



# MORGANTOWN BOARD OF ZONING APPEALS

September 21, 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:** CU16-06 / Quantum Bean Coffee, LLC / 258 Kingwood Street

### **REQUEST and LOCATION:**

Request by Samuel L. Bonasso, on behalf of Quantum Bean, LLC, for conditional use approval of a "Neighborhood Convenience Store" use in the R-1A District at 258 Kingwood Street.

### **TAX MAP NUMBER(s) and ZONING DESCRIPTION:**

Tax Map 29, Parcel 447; R-1A, Single-Family Residential District

### **SURROUNDING ZONING:**

R-1A, Single-Family Residential District

### **BACKGROUND and ANALYSIS:**

The petitioner seeks to establish a "Neighborhood Convenience Store" at 258 Kingwood Street. Addendum A of this report illustrates the location of the subject site.

Staff understands the first floor of the subject property was occupied from 1950 until 2001 by *Crestholm Pharmacy*. Prior to the pharmacy, the subject space, which is approximately 592 square feet, was occupied by a general store. The second floor of the subject property contains two dwelling units.

On 29 NOV 2012, the Board approved a conditional "Florist Shop" use for the subject space for *Mountaineer Gardening and Hydroponics* under Case No. CU12-17. On 15 JUL 2015, the Board approved a conditional "Neighborhood Convenience Store" use for the subject space for *South Perk Market* under Case No. CU15-05, which has since been closed.

According to information submitted by the petitioner, *Quantum Bean Coffee* will offer a full line of coffee from around the world roasted fresh on site. In addition to coffees, the establishment will offer products from local crafters such as local handmade candles, local handmade soaps, bath and beauty products, essential oils, and convenience store related products. The proposed hours of operation are 7 a.m. to 5 p.m. Monday through Saturday until the petitioner sees the need to change these hours.

Article 1329.02 provides the following definition for a "Neighborhood Convenience Store":

"Any retail establishment with a floor area of less than 3,000 square feet offering for sale a limited line of groceries and household items intended for the convenience of the neighborhood. The term is to be distinguished from 'gas station mini-mart.' No fuel sales are permitted on site."

## **Development Services**

Christopher Fletcher, AICP  
Director

John Whitmore, AICP  
Planner III

389 Spruce Street  
Morgantown, WV 26505  
304.284.7431



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Table 1331.05.01 provides that “Neighborhood Convenience Store” uses are permitted in the R-1A District with conditional use approval by the Board.

It is the opinion of the Planning Division that the proposed “Neighborhood Convenience Store” does not result in an increase in the intensity of use from establishments that have occupied the subject space on-and-off for the past 70 plus years.

It should be noted that “Liquor Store” and “Restaurant” uses of any type are not permitted in the R-1A District. Staff recommends that the Board stress to the petitioner that the proposed conditional use, if approved, is for a “Neighborhood Convenience Store” and that a limited line of groceries and household items must be offered as the establishment’s foremost enterprise.

Similar conditional “Neighborhood Convenience Store” use approval was granted by the Board for the subject site for *South Perk Market*. Additionally, the Board granted conditional “Neighborhood Convenience Store” use approval on 19 JUN 2013 under Case No. CU13-10 for the *Green Arch Market* establishment located at 260 Green Street, which is located one (1) block (approximately 250 feet) from the petitioner’s site. The Planning Division is not aware of any issues or complaints from South Park Neighborhood residents concerning recent commercial uses at the subject site.

## **STAFF RECOMMENDATION:**

It is the duty of the Board of Zoning Appeals to determine whether the proposed request meets the standard criteria for a conditional use by reaching a positive determination for each of the “Findings of Fact” submitted by the petitioner. If the Board disagrees with the petitioner’s “Findings of Fact” and determines the proposed request does not meet the standard criteria for a conditional use, then the Board must state findings of fact and conclusions of law on which it bases its decision(s) to deny the subject petitions. [See WV State Code 8A-8-11(e) and 8A-7-11(b)].

Addendum B of this report restates the petitioner’s findings of fact responses.

Staff recommends approval of Case No. CU16-06 as requested with the following conditions that were, with the exception of modifications to the condition concerning storefront window glazing, included in the conditional use approval granted for the *South Perk Market* establishment under Case No. CU15-05:

1. That to ensure the approved conditional “Neighborhood Convenience Store” use does not detract from the residential character of the neighborhood:
  - a. A limited line of groceries and household items intended for the convenience of the neighborhood must be offered as the establishment’s foremost enterprise; and,
  - b. The subject establishment may not be open later than 9:00 PM; and,
  - c. The petitioner must provide, to the satisfaction of the City Engineer, and properly maintain an appropriate public trash receptacle, the area around which the petitioner shall be responsible for keeping free from litter.

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2. That the entire window frame on the ground floor facing Kingwood Street, which is further highlighted in the image below, must remain storefront window glazing to maintain the building's commercial storefront; provided, such glazing may not be comprised of a glass block window unit(s).



3. That all regulated signage for the subject establishment must comply with related standards set forth in Article 1369 "Signs".
4. That the beneficiary of the conditional use approval granted herein shall be specific to Quantum Bean Coffee, LLC and may not be transferred without the prior approval of the Board of Zoning Appeals.

Enclosures: Application and accompanying exhibits

**Development Services**

Christopher Fletcher, AICP  
Director

John Whitmore, AICP  
Planner III

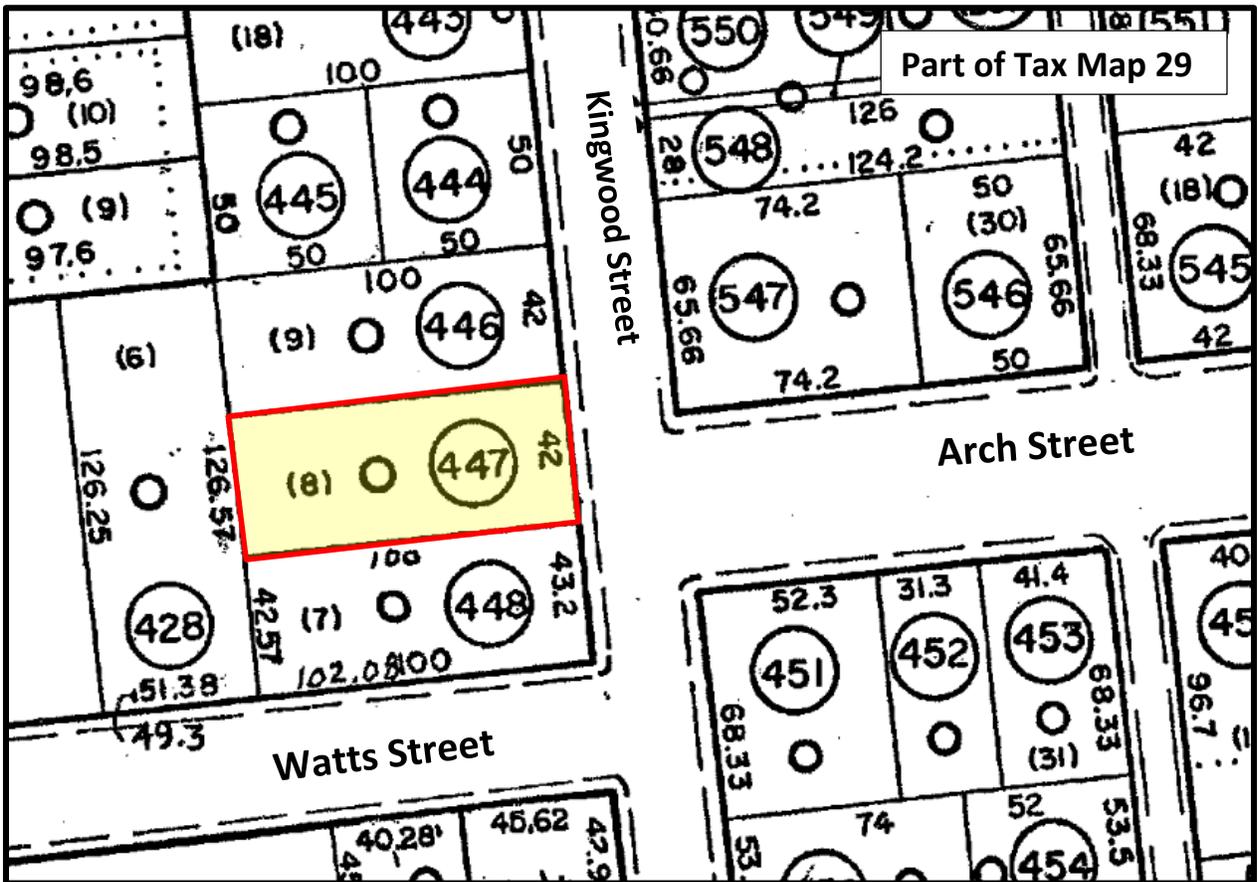
389 Spruce Street  
Morgantown, WV 26505  
304.284.7431

# STAFF REPORT ADDENDUM A

CU16-06 / Quantum Bean Coffee, LLC / 258 Kingwood Street



Clipped from Google Maps



**STAFF REPORT ADDENDUM B**  
**CU16-06 / Quantum Bean Coffee, LLC / 258 Kingwood Street**

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The following restates the petitioner's findings of fact responses.

**Finding of Fact No. 1** – Congestion in the streets is not increased, in that:

The majority of traffic will be foot traffic. In order to assist with vehicular traffic there are four existing off street parking spaces.

**Finding of Fact No. 2** – Safety from fire, panic, and other danger is not jeopardized, in that:

There are front and back entrances from the proposed store in case of accidents. The provided parking allows for clear access on the street and access for emergency vehicles.

**Finding of Fact No. 3** – Provision of adequate light and air is not disturbed, in that:

The business is not changing any buildings to affect surrounding properties. The business generally is very similar to South Perk Market. (The prior business)

**Finding of Fact No. 4** – Overcrowding of land does not result, in that:

The business is not making any structural changes to the building or land, therefore no change to existing land use.

**Finding of Fact No. 5** – Undue congestion of population is not created, in that:

There is sufficient parking and walking space away from the street so as not to affect pedestrian or traffic flow.

**Finding of Fact No. 6** – Granting this request will not create inadequate provision of transportation, water, sewage, schools, parks, or other public requirements, in that:

There is currently existing parking to sufficiently handle anticipated traffic. The business use of the property will not affect any existing city infrastructure.

**Finding of Fact No. 7** – Value of buildings will be conserved, in that:

The business is improving the interior of the existing commercial space and the facility will be returned to its historic use.

**Finding of Fact No. 8** – The most appropriate use of land is encouraged, in that:

The national registry of historic places lists the original use of this space as a grocery store. The use as a local convenience store, is the most appropriate use of the property to fit into the South Park Historic District.



City of Morgantown, West Virginia

APPLICATION FOR TYPE IV SITE PLAN - CONDITIONAL USE

OFFICE USE	
CASE NO.	C116-06
RECEIVED:	8/5/16
COMPLETE:	

(PLEASE TYPE OR PRINT IN BLACK INK)

I. APPLICANT

Name:	Quantum Bean Coffee, LLC	Phone:	304-816-1983
Mailing Address:	1A9 Fancher Drive	Mobile:	
	Street Shinnston, WV 26431	Email:	Samuel.bonasso@yahoo.com
	City State Zip		

II. AGENT / CONTACT INFORMATION

Name:	Samuel L. Bonasso	Phone:	304-376-1065
Mailing Address:	23 Tresara Drive	Mobile:	304-816-1983
	Street Fairmont, WV 26554	Email:	ossanob@comcast.net
	City State Zip		

Mailings - Send all correspondence to (check one):  Applicant OR  Agent/Contact

III. PROPERTY

Owner:	Rosefsky LLC	Phone:	
Mailing Address:	PO Box 391	Mobile:	
	Street Dellslow WV 26531	Email:	adam.rosefsky@gmail.com
	City State Zip		

IV. SITE

Street Address (if assigned):	258 Kingwood Street	Tax Map #:	29	Parcel #:	447
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Zoning:

Lot Dimensions:	Width: 42 Ft.	Depth: 100 Ft.	Square Footage: 4200 ft. <sup>2</sup>
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Shape of Lot:  Corner  Interior  Through  Flag  Irregular  Non-conforming

Existing Use of Structure or Land: The commercial section of the property has been used as a convenience store (South Park Market) and prior to that it was a Hydroponic gardening store, A Pharmacy, and a Grocery store.

Proposed Use of Structure of Land: We propose to closely align with the original use of the space by opening a convenience store with emphasis on coffee, owner will roast coffee in the garage structure.

Cville-06



City of Morgantown, West Virginia

**APPLICATION FOR  
TYPE IV SITE PLAN – CONDITIONAL USE**

OFFICE USE	
CASE NO.	_____
RECEIVED:	8/5/16
COMPLETE:	_____

**V. STRUCTURE**

Proposed Setbacks: Front: \_\_\_\_\_ ft. Rear: \_\_\_\_\_ ft. Side A: \_\_\_\_\_ ft. Side B: \_\_\_\_\_ ft.

Proposed Height of Structure: \_\_\_\_\_ No. of Proposed Off-Street Parking Spaces: \_\_\_\_\_

No. of Dwelling Units (if applicable): \_\_\_\_\_ No. of Bedrooms: \_\_\_\_\_ No. of Employees: \_\_\_\_\_

Square Footage of all Proposed Structures (please explain): \_\_\_\_\_

**VI. SITE PLAN**

A Site Plan (8 copies), drawn to scale, that includes the following elements must accompany the application if not provided above in Sections IV and V:

- (a) The actual dimensions, size, square footage, and shape of the lot to be built upon as shown on an actual survey by a registered design professional licensed by the State of West Virginia.
- (b) The exact sizes and locations on the lot of existing structures, if any;
- (c) The location, square footage, and dimensions of the proposed structure or alteration;
- (d) The location of the lot with respect to adjacent rights-of-way;
- (e) The existing and proposed uses of the structure and land;
- (f) The number of employees, families, housekeeping units, bedrooms, or rental units the structure is designed to accommodate;
- (g) The location and dimensions of off-street parking and means of ingress and egress for such space;
- (h) Height of structure;
- (i) Setbacks;
- (j) Buffer yard and screening, if applicable;
- (k) Location of garbage collection area and screening;
- (l) Location of existing and/or proposed signs, if applicable;
- (m) Roadway typical detail for internal roadways, if applicable;
- (n) Location and size of stormwater management facilities; and,
- (o) Utility lines and easements, if applicable.



City of Morgantown, West Virginia

APPLICATION FOR  
TYPE IV SITE PLAN – CONDITIONAL USE

OFFICE USE

CASE NO.

RECEIVED:

COMPLETE:

0116-06  
5/5/16

VII. SUPPLEMENTAL PLANS AND EXHIBITS

Applicants **MUST** also submit the following plans and exhibits, unless waived by the Planning Director:

- (a) Drainage plan and drainage calculations that bear the name, address, signature and seal of a registered professional engineer licensed by the State of West Virginia, with floodplain zones clearly denoted, a typical of all swales, and a design of the drop inlets.
- (b) If applicable, design of stormwater management facilities and drainage calculations that bear the name, address, and seal of a registered professional engineer licensed by the State of West Virginia that meet the requirements of the City Zoning Ordinance, the City Stormwater Management Ordinance, and all other applicable local, state and federal regulations.
- (c) Parking and Landscaping Plan
- (d) Sign Plan
- (e) Approved WV Division of Highways Access Permit, if applicable
- (f) Sediment and erosion control plan as approved by the West Virginia Department of Environment Protection and the City of Morgantown
- (g) Approved State of West Virginia NPDES General Permit for Storm Water Associated with Industrial (Construction) Activity, if applicable
- (h) A traffic impact study, if required by the City Engineer
- (i) The Planning Director may require the applicant to submit additional information concerning the lot or neighboring lots to determine conformance with, and provide for the enforcement of, the City Zoning Ordinance.
- (j) The Planning Director may require the applicant to submit, in the case of accessory structures or minor additions, dimensions shown on plans relating to the size of the lot and the location of the structure(s) thereon be based on an actual survey prepared a registered design professional licensed by the State of West Virginia.

Applicants submitting a conditional use application in accordance with Article 313.05 "Building Height and Use" within the B-4 General Business District **MUST** also submit the following analyses:

- (a) An air flow analysis conducted by a licensed architect or profession engineer, describing the estimated impact of the proposed building on existing patterns of air flow in the general vicinity; and how those impacts may affect existing properties with a 300 foot radius of the site.
- (b) An analysis of the impacts of the proposed building on sunlight distribution in the general vicinity, with special emphasis on predicting light blockage and shadow casting onto all properties with a 300 foot radius of the site. Such analysis shall be conducted by a licensed architect or professional engineer.
- (c) An analysis of the potential of "stepping back" upper floors as a technique to avoid negative impacts with respect to light and airflow, and to minimize the canyon effect of non-recess tall buildings. Such analysis shall be conducted by a licensed architect or professional engineer.
- (d) An infrastructure and traffic analysis predicting the impacts of the building on water, sewer, drainage, electrical and gas infrastructure, on transportation levels of service (including transit) for impacted streets, and on fire suppression capabilities of the city. Such analysis shall be conducted by a licensed architect or professional engineer.



OFFICE USE	
CASE NO.	
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COMPLETE:	

### APPLICATION FOR TYPE IV SITE PLAN – CONDITIONAL USE

#### VIII. FINDINGS OF FACT

The Board of Zoning Appeals may grant the request only if each of the Conditional Use Findings of Fact Criteria is determined to be in the positive. Applicants must give their own responses to the criteria statements provided below.

**This Conditional Use is within the fitting character of the surrounding area and is consistent with the spirit, purpose, and intent of the Zoning Ordinance, because,**

**1. Congestion in the streets is not increased, in that:**

The majority of Traffic will be foot traffic, In order to assist with vehicular Traffic There are four existing off street parking spaces.

**2. Safety from fire, panic, and other danger is not jeopardized, in that:**

There are front and back entrances from The proposal store in case of accidents. The provided parking allows for clear access on The street and access for emergency vehicles.

**3. Provision of adequate light and air is not disturbed, in that:**

The business is not changing any buildings to affect surrounding properties. The business generally is very similar to South Park Market. (The prior business)

**4. Overcrowding of land does not result, in that:**

The business is not making any structural changes to The building or land, Therefore no change to Existing land use.

**5. Undue congestion of population is not created, in that:**

There is sufficient parking and walking space away from The street so as not to affect pedestrian or Traffic flow.



APPLICATION FOR TYPE IV SITE PLAN – CONDITIONAL USE

OFFICE USE	
CASE NO.	C1116-06
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COMPLETE:	

VIII. FINDINGS OF FACT (cont.)

6. Granting this request will not create inadequate provision of transportation, water, sewage, schools, parks, or other public requirements, in that:

There is currently existing parking to sufficiently handle anticipated traffic. The business use of the property will not affect any existing city infrastructure.

7. Value of buildings will be conserved, in that:

The business is improving the interior of the existing commercial space and the facility will be returned to its historic use.

8. The most appropriate use of land is encouraged, in that:

The national Registry of Historic Places lists the original use of this space as a grocery store, the use as a local convenience store, is the most appropriate use of the property to fit into the South Park Historic District.

IX. ATTEST

I hereby certify that I am the owner of record of the named property, or that this application is authorized by the owner of record and that I have been authorized by the owner to make this application as his/her authorized agent and I agree to conform to all applicable laws of this jurisdiction. I certify that the information submitted herein and attached hereto is true and accurate and understand that if found otherwise may result in the denial of this request or subsequent revocation of any and all related approvals. The undersigned has the power to authorize and does hereby authorize City of Morgantown representatives on official business to enter the subject property as necessary to process the application and enforce related approvals and conditions.

Samuel L. Bonasso

[Signature]

8-4-16

Type/Print Name of Applicant/Agent

Signature of Applicant/Agent

Date

- Conditional Use Petition Fee of \$75 must accompany application

Call to go  
8/5/18

## Notes

- I am under contract with Rosefsky, LLC to purchase 258 Kingwood Street and resume the current business there formerly known as South Perk Market under the name of Quantum Bean Coffee, LLC.
- We will use the same business plan as the South Perk Market with the exception of roasting our coffee beans on site. The business plan of the South Perk market is attached and part of our application because we will follow the same plan and due to deadlines and our closing date on the purchase is not allowing us the time to draft a similar plan.
- The property will be owned by Samuel L. Bonasso
- The Business name is Quantum Bean Coffee, LLC and owned by Samuel L. Bonasso II.
- We are looking forward to becoming part of the community and improving the physical aspects of the property.

Thank you for your time and consideration and if you would like to call me with any questions please feel free to do so at 304-376-1065.



Samuel L. Bonasso

8/5/16

Request and location:

Samuel L. Bonasso of Quantum Bean Coffee for conditional use approval of a "Neighborhood Convenience Store" at 258 Kingwood Street, Morgantown, WV.

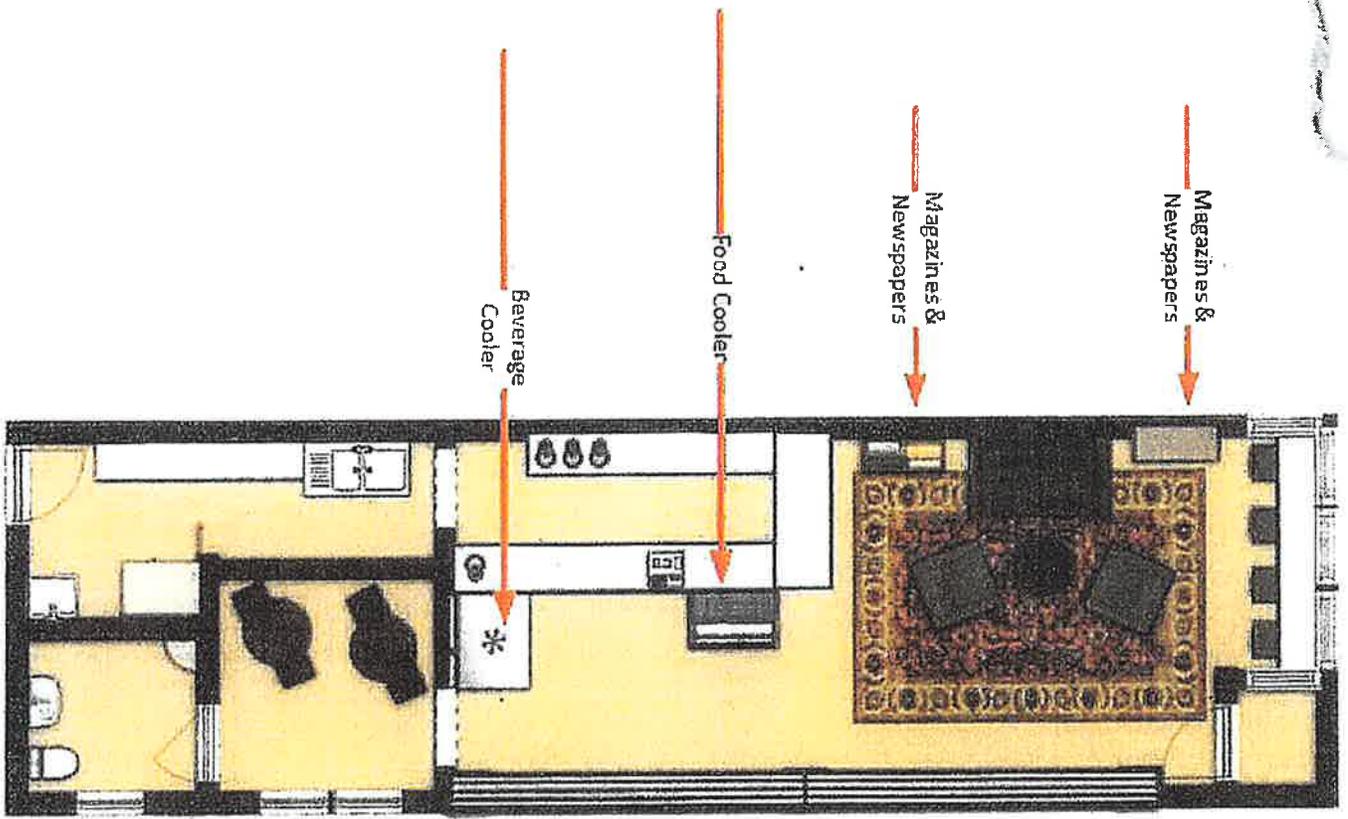
Tax Map 29, Parcel 447

Additional Information:

Quantum Bean Coffee is proposing to move to 258 Kingwood Street, Morgantown WV and occupy the space formerly known as South Perk Market. Quantum Bean Coffee is owned by Samuel L. Bonasso II and the property is under contract and will be purchased by Samuel L. Bonasso. Quantum Bean Coffee will offer a full line of coffee from around the world and roasted fresh on a regular basis. Espressos, cappuccinos, lattes, cold brew, teas, smoothies, and whole bean coffee all will be offered to the neighborhood as well as products from local crafters such as local hand made candles, local handmade soaps, bath and beauty products, essential oils, and more as we establish as a neighborhood convenience store. Our proposed hours of operation will be 7am to 5 pm Monday thru Saturday until we see the need to change.

Please contact Samuel L. Bonasso II at 304-816-1983 for questions concerning the business operations and Samuel L. Bonasso at 304-376-1065 for questions about the property. Thank you for your consideration. We are looking forward to being a part of the community as a resident and business owner.

8/15/16



52' Long

14' wide

Shelving to display goods for sale

Shelving to display goods for sale