



Charleston Board of Zoning Appeals

AGENDA

8:30 a.m., Thursday, August 24, 2023

City Service Center Conference Room · 915 Quarrier Street

I. Items for Review

VAR-23-3028

Application of Royce Caldwell requesting a variance of the accessory structure regulations in order to construct an accessory structure on the rear of the property located at **3808 Venable Avenue**.

CUP-23-0237

Application of Linwood Hamilton requesting a conditional use permit in order to operate a firearm sales establishment on the property located at **403 Pennsylvania Avenue**.

II. Approval of minutes for the July 27, 2023 hearing.



Board of Zoning Appeals PUBLIC HEARING NOTICE

Case Description

VAR-23-3028: Application of Royce Caldwell requesting a variance of the accessory structure regulations in order to construct an accessory structure on the rear of the property located at **3808 Venable 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, August 24, 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: <u>Royce Caldwell</u>	Address: <u>3808 Venable Ave</u> CHAS WV 25304
Address: <u>3808 Venable Ave</u> CHAS WV 25304	Tax Map and Parcel:
Phone: <u>304-553-6857</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.

I own the Baskin Robbins IN KANAWHA CITY. I need the VARIANCE TO store my Ice Cream Trailer IN and store it. Sometimes I have to park out front of my home to clean it. This way the Trailer would be out of site. and not parking it out front.

Applicable Section(s) of the Zoning Ordinance _____

Please describe the proposed work to be done on the property. I need to build A 24x24 Garage IN MY BACK YARD TO Accomodate MY Ice cream Trailer.

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 Approved It will Not

Adversely Affect Anyone or Anything. My Property
IS BACKED UP AGAINST COMMERCIAL PROPERTY. NOT
Re

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? NO

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

Would approval of your variance request alter the essential character of the surrounding neighborhood or community? NO There IS Other GARAGES
IN MY NEIGHBORHOOD THAT ARE LARGER AND
TALLER THAN THE ONE I AM WANTING TO BUILD.
THEY WERE BUILT BEFORE THE CODE CHANGED
IN 2006

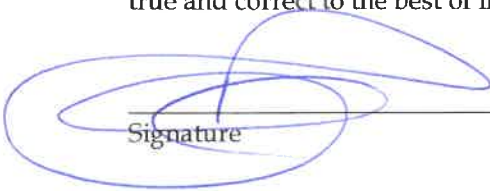
4.) The general purpose and intent of the Zoning Ordinance of the City of Charleston is to protect and promote the public health, safety, convenience, morals and general welfare. For more specific information in regard to the scope and intent of the Zoning Ordinance, please see Section 1-020 as well 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 AND Does not Affect
ANY above CONCERNS

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 own the
BASKET ROBIN. I have to sometimes clean and pack
OUT front to clean and stock it its vital to my
BUSINESS TO have this Garage TO be able to store
IT closer TO MY BUSINESS. This should
NOT EFFECT ANYONE ITS hidden Behind my home
and IT BACKS UP TO OTHER BUSINESS ON MACCORMICK AVE

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

7/12/23
Date

3808 Venable Avenue



8/8/2023, 1:27:01 PM

Parcels

Wards

Site Addresses - Current

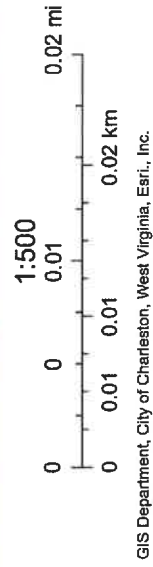
Zoning Districts

C-8

R-4

R-10

Interstate Exits (Numbers)





**Board of Zoning Appeals
PUBLIC HEARING NOTICE**

Case Description

CUP-23-0237: Application of Linwood Hamilton requesting a conditional use permit in order to operate a firearm sales establishment limited to ammunition sales only on the property located at **403 Pennsylvania 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

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915 Quarrier Street

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Board of Zoning Appeals
Application for Conditional Use Permit

CU # _____

Hearing Date: Aug 24 - 2023

Applicant Information	Property Information
Name: <u>LINWOOD F. Hamilton</u>	Address: <u>403 Pennsylvania Av.</u>
Address: <u>P.O. Box 6398 Charleston WV 25302</u>	Tax Map and Parcel: _____
Phone: <u>304-543-4142</u>	Zoning District: _____
Agent Name, Address and Phone Number: (if other than applicant)	Property Owner and Mailing Address: (if other than applicant) <u>LINWOOD F. Hamilton</u> <u>P.O. Box 6398 Charleston WV 25302</u>

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, 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.

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.

We have a new ammo manufacture in Montgomery WV
I am going to sell that ammo and probably other. on the
internet. One of the requirements is that I have a retail
location. This will be a retail location that is not going to get
much use. Just let me say I have a retail location.
It is rifle ammunition that is being made in Montgomery
3-050 Fire arms sale establishment

Applicable Section(s) of the Zoning Ordinance _____

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

Yes

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

building Small loading dock on the back of

If your request for a conditional use permit is granted, how will others in the area be affected? _____

not much at all

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? _____

Retail hours only / not much traffic because it will mostly be internet sales.

Is your request consistent with the purposes and intent of the Zoning Ordinance of the City of Charleston? _____

All zoning requirements have been met.

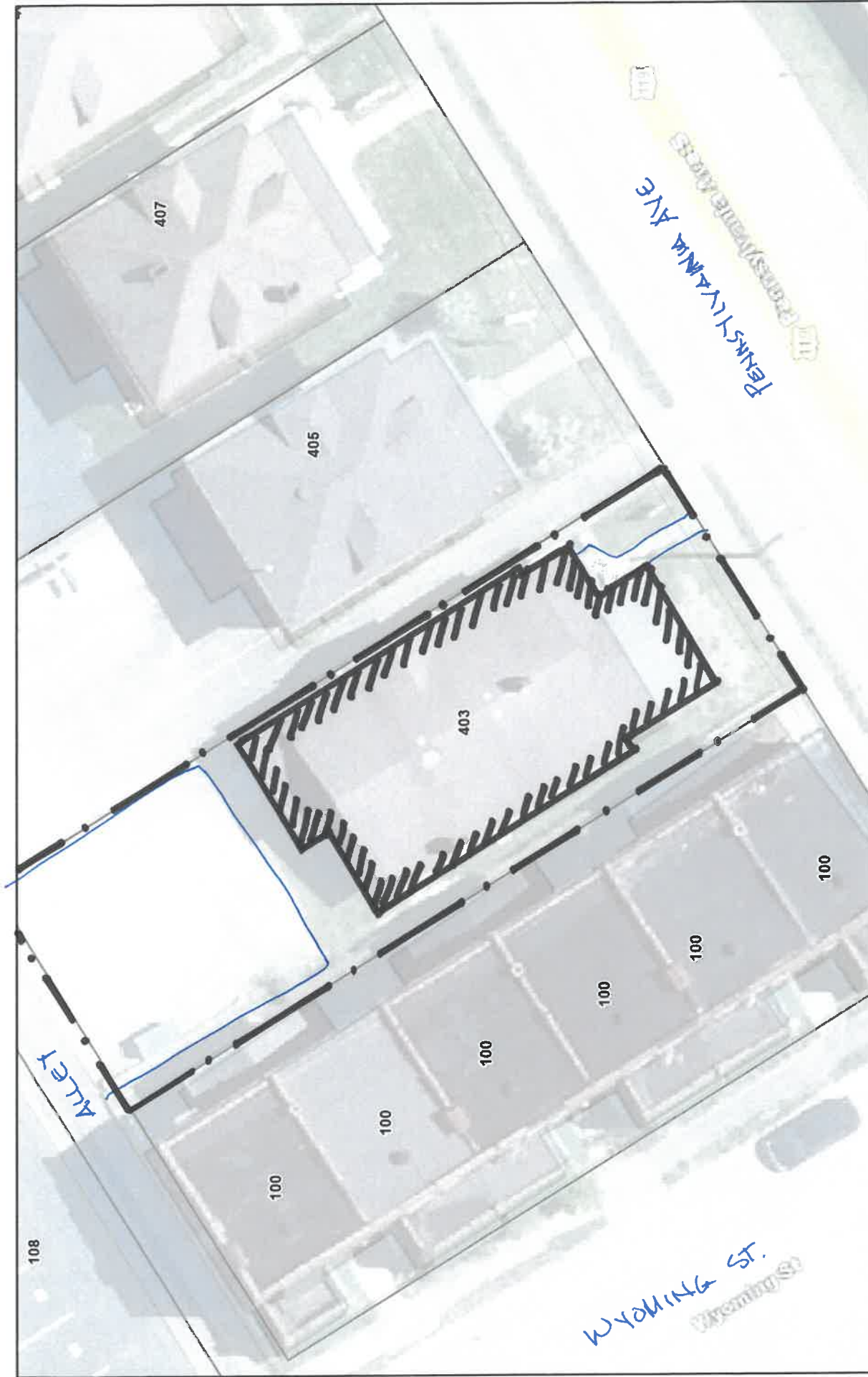
I hereby affirm that all of the statements and information contained in or filed with this application are true and correct to the best of my knowledge.

Signature

Date

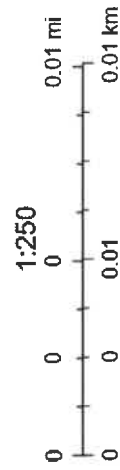
7-13-2023

403 pennsylvania Ave



7/13/2023, 2:22:38 PM

- Site Addresses - Current
- Wards
- Interstate Exits (Numbers)



GIS Department, Adam Cottrell, GIS Manager - GIS Department, Charleston, WV, City of Charleston, West Virginia, Esri, Inc.