



Charleston Board of Zoning Appeals

AGENDA

8:30 a.m., Thursday, August 13, 2020

Join via internet at:

<https://us02web.zoom.us/j/82221313889?pwd=ZmpoQk9kWC82QmxhNDJXVWRXTmNhZz09>

Or call: 312-626-6799 or 929-436-2866 or 346-248-7799

Webinar ID: 822 2131 3889

Password: 272692

I. Items for Review

VAR-20-2984

Application of Brandon Bowyer on behalf of Steve Santmyer requesting a variance of the setback and height restrictions for accessory structures in order to construct a detached garage on the property located at **742 Hess Drive**.

VAR-20-2985

Application of Jarrell and Lisa Fulks requesting a front setback variance in order to extend and cover a porch on the property located at **320 Hinton Terrace**.

II. Approval of minutes for the July 23, 2020 hearing.



**Board of Zoning Appeals
PUBLIC HEARING NOTICE**

Until further notice, BZA hearings will be accessible via Zoom.

Case Description

VAR-20-2984: Application of Brandon Bowyer on behalf of Steve Santmyer requesting a variance of the setback and height restrictions for accessory structures in order to construct a detached garage on the property located at **742 Hess Drive**.

The file (including the application, site plan and other supporting documentation) is available for your inspection online at <https://charlestonwv.civicclerk.com/>. If you have questions, email lori.brannon@cityofcharleston.org or call 304-348-8105.

Hearing Details

WHEN: 8:30 a.m.
Thursday, August 13, 2020

WHERE: Join via internet at:
<https://us02web.zoom.us/j/82221313889?pwd=ZmpoQk9kWC82QmxaNDJXVWRXTmNhZz09>
Or call: 312-626-6799 or 929-436-2866 or 346-248-7799
Webinar ID: 822 2131 3889
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Public Participation

Anyone who wishes to comment on the case described above is encouraged to do so in one of the following ways:

1. Send a written statement to lori.brannon@cityofcharleston.org. These statements will become a part of the record and will be shared with members of the Board prior to the hearing.
2. Speak directly to the Board by joining the meeting via Zoom using the details listed above. ***Please provide your name and the phone number or e-mail address you'll be using to join the hearing to lori.brannon@cityofcharleston.org by 5 pm on Tuesday, August 11, 2020.***

As a matter of general policy these proceedings will not be transcribed by the Board. Anyone wishing a legal transcript must provide a court reporter at his/her own expense.

Board of Zoning Appeals
Application for Variance

BZA # _____

Hearing Date: _____

Applicant Information	Property Information
Name: Steve Santmyer	Address:
Address: 742 Hess Drive Charleston WV	Tax Map and Parcel:
Phone: 304-545-3700	Zoning District:
Agent Name, Address and Phone Number: (if other than applicant) Brandon Bowyer - 304-610-4417 3920 Washington St West Charleston	Property Owner and Mailing Address: (if other than applicant)

INSTRUCTIONS: This application must be typed or legibly printed and filed with the Planning Department in person or by mail to 915 Quarrier Street, Suite 1 Charleston, WV 25301. The following items must accompany this application:

1. a site plan drawn to scale;
2. a list of the owners, with their mailing addresses, of the properties within a 100 foot radius of the property for which the variance is being sought; and
3. \$125.00 filing fee in the form of cash, personal check or money order made payable to the City of Charleston.

You are also encouraged to submit any additional information, including photographs, elevations, testimonials or other documentation which may support your application. You or your representative must be present at the scheduled public hearing in order to present your request and answer questions.

THE PLANNING DEPARTMENT WILL NOT ACCEPT INCOMPLETE APPLICATIONS.

A variance is a method by which a property owner receives permission to vary from the development standards established in the Zoning Ordinance governing such matters as building location, building dimensions, setback requirements, placement and quantity of parking, landscaping, signage, and other features included in site design. **Please describe your variance request.** _____

Variance of setback and building location requirements for new construction.

Applicable Section(s) of the Zoning Ordinance _____

Please describe the proposed work to be done on the property. _____

Construction of a 24' Wide by 48' Long detached garage. See attached document for proposed site works.

IMPORTANT: According to Section ---- of the Code of the State of West Virginia and Section 29-040 of the City of Charleston's Zoning Ordinance, the Board of Zoning Appeals may grant a variance if and only if **ALL** of the following four criteria can be satisfied:

- 1.) The variance, if granted, will not adversely affect the public health, safety and welfare or the rights of adjacent property owners or residents; and,
- 2.) The variance arises from special conditions or attributes which pertain to the property for which a variance is being sought and which were not created by the person or entity seeking the variance; and,
- 3.) The variance, if granted, would eliminate an unnecessary hardship and permit a reasonable use of the land; and,
- 4.) The variance, if granted, will allow the intent of the Zoning Ordinance to be observed and substantial justice done.

1.) If granted, your variance must not adversely affect the public health, safety and welfare or the rights of adjacent property owners or residents. For example, public safety cannot be compromised by limiting access for emergency vehicles, and neighboring property owners must not be hindered in the use their properties in any manner permitted in the Zoning Ordinance. If your variance request is granted, how will others in the area be affected? _____

The other residents of the area/street will not be affected by the proposed project.

2.) Your request must arise from special conditions or attributes which pertain to the subject property and which you did not create. The size, shape and topography of your lot are examples of the physical conditions which may satisfy this criterion. In comparison with other properties in the vicinity and under the same zoning regulations, what is unusual or different about the subject property? _____

The size of the lot, location of existing dwelling in relation to Hess Dr. and terrain does not accommodate the proposed project to be constructed while adhering to all city zoning requirements.

3.) **An unnecessary hardship is neither personal nor financial in nature.** In this application, an unnecessary hardship is a problem created by some feature of the land which prevents the owner from making reasonable use of the property as permitted by the Zoning Ordinance. The following three questions help to determine if there is an unnecessary hardship with regard to your property.

Without a variance, are you deprived of all beneficial use of your land? _____

Yes, due to the setback requirements and existing dwelling location, there is no other feasible building location

Is your situation due to unique circumstances that are not shared by other land in the district? _____

Yes, The size of a lot and the relationship/positioning of Hess Drive.

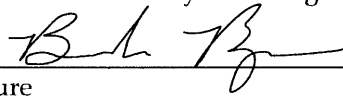
Would approval of your variance request alter the essential character of the surrounding neighborhood or community? No, the property location is at the end of Hess Drive.

4.) The general purpose and intent of the Zoning Ordinance of the City of Charleston is to protect and promote the public health, safety, convenience, morals and general welfare. For more specific information in regard to the scope and intent of the Zoning Ordinance, please see Section 1-020 as well as the section from which you are requesting this variance. Will approval of the variance allow the intent of the Zoning Ordinance to be observed?
Yes, The zoning ordinance would allow the intention to still be observed.

Substantial justice is the idea that a standard of fairness has been satisfied according to the substance of the law. Does your variance request represent the least deviation from the Zoning Ordinance necessary to achieve an outcome that is fair to both you and to your community? _____

Yes, I would agree that the requested deviation would be both fair to property owner and community.

I hereby affirm that all of the statements and information contained in or filed with this application are true and correct to the best of my knowledge.


Signature

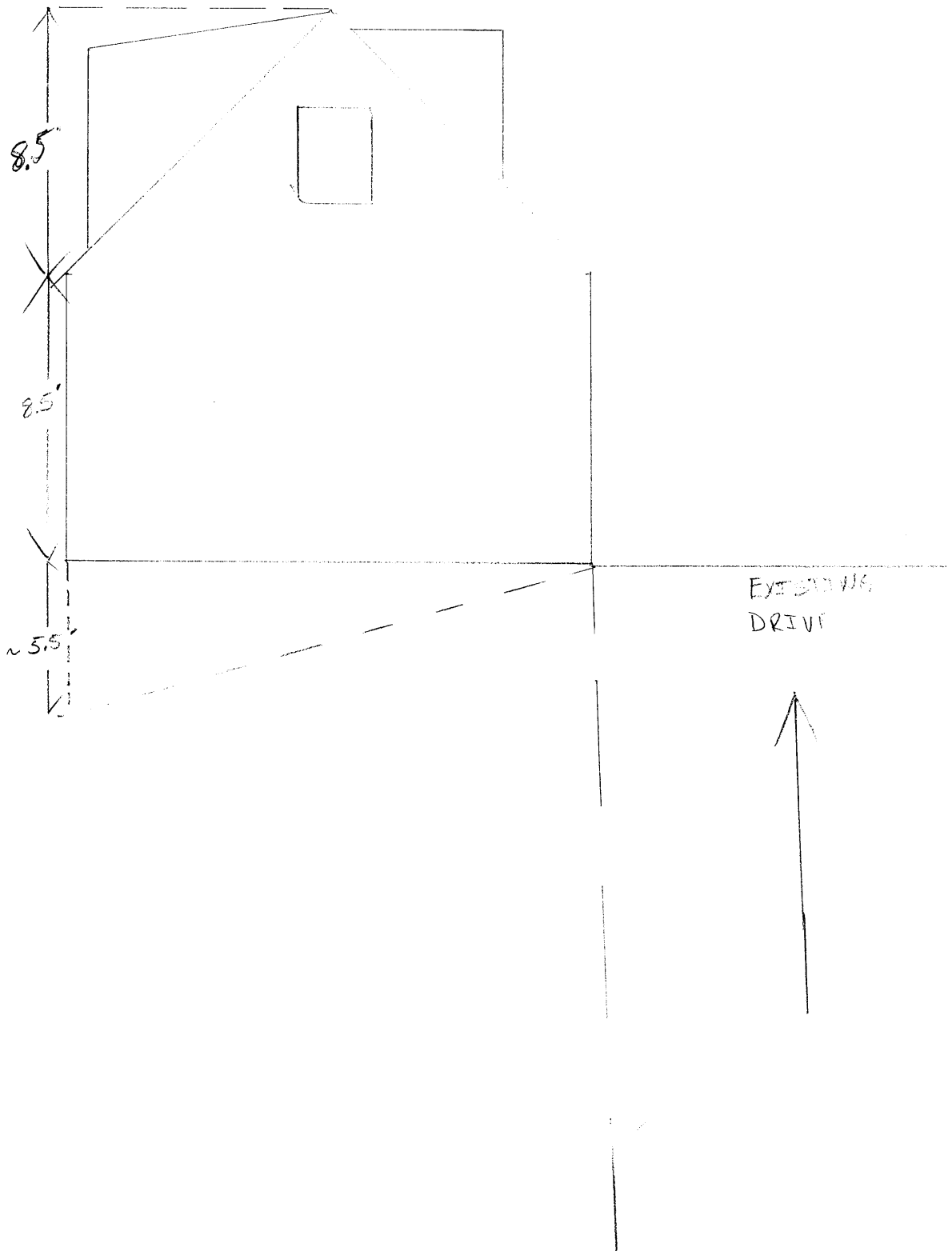
7/1/2020
Date

Planning Department Use Only	
The following is a list of related cases:	
The following is a list of zoning ordinance violations, building code violations and enforcement actions relating to the subject property:	
Application reviewed by:	
Action: ☐ Approved ☐ Rejected	
If approved, were there any specific conditions or limitations imposed by the BZA?	
Planning Official Signature and Title	
Date	



SAMMYER
742 HESS LK

SIDE VIEW - ELEVATION







**Board of Zoning Appeals
PUBLIC HEARING NOTICE**

Until further notice, BZA hearings will be accessible via Zoom.

Case Description

VAR-20-2985: Application of Jarrell and Lisa Fulks requesting a front setback variance in order to extend and cover a porch on the property located at **320 Hinton Terrace**.

The file (including the application, site plan and other supporting documentation) is available for your inspection online at <https://charlestonwv.civicclerk.com/>. If you have questions, email lori.brannon@cityofcharleston.org or call 304-348-8105.

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 Board of Zoning Appeals
Application for Variance

BZA # _____

Hearing Date: 8/13/2020

Applicant Information	Property Information
Name: <u>Jarrell E. Fuiks II and Lisa M. Fuiks</u>	Address: <u>320 Hinton Terrace Charleston, WV 25301</u>
Address: <u>320 Hinton Terrace Charleston, WV 25301</u>	Tax Map and Parcel:
Phone: <u>304-345-3203 Home</u> <u>304-356-9480 Cell</u>	Zoning District:
Agent Name, Address and Phone Number: (if other than applicant) <u>Scobspice@aol.com</u>	Property Owner and Mailing Address: (if other than applicant)

INSTRUCTIONS: This application must be typed or legibly printed and filed with the Planning Department in person or by mail to 915 Quarrier Street, Suite 1 Charleston, WV 25301. The following items must accompany this application:

1. a site plan drawn to scale;
2. a list of the owners, with their mailing addresses, of the properties within a 100 foot radius of the property for which the variance is being sought; and
3. \$125.00 filing fee in the form of cash, personal check or money order made payable to the City of Charleston.

You are also encouraged to submit any additional information, including photographs, elevations, testimonials or other documentation which may support your application. You or your representative must be present at the scheduled public hearing in order to present your request and answer questions.

THE PLANNING DEPARTMENT WILL NOT ACCEPT INCOMPLETE APPLICATIONS.

A variance is a method by which a property owner receives permission to vary from the development standards established in the Zoning Ordinance governing such matters as building location, building dimensions, setback requirements, placement and quantity of parking, landscaping, signage, and other features included in site design. **Please describe your variance request.**

We are requesting to extend our front porch and cover with a green metal roof.

Site plan shows approx 12' between proposed porch and front property line.

Applicable Section(s) of the Zoning Ordinance _____

Please describe the proposed work to be done on the property. The new front porch will measure 16 feet in length by 6 feet (six feet) in width. We want to cover the porch with a green metal roof that stays within our existing roofline. The current porch measures 10 ft long x 6 ft wide. The new porch will measure 16 ft long by 6 ft wide.

IMPORTANT: According to Section 8A of the Code of the State of West Virginia and Section 29-040 of the City of Charleston's Zoning Ordinance, the Board of Zoning Appeals may grant a variance if and only if **ALL** of the following four criteria can be satisfied:

- 1.) The variance, if granted, will not adversely affect the public health, safety and welfare or the rights of adjacent property owners or residents; and,
- 2.) The variance arises from special conditions or attributes which pertain to the property for which a variance is being sought and which were not created by the person or entity seeking the variance; and,
- 3.) The variance, if granted, would eliminate an unnecessary hardship and permit a reasonable use of the land; and,
- 4.) The variance, if granted, will allow the intent of the Zoning Ordinance to be observed and substantial justice done.

1.) If granted, your variance must not adversely affect the public health, safety and welfare or the rights of adjacent property owners or residents. For example, public safety cannot be compromised by limiting access for emergency vehicles, and neighboring property owners must not be hindered in the use their properties in any manner permitted in the Zoning Ordinance. If your variance request is granted, how will others in the area be affected? Others will not be affected by our new covered porch.

It will not obstruct any views, parking or hinder property use.

2.) Your request must arise from special conditions or attributes which pertain to the subject property and which you did not create. The size, shape and topography of your lot are examples of the physical conditions which may satisfy this criterion. In comparison with other properties in the vicinity and under the same zoning regulations, what is unusual or different about the subject property? Our house gets direct Sun all day

and we have no shade. The covered porch would provide a cool shaded outdoor area for our family. As well as adding curb appeal, we can take in the beautiful views of Charleston from our porch.

3.) **An unnecessary hardship is neither personal nor financial in nature.** In this application, an unnecessary hardship is a problem created by some feature of the land which prevents the owner from making reasonable use of the property as permitted by the Zoning Ordinance. The following three questions help to determine if there is an unnecessary hardship with regard to your property.

Without a variance, are you deprived of all beneficial use of your land? yes, the covered porch would provide relief from the hard hitting Sun on our house. It would reduce our cooling bills and reduce damage to the front door and new construction from the Sun.

Is your situation due to unique circumstances that are not shared by other land in the district? NO

Would approval of your variance request alter the essential character of the surrounding neighborhood or community? Approval would enhance the property's curb appeal

but not alter anything within the neighborhood.

4.) The general purpose and intent of the Zoning Ordinance of the City of Charleston is to protect and promote the public health, safety, convenience, morals and general welfare. For more specific information in regard to the scope and intent of the Zoning Ordinance, please see Section 1-020 as well as the section from which you are requesting this variance. Will approval of the variance allow the intent of the Zoning Ordinance to be observed?

yes, the overall welfare of the Zoning ordinance in the city of Charleston would be observed

Substantial justice is the idea that a standard of fairness has been satisfied according to the substance of the law. Does your variance request represent the least deviation from the Zoning Ordinance necessary to achieve an outcome that is fair to both you and to your community?

yes, this plan is to increase the porch length by 16 feet. This would make it 16 length by 16 feet in width. The covered porch will stay within the existing roofline of our mainhouse.

I hereby affirm that all of the statements and information contained in or filed with this application are true and correct to the best of my knowledge.

Lisa M. Jules
Signature

7-1-20
Date

Planning Department Use Only

The following is a list of related cases:

The following is a list of zoning ordinance violations, building code violations and enforcement actions relating to the subject property:

Application reviewed by:

Action: ☐ Approved ☐ Rejected

If approved, were there any specific conditions or limitations imposed by the BZA?

Planning Official Signature and Title

Date

Charleston, X 
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