



Charleston Board of Zoning Appeals

AGENDA

8:30 a.m., Thursday, January 11, 2024

City Service Center Conference Room · 915 Quarrier Street

I. Items for Review

VAR-23-3037

Application of Marta & Dan MacCallum requesting a front setback variance in order to bring complete construction of a sunroom on the property located at **918 Ridgeway Road**.

CUP-23-0239 & VAR-23-3036

Application of Jackson Traylor requesting a conditional use permit and a variance of the parking requirements in order to establish a restaurant serving alcohol on the property located at **912 Bridge Road**.

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



Board of Zoning Appeals PUBLIC HEARING NOTICE

Case Description

VAR-23-3037: Application of Marta & Dan MacCallum requesting a front setback variance in order to bring complete construction of a sunroom on the property located at **918 Ridgeway 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, January 11, 2024

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: Marta + Dan MacCallum	Address: 918 Lower Ridgeway Rd.
Address: 918 Lower Ridgeway Rd.	Tax Map and Parcel:
Phone: 910-274-1679	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. The following items must accompany this application:

1. a site plan drawn to scale; See B + A
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
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. Enlarge pre-existing 9'x6' porch to a 15'6" x 12' sunroom. Current setback of house is 25' from the property line. There is an existing stone wall + patio which extends 5' beyond the proposed sunroom. If approved, the stone wall + patio will be removed. We are one of two elevated houses on this street. Our neighbor at 914 L. Ridgeway has a previous addition which is approx. 13' from the right of way (See Drawing A)

Applicable Section(s) of the Zoning Ordinance _____

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

- Remove existing covered porch
- Build 15'6" x 12' sunroom w/ entrance area that will accommodate a ramp for direct access to walkway.
- Remove stone wall + patio that extends 5' beyond the proposed sunroom. (See Drawing A + C)

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 Negative Effects - The house + proposed sunroom are elevated from the street. (See #B) The sunroom will not create a traffic hazard or block sight lines.
• The sunroom will be in alignment with neighbor's property at 914 L. Ridgeway (See #A)
• It will bring the "Ugly Duckling", neglected property up to the standard of the other properties on the street.
(See letters of support) (see #C)

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?

@ 918 is an elevated site with minimal sun exposure. (See D+E) The house is build in front of a 6' tall stone wall, 5' behind the house. When you look out the windows all you see is the stone wall which limits natural light
• Health Issues - Sunroom Addition will allow owners to add a ramp. Husband has Parkinson's Disease
• Addition will help bring property into alignment w/ 914 L. Ridgeway (See #A) and closer to street standard.

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?

- There is an accessibility issue for those that are handicapped
- This house receives very little natural light due to the close proximity of a 6' tall stone wall. (See D+E)
- Sunroom will increase natural light exposure.

Is your situation due to unique circumstances that are not shared by other land in the district?

- Only two houses on this street share the same circumstances. Most of the lot is hillside. 914 L. Ridgeway has already added a room on the front of the house as we are proposing (see A+F+G)

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

918 has been the blight of the neighborhood. All neighbors are supportive. Improvement of 918 will increase property values for all - (See C, H, + I)

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 -

It allows property owners to improve the property AND the neighborhood while being sensitive to the site, its setback AND the pre-existing character of the neighborhood.

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

Please note that Applicant apologizes to the Board of Zoning Appeals for its misunderstanding of the zoning ordinances and didn't seek approval prior to the start of construction. The moment the applicant became aware all efforts was placed into bring this project into compliance. The applicant is a retired couple unfamiliar with the process.

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.

Marta Donnell

Signature

11-27-23

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:

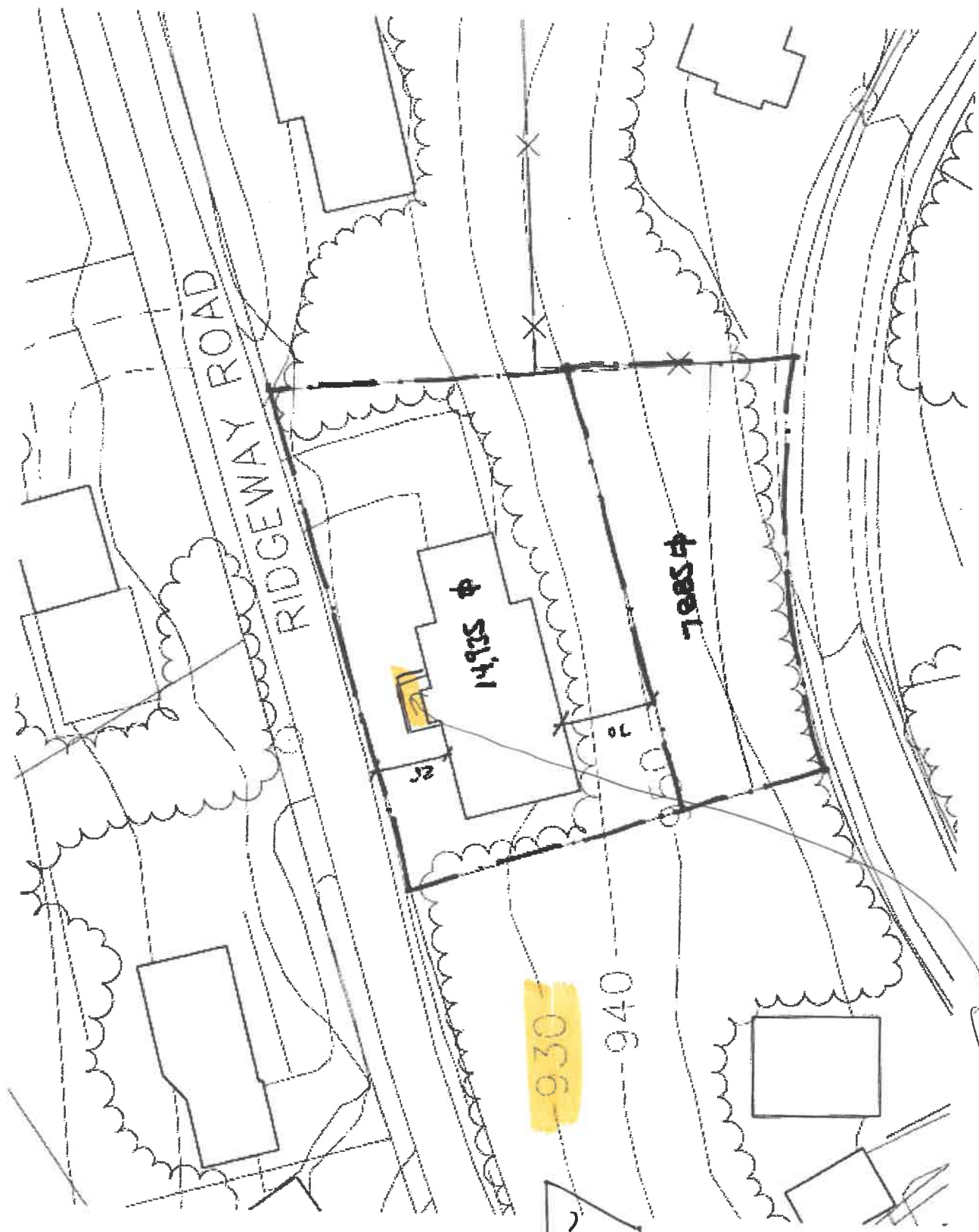
Action: ☐ Approved ☐ Rejected

If approved, were there any specific conditions or limitations imposed by the BZA?

Planning Official Signature and Title

Date

MacCallum #B



ELEVATION
LINES

Proposed Sunroom
15' 6" x 12'

A photograph of a single-story house with a covered front porch, a lawn, and a driveway. The house has light-colored siding and a dark roof. The porch is covered with a wooden roof supported by posts. The lawn is green with some fallen leaves. The driveway is paved and has a concrete curb. The background shows trees and a clear sky.



MACCAIUM # I





MacCallum F

Addition
to 914

Maccallum 5



November 20, 2023

To Whom It May Concern:

We are writing to support Dan and Marta MacCallum's application for a variance to add a sunroom to the front of their property at 918 Lower Ridgeway Road.

My wife and I live directly across the street from the MacCallums at 917 Lower Ridgeway Road. The addition of the sunroom does not bother us.

- The addition of the sunroom would add value to the property of their house because of the additional square footage.
- This will benefit and enhance the street appeal of the whole neighborhood.
- Additionally, this will provide easy egress for someone who is handicapped.
- The addition of this sunroom will provide straight line access to the outside.

I encourage you to grant the variance for this sunroom.

Sincerely,

A handwritten signature in cursive script, appearing to read "Timothy J. Flatley", written over a horizontal line.

Timothy J. Flatley
917 Lower Ridgeway Road
Charleston, WV 25314

Ted Boettner and Rebecca Roth
919 Lower Ridgeway Rd.
Charleston, WV 25314
304-590-3454 -- tedboettner@gmail.com

RE: Variance for 918 Lower Ridgeway

To Whom It May Concern:

I am writing to express my support for the variance application of Marta and Dan Macallum to allow a sunroom at the residence of 918 Lower Ridgeway Rd (Charleston, WV 25314). We approve of the recent remodeling of the property, and we think it will add value to the neighborhood and bring the house up to standard. If you have any questions or concerns, please do not hesitate to contact us.

Best regards,

A handwritten signature in black ink, appearing to read 'T-B', with a horizontal line extending to the right.

Ted Boettner

Dave and Shelley Nason
914 Lower Ridgeway Road
Charleston, WV 25.14
603-682-1284
shelleynason@outlook.com

November 20, 2023

To Whom This May Concern,

My husband and I reside at 914 Lower Ridgeway Road in Charleston. We support the sunroom planned for the front of 918 Lower Ridgeway Road. The addition will enhance the house and add to its curb appeal.

Only two years ago there were five vacant houses (out of ten) on the street. Our home was surrounded by four vacant houses. It was disheartening to see and felt like we were living in a ghost town. We are thrilled that each home is now inhabited and enjoy the sound of children in the neighborhood. The neighborhood feels alive again.

The 918 Lower Ridgeway house had been neglected for several years, prior to being vacant. It was the worst home along one of Charleston's nicest streets. Its disrepair potentially decreased the value of surrounding homes.

A neighbor purchased 918 with the intent to fix it up for parents. After the purchaser's plan fell through, they put the house on the market. Although the inside was completely renovated, very little work had been done on the outside prior to putting it back on the market. Painting the exterior brick and adding the front sunroom modernizes the home yet keeps it in alignment with the street profile.

You are welcome to contact me if you have questions.

Sincerely,



Shelley Nason

macallum - #E





**Board of Zoning Appeals
PUBLIC HEARING NOTICE**

Case Description

CUP-23-0239 & VAR-23-3036: Application of Jackson Traylor requesting a conditional use permit and a variance of the parking requirements in order to establish a restaurant serving alcohol on the property located at **912 Bridge 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, January 11, 2024

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.
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 Conditional Use Permit

CU # _____

Hearing Date: _____

Applicant Information	Property Information
Name: <u>The Secret Garden LLC.</u>	Address: <u>912 Bridge Road</u> <u>Charleston WV 25304</u>
Address: <u>912 Bridge Road Charleston WV</u> <u>25314</u>	Tax Map and Parcel:
Phone: <u>304-881-2219</u>	Zoning District:
Agent Name, Address and Phone Number: (if other than applicant) <u>Jackson Traylor 304-881-2219</u>	Property Owner and Mailing Address: (if other than applicant) <u>MAY and J Enterprises</u> <u>4101 Kanawha Avenue</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. 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 250 foot radius of the property for which the variance is being sought; 3) \$125.00 filing fee in the form of a 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 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 Secret Garden LLC
will be a small tapas restaurant and Martini bar in south
Hills. Providing a cozy soft atmosphere taking reservations
for seating and providing catering services.

Applicable Section(s) of the Zoning Ordinance Section 3-050

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

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

Renovations to the property
include Electrical, Plumbing, and Framing. HVAC - new
ductwork.

If your request for a conditional use permit is granted, how will others in the area be affected? Granting the request will do many things. It will bring jobs to Bridge Road as well as more people all while maintaining clients in South Hills Area. Also it will provide a social gathering area for any lunch activities or dinner activities.

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. I take pride in saying it will better the local economy, increase property value, and has its own parking.

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

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 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

Security & Operations Plan

Submittal Requirements

Exterior Site Plan indicating the location of the following:

- | | |
|---|--|
| ☒ Entrances/exits | ☒ Exterior lighting |
| ☒ Parking area, if applicable | ☒ Surveillance cameras |

Interior Floor Plan indicating location of the following:

- | | |
|---|--|
| ☒ Bar | ☒ Food service/preparation areas |
| ☒ Fixed seating | ☒ Movable seating |
| ☐ Stage and/or DJ platform | ☐ Dance floor, if applicable |
| ☐ Security personnel | ☐ Interior cameras |

Description of Operations

Please provide a narrative description of the business operations, including the type and frequency of entertainment to be provided.

This Business will be a restaurant and Martini bar with seating for 50 or less by reservation / first come first serve. Tapas menu with a seasonal changing greens menu.

Hours of Operation

10 AM - ~~10 PM~~ 2 AM - Monday to Saturday - Dine in - Bar Close
2 AM - 3 AM Take out / Delivery only
11 AM - 12 AM Sunday

Full meal service should be available during normal meal times, and snacks/appetizers must be available during all other operating hours. Please provide a narrative description of the business's plans for food service. Include as an attachment the menu to be offered, and written agreements with any restaurant, off-site kitchen, or delivery service.

Responsibilities of the Establishment

Please initial after each statement indicating understanding and acknowledgement of responsibilities of the business owner.

Provide an adequate number of management staff, security personnel, and employees to effectively manage the establishment.

JS (initial)

Use reasonable measures to provide a safe and clean environment for guests and employees.

JS (initial)

Maintain both the interior and exterior of the establishment in a safe, well-maintained condition that is inviting to the public.

JS (initial)

Ensure all managers, bartenders, and servers complete the Professional Server Certification Corporation's On-Premises Responsible Serving Course. Copies of staff certification must be kept on site and made available to City staff upon request.

JS (initial)

Security Personnel

Please initial after each statement indicating understanding and acknowledgement of responsibilities of the business owner.

A minimum one of security personnel shall be provided for every 35-50 patrons during any time when entertainment is provided on the premises. It is the responsibility of the establishment to monitor and adjust the number of security personnel provided based on business operations.

JS (initial)

The approximate locations of security personnel must be shown on the floor plan submitted with this application. Security personnel should be stationed in strategic locations throughout the establishment to ensure adequate oversight and management of the entire premises.

JS (initial)

Security staff should be easily identifiable to customers. Apparel clearly identifying security personnel is recommended. Other equipment recommended for security personnel includes flashlight, manual counter, black light, and a communication device.

 (initial)

Security personnel should be stationed at all points of entry into the establishment in order to check IDs, enforce establishment dress codes when applicable, ensure that alcoholic beverages do not enter or leave the establishment, and to deny entry to anyone who has been barred from the establishment or is obviously intoxicated.

 (initial)

Additional security personnel should be positioned strategically around the establishment to monitor the crowd, identify patrons who are becoming unruly or visibly over-intoxicated, and maintain open walkways.

 (initial)

Last Call Process

Last call occurs at least 30 minutes prior to closure.

Entertainment is terminated and house lights are turned up 15 minutes prior to closure.

Customers are asked to leave the business 10 minutes prior to closure.

Security personnel should assist in the dispersal of customers from the premises and prevent loitering in the vicinity of the establishment.

 (initial)

Addressing Customers with Bad Behavior/Over-consumption

In the event that security personnel determines that there is a need to address a customer who is over-intoxicated or behaving badly, the following protocols should be undertaken:

1. Immediately and discreetly explain the rules to the customer and then promptly enforce the rule. If possible and appropriate, separate the customer from any group. It is the responsibility of security personnel to assess the situation to determine if a warning is appropriate prior to taking corrective action.
2. Notify the bar and wait staff that they are not to serve the customer any additional alcoholic beverages. In the event that the customer is observed with an alcoholic beverage, the customer should be asked to leave the premises.

3. If the customer is not violent or aggressive, provide the customer time to collect their belongings and pay any open tabs. If necessary, escort the customer out of the premises. It may be appropriate to allow the customer to close a tab once outside of the establishment.

JS (initial)

Employees are not to serve alcohol to any person who shows signs of being visible intoxicated, nor should any such person be allowed to enter the establishment. If a patron is "cut off" by a staff member, all other staff members are to be notified immediately. If a patron is too impaired to leave safely, the establishment will make reasonable efforts to arrange transportation on his or her behalf.

JS (initial)

Emergency Contact Information

Please list responsible parties to contact in case of emergency. Include name, cell phone number, and email address.

Jackson Traylor 304-881-2219 Pilotjackson19@yahoo.com

 Board of Zoning Appeals
Application for Variance

BZA # _____

Hearing Date: _____

Applicant Information	Property Information
Name: <u>The Secret Garden LLC.</u>	Address: <u>912 Bridge Road</u> <u>Charleston, WV</u>
Address: <u>912 Bridge Road</u> <u>Charleston, WV 25314</u>	Tax Map and Parcel:
Phone:	Zoning District:
Agent Name, Address and Phone Number: (if other than applicant)	Property Owner and Mailing Address: (if other than applicant) <u>Mills and J Enterprises</u> <u>Charleston WV 4101 Kanawha Ave</u> <u>25304</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
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.**

To open a small cozy restaurant
which will bring jobs and a place people can come to enjoy
a tapas menu and martini bar.

Applicable Section(s) of the Zoning Ordinance _____

Please describe the proposed work to be done on the property. Electrical, Plumbing,

Framing, HVAC - New Duct Work

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 be positively affected by bringing jobs, culture, and social gathering.

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?

The property on 912 Bridge Road offers its own parking.

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?

Is your situation due to unique circumstances that are not shared by other land in the district?

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

No. It will provide and donate to the community.

by charitable deeds. Also improving the structure
add to nearby property values as well as the value of
itself.

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. It will promote public health, safety, convenience, morals and general welfare.

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?

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

Nov 30, 2023

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

① - ~~car~~ cars
w/ ADT
security

