



Charleston Board of Zoning Appeals

AGENDA

8:30 a.m., Thursday, July 28, 2022

City Service Center Conference Room · 915 Quarrier Street

I. Items for Review

VAR-22-3012

Application of Church of God in Christ requesting a waiver of the prohibition of digital signs in order to install a 4' x 8' digital sign on the property located at **3001 7th Avenue**.

VAR-22-3013

Application of Randy & Amber Rhodes requesting a front setback variance in order to construct an addition to a single family dwelling on the property located at **872 Carroll Road**.

VAR-22-3014

Application of Lola's requesting a front setback variance in order to expand the restaurant on the property located at **1038 Bridge Road**.

II. Approval of minutes for the July 14, 2022 hearing.



Board of Zoning Appeals PUBLIC HEARING NOTICE

Case Description

VAR-22-3012: Application of Church of God in Christ requesting a waiver of the prohibition of digital signs in order to install a 4' x 8' digital sign on the property located at **3001 7th Avenue**.

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, July 28, 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: CHURCH OF GOD IN CHRIST OF CHARLESTON	Address: 3001 7TH AVE, CHARLESTON, WV 25387
Address: 3001 7TH AVE, CHARLESTON, WV 25387	Tax Map and Parcel: MAP 85, PARCEL 267
Phone: 304-347-1918	Zoning District: DISTRICT 10
Agent Name, Address and Phone Number: (if other than applicant) BOBBY THOMAS, PASTOR 1032 MONTROSE DR, SO CHARLESTON, WV 25303	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.** REPLACE EXISTING SIGN WITH A DIGITAL SIGN

Applicable Section(s) of the Zoning Ordinance _____

Please describe the proposed work to be done on the property. REPLACE EXISTING SIGN WITH A DIGITAL SIGN, DIMENSIONS ARE 4FT BY 8FT SIGN WITH 2FT-8IN BY 3FT-6IN PEDESTAL

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?

IF THE VARIANCE IS GRANTED, IT WOULD NOT ADVERSELY AFFECT THE PUBLIC HEALTH OR SAFETY OF THE COMMUNITY. THE SIGNAGE WOULD ONLY ENHANCE THE LOCAL COMMUNITY BY SHARING MORE LIGHTING AND SUPPLYING POSITIVE SPIRITUAL INFORMATION ON THE CHURCH ACTIVITIES TO THE COMMUNITY

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?

PROPERTY IS A NON- PROFIT CHURCH ORGANIZATION CURRENTLY WITH A SIGN THAT IS VISIBLE TO THE COMMUNITY BUT IS NON-DIGITAL AND VERY OUTDATED. THE CHURCH WOULD LIKE TO BE ABLE TO USE THE SIGN TO REACH OUT TO THE PIBLIC TO INCREASE THE ATTENDANCE TO THE CHURCH

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? NO

Is your situation due to unique circumstances that are not shared by other land in the district? NO

Would approval of your variance request alter the essential character of the surrounding neighborhood or community? NO

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.

Bobby Thomas
Signature

6/6/22
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:

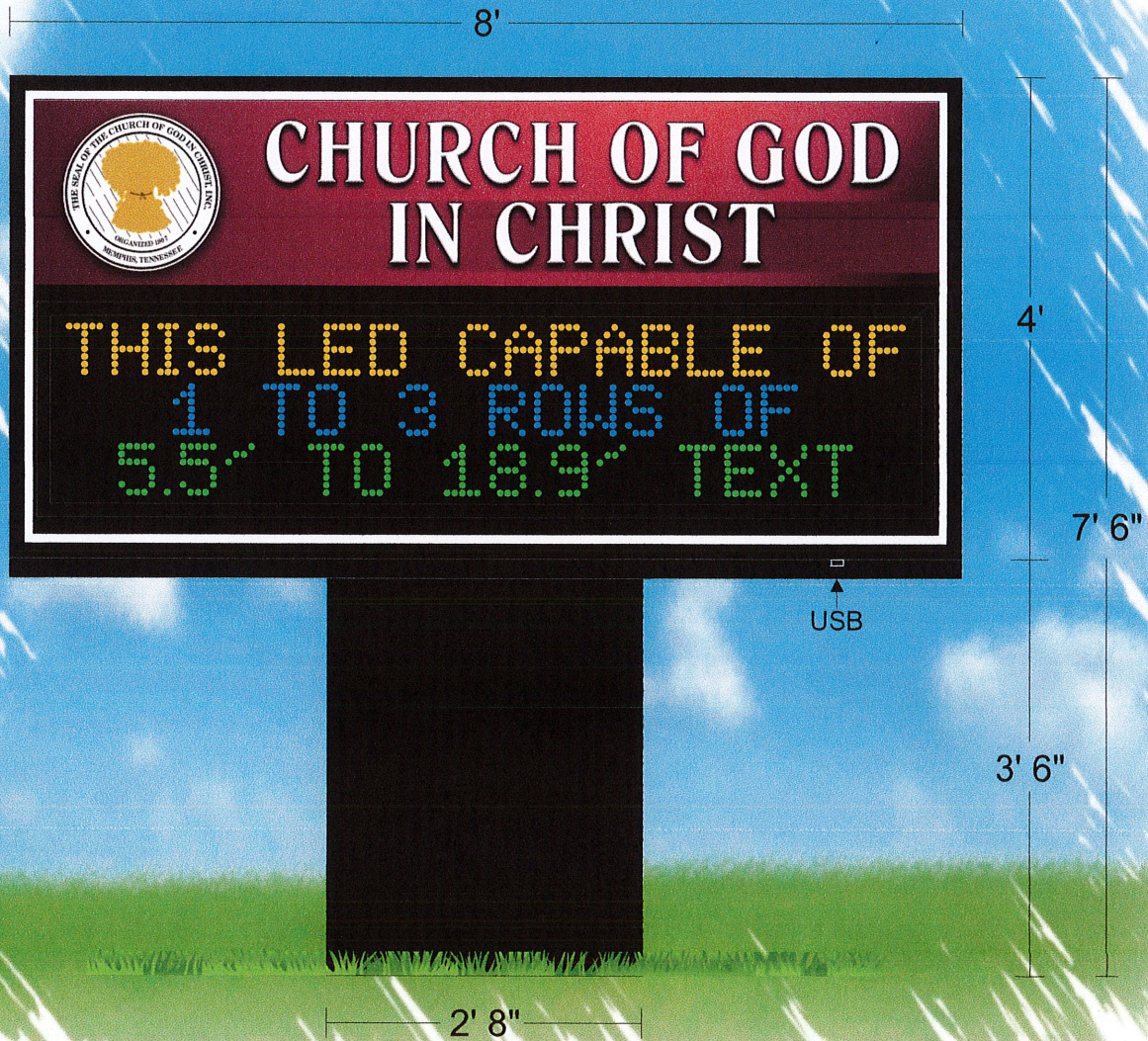
Application reviewed by:

Action: ☒ Approved ☐ Rejected

If approved, were there any specific conditions or limitations imposed by the BZA?

Planning Official Signature and Title

Date



Stewart Signs
ONE SIGN. ONE COMPANY

1-800-237-3928 stewartsigns.com

TekStar Color 20mm 24x112

CABINET SIZE: 4' x 8'

(200) Sk: 988623-1 Cust: 2008482

1/25/2022 CW/dDutro PROPOSAL

Scale: 5/8"=1' Cabinet Color: Black

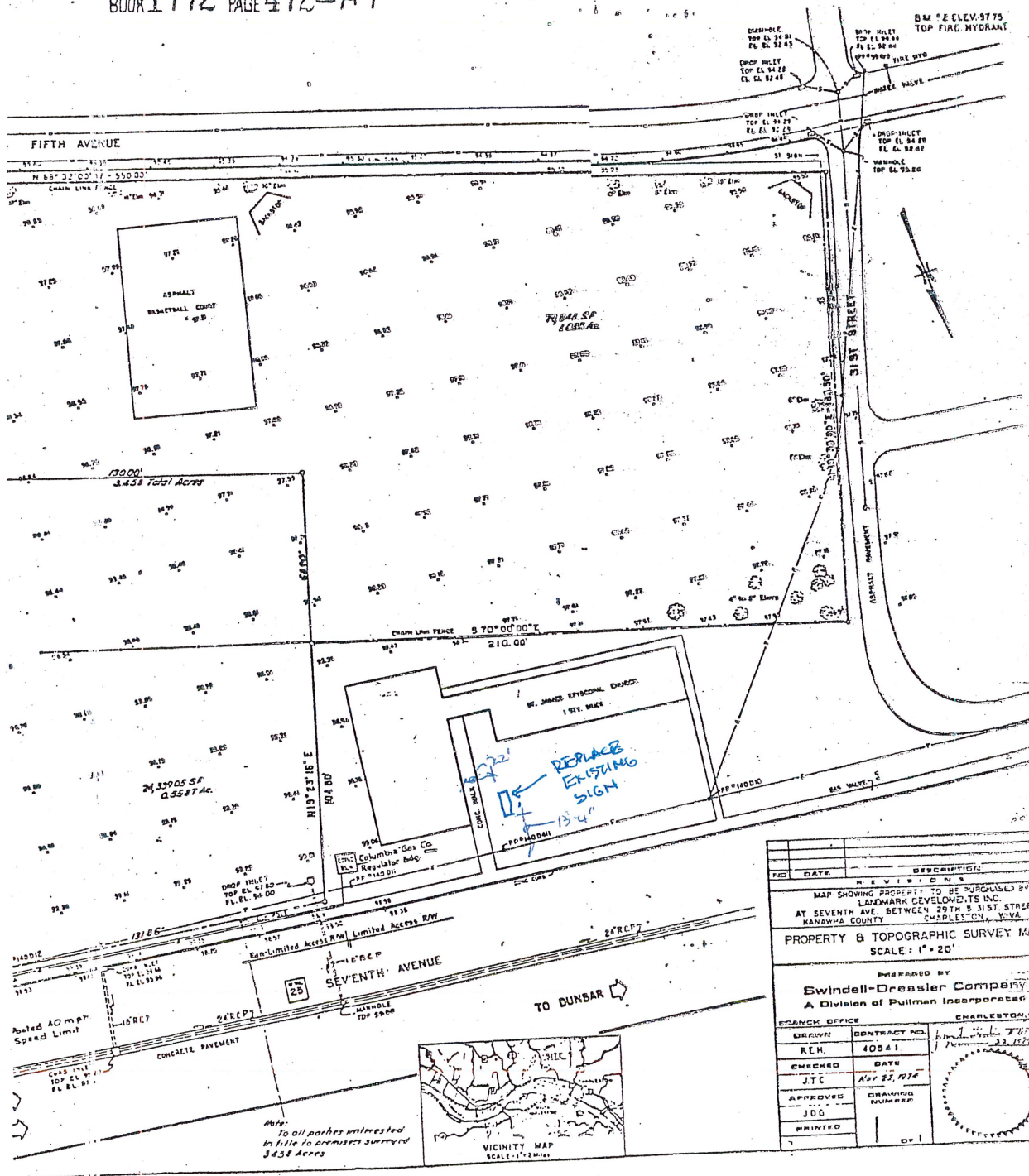
Signature _____

Date _____



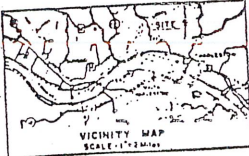
This custom artwork is not intended to provide an exact match for ink, vinyl, paint, or LED color. Signs are designed for an illuminated graphic and art is based off of this premise. Non-illumination during daylight hours may result in graphics of varying appearance. Brickwork and masonry are not included in the proposal with the exception of Cornerstone products. Measurements shown are approximations; final product dimensions may vary. LED images shown are simulated to replicate optimum viewing distance. **Original design, do not duplicate.**

BOOK 1772 PAGE 472-A



EXISTING SIGN 6'X4', 7' TALL

NO. DATE		DESCRIPTION
MAP SHOWING PROPERTY TO BE PURCHASED BY LANDMARK DEVELOPMENTS INC. AT SEVENTH AVE. BETWEEN 29TH & 31ST STREE HANCOCK COUNTY CHARLESTON, W.VA		
PROPERTY & TOPOGRAPHIC SURVEY IN SCALE: 1" = 20'		
PREPARED BY Swindell-Dressler Company A Division of Pullman Incorporated		
BRANCH OFFICE		CHARLESTON
DRAWN	CONTRACT NO.	
REK	40541	
CHECKED	DATE	
JTC	Nov 27, 1974	
APPROVED	DRAWING NUMBER	
JDO		
PRINTED		



Note:
To all parties interested
in title to premises surveyed
3458 Acres



**Board of Zoning Appeals
PUBLIC HEARING NOTICE**

Case Description

VAR-22-3013: Application of Randy & Amber Rhodes requesting a front setback variance in order to construct an addition to a single family dwelling on the property located at **872 Carroll 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.

Hearing Details

WHEN: 8:30 a.m.
Thursday, July 28, 2022

WHERE: City Service Center Conference Room
915 Quarrier Street

Public Participation

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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.

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 Board of Zoning Appeals
Application for Variance

BZA # _____

Hearing Date: July 28, 2022

Applicant Information	Property Information
Name: Randy & Amber Rhodes	Address: 872 Carroll Rd
Address: 872 Carroll Rd	Tax Map and Parcel: 09-20-94
Phone: 304-542-1606	Zoning District: R-4
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, or by email to planning@cityofcharleston.org. The following items must accompany this application: 1) a site plan drawn to scale; 2) \$125.00 filing fee in the form of a check or money order made payable to City of Charleston; 3) 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.

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 request consists of reducing the 20-foot front setback on Carroll and Overbrook Roads to allow for demolition and new construction activities per the attached drawings.

Applicable Section(s) of the Zoning Ordinance:
Article 5 – R-4 Single Family Residential District

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

The proposed work consists of the demolition of an existing one-story, one-stall garage and the construction of a new two-story, one-stall garage with master suite above. The existing garage foundation is failing and must be rebuilt. The new construction will be located in the same footprint as the existing along the front and side but will extend to within 5'-0" of the property line at the rear. The second floor will cantilever out over the first floor 2'-6" at the rear and 1'-6" at the front per the attached drawings.

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 of their properties in any manner permitted in the Zoning Ordinance. If your variance request is granted, how will others in the area be affected?

The proposed design will not hinder neighbors in the use of their property, affect public safety in any way, or limit access for emergency vehicles.

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 on a property that may create an unnecessary hardship and prevent reasonable use of the land. The following three questions help to determine if there is an unnecessary hardship with regard to your property.

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

Yes. The shape of this lot is irregular with acute angled corners. Most other lots in this neighborhood are square or rectangular with 90-degree corners. The lot also borders two roads where most border only one. The lot is steeply sloped on the backside adjacent to Overbrook Rd.

Without a variance, are you deprived of all beneficial use of your land?

Yes. If all written setbacks were honored for this lot, the existing home would be unbuildable. The variance will allow us to rebuild the failing garage and add square footage over top in the form of a new master suite.

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

No. The new garage will look the same as the existing and be located in the same footprint. The second story of the new garage will be designed to be compatible with the style of the existing house and fabric of the neighborhood.

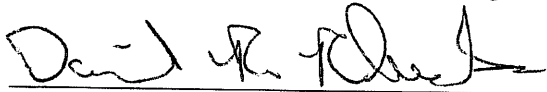
4.) The general purpose and intent of the Zoning Ordinance of the City of Charleston is to protect and promote the public health, safety, convenience, morals and general welfare. For more specific information in regard to the scope and intent of the Zoning Ordinance, please see Section 1-020 as well 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 approval of the variance will not endanger public health, safety, convenience, morals or general welfare.

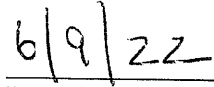
5.) Substantial justice is the idea that a standard of fairness has been satisfied according to the substance of the law. Does your variance request represent the least deviation from the Zoning Ordinance necessary to achieve an outcome that is fair to both you and to your community?

Yes. This variance request is an apt deviation from the Zoning Ordinance that is necessary to achieve the desired outcome.

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.

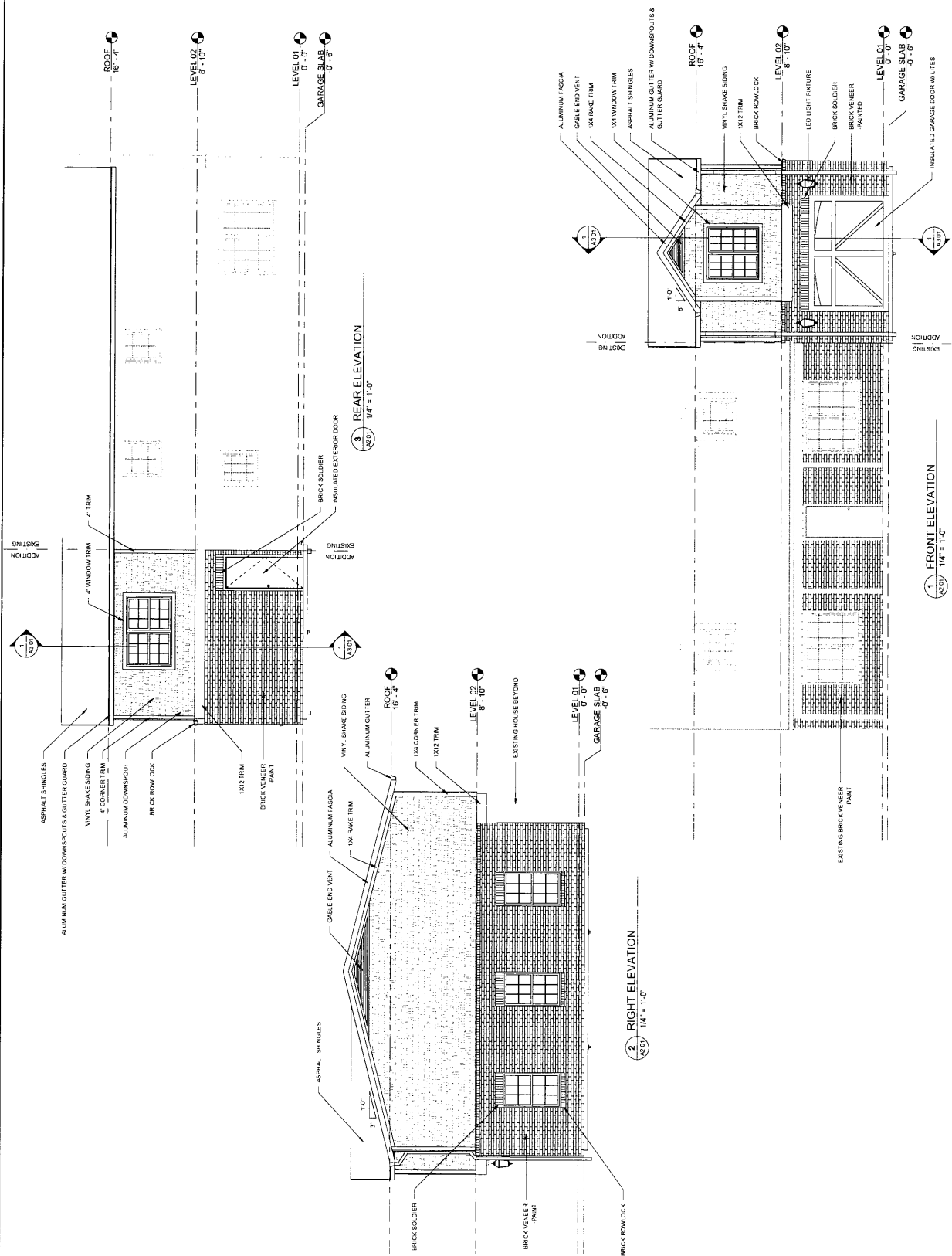


Signature



Date

CARROLL RD











Board of Zoning Appeals PUBLIC HEARING NOTICE

Case Description

VAR-22-3014: Application of Lola's requesting a front setback variance in order to expand the restaurant on the property located at **1038 Bridge 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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 Board of Zoning Appeals
Application for Variance

BZA # _____

Hearing Date: _____

Applicant Information	Property Information
Name: <u>Lola's</u>	Address: <u>1038 Bridge Road</u>
Address: <u>1038 Bridge Road 25314</u>	Tax Map and Parcel: <u>14-5-188</u>
Phone: <u>304-343-5652</u>	Zoning District: _____
Agent Name, Address and Phone Number: (if other than applicant) <u>MIKO Medley</u> <u>4611 GREENHILL DR. 304</u> <u>CHAS. WV 25302 8741-8293</u>	Property Owner and Mailing Address: (if other than applicant) <u>WILLIE HOFFMAN</u> <u>6117 KIPPS Colony Dr. West</u> <u>Gulfport FLA 33707</u>

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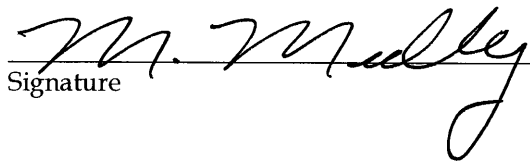
Applicable Section(s) of the Zoning Ordinance _____

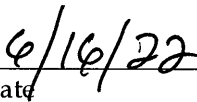
Please describe the proposed work to be done on the property. _____

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? _____

5.) 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? _____

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

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 are requesting setback variance to build an addition to our existing structure to house a larger, more efficient kitchen. The bar will also be relocated to the proposed space.

Applicable Section(s) of the Zoning Ordinance

Please describe the proposed work to be done on the property. (m)
30

The addition will be an approximate 40 x 30 concrete slab with a ~~20~~ x 17 structure. New electric, gas water and sewer service will be needed

- 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?**

We believe there shall be no adverse effects. The intended area is in current use for outdoor dining. The square foot of allowed seating will more than likely be reduced with a portion being relocated to our current kitchen space.

- 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 that may create an unnecessary hardship and prevent reasonable use of the land. The following three questions help determine if there is an unnecessary hardship with regard to your property.**

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

Yes. We are located in an older home in which we have always had to work with the space we were given. The proposed addition would actually give us an opportunity to create a slightly larger, more functional and more comfortable work space for our employees.

Without aa variance, are you deprived of all beneficial use of your land?

Yes. The proposed area is currently used for outdoor seating which is seasonal and only in use during favorable weather. This variance would allow us full use, year round while allowing a portion of the area for green space.

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

No. Our intentions, upon approval, is to match and extend the current storefront. With the added green space we feel that the addition would only enhance the neighborhood.

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. There are, to our knowledge, no other ordinances that will be in question. We are a community based business that depends on our neighbors. We feel this addition will not only help improve our functionality but will also enhance 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. We only request to be granted a small portion of our setback to be waved. Exact dimension to be determined upon survey,

