



Charleston Board of Zoning Appeals

AGENDA

8:30 a.m., Thursday, February 10, 2022

City Service Center Conference Room · 915 Quarrier Street

I. Items for Review

VAR-22-3001 & CUP-22-0218

Application of Justin Knapp requesting a parking variance and a conditional use permit in order to establish a bar at the property located at **1012 Bridge Road**.

II. Approval of minutes for the January 13, 2022 hearing.



**Board of Zoning Appeals
PUBLIC HEARING NOTICE**

Case Description

VAR-22-3001 & CUP-22-0218: Application of Justin Knapp requesting a parking variance and a conditional use permit in order to establish a bar at the property located at **1012 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, February 10, 2022

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 Conditional Use Permit

CU # _____

Hearing Date: _____

Applicant Information	Property Information
Name: <u>Justin E. Knapp</u>	Address: <u>1012 Bridge Rd</u>
Address: <u>1579 Clark Rd., Charleston, WV 25314</u>	Tax Map and Parcel: _____
Phone: <u>304-951-0499</u>	Zoning District: _____
Agent Name, Address and Phone Number: (if other than applicant)	Property Owner and Mailing Address: (if other than applicant)

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 purpose of this tap house business is to provide local professionals and residents with a gathering place to wind down after a long day of work. The tap house would serve craft beer only (no liquor) and limited appetizers, as well as provide growlers and make your own beer packs to go. TVs for sports fans would hang on the walls and soft music in the background would set the relaxed mood, while allowing for conversation. The business would be open 5-9 p.m. Monday to Friday, 12-9 p.m. on Saturday, and 12-5 p.m. on Sunday.

Applicable Section(s) of the Zoning Ordinance _____

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. The leased space would require that updates be made to the bathrooms, walls be constructed for a storage room, and a bar be built to store inventory and serve patrons. Additionally, existing walls would need to be painted and/or renovated and the rafters would need to be addressed, likely by painting them. In regard to the front of the building, a sign promoting the business would be hung.

If your request for a conditional use permit is granted, how will others in the area be affected? Currently, in the Bridge Road Shpps district, there are only two restaurants to our knowledge in walking distance that serve alcohol. However, they also serve full menus of food. This would be the only business of its kind to focus solely on creating an atmosphere for individuals to come after dinner or work to unwind. Many of the businesses in the area have extremely limited hours, and the proposed hours for this business would primarily only overlap with those businesses on the weekend except for the restaurants. It would provide a completely different atmosphere from

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? The current landscape of the building's storefront is lacking commercial appeal. we would dress it up to bring increased curb appeal, and subsequently potential and new customers, to the area. In that respect, we believe it would add value to other properties in the vicinity, but especially this space itself. we also believe the hours of the business itself would keep traffic and congestion to a minimum.

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

12/23/21

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:

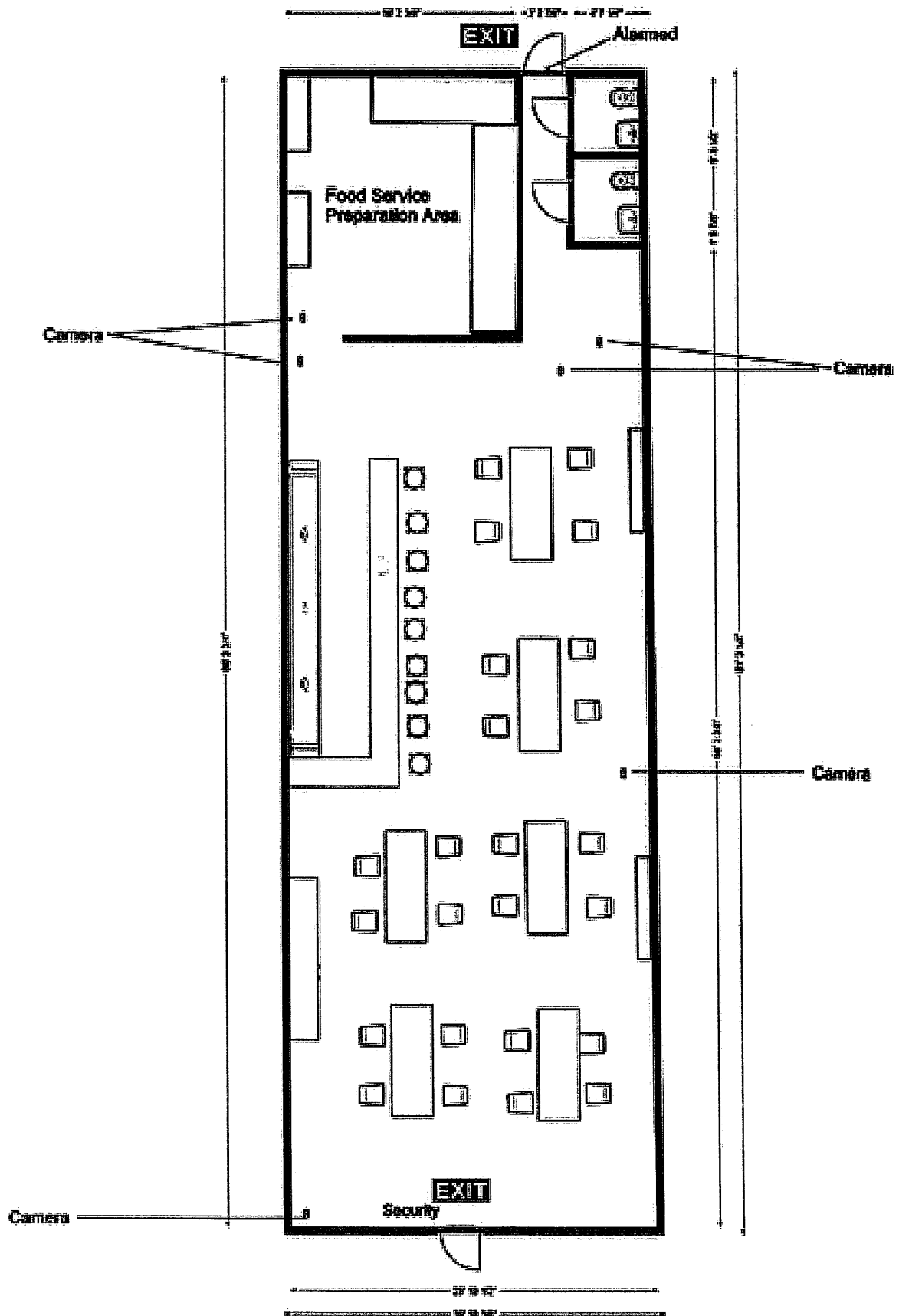
Application reviewed by:

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

Application for Conditional Use Permit

Mineral Tap, LLC, DBA Slate

(Name of Business)

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
<u>N/A</u> Stage and/or DJ platform	<u>N/A</u> 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 would be a taphouse serving craft beer only, with limited appetizer options. It would provide a laid back, relaxed environment to professionals and locals to enjoy good conversation, a tasty craft beer, and good company. For individuals who prefer to enjoy a good craft beer in the comfort of their own home, growlers and to go cups would also be available. This would not be your typical late-night bar with loud music. Instead, it would provide a more upscale option for individuals who appreciate the ingredients and flavor of a good craft beer.

Hours of Operation

Monday Through Friday - 5-9pm, Saturday - 12-9p.m.
Sunday - 12-5 p.m.

Full meal service must 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.

Beside the potential leased space is 1010 Bridge Road and Husson's Pizza. It would be our goal to partner with those businesses by permitting patrons to bring food in while they enjoy a drink if seating was limited in those businesses, while simultaneously offering a discount to those individuals. Additionally, we would offer a limited menu of appetizers. The options would be items easily refrigerated or airfried. Since we are still in the business planning stage, these are decisions that would be formalized later.

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.

JK (initial)

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

JK (initial)

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

JK (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.

JK (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.

JK (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.

JK (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.

JK (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.

JK (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.

JK (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.

JK (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.

JK (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.

JK (initial)

Emergency Contact Information

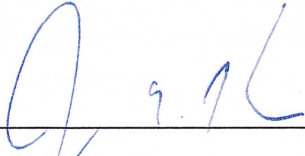
Please list responsible parties to contact in case of emergency. Include name, cell phone number, and email address.

Justin Knapp	304-951-0499
Samantha Knapp	304-890-5944
Richard Knapp	304-417-1117

ACKNOWLEDGEMENT

I have read and understand the policies, procedures, and standards expected of myself, my staff and my establishment. By signing below, I acknowledge that I understand and will abide by this Security & Operations Plan.

Signature:



Print Name:

Justin E. Knapp

Title:

Owner

Date:

12/23/21

 Board of Zoning Appeals
Application for Variance

BZA # _____

Hearing Date: _____

Applicant Information	Property Information
Name: Justin E. Knapp	Address: 1012 Bridge Road
Address: 1579 Clark Road 25314	Tax Map and Parcel: 15 th Ward Map 5 Parcel 148
Phone: 304-951-0499	Zoning District: C-4 Neighborhood Commercial 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;
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.** A parking variance in order to establish a bar. Square footage of bar requires 17 on site parking spaces.

Applicable Section(s) of the Zoning Ordinance Sec. 23-060-01

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

see CUP companion case file

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?

There will be minimal affect to others in the area. The proposed business will operate outside of the majority of the businesses in the area. The businesses that it would affect would provide not compromise public safety or limit access to emergency vehicles. The

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 subject property is different due to the amount of parking spaces required for the proposed business. In relation to the other businesses in the area, the majority of businesses will be closed during the hours of operation for this property.

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 would be very little deprivation of the land due to the hours of operation outside the majority of other businesses hours of operation.*

Is your situation due to unique circumstances that are not shared by other land in the district? *Due to area of the proposed property, parking can be limited during the hours of operation for the majority of businesses in the area. There will be minimal overlap in hours of operation for the proposed business making any impact on parking in the area no issue.*

Would approval of your variance request alter the essential character of the surrounding neighborhood or community? It would not alter but go hand and hand with the character of neighborhood and community. The proposed business would compliment the area and ~~not~~ continue with ~~the~~ providing a local business owner to an area with unique and engaging businesses already established

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 the variance will not impede the intent of the Zoning Ordinance. The proposed business ~~will~~ hours of operation will not affect other businesses and will contribute to the general welfare of the area ~~at~~ ~~occupy~~ and not be an inconvenience to the other businesses.

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?

The request does represent the least deviation due to the minimal impact ~~it will~~ the proposed business will have on parking for other businesses that will be closed during the hours of operation

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

1-4-22

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?

