



Charleston Board of Zoning Appeals

AGENDA

8:30 a.m., Thursday, February 9, 2023

City Service Center Conference Room · 915 Quarrier Street

I. Items for Review

VAR-23-3020

Application of Aric Margolis on behalf of Shops at Kanawha LLC requesting a variance of the sign regulations in order to install multiple wall signs on a multi-tenant building on the property located at **5707 MacCorkle Avenue**.

CUP-23-0230

Application of William Martin Riggs, Jr. requesting a conditional use permit in order to establish a bar and nightclub on the property located at **1022 Quarrier Street**.

II. Approval of minutes for the January 12, 2023 hearing.



**Board of Zoning Appeals
PUBLIC HEARING NOTICE**

Case Description

VAR-23-3020: Application of Aric Margolis on behalf of Shops at Kanawha LLC requesting a variance of the sign regulations in order to install multiple wall signs on a multi-tenant building on the property located at **5707 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, February 9, 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: Shops at Kanawha c/o Simpson Properties, Inc. (Donald Simpson)	Address: 5707 MacCorkle Ave. Charleston, WV 25304
Address: 239 Main Street, Fifth Floor Johnstown, PA 15901	Tax Map and Parcel: 9 - Chas. South Annex Corp Map: 67 Parcel: 20-09-0067-001-0007
Phone: 814.539.8900	Zoning District: C-10
Agent Name, Address and Phone Number: (if other than applicant) Aric Margolis Architecture 602 Virginia St. E Ste. 102 Charleston, WV 25301 304.343.9080	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.**

Provide Multiple signs for a Multi-tenant building. 1 sign per Tenant storefront and 1 overall building sign

One of the tenants has multiple entries and multiple functions so we are wanting 2 signs for that tenant .

The overall square footage of signage will be less than the allowable area. Allowable area per building frontage is 438.75 square feet. Total signage we are proposing is 298 square feet

Applicable Section(s) of the Zoning Ordinance 24-040-03

Please describe the proposed work to be done on the property. Install 1 sign per storefront entrance plus
1 overall building sign. See attached elevation

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?

The property is part of an overall retail establishment. The area currently has multiple signs at each of the retail location. This will not detract from the area in anyway.

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?

Because this portion of the building is one large block, direct storefront for the individual spaces is not evident.

By providing for individual signage, each tenant will be recognized. Because this portion of the complex is commercial office space, it is prudent to provide an overall building name in addition to the individual tenants so that the use of the building is clearly defined.

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?

Without a variance, each tenant will not be recognized

Is your situation due to unique circumstances that are not shared by other land in the district?

Other spaces within the area are more clearly defined as individual blocks where this portion of the building is not.

Would approval of your variance request alter the essential character of the surrounding neighborhood or community? No. There are currently multiple business signs in 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, by allowing this variance, the businesses within the building will be recognized. The overall amount of signage is still below the allowable area.

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?

By allowing this variance, the signage will delineate that this portion of the building is commercial office rather than retail which is the prevailing use of the area.

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.

Aric L. Margolis

Digitally signed by Aric L. Margolis
DN: cn=Aric L. Margolis, o, ou, email=aric@ama-wv.com, c=US
Date: 2022.12.29 11:06:05 -05'00'

Signature

12/29/22

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

TOTAL SIGN AREA 298 SF

292'-6" @ 1.5/LF = 438.75 SF ALLOWABLE AREA

99'-3" @ 1.5/LF = 149 SF ALLOWABLE

48'-9" @ 1.5/LF =
73 SF ALLOWABLE

72'-6" @ 1.5/LF =
109 SF ALLOWABLE

72'-0" @ 1.5/LF =
109 SF ALLOWABLE

24" LETTERS 44' WIDE 90 SF

KANAWHA CITY OFFICE CENTER

4' x 7'
28 SF

4' x 10'
40 SF

4' x 10'
40 SF

7' x 14'
100 SF

7' x 14'
100 SF

© 12/29/22 ARIC MARGOLIS ARCHITECTURE, PLLC

PROPOSED SIGNAGE DRAWING FOR

SHOPS AT KANAWHA

CHARLESTON,

WEST VIRGINIA



aric margolis
ARCHITECTURE

ARIC L. MARGOLIS AIA NCARB

602 VIRGINIA ST. E.
SUITE 102
Charleston, WV 25301
phone: 304.343.9080

DATE	DESCRIPTION
12/29/22	1st REVIEW
	2nd CONSTRUCTION
	REVISION
	DESCRIPTION

SCALE:

PROGRESS
PRINT
NOT FOR
CONSTRUCTION

12/29/22, 11:07 AM

SCALE
0' 6' 12'
OR AS NOTED

IMPORTANT:

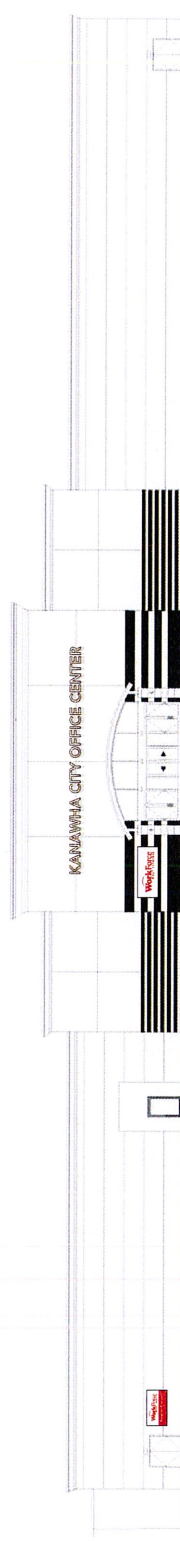
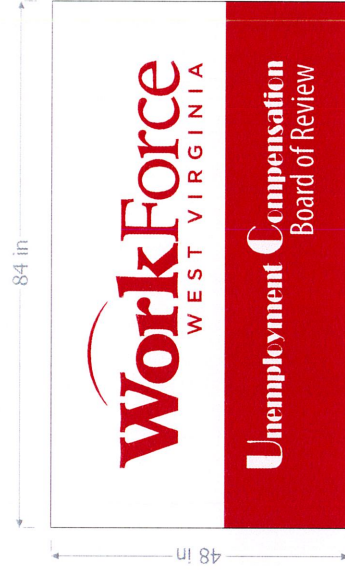
DRAWINGS MAY BE PRINTED
ON VARIOUS SHEET SIZES.
VERIFY ALL SCALES,
DIMENSIONS, AND NOTATIONS
BEFORE BEGINNING WORK.

TITLE:

ELEVATION

DRAWING:

A2.1



Illuminated Cabinet w/ Push Through Metal Face

Simpson Properties Inc-Kanawha Mall - Internally Illuminated all welded aluminum construction sign cabinet. Illumination is long life, Low Voltage LED with low voltage transformers. Face is constructed of aluminum with holes for letters routed through. Acrylic letters will be cut to fit and installed in routed holes. All exterior parts of this product at rustproof and are designed for exterior applications in all weather conditions.

Face Color: ☐ White

Graphics/Acrylic Color: ☒ 187

LED Color: ☒ Red

Cabinet Color: ☐ White

Letter Height: W= 13.7in

W= 9.26in

W= 3.35in

W= 2.27in

U= 5.68in

B= 3.74in



Tel. (800) 863-0107

(304) 522-7503

Fax: (304) 522-7505

www.parissigns.com

Client Approval: ☒

_____/____ Customer Signature / Date, Required Prior to Production.

Please review artwork carefully, any changes made after signing may result in additional charges. All Artwork created by Paris Signs is property of Paris Signs until sign or artwork is purchased by customer.

Power Control
Includes On/Off switch, Voltage Amperage Tag and optional Photo Electric Eye

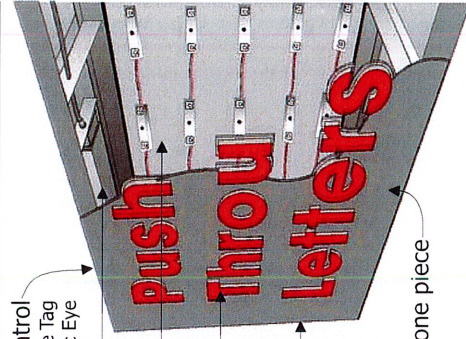
Electronic Power Supply
12 volt, mounted in the top of the sign

Illumination
Long life, low voltage LED

Acrylic "Pushed through" letters
Letters are cut with shelf on back to keep the letter in position
Letters color can be applied to the front or the back of the letters

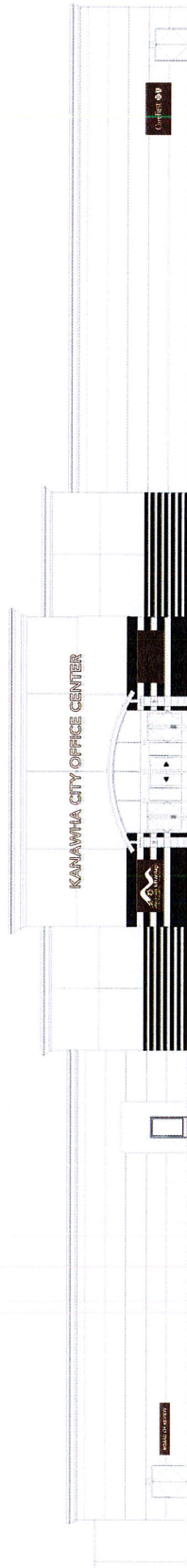
Cabinet Construction
All aluminum welded frame and skin with stainless steel fasteners
Skin is acid etched and painted with acrylic polyurethane finish

Face and Retainer one piece



Drawing #30896a

535.25 in
KANAWHA CITY OFFICE CENTER



Face Lit Letters for Remote Mounted

Simpson Properties-Kanawha Mall - Internally Illuminated Letters/Logo built to be mounted directly to the structure with power supply mounted inside structure and penetrating wall at each letter. Illumination is provided with safe, long life and low voltage LEDs. Translucent impact resistant acrylic faces to shine bright at night. All parts of this product are rustproof and are designed for exterior applications in all weather conditions.

Face Color: ☐ White

Trim Cap Color: ☒ Duranodic Bronze

LED Color: ☐ White

Return Color: ☒ Duranodic Bronze

Letter Height: K=24in

Total Square Ft. 89.2 sq. ft

PARIS SIGNS®

Tel. (800) 863-0107
www.parissigns.com

(304) 522-7503

Fax: (304) 522-7505

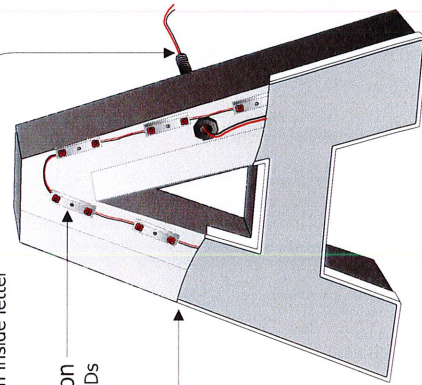
Client Approval: ☒ _____ / _____ Customer Signature / Date, Required Prior to Production.

Please review artwork carefully, any changes made after signing may result in additional charges. All Artwork created by Paris Signs is property of Paris Signs until sign or artwork is purchased by customer.

Wire Whip
18" long wire whip for making final connection inside structure.
wire passes through sealed threaded conduit from inside letter

Illumination
Bright, durable and long lasting LEDs

Letter
Translucent Acrylic Face with Plastic Trimcap for attaching
to sealed all aluminum letter with stainless steel fasteners





**Board of Zoning Appeals
PUBLIC HEARING NOTICE**

Case Description

CUP-23-0230: Application of William Martin Riggs, Jr. requesting a conditional use permit in order to establish a bar and nightclub on the property located at **1022 Quarrier 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.

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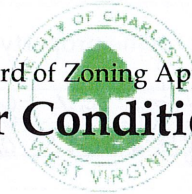
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Board of Zoning Appeals

Application for Conditional Use Permit



CU # _____

Hearing Date: 1/26/23

Applicant Information	Property Information
Name: <u>William Martin Riggs Jr</u>	Address: <u>1022 Quarrier St. Chas. WV 25301</u>
Address: <u>1031 Quarrier St. Chas., WV 25301</u>	Tax Map and Parcel: <u>Charleston East</u>
Phone: <u>(304) 541-6140</u>	Zoning District: <u>Downtown Charleston Historic District</u>
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, 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.

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 establishment's proposed use will be a Food + Beverage Sales Environment (Bar / Restaurant). This will include alcohol sales, small food menu, live performances/music from local artists.

Applicable Section(s) of the Zoning Ordinance Section 3-050 (Land use table)

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

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

Future renovations to first and second floor contingent upon business needs. Current operations only require use of the basement bar.

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

Success within our business will expand downtown nightlife, increasing traffic to Queen St. and the surrounding area, as well as expanding the city's cultural footprint and providing a more diverse nightlife experience for Charleston.

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? _____

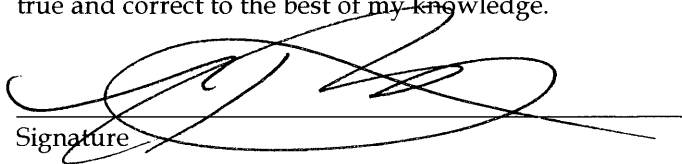
No

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

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.

Signature



Date

12/14/22

Security & Operations Plan

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 |
| ☒ Stage and/or DJ platform | ☒ 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.

The bar's theme is centered around a combination of assorted specialty cocktails, music and lighting which will frequently change. Each day will have a different theme, music and energy with frequent performances by local artists including DJs, bands, etc.

Hours of Operation

Tuesday - Thursday	4pm - 11pm
Friday - Saturday	4pm - 12am

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.

Food service will be limited to a small appetizer style menu (attached), served from opening until 11pm. The kitchen is located on site. No agreements with other restaurants, nor delivery services will be necessary for initial opening.

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.

 (initial)

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

 (initial)

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

 (initial)

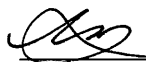
Ensure all managers, bartenders, and servers complete the Professional Server Certification Corporation's On-Premises Responsible Serving Course. Copies of staff certification must be kept on site and made available to City staff upon request.

 (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.

 (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.

 (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.

 (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.

 (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.

 (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.

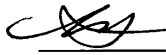
 (initial)

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.

 (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.

 (initial)

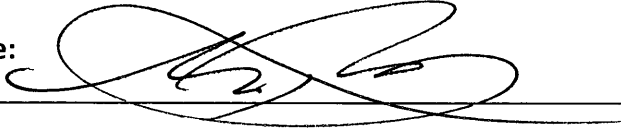
Emergency Contact Information

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

William Martin Riggs	(304) 389-4995	W.MARTIN.RIGGS@gmail.com
William Martin Riggs Jr	(304) 541-6140	WMRIGGSJR@gmail.com
Bailey Lynn Ruddle	(304) 444-8827	BAILEYL.RUDOLE@gmail.com

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: William Martin Riggs Jr

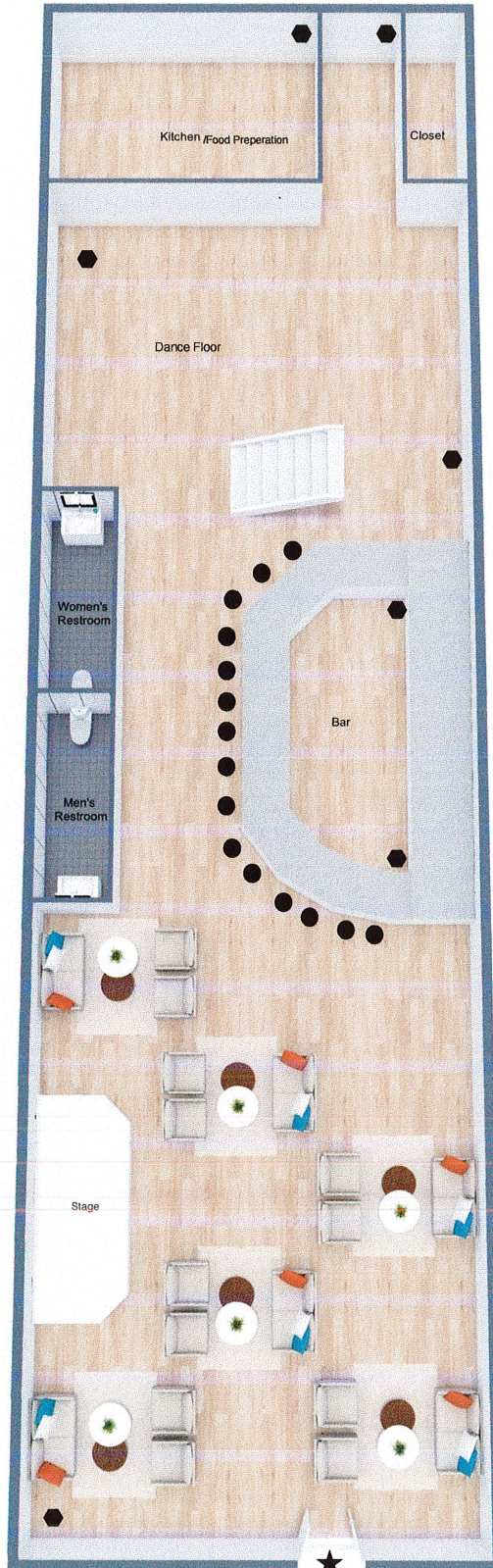
Title: PARTNER

Date: 12/14/22

QD VENTURES LLC

THE ROQ

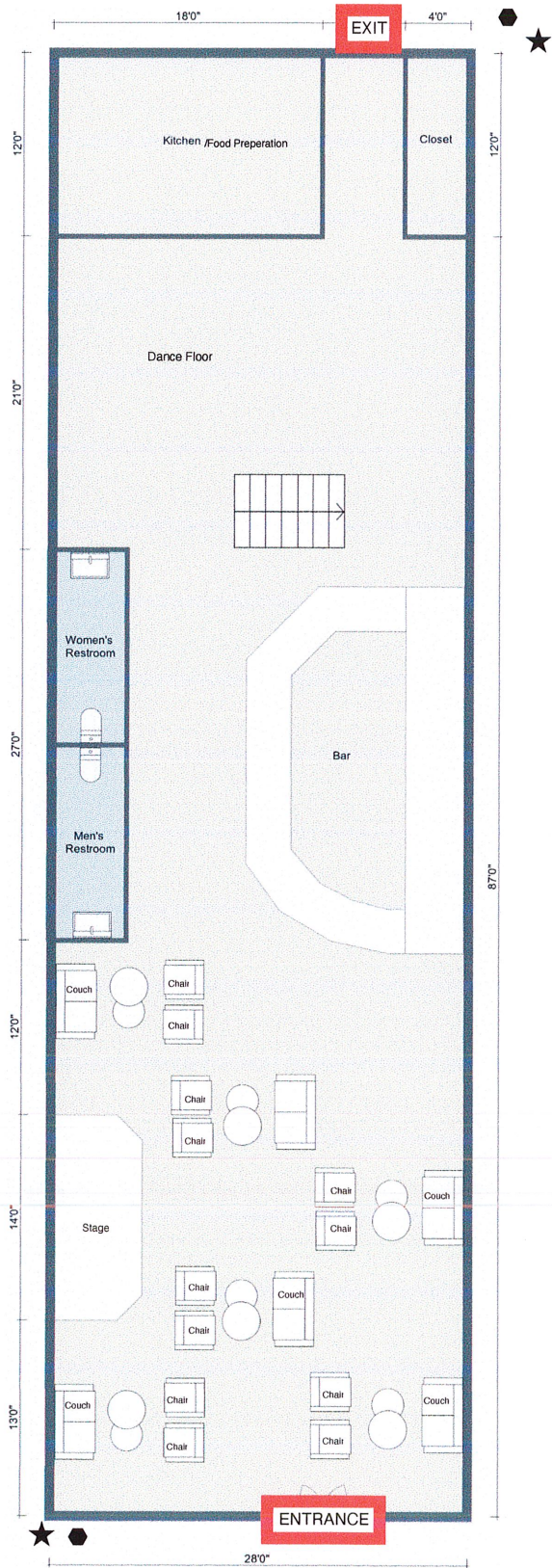
- KEY:
- - Camera
 - - Bar Stool
 - ★ - Security Guard



QD VENTURES LLC

THE ROQ

- KEY:**
- - Exterior Camera
 - ★ - Exterior Lighting



The ROQ Food Menu

Marinated Olives

Candied ROQ Nuts

BBQ Chips with Smoked Buttermilk

Pimento Cheese Dip

Smoked Trout Mousse

8-Hour Braised Pork Slider with Slaw

Charcuterie Tray

Tuna Poke Dip with Dusted Corn Chips

Prosciutto Wrapped Stuffed Dates with Feta Cheese