



**Charleston Board of Zoning Appeals
AGENDA**

8:30 a.m., Thursday, October 22, 2020

Join via internet at:

<https://us02web.zoom.us/j/89333552589?pwd=Sy9iOHNuN2l2d21lL2EvMGt5cEwrdz09>

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

Webinar ID: 893 3355 2589

Password: 911005

I. Items for Review

VAR-20-2988

Application of Ray Croucher requesting a variance of the accessory structure regulations in order to bring into compliance a storage building placed on the property located at **307 Buchanan Street**.

II. Approval of minutes for the October 8, 2020 hearing.



**Board of Zoning Appeals
PUBLIC HEARING NOTICE**

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

Case Descriptions

VAR-20-2988: Application of Ray Croucher requesting a variance of the accessory structure regulations in order to bring into compliance a storage building placed on the property located at **307 Buchanan Street.**

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, October 22, 2020

WHERE: Join via internet at:

<https://us02web.zoom.us/j/89333552589?pwd=Sy9iOHNuN2l2d21lL2EvMGt5cEwrdz09>

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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, October 20, 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 # ZAD-20-3648

Hearing Date: Oct. 22, 2020

Applicant Information	Property Information
Name: <u>Ray Croucher</u>	Address: <u>735 Indiana Ave. Charleston, WV 25302</u>
Address: <u>737 Indiana Ave. Charleston, WV 25302</u>	Tax Map and Parcel: <u>27 191.1</u>
Phone: <u>(304) 926-7741</u>	Zoning District: <u>C-10</u>
Agent Name, Address and Phone Number: (if other than applicant) <u>Tyler C. Bullock, Esq. 303 Washington St. W. Charleston, WV 25302</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.**

The applicant wishes to have a small, 10X12 storage house for yard tools, mowers, gas cans, & other implements to prevent them from laying around in the yard.

Applicable Section(s) of the Zoning Ordinance Sec. 3-090

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

A simple shed will sit on the property. No other work is contemplated.

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, except they will no longer have to look at tools & yard implements, but instead will see a nice, new shed.

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 subject property is an odd lot, facing an alley. There is no other space to place the shed, other than the requested space.

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 is a small lot with a small house on it. As stated above, it is facing an alley, not a main street. There is literally no other place to put the shed.

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

Yes, other lots on the street face Indiana Ave.

Would approval of your variance request alter the essential character of the surrounding neighborhood or community?

No. It is not viewable from the street. Other houses & lots have similar sheds.

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 proposed shed will allow the yard to look cleaner, neater, more kept-up, and more in line with the rest of the neighborhood.

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?

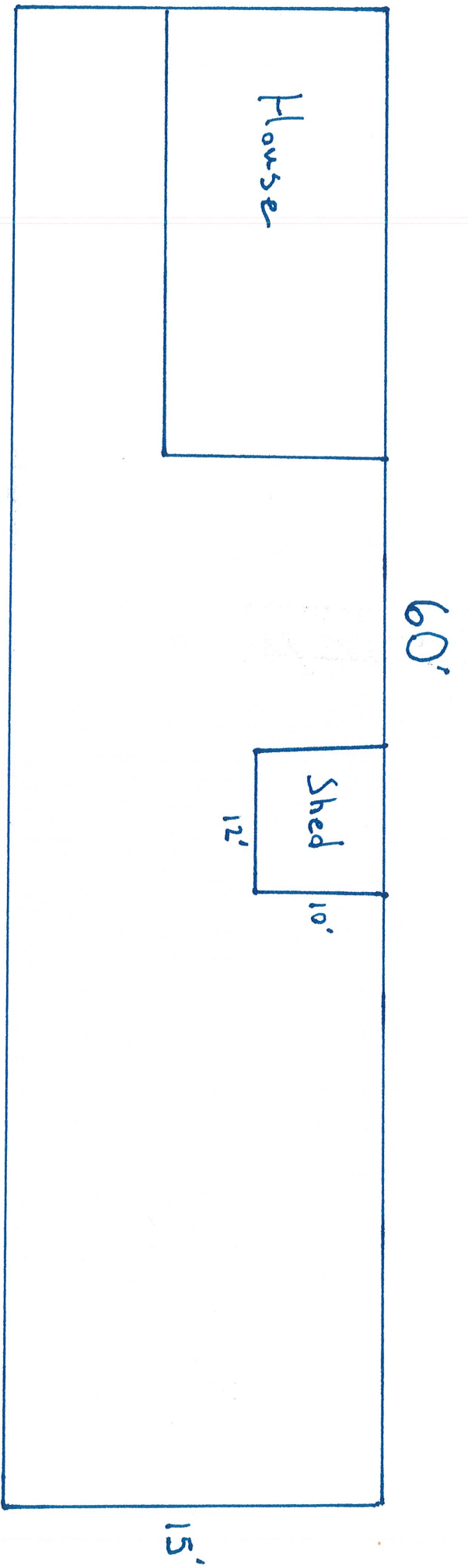
Yes. The only other option is to have tools, mowers, & gas cans in the yard. This variance, if granted, will align the subject property more closely to the rest of the community.

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.

Paul Croushore
Signature

8/7/20
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	



Scale	↗ N
1" = 6'	



