



MORGANTOWN PLANNING COMMISSION

July 8, 2010
6:30 PM
City Council Chambers

President:

Peter DeMasters, 6th Ward

Vice-President:

Sam Loretta, 1st Ward

Planning Commissioners:

Tim Stranko, 2nd Ward

VACANT, 3rd Ward

Bill Petros, 4th Ward

Mike Shuman, 5th Ward

Carol Pyles, 7th Ward

Ken Martis, Admin.

Jennifer Selin, City Councilor

STAFF REPORT

CASE NO: MNS10-10 / Ball-McCartney / 110 Wilmerding Street

REQUEST and LOCATION:

Request by Troy Ball, on behalf of James McCartney, for minor subdivision approval for property located at 110 Wilmerding Street.

TAX MAP NUMBER (s) and ZONING DESCRIPTION:

Tax Map #44, Parcels #27 and 29; R-1A, Single-Family Residential District

SURROUNDING ZONING:

R-1A, Single-Family Residential District

BACKGROUND and ANALYSIS:

Mr. Ball is seeking to purchase Parcel 29 of Tax Map 44 from Mr. McCartney, who is the owner of Parcels 27 and 29. During sale closing, it was found that the boundary separating Parcels 27 and 29 runs through a portion of the existing structure that is situated principally on Parcel 27. To complete the sale, said boundary must be adjusted so that each existing structure is located on separate Parcels. The proposed setback from the structure on Parcel 29 will be approximately 8.74 feet. The proposed boundary line adjustment will reduce the extent of existing subdivision nonconformities.

Addendum A of this report illustrates the location of the subject site.

STAFF RECOMMENDATION:

Staff recommends approval with the following conditions:

1. That the petitioner submit three (3) paper copies, signed and sealed by a surveyor licensed in the State of West Virginia, of the final plat for the Planning Commission President's signature; and,
2. That the final plat is filed at the Monongalia County Courthouse within thirty (30) days of meeting the condition set forth above.

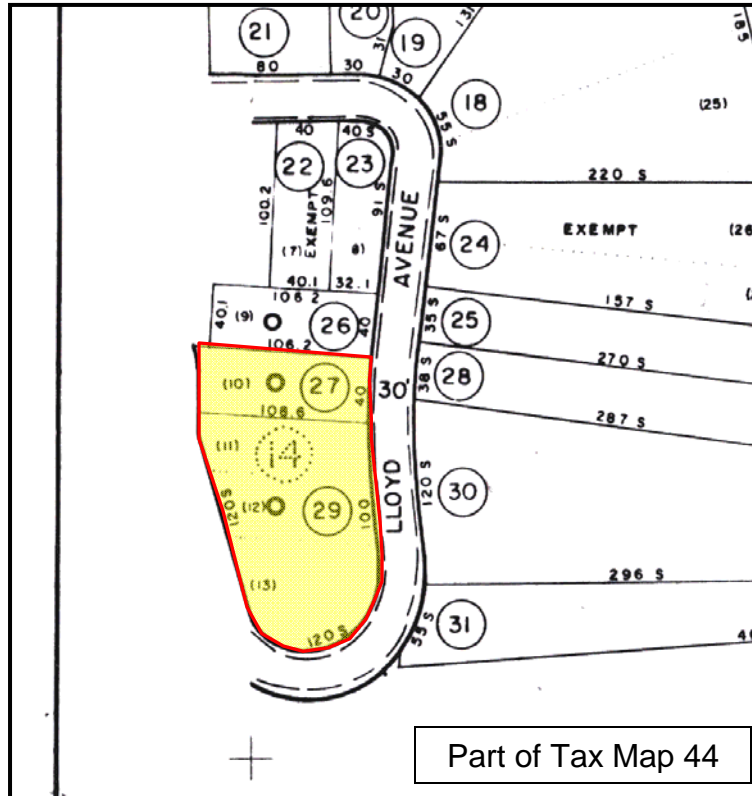
Enclosure(s): Application

Planning Department

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

STAFF REPORT ADDENDUM A

MNS10-10 / Ball-McCartney / 110 Wilmerding Street



0107



City of Morgantown, West Virginia

APPLICATION FOR MINOR SUBDIVISION

OFFICE USE	
CASE NO.:	MNS 16-10
RECEIVED:	
COMPLETE:	

A Minor Subdivision of property includes the creation of up to three (3) parcels or the combination of existing parcels, 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)

I. APPLICANT			
Name:	JAMES E McPHERSON	Phone:	304 292 7574
Mailing Address:	110 Wilmerding St. Morgantown WV 26505	Mobile:	
	Street City State Zip	Email:	
II. AGENT / CONTACT INFORMATION			
Name:	Troy E Ball	Phone:	(304) 216-8204
Mailing Address:	121 Park Street Morgantown WV 26501	Mobile:	(304) 216-8204
	Street City State Zip	Email:	tb652@aol.com
Mailings -	Send all correspondence to (check one): <input checked="" type="checkbox"/> Applicant OR <input type="checkbox"/> Agent/Contact		
III. PROPERTY			
Owner:	SAME AS APPLICANT	Phone:	
Mailing Address:		Mobile:	
	Street City State Zip	Email:	
IV. SITE			
Street Address (if assigned):	92 & 110 Wilmerding St	Tax Map #(s):	44
Zoning:	RIA	Parcel #(s):	27/29
Square Footage of Parcel(s):	ft. ²	ft. ²	ft. ²
Subdivision Description:	minor boundary adjustment "triangular" part of lot 11, BL 14 do merge with lot 10		
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?			



City of Morgantown, West Virginia

APPLICATION FOR MINOR SUBDIVISION

OFFICE USE	
CASE NO.	<u>MNS 10-10</u>
RECEIVED:	_____
COMPLETE:	_____

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 reapproval.

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.

JAMES E. McPartney
Type/Print Name of Applicant/Agent

James E. McPartney
Signature of Applicant/Agent

RSE
7/01/2010
201012012
JUDY
16:13:38
SITE PLAN
7-1-2010

PAID
Date

35.00

- Minor Subdivision Application Fee – \$35

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

Cash

THIS SUBDIVISION HAS BEEN APPROVED BY THE MORGANTOWN PLANNING COMMISSION OR ASCERTAINED TO MEET THE MORGANTOWN SUBDIVISION REGULATIONS ON _____, 2010 AND IS READY FOR RECORDING BY THE MONONGALIA COUNTY CLERK OF THE COURT.

NOTE: THIS SURVEY NOT VALID WITHOUT ORIGINAL BLUE SIGNATURE. THIS SURVEY DECLARATION IS MADE ON THE DATE INDICATED, TO THE OWNER OR BUYER LISTED BELOW. IT IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS OR BUYERS.

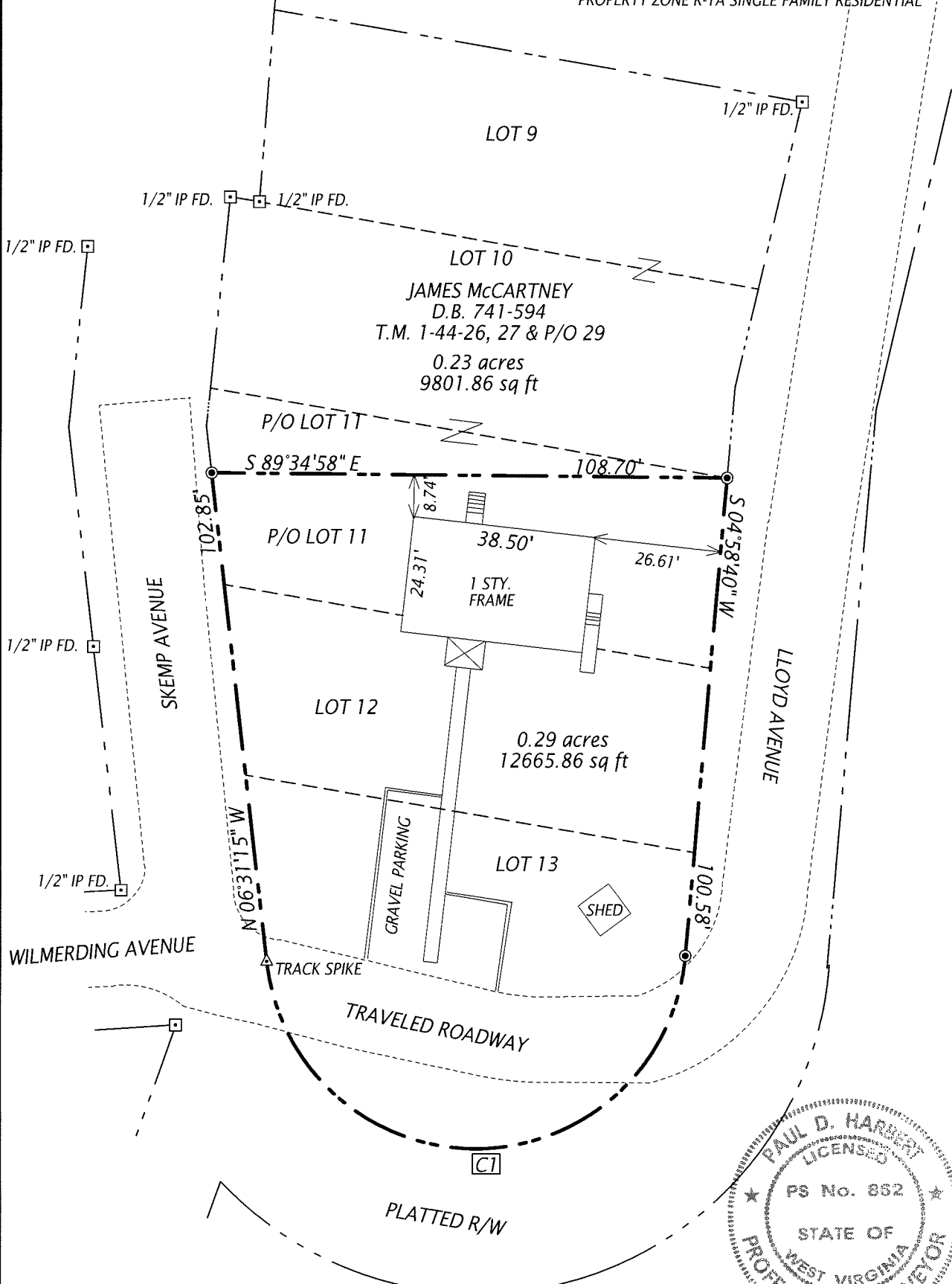
NOTE: SURVEY WAS CONDUCTED WITHOUT THE BENEFIT OF LAWYER'S TITLE REPORT AND MAY NOT REFLECT ALL EXCEPTIONS, RIGHTS OF WAY, EASEMENTS OR RESTRICTIONS.

NOTE: ALL CORNERS 5/8" IRON PINS SET, EXCEPT WHERE NOTED.
 DEED REF. 1140-567
 PLAT REF. 188-364
 TAX MAP 01-44-PART OF PARCEL 29
 PROPERTY ZONE R-1A SINGLE FAMILY RESIDENTIAL

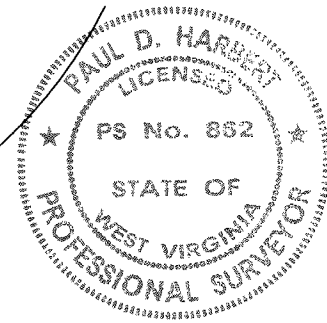
AUTHORIZED AGENT _____

TITLE _____

CURVE DATA				
Id	Radius	Arc Length	Chord	Ch Bear
C1	44.37'	130.49'	88.30'	S 89°13'48" W



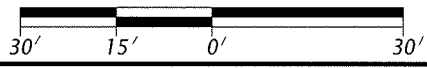
PLAT NORTH (D.B. 1060-211)



PLAT OF LOTS 12, 13 AND PART OF LOT 11
 BLOCK 14, WEST SABRATON
 LOCATED AT 92 WILMERDING AVENUE
 SUBDIVIDED FOR

JAMES E. McCARTNEY
 6TH WARD CITY OF MORGANTOWN
 MONONGALIA CO. WV
 SCALE 1"=30' JUNE 2010

Paul D. Harbert PS NO. 862
 PAUL D. HARBERT, PS
 McCOY LAND SURVEYING
 MONONGAH, WV (304) 534-5562



McCoy Land Surveying

Harbert, Inc.
Paul D. Harbert PS
P. O. Box 9133
Monongah, WV 26555-9133
Phone: (304) 534-5562
Fax (304) 534-5568

LEGAL DESCRIPTION

ALL OF LOTS 12, 13 AND PART OF LOT 11 IN BLOCK 14 OF WEST SABRATON AS SHOWN ON PLAT RECORDED IN DEED BOOK 188 AT PAGE 364, SITUATE IN THE 6TH WARD, CITY OF MORGANTOWN, MONONGALIA COUNTY, WEST VIRGINIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8" IRON PIN SET ON THE WESTERN R/W LIMITS OF LLOYD AVENUE, CORNER TO LOTS 10 & 11;

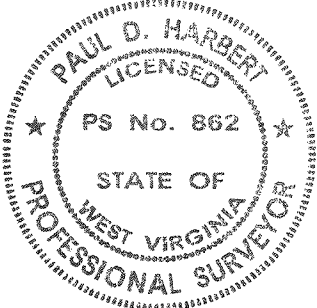
THENCE WITH THE WESTERN R/W LIMITS OF LLOYD AVENUE S 4°58'40" W 100.58 FEET TO A 5/8" IRON PIN SET;

THENCE WITH A CURVE TO THE RIGHT HAVING A RADIUS OF 44.37 FEET AN ARC OF 130.49 FEET TO A TRACK SPIKE SET ON THE EASTERN R/W LIMITS OF SKEMP AVENUE;

THENCE WITH THE EASTERN R/W LIMITS OF SKEMP AVENUE N 6°31'15" E 102.85 FEET TO A 5/8" IRON PIN SET;

THENCE LEAVING SKEMP AVENUE AND RUNNING WITH A NEW DIVISION LINE THROUGH LOT 11 S89°34'58" E 108.70 FEET TO THE PLACE OF BEGINNING, CONTAINING 0.29 ACRES AS SHOWN ON PLAT PREPARED BY PAUL D. HARBERT PS NO. 862 OF MCCOY LAND SURVEYING DATED JUNE 2010 ATTACHED HERETO AND MADE PART OF THIS DESCRIPTION.

BEING PART OF THE SAME PROPERTY CONVEYED TO JAMES E. McCARTNEY BY DEED RECORDED IN THE OFFICE OF THE MONONGALIA COUNTY CLERK IN DEED BOOK 1140 AT PAGE 567.



Paul D Harbert 7-11-10

PAUL D. HARBERT PS NO. 862

DATE