



MORGANTOWN BOARD OF ZONING APPEALS

August 17, 2016
6:30 PM
City Council Chambers

Board Members:

- Bill Burton, Chair
- George Papandreas, Vice-Chair
- Linda Herbst
- Jim Shaffer
- Colin Wattleworth

STAFF REPORT

CASE NO: CU14-09 / Ann DiMarco / 91 Grandview Avenue

REQUEST and LOCATION:

Request by Ann DiMarco for an amendment to a previously approved conditional "Class 2 Home Occupation" use at 91 Grandview Avenue.

TAX MAP NUMBER(s) and ZONING DESCRIPTION:

Tax Map 41, Parcel 57; R-1A, Single-Family Residential District

SURROUNDING ZONING:

R-1A, Single-Family Residential District

BACKGROUND and ANALYSIS:

On 20 AUG 2014, the Board granted conditional use approval under Case No. CU14-09 for a "Class 2 Home Occupation." Addendum A of this report illustrates the location of the subject site.

Attached hereto is the Board's 21 AUG 2014 action letter notifying the petitioner of its decision and enumerating the conditions included in the Board's conditional use approval. The petitioner seeks to modify the conditional hours during which client visits may occur to better accommodate clients who work during the days. The following table illustrates the conditional hours and the requested modification.

Day of the Week	Conditionally Approved Hours for Client Visits	Modified Hours for Client Visits
Monday	10:00 a.m. to 5:00 p.m.	10:00 a.m. to 7:00 p.m.
Tuesday	10:00 a.m. to 7:00 p.m.	10:00 a.m. to 7:00 p.m.
Wednesday	10:00 a.m. to 7:00 p.m.	10:00 a.m. to 7:00 p.m.
Thursday	10:00 a.m. to 5:00 p.m.	10:00 a.m. to 5:00 p.m.
Friday	10:00 a.m. to 4:00 p.m.	10:00 a.m. to 4:00 p.m.

Article 1331.06(2)(d)(i) of the Planning and Zoning Code provides that the beneficiary of a conditional Class 2 Home Occupation use approval who wishes to make any change 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 must obtain prior permission of the Board. As such, the Board must approve the requested two (2) additional hours on Monday evenings during which clients may visit the petitioner's home-based business.

Development Services

Christopher Fletcher, AICP
Director

Planning Division

389 Spruce Street
Morgantown, WV 26505
304.284.7431



MORGANTOWN BOARD OF ZONING APPEALS

August 17, 2016
6:30 PM
City Council Chambers

Board Members:

Bill Burton, Chair
George Papandreas,
Vice-Chair
Linda Herbst
Jim Shaffer
Colin Wattleworth

The Planning Division has received no complaints, formal or informal, that the subject conditional "Class 2 Home Occupation" use has been conducted in violation of the Planning and Zoning Code or in violation of the conditions included in the Board's related conditional use approval. Further, no complaints, formal or information, have been submitted to the Planning Division claiming the petitioner's home-based business is detracting from the residential character of the neighborhood or, related to concern voiced during the Board's 20 AUG 2016 hearing, claiming the availability of on-street parking has diminished or congestion to public streets has increased as a result of the petitioner's home-based business.

STAFF RECOMMENDATION:

Staff recommends the Board modify its conditional use approval granted under Case No. CU14-09 by adding the period of 5:00 p.m. to 7:00 p.m. on Mondays as requested to those hours during which clients may visit the petitioner's home-based business.

Enclosures: Application and accompanying exhibits

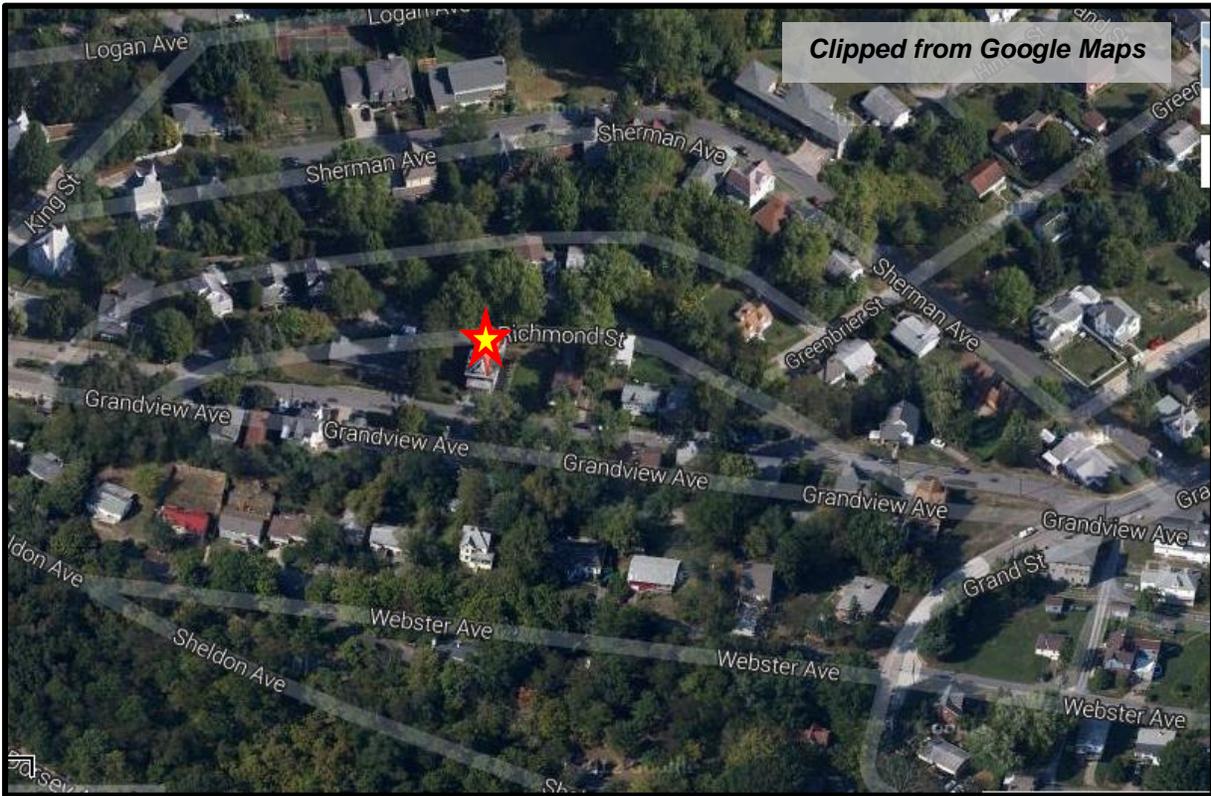
Development Services

Christopher Fletcher, AICP
Director

Planning Division

389 Spruce Street
Morgantown, WV 26505
304.284.7431

STAFF REPORT ADDENDUM A
CU14-09 / Ann DiMarco / 91 Grandview Avenue





**DEVELOPMENT
SERVICES
DEPARTMENT**

The City of Morgantown

389 SPRUCE STREET
MORGANTOWN, WEST VIRGINIA 26505
(304) 284-7431 TDD (304) 284-7512
www.morgantownwv.gov

August 21, 2014

Ann DiMarco
91 Grandview Avenue
Morgantown, WV 26501

**RE: CU14-09 / Ann DiMarco / 91 Grandview Avenue
Tax Map 41, Parcel 57**

Dear Ms. DiMarco:

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 91 Grandview Avenue. The decision is as follows:

Board of Zoning Appeals, August 20, 2014:

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. CU14-09 as requested with the following conditions:
 - a. That clients visiting the petitioner's Class 2 Home Occupation use must, to the greatest extent practicable, park their vehicles on the petitioner's property in existing off-street parking spaces accessed from Grandview. 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.
 - b. That services may only be offered at the petitioner's Class 2 Home Occupation Mondays through Fridays; specifically 10:00 AM to 5:00 PM on Mondays and Thursdays, 10:00 AM to 7:00 PM on Tuesdays and Wednesdays, and 10:00 AM to 4:00 PM on Fridays. 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 customer visits shall, to the greatest extent practicable, be limited to one arrival and one departure per visit. 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.
 - d. That there must be at least 30 minutes between visitor departure and the next visitor's arrival. 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.
 - e. That the petitioner shall meet all related supplemental regulations specified in Article 1331.06(2) et seq. of the Planning and Zoning Code.

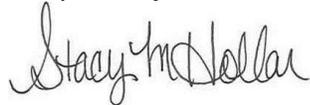
- f. That the conditional use approval granted herein is specific to the petitioner and may not be transferred without prior approval by the Board of Zoning Appeals.
- g. If the petitioner, as the sole beneficiary of this conditional use approval, wishes to make changes in the conduct of the business that departs from the description in the application or from any conditions or restrictions imposed by the Board of Zoning Appeals, the holder must obtain prior approval of the Board of Zoning Appeals. Changes include, but are not limited to, days and/or hours of operation, group therapy services, etc.

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
CU14-09 / Ann DiMarco / 91 Grandview Avenue**

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

The petitioner states that the home office will occupy the front room and hallway of the house. This part will be separated from the rest of the house by 2 wooden folding doors. An enclosed front porch will act as a waiting room, accessible from the street. There will be an entry bell. Shades and 2 white noise machines will assure privacy. Downstairs bathroom is available at request during the hours of operation, the house is empty.

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

The petitioner states that there will be no big, noticeable changes to the character of the dwelling. The enclosed porch will have less clutter and be used mainly for sitting. The furniture in the office is not out of character for use in a residential dwelling, which includes filing cabinets, bookcases, and a table, are already in the room and another bookcase type piece in the hallway will be used for storage, and I have a laptop computer, printer/copier, and paper shredder.

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

The petitioner states that the residential character of the neighborhood will be intact. There will be no changes to the exterior of the house or outside grounds. There will be no additional delivery trucks, etc. required for the business.

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

The petitioner's business operations do not appear to result in a discernable increase in daily traffic that is customary to any residential neighborhood. There appears to be sufficient parking spaces on the petitioner's property to mitigate on-street parking congestion.

Stacy Hollar

From: John Whitmore
Sent: Friday, July 08, 2016 10:54 AM
To: Stacy Hollar
Subject: FW: addendum

From: Ann Dimarco [mailto:anndi777@gmail.com]
Sent: Wednesday, June 15, 2016 9:50 AM
To: John Whitmore <jwhitmore@morgantownwv.gov>
Subject: addendum

Dear John,

This email is in response to a request from Monday's meeting to get me on the agenda for the next Planning Board meeting. My computer has been down for the past few days, which is the reason for the delay in completing this message. Anyway, I would like to amend my home office agreement. I now have 2 days of after-work appointments allowed (Tuesdays and Wednesdays). I would like to add one more (Mondays) to accommodate clients who are working. The plan has been working well and there have been no issues from the neighbors. The neighborhood has not been effected in any negative way. I would appreciate any help you could give me on getting this done. Thank you.

The Best-- Ann