



Charleston Board of Zoning Appeals

AGENDA

8:30 a.m., Thursday, August 11, 2022

City Service Center Conference Room · 915 Quarrier Street

I. Items for Review

VAR-22-3012

(continued from 7/28/2022)

Application of Church of God in Christ requesting a waiver of the prohibition of digital signs in order to install a 4' x 8' digital sign on the property located at **3001 7th Avenue**.

VAR-22-3014

(continued from 7/28/2022)

Application of Lola's requesting a front setback variance in order to expand the restaurant on the property located at **1038 Bridge Road**.

VAR-22-3015

Application of Element FCU requesting a parking variance in order to establish a center for community outreach on the property located at **1565 Hansford Street**.

CUP-22-0224

Application of Aaron Clark on behalf of Ellen's Ice Cream requesting a conditional use permit in order to serve alcohol on the property located at **225 Capitol Street**.

II. Approval of minutes for the July 14, 2022 & July 28, 2022 hearings.



Board of Zoning Appeals PUBLIC HEARING NOTICE

Case Description

VAR-22-3012: Application of Church of God in Christ requesting a waiver of the prohibition of digital signs in order to install a 4' x 8' digital sign on the property located at **3001 7th 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, July 28, 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 Variance

BZA # _____

Hearing Date: _____

Applicant Information	Property Information
Name: CHURCH OF GOD IN CHRIST OF CHARLESTON	Address: 3001 7TH AVE, CHARLESTON, WV 25387
Address: 3001 7TH AVE, CHARLESTON, WV 25387	Tax Map and Parcel: MAP 85, PARCEL 267
Phone: 304-347-1918	Zoning District: DISTRICT 10
Agent Name, Address and Phone Number: (if other than applicant) BOBBY THOMAS, PASTOR 1032 MONTROSE DR, SO CHARLESTON, WV 25303	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.** REPLACE EXISTING SIGN WITH A DIGITAL SIGN

Applicable Section(s) of the Zoning Ordinance _____

Please describe the proposed work to be done on the property. REPLACE EXISTING SIGN WITH A DIGITAL SIGN, DIMENSIONS ARE 4FT BY 8FT SIGN WITH 2FT-8IN BY 3FT-6IN PEDESTAL

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 WOULD NOT ADVERSELY AFFECT THE PUBLIC HEALTH OR SAFETY OF THE COMMUNITY. THE SIGNAGE WOULD ONLY ENHANCE THE LOCAL COMMUNITY BY SHARING MORE LIGHTING AND SUPPLYING POSITIVE SPIRITUAL INFORMATION ON THE CHURCH ACTIVITIES TO THE COMMUNITY

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?

PROPERTY IS A NON- PROFIT CHURCH ORGANIZATION CURRENTLY WITH A SIGN THAT IS VISIBLE TO THE COMMUNITY BUT IS NON-DIGITAL AND VERY OUTDATED. THE CHURCH WOULD LIKE TO BE ABLE TO USE THE SIGN TO REACH OUT TO THE PIBLIC TO INCREASE THE ATTENDANCE TO THE CHURCH

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

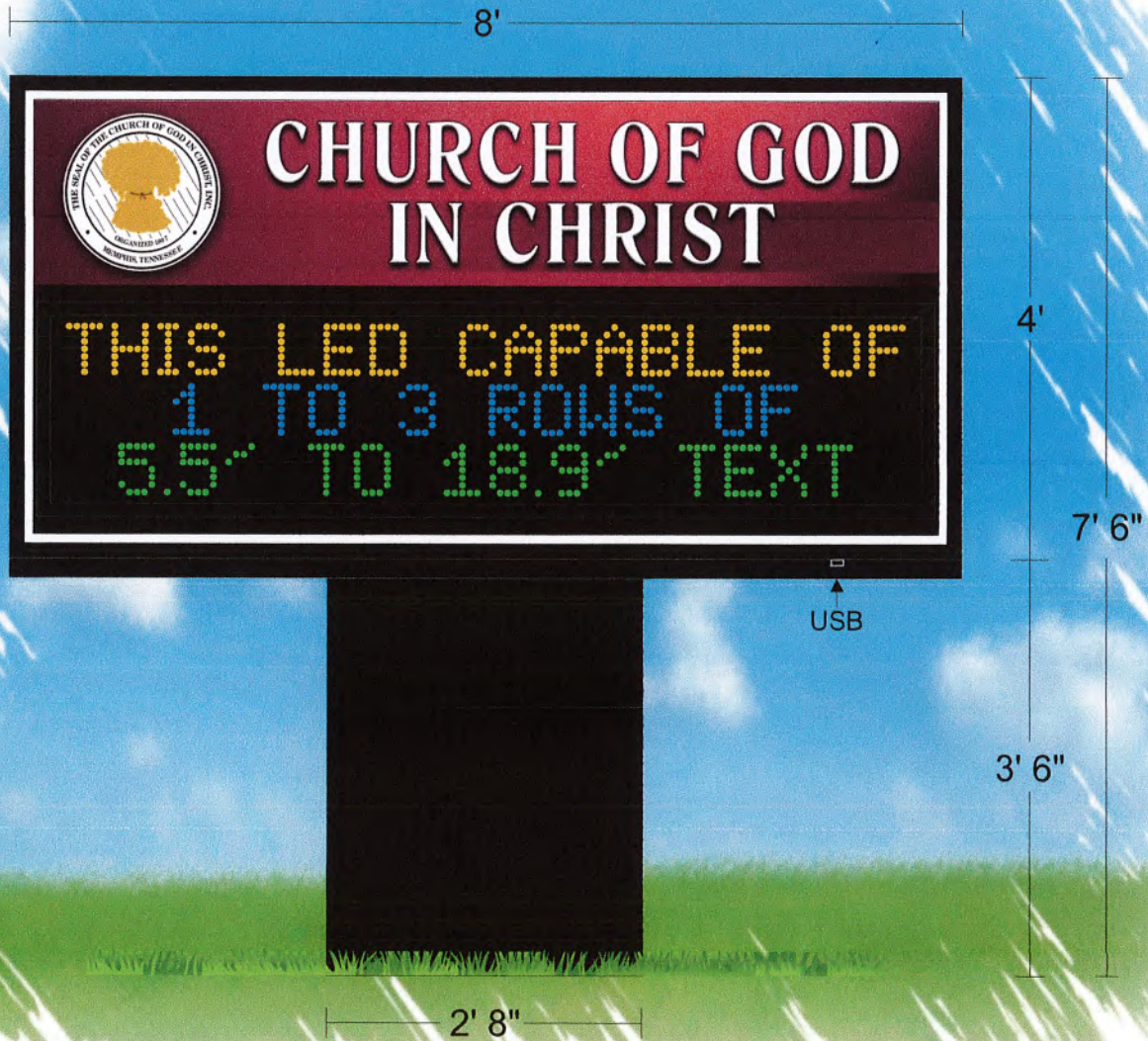
Substantial justice is the idea that a standard of fairness has been satisfied according to the substance of the law. Does your variance request represent the least deviation from the Zoning Ordinance necessary to achieve an outcome that is fair to both you and to your community? YES

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.

Bobby Thomas
Signature

6/6/22
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



Stewart Signs
ONE SIGN. ONE COMPANY

1-800-237-3928 stewartsigns.com

TekStar Color 20mm 24x112

CABINET SIZE: 4' x 8'

(200) Sk: 988623-1 Cust: 2008482

1/25/2022 CW/dDutro PROPOSAL

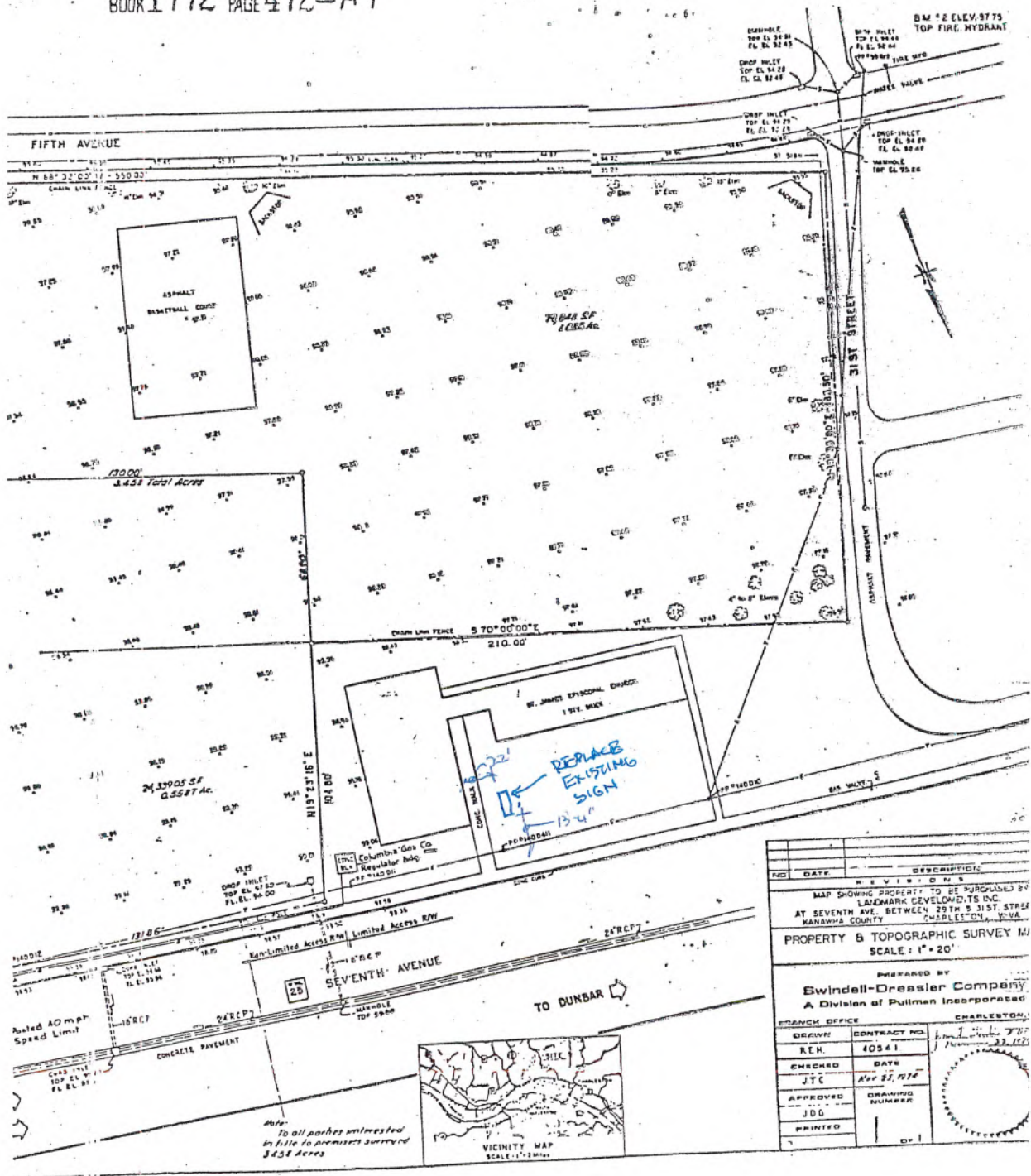
Scale: 5/8"=1' Cabinet Color: Black

Signature _____

Date _____



This custom artwork is not intended to provide an exact match for ink, vinyl, paint, or LED color. Signs are designed for an illuminated graphic and art is based off of this premise. Non-illumination during daylight hours may result in graphics of varying appearance. Brickwork and masonry are not included in the proposal with the exception of Cornerstone products. Measurements shown are approximations; final product dimensions may vary. LED images shown are simulated to replicate optimum viewing distance. **Original design, do not duplicate.**



NO. DATE		DESCRIPTION
MAP SHOWING PROPERTY TO BE PURCHASED BY LANDMARK DEVELOPMENTS INC. AT SEVENTH AVE. BETWEEN 29TH & 31ST STS HANCOCK COUNTY CHARLESTON, W.VA.		
PROPERTY & TOPOGRAPHIC SURVEY M/ SCALE 1" = 20'		
PREPARED BY Swindell-Dressler Company A Division of Pullman Incorporated		
BRANCH OFFICE		CHARLESTON
DRAWN	CONTRACT NO.	
REK	40541	
CHECKED	DATE	
JTC	Nov 27, 1976	
APPROVED	DRAWING NUMBER	
JDG		
PRINTED		



Board of Zoning Appeals PUBLIC HEARING NOTICE

Case Description

VAR-22-3014: Application of Lola's requesting a front setback variance in order to expand the restaurant on the property located at **1038 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, July 28, 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 Variance

BZA # _____

Hearing Date: _____

Applicant Information	Property Information
Name: <u>Lola's</u>	Address: <u>1038 Bridge Road</u>
Address: <u>1038 Bridge Road 25314</u>	Tax Map and Parcel: <u>14-5-188</u>
Phone: <u>304-343-5652</u>	Zoning District: _____
Agent Name, Address and Phone Number: (if other than applicant) <u>MIKO Medley</u> <u>4611 GREENHILL DR. 304</u> <u>CHAS. WV 25302 8741-8293</u>	Property Owner and Mailing Address: (if other than applicant) <u>WILLIE HOFFMAN</u> <u>6117 KIPPS Colony Dr. West</u> <u>Gulfport FLA 33707</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, 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. _____

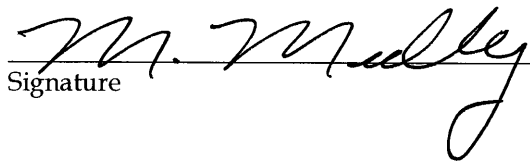
Applicable Section(s) of the Zoning Ordinance _____

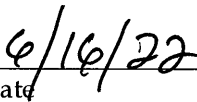
Please describe the proposed work to be done on the property. _____

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? _____

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? _____

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

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 setback variance to build an addition to our existing structure to house a larger, more efficient kitchen. The bar will also be relocated to the proposed space.

Applicable Section(s) of the Zoning Ordinance

Please describe the proposed work to be done on the property. (m)
30

The addition will be an approximate 40 x 30 concrete slab with a ~~20~~ x 17 structure. New electric, gas water and sewer service will be needed

- 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?**

We believe there shall be no adverse effects. The intended area is in current use for outdoor dining. The square foot of allowed seating will more than likely be reduced with a portion being relocated to our current kitchen space.

- 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 that may create an unnecessary hardship and prevent reasonable use of the land. The following three questions help 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?

Yes. We are located in an older home in which we have always had to work with the space we were given. The proposed addition would actually give us an opportunity to create a slightly larger, more functional and more comfortable work space for our employees.

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

Yes. The proposed area is currently used for outdoor seating which is seasonal and only in use during favorable weather. This variance would allow us full use, year round while allowing a portion of the area for green space.

Would approval of your variance request alter the essential character of the surrounding neighborhood or community?

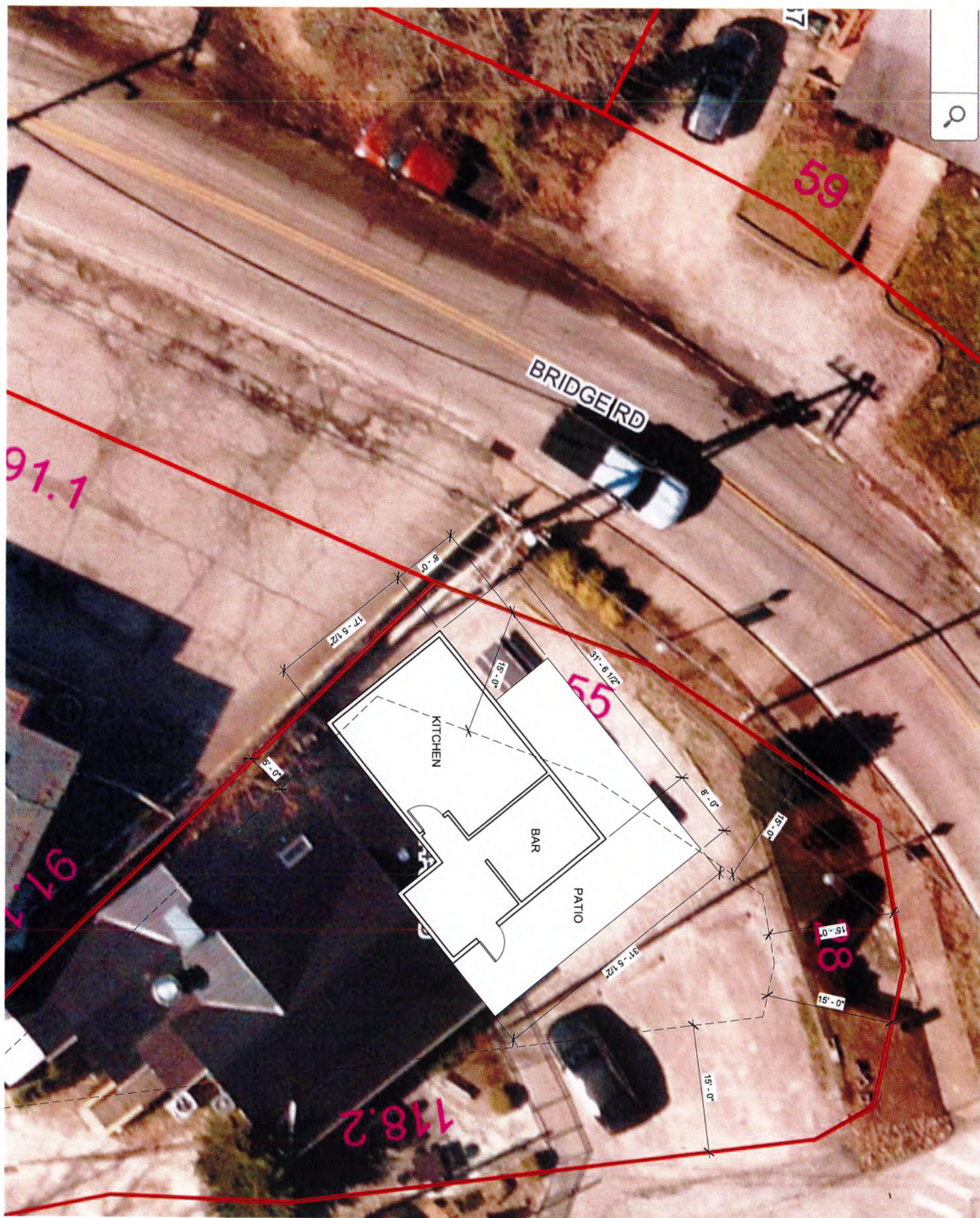
No. Our intentions, upon approval, is to match and extend the current storefront. With the added green space we feel that the addition would only enhance the neighborhood.

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. There are, to our knowledge, no other ordinances that will be in question. We are a community based business that depends on our neighbors. We feel this addition will not only help improve our functionality but will also enhance the neighborhood .

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. We only request to be granted a small portion of our setback to be waved. Exact dimension to be determined upon survey,





**Board of Zoning Appeals
PUBLIC HEARING NOTICE**

Case Description

VAR-22-3015: Application of Element FCU requesting a parking variance in order to establish a center for community outreach on the property located at **1565 Hansford Street**.

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, August 11, 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 Variance

BZA # _____

Hearing Date: _____

Applicant Information	Property Information
Name: Element Federal Credit Union	Address: 1565 Hansford St. Charleston WV 25301
Address: 3418 MacCorkle Ave SE Charleston WV 25304	Tax Map and Parcel:
Phone: 304-721-4145 ext 177	Zoning 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, 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.** Element FCU intends to use this structure and space for multiple purposes. We are a community development financial institution (CDFI) and wish to create a community space for financial education and wellness, educational services, entrepreneurship, and other community wellness needs. We'll be working with community partners, including educational institutions. We need a parking variance to allow us to develop and operate this space for its intended use. The current projected 25 spaces will support most activities. However, we intend to host events that may attract a larger crowd. We have contacted Laidley Field owners and they have indicated they would be open to a parking agreement to allow us to use their parking area for larger events.

Applicable Section(s) of the Zoning Ordinance _____

Please describe the proposed work to be done on the property. The building is approximately 20,000 square feet. We will convert 3,000 square feet to general office space. The remaining 17,000 will be a mixture of event space, co-working space, education space, flexible space to accommodate different projects and community offerings.

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? It is our desire to bring community engagement, education, and wellness to the area. Through a parking agreement with Laidley field, we can ensure the neighborhood is not negatively impacted by excessive traffic. We do not wish to nor allow our guests to create a parking issue that negatively impacts the neighborhood.

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? The building is in an area with limited parking. It is doubtful that other owners or businesses would be able to utilize this space due to the size of the building and parking restrictions.

Without a variance, are you deprived of all beneficial use of your land? If we do not receive this variance, we cannot utilize the space as intended. We would not be able to purchase the building (a building that has been vacant for almost 8 years).

Would approval of your variance request alter the essential character of the surrounding neighborhood or community? We believe a variance would not negatively alter the surrounding community. We believe it would be an enhancement to the area.

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, we will enhance public health and general welfare in this area.

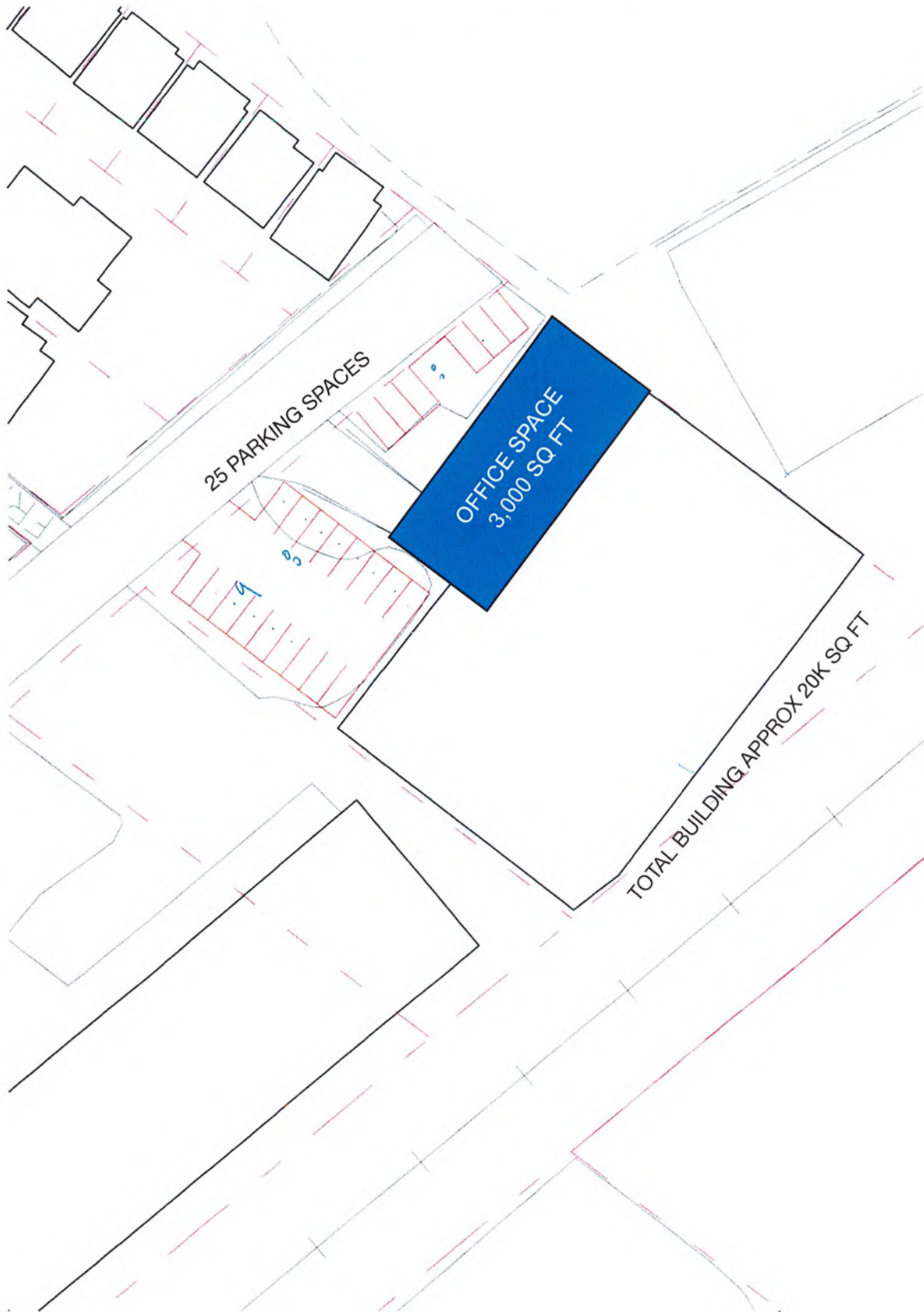
5.) Substantial justice is the idea that a standard of fairness has been satisfied according to the substance of the law. Does your variance request represent the least deviation from the Zoning Ordinance necessary to achieve an outcome that is fair to both you and to your community? Yes, by utilizing 25 existing parking spaces and allowing a shared agreement with Laidley Field, we can bring our services to the community and create a positive impact on the neighborhood.

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.

Quil Berlin CEO
Signature

JUNE 29, 2022
Date

Site Plan for 1565 Hansford Street



Subject: Laidley Field

Date: Wednesday, June 29, 2022 at 11:25:55 AM Eastern Daylight Time

From: THOMAS WILLIAMS

To: Linda Bodie

CC: LINDSEY D MCINTOSH

Dear Ms. Bodie,

Thank you for reaching out to us in regard to the parking lot at Laidley Field. What Element Federal Credit Union is wanting to do with the property adjacent to Laidley Field, providing financial education to the community and serving as a resource for community development, is in line with the KCBOE's mission and objectives. Therefore, if you purchase the property, we would be willing to work out an Agreement for the use of the Laidley Field parking lot during Element Federal Credit Union events or overflow times when Laidley Field is not being utilized. We look forward to hearing from you if and when you obtain this property.

Tom

Thomas E. Williams, Jr., Ed.D.
Superintendent
Kanawha County Schools
200 Elizabeth Street
Charleston, WV 25311-2119
twilliams@mail.kana.k12.wv.us
304-348-7732



**Board of Zoning Appeals
PUBLIC HEARING NOTICE**

Case Description

CUP-22-0224: Application of Aaron Clark on behalf of Ellen's Ice Cream requesting a conditional use permit in order to serve alcohol on the property located at **225 Capitol Street**.

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, August 11, 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.

Alcohol Related Conditional Uses in Charleston, WV

Application for Conditional Use Permit
Release of Information
Security & Operations Plan

Ellens Ice Cream

(Name of Proposed Business)

Board of Zoning Appeals

Application for Conditional Use Permit

CU # _____

Hearing Date: _____

Applicant Information	Property Information
Name: <u>AARON CLARK</u>	Address: <u>225 CAPITOL STREET</u>
Address: <u>P.O. Box 1574 CLENDENIN WV</u>	Tax Map and Parcel:
Phone: <u>304 982-3016</u>	Zoning District:
Agent Name, Address and Phone Number: (if other than applicant)	Property Owner and Mailing Address: (if other than applicant) <u>NEWPORT ONE LLC</u> <u>721 BRAWLEY WALKWAY</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. ALREADY HAVE ELLEN'S
ICE CREAM IN OPERATION AT ADDRESS. ONLY WANT TO ADD
FROZEN DRINKS TO MENU

Applicable Section(s) of the Zoning Ordinance _____

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

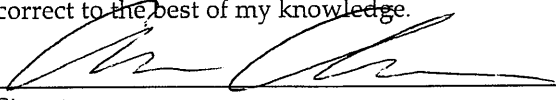
Please describe any proposed work to be done on the property. CLEANING, CHANGING COOLERS

If your request for a conditional use permit is granted, how will others in the area be affected? DO NOT BELIEVE THEY WILL BE

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? NO

Is your request consistent with the purposes and intent of the Zoning Ordinance of the City of Charleston? I BELIEVE SO

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

6/29/22
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

Security & Operations Plan

Submittal Requirements

Exterior Site Plan indicating the location of the following:

<u>2</u> Entrances/exits	<u>N/A</u> Exterior lighting
<u>N/A</u> Parking area, if applicable	<u>N/A</u> Surveillance cameras

Interior Floor Plan indicating location of the following:

<u>N/A</u> Bar	<u> </u> Food service/preparation areas
<u> </u> Fixed seating	<u> </u> Movable seating
<u>N/A</u> Stage and/or DJ platform	<u>N/A</u> Dance floor, if applicable
<u>N/A</u> Security personnel	<u> </u> Interior cameras

Description of Operations

Please provide a narrative description of the business operations, including the type and frequency of entertainment to be provided.

We are an ice cream shop. We would like to add
frozen drinks to menu. No live music or DJ's or
any other alcoholic drinks

Hours of Operation

SUNDAY 12-9 M-TH 11-8 F-SAT 12-9

Full meal service should 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.

We currently offer grab and go sandwiches, wraps,
SALADS and some desserts.

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.

N/A (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.

N/A (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.

N/A (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.

N/A (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.

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:

AARON CLARK

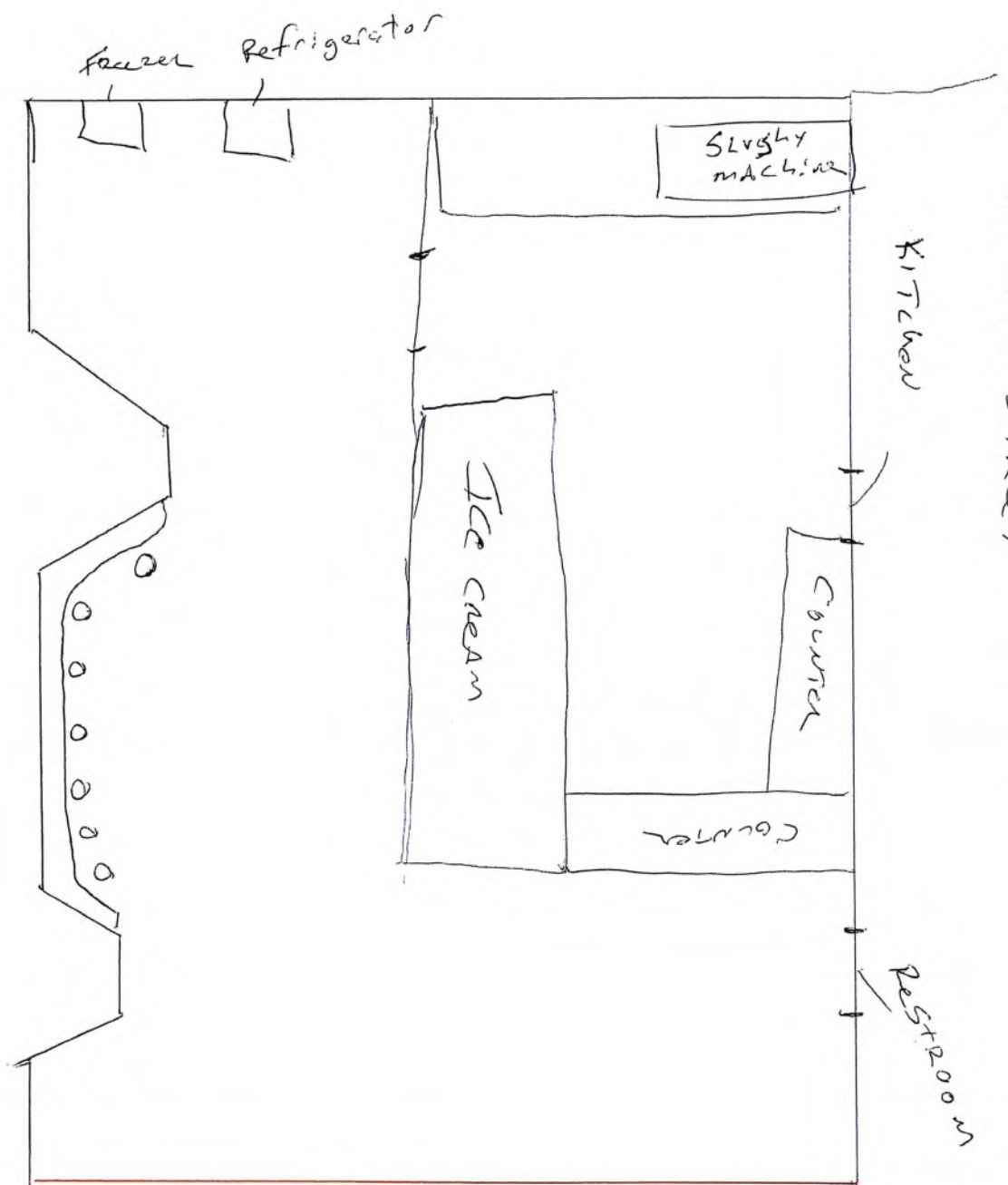
Title:

PARTNER

Date:

6/29/22

ELLERS INTERIOR FLOOR PLAN
225 CAPITOL STREET



ELLEN'S Ice Cream
225 CAPITOL STREET

BRAULEY WALKWAY

ENTRANCE

EXIT

STODOLSKA

1 PARKING
SPOT

1 PARKING
SPOT

1 PARKING
SPOT

1 PARKING
SPOT

CAPITOL STREET

WHAT'S YOUR
FLAVOR?



Ellen's Homemade Ice Cream opened in September 1997 on Capitol Street in downtown Charleston, WV. Our goal was simple: to bring delicious, high-quality ice cream to the capital city. We have been doing that ever since! Our ice cream is made on-site with all-natural, high-quality ingredients. At Ellen's, we offer our customers a variety of choices: 14 regular menu flavors, rotating and seasonal special flavors, gelato, sherbet and sorbet. Ellen's also offers a high-quality lunch menu which includes soups, salads, wraps and more, with many vegetarian options. In addition to our delicious ice cream and lunch menus, we offer homemade baked goods and excellent coffee and espresso.

If your flavor is lunch, coffee, cookie – or ICE CREAM, you will be sure to find it at Ellen's!

304.343.6488 / ellensicecream.com
225 Capitol Street / Charleston, WV 25301

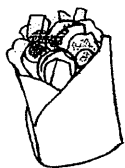


Ellen's
HOMEMADE
Ice Cream

ICE CREAM PLUS
TREATS, LUNCH,
AND ESPRESSO BAR



Open 7 Days a Week
304.343.6488 / ellensicecream.com



LUNCH

Homemade soups, salads, wraps & more.

Getting tired of the old worldburg? Check out our blog for some tasty ideas, lunch offerings.

Homemade Soup of the Day
 Wraps (Chicken Veggie, Hummus Veggie)
 Weekly Special Wrap
 Pasta or Grain Salad*
 Mixed Green Salad*
 Mixed Green Salad with Veggies*
 Ellen's Special Salad*
 Greek Salad*

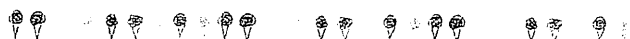
Grilled Cheese (add ham or our homemade black bean burger)
 Honey Whole Wheat Bread
 Grilled PB & J

*Oven roasted chicken breast can be added
 Homemade Salad Dressings



TREATS

Baked goodies to satisfy your sweet tooth!



Cookies
 Brownies

Biscotti
 Cupcakes



BEVERAGES

Cold or hot to quench your thirst.

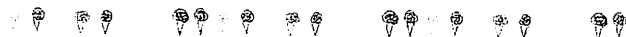
Assortment of Hot Teas
 Iced Tea
 Soda
 Juices
 Water
 Italian Sodas
 Hot Chocolate
 Chai

Real Fruit Smoothies:
 Strawberry
 Banana
 Mixed Berry
 Add Ice Cream, Yogurt or Protein Powder



ICE CREAM

Served in a cone, cup, pint or quart.



Life the persons, our flavors are always changing. Check out our blog for our weekly & holiday flavors.

Coffee
 Dutch Chocolate
 Vanilla
 Mint Chocolate Chip
 Raspberry Chocolate Chip
 Strawberry
 Mocha Almond
 Heath
 Butter Pecan
 Espresso Oreo
 Oreo
 Black Raspberry
 Chocolate Chip
 Coconut
 Gelato
 Sorbet
 Sherbet

Treats:
 Hot Fudge, Hot Caramel & Strawberry Sundaes
 Espresso Sundae
 Brownie Sundae
 Banana Split
 Milkshake
 Malted Milkshake
 Milkshake Float
 Cappuccino Milkshake
 Sorbet/Sherbet Cooler
 Yogurt Freeze
 Ice Cream Soda
 Egg Cream
 Root Beer Float
 Low-fat Vanilla, Chocolate & Swirl Frozen Yogurt
 Ice Cream Cakes (Special Order)

Looking for a deal? Check out our blog for Ellen's homemade Thirsty Thursday treat!

Let's make a latte!



ESPRESSO BAR

Like coffee? We've got you covered.

Coffee Hot/Iced
 Espresso
 Cappuccino Hot/Iced
 Café Latte
 Americano
 Café Au Lait
 Café Mocha

Coffee Treats:
 Espresso Sundae
 Cappuccino Milkshake
 Espresso Freeze
 Down Under Iced Coffee