



**DEVELOPMENT
SERVICES
DEPARTMENT**

The City of Morgantown

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July 18, 2013

Wendy G. Alke
P.O. Box 4302
Morgantown, WV 26505

**RE: CU13-09 / Wendy G. Alke / 3335 Collins Ferry Road
Tax Map 2, Parcel 169.2**

Dear Ms. Alke:

This letter is to notify you of the decision made by the Board of Zoning Appeals concerning the above referenced petition for conditional use of a "Class 2 Home Occupation" located at 3335 Collins Ferry Road. The decision is as follows:

Board of Zoning Appeals, July 17, 2013:

1. Each of the Findings of Fact was found in the positive as stated in Addendum A of this letter.
2. The Board approved Case No. CU13-09 as requested with the following conditions:
 - a. That the petitioner shall meet all related supplemental regulations specified in Article 1331.06(2) et seq. of the Planning and Zoning Code.
 - b. That to ensure safe and convenient ingress and egress by residents, visitors, and emergency response vehicles to the subject and adjoining properties, visitors to the petitioner's home occupation may not park vehicles within the private drive shared with adjoining properties. The adherence with and monitoring of this condition shall rely upon the review, suspension, and revocation provisions provided in Article 1331.06(2)(d)(i) of the Planning and Zoning Code.
 - c. That this conditional use approval granted herein is specific to the petitioner and may not be transferred without prior approval by the Board of Zoning Appeals.
 - d. If the petitioner, as the sole beneficiary of this conditional use approval, wishes to make changes in the conduct of the business that departs from the description in the application or from any other conditions or restrictions imposed by the Board of Zoning Appeals, the holder must obtain prior permission of the Board of Zoning Appeals.

This decision may be appealed to the Circuit Court of Monongalia County within thirty (30) days. Any work done relating to decisions rendered by the Board of Zoning Appeals during this thirty-day period is at the sole financial risk of the petitioner.

The above referenced approval is set to expire in twelve (12) months unless you can demonstrate that they have been activated as evidenced by permits, construction, or required

licenses. This expiration deadline may be extended to eighteen (18) months upon prior written request of the Board.

Should you have any questions or require further clarification, please contact the undersigned.

Respectfully,

A handwritten signature in cursive script that reads "Stacy Hollar".

Stacy Hollar
Executive Secretary
shollar@cityofmorgantown.org

ADDENDUM A – Approved Findings of Fact
CU13-09 / Wendy G. Alke / 3335 Collins Ferry Road

Finding of Fact No. 1 – The home occupation will be compatible with residential uses of the dwelling, in that:

According to the petitioner, no activities will be performed in relation to the home occupation that would not ordinarily be performed in the course of daily activities in the home.

Finding of Fact No. 2 – The home occupation will not change the residential character of the dwelling, in that:

According to the petitioner, no changes have been or will be made to the dwelling and the dwelling is the same as when it was built in 1991.

Finding of Fact No. 3 – The home occupation will not detract from the residential character of the neighborhood, in that:

With the exception of the complaint of parking and access congestion that should be addressed by the Board's conditions, there does not appear to be obvious activities at the home occupation which give any indication that a business of any kind is being operated there. The owner purports that the family law practice is very limited; that there are no regular business hours and no walk-in traffic; and, that all client visits are by appointment only averaging less than one per week.

Finding of Fact No. 4 – Congestion in the streets will not be increased, in that:

The dimensions of the driveway leading to the petitioner's two-bay integral garage appears to be approximately 60 feet long by 18 feet wide, which should be sufficient to provide eight (8) on-site parking spaces including the garage. The paved width of the shared private dead-end drive appears to be 18 to 20 feet wide across the petitioner's frontage. The Board's condition restricting visitors to the home occupation from parking in the shared private drive should aid in ensuring adequate ingress and egress to the subject site and adjoining properties by residents, visitors, and emergency response vehicles.