



Charleston Board of Zoning Appeals

AGENDA

8:30 a.m., Thursday, March 11, 2021

Join via internet at:

<https://us02web.zoom.us/j/88223543492?pwd=WVI4MW9mNnI1SGtRWjJsS1oxejl1QT09>

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

Webinar ID: 882 2354 3492

Password: 581676

I. Items for Review

VAR-21-2991

Application of Andrew Blessing requesting a variance of the accessory structure regulations in order to bring into compliance a storage building on the property located at **2060 Oakridge Drive**.

II. Approval of minutes for the November 11, 2020 hearing.

 Board of Zoning Appeals
Application for Variance

BZA # VAR-21-2991Hearing Date: 3/11/21

Applicant Information	Property Information
Name: Andrew Blessing	Address: 2060 Oakridge Dr., Charleston, WV 25311
Address: 2060 Oakridge Dr., Charleston, WV 25311	Tax Map and Parcel: Map 65 Parcel 11
Phone: 304-549-0696	Zoning District:
Agent Name, Address and Phone Number: (if other than applicant) <u>Kaanna@yahoo.com</u>	Property Owner and Mailing Address: (if other than applicant) Mary Bradshaw 433 17th Street Dunbar, WV 25064

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.** Place a 12x24 foot shed beside my driveway.

Applicable Section(s) of the Zoning Ordinance Artical 5 Sec 5-030

Please describe the proposed work to be done on the property. The shed will be delivered and placed on cinder blocks. Tie downs will added to the comers of the shed, and electric service added.

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 in the area will not be affected. Most of the surrounding property is wooded, and is owned by my self, my wife, or my wifes mother. The access road ends at my driveway, and the shed will be placed beside that. The shed will be placed far enough back on the wooded lot that only the front is visiable from neighboring property.

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 location I wish to have the shed is one of only two level areas on my families property. The other level area, while it is accesable from the street, stayes wet for large portions of the year due to drainege from the neighboring hill side. Do to the wet conditions of the area, I feel it wouldn't be suitable for maintaing a level shed. Also, the access road to that side of my property rairly used, and poorly maintained. It is severley rutted at the bottem, and meets the street at an awkward angle, which may cause problems with delivery of the shed.

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 area I wish to put the shed is a large, mostly level area that is was over grown, and is currently not being used. It is also directly beside my driveway, which will make unload materials for projects I will work on in the shed.

Is your situation due to unique circumstances that are not shared by other land in the district? Yes. The property in question is much larger then surrounding properties. It is the last remaining portion of property that has been in my wifes family for more then 150 years.

Would approval of your variance request alter the essential character of the surrounding neighborhood or community? No. Only the front of the shed will be visable to one neighbor. The rest of the shed will be hidden on a wooded lot.

Only the front of the shed will border the right of way that is my driveway. The sides and back of the shed are more then 100 feet away any of the other property lines.

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 shed will not interfere, in any way, with neighboring property owners. Only the front of the shed is visable to only one neighbor, and can not be seen from other angles. The back and sides of the shed are more the 100 feet from the property lines, and the front of the shed might be the minium of 3 feet from the right of way required by the city.

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. It would allow me to place the shed in a place that is convenient for me, while not interfering with my neighbors in any way.

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

Jan 27 2021

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	

January 2021

Use for tax purposes only



