



Charleston Board of Zoning Appeals

AGENDA

8:30 a.m., Thursday, April 22, 2021

Join via internet at:

<https://us02web.zoom.us/j/83309501654?pwd=cmxQN05INHI5dmw4L2tTVG9hTWYrUT09>

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

Webinar ID: 833 0950 1654

Password: 248555

I. Items for Review

CUP-21-0212

Application of S & S Engineers on behalf of Jason & Shanna Thompson requesting a conditional use permit in order to keep horses for personal recreational use on the property located at **416 Woodbridge Drive**.

II. Approval of minutes for the March 25, 2021 hearing.



**Board of Zoning Appeals
PUBLIC HEARING NOTICE**

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

Case Descriptions

CUP-21-0212: Application of S & S Engineers on behalf of Jason & Shanna Thompson requesting a conditional use permit in order to keep horses for personal recreational use on the property located at **416 Woodbridge 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, April 22, 2021

WHERE: Join via internet at:
<https://us02web.zoom.us/j/83309501654?pwd=cmxQN05INHl5dmw4L2tTVG9hTWYrUT09>
Or call: 312-626-6799 or 929-436-2866 or 346 248 7799
Webinar ID: 833 0950 1654
Password: 248555

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, April 20, 2021.***

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 Conditional Use Permit

CU # _____

Hearing Date: 04/01/2021

Applicant Information	Property Information
Name: Jason & Shanna Thompson	Address: 420 Woodbridge Dr.
Address: 416 Woodbridge Dr.	Tax Map and Parcel: TM 66A Parcel 39
Phone: 304-552-1202	Zoning District: R-4
Agent Name, Address and Phone Number: (if other than applicant) S & S Engineers, Inc. 501 Eagle Mtn. Rd. Charleston, WV 25311 304-342-7168	Property Owner and Mailing Address: (if other than applicant)

IMPORTANT: 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 250 foot radius of the property for which the variance is being sought; 3) \$125.00 filing fee in the form of a 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 ANY INCOMPLETE APPLICATIONS.

Please describe the proposed use. Include information such as the activities to be conducted on the site, hours these activities will be conducted, and any other data pertinent to the proposed use. If the proposed use is a business, please attach a list of the officers and their contact information.

Proposed use of the property is recreational horse riding and raising. The property owner will raise horses that will be kept in a horse stable that is to be built on said property. Recreational horse riding and horse grazing will occur during daytime hours.

Applicable Section(s) of the Zoning Ordinance Article 3-050. Permitted Land Uses

Does the proposed use comply with the conditions set forth in the Zoning Ordinance? _____

According to Article 3-050, the proposed use complies with the conditions set forth for Zoning Class R-4, being the Zoning Class that the property is located, under the permitted land uses regulated by the Zoning Ordinance.

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

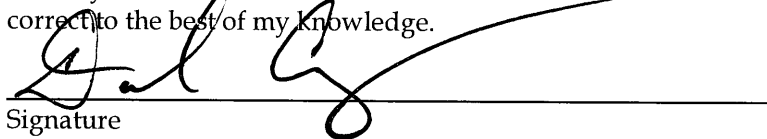
Proposed work to be done in preparing the property to accommodate the horses will be construction of a barn/stable and a paddock along with an access road.

If your request for a conditional use permit is granted, how will others in the area be affected? Minimal affect is anticipated for others in the area. Occasional animal sounds are to be expected along with typical horse grazing. It should be known that the subdivision covenants governing the property state that this property is permitted to raise, breed, and keep horses.

Will your request devalue the property of others in the vicinity by altering land use characteristics or diminishing the marketable value of adjacent land and structures or increasing congestion on public streets? Congestion is not expected to increase on public streets as a result of this request. As stated in the previous section, the subdivision covenants designate and permit this lot to raise, breed, and keep horses and also permit a barn to accommodate said horses.

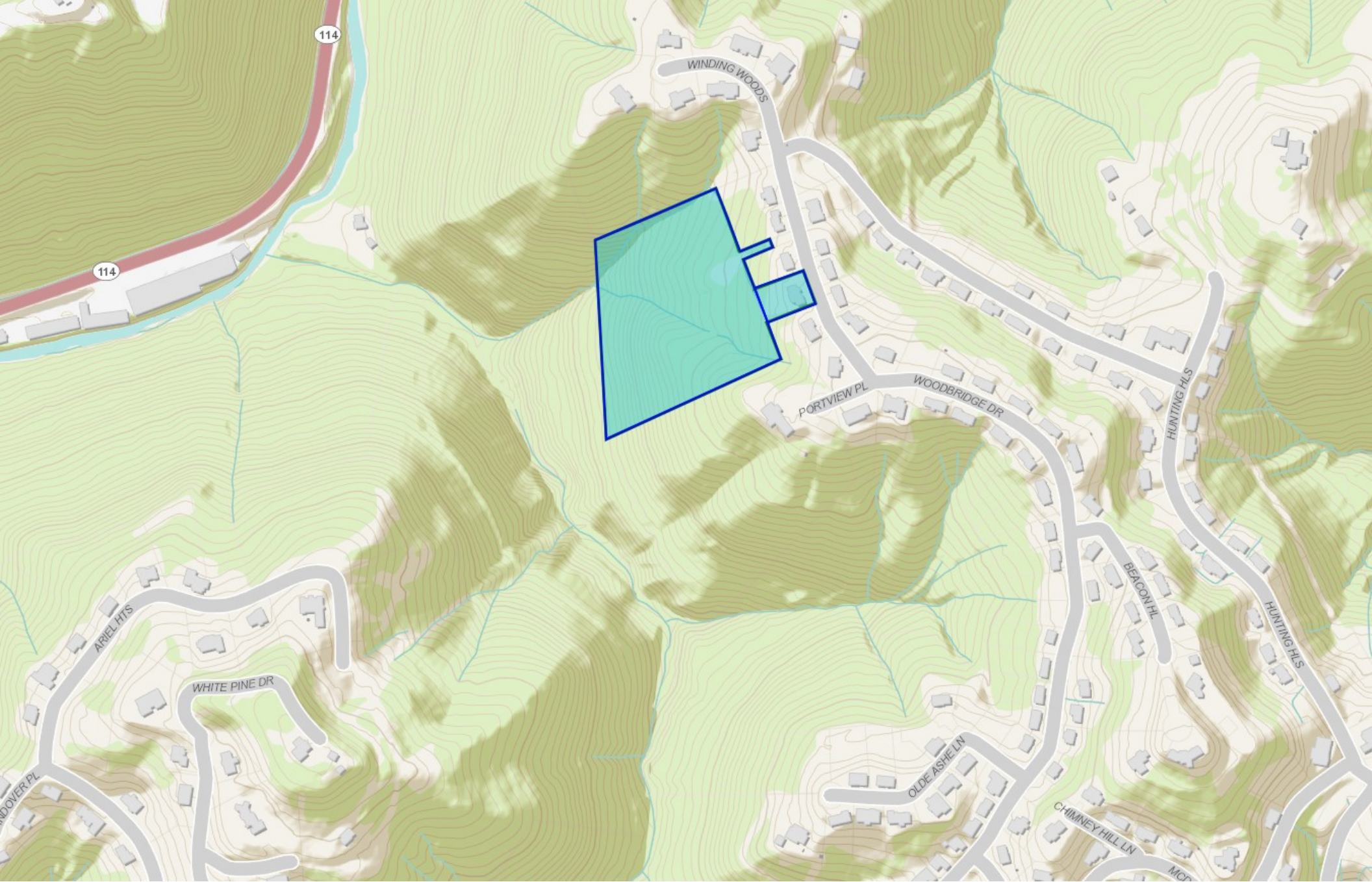
Is your request consistent with the purposes and intent of the Zoning Ordinance of the City of Charleston? The request is consistent with the purposes and intent of the Zoning Ordinance of the City of Charleston.

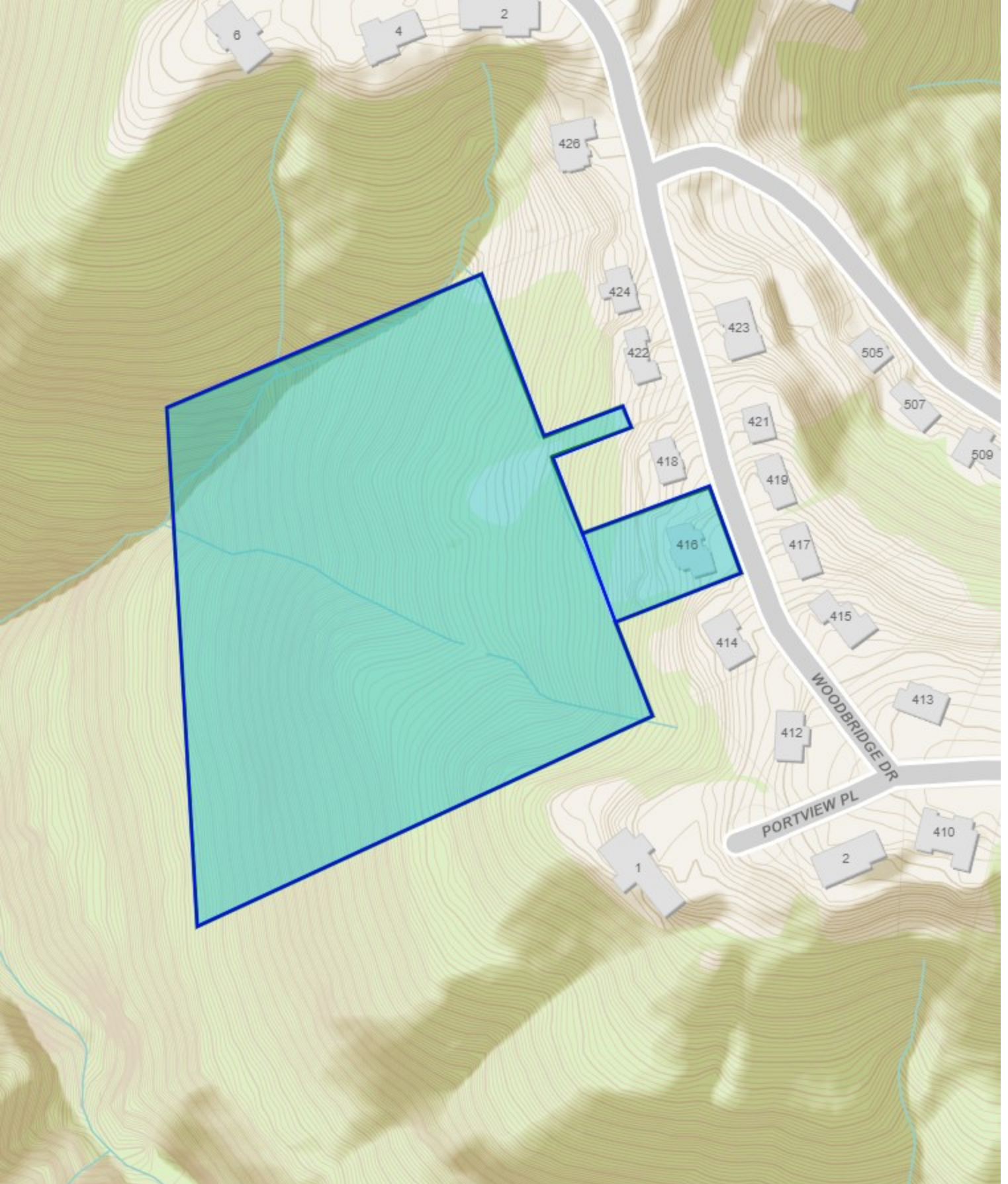
I hereby affirm that all of the statements and information contained in or filed with this application are true and correct to the best of my knowledge.

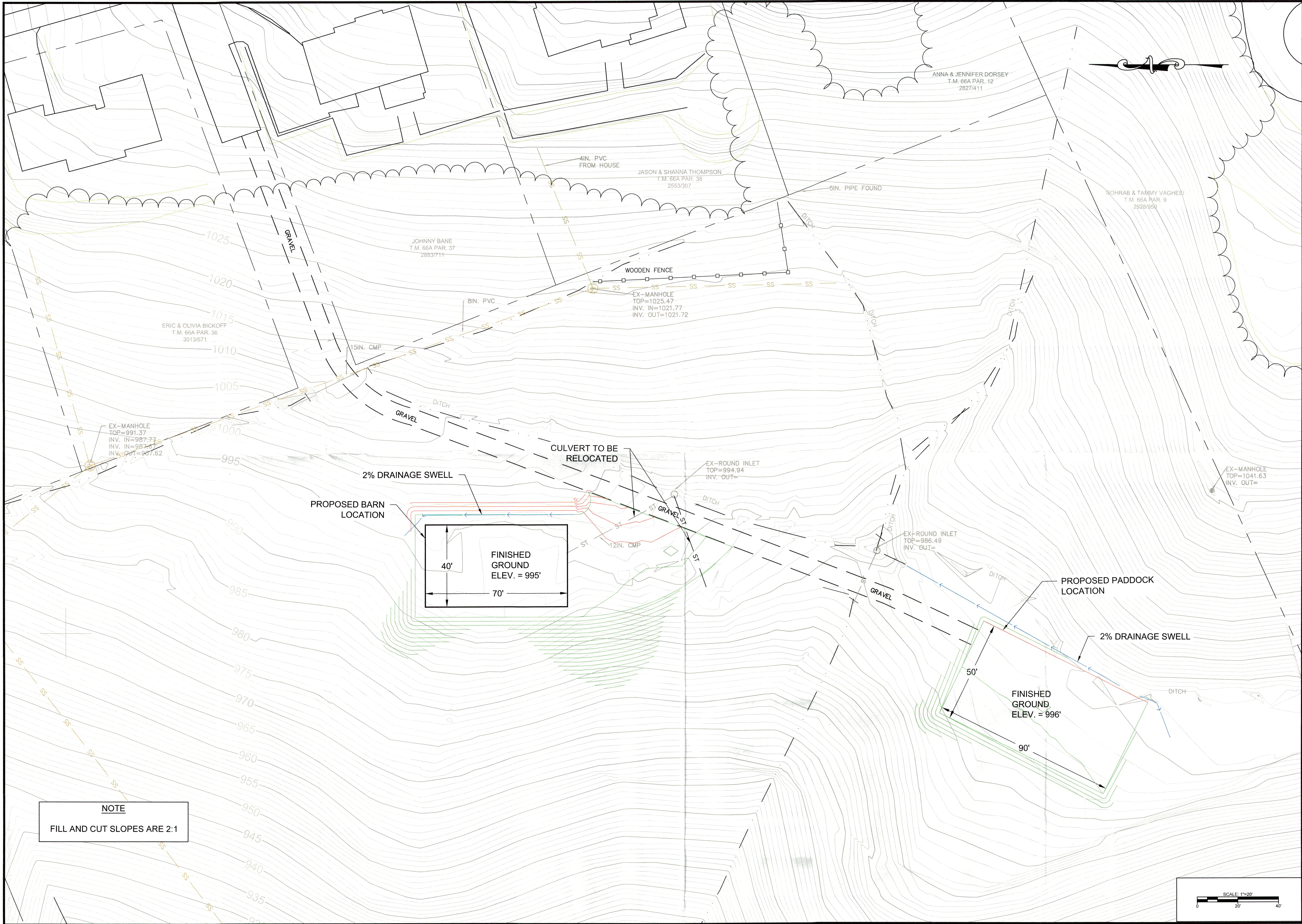

Signature

3/11/21
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







S&S ENGINEERS
101 E. Main Street, Suite 200
P.O. Box 301718
Richmond, VA 23111
Phone: (804) 342-7188 Fax: (804) 342-7189
www.s-s-eng.com

STATUS:
FOR PERMITTING

BY:

REVISIONS:

NO. DATE

JASON & SHANNA THOMPSON
KANAWHA COUNTY, WEST VIRGINIA
PROPOSED BARN & PADDOCK ADDITION
CONTRACT NO. 2021-01

SITE PLAN

DRAWN	CHECKED	APPROVED	DATE	SCALE
DDC	DMS	JOP	3/11/2021	AS SHOWN

DWG. NO. 1 (general reference to other sheets 3-11-21)

SHEET NUMBER
1
OF 1

JESSIE O. PARKER JR.
WEST VIRGINIA PROFESSIONAL ENGINEER 17735
DATE 3/11/2021

Brannon, Lori

From: johnnybane@suddenlink.net
Sent: Monday, April 19, 2021 5:30 PM
To: Brannon, Lori
Subject: conditional permit at 420 Woodbridge Drive

Follow Up Flag: Flag for follow up
Flag Status: Flagged

This email originated from an outside source: Do not open attachments or links unless you know the content is safe. Forward suspicious emails as an attachment to: helpdesk@cityofcharleston.org

I completely oppose this permit. This will destroy my property value and that of all the other owners on the street. There are millions of dollars of hard-earned money invested in these properties and they should not be damaged on the whim of one person.

No person will want to buy a house on the street knowing it will be subject to the smell of manure, flies, and other health hazards. Continual animal sounds at all hours of the day and night. Continual smell from the fact that the proposed barn will sit due west and in close to my house and others. The fierce winds on top of this hill will propel the smell into my house and others.

Nobody wants a continual stream of horse trailers coming in and out of the neighborhood hauling animals. These activities should be done on farms. These animals belong far away from residences. That's why animals live on farms. Not in backyards in incorporated cities.

The restrictive covenants for Woodbridge subdivision that are in the county courthouse time specifically prohibit these activities to protect homeowner's investments. Charleston continues to decline in population due to these kinds of threats on homeowners' investments and way of life.

The residence listed on the application has had a large pile of trash in the front yard for over 18 months. Why does that exist? Why hasn't the city required that be cleaned? Has anyone from the city been out to inspect anything?

In addition, based on the submitted site plan, much of the work on this property has been done without the permit. How can this be the case? Why has the city allowed this? Any work that has been done without the permit should be immediately removed.

Johnny Bane
418 Woodbridge Drive

Brannon, Lori

From: Shannon Snodgrass <snodgrassshannon@aol.com>
Sent: Monday, April 19, 2021 2:51 AM
To: Brannon, Lori
Subject: Fwd: Jason and Shanna Thompson conditional use permit to keep horses on the property of 416Woodbridge Drive

This email originated from an outside source: Do not open attachments or links unless you know the content is safe. Forward suspicious emails as an attachment to: helpdesk@cityofcharleston.org

Sent from my iPhone

Begin forwarded message:

From: Danny Corey <fortpolk17@yahoo.com>
Date: April 15, 2021 at 10:14:32 AM EDT
To: snodgrassshannon@aol.com
Subject: Fw: Jason and Shanna Thompson conditional use permit to keep horses on the property of 416Woodbridge Drive
Reply-To: "fortpolk17@yahoo.com" <fortpolk17@yahoo.com>

[Sent from Yahoo Mail on Android](#)

----- Forwarded Message -----

From: "Danny Corey" <fortpolk17@yahoo.com>
To: "lori.brannon@cityofcharleston.org" <lori.brannon@cityofcharleston.org>
Sent: Thu, Apr 15, 2021 at 7:39 AM
Subject: Jason and Shanna Thompson conditional use permit to keep horses on the property of 416Woodbridge Drive

Dear Sirs/Madams: My name is Danny Corey, and I received a letter regarding the proposed conditional permit to keep horses at the above address. My 92 year old mother and I have continuously lived three houses up from 416 Woodbridge Drive since August 1, 1988, at #2 Portview Drive., (except for my few deployments as an officer with my U.S. Army Reserve Unit, never exceeding 120 days). I have been a practicing lawyer here in the Kanawha Valley since May 1, 1987. I do not know the Thompsons personally; I am quite certain they are very nice people indeed, and their home (and yard) seems quite lovely, at least from the street. However, as I was invited to comment on this proposed permit, I shall do so, as I am a very nearby neighbor (caring for a 92 year old woman). Now, a few thoughts on keeping horses on, or near, a residential property, particularly a medium-dense sub-division such as Woodbridge Drive. One would think that most people who keep horses, mules or donkeys would do so on, or adjacent to, homes with many tens, if not hundreds, of acres, although I have no proof for this statement. But the following are a variety of items for which I do have proof. Horses, mules and donkeys can somewhat commonly carry a disease known as "Dermatophilosis." This affliction is caused by the bacteria *Dermatophilus Congolensis*, which enter the body through an open wound such as a skin laceration, insect bite or abrasion. The bacteria can be transmitted from horses, mules and donkeys to humans through contact with the infected subject animals, (even insects) causing painful lesions on humans in the hands, arms and face. Secondly, horses can on occasion carry *Dermatophytosis*, a fungi known as *Trichophyton Equinum*. This fungi lives in dirt and soil and horses, mules and donkeys are exposed when

they dig, lie down or roll on soil. This is actually a common headache for horse owners. This fungus can be transmitted from horses to humans by contact with an infected animal's skin or hair, or, importantly, merely through the touching of contaminated objects. Thirdly, horses, mules and donkeys are intermittently infected with the bacteria *Salmonellosis*, causing diarrhea in horses and humans. This is caused by contaminated feed, or water. Transmission of this infection to humans is quite easy, again by the touching of contaminated surfaces, or the horses themselves. Fourth, horses, mules and donkeys commonly suffer *Campylobacteriosis*, causing irritation and inflammation in the stomach and intestines, . This, in fact, is the world's most common bacterial cause of gastroenteritis. The cleaning of stalls, grooming and loose hairs are the causes of transmission to humans. Indeed, I could list another nine very common diseases transmitted from horses, mules and donkeys to humans, but that would be overkill, and possibly in bad taste. I respectfully direct my fellow Charlestonians to Charleston's Code of Ordinances, Chapter 10, Animals. Even I was taken by surprise by the many responsibilities demanded of simply common dog and cat owners, much less horses, mules or donkeys. Alas, I own no pets of any sort. Violation of a Charleston City Ordinance is a punishable misdemeanor, resulting in fines from \$10 to \$500 and imprisonment of up to 30 days, or both such fine and imprisonment. On a side note, horses in California kept on farms or ranches must receive at least 30 minutes daily of "free time" (turnout) and exercise (I could find no similar law to the California exercise requirement here in West Virginia). California also has minimum set-back requirements for horse enclosure's distance from residential homes, some as substantial as 300 feet, but these laws seem to vary county by county, and are of use to us here in Charleston merely as a very loose suggestion. I, personally, like horses just fine, they seem like nice enough animals; a medium-dense sub-division simply seems a peculiar location to keep them in, *particularly* for the horse. You may respectfully note my, (and my mother's) objections to the granting of this conditional use permit. I appreciate your time and public service. You may contact me at the above email address. Thank you, Danny Corey.

April 19, 2021

Committee Members:

I would like to introduce myself; my name is Olivia Bickoff and I am the land and home owner at 422 Woodbridge Drive. I come to you today with my concerns surrounding the conditional permit use application for 416 Woodbridge, at the location of "420" Woodbridge Drive. The property in question is directly beside and behind my house, with the two lots sharing a boundary line. The right-of-way to the property is a small portion of land between my location and 418 Woodbridge.

I have included pictures below to give an idea of the close proximity the land in question is to not only my land, but my house and back yard. I have also been in contact with an engineer to better grasp the proposed location of the barn to house the horses and it appears to be less than 100 feet from my property line, with a much further distance to the property owned by the applicants. The barn will also sit on the land in question at the closest point to other houses that is available. Our house is located less than 100 feet from the property line, making the barn less than 200 feet from my back deck (the only outside seating area we have) as well as my children's outdoor play area. The map shows a wood line, however the wooded area behind 422 is fairly sparse and the area behind 418 is even more sparse. The wooded area will not help to hide the barn or any additional equipment and mess that may come from housing livestock.

City ordinance Sec. 3-060(31)(b) states that livestock or poultry shall not constitute a nuisance due to noise or odor. I have a great concern over the smell that will obviously come from a barn and paddock, especially during the summer heat, when we are most likely to wish to enjoy our outside spaces. The houses affected by the application are due west of the proposed location and the wind is often present. The wind naturally blows up the side of the mountain and will move the smell directly to all the house surrounding the property in question. Not only the smell of manure, the animals in general, but the hay if it were to get wet. Barns must be open to allow to air into the horses and do not contain the smells that are expressed above. No fence or small "wooded" area will keep the smell from moving on the adjoining properties.

Along with horses, feed and hay is a must and with those often come additional "visitors" such as rodents, snakes, and bugs. Horses are notorious for attracting large horse flies that are known for a quite painful bite and will often chase their intended targets. This would make it extremely hard for my children especially, to play outside, as they are most likely to run from and be scared of a large bug. Rodents are common around feed rooms and where a body of water can be found they tend to stay longer. There is a small pond in our front yard that has been there since before we purchased the home, as well a stream and other small ponds in the neighborhood, rodents would have plenty of water sources. Rodents carry diseases and attract additional bugs like fleas, mites, and ticks. In addition to carry bugs, they attract snakes and create a breeding ground if not taken care of.

The application states that they intend to use the horses for recreational riding, however there is very little room on the property to ride, so I question if they intend to ride the horses through the neighborhood. Not only then do you have the issue of manure throughout a neighborhood, but also the large number of dogs throughout the neighborhood that residents walk, as well as vehicle traffic.

The application is also very vague...how many stalls do they intend to have? Will they have friends possibly housing their animals there as well? Will this become an open-end farm that once they have "permission" to have horses that they will take that as a free-for-all and start moving other animals from their farm in Roane County? At one point in their residence at 416 they housed goats in the backyard. Will they bring those back to house on the property?

The location in question has also housed a donkey, that was heard as recently as 4/18/20 when they went down to feed it. City ordinance Sec. 3-060(31)(b) again outlines that livestock or poultry shall not constitute a nuisance due to noise. The location of the structure housing the donkey(s) was further from my deck, but we had no issues hearing the animal and dealing with the consequences that come from livestock being held in close proximity to other residential areas. Horse flies and other bugs were seen several times throughout last summer.

It is my understanding that the current structure on the property in question has not been permitted to house livestock, such as a donkey, and I feel it prudent to take into consideration the past lack of proper procedure by the property owners. In their lack of acquiring the appropriate permits, I find it highly likely they will not fully abide by any restraints put on the property in question in regard to their request. The application also shows a "proposed" paddock, but based off the pictures below you will see a paddock has already been placed on the property in or about the location designated on the application. A picture below also shows the current mess that has been left for almost a year at least at 416 Woodbridge. If they are willing to leave that mess outside of their house, I fear for what they may leave laying around on the other property.

We also have concerns with housing prices if the current permit is approved. Between the smell and close proximity to not only 422 but 418, if the houses were to go to market, they may be harder to sell or require a great slash of price to find a buyer.

Thank you for your
time and consideration.
Olivia Bickel



Front corner of house at 422 Woodbridge looking at the proposed site for the barn.



Corner of deck (ground level) looking at proposed site for the barn.



Paddock already in place despite saying proposed on application. (zoomed)



Proposed location of barn...picture taken standing on corner of property at 422.



**Proposed location of barn from street;
according to Sec. 3-060(8) Outdoor kennel
and storage areas shall not be visible from
streets and/or adjacent properties.**



**Current trash build up at 416 Woodbridge
that has been present for almost a year.**

