



**DEVELOPMENT
SERVICES
DEPARTMENT**

The City of Morgantown

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

September 17, 2015

Michael Alam
3329 Collins Ferry Road
Morgantown, WV 26505

RE: CU15-09 / Alam / 3329 Collins Ferry Road / Tax Map 2, Parcel 170

Dear Mr. Alam:

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 3329 Collins Ferry Road. The decision is as follows:

Board of Zoning Appeals, September 16, 2015:

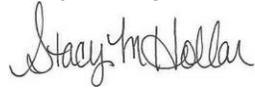
1. Each of the Findings of Fact was found in the positive as stated in Addendum A of this letter.
2. The Board approved Case No. CU15-09 as requested with the following conditions:
 - a. That the petitioner shall meet all related supplemental regulations specified in Article 1331.06(2) et seq. of the Planning and Zoning Code, which, among others, prohibits the home occupation from being conducted outdoors.
 - b. Detail services shall be limited to automobiles and motorcycles as same are defined in the Planning and Zoning Code.
 - c. 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.
 - d. If the petitioner, as the sole beneficiary of this conditional use approval, wishes to make changes in the conduct of the home-based 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,



Stacy Hollar
Executive Secretary

ADDENDUM A – Approved Findings of Fact

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

The business will operate out of the attached integral garage that already has the required electrical outlets for cleaning and water and drain for washing.

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

Automobiles and motorcycles, as same are defined in the Planning and Zoning Code, being detailed will be worked on in the attached integral garage that was designed and constructed for such vehicles. There will be no additions to the principal building necessary for business operations.

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

All work will take place inside so there will be no distractions at the residence. There will be no excess noise or filth created as a result of the business. Passersby would most likely not be able to tell that a home-based business was being run given the existing thick landscaping along the parameter of the petitioner's property.

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

According to the petitioner, the proposed home-based business will only receive one (1) to two (1) customer a day and those automobiles and/or motorcycles, as defined in the Planning and Zoning Code, will be in the attached integral garage being serviced. There appears to be approximately seven (7) off-street parking spaces in the petitioner's existing driveway, so the proposed home occupation should not result in increased congestion in the streets.