



City Clerk
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Wheeling, WV 26003
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wheelingwv.gov

November 17, 2022

The Board of Zoning Appeals met on the above date. The meeting was called to order at 9:30 a.m.

Board Members: Robert Felton, Randy Geese, Jason Smith, and Ron Sinclair (absent)

City Staff: Solicitor Rose Humway-Warmuth, Larry Helms, and Paula Blake

Assistant City Solicitor: Howard Klatt

APPROVAL OF MINUTES

Mr. Geese, seconded by Mr. Felton, moved to approve the minutes from the October 20, 2022, meeting. Motion carried. All in favor.

Figaretti's Restaurant – 1035 Mt. DeChantal Rd. Variance(s) Requests as follows: **Variance No. 1.** from Article 1355.03(a) to permit parking spaces to be developed within the minimum 10-foot front yard setbacks along Mt. de Chante Road and Pearl Avenue for the subject corner lot, the proposed parking space setback for which is five (5) feet with said front yards. **Variance No. 2.** from 1355.04(b) waiving the requirement to develop full depth concrete or granite block curbing along the perimeter of proposed parking area. **Variance Request No. 3.** from the following interior parking area landscaping requirements: Article 1355.05(a) to permit the one (1) requisite major deciduous shade tree to be planted outside the parking area instead of within the parking area; and relief from Article 1355.05(b) and Article 1373.07(d)(7) waiving the requirement to develop interior parking area raised planting islands. **Variance Request No. 4.** Article 1355.04(d) waiving the requirement to develop on-site lighting thereby allowing ambient light or currently available light within the immediate built environment to serve as adequate and proper lighting of the proposed parking area. Purpose of request: parking lot project. Mr. Smith read the variance requests. Tim Crowley was present to review his description and variance application. Mr. Helms confirmed city council approved the zone change request. Mr. Felton inquired about the setbacks of the other businesses in area. Mr. Smith expressed concerns with eliminating the curbing. A discussion ensued. Mr. Crowley reported that the paving will be pitched toward drains in the center of the parking lot and reported that cost is the reason for no curbing. Dino Figaretti reported that they have rented lights from AEP for over 20 years as neighbors are his concern, but they will shine toward the restaurant. Mr. Geese inquired about timing for paving. Mr. Figaretti indicated they intend to pave asap but if not paved now will put a significant amount of rock down and roll it with the fence coming after. No one was present to speak for or against the request. Mr. Smith called for the variances to be approved separately with an 18-month time of completion. Mr. Smith, seconded by Mr. Geese, moved to grant variance one as requested. All in favor. Motion carried. Mr. Felton, seconded by Mr. Geese, moved to grant variance two as requested. Mr. Smith voted against. Motion carried. Mr. Smith, seconded by Mr. Geese, moved to grant variance three as requested. All in favor. Motion carried. Mr. Smith, seconded by Mr. Felton, moved to grant variance four as requested. All in favor. Motion carried.

Kellbenn, Inc. – 842 National Road -Variance from Article 1355.05(a) to permit the planting of four (4) major deciduous shade trees rather than the requisite 18 new major deciduous shade trees and for the four (4) trees to be planted on the perimeter of the parking area rather than within the

interior of the parking area as required; and (2) variance from Article 1355.05(b) and Article 1373.07(d)(7) waiving the requirement to develop interior parking area raised planting islands. Purpose of the request: Development Plaza. Michael Takacs of Bohler Engineering presented the variance request on behalf of Kellbenn Inc the property owners and developer. Mr. Takacs reported that a traffic pattern had been prepared and was signed off on. Mr. Smith inquired if the topography was the same, to which Mr. Takacs responded yes. A discussion ensued regarding the ponding of water by CVS. Mr. Takacs reported that this will improve the drainage. No one signed up to speak for or against at the public hearing. Mr. Felton, seconded by Mr. Geese to approve variances as requested. Motion made by RF to approve all variances Seconded by RG. All in favor. Motion carried.

There being no further business, Mr. Geese moved, seconded by Mr. Felton to adjourn.
Time: 10:16 a.m.