



Charleston Board of Zoning Appeals

AGENDA

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

City Service Center Conference Room · 915 Quarrier Street

I. Items for Review

VAR-23-3034

Application of Robert Wagner requesting a variance of the accessory structure regulations in order to bring into compliance a carport installed on the property located at **904 Woodward Drive**.

VAR-23-3035

Application of Interstate Sign Company on behalf of Kroger Limited Partnership requesting a variance of the sign regulations in order to install digital price changing signage on the property located at **5717 MacCorkle Avenue**.

II. Approval of minutes for the November 9, 2023 hearing.



Board of Zoning Appeals PUBLIC HEARING NOTICE

Case Description

VAR-23-3034: Application of Robert Wagner requesting a variance of the accessory structure regulations in order to bring into compliance a carport installed on the property located at **904 Woodward Drive.**

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 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: 12/14/23

Applicant Information	Property Information
Name: <u>Robert Wagner</u>	Address: _____
Address: <u>904 Woodward Dr. Charleston 25387</u>	Tax Map and Parcel: _____
Phone: <u>304 552-5335</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.** _____

Bring into compliance an accessory structure in
Front yard

Applicable Section(s) of the Zoning Ordinance 3-080

Please describe the proposed work to be done on the property. In process of installing
Solar Panels it came to my attention I was in violation
of a zoning ordinance

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? Neighbors will not be affected at all

Borders on only one neighbor and they are fine with it.

IT does not block access nor line of sight for any neighbor or traffic

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.

The structure was built over a driveway that was built to alleviate unsafe parking on Blackwell Dr - My property is not able to use on street parking & access to my garage is restricted also the contractor that installed the ramp did not get prior approval

Without a variance, are you deprived of all beneficial use of your land? yes I would

not be able to safely park my vehicles

Would approval of your variance request alter the essential character of the surrounding neighborhood or community? No IT would actually increase the

curb appeal aesthetics of the surrounding neighborhood

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 Line of site for traffic

and exiting existing parking for neighbors will not be
hampered. There is still room for emergency vehicles to
get off the road.

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

IT allows safe parking for my property which is unique
as it has no on street parking ability

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.

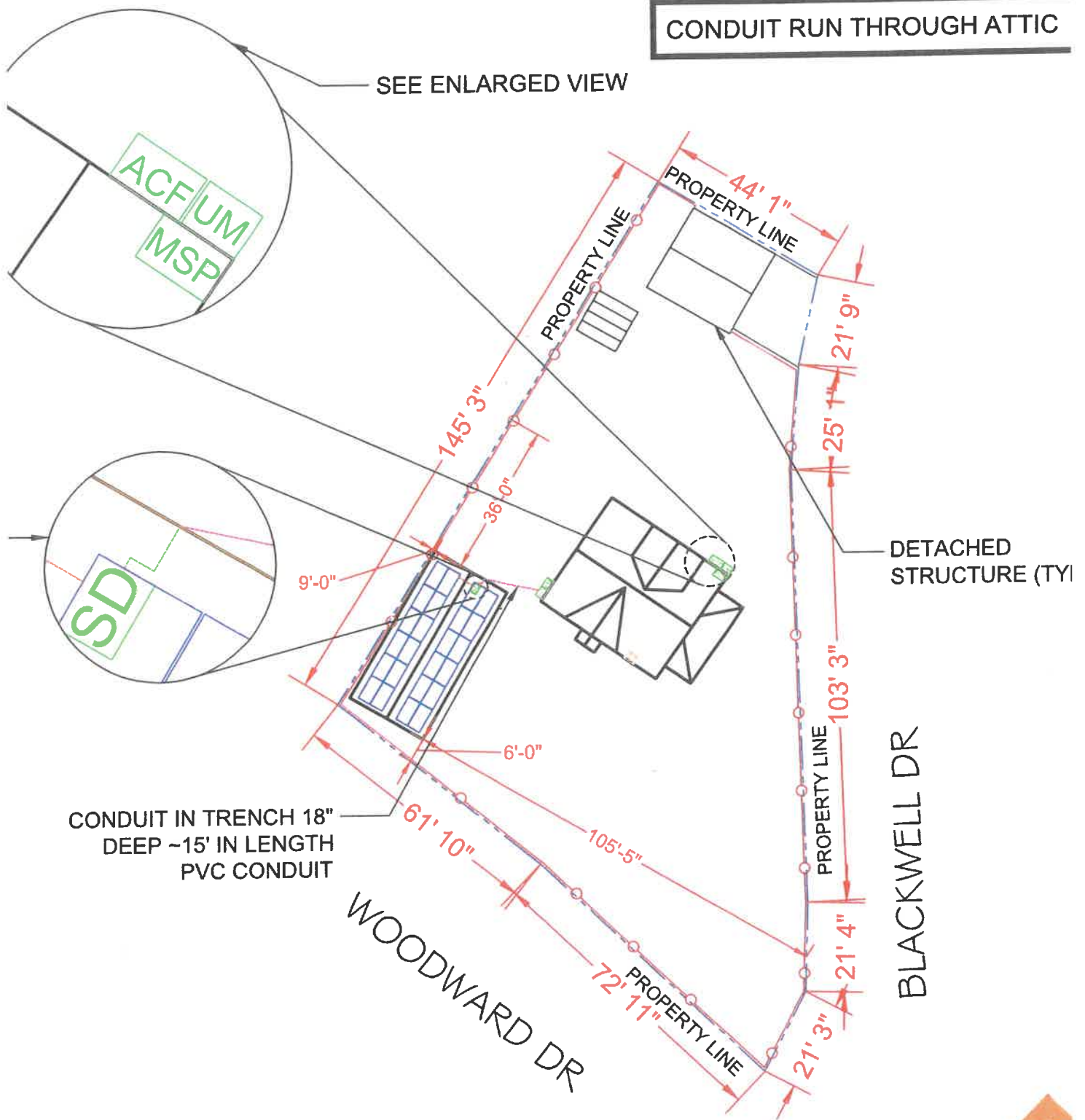
Robert Wagon
Signature

10/17/23
Date

OTOVOLTAIC ROOF MOUNT SYSTEM

24 MODULES - SYSTEM SIZE STC (9.600 kW DC / 6.960 kW AC)

WOODWARD DR, CHARLESTON, WV 25387, USA (38.3805772, -81.6773060)



TE PLAN & SAFETY PLAN

LE: $1/32" = 1'-0"$



10/26/23

To Whom it May Concern:

My name is Emily Moore. I live next door at 908. The carport that was put up next door does not bother me. I do believe it is a nice addition to his property as well as the neighborhood. It is not an eye sore, nor does it block the view of oncoming traffic for people or myself pulling out of Blackwell.

Emily Moore

October 24, 2023

To Whom it may concern!

My Name is Harriell Tucker
I live at 851 Woodward Dr.
Charleston, WV. I have NO
objection to Robert Wagner's
carport located on Woodward
Dr.

Harriell Tucker
Harriell W. Tucker

Oct 17, 2023

I live across the street from the
Carport of my neighbor. The car port
has no effect on us, we don't mind it
the.

Jeremy Hanshaw
909 Woodward Drive



Board of Zoning Appeals PUBLIC HEARING NOTICE

Case Description

VAR-23-3035: Application of Interstate Sign Company on behalf of Kroger Limited Partnership requesting a variance of the sign regulations in order to install digital price changing signage on the property located at **5717 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

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Board of Zoning Appeals
Application for Variance

BZA # _____

Hearing Date: _____

Applicant Information	Property Information
Name: Brittney Garren / Interstate Sign Company, Inc.	Address: 5717 MacCorkle Avenue SE, Charleston, WV 25304
Address: 1990 Rockford Street, Mount Airy, NC 27030	Tax Map and Parcel: 20-09-0067-0001-0003
Phone: (336)789-3069	Zoning District: C-10
Agent Name, Address and Phone Number: (if other than applicant)	Property Owner and Mailing Address: (if other than applicant) Kroger Limited Partnership 1 1014 Vine St. 7th Floor Cincinnati, OH 45202

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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 requesting to vary from Article 24, Section 24-050, P (Prohibited signs) and install LED digits in the existing scrolling price signs on the property.

Applicable Section(s) of the Zoning Ordinance Article 24, Section 24-050, P

Please describe the proposed work to be done on the property. Installing LED digits in the gas price signs on the canopy and freestanding sign.

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? None

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? Only
fuel stations would benefit from this variance; no other business posts prices on canopies/freestanding signs.

Without a variance, are you deprived of all beneficial use of your land? Yes, scrolling signs are not seen as well as LED digits at night. LED digits can automatically dim/lighten at the appropriate times and maintain their visibility.

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, we believe that this will enhance the physical appearance of the City, promote a

visually attractive commercial district, promote a favorable physical image and allow the business a reasonable opportunity to use signs as an effective means of advertising gas prices.

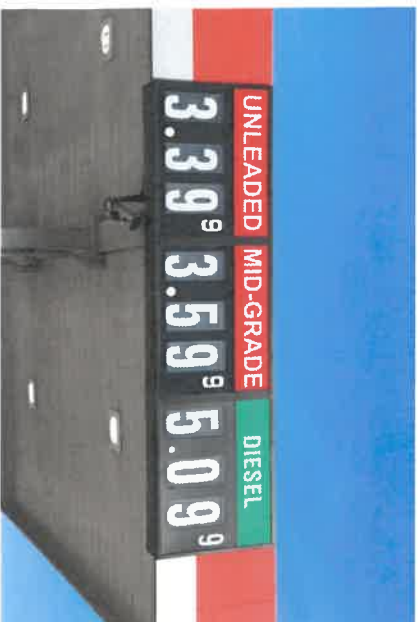
5.) Substantial justice is the idea that a standard of fairness has been satisfied according to the substance of the law. Does your variance request represent the least deviation from the Zoning Ordinance necessary to achieve an outcome that is fair to both you and to your community? Yes, we would only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

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.

Brittney Jarren
Signature

11/03/2023
Date

Existing conditions



Remove

*Existing (4) logo signs to be removed
*Existing (2) "Kroger" letters to be removed and replaced with new



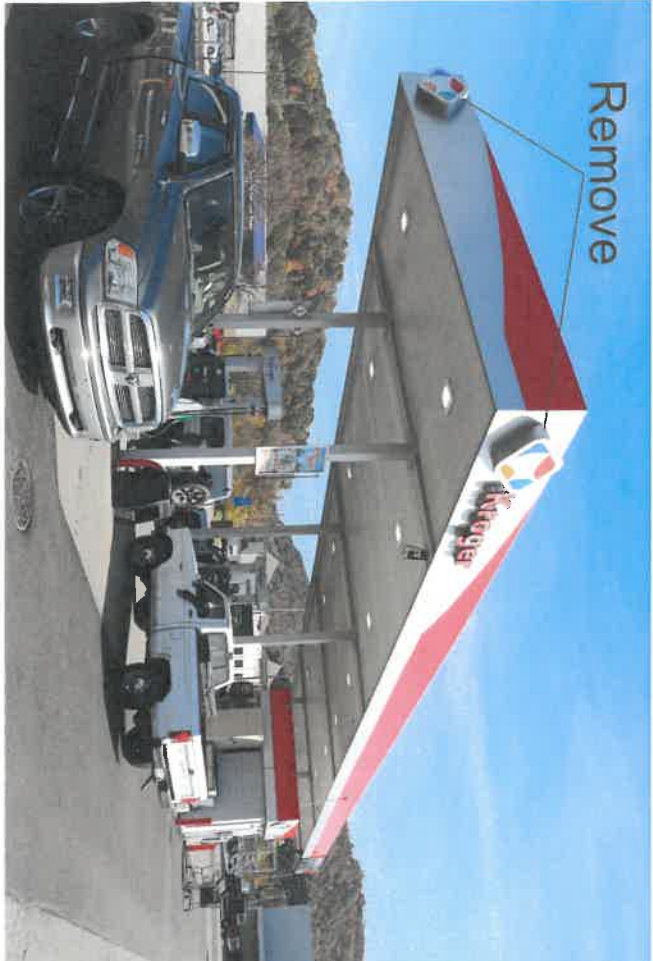
Logo sign

"Kroger" letters

Install

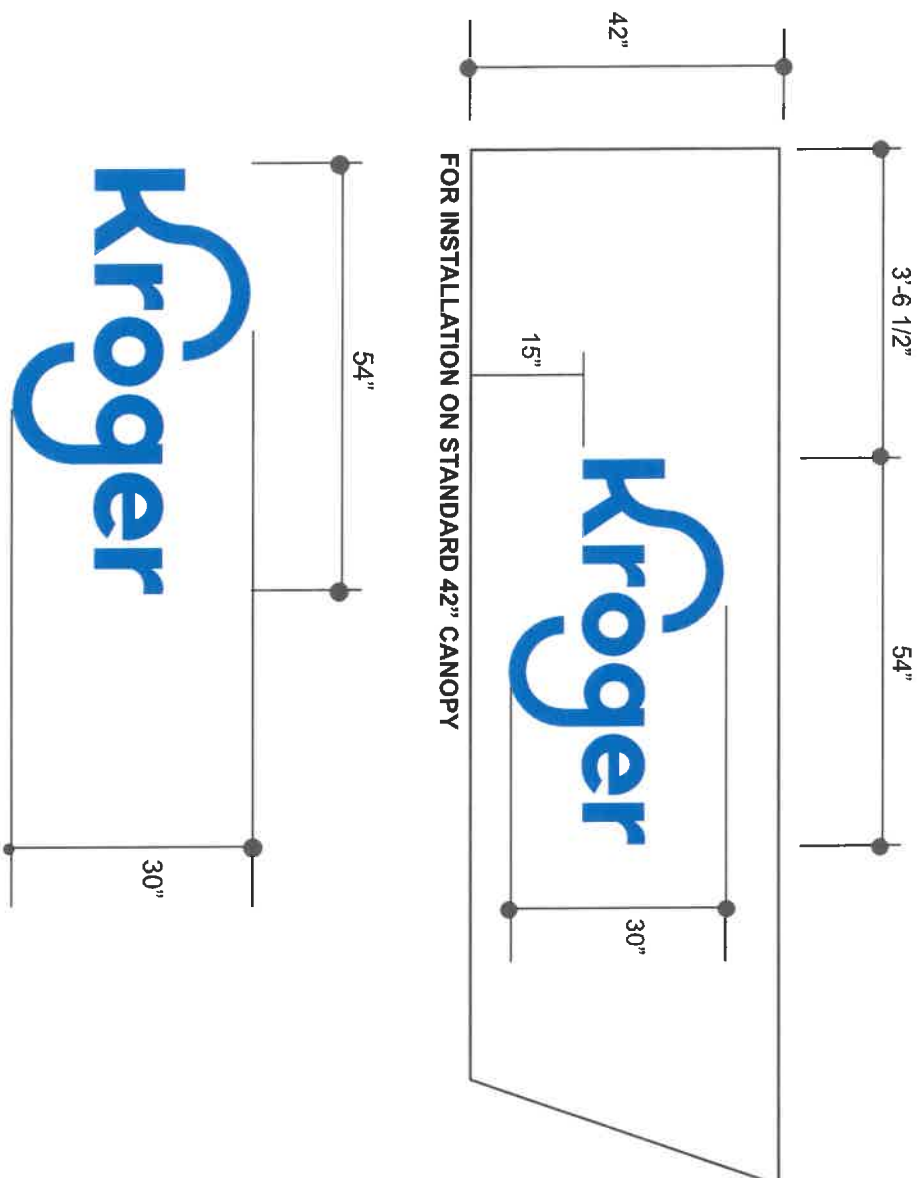


Remove

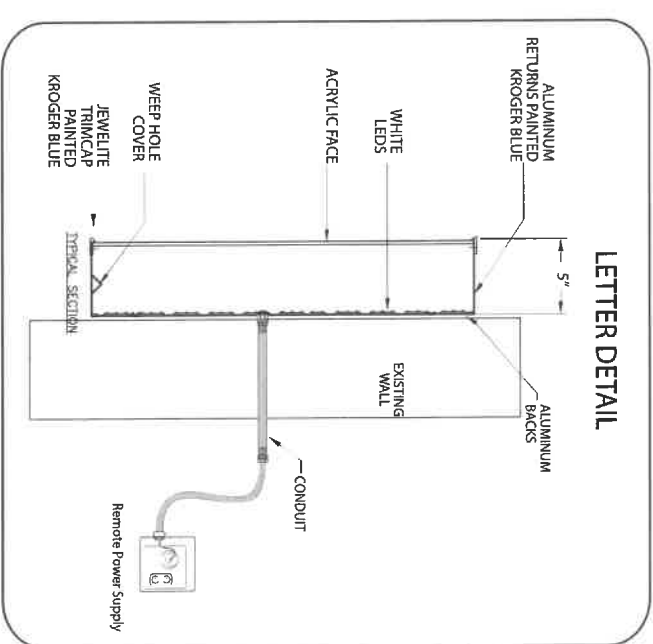


Remove





New Kroger letters
4.5' W X 2.5' T = 11.25 sq. ft. each



****Install instructions per SPG requirement - Kroger specifications require secondary wiring on gas canopies to be contained within conduit as provided by Cummings.**

- FACES: WHITE ACRYLIC WITH 1ST SURFACE VINYL - 3730-8537 KROGER BLUE
- RETAINER: KROGER BLUE (PMS 2728C) EXTERIOR QUART FORMULA
- FILLER: KROGER BLUE (PMS 2728C) EXTERIOR QUART FORMULA



ELECTRICAL:

- 120 VAC, Total circuits 2, 10A recommended
Circuit 1 (LIGHTS) 1A
Circuit 2 (LED price) 2.5A



*new 3-product sign dimensions:
13' W X 3.5' T = 45.5 sq. ft.

73 1/8" W x 60 3/4" T ID Sign



12in Triple Product, Double Face

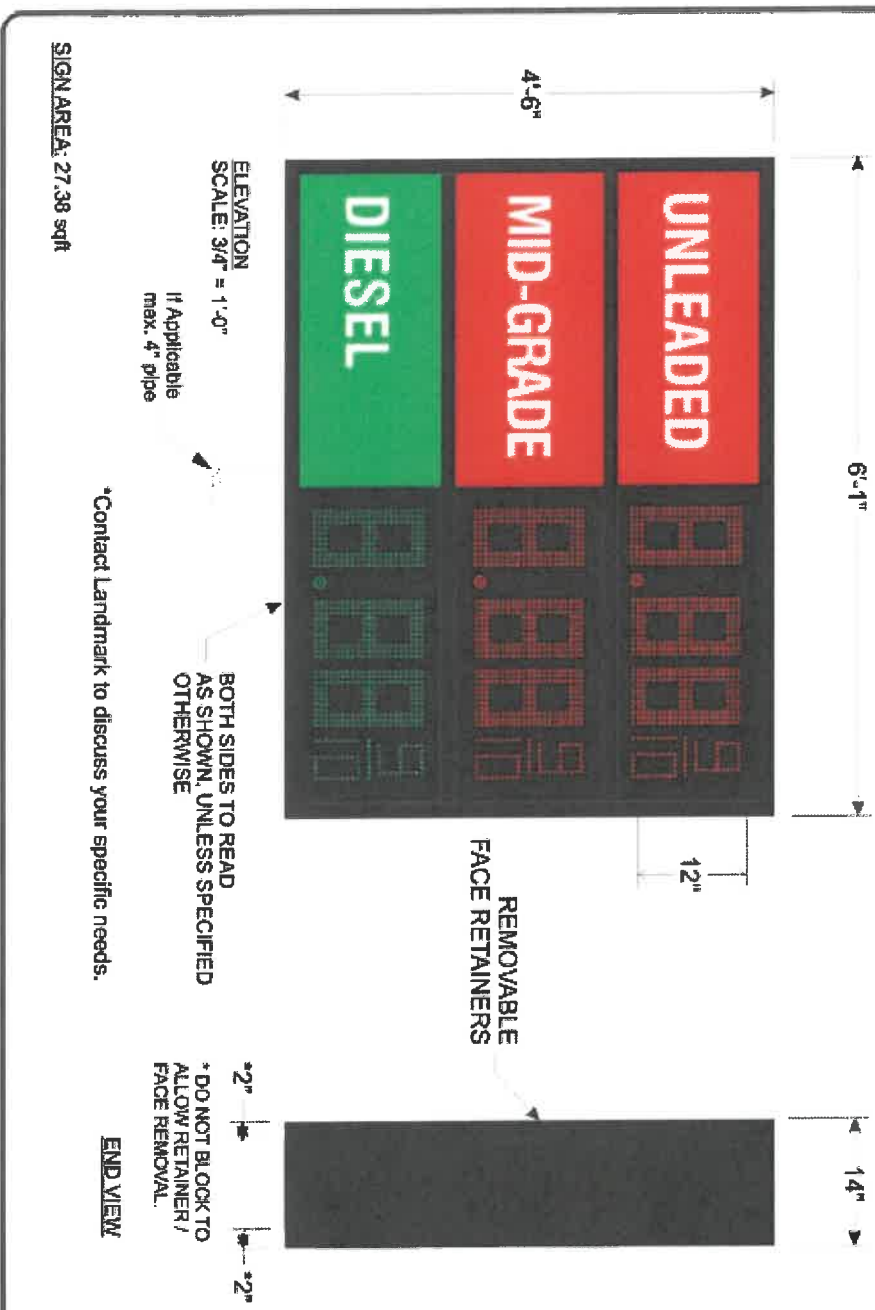
Ariba#: K-0058572

CONSTRUCTION:

- Fabricate a triple product D/F LED price sign; using 12" LED units, (4x) red & (2x) green.
- Illumination: 24VDC LED backlighting.
- Cabinet: Aluminum frame, painted black.
- Commodity panels:
 - 177" white acrylic decorated with 3M 3630 scotchcal film 1st surface
 - Red, 3630-33
 - Green, 3630-26

ELECTRICAL:

- 120 VAC, Total circuits 2, 10A recommended
- Circuit 1 (LIGHTS) 1A
- Circuit 2 (LED price) 3A



LANDMARK Sign Alliance, Inc. Working Together For You
Phone: 718.505-5655
Client: The Kroger Co.
Date: 02/01/2015
Drawn by: MLB
Revisions: 1) updated overall dims. 4/8/15 2) dwg updates. 10/09/15
Drawing Number: 150113.2
Sheet: 1 of 1
Approved:
Notes:

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