Charleston Board of Zoning Appeals
AGENDA
8:30 a.m., Thursday, July 27, 2023
City Service Center Conference Room · 915 Quarrier Street

I. **Items for Review**

VAR-23-3027

Application of Robert Carper requesting a variance of the setback and lot coverage regulations in order to construct a 2-story deck on the property located at **225 Oakwood Road.**

II. Approval of minutes for the June 22, 2023 hearing.

Board of Zoning Appeals
PUBLIC HEARING NOTICE

Case Description

VAR-23-3027: Application of Robert Carper requesting a variance of the setback and lot coverage regulations in order to construct a 2-story deck on the property located at **225 Oakwood 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 27, 2023
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: Robert Thomas Carper	Address: 225 Oakwood Rd. Charleston, WV 25314
Address: 225 Oakwood Rd. Charleston, WV 25314	Tax Map and Parcel:
Phone: (681) 710-1881	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.** _____

Respectfully request a variance on setback requirements on the side of our residence. The variance request is to allow us to put up a privacy fence and build a deck and balcony onto our residence.

Applicable Section(s) of the Zoning Ordinance _____

Please describe the proposed work to be done on the property. Build a deck and balcony onto our residence. Put up a privacy fence along one side of property. See photograph and diagram.

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 BY THE ADDITIONS WE WISH TO BUILD ONTO OUR RESIDENCE.

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. DUE TO THE RELATIVELY SMALL SIZE OUR PROPERTY AND THE FACT THE PROPERTY IS GEOGRAPHICALLY SURROUND BY STREETS ON THREE SIDES MOST PROPERTY OWNERS IN OUR NEIGHBORHOOD ARE NOT SO SEVERELY RESTRICTED

Without a variance, are you deprived of all beneficial use of your land? YES. IF THE VARIANCE IS GRANTED IT WOULD ALLOW US TO HAVE BENEFICIAL USE OF PROPERTY ON THE SIDE OF OUR RESIDENCE BY CREATING OUTDOOR RECREATIONAL/LIVING SPACE.

Would approval of your variance request alter the essential character of the surrounding neighborhood or community? NOT AT ALL. IF ANYTHING IT WOULD IMPROVE IT.

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.

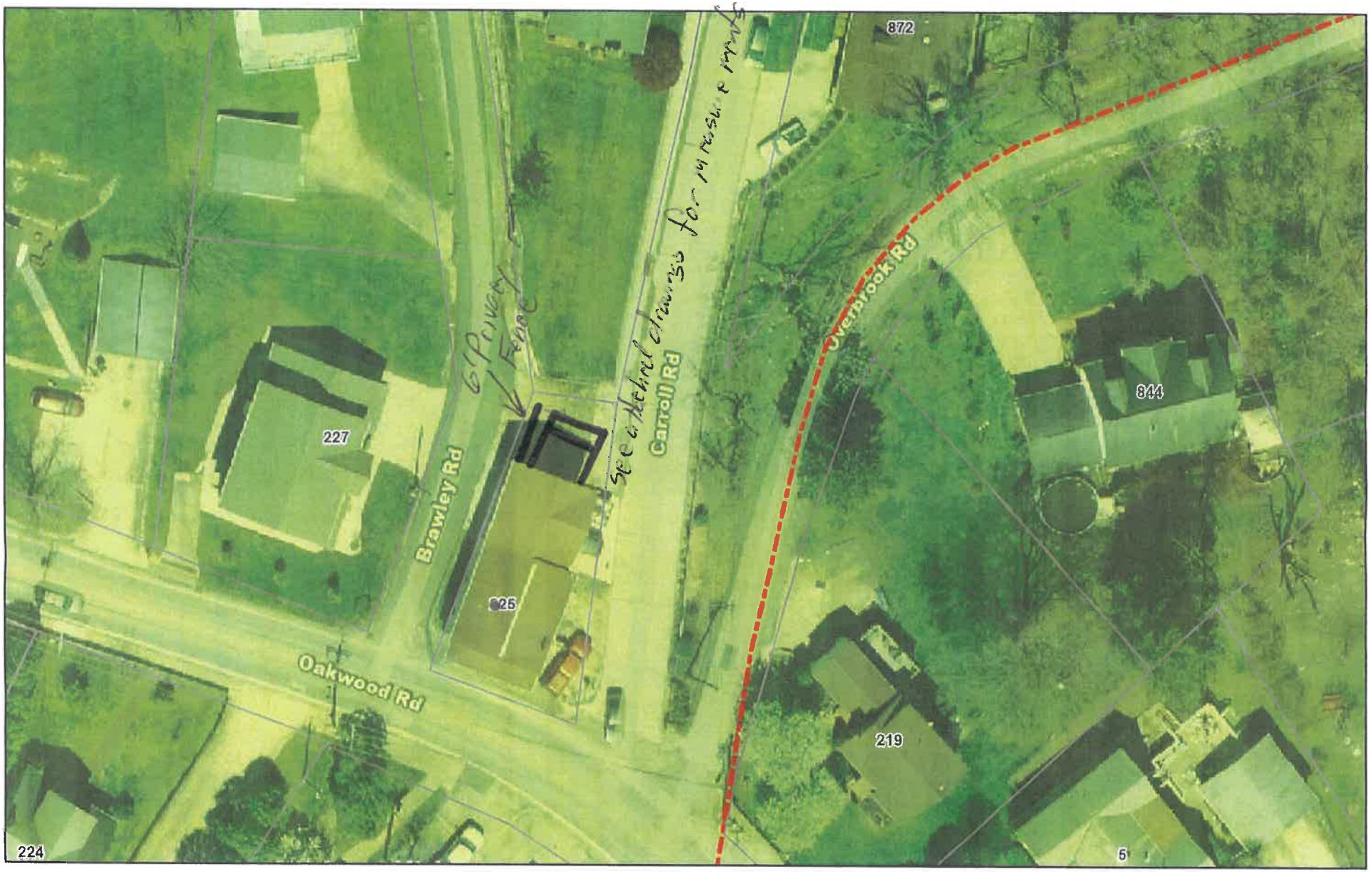
5.) Substantial justice is the idea that a standard of fairness has been satisfied according to the substance of the law. Does your variance request represent the least deviation from the Zoning Ordinance necessary to achieve an outcome that is fair to both you and to your community? Yes.

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

06/15/23
Date

525 Oakwood Road



6/13/2023, 10:42:48 AM

Site Addresses - Current

Parcels

Wards

Zoning Districts

R-4

Interstate Exits (Numbers)

1:500

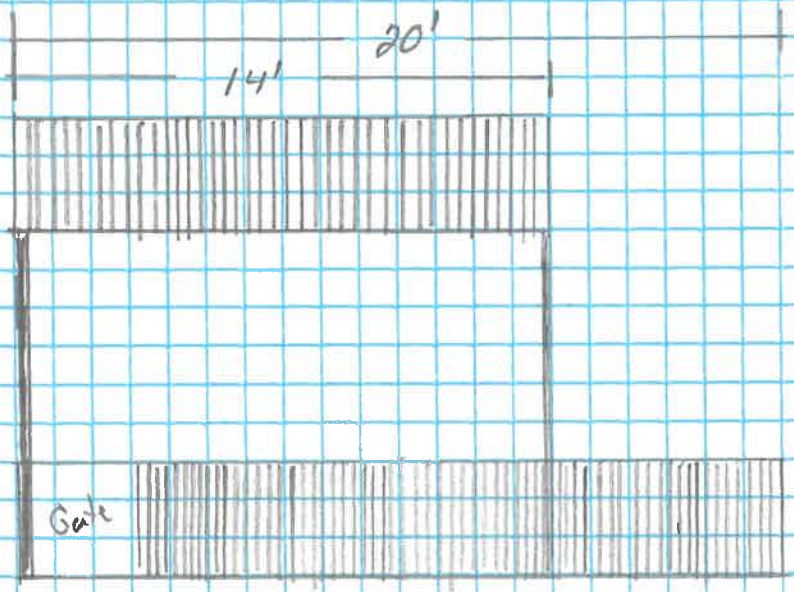
0 0 0.01 0.02 mi

0 0.01 0.01 0.02 km

GIS Department, City of Charleston, West Virginia, Esri., Inc.

Author

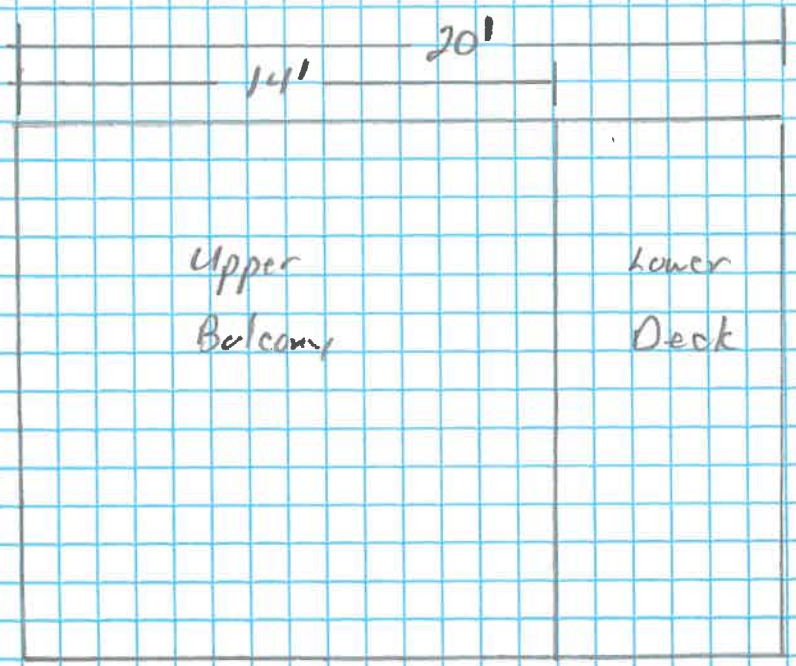
For internal Use



Home

Side View

Home



Top View