

MORGANTOWN PLANNING COMMISSION

MINUTES

5:00 p.m.

May 13, 2021

By Electronic Means

COMMISSIONERS PRESENT: Peter DeMasters, Carol Pyles, Tim Stranko, Sam Loretta, William Blosser, Michael Shuman, Ron Dulaney, Tim Stranko

COMMISSIONERS ABSENT: A.J. Hammond, Bill Petros

STAFF PRESENT: Rickie Yeager, AICP

CALL TO ORDER/ROLL CALL: DeMasters called the meeting to order at 5:00 p.m. DeMasters with approval of the commission, did not read the pre-meeting announcement.

I. GENERAL PUBLIC COMMENTS: None.

II. MATTERS OF BUSINESS: Approval of the April 8, 2021 minutes. Motion by Sam Loretta, seconded by William Blosser. Vote was unanimous.

III. UNFINISHED BUSINESS: None

IV. NEW BUSINESS:

A. TX21-01 / Summers / Swimming Pool: Request by Dolores John on behalf of Kevin and Audrie Summers for Text Amendment to Articles 1329 and 1331 concerning the definition and requirements of swimming pools.

Whitmore presented the staff report and noted the applicant is present. Dolores John noted she had nothing more to add to the staff report. DeMasters noted there were no comments from the Board.

STAFF RECOMMENDATION:

Staff appreciates the petitioner's application as it does allow for the consideration of the City of Morgantown's regulation of swimming pools as accessory structures. Staff however feels that the associated space between a swimming pool and a pool house is arbitrarily sought, as fifteen (15) only functionally provides an additional five (5) feet of space between a physical building and a swimming pool. Instead, staff recommends the Planning Commission revise the accessory structure provisions of the Planning and Zoning Code for Section 1331.08(a)(12) to provide some flexibility in the zoning code in accordance with

applicable building codes regarding the placement, construction, and operation of swimming pools.

Staff recommends one of the following two (2) zoning text amendment recommendations be affirmatively submitted to City Council under Case No. TX21-01. Staff recommended text amendments are presented as the Recommendation 1 below and the petitioner's requested text amendment is presented as Recommendation 2 below.

Recommendation 1 – Staff Preferred Text Amendment

Revise Section 1331.08 (a)(12) to read as follows:

(a) Customary and incidental accessory buildings and uses are allowed in all residential districts, as specifically regulated in that zoning district, provided that:

(12) Any accessory structure designed as a pool house shall be located ~~no farther than ten feet~~ a safe and reasonable distance from the swimming pool, to which it shall be accessory, in accordance with applicable building and zoning codes. A swimming pool and pool house shall constitute one accessory structure.

Recommendation 2 – Petitioner's Requested Text Amendment

Change the spatial distance requirements of a pool house to be located no more than fifteen (15) feet from the swimming pool.

1331.08 ACCESSORY STRUCTURES AND USES IN RESIDENTIAL DISTRICTS.

(a) Customary and incidental accessory buildings and uses are allowed in all residential districts, as specifically regulated in that zoning district, provided that:

(12) Any accessory structure designed as a pool house shall be located no farther than ~~ten~~ fifteen feet from the swimming pool to which it shall be accessory. A swimming pool and pool house shall constitute one accessory structure.

William Blosser asked why this was not sent to the BZA instead of Planning Commission. Whitmore stated the petitioner was not able to seek a variance due to a personal hardship. Whitmore stated there needed to be physical land constraints to provide for the variance. He further stated that in this case a zoning text amendment could be requested, and staff recommended this. DeMasters asked the petitioner if there were any issues with the staff preferred amendments, which Whitmore stated were fine with the applicant. Carol Pyles asked regarding recommendation one, how do we interpret a safe and reasonable distance? Whitmore said that after consulting the Code Enforcement Department, the residential codes require certain parameters for the distance of the pool and electrical components and additionally requirements for the ability to walk around the pool. Whitmore stated the provision of the accessory structure is covered by the Code Enforcement requirements. William Blosser noted that it appears each designation R-1A could be handled differently; he asked if this was accurate. Whitmore stated these provisions apply to all residential districts and further stated they would all be treated equally per the Planning and Zoning code. The determination of safe and

reasonable distance would be on a case-by-case basis. Blosser expressed concerns with this. DeMasters asked if a set-in stone 10-foot distance as we have now may not work for every case and this may not be applicable to each zoning district and each individual person and needed to look at individually. Whitmore stated this would not be entire City Code, this would be a provision related to how far a pool house could be from a swimming pool. He further stated that Staff did not see any reasonable distance how far a pool house should be from the pool. Ron Dulaney stated that he had looked for standards related to this, and that 10 feet is a minimum distance between a pool and structure. He further feels that something should change based on presentation by the planner. Dulaney stated it makes sense to provide some flexibility. DeMasters agreed with flexibility, but the building codes are going to set the upper limits. Stranko does not understand why this needs to be regulated. Stranko further stated this should be applicable to the building and zoning codes and leave it at that, leaving discretion to the Code Enforcement Officer. Stranko believes that the current policy is that the pool house would be too far away, and that he has no problem with it being closer to the pool. Dulaney agrees with Stranko. Whitmore reiterated that what he is hearing is that any accessory structure identified as a pool house could be identified as one accessory structure inclusive of the pool. Stranko and Dulaney agreed with this. Whitmore confirmed that per discussion, any accessory structure designed as a pool house should be constructed as per planning and zoning codes and a swimming pool and pool house will constitute one accessory structure. Stranko motioned to approve, Pyles seconded. Vote was unanimous.

VI. OTHER BUSINESS

A. Committee Reports: None.

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

B. Staff Comments: Whitmore stated this was his final meeting and that he is taking another job opportunity in Clarksburg. He thanked everyone and enjoyed working with all. Demasters stated that John has done an awesome job taking over as interim and that they all appreciate his service to the commission. Rickie Yeager thanked John for his service and noted how much he will be missed. He further stated that the groundbreaking was today for the The Deck with HardyWorld. HardyWorld and is very appreciative of all the help received through the Planning Commission. Yeager wanted to credit John Whitmore with this process and gave kudos.

VII. FOR THE GOOD OF THE COMMISSION

VIII. ADJOURNMENT: Dulaney moved to adjourn. 5:32 p.m.

MINUTES APPROVED: August 12, 2021

COMMISSION SECRETARY:



Rickie Yeager, AICP