



Charleston Board of Zoning Appeals

AGENDA

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

City Service Center Conference Room · 915 Quarrier Street

I. Items for Review

CUP-22-0219

Application of TGX Properties LLC requesting a conditional use permit in order to establish a kennel at the property located at **5315 MacCorkle Avenue**.

II. Approval of minutes for the February 24, 2022 hearing.



**Board of Zoning Appeals
PUBLIC HEARING NOTICE**

Case Description

CUP-22-0219: Application of TGX Properties LLC requesting a conditional use permit in order to establish a kennel at the property located at **5315 MacCorkle Avenue**.

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, March 10, 2022

WHERE: City Service Center Conference Room
915 Quarrier Street

Public Participation

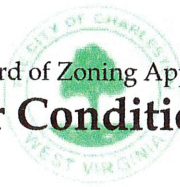
Anyone who wishes to comment on the case described above is encouraged to do so in one of the following ways:

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 # CUP-22-0219

Hearing Date: 3/10/22

Applicant Information	Property Information
Name: <u>TGX Properties, LLC</u>	Address: <u>5315 MacCorkle Ave, SE, Chas 25304</u>
Address: <u>839 Lower Donnally Rd, Charleston, WV 25304</u>	Tax Map and Parcel: <u>13-10-67 + 13-10-68</u>
Phone: <u>304-925-6977</u>	Zoning District: <u>C-8 Village Commercial District</u>
Agent Name, Address and Phone Number: (if other than applicant) <u>Stephen Hastings</u> <u>839 Lower Donnally Rd.</u> <u>Charleston, WV 25304</u>	Property Owner and Mailing Address: (if other than applicant) <u>State Street Properties, LLC</u> <u>716 Lee St. E</u> <u>Charleston, WV 25301</u>

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. _____

See attached.

Applicable Section(s) of the Zoning Ordinance See attached.

Does the proposed use comply with the conditions set forth in the Zoning Ordinance? _____

See attached.

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

See attached.

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

See attached.

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 attached.

Is your request consistent with the purposes and intent of the Zoning Ordinance of the City of Charleston? _____

See attached.

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.

Siffany Hastings
Signature

1/26/22
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

City of Charleston
Board of Zoning Appeals
Application for Conditional Use Permit

Applicant Information:

TGX Properties, LLC
839 Lower Donnally Road
Charleston, WV 25304
Member : Tiffany Hastings
(304) 925-6977
tiffany@tgxproperties.com
Agent : Stephen Hastings
(304)-720-5520
shastings@handl.com

Property Information:

Address: 5315 MacCorkle Ave., SE
TAX Map & Parcel 13-10-67 and 13-10-68
C-8 Village Commercial District

Property Owner:

State Street Properties, LLC
716 Lee Street
Charleston, WV 25301
Contact: Rusty Webb
(304) 344-9322
rusty@rustywebb.com

Proposed Use:

TGX Properties, LLC "TGX" is currently under contract to purchase the property from State Street Properties, LLC, contingent upon proper zoning approvals. If approved, TGX intends to lease the property to an affiliated entity yet to be formed to be used as a commercial kennel. The use of the property will be indoor and outdoor pet (primarily dog) daycare, boarding, and grooming facility. The facility is expected to operate 24/7, but the outdoor areas will not be utilized in the night/overnight time frame, except in potentially emergency situations.

Tiffany Hastings is the sole member of TGX and will be the sole member of the kennel operating entity. Her contact information is set forth above.

Applicable Section of Zoning Ordinance:

The current Zoning Ordinance does not permit a Commercial Kennel in a C-8 Village Commercial District. However, Bill No. 7943, currently pending before the Municipal Planning Commission would change the text of the Zoning Ordinance to allow a Commercial Kennel as a Conditional Use. A copy of Bill No. 7943 is attached.

This application is contingent upon the results of Bill No. 7943. If the text change amendment is adopted, the applicable sections of the Zoning Ordinance will be:

Section 3-050: Permitted Land Uses: Kennel-Commercial as a Conditional Use in C-8.

Section 3-060: Supplemental Regulations to Land Use Table: No. 8 with respect to Kennels.

Compliance with Zoning Ordinance:

As set forth above, the proposed use does not comply with the current Zoning Ordinance. However, if Bill No. 7943 is passed and the text of the Zoning Ordinance is changed, the proposed use will comply as a Conditional Use.

Proposed Work to be Done on Property:

TGX intends to upgrade the inside and outside of the building as follows:

Inside:

The inside of the building is effectively a empty warehouse with a small apartment area in an upstairs area. TGX intends to construct a lobby, dog play areas, wash and grooming areas, and a kitchen. The upstairs apartment area will be used to house smaller pets such as cats or other pets and office space.

Outside:

TGX intends to upgrade the outside appearance of the building. This will include paint, upgraded front façade and rear-entry. There is an empty lot attached to the building. TGX intends to construct a covered outdoor dog play area. This will include removal of the grass and installation of turf. TGX will also utilize some of the lot area for additional parking. Due to the nature of the kennel business, the lot will also have a front façade and be appropriately fenced with privacy fencing surrounding all dog areas.

Inside and outside site plans are included with this application.

Effect on Others:

The intended use, if permitted, will have minimal effect on others in the area. The entrance to the business will be in the alley behind the building. It is expected that there will be some increase in traffic in this area, however, there are already other businesses with rear entries in the alley area. The increased traffic will likely be limited to morning (dog drop-off) and late afternoon (pick-up) time periods. There is not expected to be any significant traffic in evening or night time.

Due to the nature of a dog kennel, there could be some noise from barking dogs while dogs are outside. However, the outdoor area will be constructed with appropriate fencing to minimize any such noise. Given the property is located on MacCorkle Avenue, there is already significant traffic noise in the area.

Will the Request Devalue Property in the Vicinity:

No. The property is located in an area with both commercial and residential properties. The purchase and upgrade to the property should increase the value of surrounding commercial properties. Typically, additional businesses in an area only serve to increase the value of existing businesses. With respect to residential property, there is no anticipated effect on property value.

Consistent with Zoning Ordinance:

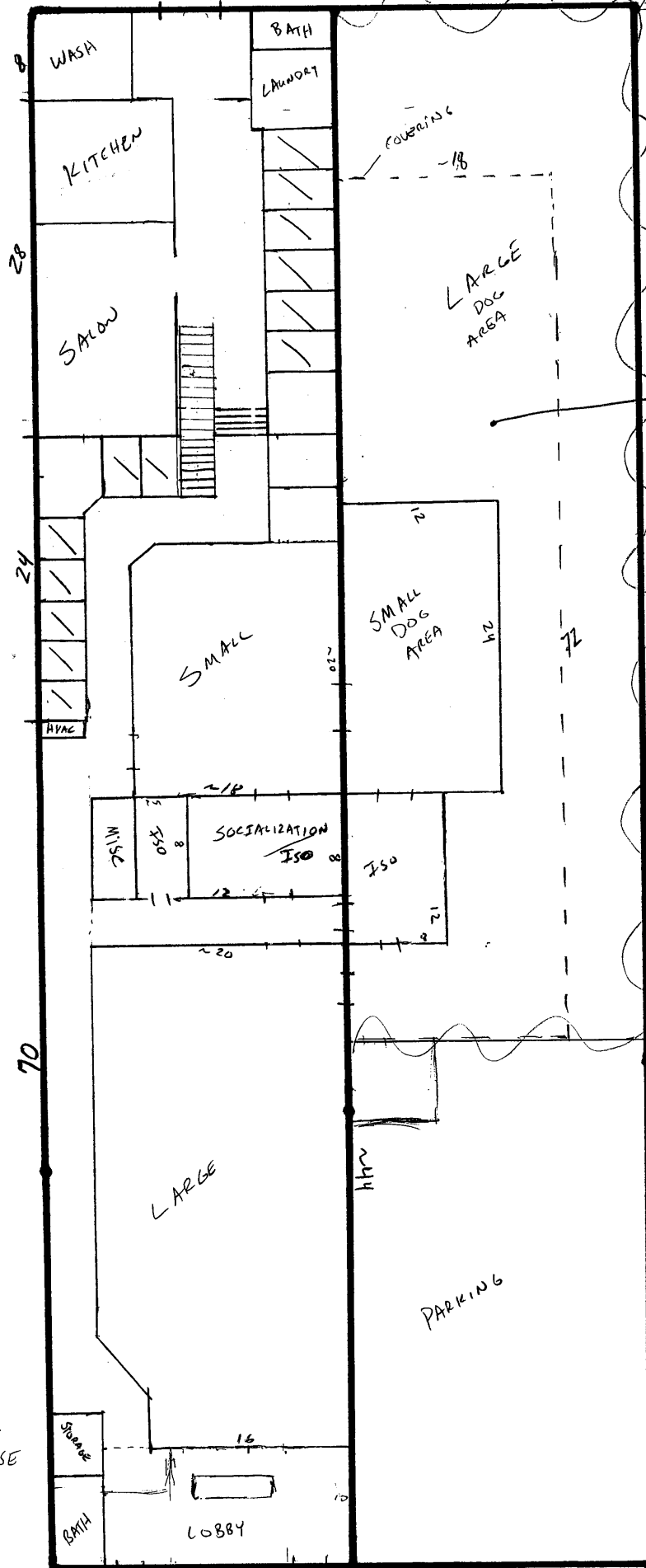
As set forth above, the approval of a Conditional Use Permit would be consistent with Bill No. 7943, if approved and the text change is adopted. Part of the purpose of C-8 districts is to create a mix of residential and commercial uses to increase activity in the area. The intended use of the property does precisely that. There are very few dog and pet boarding options in the city limits of Charleston. Many dog owners take their dogs to neighboring cities for boarding services. This business will provide a new and more convenient option for Charleston residents as well as those living close to Charleston. Moreover, there are several veterinarian offices located on MacCorkle Avenue and the intended use is somewhat consistent with this use, though there are other provisions of the Zoning Ordinance applicable to veterinarian offices.

AUE

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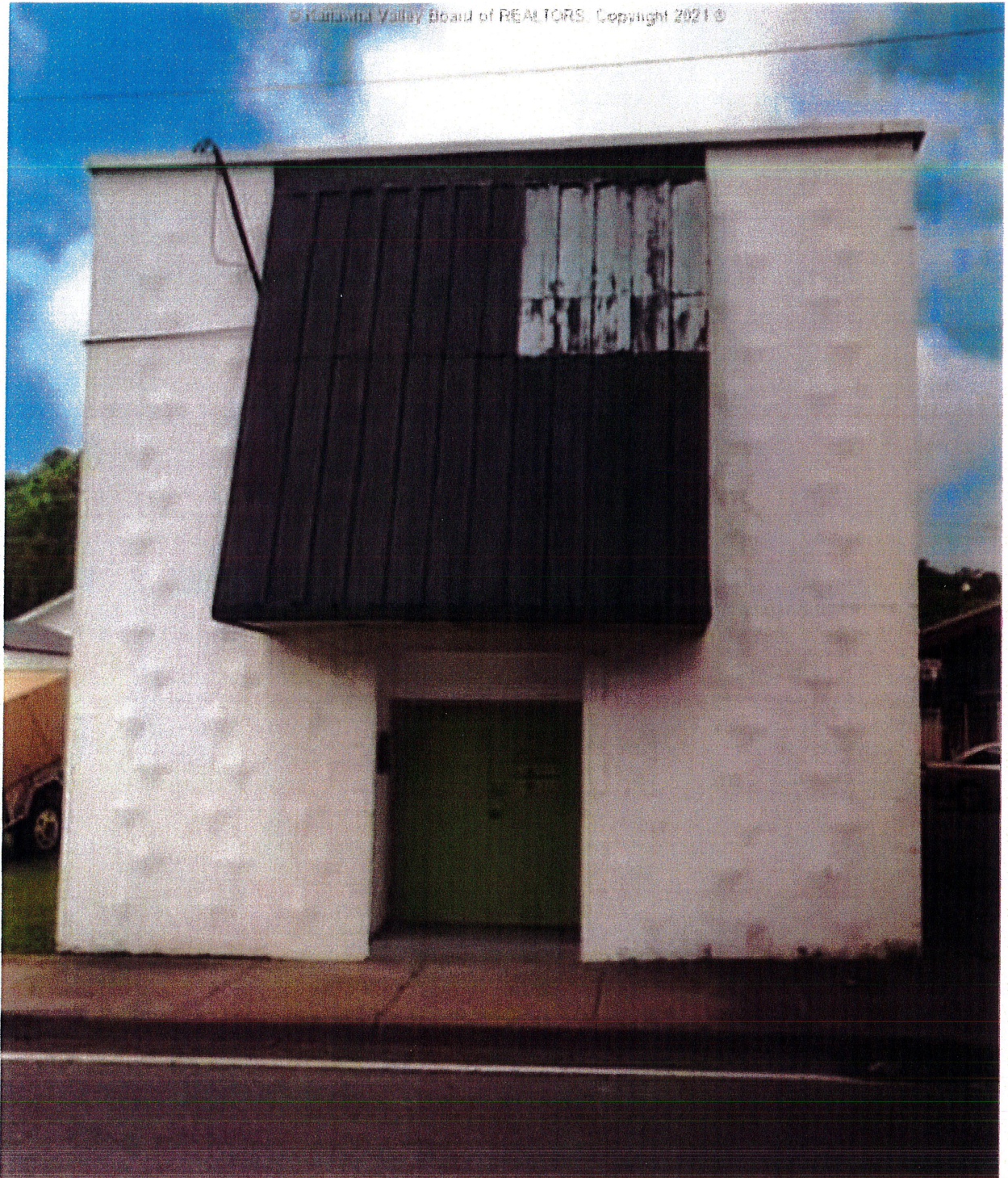
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$$1 \text{ cm} = 3.33 \text{ ft}$$

1-27-2022

BUILDING

LOT





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