

MORGANTOWN BOARD OF ZONING APPEALS

MINUTES

July 20, 2005

6:30 P.M.

City Council Chambers

Members Present: Kevin Leyden, Nick Iannone, Jim Rockis, Bernie Bossio, and Mark Furfari.

Members Absent: NONE.

Staff Present: Jim Wood, Planning Director.

MATTERS OF BUSINESS:

Motion by M. Furfari, second by J. Rockis to approve the minutes of June 15, 2005, as amended.
Motion carried unanimously.

OLD BUSINESS:

- 1. CU00-01 / Landmark Ventures / 616 Richwood Avenue:** Request by Mark Furfari, of Landmark Ventures, for conditional use approval for restaurant-private club licensing at 616 Richwood Avenue. Tax Map #30 Parcel #32; a B-1, Neighborhood Business District

J. Wood read the staff report stating that Mr. Furfari was previously approved in January 2000 to operate a Restaurant-Private Club, *Crosley's*, located at 616 Richwood Avenue. The applicant would now like approval to change the nature of the operation from a sit-down restaurant, open to the general public, to a banquet facility-private club, Crosley's Banquet Center.

The applicant has outlined the pertinent changes. They include the following:

	<u>Restaurant</u>	<u>Banquet Center</u>
Signage:	Two signs	One- 2X3 sign
Days of operation:	Tuesday-Sunday	Open when booked
Hours of operation:	5:00-12:00PM	7:00-2:00 AM When booked
Days open per month:	24	Expect 6-8 bookings
Menu:	Fine Dining Cajun & Creole	American Banquet
Pricing:	\$9-25	\$7-35

J. Wood advised that the applicant should be aware that all rules and regulations set forth by the Zoning Ordinance with regards to Private Clubs must be adhered to. The Planning Commission should determine whether the proposed change to the previously approved conditional use meets the

goals and objectives of the Comprehensive Plan. The Board of Zoning Appeals should determine whether the request, as presented, meets the standard criteria for conditional uses.

J. Wood observed that staff believes the change is acceptable. The applicant had a record of careful compliance with the conditions of his last conditional use permit, and staff has no reason to believe that changing from a restaurant to a banquet facility will impact that record negatively. We recommend approval.

An employee of the Furfari's represented the application, and reiterated the staff report.

K. Leyden asked for public comments. There being none, the public portion was closed.

Motion to approve the change to the conditional use by B. Bossio, second by N. Iannone. Motion carried unanimously. (M. Furfari Abstained.)

NEW BUSINESS:

2. **CU05-10 / Kemp-Rye / 219 Huntington Avenue:** Request by Laura Kemp-Rye home occupation conditional use approval to begin a home based business at 219 Huntington Avenue. Tax Map #36, Parcel #692.3; an R-1A, Single-family Residential District.

J. Wood read the staff report stating that Ms. Kemp-Rye would like approval to begin a home based business, Good Deeds, a consulting and management business with non-profit, government, and business clients, serving their needs for project management, conference planning, group facilitation, communication, research and reporting, and grant writing/management. The applicant has stated that her business will primarily work with non-profit organizations and that contact is made outside of home. She also claims that client visitation to her premises would be extremely rare, perhaps not more than one to two times per year.

J. Wood advised that there are no set hours of operation for the home business. The applicant will see clients, off premise, when conducive to her schedule. The business will occupy less than 25% of the floor area of the structure and will not require internal or external alterations. The applicant has stated that nearly all customer contact will be away from the applicant's premise.

J. Wood reported that staff believes that the application meets all of the criteria for home occupation approval and recommends approval, as it will not adversely affect adjacent properties. Staff believes that the business operation will not change the residential character of the neighborhood.

J. Wood explained that it is the Planning Commissions and the Board of Zoning Appeals' task to determine if the home occupation will be compatible with the residential uses in the area, will not change the character of the dwelling, and will not result in substantial increase in traffic, congestion, or parking burdens in the neighborhood.

Laura Kemp-Rye, applicant, commented that she will be a sole proprietor acting as a consultant or project manager for non-profits and government or other businesses.

M. Furfari asked if she will ever need employees.

Ms. Kemp-Rye replied that she has used subcontractors before and if she needs permanent employees in the future, the business will move to a storefront location or office space.

J. Wood advised that staff feels that the Findings of Fact are well written , but “No new construction” should be added to #5.

K. Leyden asked for public comments. There being none, the public portion was closed.

N. Iannone requested that “No new construction” also be added to #3.

Motion to accept the Findings of Fact as written with the addition of “There will be no new construction” to #3 and #5 by N. Iannone, second by J. Rockis. Motion carried unanimously.

Motion to approve the request by B. Bossio, second by N. Iannone. Motion carried unanimously.

OTHER BUSINESS:

Public Comments: NONE.

Staff Comments:

ADJOURNMENT