



Charleston Board of Zoning Appeals

AGENDA

8:30 a.m., Thursday, May 11, 2023

City Service Center Conference Room · 915 Quarrier Street

I. Items for Review

VAR-23-3024

--postponed at the request of petitioner--

Application of Charleston Area Medical Center requesting setback and landscaping variances in order to install boiler and generator facilities associated with CAMC Memorial Hospital on the property located at **3115 Virginia Avenue**.

VAR-23-3025 & CUP-23-0234

Application of Devon Brandy requesting a parking variance and a conditional use permit in order to establish a bar on the property located at **4112 MacCorkle Avenue**.

II. Approval of minutes for the April 27, 2023 hearing.



Board of Zoning Appeals PUBLIC HEARING NOTICE

Case Description

VAR-23-3025 & CUP-23-0234: Application of Devon Brandy requesting a parking variance and a conditional use permit in order to establish a bar on the property located at **4112 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, May 11, 2023

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

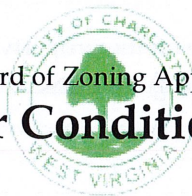
Application for Conditional Use Permit
Release of Information
Security & Operations Plan

The Bulldog Sports Bar LLC

(Name of Proposed Business)

Board of Zoning Appeals

Application for Conditional Use Permit



CU # _____

Hearing Date: _____

Applicant Information	Property Information
Name: <u>Devon Brandy</u>	Address: <u>4112 MacCorkle Ave Suite 200</u>
Address: <u>455 Aviators Pointe</u>	Tax Map and Parcel: <u>13.17.48</u>
Phone: <u>601-940-3337</u>	Zoning District: <u>C-8 Village Commercial District</u>
Agent Name, Address and Phone Number: (if other than applicant)	Property Owner and Mailing Address: (if other than applicant) <u>Devon Brandy</u> <u>P.O. Box 648 Teays 25569</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, 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 use for the building is it can become a Sport bar with a couple Pool tables, Dart boards, a jukebox for music, and Guitar hero arcade game. There will not be any entertainment such as a band, DJ, Dance floor, or any concert on the property. Personal Pan Pizzas will be made in the kitchen. Alcohol candy Slushie drinks will be available along with chips, beer, and kevor. The hours will be mon-thurs 11am-11:30pm Fri-Sat 11am-12am Sunday 11am-10:30pm

Applicable Section(s) of the Zoning Ordinance _____

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

Please describe any proposed work to be done on the property. Electrical, Plumbing
building the bar, painting and removing the carpet
and building an office.

If your request for a conditional use permit is granted, how will others in the area be affected? If my
request is granted and by my business doing well
it will affect others business near by in a great way
by bringing in people who never to that area and spending
money

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? NOT at all it's going to add value I
can guarantee it

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

3-23-23

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.

11am-11:30pm MON-THUR 11am-12am Fri-Sat
11am-10:30pm Sunday

There will be no kind of entertainment other than the pool tables, Dart board, and arcade game.

Hours of Operation

11am-11:30pm MON-THUR 11am-12am Fri-Sat
11am-10:30pm Sunday

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.

I will be serving Personal Pan Pizzas provided from Sysco. Pepperoni, Cheese, meat Lovers, Veggie. Chips will also be available all day. Pizzas come prepackaged ~~and~~ when someone orders something I will be the one who places the pizza in the oven and box it up when it's ready and take to the bar.

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.

DB (initial)

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

DB (initial)

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

DB (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.

DB (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.

DB (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.

DB (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.

DB (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.

DB (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.

DB (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.

DB (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.

DB (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.

DB (initial)

Emergency Contact Information

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

Pamela Drandy 601-965-6783

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:

Devon Brandy

Title:

Owner/manager

Date:

3-23-23

[illegible]



Find address or place



4102

4102

4104

4106

4110

4112

4114

61

20ft

 Board of Zoning Appeals
Application for Variance

BZA # _____

Hearing Date: _____

Applicant Information	Property Information
Name: <u>Devon Brandy</u>	Address: <u>4112 MacCorkle Ave Suite 200</u>
Address: <u>455 Aviators Pointe</u>	Tax Map and Parcel: <u>13.17.48</u>
Phone: <u>601-940-3337</u>	Zoning District: <u>C-8</u>
Agent Name, Address and Phone Number: (if other than applicant)	Property Owner and Mailing Address: (if other than applicant) <u>Devon Brandy</u> <u>P.O. Box 648 Teays 25569</u>

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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. I have to have 26 parking spaces in order to run my business I only have 15 and I need 11 more.

Applicable Section(s) of the Zoning Ordinance _____

Please describe the proposed work to be done on the property. Electrical, Plumbing building the bar, painting and removing the carpet and building an office.

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 area will not affected in anyway because the parking lot across the street from me has available parking with enough spaces.

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? NO

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

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 I am just trying to add 11 parking spaces

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

3-23-23