



Charleston Board of Zoning Appeals

AGENDA

8:30 a.m., Thursday, June 13, 2024

City Service Center Conference Room · 915 Quarrier Street

I. Items for Review

VAR-24-3039

Application by Sabe Ellis requesting a variance to build a garage beyond the existing front setback of the property located at **1041 Bridge Rd.**

II. Approval of minutes for the March 28, 2024 hearing.

Board of Zoning Appeals
Application for Variance

BZA # _____

Hearing Date: _____

Applicant Information	Property Information
Name: SABE ELLIS	Address: 1041 BRIDGE ROAD
Address: 1041 BRIDGE ROAD	Tax Map and Parcel: 005.0187.0000.14
Phone: _____	Zoning District: R-6
Agent Name, Address and Phone Number: (if other than applicant) RUSS SIMPSON 167 SENECA DR. SIMCO CONTRACTING RIPLEY WV 25271 304-786-1224	Property Owner and Mailing Address: (if other than applicant) SAME

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. **REQUEST TO MOVE FRONT OF GARAGE TO 16 FEET FROM EDGE OF ROAD. THIS IS TO AVOID SUBSTANCIAL EARTH/HILLSIDE MOVEMENT TO REDUCE/REMOVE UNNECESSARY OR UNWANTED EARTH MOVEMENT/ SOIL MOVEMENT POSSIBLY AFFECTING STRUCTURE(S) AND DR ROADWAY.**

Applicable Section(s) of the Zoning Ordinance _____

Please describe the proposed work to be done on the property. **MOVING GARAGE BUILD TO 16 FEET FROM EDGE OF ROAD.**
THIS WOULD BE THE FRONT OF THE GARE

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? UNSURE

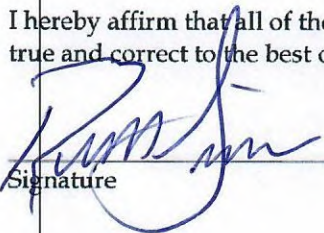
Without a variance, are you deprived of all beneficial use of your land? YES

Would approval of your variance request alter the essential character of the surrounding neighborhood or community? NO

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

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 ABSOLUTELY

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

4/16/2024
Date

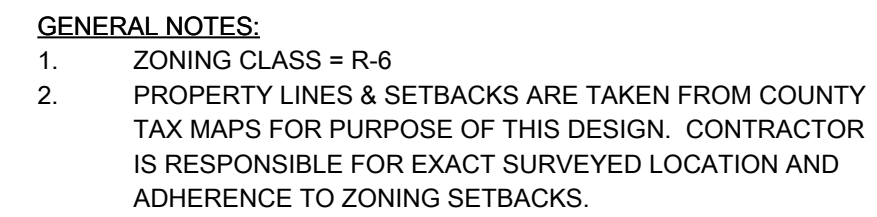


A NEW GARAGE
FOUNDATION FOR:

SABE ELLIS

1041 BRIDGE RD
CHARLESTON, WV 25314

GARAGE FOUNDATION PLAN	
Project number	Project Number
Date	02/13/2024
Drawn by	RJS
Checked by	RJS
A101	
Scale	1/4" = 1'-0"



LEGAL ADVERTISEMENT
Board of Zoning Appeals
City of Charleston, WV

Insert the following legal notice containing all the wording below the heavy ruled line in the Tuesday, May 14, 2023 edition of the Charleston Gazette-Mail.

Issue a certificate within five (5) days of said notice to the Administrative Assistant of the Planning Department, 915 Quarrier Street, Suite 1, Charleston, WV 25301, setting forth a true and accurate copy of said notice and the exact date on which it was published.

NOTICE OF PUBLIC HEARING

The Board of Zoning Appeals of the City of Charleston, West Virginia, will hold a public hearing at 8:30 a.m., Thursday, June 13, 2024, in the City Service Center Conference Room at 915 Quarrier Street on the following:

VAR-24-3039 - Application by Sabe Ellis requesting a variance to build a garage beyond the existing front setback of the property located at **410 Bridge Rd.**

Interested persons are requested to appear and voice opinions with respect thereto. The files are available for your inspection online at <https://charlestonwv.civicclerk.com/> and in the Planning Department, City Service Center, 915 Quarrier Street, Suite 1. If you have any questions or concerns, email chad.webb@cityofcharleston.org or call (304) 348-8105.



**Board of Zoning Appeals
PUBLIC HEARING NOTICE**

Case Description

VAR-24-3039 - Application by Sabe Ellis requesting a variance to build a garage beyond the existing front setback of the property located at **1041 Bridge Rd.**

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 chad.webb@cityofcharleston.org or call 304-348-8105.

Hearing Details

WHEN: 8:30 a.m.
Thursday, June 13, 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 chad.webb@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
8:30 a.m., Thursday, March 28, 2024
City Service Center Conference Room · 915 Quarrier Street

Members Attending:

Mary Anne Crickard, Chair
Harper Gardner
Josh McGrath

Staff Attending:

Lori Brannon
Chad Webb

Public Attendees:

Jerry Sharp w/AT&T *via phone*

Call to Order

I. Items for Review

CUP-24-0242

Application of AT&T Mobility requesting a conditional use permit in order to locate a temporary antenna for cell phone service on the property located at **330 MacCorkle Avenue, SE.**

Mr. Sharp presented the request on behalf of AT&T Mobility for a temporary tower, which would basically cover the Sternwheel Regatta from July 3, 2024 – July 7, 2024. This is a duplication of the request made last year.

Mary Jo asked if the antenna was going in the parking lot across from the Levee. The applicant confirmed that would be the location.

Chad presented the staff's recommendation. He noted that it was, for the most part, a duplicate application from last year. Staff's recommendation is to approve CUP-24-0242.

Motion and Vote: Harper Gardner made a motion to approve CUP-24-0242. The motion was seconded by Josh McGrath and approved unanimously by a vote of 3-0.

II. Approval of minutes for the March 14, 2024 hearing.

Motion and Vote: Harper Gardner made a motion to adopt the minutes of the BZA's March 14, 2024 meeting. The motion was seconded by Josh McGrath and approved unanimously by a vote of 3-0.