



Charleston Board of Zoning Appeals

AGENDA

8:30 a.m., Thursday, October 12, 2023

City Service Center Conference Room · 915 Quarrier Street

I. Items for Review

VAR-23-3030

Application of Aaron Cox on behalf of Shafer Equipment LLC requesting a variance of the surfacing requirements in order to permit a gravel parking area on the property located at **5416 MacCorkle Avenue**.

II. Approval of minutes for the September 14, 2023 hearing.



Board of Zoning Appeals PUBLIC HEARING NOTICE

Case Description

VAR-23-3030: Application of Aaron Cox on behalf of Shafer Equipment LLC requesting a variance of the surfacing requirements in order to permit a gravel parking area on the property located at **5416 MacCorkle 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, October 12, 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: 10/12/2023

Applicant Information	Property Information
Name: Shafer Equipment	Address: 5416 MacCorkle Ave
Address: 141 Campbell's Creek Dr CWV 25306	Tax Map and Parcel: KC 10; 48, 49, 51
Phone: 304-548-4300	Zoning District: C-8 Village Commercial District
Agent Name, Address and Phone Number: (if other than applicant) Aaron Cox 304-550-9966	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.** _____

Bring into compliance a gravel parking area permitted in error by the City's Planning Dept.

Applicable Section(s) of the Zoning Ordinance Sec. 23-040-04

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

#57 stone was rolled in and compacted prior to the knowledge of permitting error and work was stopped. Upon approval, an asphalt apron will be paved to prevent rock from entering the alley.

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 other properties will be affected if the variance is permitted. The rock will be contained on the subject property. Additionally, the gravel parking area is not plainly visible from MacCorkle Avenue due to the contour of the property.

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? _____

The 2 properties upon which the gravel parking area has been established measure just 25 ft in width, making them the most narrow in this commercial portion of MacCorkle Avenue. Additionally, the topography of the site is built up where it meets MacCorkle Avenue and features a significant downhill toward the alley.

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

A parking area in a commercial district is as basic a land use as is possible on these parcels and was originally permitted by the City Planning Dept.

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

No. The gravel parking area is accessed from the rear alley and, due to the slope of the land, is not plainly visible from MacCorkle.

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? _____

_____The compaction of the gravel and the paved apron will prevent any residue from
_____entering the alley, which is the intent of the Zoning Ordinance in regard to surfacing.

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? _____

_____In light of the City's permitting error, the compacted gravel and proposed asphalt apron
_____allows the business to use the property in our intended manner and prevents the rock from
_____entering the alley. To undo the work already done and pave a parking lot would be an unfair
_____burden upon the applicant, particularly when stormwater retention rules come into play.

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



Planning Department
Zoning Permit

Applicant Information Applicant Name and Address: HOFFMAN H IRVIN 4308 VIRGINIA AVE SE CHARLESTON, WV 25304 Applicant Phone:	Property Information Owner Name and Address: HOFFMAN H IRVIN 4308 VIRGINIA AVE SE CHARLESTON WV 25304 Owner Phone:
Flood Zone: Not in Flood Zone	Property Address 5416 MACCORKLE AVE
No. Required Off-Street Parking Spaces	Parcel ID: 010.0048.0000.13
Required Minimum Setbacks Front: Left Side: Right Side: Rear:	Zoning District: C-8
Permit Number: zon-23-7909	Zoning Overlay District:

Detailed Description of Project:

placing gravel on vacant lots

Conditions:

placing gravel on vacant lot to extend parking area for auto body shop

By signing this application, the owner of the building and the undersigned acknowledge and understand that any permit granted by the City does not modify, limit, or impact any restriction contained in a deed, homeowner's association, or other contractual document; and the owner of the building and the undersigned hereby acknowledge that they are fully responsible for reviewing all relevant deeds, homeowner's association documents, and other contractual documents that may impact the authority to complete the work contemplated by the permit application.

The undersigned applicant agrees to all above mentioned information and is required to comply by all conditions set forth on this application. If said applicant fails to comply, this permit shall be revoked and a monetary penalty will be issued by the Planning Department.

Applicant Signature



Zoning Official Signature and Title

Date

7/25/23

Date

IMPORTANT: The granting of approval of this zoning permit shall not be construed to be approval of any violations of the standards or provisions of the Zoning Ordinance of the City of Charleston. The issuance of a Building Permit, based upon an approved site plan, shall not prevent the Planning Director from thereafter requiring correction or modification of said site plan or preventing operation from being carried on there under when in violation of said Ordinance

Enter Title here



7/25/2023, 10:30:52 AM

Site Addresses - Current



Parcels

Zoning Districts

C-10

ZAD Permits



Wards

R-6

Interstate Exits (Numbers)

61

61



final

Author
For internal Use

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