



CITY OF WHEELING PLANNING COMMISSION

www.WheelingWV.gov

STAFF REPORT

PROPERTY LOCATION: 240 West Cardinal Avenue

NATURE OF REQUEST: Class II Home Occupation

APPLICANT: Bonnie Vetanze

BACKGROUND & ANALYSIS:

Bonnie Vetanze is requesting a Class II Home Occupation permit in order to operate a certified commercial kitchen to prepare and sell frozen food. As outlined in her application, all customers will be by appointment only. Ms. Vetanze will be the only employee of the business. The customer will park in the driveway when picking up the food between 12 p.m. and 7 p.m.

This property is located in the R-1A Single Family Residential Zoning District. Home Occupations are permitted Accessory Uses in all Residential Districts; however, Class II Home Occupations require the Planning Commission to conduct a public hearing on an application to ensure the use meets the standards outlined below.

Plan Initiative 6 of the 2014 Comprehensive Plan is to Promote Entrepreneurial Efforts by “ensuring city ordinances do not limit home occupations too severely”.

Home Occupation

The purpose of a home occupation as outlined in §1367 of city code is to provide restricted occupational uses that:

1. Are clearly secondary to the use of the premise as a residence.
2. Compatible to the neighborhood.
3. Limited in extent.
4. Do not detract from the residential character of the neighborhood.

A Class II Home Occupation differs from a Class I Home Occupation in the following ways:

1. Clients or customers visit the premises.
2. The property does not have more than one non-illuminated sign exceeding four square feet.
3. The property accommodates parking for both the dwelling unit and the home occupation.

In addition to the above criteria, ten additional measures are specifically outlined in the zoning ordinance and must be met prior to the granting of a Class II Home Occupation permit. These are as follows:

1. The business is secondary to the use as a dwelling unit and does not occupy more than 250 square feet or 25% of dwelling unit.
2. Retail sales are permitted only to the extent that they are incidental and directly related to the service provided. The sales shall not exceed 10% of the gross income.
3. Only persons residing at the property shall be employed in the service provided.

COMMISSION MEMBERS

JAMES J. MAUCK, CHAIR · MARTHA WRIGHT, VICE CHAIR · THOMAS CONNER · RUSTY JEBBIA
HOWARD MONROE · DAVE PALMER · CHRISTINA SCHESSLER · WILLIAM SCHWARZ · JEREMY WEST

STAFF: THOMAS CONNELLY, AICP

4. The business shall operate between 8 a.m. and 10 p.m.
5. The business shall be the only Class II Home Occupation located at the property.
6. The business is carried on wholly within the principal building (including storage).
7. A flat wall sign no larger than 4 square feet shall be the only exterior indication of the home occupation.
8. There is no exterior storage of materials.
9. The business does not generate traffic in greater volume than would normally be expected in a residential neighborhood.
10. The business does not produce offensive noise, vibration, smoke, odors, etc.

As stated in §1367.07.b.2, a permit shall not be granted if the Planning Commission determines that the proposed home occupation will constitute a nuisance or otherwise be detrimental to the neighbors because of excessive traffic, noise, odors or other circumstances that are contrary to the above outline criteria.

Language appearing in the applicant's deed (DB 707 PG 340) states, "all lots shall be used for residential purposes only". The applicant has been made aware that the city does not enforce or consider deed restrictions when deciding on an application and that any approval or denial of an application by the city is separate and apart from any issue between the applicant and neighbors, home owners associations, etc..

STAFF RECOMMENDATION:

Staff recommends approval of the application.

ATTACHMENTS:

Application for Certificate of Zoning Compliance
Application for Home Occupation Permit
Map
Photo



APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE FOR THE USE, ERECTION, ALTERATION, OR REPAIR OF A BUILDING OR LAND

The undersigned applies for a Certificate of Zoning Compliance for the following, said certificate is to be issued on the basis of the information contained within the application. *The applicant hereby certifies that all information and attachments are true and correct.*

- 1. Address of Property: 240 W. Cardinal Ave
- 2. Name of Property Owner: Bonnie Vetanze
- 3. Name of Applicant: Bonnie Vetanze
- 4. Address of Applicant: 240 W. Cardinal Ave
- 5. Applicant Phone: 304-834-2467 Owner Phone: 304-834-2467
- 6. Existing Use: Residence
- 7. Proposed Use: Same Other (describe): Cdrtified kitchen on ground level to make pierogi and Euro food
- 8. Number of off-street parking spaces to be provided: 2
- 9. Number of off-street loading berths to be provided: _____

COMPLETE THIS SECTION BELOW FOR THE ERECTION, ALTERATION, OR ADDITION OF A STRUCTURE

Type of Improvement:

- New Building
- Addition
- Alteration / Repair

Residential:

Number of existing dwelling units: 1
 Number of proposed dwelling units: 1

Existing Lot Dimensions: Width: 56 ft. x Depth: 200 ft. = lot area: 11,200 sq. ft.

Existing Principal Building:

Dimensions: Width: 40 ft. x Depth: 24 ft. = Total first floor area, including covered porches: 1400 sq. ft.
 Setbacks: Front: NA ft. Rear: NA ft. Side: NA ft. Other Side: NA ft. Height/Stories: NANA

Existing Accessory Building: (garage, carport, shed, pool, etc):

Dimensions: Width: NA ft. x Depth: NA ft. = Total first floor area, including covered porches: NA sq. ft.
 Setbacks: Front: NA ft. Rear: NA ft. Side: NA ft. Other Side: NA ft. Height/Stories: NA

Proposed Construction:

Dimensions: Width: 9 ft. x Depth: 11 ft. = Total first floor area, including covered porches: 88 sq. ft.
 Setbacks: Front: _____ ft. Rear: _____ ft. Side: _____ ft. Other Side: _____ ft. Height/Stories: _____

Applicant Signature: _____

Date: 9-9-20

Owner Signature: _____

Date: _____

Reset Form

Print Form



**Application for Home Occupation Permit
City of Wheeling, West Virginia**

The undersigned requests a Home Occupation Permit for the use specified below. Should this application be approved, it is understood that it shall only authorize the particular use described in this application and will be subject to any conditions or safeguards required by the Planning Commission.

Name of Applicant: Bonnie Vetanze
 Address: 240 W. Cardinal Ave Wheeling WV 26003
 Phone Number: 304 834 2467 Email: Bvetanze@yahoo.com
 Name and Address of Owner if different: _____

Legal Description (attach copy of deed): Residence

Description of Home Occupation: MAKE pierogi + like Euro food

Total Floor Area of Dwelling Unit: 1300 sq ft Total Used for Home Occupation: 1000⁹⁹ sq ft

Hours of Operation: 9AM - 5PM TBD Total Number of Employees: 1 - owner of residence

Size of Sign: _____ Will customers visit the business: (Yes) No
For pick up.

Is off-street Parking provided? (Yes) No If Yes, total number of parking spaces: 2

Supporting Information: Attach a narrative and vicinity map showing the property and layout.

It is the applicant's responsibility to insure compliance with all state and local laws as well as deed restrictions applicable to the subject property.

Applicant Signature: *Bonnie Vetanze* Date: 9-9-20

*****Zoning Official Use*****

Zoning District: R-1A

Type of Home Occupation: Home Cooking (Class I / Class II)

Public Hearing Date: Oct. 19, 2020

Planning Commission Action: Approved Denied

Zoning Official: _____ Date: _____

Application for Home Occupation Permit

Please describe in detail what type of business you plan on operating. Include information such as hours of operation, number of employees, if you will be storing inventory, supplies or chemicals, if you will be receiving deliveries, how you will advertise, if you will be having clients coming to your house, etc.

I will be making Pierogies And possibly European noodles + similar food for sale. Food will be frozen + sold in a frozen state.

I will purchase flour, potatoes, cheese to prepare the pierogies and the same for noodles, possibly buy cabbage or similar for different kinds of pierogies + food.

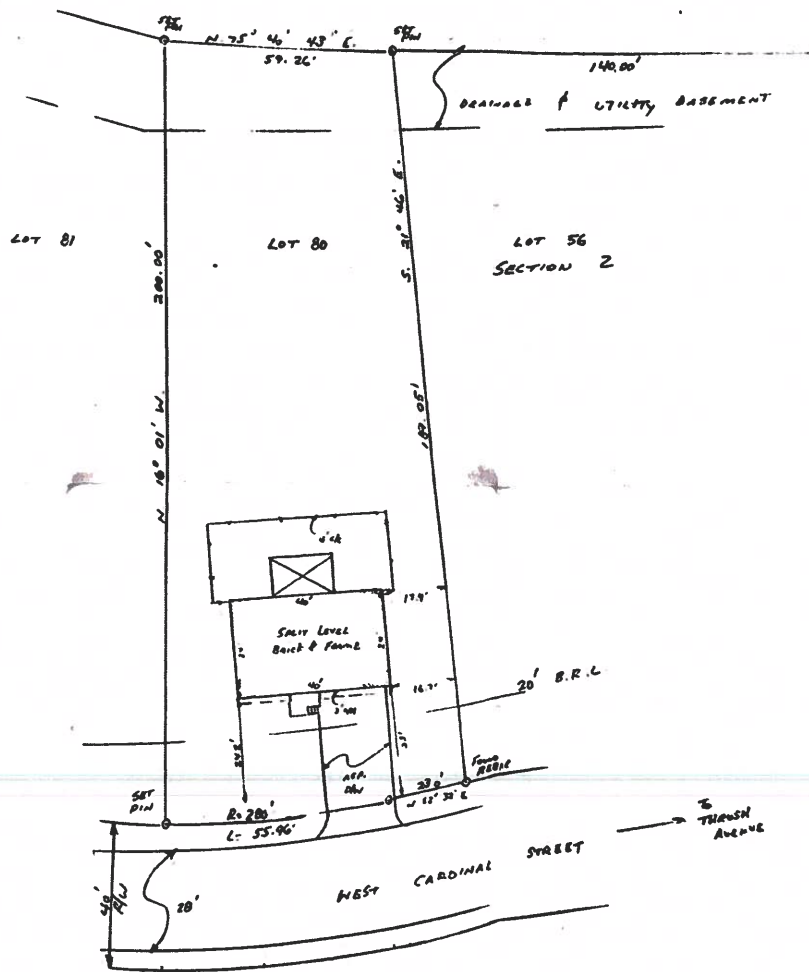
Supplies will be stored in proposed kitchen to be constructed on the ground floor of residence. No employees, just owner of residence. I will not be receiving deliveries.

Clients will come to house at scheduled time for pick up. prep hours will be

9A - 5p And pick up hours 12p - 7p by appt. only!

A PLAN OF SURVEY MADE FOR
 MATTHEW J. VETANZE & BONNIE L. JOHNSTON

SHOWING THAT SAME PARCEL OF LAND, TOGETHER WITH ANY IMPROVEMENTS
 MADE THEREON, KNOWN AS AND BEING ALL OF LOT NO. 80 IN SECTION
 2, AS DEFINED UPON A PLAT ENTITLED 'NORTH PARK SECTIONS 2 AND
 5', RECORDED IN PLAT BOOK NO. 3 AT PAGE 92. LOCATED IN THE
 RICHLAND DISTRICT OF OHIO COUNTY, IN THE CITY OF WHEELING, WEST
 VIRGINIA.

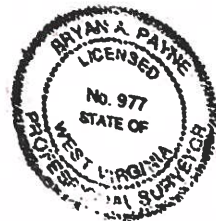


Scale - 1" = 30'



August 17, 1998

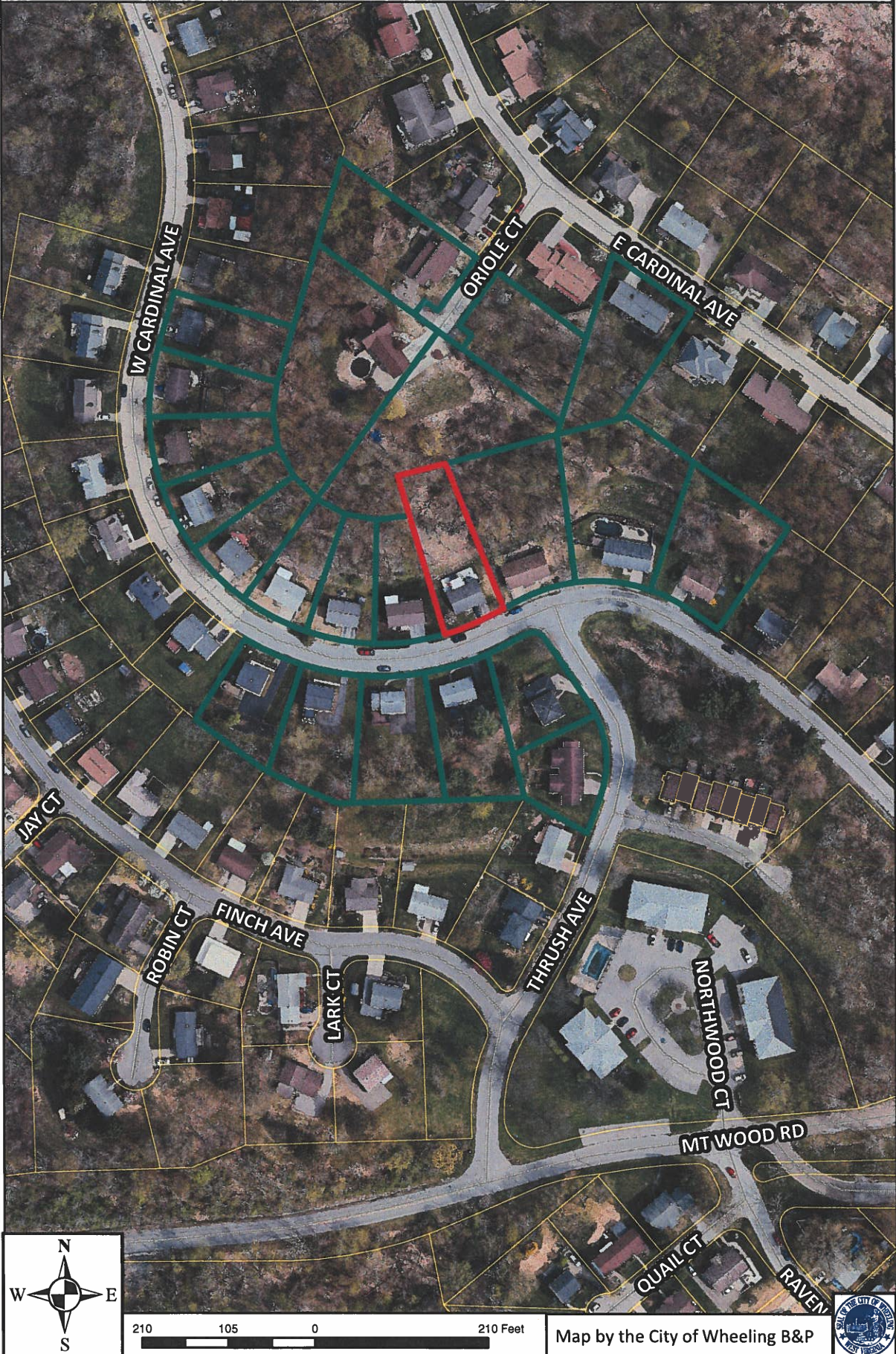
240 WEST CARDINAL DRIVE
 FEMA PANEL NO. 540152 00150 , ZONE C



WEST VIRGINIA REGISTERED LAND SURVEYOR NO. 977

Bryan A. Payne

Neighbor Notification



210 105 0 210 Feet

Map by the City of Wheeling B&P





THIS DEED, Made this 21st day of August, 1998, by and between RUTH LILLIAN RIVLIN, also known as Lillian Rivlin, widow, and SYLVIA RIVLIN SUTTON, by Ruth Lillian Rivlin, her Attorney-In-Fact, parties of the first part, GRANTORS, and MATTHEW J. VETANZE and BONNIE L. JOHNSTON, or the survivor, parties of the second part, GRANTEES.

WITNESSETH: That for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable considerations, the receipt of which is hereby acknowledged, the said parties of the first part do hereby GRANT AND CONVEY with covenant of GENERAL WARRANTY unto the parties of the second part, MATTHEW J. VETANZE and BONNIE L. JOHNSTON, AS JOINT TENANTS WITH THE RIGHT OF SURVIVORSHIP and not as tenants in common, the survivor thereof to take the entire estate in fee simple, the following described property, that is to say:

The following lot or parcel of land situate on the northerly side of West Cardinal Street in the City of Wheeling, in Richland District, Ohio County, West Virginia, and being all of Lot Numbered 80 in Section 5, as shown on the Plat of North Park (Sections 2 and 5), which plat is recorded in the Office of the Clerk of the County Court of Ohio County, West Virginia, in Plat Book 3, at page 92.

The rear portion of said Lot Numbered 80 is subject to a right-of-way and easement for drainage and utility purposes, as shown on said plat, and there is excepted and reserved from this conveyance for the benefit of Interstate Construction Company, its successors and assigns, the right to use said right-of-way and easement for utility purposes in common with second parties and the owners of lots shown on said plat, together with the right of Interstate Construction Company, its successors and assigns, to go upon the property hereby conveyed for the purpose of repairing, renewing and maintaining utility lines located thereon or therein.

There is excepted and reserved from the lot hereby conveyed all of the coal underlying same together with such mining rights and privileges that have been heretofore excepted and/or conveyed.

The parties of the second part hereby covenant with the parties of the first part that the real estate hereby conveyed shall be subject to the following conditions and restrictions:

- (1) All lots shall be used for residential purposes only. No tract or lot shall be subdivided by any purchaser. No structures shall be erected, altered, placed or permitted to remain on any lot other than one (1) single-family dwelling not to exceed two and one-half (2-1/2) stories in height and a private garage for not more than two (2) cars, which garage shall be installed in the basement of, or directly attached to said dwelling or shall be connected to said dwelling by a breezeway.
- (2) No structure, except an open porch, piazza or stoop, shall be located on any lot nearer to the front lot line or nearer the said street line than the building setback lines shown on the plat.
- (3) No trailer, basement, tent, shack or garage shall at any time be temporarily or permanently used as a residence, nor shall any structure of any temporary character be used as a residence.
- (4) No boat, trailer, truck, automobile, or other motor vehicle shall be parked, placed or permitted to remain on said lot unless the same is completely and wholly within the private garage located thereon.
- (5) No fence or wall shall be erected or maintained on any lot nearer the street line than the front wall of the dwelling on said lot, except retaining walls protecting the entrance to a basement garage or retaining walls protecting slopes in front lawn area of said lot; provided, however, that such retaining wall shall not extend above the grade of the lawn of said lot.
- (6) No noxious or offensive trade or activity shall be carried on upon any lot, nor shall anything be done thereon which may be or become any annoyance or nuisance to the neighborhood.
- (7) No rain or surface water shall be drained, emptied or discharged into the sanitary sewer lines located as shown on said plat, and only sanitary sewage and household wastes shall be drained, emptied or discharged into said sewer lines.
- (8) Streams and water courses for surface drainage shall not be obstructed, relocated or changed in any way by any purchaser.

- (9) No right, license or privilege shall be granted any person, firm or corporation to erect or use, or permit the use of, overhead wires, poles, or overhead facilities of any kind, for electrical, telephone or television services on said lot; provided, however, that ornamental yard lighting serviced by underground wires or cables and the erection of private television antennas by the owner or occupant of the residence erected on said lot shall be permitted.

All of the foregoing covenants shall be covenants running with the land and may be enforced by the owner or owners of North Park, Section 1, or any lot therein, against the owner or owners of the lot or tract upon which any violation thereof occurs. Said covenants shall be binding upon all purchasers and all persons claiming under them until December 1, 1992, and thereafter until such time as an instrument signed by 60% of the then owners of lots shown on said plat has been recorded, agreeing to change said covenants in whole or in part. Invalidation of any one of said covenants by judgment or court order shall in no wise affect any of the other provisions which shall remain in full force and effect.

Being the same property conveyed to Alice Virginia Lynn by William J. Price and Mary L. Price, his wife, by Deed dated the 3rd day of March, 1972, and recorded in the Office of the Clerk of the County Commission of Ohio County, West Virginia, in Deed Book 532, at page 143. The said Alice Virginia Lynn died testate a resident of Ohio County, West Virginia, on the 10th day of October, 1997, and by the terms and provisions of her Last Will and Testament recorded in said Clerk's office in Will Book 99, at page 421, she devised and bequeathed all of her property, real and personal property, including the property herein, to Lillian Rivlin and Sylvia Rivlin Sutton, Grantors herein.

This conveyance is made subject to exceptions, reservations, restrictions, covenants, conditions, easements and rights-of-way referred to or contained in this deed, any aforementioned deeds and all prior conveyances of record.

Grantors have no actual knowledge or reason to believe that the property, the substrata, or subsurface of the property has been used for storage, treatment or disposal of hazardous waste or contains an underground storage tank or tanks.

Grantors hereby declare the total consideration paid for the property conveyed by this document is Fifty-four Thousand Dollars (\$54,000.00).

BOOK 707 PAGE 342

WITNESS the following signatures:

Ohio County Commission
Instrument # 75636
Date: 08/26/1998 Time: 10:49:00
Fee: 5.50 Tax: 237.60

STATE OF WEST VIRGINIA



Real Estate
Excise Tax

Ruth Lillian Rivlin
Ruth Lillian Rivlin

Ruth Lillian Rivlin
Ruth Lillian Rivlin, Attorney-In-Fact
for Sylvia Rivlin Sutton

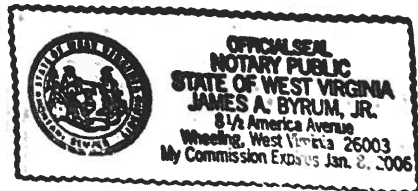
STATE OF WEST VIRGINIA,
COUNTY OF OHIO, TO-WIT:

The foregoing instrument was acknowledged before me this 25th day of AUGUST, 1998, by RUTH LILLIAN RIVLIN, Attorney-In-Fact for SYLVIA RIVLIN SUTTON.

James A. Byrum, Jr.
NOTARY PUBLIC of, in and for
Ohio County, West Virginia

My Commission Expires:

August 8, 2006



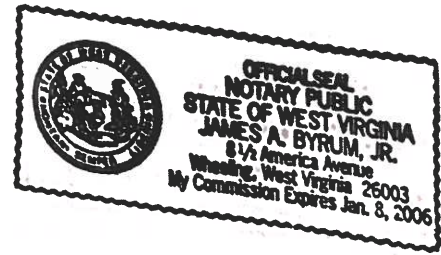
STATE OF WEST VIRGINIA,
COUNTY OF OHIO, TO-WIT:

The foregoing instrument was acknowledged before me this 25th day of AUGUST, 1998, SYLVIA RIVLIN SUTTON by Ruth Lillian Rivlin, her Attorney-In-Fact.

James A. Byrum, Jr.
NOTARY PUBLIC of, in and for
Ohio County, West Virginia

My Commission Expires:

August 8, 2006



This Deed was prepared by:

Elba Gillenwater, Jr., Esquire (WVSB #1384)
SEIBERT & KASSERMAN, L.C.
1217 Chapline Street, P.O. Box 311
Wheeling, West Virginia 26003
Telephone: (304) 233-1220

AUTHORIZATION TO EXECUTE DEED

I, Sylvia Rivlin Sutton, do hereby authorize and appoint my mother, Ruth Lillian Rivlin, as my attorney in fact and agent for the purpose of executing a deed and any other documents on my behalf in order to convey my property interests in that certain property located in Wheeling, Ohio County, West Virginia, namely that property known as Lot Numbered 80 in Section 5, as shown on the Plat of North Park (Sections 2 and 5), which plat is recorded in the office of the Clerk of the County Court of Ohio County, West Virginia, in Plat Book 3, at Page 92, said property also being known as 240 West Cardinal Street, Wheeling, West Virginia; said property interests to be conveyed to Matthew J. Vetanze and Bonnie L. Johnston; and said deed to be dated August 21, 1998. Ruth Lillian Rivlin shall also have full authority to act on my behalf and do and carry out all activities necessary to conclude the real estate transaction. A fax copy of this authorization shall be fully and legally sufficient for all purposes as if it were the original thereof.

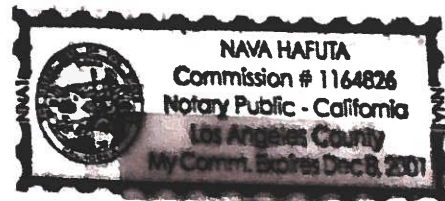
Dated this 21st day of August, 1998.

Sylvia Rivlin Sutton
Sylvia Rivlin Sutton

Sworn to before me this 21 day of August, 1998, by Sylvia Rivlin Sutton.

Nava Hafuta
NOTARY PUBLIC
Los Angeles COUNTY, CALIFORNIA

Dec 8, 2001
MY COMMISSION EXPIRES



State of West Virginia, County of Ohio, to-wit:

I, Chester W. Kloss, Clerk of the County Commission of said County, do certify that the foregoing document was admitted to record in this office on the 26th day of August 19 98 at 10:47 am

Chester W. Kloss
Clerk of County Commission



Tom Connelly

From: bonnie vetanze <bvetanze@yahoo.com>
Sent: Thursday, September 10, 2020 9:08 PM
To: Tom Connelly
Subject: Re: Bonnie Vetanze proposed pierogi Euro certified kitchen

Tom,

The size of the kitchen would be 99 sq ft.

I understand the deed has this in it but no one follows any of the listed requirements in this entire area. If the city doesn't enforce this then I am ok with it. Could this be a sticking point at the zoning decision?

I will get the check sent tomorrow. Do I send to your attention?

Thank yuh for all your help!

Bonnie

Sent from my iPhone

On Sep 10, 2020, at 2:00 PM, Tom Connelly <tconnelly@wheelingwv.gov> wrote:

A few things:

1. How big will the new kitchen be? You have 1,000 sq. ft. listed on the application, but city code only allows up to 250 sq. ft. or 25% of the total sq. ft. of the house (which you have listed as 1300 sq. ft. and 1400 sq ft.)
2. Please send a \$50 check payable to the City of Wheeling
3. Your deed states the property can only be used for residential purposes (Book 707 Page 340) – the city doesn't enforce this, but one of your neighbors could as a civil matter.

-Tom

Thomas Connelly, AICP
Assistant Director
Economic & Community Development Department
City of Wheeling
1500 Chapline Street, Room 305
Wheeling, West Virginia 26003
Phone: **(304)234-3701** | Fax: (304) 234-3899

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From: bonnie vetanze <bvetanze@yahoo.com>
Sent: Wednesday, September 9, 2020 11:03 AM
To: Tom Connelly <tconnelly@wheelingwv.gov>
Cc: Bonnie Vetanze <bvetanze@yahoo.com>
Subject: Bonnie Vetanze proposed pierogi Euro certified kitchen

Tom,

I am attaching the paperwork you sent for me to fill out. Can you please look at it and let me know if there is anything I missed or any additional information you need?

Thank you,
Bonnie Vetanze
304-834-2467

Created with Scanner Pro

Sent from my iPhone