



Charleston Board of Zoning Appeals

AGENDA

8:30 a.m., Thursday, February 24, 2022

City Service Center Conference Room · 915 Quarrier Street

I. Items for Review

VAR-22-3002

Application of Donteako & Victoria Wilson requesting a fence height variance in order to install a 6 ft privacy fence in the front yard at the property located at **2050 Oakridge Drive**.

II. Approval of minutes for the February 10, 2022 hearing.



**Board of Zoning Appeals
PUBLIC HEARING NOTICE**

Case Description

VAR-22-3002: Application of Donteako & Victoria Wilson requesting a fence height variance in order to install a 6 ft privacy fence in the front yard at the property located at **2050 Oakridge 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, February 24, 2022

WHERE: City Service Center Conference Room
915 Quarrier Street

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.

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: Donteako and Victoria Wilson	Address: 2050 Oakridge Dr.; Charleston, WV 25311
Address: 2050 Oakridge Dr.; Charleston, WV 25311	Tax Map and Parcel: Map 64 Parcel 0007 0000 0000
Phone: 304-610-8938	Zoning District: R-4 Single Family Residential 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 currently have a 6 feet privacy fence and we would like to have it replaced with another 6 feet privacy fence in the same location where it is currently located. We are requesting a variance of the fence height and setback requirements.

Applicable Section(s) of the Zoning Ordinance 3-080 B.4, 5-030 and 22-020

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

We are having existing 6 x 8 ft privacy wood fence panels replaced with 6 x 8 ft composite fencing panels. We would like to have the fencing placed in the same location that it is currently in.

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 adversely affected by replacing the existing privacy fencing. There is already a 6 foot privacy fence in place, which is not in good condition. A new fence will improve the appearance of landscaping in common areas that is maintained by the Woodbridge Subdivision.

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?

Our property has three fronts because the property borders Oakridge Dr., Woodbridge Dr., and Francis Dr. This results in the side and back yard of our property being classified as a front. Our lot is oddly shaped and shares a retaining wall with the Woodbridge subdivision. The current fencing is the same height as the retaining wall and is affixed to the retaining wall and encloses the back and side yard of our property. Our side and back yard sit lower than Woodbridge Dr. and Francis Dr. The fence acts as a visual barrier between the roadway and our property which sits below the road. The fence also prevents erosion from the hillside that slopes from the road toward our property. A shorter fence that is not attached to the retaining wall, would break the visual barrier between the road and our property. Additionally, relocating the fence would put our detached deck and a significant portion of our property outside of the fence.

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. a large portion of my property would be outside the fence - the entire detached deck. Additionally, my entire side yard would no longer be fenced in and it would be damaged by erosion from the hillside where there would no longer be a fence to ensure mulch and soil are not washed onto my property. Additionally, there would no longer be a visual barrier between my property and the roadway above the side yard and backyard.

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

Yes. My property directly abuts and shares a retaining wall with the Woodbridge Subdivision and has three fronts as a result of new construction in the area after my home was built. The privacy fence is the same height as the retaining wall and acts as a visual barrier and erosion barrier between my property and the roadway above.

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

No. It would allow it us to maintain the status quo and improve the look and appearance of common areas.

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.

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

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	



PSE Drawing Worksheet - Fencing (Complete and Fax to Installer)

Customer : Victoria Wilson Store: 0675
Phone (home): 304-610-2885 Phone (cell): _____ Phone (other): _____
Install Address: 2050 Oakridge Dr, Charleston, WV 25311

Directions:

1. Walk the fence line after discussing property boundaries with the customer – indicate any obstructions as you measure
2. Imagine what the fence looks like from a “bird’s eye” view
3. Sketch the fence with these details:
 - Mark where the fence abuts, attaches to or is built around any structure or obstacle
 - Mark where gates will be located as well as gate type (drive or walk gate)
 - Mark best access route from material drop-off point to construction area

Victoria Wilson Trex Privacy Fence: Installing 185’ of new 6’ Trex Woodlad Brown Privacy fence partially on an incline and will have two gates. See Drawing below to compile the material list I’ll need to sell the job.









