



**Charleston Board of Zoning Appeals  
AGENDA**

8:30 a.m., Thursday, August 27, 2020

Join via internet at: <https://us02web.zoom.us/j/86514115233?pwd=MG1oUXFjVEtJM0lpVHpmGMWQ2VVIkUT09>

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

Webinar ID: 865 1411 5233

Password: 035579

**I. Items for Review**

**VAR-20-2986**

Application of Averill E. Purdue requesting a variance of the accessory structure regulations in order to construct a detached garage on the property located at **1621 Loop Road**.

**II. Approval of minutes for the August 13, 2020 hearing.**



**Board of Zoning Appeals  
PUBLIC HEARING NOTICE**

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

**Case Description**

**VAR-20-2986:** Application of Averill Perdue requesting a variance of the accessory structure regulations in order to construct a detached garage on the property located at **1621 Loop Road**.

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](mailto:lori.brannon@cityofcharleston.org) or call 304-348-8105.

**Hearing Details**

**WHEN:** 8:30 a.m.

Thursday, August 27, 2020

**WHERE:** Join via internet at:

<https://us02web.zoom.us/j/86514115233?pwd=MG1oUXFjVEtJM0lpVHpGMWQ2VVikUT09>

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

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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](mailto: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](mailto:lori.brannon@cityofcharleston.org) by 5 pm on Tuesday, August 25, 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: <u>Averill E. Perdue</u>                                     | Address: <u>1621 Loop Rd. SA3 3.1</u>                                                                                           |
| Address: <u>1621 Loop Rd. Charleston WV 25303</u>                  | Tax Map and Parcel: <u>Map Book 9, Page 86, Parcel 1 (Lot 79)</u>                                                               |
| Phone: <u>304-687-9958</u>                                         | Zoning District: <u>R-2 W12</u>                                                                                                 |
| Agent Name, Address and Phone Number:<br>(if other than applicant) | Property Owner and Mailing Address:<br>(if other than applicant)<br><u>Averill E. Perdue</u><br><u>Deed Book 2784, Page 615</u> |

**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.

I WANT to build A  
60' X 28' GARAGE on Lot 79 directly next  
to my gravel driveway.

Applicable Section(s) of the Zoning Ordinance \_\_\_\_\_

Please describe the proposed work to be done on the property. \_\_\_\_\_

Building A 1 level, 5 car garage for storing  
Antique cars. There will be minimal  
excavation and quality will match my house  
on the other end of the property.

**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? \_\_\_\_\_

Only 1 Neighbor CAN see the proposed site due to the topography.

No one will be adversely affected if the one neighbor that can see the site is aware of my plans.

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? \_\_\_\_\_

Loop road encircles part of my property then intersects with Lexington which encircles the remainder of my property.

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. It would only be used to feed deer & mow.

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

Very few properties are encircled by city streets.

Would approval of your variance request alter the essential character of the surrounding neighborhood or community? No

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?

The Neighborhood will Not Suffer  
or be compromised in any way.

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 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

Date

7/14/20

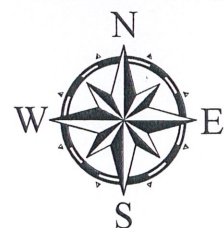
| Planning Department Use Only                                                                                                               |  |
|--------------------------------------------------------------------------------------------------------------------------------------------|--|
| The following 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: <input type="checkbox"/> Approved <input type="checkbox"/> Rejected                                                                |  |
| If approved, were there any specific conditions or limitations imposed by the BZA?                                                         |  |
| Planning Official Signature and Title                                                                                                      |  |
| Date                                                                                                                                       |  |



# Kanawha County Assessor's Office

## *For Tax Purposes Only*

All finished tax maps created by provision of West Virginia law and are the property of the county assessors who created them. The reproduction, copying, distribution, sale, or lease of such maps or copies thereof without the written permission of the respective county assessor is prohibited by law



*1 inch = 150 feet*

