



Charleston Board of Zoning Appeals

AGENDA

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

City Service Center Conference Room · 915 Quarrier Street

I. Items for Review

VAR-24-3040

Application by Advanced Construction Concepts for a setback and alignment variance in order to finish the construction of a covered deck at **206 50th Street SE**.

VAR-24-3041

Application by Melinda Kiss for a fence variance in order to allow the installation of 8' fencing in the back yard of **4801 Virginia Ave SE**.

VAR-24-3042

Application of Spotlight Dance and Acrobatics for a sign variance to bring an existing wall sign and window coverings into compliance at **3906 MacCorkle Ave SE**.

II. Approval of minutes for the June 13, 2024 hearing.



**Board of Zoning Appeals
PUBLIC HEARING NOTICE**

Case Description

VAR-24-3040 - Application by Advanced Construction Concepts for a setback and alignment variance in order to finish the construction of a covered deck at **206 50th Street SE**.

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, July 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 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.

Deadline 6-13

Hearing 7-11-24

8:30 am

Board of Zoning Appeals

Application for Variance



BZA # _____

Hearing Date: _____

Applicant Information	Property Information
Name: Jason Vance	Address: 206 50 th St SE Charleston
Address: 5010 Washington St W	Tax Map and Parcel:
Phone: 304 989-3024	Zoning District:
Agent Name, Address and Phone Number: (if other than applicant)	Property Owner and Mailing Address: (if other than applicant) Orley

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. A patio was in place with large shrubs. Customer cut out bushes using same footprint as patio a screened in porch same foot line complete visibility

Applicable Section(s) of the Zoning Ordinance _____

Please describe the proposed work to be done on the property. 20x16 floating screened in porch 7' walls (screen) full visibility 2 doors

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?

Will bring house value up in neighborhood built to match house, will not obstruct view bushes will be placed and trees block views views going toward Charleston are blocked by shrubs and trees therefore the porch is sitting back out of view from going east trees and shrubs hide porch

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? NA

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

Would approval of your variance request alter the essential character of the surrounding neighborhood or community? *Bring more value, make street more friendly*

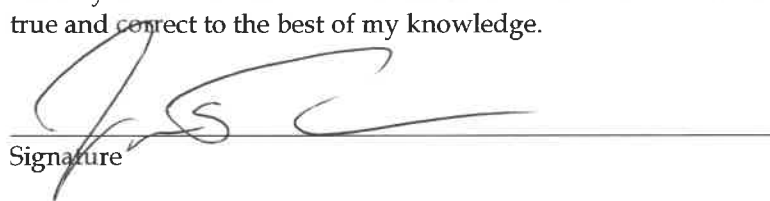
4.) The general purpose and intent of the Zoning Ordinance of the City of Charleston is to protect and promote the public health, safety, convenience, morals and general welfare. For more specific information in regard to the scope and intent of the Zoning Ordinance, please see Section 1-020 as well 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? NO

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, brings

Value to surrounding houses and matches house

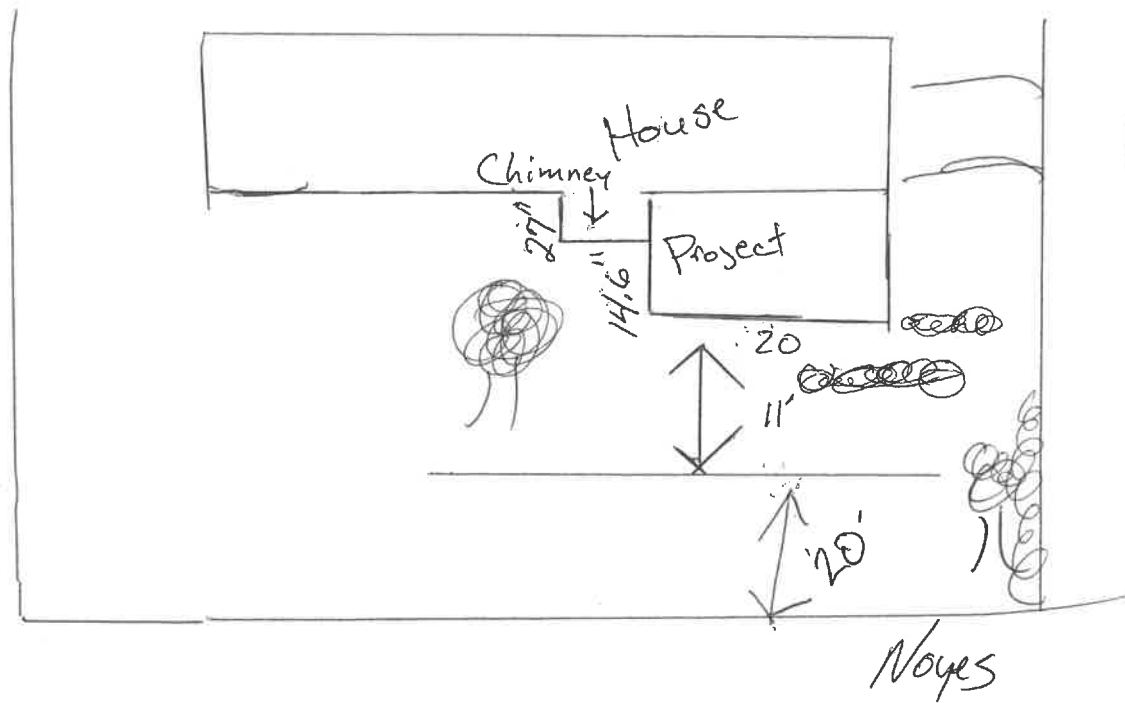
I hereby affirm that all of the statements and information contained in or filed with this application are true and correct to the best of my knowledge.

Signature

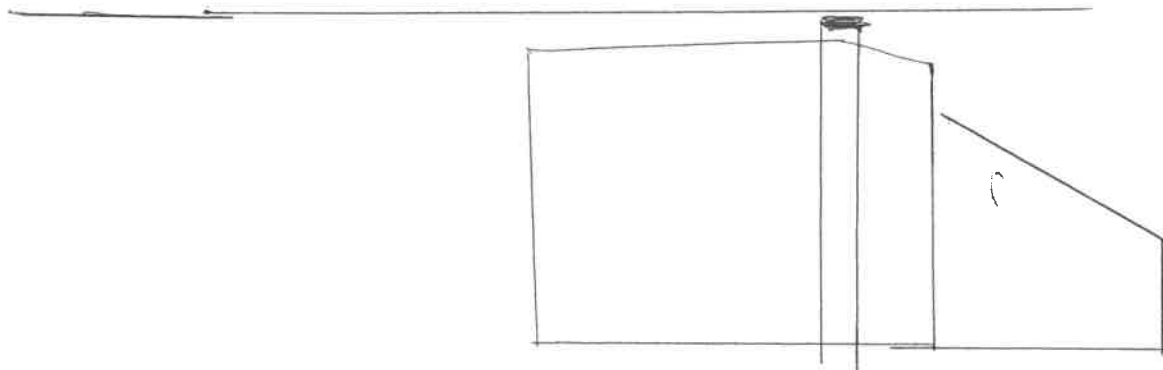


Date

6.12.24



Existing Footprint
of Porch/Patio



← Same Roof line
as house porch/kitchen

Smith, Billy

From: Oxley, Geary
Sent: Wednesday, June 12, 2024 2:19 PM
To: Smith, Billy
Subject: 206 50th Street



Geary Oxley
City of Charleston
Building Inspector
915 Quarrier St. 5



CITY OF CHARLESTON - BUILDING PERMIT

Permit No.: RNR-24-6958

MASTER PERMIT NO.:

206 50TH ST SE

CHARLESTON

WV 25304

APN: 012.0058.0000.13

Applied: 6/10/2024

Issued: 6/10/2024

Status: FINAL

Expires: 12/7/2024

Permit Description: REPAIR EXISTING DECK BOARDS AND REPLACE EXISTING SCREEN ON PORCH

APPLICANT

ADVANCED CONSTRUCTION CONCEPTS LLC
5010 WASHINGTON W
CHARLESTON WV 25313

OWNER:

MITCHELL JULIA A
206 50TH ST
CHARLESTON WV 25304

CONTRACTOR:

ADVANCED CONSTRUCTION CONCEPTS LLC
5010 WASHINGTON W
CHARLESTON, WV 25313

ADDITIONAL INFORMATION:

TOTAL ESTIMATED COST: 2200

WARD: 17

RECEIVED BY MAIL?: Y

This permit will become null and void if the work authorized is not commenced within six (6) months from the date of issuance, or in the event such work is suspended or abandoned at any time after the work is commenced, for a period of (60) days. Before work can be recommenced, a new permit shall first be obtained in the same manner as the original permit, and the fee therefore shall be one-half the amount required by a new permit.

The owner of this building/property and undersigned, do hereby covenant and agree to comply with all the laws of the State of WV including Title 64, Series 63, 1998, Article 10.1.a of the WV Legislative Rules, Division of Health, relating to asbestos inspection and removal, and the ordinances of the City of Charleston pertaining to building and buildings, and to construct the proposed buildings or structures or do the proposed repairs or remodeling in accordance with the plans and specifications submitted and approved herewith, and in accordance with applicable building codes, and certify that the information and statements, drawings, and specifications given to obtain this permit are to the best of their knowledge true and correct. The undersigned certifies they are the owner of the property or the authorized representative of the owner or contractor in obtaining this permit.

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.

APPLICANT: _____

DATE: _____

BUILDING OFFICIAL: Billy W. Smith
BILLY SMITH

DATE: _____



CITY OF CHARLESTON
BUILDING DEPARTMENT

PLEASE INCLUDE A SELF-ADDRESSED, STAMPED ENVELOPE FOR MAIL OR FAX PERMITS

REQUEST FOR A PERMIT TO DO REPAIRS AND REMODELING

PROJECT ADDRESS: 206 50th St SE

OWNER'S NAME: Julia Mitchell

OWNER'S ADDRESS: Same ward 17 PHONE: _____

CONTRACTOR'S COMPANY'S NAME: Advanced Construction Concepts

CONTRACTOR'S ADDRESS: Jason Vance

CONTRACTOR'S REGISTRATION NO: 38474 PHONE: (304) 989-3024

DESCRIPTION OF WORK TO BE PERFORMED: Replace existing
deck boards and existing screen on porch

TOTAL ESTIMATED COST (ALL LABOR & MATERIALS) \$ 2200 PERMIT FEE \$ 0

The owner of this building and the undersigned, do hereby covenant and agree to comply with all the laws of the State of West Virginia and the ordinances of the City of Charleston pertaining to the building, and to construct the proposed renovations, repairs, and remodeling in accordance with the plans and specifications submitted herewith, and in accordance with the building codes, and certify that the information and statements given on this application, drawings and specifications are to the best of their knowledge true and correct.

According to the West Virginia Legislative Rules, Division of Health, Title 64, Series 63, Article 10.1.a. it is the responsibility of the Owner to ensure that "Each building or other man-made structure he or she owns is inspected for the presence of asbestos by a licensed asbestos inspector prior to any renovation or demolition activities". The owner of this building and undersigned, do hereby covenant and agree to comply with all the laws of the State of West Virginia and the ordinances of the City of Charleston pertaining to the building, and to construct proposed renovations, repairs, or remodeling in accordance with the plans and specifications submitted herewith, and in accordance with building codes, and certify that the information and statements given on the application, drawings, and specification are to the best of the knowledge true and correct.

Jason Vance - By phone
Signature mt

6/10/24
Date

Vance1304@gmail.com

1st quarter B40
2024

CNOAPP#

Webb, Chad

From: Julia Mitchell <julia.adel@gmail.com>
Sent: Wednesday, June 19, 2024 9:27 AM
To: Webb, Chad
Subject: 206 50th ST Variance
Attachments: IMG_4 Noyes from Side.jpg; IMG_3 Noyes from Front Corner .jpg; IMG_2 Noyes from Front.jpg; IMG_1 Front.jpg; IMG_5 Noyes from Side.jpg; IMG_10 Noyes from Rear.jpg; IMG_9 Noyes from Rear.jpg; IMG_6 Noyes from several feet off deck.jpg; IMG_7 Noyes from Back Corner.jpg; IMG_8 Rear from Neighbors Parking.jpg

Follow Up Flag: Flag for follow up
Flag Status: Flagged

This Email Originated from an outside source: Do not open attachments or links unless you know the content is safe, forward suspicious emails as an attachment to: helpdesk@cityofcharleston.org

Hello Chad,

Thank you for your patience responding to my inquiries last week regarding the variance for the covered deck I wish to add to my home in Kanawha City. Attached, please find pictures that I hope will help address concerns over the prevailing alignment on Noyes Avenue.

The covered deck is well within minimum setback requirements on the lot, but due to being on a corner lot, enhancements to my home are at the mercy of the prevailing alignment of homes facing Noyes. As I hope is evident from the pictures, the alignment of my home and the proposed covered deck with other homes on Noyes is almost completely obscured by long established trees and other landscaping.

My recent understanding of the zoning ordinance is that the deck, if not covered, would not need to comply with the prevailing alignment (as is the case with the home that mirrors mine on the opposite corner of 50th and Noyes), however it is my opinion that the planned covered deck, with architectural elements designed to match the home, will be less obtrusive and only add to the charm of the neighborhood.

I regularly have neighbors stop to compliment us on the condition of our yard and home. Since last week, we have had others (including strangers) go out of their way to compliment us on the initial progress of the covered deck and the quality of the work.

Again, thank you for your patience with my inquiries last week. I appreciate your consideration.

Best,
Julia
(attachments)





















Webb, Chad

From: dboggess12@suddenlink.net
Sent: Tuesday, July 2, 2024 12:49 PM
To: Webb, Chad
Subject: Case Description VAR-24-3040

This Email Originated from an outside source: Do not open attachments or links unless you know the content is safe, forward suspicious emails as an attachment to: helpdesk@cityofcharleston.org

Hello Chad

This is in response to a letter that my husband and I received about our neighbors property at 206 50th Street SE for Case Description VAR-24-3040.

We do not have a problem or concern for the work requested by her. Please let this email serve as our answer for your letter

that you sent to us.

Thank You - Ronald and Deborah Boggess - 5004 Noyes Avenue - Charleston (Kan.City)

Webb, Chad

From: Julia Mitchell <julia.adel@gmail.com>
Sent: Tuesday, July 9, 2024 11:05 AM
To: Webb, Chad
Subject: Re: Automatic reply: 206 50th ST Variance
Attachments: IMG_8656.jpg; IMG_8653.jpg; IMG_8655.jpg; IMG_8654.jpg

This Email Originated from an outside source: Do not open attachments or links unless you know the content is safe, forward suspicious emails as an attachment to: helpdesk@cityofcharleston.org

Hi Chase,

Would you please add the attached photos for consideration of the variance at 206 50th Street this week? The attachments show houses with similar zoning variances on the same street or nearby block to my home. The homes are on corner lots and have additions that do not align with the prevailing alignment on the street running perpendicular to the direction the home faces. My hope is that the same consideration will be given to my building request.

Many thanks,
Julia

On Wed, Jun 19, 2024 at 9:27 AM Webb, Chad <Chad.Webb@cityofcharleston.org> wrote:

Thank you for your email. I will be away from the office from Wednesday, June 19th through Monday, June 24. I'll be back in the office on Tuesday, June 25th.

Thanks!

Webb, Chad

From: Webb, Chad
Sent: Tuesday, July 9, 2024 11:44 AM
To: Julia Mitchell
Subject: Re: Automatic reply: 206 50th ST Variance

Thank you so much!

Get [Outlook for iOS](#)

From: Julia Mitchell <julia.adel@gmail.com>
Sent: Tuesday, July 9, 2024 11:42:43 AM
To: Webb, Chad <Chad.Webb@cityofcharleston.org>
Subject: Re: Automatic reply: 206 50th ST Variance

This Email Originated from an outside source: Do not open attachments or links unless you know the content is safe, forward suspicious emails as an attachment to: helpdesk@cityofcharleston.org

Yes. They are as follows:

IMG_8653 - 4309 Kanawha Ave
IMG_8654 - 101 50th St
IMG_8655 - 200 50th St
IMG_8656 - 207 50th St

Thanks!
Julia

On Tue, Jul 9, 2024 at 11:24 AM Webb, Chad <Chad.Webb@cityofcharleston.org> wrote:
Hey Julia,

I'll make sure to include these in the file.

Would you happen to know any of the addresses for these properties?

Get [Outlook for iOS](#)

From: Julia Mitchell <julia.adel@gmail.com>
Sent: Tuesday, July 9, 2024 11:05:26 AM
To: Webb, Chad <Chad.Webb@cityofcharleston.org>
Subject: Re: Automatic reply: 206 50th ST Variance

This Email Originated from an outside source: Do not open attachments or links unless you know the content is safe, forward suspicious emails as an attachment to:
helpdesk@cityofcharleston.org

Hi Chase,

Would you please add the attached photos for consideration of the variance at 206 50th Street this week? The attachments show houses with similar zoning variances on the same street or nearby block to my home. The homes are on corner lots and have additions that do not align with the prevailing alignment on the street running perpendicular to the direction the home faces. My hope is that the same consideration will be given to my building request.

Many thanks,
Julia

On Wed, Jun 19, 2024 at 9:27 AM Webb, Chad <Chad.Webb@cityofcharleston.org> wrote:

Thank you for your email. I will be away from the office from Wednesday, June 19th through Monday, June 24. I'll be back in the office on Tuesday, June 25th.

Thanks!





SE







**Board of Zoning Appeals
PUBLIC HEARING NOTICE**

Case Description

VAR-24-3041 - Application by Melinda Kiss for a fence variance in order to allow the installation of 8' fencing in the back yard of **4801 Virginia Ave SE**.

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, July 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 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
Application for Variance

BZA # _____

Hearing Date: _____

Applicant Information	Property Information
Name: Melinda A. Kiss	Address: 4801 Virginia Ave. SE, Charleston WV 25304
Address: 4801 Virginia Ave. SE, Charleston WV 25304	Tax Map and Parcel: 13 7 95 7009500000000
Phone: day: 304-414-8488 cell: 304-859-7851	Zoning District: 13 Kanawha City (Ward 17)
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;
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.** I am requesting a variance to install new fencing with 7ft 8in panels and 8ft. posts on the back of my property along the access ally and between my backyard and my neighbors backyard.

The applicable zoning ordinance limits the height of the fence to 6 ft. 6 inches. However, the topography of the area where the fence is to be installed has a drop of 1.5 - 2 ft. from the house and the yard to the street level, so a higher fence is necessary. The approval of the variance will enhance the appearance and safety of my property, my neighbors property and the neighborhood as a whole.

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

Please describe the proposed work to be done on the property. The new fence would be installed at the rear of the property at 4801 Virginia Ave. SE, Charleston WV 25304 from the back of the existing garage along the Staunton Ave. Access Rd. and also between a portion of the backyard between 4801 and 4803 Virginia Ave. SE. The new fence will replace an existing metal fence and hemlock trees that had become unsightly and needed to be removed. The new fence will be placed in the same place as the old fence between the two houses. The new fence is of high quality, durable materials and will be professionally installed.

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? If the variance is granted, it will not adversely affect the public health, safety, welfare or rights of the adjacent property owners or any property owners. The variance will not limit any access to the property or any property for emergency vehicles or any vehicle. The granting of the variance will have a positive impact on the neighborhood as a whole and the adjacent property will also have the benefit of increased security and privacy to their property at no cost to them. The granting of the variance will increase the aesthetics of the area and will not have any negative impact on anyone.

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 topography of the property has a natural slope upward from the street level to the area of the property where the house and useable backyard areas are located. The incline ranges from a minimum of 1.5 ft up to 2 ft. in the area where the fencing is to be installed. The slope / incline is a natural feature of the property. The variance is necessary because if only a 6.5 fence is installed, it will only afford about 5 ft. of privacy and security at the house level, as the fence will be below the incline. All similar properties in the area that have fences have installed fences that exceed 6.5 inches in height.

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? Yes. Without the granting of the variance, I will be deprived the use and enjoyment of significant portions of my property. Without the granting of the variance, I will also be denied equal rights under the law, as the majority of fences in my neighborhood are 8 ft. in height or higher. Without the granting of the variance, I will not be afforded the same use, benefit and enjoyment of my property as at least 25 neighbors within a 2 mile radius of my home.

Is your situation due to unique circumstances that are not shared by other land in the district? Yes. The natural topography of the land creates the need for the variance.

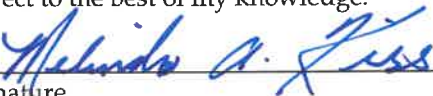
Would approval of your variance request alter the essential character of the surrounding neighborhood or community? No. The granting of the variance will maintain consistency in the neighborhood.

The essential character of the surrounding area will be best served with the granting of the variance as the height, color, material of the fence that I am seeking permission to install is identical to many other fences in the neighborhood. The granting of the variance will keep the appearance of the area uniform and also promote equality in the ability to enjoy the use of property.

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. The granting of the variance will allow the intent of the Zoning Ordinance to be observed. The variance is necessary in order to achieve the equitable outcome. The approval of the variance will result in better safety and convenience for the residents in the community.

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. The granting of the variance is appropriate as the request is the least deviation from the Zoning Ordinance necessary to achieve an equitable outcome. The approval of the variance will create an outcome that is fair to me and to my neighbors. The approval of the variance is vital to achieve substantial justice, because the normal and prevailing height of fences in the area exceeds the 6.5 ft. and is closer to an average of 8 ft. in height. Without the variance, I will be denied substantial justice.

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

6/12/24
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

Virginia Ave.

48th Street

House

4801 Virginia Ave.

existing 4 ft fence
31' 3"

Proposed Fence

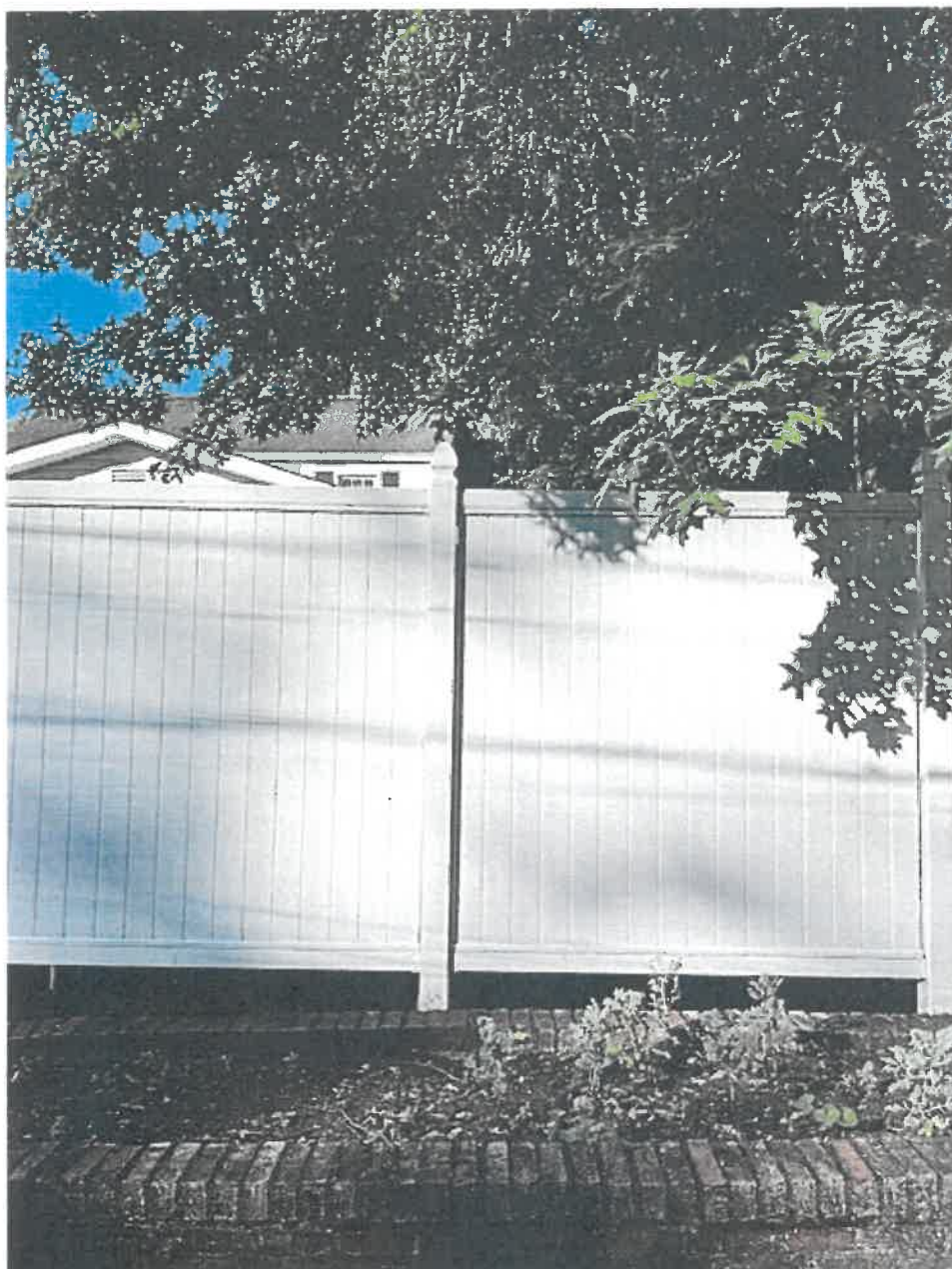
Garage

Proposed
Fence

House

4803 Virginia Ave.

Stanton Ave. Access Road / Alley



Fence in place on
Stanton Ave. across Rd.
Ally

4802 Staunton Ave. SE



4705
Virginia Ave SE

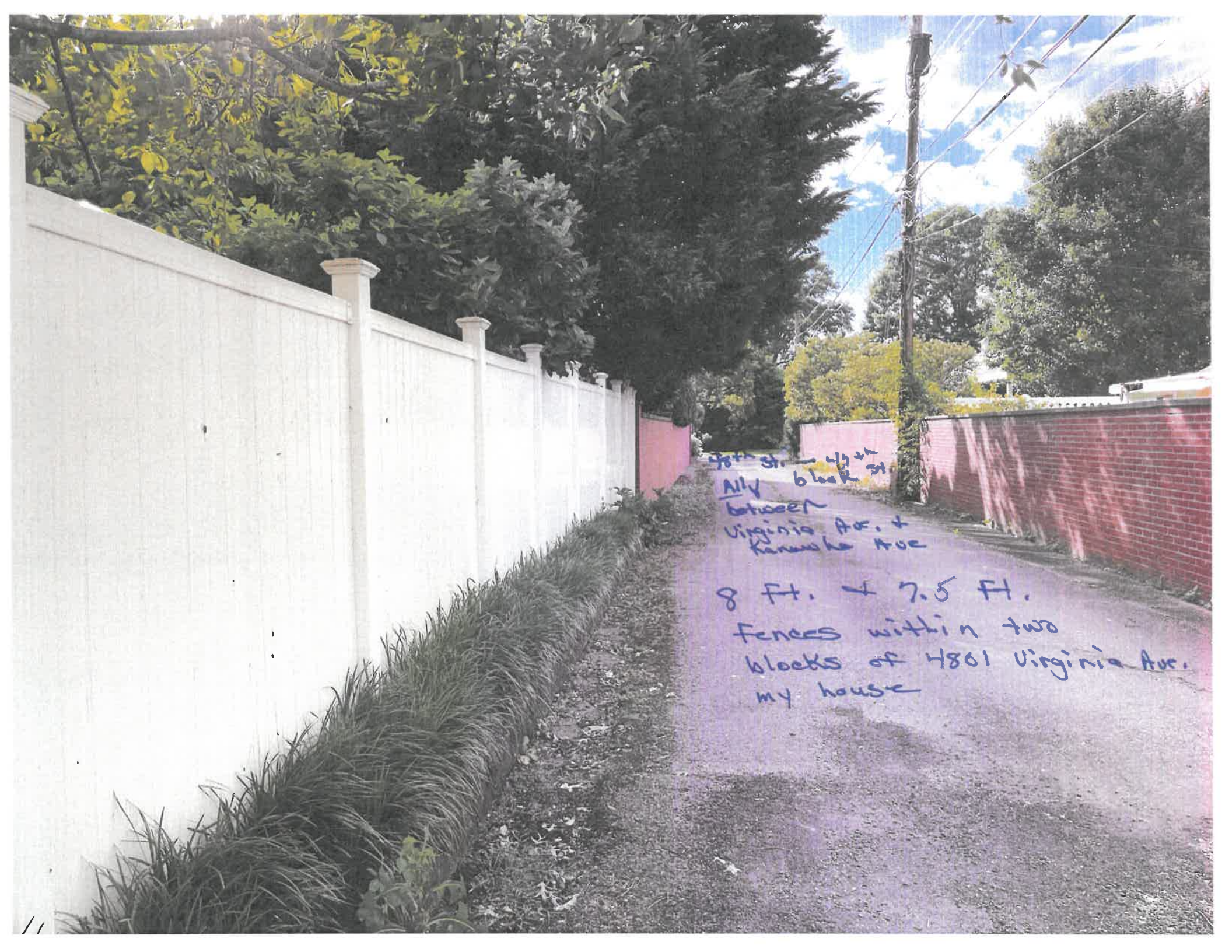


4705
Virginia Ave
SE

7.5 Ft.
Panels

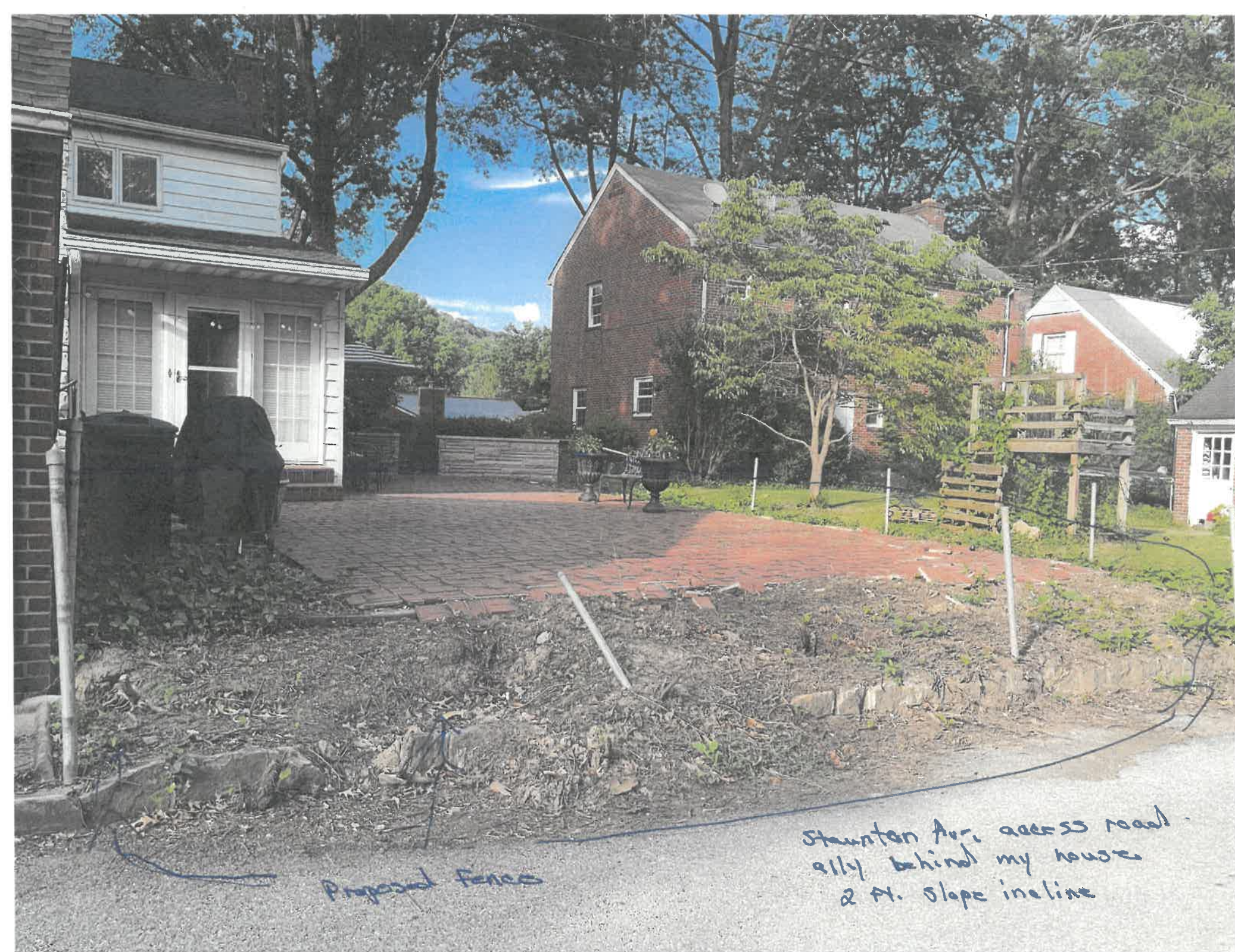


8' fences within
a two block area
of my house



48th St. - 49th St.
All black st.
between
Virginia Ave. &
Kameoka Ave

8 ft. + 7.5 ft.
fences within two
blocks of 4801 Virginia Ave.
my house



Proposed fence

Staunton Ave. access road
ally behind my house
& N. slope incline



Webb, Chad

From: Weber, Michele <mweber@greylockenergy.com>
Sent: Tuesday, July 2, 2024 8:24 AM
To: Webb, Chad
Subject: Public Hearing Notice for VAR-24-3041 Melinda Kiss - fence in Kanawha City

This Email Originated from an outside source: Do not open attachments or links unless you know the content is safe, forward suspicious emails as an attachment to: helpdesk@cityofcharleston.org

I live 2 houses away from Melinda Kiss and I have no issue whatsoever with her putting an 8 foot fence in her backyard.
The location of the fence she wishes to install is in an alley and in my opinion, none of the neighbors should have any issue.
Her property is always well kept, and a fence will look very nice.
Please contact me if you have any questions.

Thank you,

Michele L. Weber
4805 Virginia Ave SE
Charleston, WV 25304

Webb, Chad

From: Lisa Lynn <lisalynn.appraisals@gmail.com>
Sent: Monday, July 8, 2024 2:43 PM
To: Webb, Chad
Subject: Case VAR-24-3041

This Email Originated from an outside source: Do not open attachments or links unless you know the content is safe, forward suspicious emails as an attachment to: helpdesk@cityofcharleston.org

City,

I am Lisa Lynn at 4800 Staunton Ave. SE. I am directly across the alleyway from Melinda Kiss who has a hearing Thursday on her intention to put up a fence. Case VAR-24-3041. I will look directly at the area in question and the fence is fine with me.

Thank you, Lisa Lynn

--

Lisa Lynn Appraisals
304.549.2874
www.lisalynnappraisals.com



**Board of Zoning Appeals
PUBLIC HEARING NOTICE**

Case Description

VAR-24-3042 - Application of Spotlight Dance and Acrobatics for a sign variance to bring an existing wall sign and window coverings into compliance at **3906 MacCorkle Ave SE**.

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, July 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 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
Application for Variance



BZA # _____

Hearing Date: July 11, 2024

Applicant Information	Property Information
Name: <u>Lori McLaughlin</u> <u>SPOTLIGHT Dance & Acrobatics</u>	Address: <u>3906 Maccorkle Ave SE</u>
Address: Home address <u>3001 Kanawha Ave SE Charleston 25304</u>	Tax Map and Parcel:
Phone: <u>304-542-6615</u>	Zoning District:
Agent Name, Address and Phone Number: (if other than applicant)	Property Owner and Mailing Address: (if other than applicant) <u>Mike Ellis</u> <u>1507 Coventry Lane</u> <u>Charleston, WV 25314</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.

I had a sign installed at my new business and after installation found out I was supposed to get sign approval and have been told it is a little bigger than it should be. I was also told my windows should not be covered fully, however the business there before, Mason Dental, had the same windows covered. We have been complimented by many on how nice the building looks and have invested a lot of money in making it look nice.

Applicable Section(s) of the Zoning Ordinance _____

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

The work has already been done: We had a sign put on the front of our building and had 3 windows covered with pictures. The pictures on the windows are good for safety of our dancers. There are many vagrants that wander around KC and this keeps them from seeing in the dance room.

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 not be affected if this

variance is granted. The sign is professional and
inviting for business. We have had people contact us
for dance classes because they noticed our building. We
have received compliments on the appearance. This only
compliments the surrounding businesses in our area.

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? I see no difference with

the other properties in Kanawha City. There are several
businesses that have their windows fully covered
and I do not notice any difference in the sign that
we have compared to other businesses.

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? No, it would just be
expensive to have sign removed, have to get a new one
made and waste of money not being able to use the one
that is already hanging. The window coverings were also costly
and are a good distraction to keep vagrants from seeing through
the windows.

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

No

Would approval of your variance request alter the essential character of the surrounding neighborhood or community? NO, I think it looks professional and compliments

our neighborhood. There are a lot of empty buildings in KC so it is nice to see a professional building in business. It is our hope along with the other businesses in KC, to get people coming to our community for business.

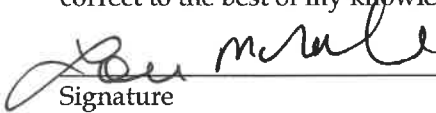
4.) The general purpose and intent of the Zoning Ordinance of the City of Charleston is to protect and promote the public health, safety, convenience, morals and general welfare. For more specific information in regard to the scope and intent of the Zoning Ordinance, please see Section 1-020 as well 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, approval of this variance will allow intent of the Zoning Ordinance to be observed.

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. The section of businesses that mine is in all look nice. Our sign and window coverings are professional looking and help compliment that section.

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

6-14-2024
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

