



CITY OF WHEELING PLANNING COMMISSION

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STAFF REPORT

PROPERTY LOCATION: 417 North Front Street
W36-42

NATURE OF REQUEST: Class II Home Occupation

APPLICANT: Joana Buterbaugh

BACKGROUND & ANALYSIS:

Joana Buterbaugh is requesting a Class II Home Occupation permit in order to operate a one chair beauty salon in her home. As outlined in her application, Ms. Buterbaugh intends to offer services between 9 am and 6 pm, limited to one customer at a time. A beauty shop limited to one chair is listed in §1367.05.b.19

The application indicates there is no off-street parking. Therefore, customers will park on the street. The application also indicates Ms. Buterbaugh will use an adhesive window sign to advertise the business. Code allows a wall sign no larger than 4 square feet.

This property is located in the R-3 Multi-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.

COMMISSION MEMBERS

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STAFF: THOMAS CONNELLY, AICP

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.
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.

STAFF RECOMMENDATION:

The only condition the applicant is not able to meet is the off-street parking needs of the residents and business. Depending on any comments offered at the public hearing, staff recommends approval of the application.

ATTACHMENTS:

Application for Certificate of Zoning Compliance
Application for Home Occupation Permit
Correspondence to the Commission
Photos



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: 417 North Front St. Wheeling, WV 26003
- 2. Name of Property Owner: Robert + Denise Wycherley
- 3. Name of Applicant: Joana Buterbaugh
- 4. Address of Applicant: 417 North Front St. Wheeling WV 26003
- 5. Applicant Phone: 850-797-6493 Owner Phone: 304-218-1489
- 6. Existing Use: Residence
- 7. Proposed Use: Same Other (describe): 1 chair Salon
- 8. Number of off-street parking spaces to be provided: 0
- 9. Number of off-street loading berths to be provided: 0

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: _____

Number of proposed dwelling units: _____

Existing Lot Dimensions: Width: _____ ft. x Depth: _____ ft. = lot area: _____ sq. ft.

Existing Principal Building:

Dimensions: Width: _____ ft. x Depth: _____ ft. = Total first floor area, including covered porches: _____ sq. ft.

Setbacks: Front: _____ ft. Rear: _____ ft. Side: _____ ft. Other Side: _____ ft. Height/Stories: _____

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

Dimensions: Width: _____ ft. x Depth: _____ ft. = Total first floor area, including covered porches: _____ sq. ft.

Setbacks: Front: _____ ft. Rear: _____ ft. Side: _____ ft. Other Side: _____ ft. Height/Stories: _____

Proposed Construction:

Dimensions: Width: _____ ft. x Depth: _____ ft. = Total first floor area, including covered porches: _____ sq. ft.

Setbacks: Front: _____ ft. Rear: _____ ft. Side: _____ ft. Other Side: _____ ft. Height/Stories: _____

Applicant Signature: Joana L. Buterbaugh

Owner Signature: Denise Wycherley

Date: 9-27-21

Date: 9-27-21



**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: Joana Buterbaugh

Address: 417 North Front Street Wheeling WV 26003

Phone Number: 850-797-6493 Email: jobuterbaugh1965@gmail.com

Name and Address of Owner if different: _____

Legal Description (attach copy of deed): _____

Description of Home Occupation: 1 chair beauty salon

Total Floor Area of Dwelling Unit: _____ Total Used for Home Occupation: _____

Hours of Operation: 9-6 Total Number of Employees: 0

Size of Sign: window decal Will customers visit the business: Yes No

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

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: Joana L. Buterbaugh Date: 9-27-21

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

Zoning District: R-3

Type of Home Occupation: 1-Chair Beauty Shop (Class I / Class II)

Public Hearing Date: 10/18

Planning Commission Action: Approved Denied

Zoning Official: _____ Date: _____

Joana Buterbaugh
417 N. Front ST
Wheeling WV 26003

The objective is to utilize a room inside the residence for a hair salon suite. It is will be a one chair operation as a sole proprietor with no additional employees. The room will be furnished and arranged in compliance with the west virginia state board of cosmetology and su jet to bi yearly inspection for compliance and sanitation and disinfection regulations.

The salon will house professionally approved hair color, developers, and permanent wave solution in a locked cabinet as a regulation of the West Virginia State Board of cosmetology. Additional styling products will be maintained on the appropriate work station. Shampoo and conditioner will serve as backbar products.

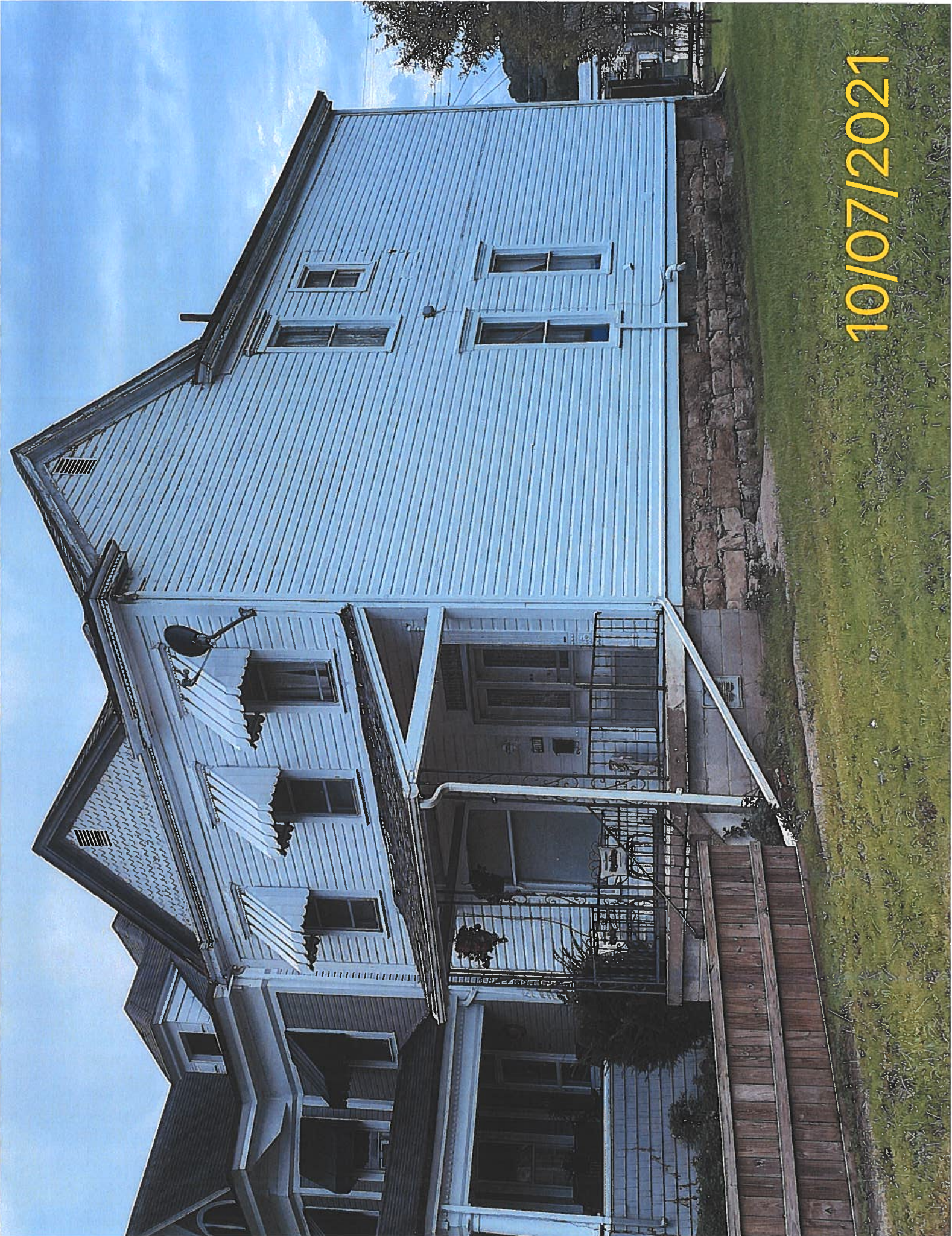
The salon will require no delivery of products with the exception of mail order

Clients will patron the salon as it will be operated as a one person at a time salon. This will be most appropriate to not be neglectful of neighboring residents parking.

An adhesive window sign will serve as the business identifier and advertisement. It will eliminate a yard sign that may be distracting or troublesome to neighboring residents.



10/07/2021



10/07/2021