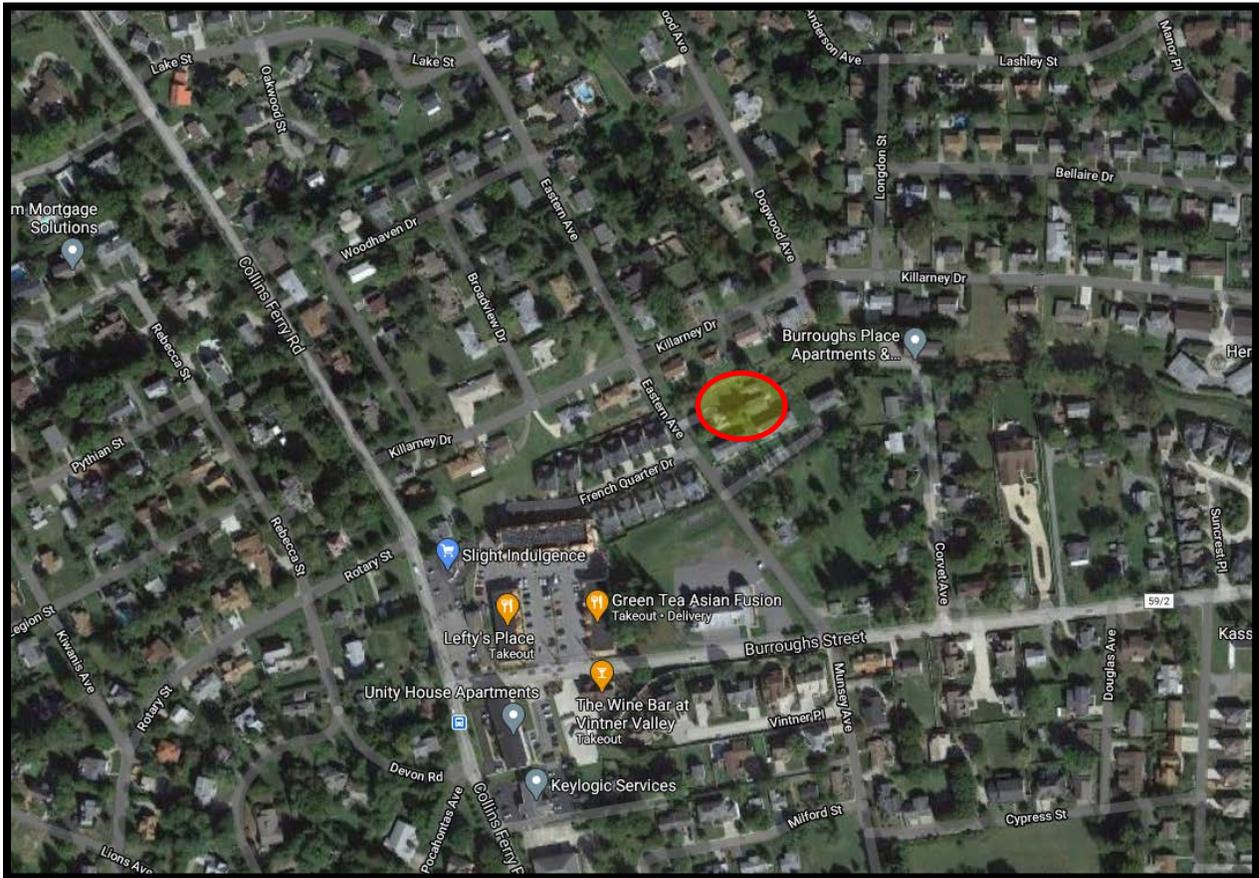
John Whitmore, AICP
Senior Planner

Planning Division

389 Spruce Street
Morgantown, WV 26505
304.284.7431

STAFF REPORT ADDENDUM A

MNS20-10 / Scott Properties, LLC / 1244-1246 Eastern Avenue



STAFF REPORT ADDENDUM A
MNS20-10 / Scott Properties, LLC / 1244-1246 Eastern Avenue



LEGEND

	Monument Found, 5/8" Iron Rod, unless noted
	Monument Set, 5/8" by 30" Capped Iron Rod
	Point
	Boundary Line
	Edge of Traveled Way
	Right of Way
	Storm Sewer (approximate)
	Flood Zone (Graphic Plotting)
	Drop Inlet
	Water Meter
	Utility Pole
	Overhead Utility Lines
	Edge of Run (approximate)
	Now or Former
	Point of Beginning

NOTES:

1. This survey is not valid without original raised or blue seal and blue signature.
2. Declarations made hereon on the date indicated are to the owner(s) or buyers(s) listed hereon and are not transferable to additional institutions or subsequent interested parties.
3. This survey was conducted without the benefit of an attorney's title report and may not reflect all exceptions, rights of way, easements or restrictions.
4. Subject Property is located in R-1, Single Family Residential District.

LOT 7

N/F Edwin J. and Laura K. Twentier
(DB 1481 Pg 167)
TM 55 /Parcel 21

HARTLEY ADDITION NO. 2 (DB 532 /Pg 176-A)

LOT 10

N/F Eli John and Kim B. Carey
(DB 1690 Pg 748)
TM 55 /Parcel 20

LOT 11

N/F Trevor L. Lloyd and Katrina M. Bragg
(DB 1343 Pg 193)
TM 55 /Parcel 18

N/F Blue Sky Realty LLC
(DB 1269 Pg 487)
TM 54 /Parcel 59.3

N/F Ruth I. Butcher
(WB 140 Pg 39)
TM 55 /Parcel 73

LOT 6
N/F Catherine V. Christopher
(DB 1335 Pg 162)
TM 55 /Parcel 22

EASTERN AVENUE (30-Foot)

20-FOOT RIGHT OF WAY

Plat of Boundary Survey For SCOTT PROPERTIES LLC 0.64 ACRE TRACT

Seventh Ward, City of Morgantown
Tax Map 55, P/O Parcel 72
Monongalia County, West Virginia
Surveyed: February, 2020
Scale: 1" = 40'



Consolidated Survey, PLLC

Worthington, West Virginia
(304) 287-2870
Job No. 20-108

Ronald A. Talkington, P5 No. 876
Date: 8-18-2020

Bearings shown hereon are based on "Plat North" of an unrecorded plat dated July 7, 1992 by H&H Surveying.

Being the same lots or parcels of real estate in the conveyance between Janice Whitehair, Rosanne Halki, and R. Scott Summers, in his capacity as agent and attorney-in-fact for and on behalf of Kathryn Zeni, parties of the first part, Grantors, and Scott Properties, LLC, a West Virginia limited liability company, party of the second part, Grantee, by deed dated the 13th day of March, 2020, of record in the office of the Clerk of the County Commission of Monongalia County, West Virginia in Deed Book 1698, at Page 499.



APPLICATION FOR MINOR SUBDIVISION

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(PLEASE TYPE OR PRINT IN BLACK INK)

FEE: \$75.00 [Z-MNS]

I. APPLICANT			
Name:	Scott Properties, LLC	Phone:	3043193574
Mailing Address:	Mobile:		
	Street 100 Trescott Lane	WV 26505	Email:
	City	State Zip	
II. AGENT / CONTACT INFORMATION			
Name:	Gregg Metheny	Phone:	3043193574
Mailing Address:	Mobile:		
	Street 2419 Stewartstown	WV 26508	Email: gregg@triplescott.com
	City	State Zip	
Mailings –	Send all correspondence to (check one): <input type="checkbox"/> Applicant OR <input checked="" type="checkbox"/> Agent/Contact		
III. PROPERTY			
Owner:	Scott Properties, LLC	Phone:	3043193574
Mailing Address:	Mobile:		
	Street 100 Trescott Lane	WV 26508	Email:
	City	State Zip	
IV. SITE			
Street Address (if assigned):	1246 Eastern Avenue	Tax Map No(s):	55
Zoning:	R1	Parcel No(s):	P/O 72
Subdivision Description, including areas (sq. ft.) of proposed parcel(s):	Subdivide 0.64 acres into 3 parcels with 20' Right-of-Way - See Diagram Parcel 2 - 0.24 acres - 10,494 sq. ft. Parcel 3 - 0.17 acres - 7,258 sq. ft. Parcel 4 - 0.24 acres - 10,320 sq.ft. Parcel 1 will have access from new 20' Right-of-Way		
Are there any Variances from the Subdivision Regulations anticipated:		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If yes, to what extent is a variance necessary?			

APPLICATION FOR MINOR SUBDIVISION

V. PLAT

Preliminary Plat submission – A Minor Subdivision Application must also include one (1) preliminary plat illustrating:

- (a) Existing and proposed property boundaries, property boundary dimensions, and square footage.
- (b) A letter of service availability and approval from the Morgantown Utility Board.

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- (c) Legal description;
- (d) Applicant/owner name and address;
- (e) Existing zoning;
- (f) Legend;
- (g) Vicinity map;
- (h) Existing and proposed utility lines and easements;
- (i) Certification by a registered land surveyor, licensed in the State of West Virginia, that the dimension and bearings are accurately delineated with a seal and signature;
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- (k) Location and dimensions of paved surfaces including sidewalks and curb cuts, and of all abutting streets;
- (l) Location of springs, streams, other water bodies, and areas subject to flooding;
- (m) Floodplain designation making reference to pertinent FEMA Firm Community Panel Number;
- (n) Approval signature block allowing space for President of Morgantown Planning Commission;
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VIII. ATTEST

I hereby certify that I have read and examined this document and know the same to be true and correct. All provisions of laws and ordinance governing this type of work will be complied with whether specified herein or not. Granting of a permit 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.

Gregg Metheny

08/24/2020

Type/Print Name of Applicant/Agent

Signature of Applicant/Agent

Date

Pay by Bill Type Report

Report Criteria

Merchant: City of Morgantown Finance Web	Time Zone: Eastern
Start Date: 8/23/2020 7:45:00 PM	End Date: 8/24/2020 7:45:00 PM

Grand Total			
Bill Type	Trans Count	Convenience Fee	Total Paid
Planning and Zoning	1	\$2.21	\$75.00

Payments by Bill Type

Planning and Zoning Applications



Bill Type	Transaction Date	Payment Method	Payment Account	Bill Amount	Applicant Name	Case Number	Type of Application
Planning and Zoning Applicat	08/24/20 04:26 PM	VISA Credit	3921	\$75.00	Scott Properties, LLC	Case Number MNS20-10	Minor Subdivision Application

Monday, August 24, 2020

Page 1 of 1

MNS20-10 SUPPLEMENTAL MATERIAL



Vicinity Map

NOTES:

1. This survey is not valid without original raised or blue seal and blue signature.
2. Declarations made hereon on the date indicated are to the owner(s) or buyers(s) listed hereon and are not transferable to additional institutions or subsequent interested parties.
3. This survey was conducted without the benefit of an attorney's title report and may not reflect all exceptions, rights of way, easements or restrictions.
4. Subject Property is located in R-1, Single Family Residential District.

Plat of Boundary Survey
For
**JANICE WHITEHAIR, ROSANNE HALKI
AND KATHRYN ZENI**
Seventh Ward, City of Morgantown
Tax Map 55, Parcel 72
Monongalia County, West Virginia
Surveyed: February, 2020
Scale: 1" = 40'

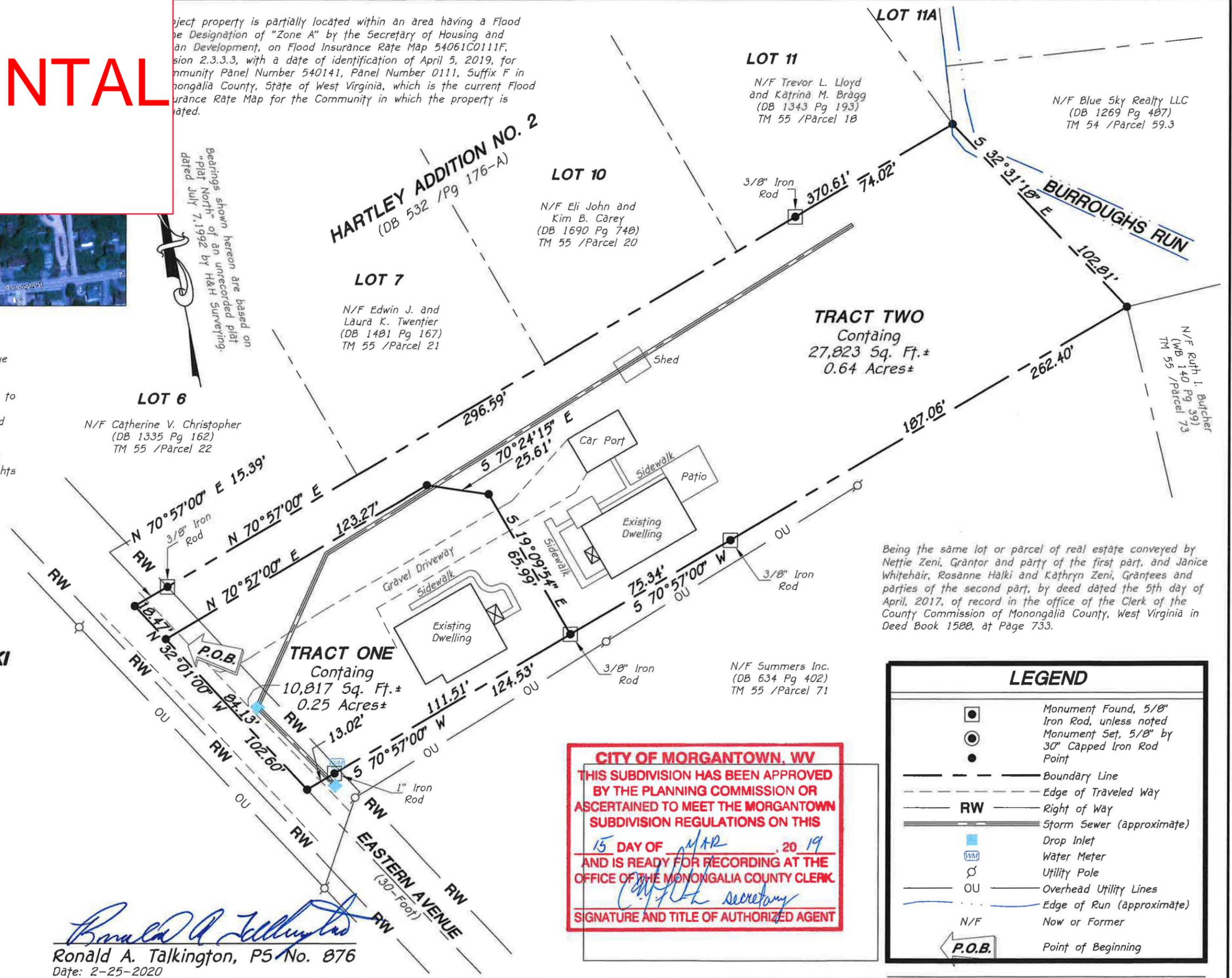


**Consolidated
Survey, PLLC**
Worthington, West Virginia
(304) 287-2870
Job No. 20-108

Ronald A. Talkington
Ronald A. Talkington, P.S. No. 876
Date: 2-25-2020

Subject property is partially located within an area having a Flood Hazard Designation of "Zone A" by the Secretary of Housing and Urban Development, on Flood Insurance Rate Map 54061C0111F, Revision 2.3.3.3, with a date of identification of April 5, 2019, for Community Panel Number 540141, Panel Number 0111, Suffix F in Monongalia County, State of West Virginia, which is the current Flood Insurance Rate Map for the Community in which the property is located.

Bearings shown hereon are based on "Plat North" of an unrecorded plat dated July 7, 1992 by H&H Surveying.



Being the same lot or parcel of real estate conveyed by Nettie Zeni, Grantor and party of the first part, and Janice Whitehair, Rosanne Halki and Kathryn Zeni, Grantees and parties of the second part, by deed dated the 5th day of April, 2017, of record in the office of the Clerk of the County Commission of Monongalia County, West Virginia in Deed Book 1588, at Page 733.

CITY OF MORGANTOWN, WV
**THIS SUBDIVISION HAS BEEN APPROVED
BY THE PLANNING COMMISSION OR
ASCERTAINED TO MEET THE MORGANTOWN
SUBDIVISION REGULATIONS ON THIS**
15 DAY OF MAR 20 19
**AND IS READY FOR RECORDING AT THE
OFFICE OF THE MONONGALIA COUNTY CLERK.**
[Signature]
SIGNATURE AND TITLE OF AUTHORIZED AGENT

LEGEND	
	Monument Found, 5/8" Iron Rod, unless noted
	Monument Set, 5/8" by 30" Capped Iron Rod
	Point
	Boundary Line
	Edge of Traveled Way
	RW Right of Way
	Storm Sewer (approximate)
	Drop Inlet
	Water Meter
	Utility Pole
	OU Overhead Utility Lines
	Edge of Run (approximate)
	N/F Now or Former
	P.O.B. Point of Beginning