



Charleston Board of Zoning Appeals

AGENDA

8:30 a.m., Thursday, December 8, 2022

City Service Center Conference Room · 915 Quarrier Street

I. Items for Review

VAR-22-3018

--continued from 11/10/2022--

Application of Kevin Sarrett requesting a variance of the accessory structure requirements in order to replace a storage building, rebuild a pool house, and construct an awning in the rear yard on the property located at **6613 Kanawha Avenue**.

VAR-22-3019

Application of Todd Miller requesting a variance of the on site parking requirement in order to establish a day care facility on the property located at **1601 West Washington Street**.

II. Approval of minutes for the September 8, 2022 and November 10, 2022 hearings.



**Board of Zoning Appeals
PUBLIC HEARING NOTICE**

Case Description

VAR-22-3018: Application of Kevin Sarrett requesting a variance of the accessory structure requirements in order to replace a storage building, rebuild a pool house, and construct an awning in the rear yard on the property located at **6613 Kanawha 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, November 10, 2022

WHERE: City Service Center Conference Room
915 Quarrier Street

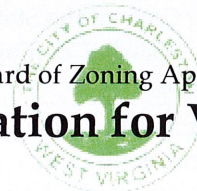
Public Participation

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 # VAR-22-3018

Hearing Date: 11/10/22

Applicant Information	Property Information
Name: <u>KEVIN C. SARNETT</u>	Address: <u>6613 KANAWHA AVE SE 25304</u>
Address: <u>6613 KANAWHA AVE SE 25304</u>	Tax Map and Parcel:
Phone: <u>304-550-4395</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, 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. TO REMOVE A 12'X12' BUILDING WITH A 4'X8' BUILDING NEAR PROPERTY LINE AT BACK OF POOL. 12'X12' BUILDING TO BE TORN DOWN. ALSO UPGRADE A POOL HOUSE AND BUILD AN ATTACHED AWNING. WOULD OPEN UP A 12'X12' GREEN SPACE.

Applicable Section(s) of the Zoning Ordinance _____

Please describe the proposed work to be done on the property. STICK BUILD 4'X8' BUILDING AND

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? ~~DEVELOP~~ SHOULD NOT BE AFFECTED.

EXISTING NEIGHBORING STRUCTURES AND ON THE PROPERTY LINE.

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.
MY LOT IS LIMITED BY THE 16' X 32' POOL + DECK ~~AND~~ AND
POOL HOUSE + PUMP HOUSE THAT WERE EXISTING STRUCTURES
WHEN I PURCHASED THE PROPERTY.

Without a variance, are you deprived of all beneficial use of your land? YES, RESTRICTION
BY THE EXISTING STRUCTURES AND SIZE OF THE LOT.

Would approval of your variance request alter the essential character of the surrounding neighborhood or community? NO. SHOULD NOT AFFECT THE NEIGHBORS
PROPERTY. ~~AND~~

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?

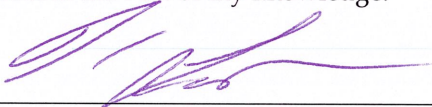
MY BACKYARD @ MAINLY CONSIST OF THE POOL AND EXISTING STRUCTURES THAT WERE THERE WHEN I PURCHASED THIS HOUSE. I AM ASKING TO PUT THE SMALL 4'X8' BUILDING AT THE END OF THE POOL AND TEAR DOWN THE 12'X12' BUILDING TO OPEN UP YARD FOR MORE GREEN SPACE AND PUT THE PERMANENT CANOPY OVER THE EXISTING CONCRETE PAD.

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 BELIEVE SO. THE NEIGHBORS ~~BEHIND~~ CURRENTLY HAVE EXISTING STRUCTURES RIGHT ON THE PROPERTY LINE. I APPRECIATE YOUR CONSIDERATION.

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

9/15/22

PERMANENT CANOPY
ATTACHMENT TO POOL HOUSE

NEW 4'X8' BLDG

RE-BUILDING POOL HOUSE

TO BE

REMOVED



An aerial photograph of a residential neighborhood. The image shows several houses with their addresses labeled: 6607, 6611, 6613, 6616, 6617, 6618, 6619, 6622, 6624, and 6626. A blue rectangle highlights a property area. Handwritten annotations include 'Re-build' with a hatched box, 'Remove' with a crossed-out box, and 'New 4x8 and canopy' with an arrow. The street name 'Kennebec Avenue SE' is visible at the top.

Author
For internal Use



**Board of Zoning Appeals
PUBLIC HEARING NOTICE**

Case Description

VAR-22-3019: Application of Todd Miller requesting a variance of the on site parking requirement in order to establish a day care facility on the property located at **1601 West Washington Street**.

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, December 8, 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: New Beginning Learning Academy, LLC	Address: 1601-1605 W. Washington St., Charleston, WV 25387
Address: 637 Granada Way, Charleston, WV 25304	Tax Map and Parcel:
Phone: (304) 610-7340	Zoning District:
Agent Name, Address and Phone Number: (if other than applicant) Todd Miller Contact information same as above.	Property Owner and Mailing Address: (if other than applicant) 637 Granada Way Charleston, WV 25304

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.** We are proposing to build a new New Beginning Learning Academy at the corner of Washington Street and Stockton Street. Our variance request is related to the required number of parking spaces. We are required to have 10 spaces ((50 children/10) + 5 employees). We can provide the 5 spaces onsite required for the children. Please see Attachment 1 for a schematic of our proposed site plan. The additional 5 spaces will be provided offsite for the employees. Please see Attachment 2 for our proposed location for the 5 offsite spaces. These spaces are currently public spaces and free for anyone to utilize. If needed, we are willing to execute a lease with the City to make sure we have access to these parking spaces. Please see Attachment 3 for photos showing current utilization of these and surrounding spaces.

Applicable Section(s) of the Zoning Ordinance _____

Please describe the proposed work to be done on the property. The New Beginning Learning Academy structure will be approximately 3,500 ft². The structure will be a metal building that will look like the care dealership in town. We plan to have big windows and a stucco finish. Access to the property will be at the rear of the building off Stockton Street. Stormwater will be controlled with an underground Storm Tech detention system manufactured by ADS. The Charleston Sanitary Board has already run a stormwater collection line to our property line for use to tie into.

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? The adjacent areas will not be affected. We are not proposing any changes to existing traffic patterns. We are not proposing any changes to existing offsite parking. Access to the site will be gained from the only feasible location. Our access is blocked on two sides by adjacent property. Access is limited on a third side by US Route 60. Access off Stockton Street is the only alternative. We will move the access to the rear of the lot.

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.
Our situation is unique in that the size of the lot (approximately 0.20 acres) really limits what can be done on the lot while also providing off street parking.

Without a variance, are you deprived of all beneficial use of your land? Yes. In order for us to provide adequate onsite parking, the proposed structure would need to be smaller. This would force us to decrease the number of kids served at the facility. The project would become financially unfeasible.

Would approval of your variance request alter the essential character of the surrounding neighborhood or community? No. We feel that our project is a benefit to the community. Our services are much needed and well received by the surrounding community as can be seen by our current facility on Bream Street.

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. We feel that we are meeting the intent of the zoning ordinance. We are providing parking spaces for most of the traffic we are generating. We are limiting our environmental impacts by not constructing new parking areas and utilizing existing parking spots.

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. Our engineer has struggled with several options in an effort to maximize the number of parking spaces provided onsite. We feel that our project as proposed is fair to both us and members of the surrounding 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.

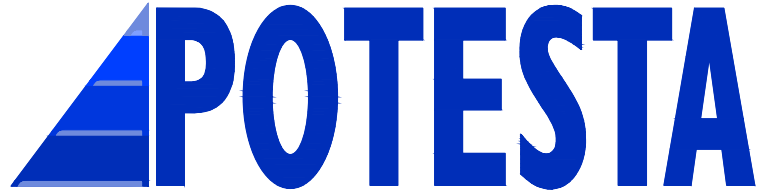
Signature

Date

NOTE:
1. UTILITY LINE LOCATIONS SHOWN ON THE DRAWINGS ARE APPROXIMATE (BASED ON VISUAL OBSERVATIONS, DRAWINGS PROVIDED BY VARIOUS UTILITY COMPANIES, OR IDENTIFIED IN THE FIELD OR VERBAL COMMUNICATION PROVIDED BY VARIOUS UTILITY COMPANIES, WVDOH, ETC.) AND MAY NOT BE COMPLETE. OTHER UTILITY LINES MAY EXIST THAT ARE NOT SHOWN ON THE DRAWINGS. THE CONTRACTOR IS SOLELY RESPONSIBLE FOR DETERMINING THE LOCATION OF ALL EXISTING UNDERGROUND UTILITY LINES AHEAD OF THEIR WORK BY WHATEVER MEANS NECESSARY TO AVOID CONFLICTS WITH AND DAMAGES TO EXISTING UNDERGROUND UTILITIES.



File: C:\Users\adavis\AppData\Local\Temp\AcPublish_138332\22-0223-01-OPT5.dwg
Plot Date/Time: Oct 26, 2022 - 2:55pm
Plotted By: adavis



POTESTA & ASSOCIATES, INC.
ENGINEERS AND ENVIRONMENTAL CONSULTANTS

7012 MacCorkle Ave. SE, Charleston, WV 25304
TEL: (304) 342-1400 FAX: (304) 343-9031
E-Mail Address: potesta@potesta.com

Project

**PROPOSED SITE PLAN
NEW BEGINNING LEARNING ACADEMY
637 GRANADA WAY
CHARLESTON, WV 25304**

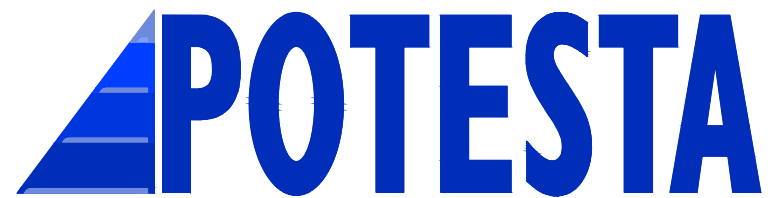
Scale 1" = 30'	Dwg. No.
Date OCT. 2022	ATTACHMENT 1

File: C:\Users\adavis\AppData\Local\Temp\AcPublish_138332\22-0223-01-OPT5.dwg
Plot Date/Time: Oct 26, 2022 - 2:55pm
Plotted By: adavis



PROJECT #: 22-0223

FILENAME: 22-0223-01-OPT4



POTESTA & ASSOCIATES, INC.
ENGINEERS AND ENVIRONMENTAL CONSULTANTS

7012 MacCorkle Ave. SE, Charleston, WV 25304
TEL: (304) 342-1400 FAX: (304) 343-9031
E-Mail Address: potesta@potesta.com

Project

LOCATION MAP
NEW BEGINNING LEARNING ACADEMY
637 GRANADA WAY
CHARLESTON, WV 25304

Scale 1" = 100'

Date OCT. 2022

Dwg. No.

ATTACHMENT 2



Photo 1: Looking NE Toward Washington Street from Stockton (October 25, 2022 at 1:00 PM)



Photo 1a: Looking NE Toward Washington Street from Stockton (October 26, 2022 at 7:30 AM)



7012 MacCorkle Avenue, SE
Charleston, West Virginia 25304
Phone: (304) 342-1400
Fax: (304) 343-9031

ATTACHMENT 3
New Beginning Learning Academy
Charleston, West Virginia
Project No. 0101-22-0223



Photo 2: Looking NE Across Pile Off-Street Parking (October 25, 2022 at 1:00 PM)

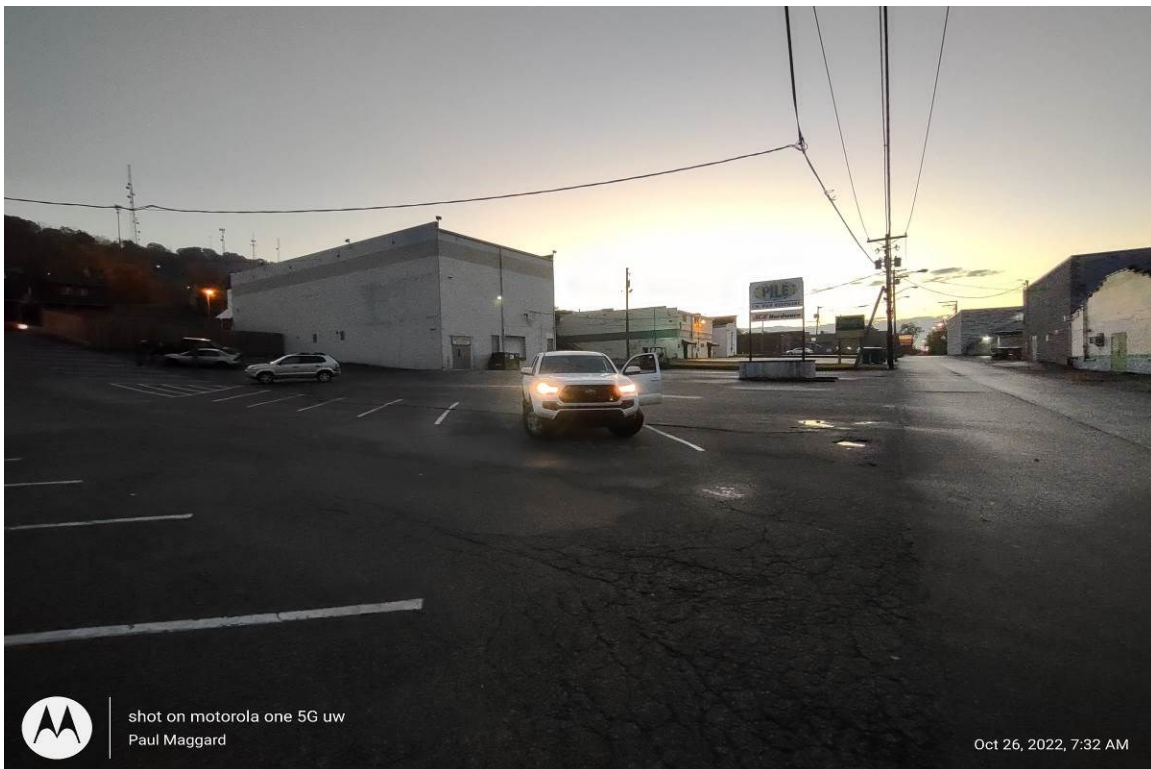


Photo 2a: Looking NE Across Pile Off-Street Parking (October 26, 2022 at 7:30 AM)



7012 MacCorkle Avenue, SE
Charleston, West Virginia 25304
Phone: (304) 342-1400
Fax: (304) 343-9031

ATTACHMENT 3
New Beginning Learning Academy
Charleston, West Virginia
Project No. 0101-22-0223



Photo 3: Looking SE Toward Project Site (October 25, 2022 at 1:00 PM)



Photo 3a: Looking SE Toward Project Site (October 26, 2022 at 7:30 AM)



7012 MacCorkle Avenue, SE
Charleston, West Virginia 25304
Phone: (304) 342-1400
Fax: (304) 343-9031

ATTACHMENT 3
New Beginning Learning Academy
Charleston, West Virginia
Project No. 0101-22-0223



Photo 4: Looking NE Across Charleston Department Store Parking (October 25, 2022 at 1:00 PM)



Photo 4a: Looking NE Across Charleston Department Store Parking (October 26, 2022 at 7:30AM)



7012 MacCorkle Avenue, SE
Charleston, West Virginia 25304
Phone: (304) 342-1400
Fax: (304) 343-9031

ATTACHMENT 3
New Beginning Learning Academy
Charleston, West Virginia
Project No. 0101-22-0223