



Charleston Board of Zoning Appeals

AGENDA

8:30 a.m., Thursday, September 14, 2023

City Service Center Conference Room · 915 Quarrier Street

I. Items for Review

VAR-23-3029

Application of Paula Street requesting a variance of the accessory structure regulations in order to place an accessory structure in the front yard of the property located at **1012 Loudon Heights Road**.

CUP-23-0238

Application of Matt Hammack requesting a conditional use permit in order to operate an urban farm inside the property located at **1206 Quarrier Street**.

II. Approval of minutes for the August 24, 2023 hearing.



**Board of Zoning Appeals
PUBLIC HEARING NOTICE**

Case Description

VAR-23-3029: Application of Paula Street requesting a variance of the accessory structure regulations in order to place an accessory structure in the front yard of the property located at **1012 Loudon Heights 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, September 14, 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: 9/14/2023

Applicant Information	Property Information
Name: <u>Paula Street</u>	Address: <u>1012 Loudon Hgts Rd</u> <u>Charleston, WV 25314</u>
Address: <u>1012 Loudon Hgts Rd</u>	Tax Map and Parcel: <u>9 0140 0000 0000</u>
Phone: <u>304-539-1777</u>	Zoning District: <u>14 Chas 15</u>
Agent Name, Address and Phone Number: (if other than applicant)	Property Owner and Mailing Address: (if other than applicant) <u>Same as above</u>

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 There are none;
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.

I want to have a shed built by Tuff Shed built in the right back corner of my house. White with black trim to match house. Will be 6 ft out from the side of the house.

Applicable Section(s) of the Zoning Ordinance _____

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

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? no affect.

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? nothing

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? This is the best place for a shed and would not be detrimental to the integrity of the land.

Is your situation due to unique circumstances that are not shared by other land in the district? I have a perfect spot for the shed right off my driveway.

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

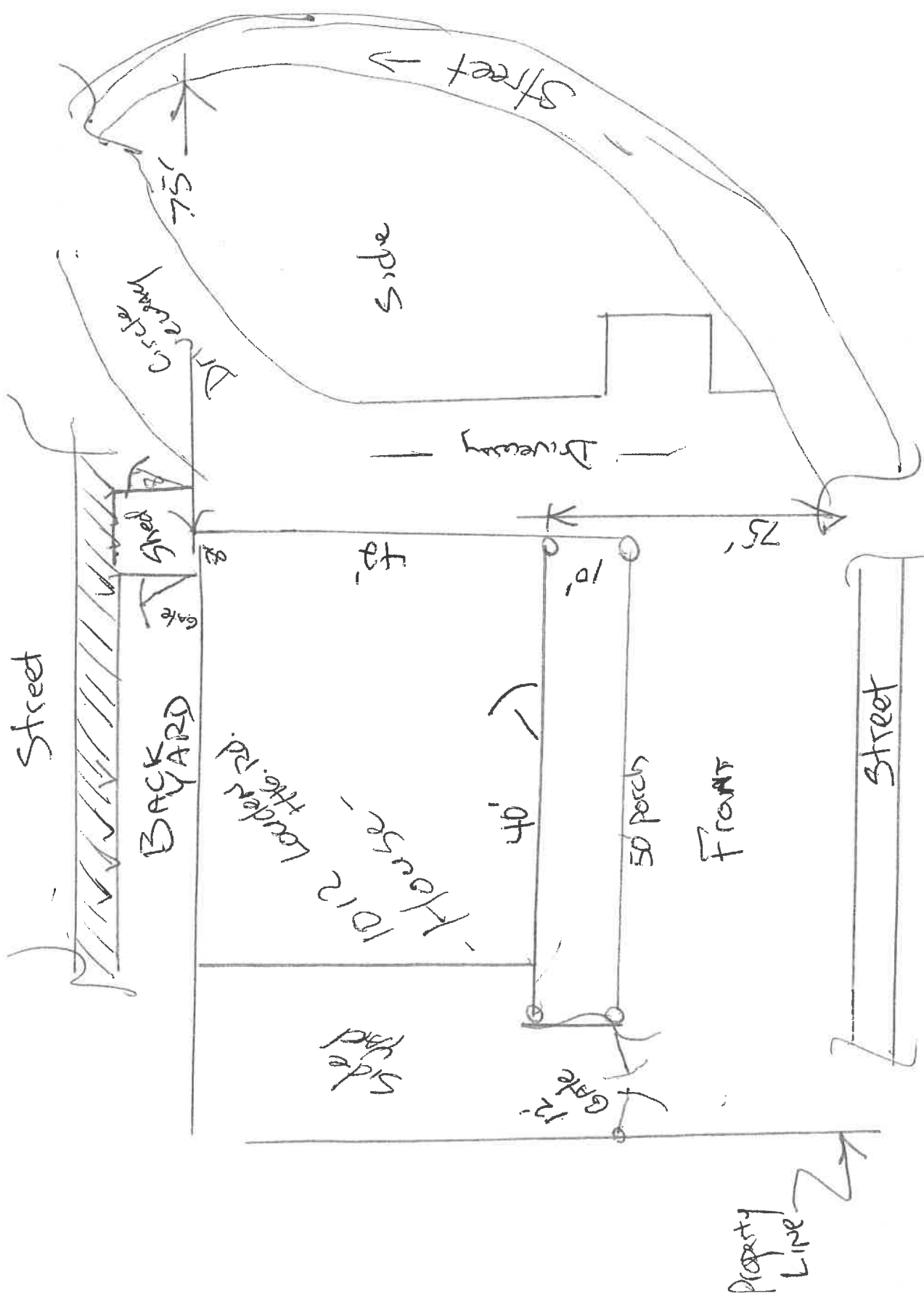
Substantial justice is the idea that a standard of fairness has been satisfied according to the substance of the law. Does your variance request represent the least deviation from the Zoning Ordinance necessary to achieve an outcome that is fair to both you and to your community? yes

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.

Karla A. Sturt
Signature

7/27/2023
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



Street, Paula

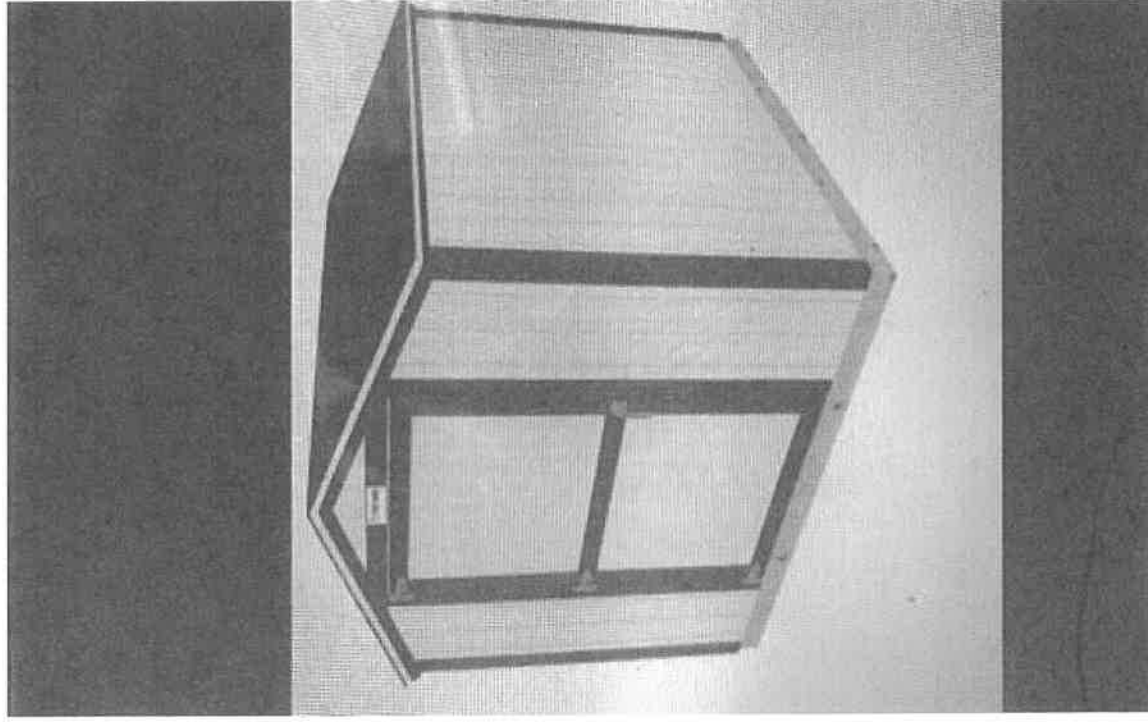
From: Paula Street <tennispstreet@gmail.com>
Sent: Thursday, July 27, 2023 8:37 AM
To: Street, Paula





Street, Paula

From: Paula Street <tennistpstreet@gmail.com>
Sent: Thursday, July 27, 2023 9:47 AM
To: Street, Paula





**Board of Zoning Appeals
PUBLIC HEARING NOTICE**

Case Description

CUP-23-0238: Application of Matt Hammack requesting a conditional use permit in order to operate an urban farm inside the property located at **1206 Quarrier 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, September 14, 2023

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.
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Board of Zoning Appeals
Application for Conditional Use Permit

CU # _____

Hearing Date: _____

Applicant Information	Property Information
Name: <u>Matt Hammack</u>	Address: <u>1206 Quarrier St, Charleston, WV</u>
Address: <u>1019 Somerset Dr, Charleston, WV</u>	Tax Map and Parcel: _____
Phone: <u>304-395-1965</u>	Zoning District: _____
Agent Name, Address and Phone Number: (if other than applicant)	Property Owner and Mailing Address: (if other than applicant) <u>Jon Carenish</u> <u>3818 MacCorkle AVE SE</u> <u>Charleston, WV, 25304</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.

The space will be used to grow produce using Aeroponic and Hydroponic technology. Pesticide, Herbicide, and fungicide free. It is a very clean and sterile environment. We supply local restaurants, stores, and with this new spot hopefully providing the local hospitals and schools.
CEO: Matt Hammack, 304 395 1965

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. NONE

If your request for a conditional use permit is granted, how will others in the area be affected?
only in a positive way. They will have access
year-round to fresh and clean greens

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? NO

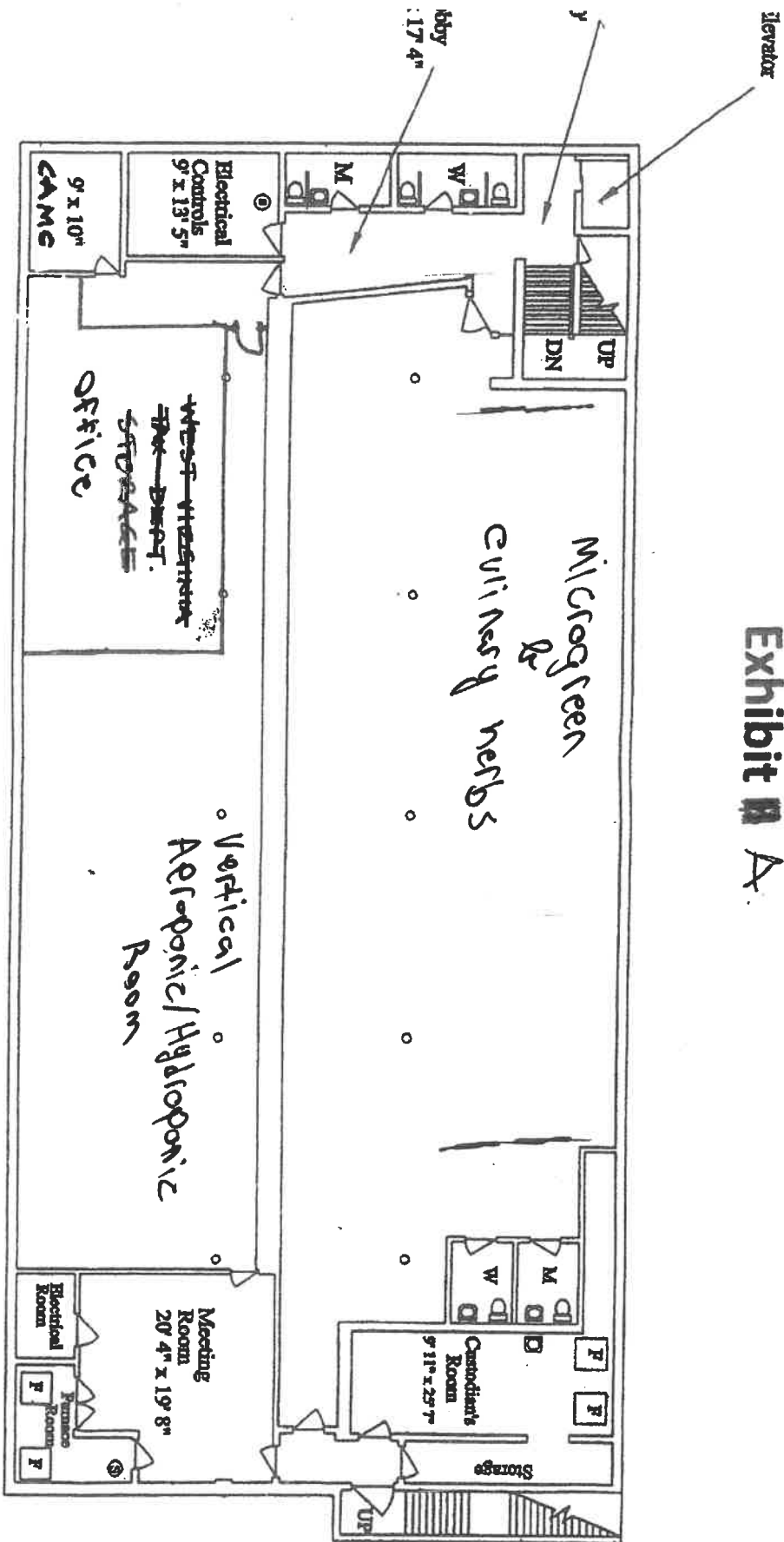
Is your request consistent with the purposes and intent of the Zoning Ordinance of the City of Charleston? yes

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

02/03/2023
Date

Exhibit A



Note: Basement level contains 9168 SF ±