



Charleston Board of Zoning Appeals

AGENDA

8:30 a.m., Thursday, October 24, 2024

City Service Center Conference Room · 915 Quarrier Street

I. Items for Review

CUP-24-0247 & VAR-24-3044

Application of Mr. Smoke LLC requesting a conditional use permit and a variance of the Vape/Smoke Shop spacing requirements in order to expand an existing smoke shop on the property located at **4100 MacCorkle Ave SE**.

VAR-24-3045

Application of Dock and Minnie Leonard requesting a variance of the rear setback requirements in order to build a home on the property located at **176 Wertz Ave**.

II. Approval of minutes for the August 8, September 26, and October 10, 2024 hearings.

 Board of Zoning Appeals
Application for Conditional Use Permit

CU # CUP-24-0247

Hearing Date: 10/24/2024

Applicant Information	Property Information
Name: Mr. Smoke Inc.	Address: 4100 MacCorkle Ave. SE Unit B Charleston, WV 25304
Address: P.O. Box 8655 South Charleston, WV 25303	Tax Map and Parcel: 13-17-51
Phone: 321-666-0701	Zoning District: C-8
Agent Name, Address and Phone Number: (if other than applicant) Daniel Yon, Esquire P.O. Box 1704 Huntington, WV 25701 (304) 523-1138 dyon@oxleylawwv.com	Property Owner and Mailing Address: (if other than applicant) HAH LLC Property 830 Chappell Rd Charleston, WV 25304

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.

4100 Unit B will be used as an addition to the current 4100 Unit A which has been open as business since 2019. The entrance to the store will remain the same as before with the closure of the Unit B door and blacking out the window. Unit B will only be used as a showing room for novelties and will not be utilized for tobacco products. No cash register will be in Unit B. All sales and transactions will occur in the original portion of 4100 Unit A as before. (See Attached Illustration/Drawing) See Exhibit A.

Applicable Section(s) of the Zoning Ordinance 3 - 0 6 0 - 5 6

Does the proposed use comply with the conditions set forth in the Zoning Ordinance? Yes, use of the property will comply with all conditions of the zoning ordinance access continue to be only via the original entrance as such will be in compliance as it has been since 2019.

Please describe any proposed work to be done on the property. Wall removed between Unit A (Currently Mr. Smoke Inc.) and Unit B to allow display of novelties that will be sold in current Unit A (4100 Macorkle Ave) as all sales have been since opening in 2019. In addition, windows on Unit B will be blacked out with no additional access or windows into Unit B. See Exhibit A

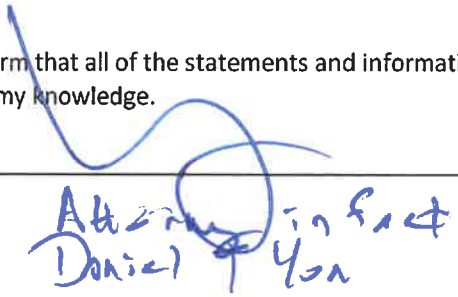
If your request for a conditional use permit is granted, how will others in the area be affected? See Exhibit B

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? See Exhibit B

Is your request consistent with the purposes and intent of the Zoning Ordinance of the City of Charleston? See Exhibit B

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


Attorney in fact
Daniel P. You

Date

9/25/24

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

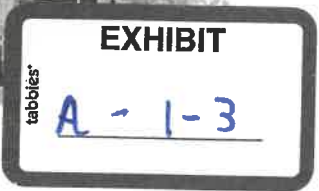
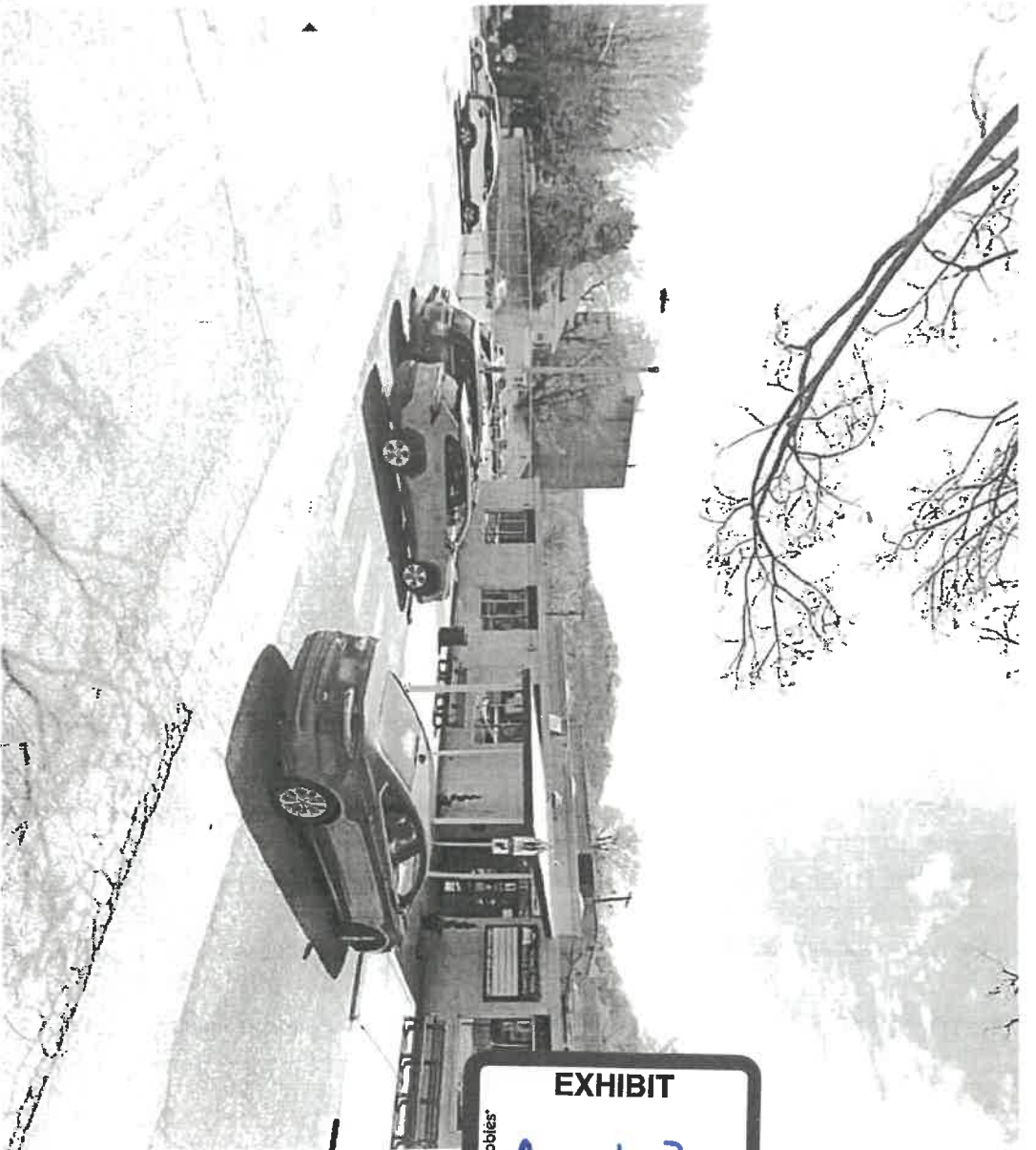
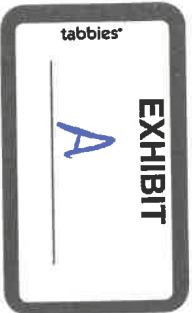


Horace Mann Middle School

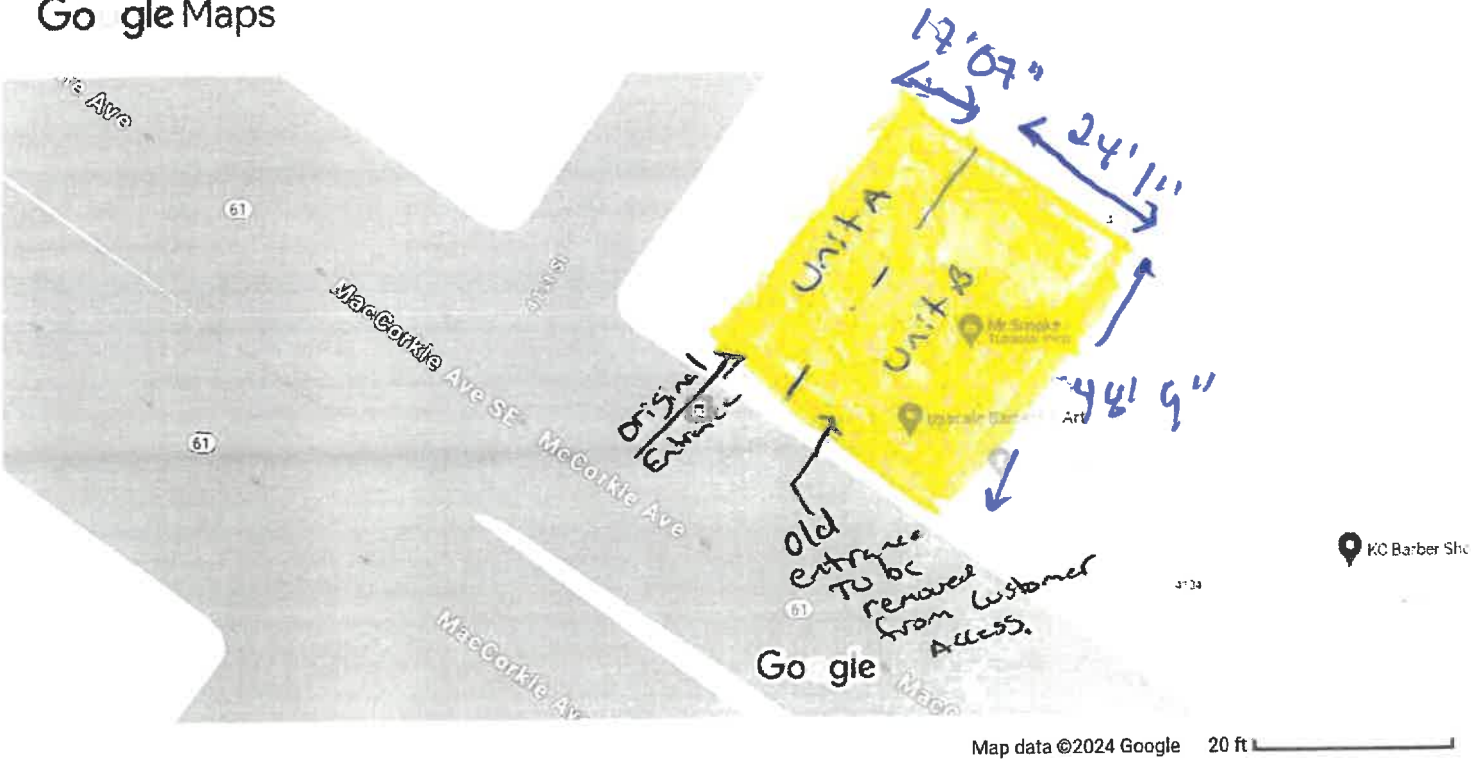
All

Community

Street View & 360°



Go gle Maps



EXHIBIT

tabbles' A 2-3

EXHIBIT
A-3-3

Measure distance
Total distance: 1,156.61 ft (352.53 m)

Map data ©2024 Google 100 ft



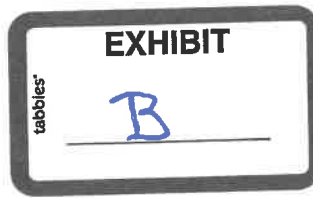
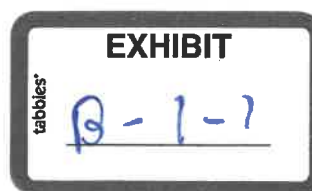


EXHIBIT B

The proposed expansion of the existing non-conforming use will have little to no impact on the City's overall comprehensive plan, the health and safety of the citizens in the surrounding area or the landowners in the adjacent area. This is a minimal expansion of the premises into an adjoining unit. As explained in the application, the new footprint will be limited in its scope and use. It will not contain a separate entrance, nor will the windows be used for a display of products or advertising. The area sought to be permitted will be used for overflow inventory and display cases. The applicant has and will continue to operate lawfully in this area and abide by all the regulations and ordinances applicable to it under state, city, and federal law.



Board of Zoning Appeals
Application for Variance

BZA # _____

Hearing Date: _____

Applicant Information	Property Information
Name: MR SMOKE INC	Address: 4100 MACCORKLE AVE SE CHAS WV 25304
Address: PO BOX 8655 S CHAS WV 25303	Tax Map and Parcel:
Phone: 681-265-5136	Zoning District: C-8
Agent Name, Address and Phone Number: (if other than applicant) QUSAY IMAIR PO BOX 8655 S. CHAS WV 25303 321-666-0701	Property Owner and Mailing Address: (if other than applicant) MURGAS HACHMI 4100 UNIT B MACCORKLE AVE SE CHARLESTON, WV 25304

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.**

WE ARE REQUESTING THAT THE UNIT (4100 UNIT B) BE ALLOWED TO BE UTILIZED AS SHOWROOM FOR NOVELTIES ONLY. THIS UNIT IS DIRECTLY ADJACENT TO OUR CURRENT STORE AT 4100 UNIT A AND THE CUSTOMERS WILL CONTINUE TO UTILIZE THE ORIGINAL ENTRANCE INTO THE 4100 MACCORKLE UNIT A AS THE ONLY ENTRANCE.

Applicable Section(s) of the Zoning Ordinance 3-060-56

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

WALL REMOVED BETWEEN UNIT A (CURRENTLY MR SMOKE INC) AND UNIT B TO ALLOW DISPLAY OF NOVELTIES THAT WILL BE SOLD IN CURRENT UNIT A (4100 MACCORKLE AVE) AS ALL SALES HAVE BEEN SINCE OPENING IN 2019. IN ADDITION, WINDOWS ON UNIT B WILL BE BLACKEND OUT WITH NO ADDITIONAL ACCESS OR WINDOWS INTO UNIT B.

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?

~~APPROVAL OF VIARIANCE WILL NOT IMPOSSE ANY ADDITONAL EXPOSURE TO TOBACCO PRODUCTS~~
~~SINCE ONLY THE ORIGINAL EGRESS/ENTRANCE WILL BE USED AND THE ADJACENT UNIT WINDOWS WILL~~
~~BE BLACKEND OUT THEREBY INSURING NO ADDITIONAL EXPOSURE TO PRODUCTS FROM SCHOOL FROM~~
~~STREET OR 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?

~~WE BELIEVE THAT BY MAINTAINING THE CURRENT ACCESS AS THE ONLY ACCESS IN AND OUT~~
~~OF THE STORE (WITH THE ADDITION) WILL BE A FAIR COMPROMISE TO THE ZONING SINCE~~
~~THE ORIGINAL STORE (OPENED 2019) WILL CONTINUE TO OPERATE AND ONLY THE CURRENT~~
~~ACCESS WILL BE UTILIZED.~~

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

Quincy Imair

Donal Johnson, Attorney-in-Fact

08/09/2024

Date

9/25/24

Board of Zoning Appeals
Application for Variance

BZA # _____

Hearing Date: 9-12-2024

Applicant Information	Property Information
Name: MR SMOKE INC	Address: 4100 MACCORKLE AVE SE CHAS WV 25304
Address: PO BOX 8655 S CHAS WV 25303	Tax Map and Parcel:
Phone: 681-265-5136	Zoning District: C-8
Agent Name, Address and Phone Number: (if other than applicant) QUSAY IMAIR PO BOX 8655 S. CHAS WV 25303 321-666-0701	Property Owner and Mailing Address: (if other than applicant) MURGAS HACHMI 4100 UNIT B MACCORKLE AVE SE CHARLESTON, WV 25304

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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.**

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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?

~~APPROVAL OF VIARIANCE WILL NOT IMPOSSE ANY ADDITONAL EXPOSURE TO TOBACGO PRODUCTS~~
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~~STREET OR 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?

~~WE BELIEVE THAT BY MAINTAINING THE CURRENT ACCESS AS THE ONLY ACCESS IN AND OUT~~
~~OF THE STORE (WITH THE ADDTION) WILL BE A FAIR COMPRISE TO THE ZONING SINCE~~
~~THE ORIGINAL STORE (OPENED 2019) WILL CONTINUE TO OPERATE AND ONLY THE CURRENT~~
~~ACCESS WILL BE UTILIZED.~~

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

Quay Imair

08/09/2024

Date

 Board of Zoning Appeals
Application for Variance

BZA # _____

Hearing Date: _____

Applicant Information	Property Information
Name: <u>Dock & Minnie Leonard</u>	Address: <u>176 Wertz Avenue</u>
Address: <u>125 Wertz Avenue</u>	Tax Map and Parcel: <u>11 30 60</u>
Phone: <u>304-610-2961</u>	Zoning District: <u>R-4</u>
Agent Name, Address and Phone Number: (if other than applicant)	Property Owner and Mailing Address: (if other than applicant) <u>CLRA</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. rear of 176 Wertz Avenue, Charleston

WV 25311 13 feet

Applicable Section(s) of the Zoning Ordinance _____

Please describe the proposed work to be done on the property. To build a house

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 not be affected

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? Nothing

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

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

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

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

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.

Dorothy Leonard Minnie Leonard
Signature

Sept 23, 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	

Enter Title here



9/23/2024, 12:58:34 PM

- Site Addresses - Current

● pending
- ZAD Permits

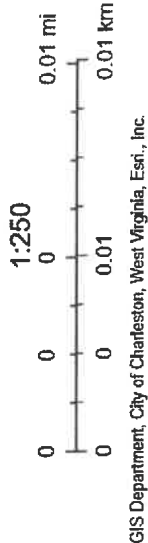
● final
- Interstate Exits (Numbers)

○
- Wards

■
- Parcels

□
- Zoning Districts

R-4



Gallery



The 5228-E774P THE PULSE Exterior. This Manufactured Mobile Home features 3 bedrooms and 2 baths.

◀ 1 of 10 ▶

We invest in continuous product and process improvement. All models, floor plans, specifications, dimensions, features, materials, and availability shown on this website are subject to change. Furniture and décor furnishings are not included with your purchase.

Floor Plans

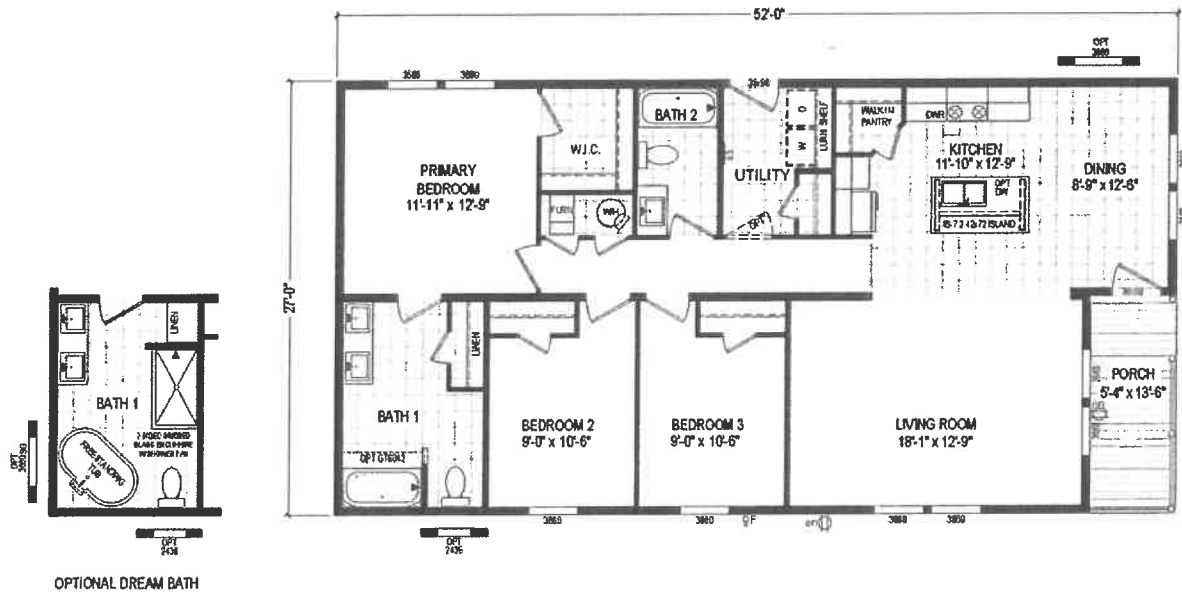
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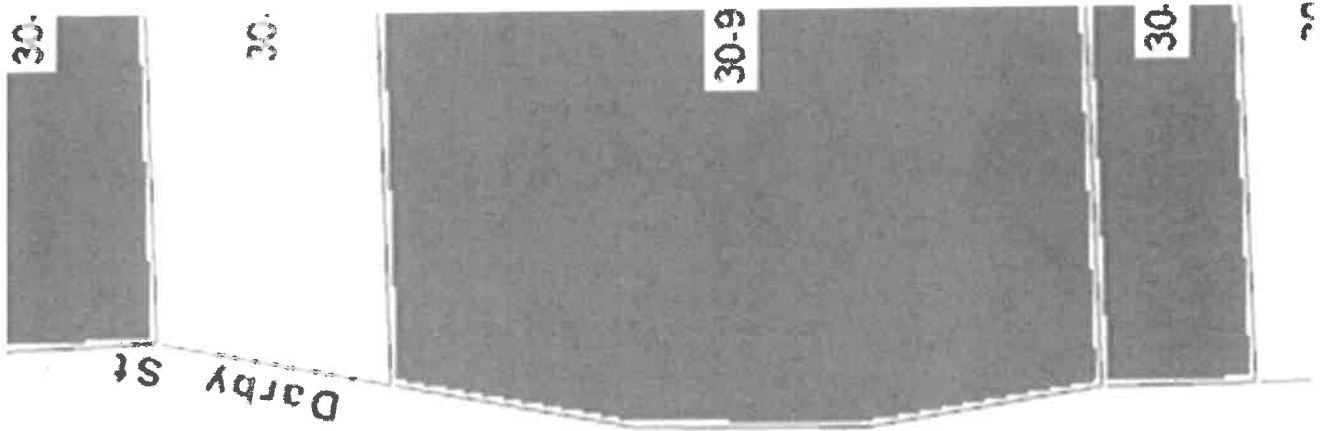
OPTION 1

OPTION 2

150.

\$45,000.





No Bid