



**Charleston Board of Zoning Appeals
AGENDA**

8:30 a.m., Thursday, November 12, 2020

Join via internet at:

<https://us02web.zoom.us/j/85145376017?pwd=VF12Vk1Qbjl2S0dQS09ZOXNkempMZz09>

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

Webinar ID: 851 4537 6017

Password: 226306

I. Items for Review

VAR-20-2989

Application of Cassandra Leonard requesting a variance of the front and rear setback requirements in order to bring into compliance a new single family dwelling on the property located at **947 Hanna Drive.**

VAR-20-2990

Application of Evan Karmazin requesting a fence height variance in order to install a 6 ft fence in the front yard of the property located at **1633 Ravinia Road.**

II. Approval of minutes for the October 22, 2020 hearing.



**Board of Zoning Appeals
PUBLIC HEARING NOTICE**

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

Case Descriptions

VAR-20-2989: Application of Cassandra Leonard requesting a variance of the front and rear setback requirements in order to bring into compliance a new single family dwelling on the property located at **947 Hanna 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, November 12, 2020

WHERE: Join via internet at:

<https://us02web.zoom.us/j/85145376017?pwd=VFh2Vk1QbjI2S0dQS09ZOXNkempMZz09>

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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, November 10, 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>COMMANDRA LEONARD</u>	Address:
Address: <u>947 HANNA DR. CHARLESTON, WV 25307</u>	Tax Map and Parcel:
Phone: <u>304-993-6796</u>	Zoning District:
Agent Name, Address and Phone Number: (if other than applicant) <u>RYAN KOLLASCH</u> <u>11149 CHARLESTON RD.</u> <u>CLENDENNO, WV</u> <u>RYAN@RESCOMMWD.COM</u> <u>501-607-3548</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. 10' FRONT SETBACK VARIANCE, 15' REAR

SETBACK VARIANCE

Applicable Section(s) of the Zoning Ordinance SECTION 5-030(A)1,3

Please describe the proposed work to be done on the property. SENIORE FAMILY DWELLING WAS
BUILT TO REPLACE FLOOD DAMAGED HOUSE.

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? IT WOULD PLACE THE STRUCTURE IN PLACE AND BE

UNIFORM WITH THE SURROUNDING STRUCTURES.

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? THIS PROPERTY IS CONSIDERABLY

NOT AS DEEP AS THE SURROUNDING PROPERTIES.

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? DUE TO TOPOGRAPHY
AND SLOPINESS OF THE LOT THE SETBACKS ARE DIFFICULT
TO MEET.

Is your situation due to unique circumstances that are not shared by other land in the district? THE
LOT IS CONSIDERABLY SMALLER THEN SURROUNDING LOTS.

Would approval of your variance request alter the essential character of the surrounding neighborhood or community? NO, IT WOULD PUT THE APPEARANCE IN LINE WITH THE OTHERS.

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 HOUSE SITS BACK FURTHER THEN THE ADJACENT STRUCTURE
AND IS CENTERED IN THE LOT.

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

9/29/2020

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



EXHIBIT
PREPARED
BY STAFF



**Board of Zoning Appeals
PUBLIC HEARING NOTICE**

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

Case Descriptions

VAR-20-2990: Application of Evan Karmazin requesting a fence height variance in order to install a 6 ft fence in the front yard of the property located at **1633 Ravinia 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 or call 304-348-8105.

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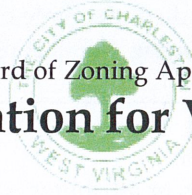
Public Participation

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Board of Zoning Appeals
Application for Variance



BZA # VAR 20-2990

Hearing Date: 11/12/20

Applicant Information	Property Information
Name: <u>Evan Karmazin</u> <u>Jessica Karmazin</u>	Address: <u>1633 Ravinia Road</u> <u>Charleston WV 25314</u>
Address: <u>1633 Ravinia Road</u> <u>Charleston WV 25314</u>	Tax Map and Parcel:
Phone: <u>561 6939050</u> <u>304 687-6871</u>	Zoning District:
Agent Name, Address and Phone Number: (if other than applicant)	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 would like to increase the height of our ~~current chainlink fence~~ current chainlink fence to allow it to be more effective as a fence for our dogs and due to the slope of the land. Our idea was 6ft, as our fence is currently less than 4ft and has not been adequate for our need. We like the idea of vinyl, height at 5ft or above is the goal. Vinyl will help us keep our dog safe from himself. Replace our

Applicable Section(s) of the Zoning Ordinance Section 3-020(B)(4);

Please describe the proposed work to be done on the property. We are replacing our existing fence with a taller fence. We are replacing at the same location as the existing. The new fence will be vinyl where possible.

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?

As we are making steps to improve the stability and height of the fence. It should keep our dog secure much better the existing fence. Especially if we can do vinyl it should assist in calming him down

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?

Due to the slope of the land our 3.5 foot fence has a much less effective height. Not only would this change keep our animals in better. Due to the surrounding land it would also keep our animals safe from other animals

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? Its current height prevents us from fully utilizing our property as it is currently intended

Is your situation due to unique circumstances that are not shared by other land in the district? While the situation would be shared the slope of the land exacerbate the issue. Our fence was also damaged due to vehicles hitting it and due to work mountaineer gear did during the winter

Would approval of your variance request alter the essential character of the surrounding neighborhood or community? We don't believe so. Especially because we have other people near us with vinyl fencing

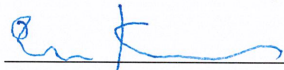
4.) The general purpose and intent of the Zoning Ordinance of the City of Charleston is to protect and promote the public health, safety, convenience, morals and general welfare. For more specific information in regard to the scope and intent of the Zoning Ordinance, please see Section 1-020 as well 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?

We believe this variance, along with other things we do has the potential to help maintain those qualities.

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?

We believe and want our request to be as reasonable as possible while also allowing us to use our land to its fullest potential.

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

9/21/2020

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



1633

Zel Road

Ravinia Road

Zel Rd

Zel Rd

6'

6'

6'

6'





