



## **Charleston Board of Zoning Appeals**

### **AGENDA**

8:30 a.m., Thursday, August 8, 2024

City Service Center Conference Room · 915 Quarrier Street

#### **I. Items for Review**

##### **CUP-24-0243**

Application of E-Yad Salem requesting a conditional use permit in order to establish a Vape/Smoke Shop on the property located at **1596 ½ Washington St E.**

##### **CUP-24-0244**

Application of East End Eatery and Catering requesting a conditional use permit in order to establish a restaurant serving alcohol on the property located at **1588 Washington St E.**

#### **II. Approval of minutes for the June 13, 2024 and July 11, 2024 hearing.**

Board of Zoning Appeals

# Application for Conditional Use Permit



CU # \_\_\_\_\_

Hearing Date: 8-8-24

| Applicant Information                                              | Property Information                                             |
|--------------------------------------------------------------------|------------------------------------------------------------------|
| Name: <u>E-Yad Saleem</u>                                          | Address: <u>1596 - 1/2 Washington St East</u>                    |
| Address: <u>527 Thomass Boylants +</u>                             | Tax Map and Parcel: <u>11-23-174</u>                             |
| Phone: <u>(313) 330-9602</u>                                       | Zoning District: <u>CVD</u>                                      |
| Agent Name, Address and Phone Number:<br>(if other than applicant) | Property Owner and Mailing Address:<br>(if other than applicant) |

**IMPORTANT:** This application must be typed or legibly printed and filed with the Planning Department in person or by mail to 915 Quarrier Street, Suite 1 Charleston, WV 25301. The following items must accompany this application: 1) a site plan drawn to scale; 2) a list of the owners, with their mailing addresses, of the properties within a 250 foot radius of the property for which the variance is being sought; 3) \$125.00 filing fee in the form of a check or money order made payable to the City of Charleston. You are also encouraged to submit any additional information, including photographs, elevations, testimonials or other documentation, which may support your application. You or your representative must be present at the scheduled public hearing in order to present your request and answer questions. THE PLANNING DEPARTMENT WILL NOT ACCEPT ANY INCOMPLETE APPLICATIONS.

Please describe the proposed use. Include information such as the activities to be conducted on the site, hours these activities will be conducted, and any other data pertinent to the proposed use. If the proposed use is a business, please attach a list of the officers and their contact information.

Vape & Tobacco Shop

Applicable Section(s) of the Zoning Ordinance Sec. 3-050

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

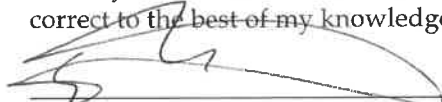
Please describe any proposed work to be done on the property. Installed interior  
slat walls for merchandise. Potential signs on  
exterior

If your request for a conditional use permit is granted, how will others in the area be affected? There won't be any effect on neighboring businesses  
No similar business nearby.

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

7-11-2024  
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: <input type="checkbox"/> Approved <input type="checkbox"/> Rejected                                                                |      |
| If approved, were there any specific conditions or limitations imposed by the BZA?                                                         |      |
|                                                                                                                                            |      |
|                                                                                                                                            |      |
| Planning Official Signature and Title                                                                                                      | Date |

## Webb, Chad

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**From:** Kelsie Paxton <knnp5766@gmail.com>  
**Sent:** Wednesday, July 31, 2024 11:12 PM  
**To:** Webb, Chad  
**Subject:** East end smoke shop

**This Email Originated from an outside source:** Do not open attachments or links unless you know the content is safe, forward suspicious emails as an attachment to: [helpdesk@cityofcharleston.org](mailto:helpdesk@cityofcharleston.org)

I saw a post inviting people to share their comments and opinions on the idea of a smoke shop being placed on the east end and I just wanted to say I think it's a great idea. There are no smoke shops, closer than kanawha city or the west side.

Kelsie Paxton  
3045615766

Sent from Gmail Mobile

## Webb, Chad

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**From:** Mary Beth Hoover <hoovermb74@hotmail.com>  
**Sent:** Tuesday, August 6, 2024 5:50 PM  
**To:** Webb, Chad  
**Subject:** BZA meeting

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

**This Email Originated from an outside source:** Do not open attachments or links unless you know the content is safe, forward suspicious emails as an attachment to: [helpdesk@cityofcharleston.org](mailto:helpdesk@cityofcharleston.org)

Chad,

I wanted to reach out and let you know that I am unable to attend Thursday morning BZA meeting. I have had a strong constituent outreach concerning the vape shop on Washington St. East. The legal age to vape is 18 but we do know that vaping has been rampant among teenagers. In bill 7944 we do limit vape shops at 1500 ft from a school. Several of my neighbors concerns are proximity to two bus stops and the distance to Laidley field used by several schools in our community. As we know vaping has a lot of negative effects, but my biggest concern is advertising and selling to children. Some vapes smell and taste like candy.

I would like the commission to know that I stand with my neighbor's and oppose the vape shop on Washington St. East.

Thank you  
Councilwoman Mary Beth Hoover  
Ward 9

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# **Alcohol Related Conditional Uses in Charleston, WV**

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

Trays East End Eatery & Catering LLC

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(Name of Proposed Business)

dba East End Eatery & Catering

Board of Zoning Appeals

# Application for Conditional Use Permit

CU # \_\_\_\_\_

Hearing Date: 8/5/24

| Applicant Information                                                                                                                                      | Property Information                                                                                                               |
|------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|
| Name:<br><u>TRAYS EAST END EATERY &amp; CATERING LLC</u>                                                                                                   | Address:<br><u>1588 WASHINGTON ST E CHAS WV 25311</u>                                                                              |
| Address: <u>DBA EAST END EATERY &amp; CATERING</u><br><u>1588 WASHINGTON ST E CHAS WV 25311</u>                                                            | Map and Parcel:                                                                                                                    |
| Phone:<br><u>304-351-1999</u>                                                                                                                              | Zoning District:                                                                                                                   |
| Agent Name, Address and Phone Number:<br>(if other than applicant) <u>JACKIE COLEMAN</u><br><u>1586 1/2 WASH ST E CHAS WV 25311</u><br><u>304-419-3930</u> | Property Owner and Mailing Address:<br>(if other than applicant) <u>GOLDMAN LAND LLC</u><br><u>1014 BRIDGE ROAD CHAS, WV 25314</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](mailto: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.

East End Eatery & Catering is a restaurant. We will be offering  
dine in and carry out menu and we feel offer alcohol drinks will  
add value to the business.

Applicable Section(s) of the Zoning Ordinance \_\_\_\_\_

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. We are in the  
process of giving the location a fresh new look, some-  
thing that will show the pride of the East End and our  
Capital. Painting both inside and out and adding decor  
to make it apealling to everyone that visits.

If your request for a conditional use permit is granted, how will others in the area be affected?   
We believe that approving the permit will not change the  
surrounding area because there are other establishments  
within a few blocks that also have permits. We just want to  
add a place that people can come in, seat down and enjoy  
good food and drink what they choose to drink wether it be  
soda, tea lemonade, beer, wine or other drinks.

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 and we are located in the PODA Zone

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

7/15/24  
Date

## Security & Operations Plan

### Submittal Requirements

Exterior Site Plan indicating the location of the following:

|                                                      |                                               |
|------------------------------------------------------|-----------------------------------------------|
| <input type="checkbox"/> Entrances/exits             | <input type="checkbox"/> Exterior lighting    |
| <input type="checkbox"/> Parking area, if applicable | <input type="checkbox"/> Surveillance cameras |

Interior Floor Plan indicating location of the following:

|                                                   |                                                         |
|---------------------------------------------------|---------------------------------------------------------|
| <input type="checkbox"/> Bar                      | <input type="checkbox"/> Food service/preparation areas |
| <input type="checkbox"/> Fixed seating            | <input type="checkbox"/> Movable seating                |
| <input type="checkbox"/> Stage and/or DJ platform | <input type="checkbox"/> Dance floor, if applicable     |
| <input type="checkbox"/> Security personnel       | <input type="checkbox"/> Interior cameras               |

### Description of Operations

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

Full Service Restaurant with dine in and carry out services.  
Catering will also be offered both on site and off site events.  
On occasions, the building will hold private events with our  
staffing only. We may on occasions offer live music or karaoke.

### Hours of Operation

Tuesday - Thursday 11am - 9pm

Friday - Saturday 11am - 2am

Sunday 12pm - 6pm Closed Monday

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.

Attached is a proposed lunch, dinner menu. Late night menu will  
be the same as the lunch menu. The lunch menu will focus on quick  
sandwiches and light food item, while the dinner will focus on  
full fill you up dinner and sides. Late night will be the lunch  
menu with added snacks and appetizers.

### **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.

JAC (initial)

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

JAC (initial)

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

JAC (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.

JAC (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.

JAC (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.

JAC (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.

JAC (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.

JAC (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.

JAC (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.

JAC (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.

JAC (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.

JAC (initial)

#### **Emergency Contact Information**

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

|                               |                      |                                  |
|-------------------------------|----------------------|----------------------------------|
| <u>William (Tray) Coleman</u> | <u>(304)437-3929</u> | <u>trayzone@gmail.com</u>        |
| <u>George Hunt III</u>        | <u>(681)385-3574</u> | <u>ghunt@mail.kana.k12.wv.us</u> |
| <u>Nancy Zeigler</u>          | <u>(304)541-9440</u> | <u>francisw87@icloud.com</u>     |
| <u>Jackie Coleman</u>         | <u>(304)419-3930</u> | <u>jackie0907@gmail.com</u>      |

### 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:

*Jackie L Coleman*

Print Name:

Jackie Coleman

Title:

Office Manager

Date:

July 15, 2024

Members Information for Trays East End Eatery & Catering LLC  
dba East End Eatery & Catering

William R Coleman  
1586 $\frac{1}{2}$  Washington St E  
Charleston, WV 25311  
(304)437-3929 (C)

OWNER

Georger Hunt III  
1231 Payne Avenue  
Dunbar, WV 25064  
(681)385-3574 (C)

OWNER

Nancy Zeiger  
1231 Payne Avenue  
Dunbar, WV 25064  
(304)541-9440

OWNER/MANAGER

Jackie L Coleman  
1586 $\frac{1}{2}$  Washington St E  
Charleston, WV 25311  
(304)419-3930

MANAGER

# East End Eatery & Catering

## **MENU**

(Proposed)

### ◦ **LUNCH**

Fish & Chips  
Crusty Crab Sandwich & Fries  
Cheeseburger & Fries  
East End Eatery Burger & Fries  
Party Wings & Fries (naked or breaded)  
Buffalo Chicken Sandwich & Fries  
Grilled Chicken Sandwich & Fries  
Hot Bologna & Fries  
Hot Dogs (2) & Fries  
Whole Wings (3) & Fries

### ◦ **ENTREE**

(COMES WITH 2 SIDES)

Seafood Cakes  
BBQ Salmon  
Jerk Salmon w/ Pineapple Salsa  
Oxtails Over Rice  
1/2 Fried Chicken  
Lamb & Shrimp  
Meatloaf  
Smothered Pork Chops

### ◦ **PASTA**

Chicken Parmigiana  
Chicken Rasta Pasta  
Shrimp Rasta Pasta  
Chicken Alfredo  
Shrimp Alfredo  
Shrimp & Salmon Scampi  
Loaded Rasta Pasta

### ◦ **APPETIZERS**

Loaded Fries  
Oxtail Boudin Balls

### ◦ **SOUPS**

Vegetable Soup  
French Onion Soup

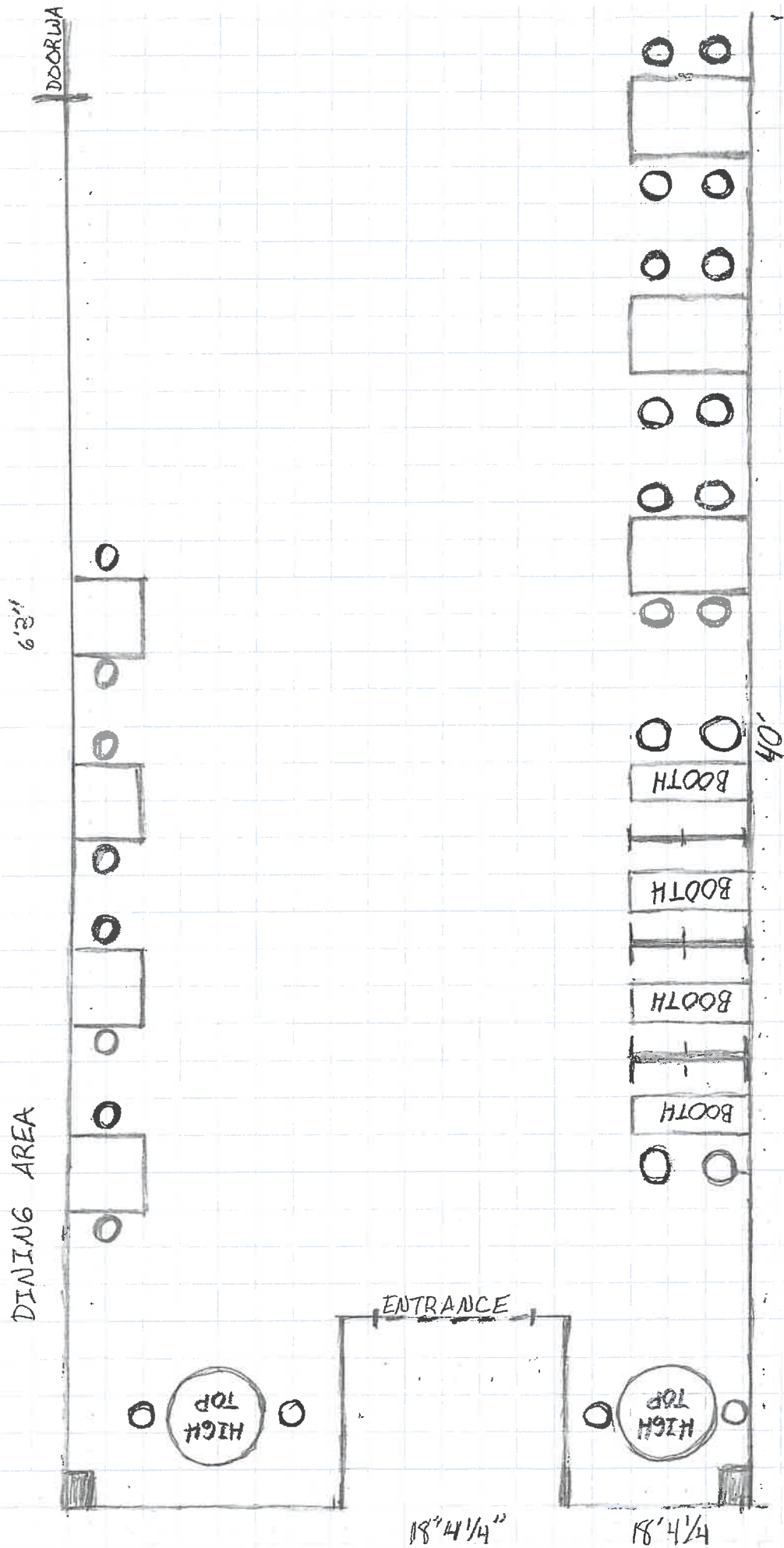
### ◦ **SALADS**

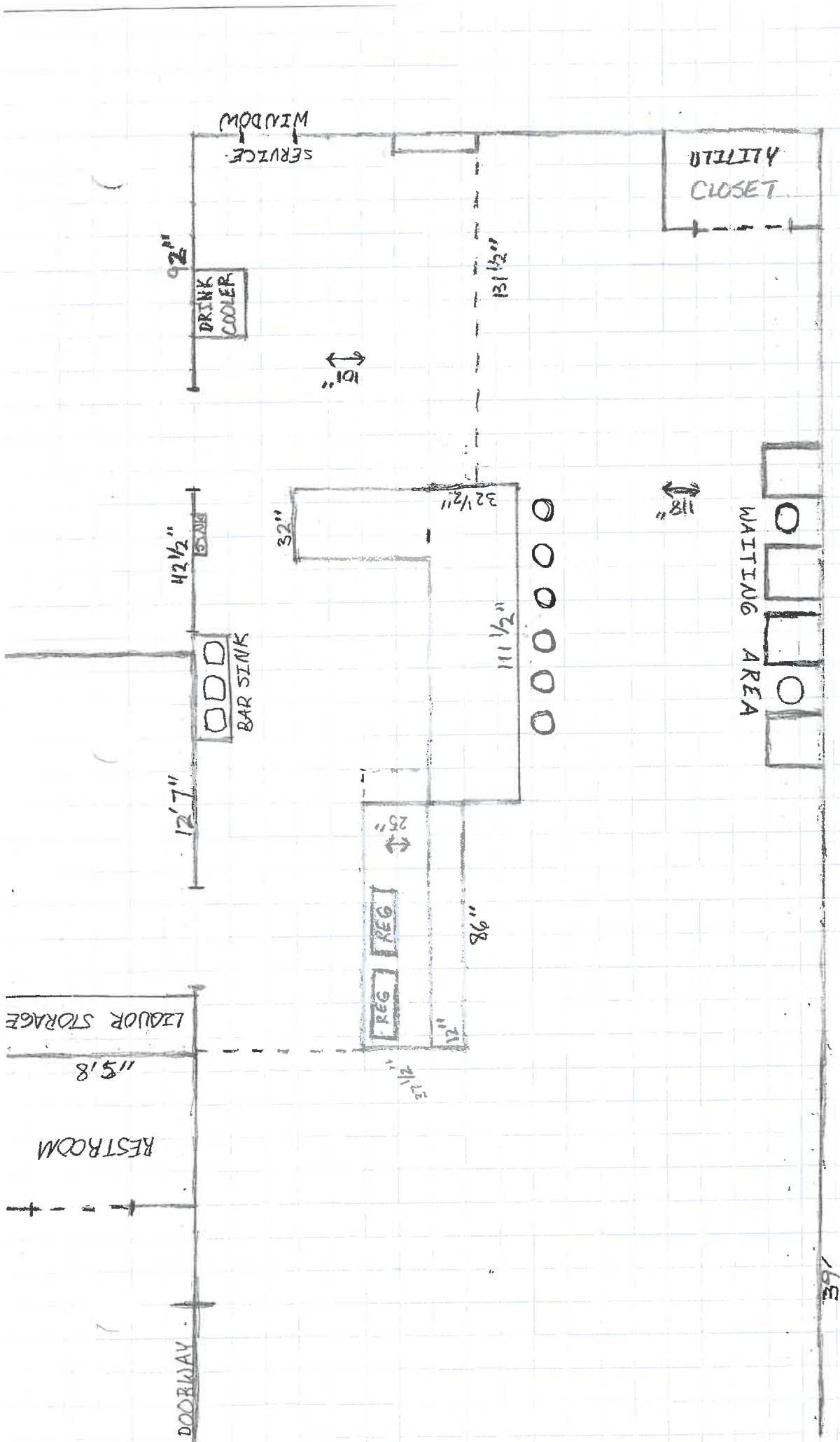
Garden Salad  
Grilled Caesar Salad

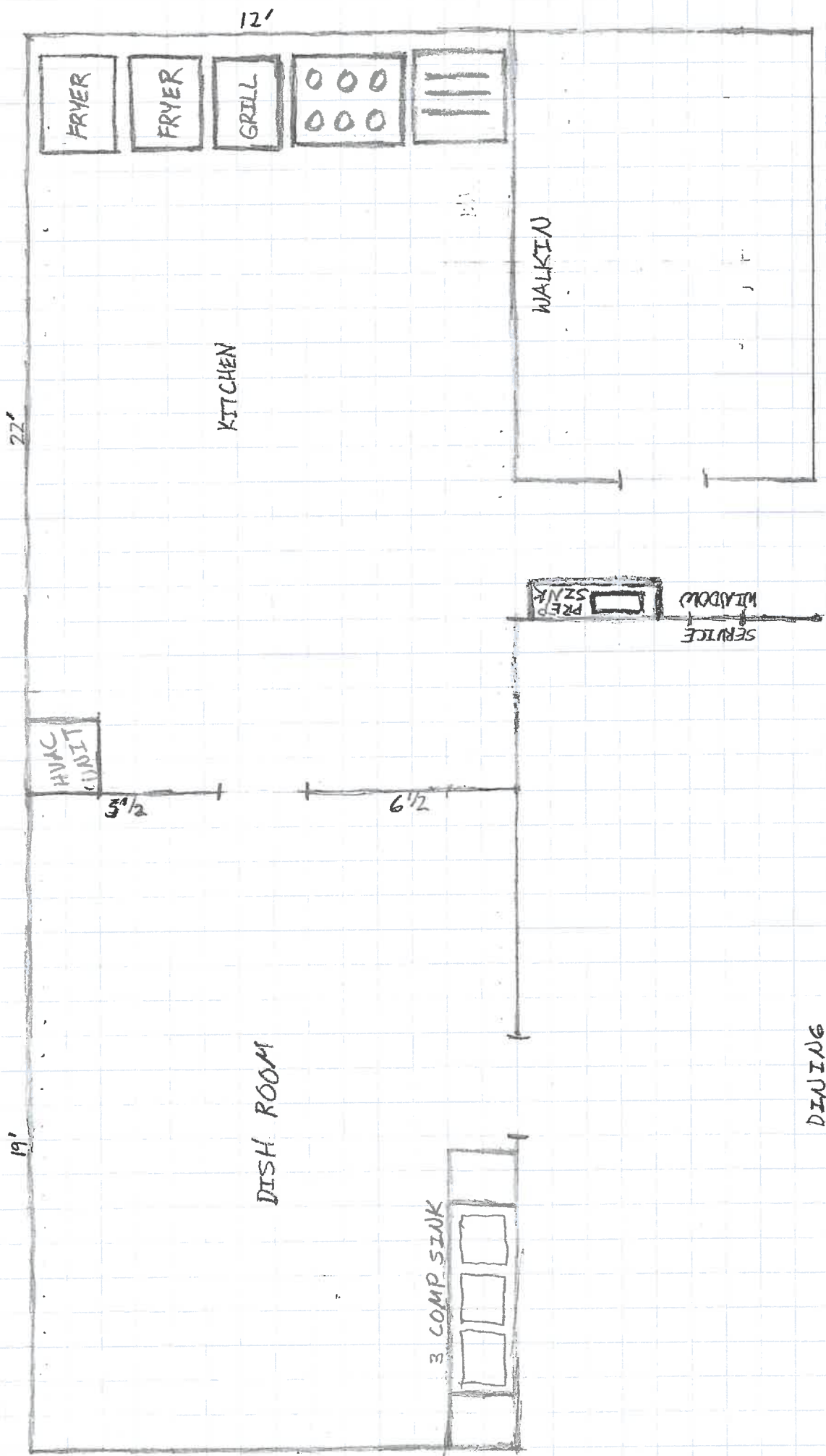
### ◦ **JUST FOR YOUR LITTLE ONES**

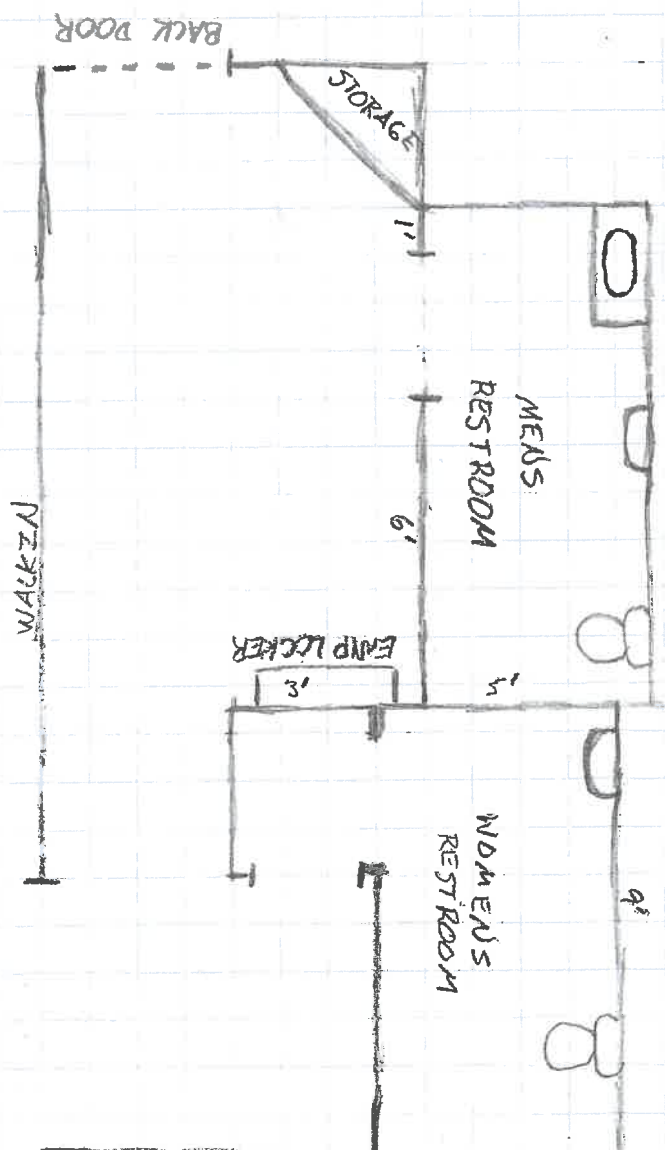
(under 5 years of age)

Grilled Cheese & Fries  
Hotdog (1) & Fries  
Chicken Strips & Fries  
Spaghetti & Meatballs



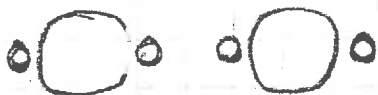
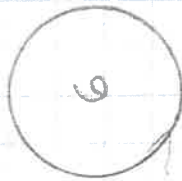
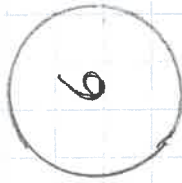
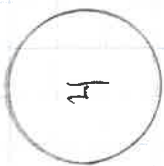
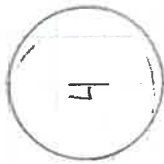
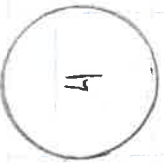
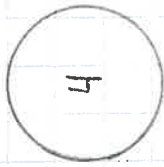






SIDE A

OFFICE



OUTDOOR SEATING

ENTRANCE

ENTR

