

Board of Zoning Appeals
8:30 a.m., Thursday, December 12, 2024
City Service Center Conference Room · 915 Quarrier Street

Members Attending:

Mary Anne Crickard, Chair
Harper Gardner
Josh McGrath
Mary Jo Neenan
Jill Watkins

Staff Attending:

Lori Brannon
Chad Webb

Public Attendees:

Minnie Leonard
Dock Leonard
Stephanie Clarke
Christopher Roush's Contractor
Todd Goldman

I. Items for Review

VAR-24-3047

Application of Minnie Leonard requesting a variance of the accessory structure requirements in order to install a storage building on the property located at **124 Wertz Avenue**.

Minnie Leonard presented her request to the BZA concerning VAR-24-3047. She is requesting a variance of the rear set back requirement in order to install a storage building. Currently, there is a hill and a sewer line that goes behind it.

There were no questions asked, nor public comment received on this matter. There was no one in the audience to speak in favor of or in opposition to the variance request.

Chad presented the staff's analysis and review on this matter. The staff's position on this matter is the shape and dimensions of the subject property prevent it from being the construction of a primary structure. Therefore, as it stands, the property would be rendered unusable given the proximity of the Leonards' primary residence to the property and its alignment, utilizing it as an accessory structure is would not be a disturbance to the residential development patterns of the neighborhood. The request is in keeping with the intent of the ordinance and will not have an adverse effect on public health, safety or welfare, nor the rights of adjacent property owners. The staff recommends approval of VAR-24-3047.

MOTION AND VOTE: Josh McGrath made a motion to approve VAR-24-3047. Mary Jo seconded the motion. The motion passed by a unanimous vote.

VAR-24-3048

Application of Stephanie Clarke Requesting rear setback and parking variances in order to construct an addition and establish a professional office on the property located at **2406 Kanawha Blvd East**.

Stephanie Clarke presented her request before the BZA. The applicant said she purchased the property to renovate for the purpose of making it her new office.

The architect told the applicant that she could get 14 spaces, and the contractor told her she could get 10-12 parking spaces. The applicant said she is hoping to get 14 spaces. The requirement is 16 parking spaces.

The applicant stated that there are 13 people who work out of this office. Some of them are only there one day a week. It would be very rare for all 13 people to be at the office at the same time.

The applicant also spoke with David McAfee, the facilities manager at B'nai Jacob. Mr. McAfee said they do not give written permission for parking at the facilities. However, when they are not in session it would be okay for the applicant and staff to use the parking spaces. The applicant is hoping to have two handicap spaces and one for women who are expecting or have an infant. Parking would be for both staff and visitors. On an average day there may be seven employees using the parking spaces.

Mary Anne said she had no questions concerning the parking. She would like to her the applicant's request for a rear set back variance. There are rotted structures setting behind the property at 2406 Kanawha Boulevard, East. There is a letter from the applicant's inspector indicating that the garage needed to be demolished. SHPO was in agreement. It would cost more to repair it, and it is a non-usable structure. The applicant wants to take the garage out and replace the place on the roof of the sunroom that has rotted. The applicant stated that they are not going beyond what is on the property. If the garage can be taken out and the rotted part of the roof of the sunroom can be replaced, the applicant says they are not going beyond what is there. The applicant wants to take out the bad and make room for offices that are useful and accessible.

Mary Anne stated that these structures are already in the set back and the applicant would be building something back that will be in the set back.

The BZA had no questions.

There was no one in the audience to speak in favor of or in opposition to the variance.

Chad presented the staff's analysis and review. The request for the parking variance arises from the conditions of the historic neighborhood that are not created by the applicant. The historic structure occupies the majority of the lot and parking is not permitted in the front of the structure along Kanawha

Boulevard. Additionally, applicant is making a good faith effort by adding parking to the construction to the parking lot, that is with the contemplation of 10-12 spaces. Therefore, the staff believes that a hardship is present and granting the parking variance is appropriate.

The request for the set back variance. As previously stated, the structures are already within the rear set back. The applicant will be improving the property and creating a more visually appealing building profile for adjacent properties. For those reasons, granting of the rear set back variance is also recommended.

Therefore, the staff recommends approval of both variances without condition.

MOTION AND VOTE: Harper Gardner made a motion to approve VAR-24-3048 as written with no conditions. Josh McGrath seconded the motion. The motion passed by a unanimous vote.

CUP-24-0249

Application of Christopher Roush requesting a conditional use permit in order to construct an indoor self-storage facility on the property located at **927 Oakhurst Drive**.

The applicant's contractor presented his request to the BZA. They are proposing to build a third building with the same look, size and use.

Mary Anne asked the contractor why a conditional use permit is needed. The applicant's contractor replied that the City of Charleston does not allow drive-up storage. A conditional use permit was obtained for the first two buildings because it is indoor climate control.

Jill Watkins asked how close the building would be from a house across from the Kroger gas station. The contractor said there is definitely 400' between the two structures. The site work and grading should not impact the house.

Mary Anne asked if anyone from the public had anything to say in support of or in opposition to this request.

Todd Goldman addressed the BZA. He owns townhouses that abut this project to the south. The project has not affected any property as much as it has his townhouses. The grade has created runway between CVS and One Stop and Dunkin' Donuts and over to Hamlet Way and beyond. The HOA approached Mr. Goldman because he actually owns a site in that area. They want a buffer placed in this area due to foot traffic, as well as improve the visual of having the big building next to it. Don seems amenable to do that. However, Mr. Goldman wants this request to be a condition to the conditional use permit to ensure it will get completed.

The way the site is graded it sets well above Hamlet Way. Mr. Goldman said his preference would be that they fund to put the buffer in place. Mr. Goldman said there is 125'-150' of space that needs to be done. Don has also offered to do something about the lighting.

Mr. Goldman said this is an inexpensive solution that will help 40 people who live in Hamlet Way. Jill Watkins asked he Mr. Goldman had a request for the height of the shrubs. Mr. Goldman said that something along the lines of a type of cypress would be the fastest growing buffer.

Josh asked Mr. Goldman if he owned properties specific and if he owned 701. Mr. Goldman said he owned the 600 building. His building literally abuts a driveway that Don's folks do not have access to, but it accesses the house behind the development. That owner is impacted as well, but they sold the property to the developers.

Chad presented the staff's analysis and review. In terms of straight requirements from the ordinance, the proposed use is consistent with the zoning ordinance. The complex is actually three separate parcels. The size of the building requires it to be on a separate parcel because it is the maximum allowed square footage. The two existing facilities are 30,000 square feet each. This is going to be another 30,000 square foot structure, so it is going to be on a separate parcel from the existing two structures.

Chad said he received significant public input regarding the complex as a whole and the expansion of the complex, which also reflects Mr. Goldman's input, and that is the existing structures already creates incongruity of the surrounding neighborhood in terms of vision impact. As stated, it is a very industrial complex. It is very noticeable from the surrounding residences and from the main road. In contemplating that situation, the staff does recommend approval but with conditions related to minimizing visual impact of the expansion and, hopefully, for the complex as a whole and, in addition, reducing foot traffic issues raised by Mr. Goldman.

Mary Jo asked how specific the conditions can be as far as insuring the conditions are met, seeing that this issue was addressed with the installation of the two existing structures, but there was no follow through. Chad said that they could engage in a significant degree of specificity, but he does not know what approach the BZA could take. The staff would not want to include what kind of specific trees would be involved.

Lori Brannon stated that the BZA has recommended this certain type of cypress be used in other cases. So, the BZA has been as specific with the conditions in the past as to requiring a certain plant or its equivalent.

Mary Anne said that since it is on a different property now why it can be allowed with a conditional use permit. From a visual impact standpoint, it is all going to look the same. Mary Jo asked if the new building would be higher than the two existing buildings. Mr. Roush's contractor said the building will not be seen from Route 119.

Mary Anne stated that she appreciates Mr. Goldman offering his property for the visual buffer, but she feels like from the BZA's position it should be on the applicant's property. Mr. Goldman's property is not a part of this variance.

Lori mentioned that gravel was mentioned. Gravel is part of the problem the staff has heard from the community. Looking at a whole mountain of gravel is less appealing than looking at natural greenery.

Mr. Goldman asked if the road behind the Kroger Fuel Station would be used to access the applicant's property once the new structure is constructed. The contractor said it could be used but it would not be blocked.

Mary Jo said most storage facilities have gated entrances and asked the contractor if there was a reason why this storage facility does not have a gated entrance. The contractor said there was no need for a gated entrance because of the location. Mary Jo asked Mr. Goldman if he needed visual blockage of the new building or was he more concerned with what was already there. Mr. Goldman said if the applicant does something on the southern boundary of what is already there it will accomplish both. The new building is further away and there is a house with a yard between Mr. Goldman's property and the proposed storage structure. Mr. Goldman said the buffer would need to cover the southern and western boundaries to be effective for traffic, light and noise.

Mary Jo asked if the BZA was within their rights to ask for a buffering plan as a condition to the conditional use permit. Lori said the BZA was within their rights to make the conditional use permit subject to this condition. Mary Jo thought perhaps this matter should be continued to the next meeting so that the applicant could provide a plan for buffering.

MOTION AND VOTE: Jill Watkins made a motion to continue CUP-24-0249 to the next meeting in order for the applicant to provide a landscaping / buffering plan for the BZA to review and discuss any conditions from the previous conditional use permit for the existing buildings that have not been met. This motion failed to be seconded.

MOTION AND VOTE: Harper Gardener made a motion to approve with the condition of an adequate visual barrier as would be verified by staff prior to the Certificate of Occupancy. Josh McGrath seconded the motion. The motion passed by a vote of 3-2, the dissenting votes being from Jill Watkins and Mary Jo Neenan.

II. Approval of minutes for the November 14 hearings.

MOTION AND VOTE: Mary Jo Neenan made a motion to approve the minutes of the November 14, 2024 meeting. Harper Gardner seconded the motion, and the motion passed by a unanimous vote.

Meeting adjourned.