



MORGANTOWN BOARD OF ZONING APPEALS

August 18, 2010
6:30 PM
City Council Chambers

Board Members:

Bernie Bossio, Chair
Leanne Cardoso, Vice-Chair
Jim Shaffer
George Papandreas
Tom Shamberger

STAFF REPORT

CASE NO: V10-23 / Diller / 1301 Wetzel Street

REQUEST and LOCATION:

Request by John Diller for variance approval from the Planning and Zoning Code, Article 1335.04 Setbacks in the R-1A District for property located at 1301 Wetzel Avenue.

TAX MAP NUMBER(s) and ZONING DESCRIPTION:

Tax Map #21, Parcel #59; R-1A, Single Family Residential District

SURROUNDING ZONING:

R-1A, Single-Family Residential District

BACKGROUND and ANALYSIS:

The petitioner seeks to construct an addition onto the rear of an existing single-family dwelling on Parcel #21 of Tax Map #59. Addendum A of this report illustrates the location and conditions of the subject site.

The petitioner's site plan illustrates that the proposed addition will be situated approximately eighteen (18) feet from the rear property line. The minimum rear setback in the R-1A District is 20 feet. As such, a rear setback variance of two (2) feet is required.

According to the submitted site plan, the proposed structure appears to conform to minimum side and maximum lot coverage standards for the R-1A District.

STAFF RECOMMENDATION:

The Board 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 applicant.

Staff recommends the following revisions to the petitioner's Findings of Fact (deleted matter struck through; new matter underlined) and that variance relief be granted as requested.

Finding of Fact #1 – There are exceptional or extraordinary circumstances or conditions applicable to this property or to the intended use, that generally do not apply to other properties or uses in the same vicinity, because:

The lot is oddly shaped. Any additions or increases to the building footprint can only occur at the rear of the property and into the minimum rear setback. The front of the single-family dwelling fronts on Wetzel Avenue and Winter Alley. The non-conforming lot contains approximately 2,916 square feet.

Planning Department

Christopher Fletcher, AICP
Planning Director
389 Spruce Street
Morgantown, WV 26505
304.284.7431



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Finding of Fact #2 – The variance is necessary for the preservation and enjoyment of a substantial property right that is possessed by other properties in the same vicinity and zoning district, but which denied to this property, because:

Other houses in the vicinity appear to have similar setbacks as that being requested by the petitioner.

Finding of Fact #3 – The granting of this variance will not be harmful to the public welfare and will not harm property or improvements in the vicinity and zoning district in which the subject property is located, because:

It will increase property value. There will still be approximately eighteen feet of rear yard that should provide sufficient spacing between the proposed addition and the adjoining parcel boundary thereby protecting the interests and enjoyment of the adjoining property. No significant grading will be necessary that would harm the adjoining property, public rights-of-way, or existing utilities. The variance should not affect emergency or service vehicle access to adjacent properties.

Finding of Fact #4 – The granting of this variance will not alter the land-use characteristics of the vicinity and zoning district, or diminish the market value of adjacent properties, or increase traffic congestion on public streets, because:

Increase Property Values. Create additional parking for this property. The existing single-family use will remain the same. The addition should enhance the value of the home and accordingly contribute to the market value of neighboring homes. Granting this variance cannot improve nor mitigate traffic congestion that is already present within the neighborhood.

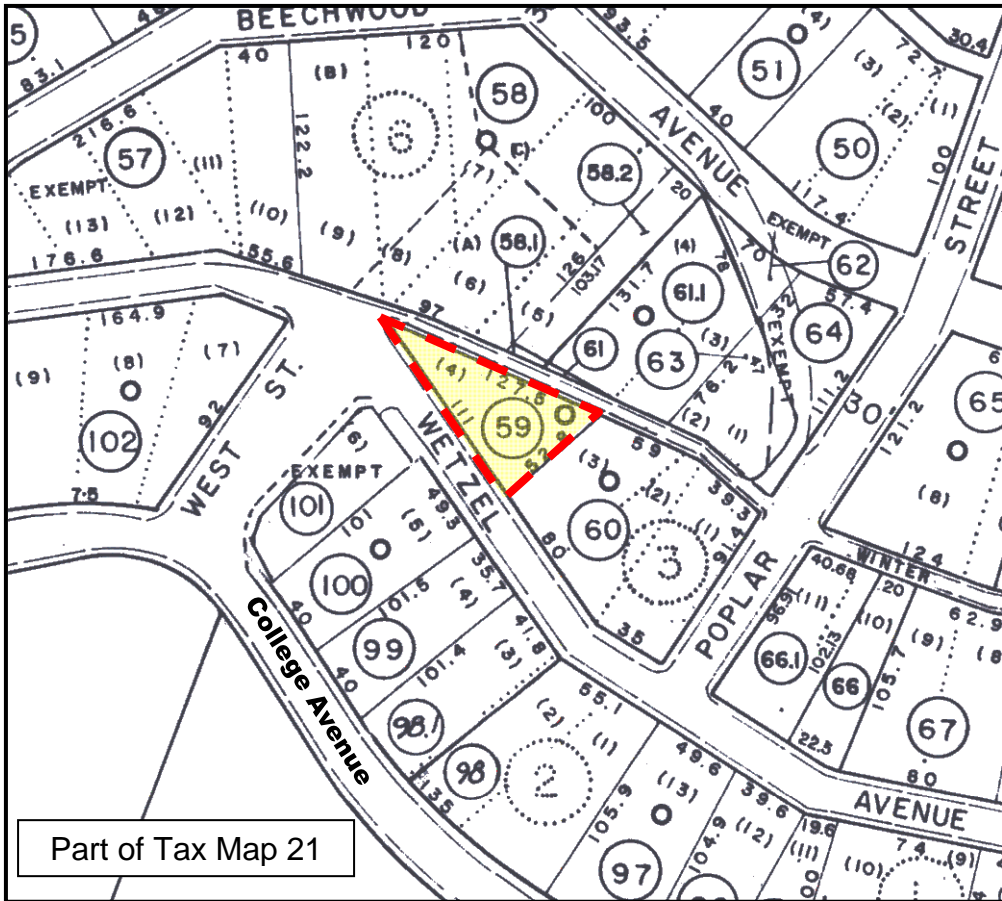
Attachments: Application

Planning Department

Christopher Fletcher, AICP
Planning Director
389 Spruce Street
Morgantown, WV 26505
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STAFF REPORT ADDENDUM A

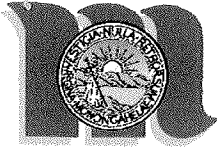
V10-23 / Diller / 1301 Wetzel Street



STAFF REPORT ADDENDUM A

V10-23 / Diller / 1301 Wetzel Street





City of Morgantown, West Virginia

APPLICATION FOR ZONING VARIANCE

OFFICE USE	
CASE NO.	V10-23
RECEIVED:	
COMPLETE:	

(PLEASE TYPE OR PRINT IN BLACK INK)

Fee: \$75

I. APPLICANT		Name:	
Mailing Address:	Street	John Diller	Phone: 301-334-2335
	City	581 Clifton Drive	Mobile: 240-321-0759
	State	Oakland MD Zip 21550	Email: jd@savage-river.com

II. PROPERTY		Street Address:	1301 Wetzel
Owner:	A. Duane Lohr	Zoning:	D1A
Mailing Address:	Street	1301 Wetzel Sr.	Tax Map No: 21
	City	Morgantown, WV 26505	Parcel No: 59
	State		Zip
		Phone:	

III. NARRATIVE	Please describe the nature and extent of your variance request(s).
We would like to request a 5' variance on the Back Property line so we can build an addition to the house, we will be closing on the property by 8/20/2010.	

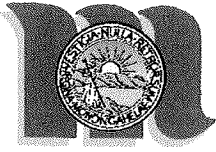
V. ATTEST	
I hereby certify that I am the owner of record of the named property, or that this application is authorized by the owner of record and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. 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 Planning 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.	
Type/Print Name of Applicant/Agent	Signature of Applicant/Agent
John Diller	
	DATE
	JULY 27/26/10

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.

PAID

Finance Office
Morgantown, WV 26505
(304) 284-7400

OK
3825



APPLICATION FOR ZONING VARIANCE

OFFICE USE	
CASE NO.	V10-23
RECEIVED:	
COMPLETE:	

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: 1100

Estimated number of employees: _____ No. of dwelling units: 1 No. of bedrooms: _____

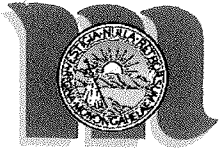
Additional structure-related details: Addition will be 150 sq ft

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

For simple variance requests (as determined by Staff), please use the graph area on the following page to illustrate applicable features listed above.



**APPLICATION FOR
ZONING VARIANCE**

OFFICE USE

CASE NO. V10-23

RECEIVED: _____

COMPLETE: _____

VII. FINDINGS OF FACT

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. There are exceptional or extraordinary circumstances or conditions applicable to this property or to the intended use, that generally do not apply to other properties or uses in the same vicinity, because:

Lot is oddly shaped

2. The variance is necessary for the preservation and enjoyment of a substantial property right that is possessed by other properties in the same vicinity and zoning district, but which denied to this property, because:

Other Houses have smaller setbacks

3. The granting of this variance will not be harmful to the public welfare and will not harm property or improvements in the vicinity and zoning district in which the subject property is located, because:

It will increase property values

4. The granting of this variance will not alter the land-use characteristics of the vicinity and zoning district, or diminish the market value of adjacent properties, or increase traffic congestion on public streets, because:

Increase property values

Create addition parking for this property

07-26-10

To whom it may concern,

I give permission for John Diller to pursue a variance request and building permit for 1301 Wetzel St Morgantown WV under our present purchase agreement.

Thank You,

A. Duane Lohr

A handwritten signature in cursive script, appearing to read "A. Duane Lohr", with a long horizontal flourish extending to the right.

V10-23