



CITY OF WHEELING PLANNING COMMISSION

www.WheelingWV.gov

STAFF REPORT ZONING COMMITTEE 11/1/21

PROPERTY LOCATION: 2 Hawk Court
Tax Parcel W30A-169

NATURE OF REQUEST: Zoning Amendment (R-4 to C-1)

APPLICANT: Everette Gray, Jr.

BACKGROUND & ANALYSIS:

Everette Gray, Jr. is seeking a change in the zoning classification of a 65' x 100' vacant lot that he purchased in 2019 that is currently zoned R-4 High Density Residential. The previous residential structure was razed following a fire. The request is to rezone the property to the C-1 Neighborhood Commercial district.

The purpose of the request is to allow for the construction of a neighborhood grocery store on the property. The proposed 500 sq. ft. structure would offer groceries and prepared foods, a drive-thru and 4 off-street parking spaces.

The property is not contiguous to an existing commercial district; which could be considered a "spot zone change" since a different set of zoning standards would be applied to this property different from the surrounding properties.

The R-4 district allows for single-family, two-family and multi-family dwellings. The purpose of the residential zones is listed in §1335.01 (attached) and includes, "*to provide for adequate daylight, ventilation, quiet, privacy, and recreational opportunities*" and "*to preserve the desirable character of existing neighborhoods*".

The purpose of the C-1 Neighborhood Commercial district is to "*permit a compatible mix of commercial and residential uses within a medium density neighborhood business district, and to contain retail business in a compact and cohesive location. The commercial uses should predominantly serve the convenience retail and service needs of local residents and employees*".

Zoning is a long-term land-use planning tool whose goal is to establish desired development patterns. In doing so, it gives property owners the confidence of knowing what potential neighboring land uses will be. Therefore, anytime a zone change is considered, the district's purpose and entire list of permitted uses needs to be considered as being appropriate at that location.

PUBLIC HEARING:

At the public hearing, people spoke in support and in opposition to the request. Those that spoke in support of the request included people from the neighborhood, outside of the neighborhood, and outside of the city.

COMMISSION MEMBERS

JEREMY WEST, CHAIR · THOMAS CONNER · RUSTY JEBBIA
HOWARD MONROE · DAVE PALMER · CHRISTINA SCHISSLER · WILLIAM SCHWARZ

STAFF: THOMAS CONNELLY, AICP

They cited the need for a grocery store in the neighborhood and supporting Mr. Gray's overall initiative. A petition in support of the request was also received.

Comments made in opposition to the request came from property owners located closest to the site and would expect to be the most impacted by the change. They cited the unwanted secondary effects of living next to a commercial use, such as noise, increased traffic, headlights into residences, litter/dumpster, and decreased property values.

A map depicting support/opposition as of October 22, 2021 is included in this report.

2014 COMPREHENSIVE PLAN:

As described on page 51 of the Comprehensive Plan, "*The future land use plan establishes the desired future land use types for properties. In some areas, the city envisions the continuation of existing uses while in others, this plan establishes the ground work for allowing alternative development that fits within the community vision and will be more sustainable in the long run*". The property being considered for a zone change is located in the "Multi-Family Residential" land use area on the Future Land Use Map (Map 8) in the 2014 Comprehensive Plan (page 58). The "Multi-Family Residential" category description does not include commercial uses.

The Future Land Use Plan is intended to serve as a guide for continued development and redevelopment within Wheeling. The user should take into consideration the recommendations and policies of the section, the character of the surrounding area as well as individual conditions of the site including, but not limited to the existing use of the site, natural topography, presence of flood hazard areas, traffic, surrounding uses, and similar conditions.

In addition to the Future Land Use Plan, other sections of the Comprehensive Plan to consider include the Community Initiatives and Goals pages 38-47.

STATE CODE:

West Virginia state code section 8A-7-8 states that prior to amending the zoning ordinance, the governing body with the advice of the planning commission, *must* find the amendment to be consistent with the adopted comprehensive plan. If the amendment is inconsistent, then the governing body, with the advice of the planning commission *must* find there have been major changes of an economic, physical or social nature within the area which were not anticipated when the comprehensive plan was adopted and that those changes have substantially altered the basic characteristic of the area.

STAFF RECOMMENDATION:

Staff does not find the request to be consistent with the 2014 Comprehensive Plan nor can staff identify that there have been major changes of an economic, physical or social nature in the area since 2014. Therefore, staff is unable to recommend approval of the request.

There is a property in the vicinity of the North Park neighborhood along Mt. Wood Road that is already zoned commercial and would allow for the proposed use. The applicant could pursue that location for a neighborhood grocery store.

ATTACHMENTS:

Correspondence to the Commission
Petition for Zoning Amendment
Application for Zoning Certificate
Application Timeline
Plat Map
Deed
Site Photos
Proposed Site Plan
Proposed Floor Plan
Zoning Map
Comprehensive Plan Map #2: Existing Land Use Map
Comprehensive Plan Map #8: Future Land Use Map
Zoning Ordinance: §1335.01 Residential District: Purpose and Intent
Zoning Ordinance: §1339.03 C-1 District: Purpose and Uses
Comprehensive Plan pgs. 51, 58, & 43
Understanding Spot Zoning by Daniel Shapiro, Esq.
Map of Support / Opposition
Petition from Applicant

September 1, 2021

RE: Proposed On Deck Korner Grocery Store, 2 Hawk Court

To: City of Wheeling Board of Zoning Appeals

My name is Everette Gray Jr.; a life-long resident of Wheeling. My family and I resided at 107 Eagle Avenue for thirty years and the corner lot at 2 Hawk Court is now one of the properties I own in the North Park area. I attended and graduated from Wheeling Central High School. I am the father of three children and a proud and active member of the local organization Men of Change which is making a positive impact with young men and fathers in the Ohio Valley.

As a young man I found the North Park area to be a "Food Desert". Walking distance to closest convenience store is approximately thirty minutes away and the closet grocery store approximately sixty minutes away. This distance often proved problematic for people unable to drive, without reliable transportation or during inclement weather who need basic food items and necessities. This distance creates financial hardships as people must rely on public transportation such as a bus or cab to get to a store. For some people public transportation was not an option due to financial constraints so they would have to walk to and from the store.

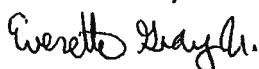
I want to open a neighborhood grocery store at 2 Hawk Court. The store would provide many of the same items as the corner grocery stores that were a part of every neighborhood in Wheeling with competitive, affordable pricing. We will also have deli items, fresh sandwiches and beverages. It is important to note that alcohol sales and gaming will not be offered. Delivery will be available to the elderly and disabled. Employment will be offered to residents of the North Park community with special focus on the youth. As a young man I was fortunate enough that my family could provide me transportation to and from work and when I began to drive I had a vehicle available to me but not all youth are afforded this blessing. Lack of transportation can be a deterrent for young girls and boys who want to work. Hours of operation will be 6:00am-7:30pm on weekdays and 6:00am-9:00pm on weekends.

This store will not only benefit residents of the near community, but will also benefit the greater Wheeling area. African American owned businesses are encouraging to not only African Americans, but all minorities. A business that is successful in the Ohio Valley is a testament that people do not have to leave the area to build, grow and fulfill their dreams. It is a testament that the community where you were born and raised in is in support of your goals.

I care about and I am invested in the community. I want to own and operate the type of business in which I am on a first name basis with my customers. I feel this store will provide a much needed service to North Park residents and will bring the community closer together.

Sincerely,

Everette Gray





PETITION FOR ZONING AMENDMENT
CITY OF WHEELING, WEST VIRGINIA

The undersigned, representing owner(s) of 50 percent or more of the following legally described property, hereby petition the Council of the City of Wheeling for consideration of change in zoning district classification as specified below:

1. Address or Location: 2 HAWK CORT, WHEELING, WV, 26003

2. Legal Description: NORTH PARK SECTION 12

Subdivision Name: NORTH PARK Lot No. 169

3. Existing Use: RESIDENTIAL

4. Present Zoning District: R-4

5. Proposed Use: COMMERCIAL

6. Proposed Zoning District: C-1

7. Supporting Information:

- a. Attach a vicinity map showing the property and plans
- b. Attach a letter of transmittal outlining request
- c. Application Fee (\$100.00) Payable to: City of Wheeling

8. Person Originating Petition:

a. Name: LEVERETTE GRAY JR.

b. Address: 1735 GUERNSEY ST. BELLAIRE, OH.

c. Phone: 740-238-8120 Date: 09/1/2021

9. Signature(s) of Owners

Address of Owners

1735 Guernsey St
Bellaire Ohio 43906

Dated Filed: 09/01/2021

Date of Notice in Newspaper: 10/1/21



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: 2 HAWK COURT, WHEELING, WV, 26003
- 2. Name of Property Owner: EVERETT GRAY
- 3. Name of Applicant: GUS KAYAFAS
- 4. Address of Applicant: 2307 CHAPLINE ST. #1, WHEELING, WV, 26003
- 5. Applicant Phone: 304-312-6929 Owner Phone: 740-238-8120
- 6. Existing Use: R-4
- 7. Proposed Use: Same Other (describe): C-1
- 8. Number of off-street parking spaces to be provided: 1
- 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: 0
 Number of proposed dwelling units: 1

Existing Lot Dimensions: Width: 68'-6" ft. x Depth: 100'-0" ft. = lot area: 6,850 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: 12'-0" ft. x Depth: 36'-0" ft. = Total first floor area, including covered porches: 504 sq. ft.
 Setbacks: Front: 27'-5" ft. Rear: 37'-0" ft. Side: 33'-2" ft. Other Side: 20'-7" ft. Height/Stories: 1 FLOOR

Applicant Signature:

Date: 8/31/21

Owner Signature:

Date: 8/31/21

Reset Form

Print Form



TIME LINE FOR ZONING AMENDMENT

First Contact Date 8/30/21

Petitioner Name Everett Gray

Property Address 2 Hawk Ct.

Application needed by 9/1/21

MEETINGS

DATE

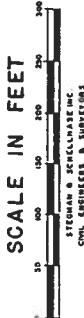
City Council Referral to Planning Commission	<u>9/7</u>	
* Planning Commission - Public Hearing <i>Spun Cit. Council</i>	<u>10/18</u>	10/18
Zoning Committee	<u>11/1</u>	11/1
Planning Commission - Vote	<u>11/8</u>	10/18
Report Received by City Council	<u>11/16</u>	11/2
Report Accepted/Approved by City Council	<u>12/7</u>	11/16
City Council - 1 st Reading of Ordinance	<u>12/7</u>	11/16
City Council - 2 nd Reading of Ordinance	<u>12/21</u>	12/7

If the time line shown above in any way inhibits your project, please state the reason below and the Commission may consider voting following the public hearing:

Signature of Applicant

PLAT OF NORTH PARK (SECTION 10)

CITY OF WHEELING, RICHLAND - WASHINGTON DISTRICT OHIO COUNTY, WEST VIRGINIA.



STECHMAN & SCHREIBER INC.
CIVIL ENGINEERS & SURVEYORS
WHEELING, W. VA.

I hereby certify that I am a Civil Engineer registered professionally in the State of West Virginia and that this plat is in all respects correct, and was prepared from an actual survey completed by me on December 21, 1970.

N. James Schmitzer, W.Vo Reg. Engr. No. 1673

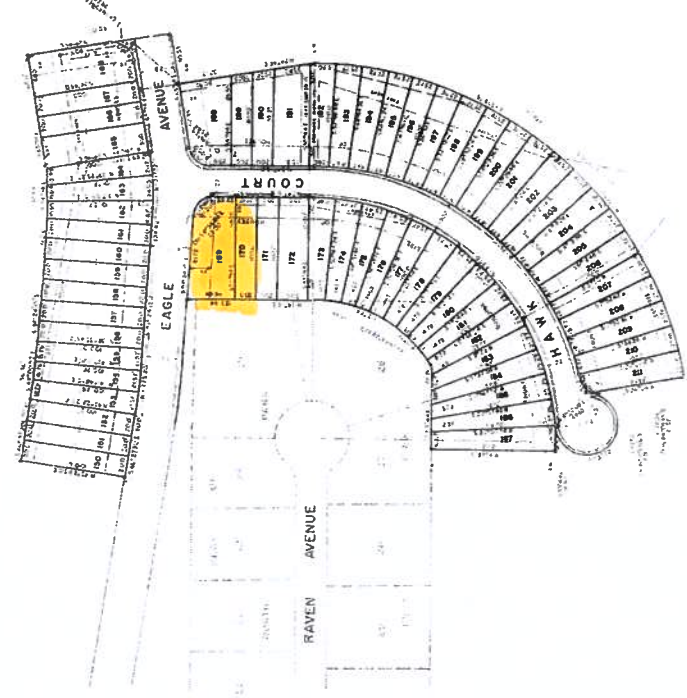
Approved by the Council of the City of Wheeling, Ohio County, West Virginia, this 23 day of June, 1971, in accordance with Chapter 39, Article 1, Section 16, of the West Virginia Code

[Signature]
Mayor

[Signature]
Clerk

This plat admitted to record this 23 day of June, 1971

[Signature]
Clerk of the Court of Ohio County, West Virginia



Being a subdivision of part of the property that was conveyed by the Bachmann Realty Company, a West Virginia Corporation, to Interstate Construction Company, a corporation, by deed dated July 31, 1965, and recorded in the Office of the Clerk of the County Court of Ohio County, West Virginia, in Deed Book 486 of Page 416.

KNOW ALL MEN BY THESE PRESENTS:
That the Interstate Construction Company, a corporation, organized and existing under the Laws of the State of West Virginia has caused the above Plat of North Park, of Section 10, to be made and does hereby dedicate to public use Eagle Avenue and Hawk Court, and does hereby also assign and transfer to the City of Wheeling the sewers, water mains and fire hydrants indicated and defined on the above Plat, and does further grant and convey unto the City of Wheeling the right to maintain, repair and relay sewers passing through said lots.

PROTECTIVE COVENANTS:
The following covenants are hereby imposed upon all of the lots shown on the Plat of North Park (Section 10), Wheeling, W. Va.

- (1) All lots shall be used for residential purposes only. No structure shall be erected, altered, placed or permitted to remain on any lot other than a dwelling not to exceed three and one-half (3-1/2) stories in height and a private garage for not more than two (2) cars, which garage shall be in the basement of, or directly attached to said dwelling, and 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 to the side street line than the twenty (20) foot building setback lines shown on the Plat.
- (3) No trailer, basement, tent, camper, 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, camper or truck shall be parked, placed or permitted to remain on any lot or parcel shown hereon 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 steps 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 any thing 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.

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 10, 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. Invalidity of any one of said covenants by judgement or court order shall in no wise affect any of the other provisions which shall remain in full force and effect.

There is accepted and reserved from the lots shown on this Plat all of the coal underlying same together with such mining rights and privileges that have heretofore been accepted and/or conveyed in Witness Whereof the Interstate Construction Company has caused these presents to be signed and its Corporate Seal to be affixed hereto this 23 day of June, 1971, by John Waterhouse, its President, by authority of its Board of Directors duly given.

By [Signature] President
Interstate Construction Company

STATE OF WEST VIRGINIA, COUNTY OF OHIO, to wit:
I, [Signature], Notary Public of said County of Ohio, do certify that John Waterhouse is the President of the Interstate Construction Company and being by me duly sworn, did depose and say that he is President of the Interstate Construction Company and that he authorized the writing above, authorized by said Corporation, to execute and acknowledge deeds and other writings of said Corporation, and that the Seal affixed to said writing is the Corporate Seal of said Corporation, and that said writing was signed and sealed by him in behalf of said Corporation by its authority given.

And the said John Waterhouse acknowledges the said writing to be the act and deed of the said Interstate Construction Company

Given under my hand this 23 day of June, 1971
Notary Public of, in and for Ohio County, West Virginia
[Signature]

My Commission Expires July 1, 1972

President - Interstate Construction Company
[Signature]
Notary Public of, in and for Ohio County, West Virginia
My Commission Expires July 1, 1972

THIS DEED, Made this 20th day of September 2019, by and between BARTSCH REALTY, LLC, a West Virginia limited liability company, party of the first part, and EVERETTE L. GRAY, JR., party of the second part.

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 party of the first part does hereby grant and convey unto the said party of the second part, the following described property situate on the northwesterly side of Hawk Court, in the City of Wheeling, Wheeling District, Ohio County, West Virginia, that is to say:

Lots Numbered 169 and 170, as designated and defined on the Plat of North Park (Section 10), 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 100.

Said lots are subject to a right-of-way and easement for utility purposes, as shown on said plat; and there is excepted and reserved from this conveyance for the benefit of Interstate Construction Company, its successor and assigns, the right to use said easements 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 said lots for the purpose of repairing, renewing and maintaining utility lines located thereon or therein.

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

The party of the second part hereby covenants with the party 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 structure shall be erected, altered, placed or permitted to remain on any lot other than a dwelling not to exceed three and one-half (3-1/2) 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 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 than the twenty (20) foot building setback lines shown on the plat.
3. No trailer, basement, tent, camper, 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, camper or truck shall be parked, placed or permitted to remain on any lot or parcel shown hereon 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.

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 10) 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.

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.

The Grantor has no actual knowledge or reason to believe that the property, including its substrata or subsurface, has been used for the storage, treatment or disposal of hazardous waste or that it contains or did contain any underground storage tanks.

Being the same property which was heretofore conveyed to Bartsch Realty, LLC, a West Virginia limited liability company, by Edward E. Hinebaugh, by a deed dated the 29th day of October, 2012, and recorded in the aforesaid County Clerk's office in Deed Book No. 847, at page 713.

This Grantor is exempt from the tax withholding requirements of §11-21-71b of the West Virginia Code.

And the said party of the first part hereby covenants with the said party of the second part that he will warrant generally the property hereby conveyed.

Under the penalties of fine and imprisonment as provided by law, the grantor does hereby

declare the total consideration for the property transferred by this document is \$4,500.00.

IN WITNESS WHEREOF, BARTSCH REALTY, LLC, a West Virginia limited liability company, has caused these presents to be signed by Gary L. Bartsch and Robert C. Bartsch, its Members:

BARTSCH REALTY, LLC, a West Virginia limited liability company

By Gary L. Bartsch
Gary L. Bartsch, its Member

By Robert C. Bartsch
Robert C. Bartsch, Its Member

STATE OF WEST VIRGINIA,

COUNTY OF OHIO:

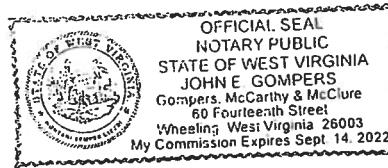
I, John E. Gompers, a Notary Public in and for said state, do hereby certify that GARY L. BARTSCH and ROBERT C. BARTSCH, Members, who signed the foregoing writing, bearing date of 20th day of September, 2019, for Bartsch Realty, LLC, a West Virginia limited liability company, have this day acknowledged before me the said writing to be the act and deed of said limited liability company.

Given under my hand this 20th day of September, 2019

John E. Gompers
Notary Public

My Commission Expires:

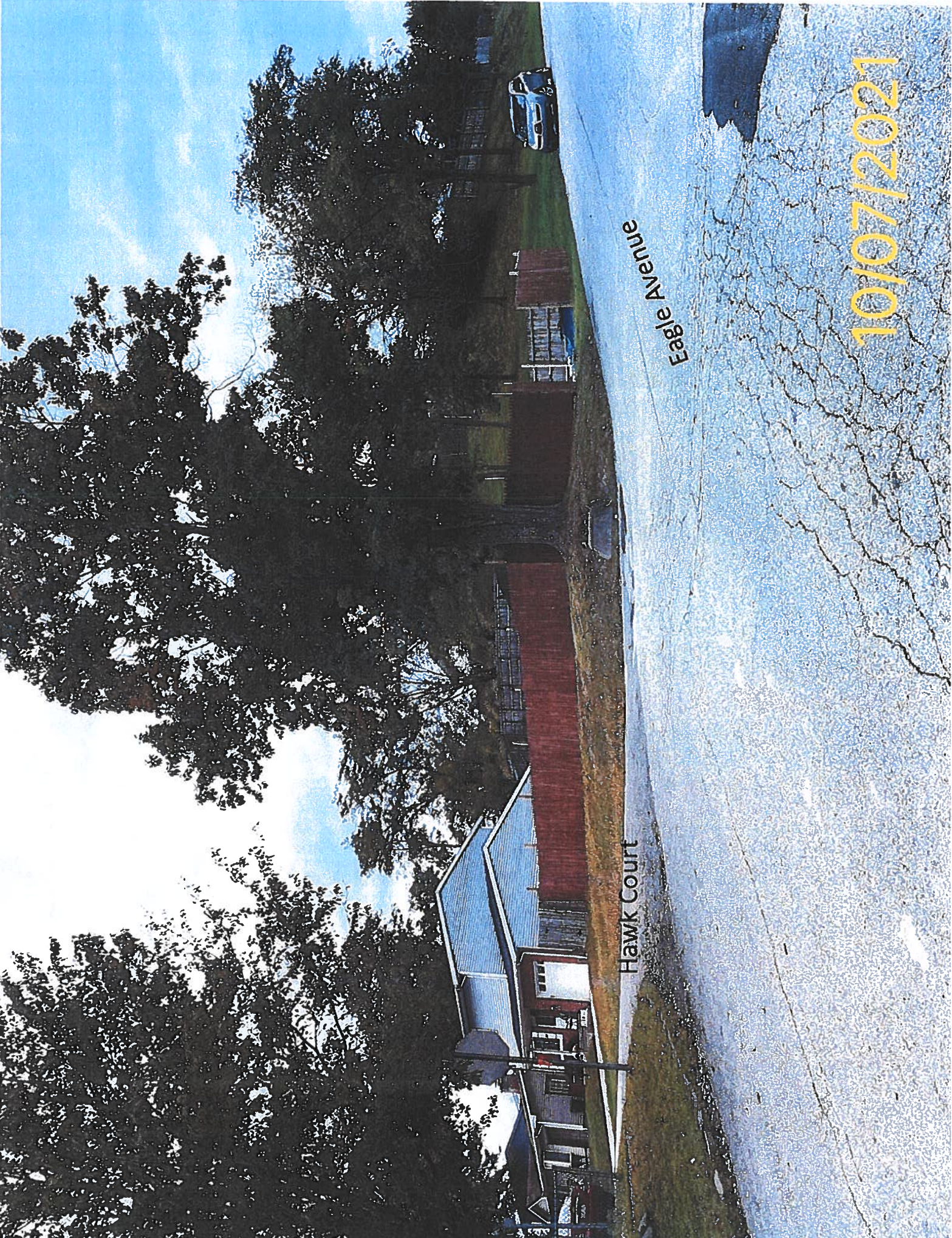
September 14, 2022



THIS DOCUMENT PREPARED BY:

JOHN E. GOMPERS, ESQUIRE
GOMPERS, McCARTHY & McCLURE
60 FOURTEENTH STREET
WHEELING, WEST VIRGINIA 26003
(304) 233-2450

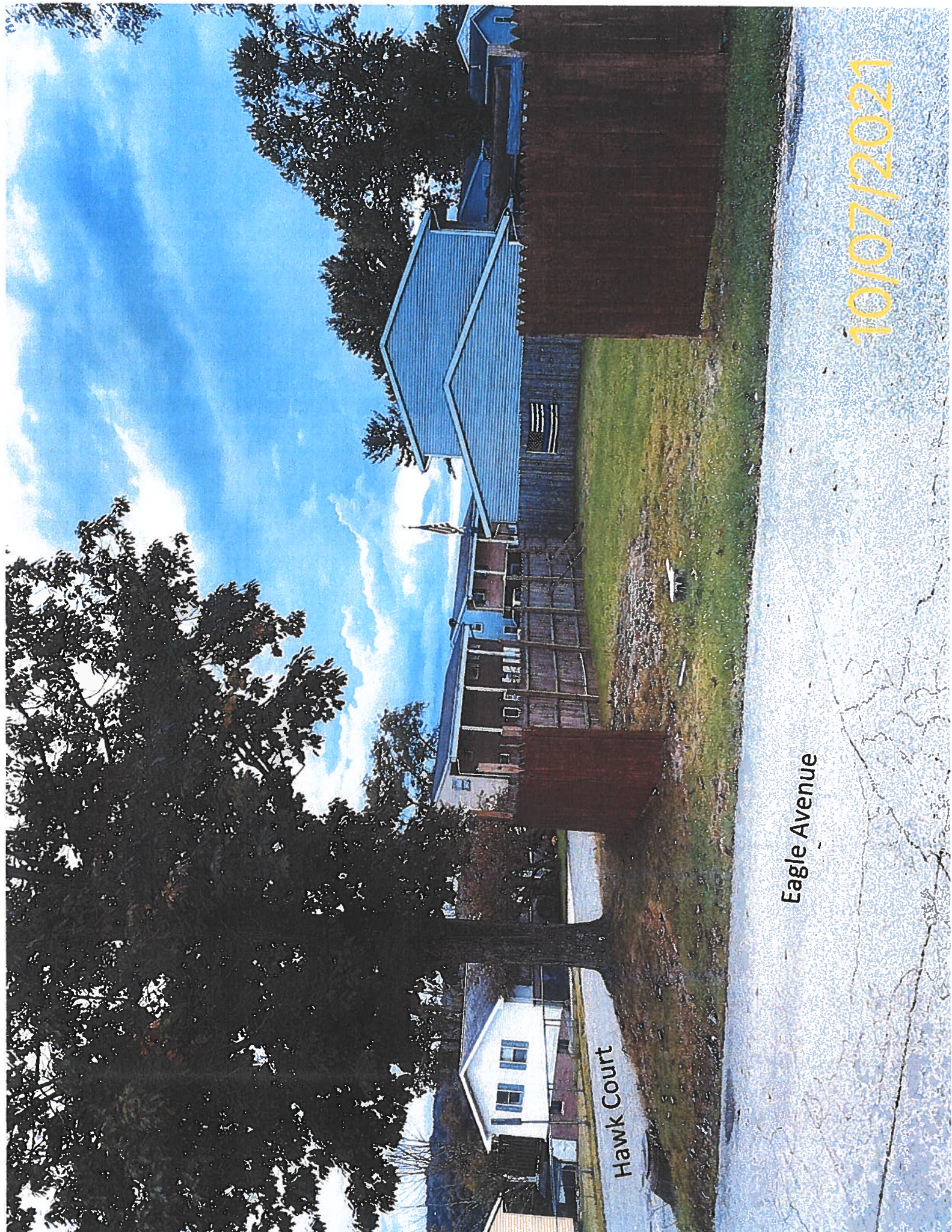
Ohio County
Michael E. Kelly, Clerk
Instrument 19703952
09/20/2019 @ 01:34:18 PM
DEED
Book 968 @ Page 564
Pages Recorded 3
Recording Cost \$ 46.00
Transfer Tax \$ 24.75



Hawk Court

Eagle Avenue

10/07/2021



Hawk Court

Eagle Avenue

10/07/2021



CONSTANTINE
KAY, A.F.A.S.
ARCHITECTS
2377 Chapline St.
Winchester, WV
304.252.0116
304.231.0827 fax
www.kayfasarchitects.com

SEPT. 01, 2021
CONTRACT DATE

ON DECK CORNER 9'0" R/W
NEW CONVENIENCE 9'0" R/W
2 HAWK COURT
SHEELING, WV

JOB NO.
1521

SITE
CONTEXT
PLAN

S-1

SHEET
6 OF 6



1 SITE CONTEXT PLAN
SCALE N.T.S.



**CONSTANTINE
KAYAPAS
ARCHITECTS**
 2307 Chapline St.
 Wheeling, WV
 304.233.1816
 304.233.1822 fax
 www.kayapas.com

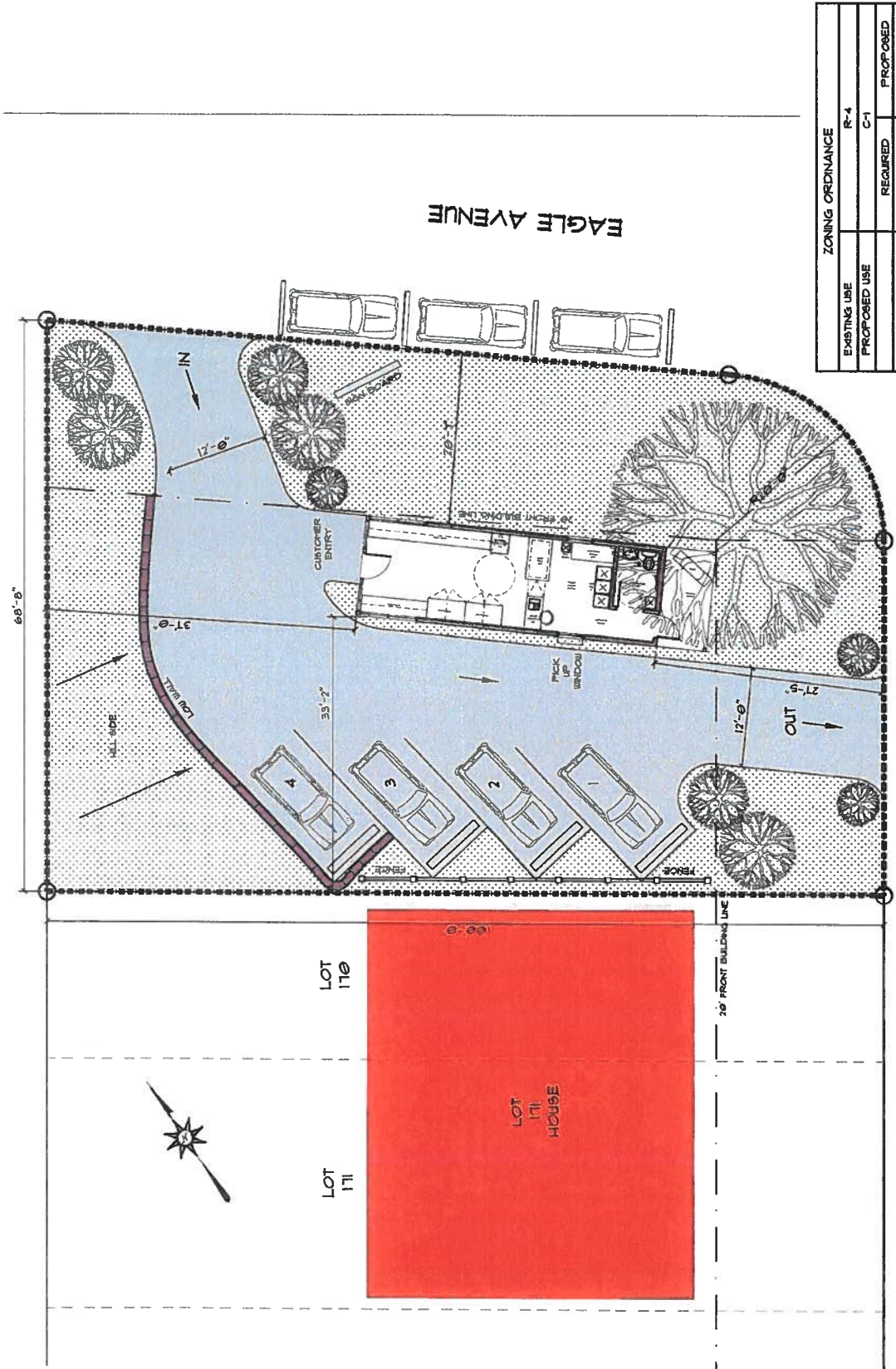
SEPT. 01, 2021
 COPYRIGHT DATE

ON DRCK KONNEN STORE
 NEW CONVENIENCE STORE
 2 HAWK COURT
 WHEELING, WV

JOB NO.
 1521

ENLARGED
 SITE
 PLAN
5-2

SHEET
 O F



EXISTING USE	R-4	PROPOSED USE	C-1
MIN. LOT AREA	5,000 SF	REQUIRED	PROPOSED
MIN. LOT FRONTAGE	50'-0"	6850 SF	685'-6"
MIN. LOT DEPTH	100'-0"	100'-0"	100'-0"
FRONT SETBACK	10'-0"	21'-5"	21'-5"
2-SIDE SETBACK	0'-0"	0'-0"	0'-0"
1-SIDE SETBACK	0'-0"	0'-0"	0'-0"
REAR SETBACK	12'-0"	33'-3"	33'-3"
OFF STREET PARKING	1 / 250 SF GFA		4

HAWK COURT

1 ENLARGED SITE PLAN
 SCALE 1" = 12'-0" ON 11" X 17" PAPER
 SCALE 1" = 6'-0" ON 24" X 36" PAPER



CONSTANTINE
KAY APFAS
ARCHITECTS

2307 Chapline St.
Wheeling, WV
304.222.0616
304.233.1882 Fax
www.kayapfas.com

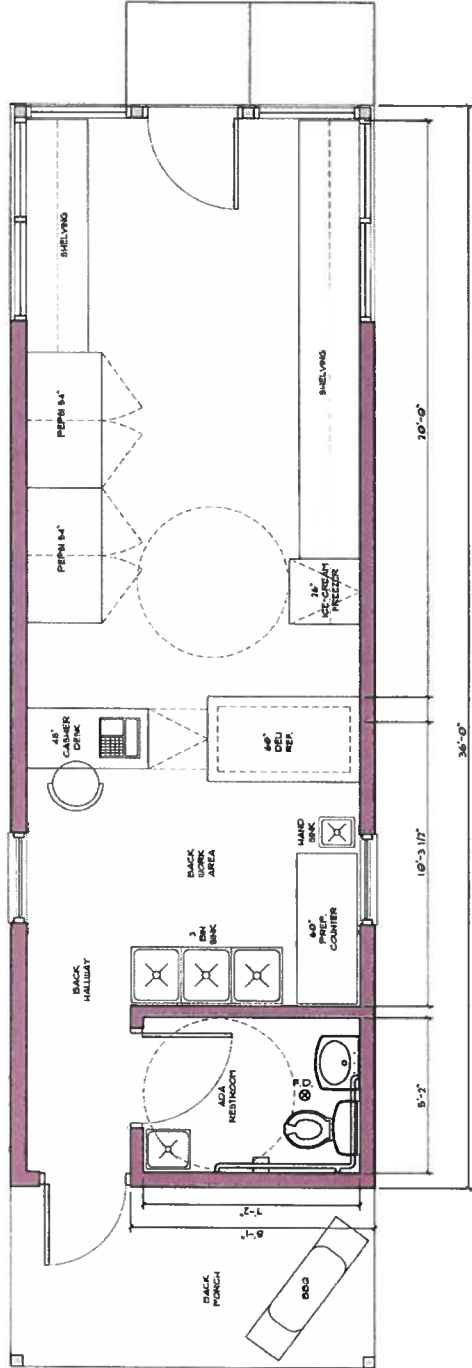
SEPT. 01, 2021
COPYRIGHT DATE

ON DICK KORNTR STORM
NEW CONVENIENCE STORE
2 HAWK COURT
WHEELING, WV

JOB NO.
1521

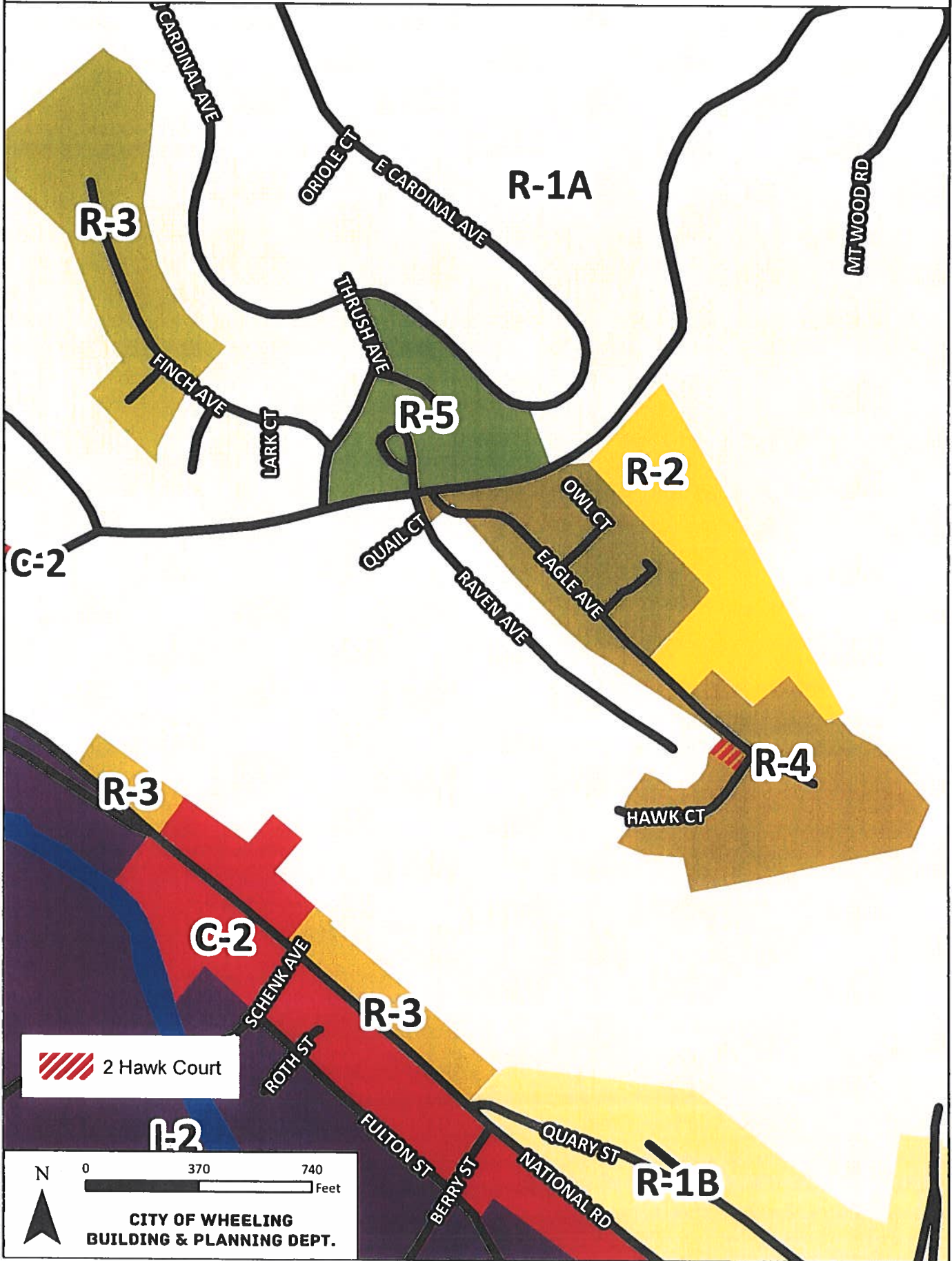
FIRST
FLOOR
PLAN

A-1
SHEET
O.F.



1 FIRST FLOOR PLAN
A-1
SCALE 1/4" = 1'-0" ON 11" X 17" PAPER
SCALE 1/2" = 1'-0" ON 24" X 36" PAPER

Zoning Map



R-3

R-1A

R-5

R-2

C-2

R-4

R-3

C-2

R-3

2 Hawk Court

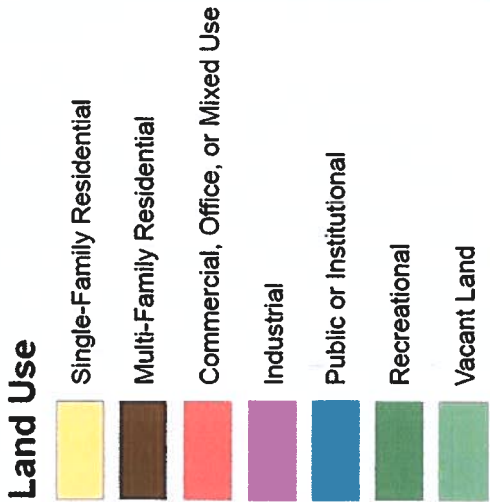
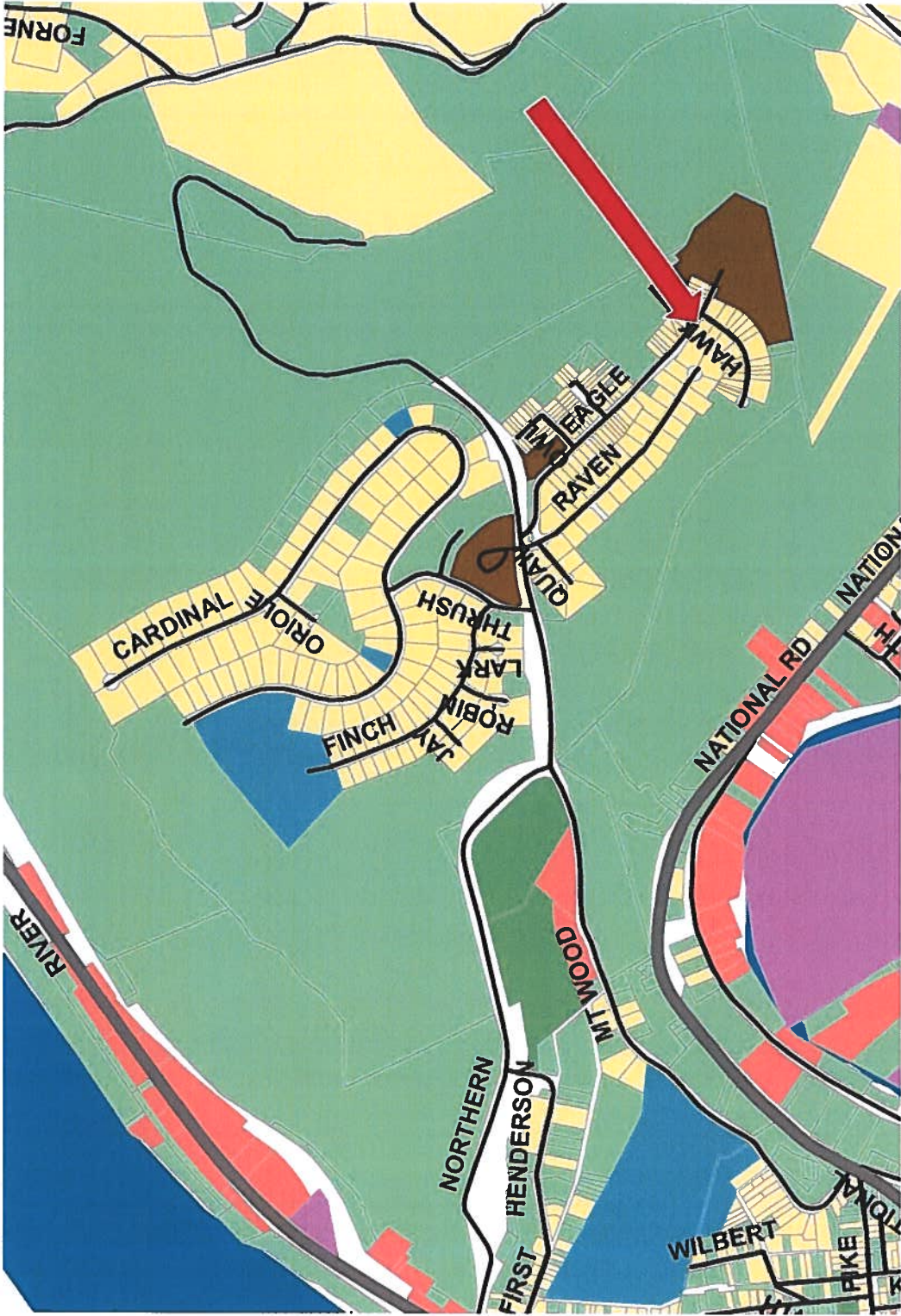
R-2

R-1B















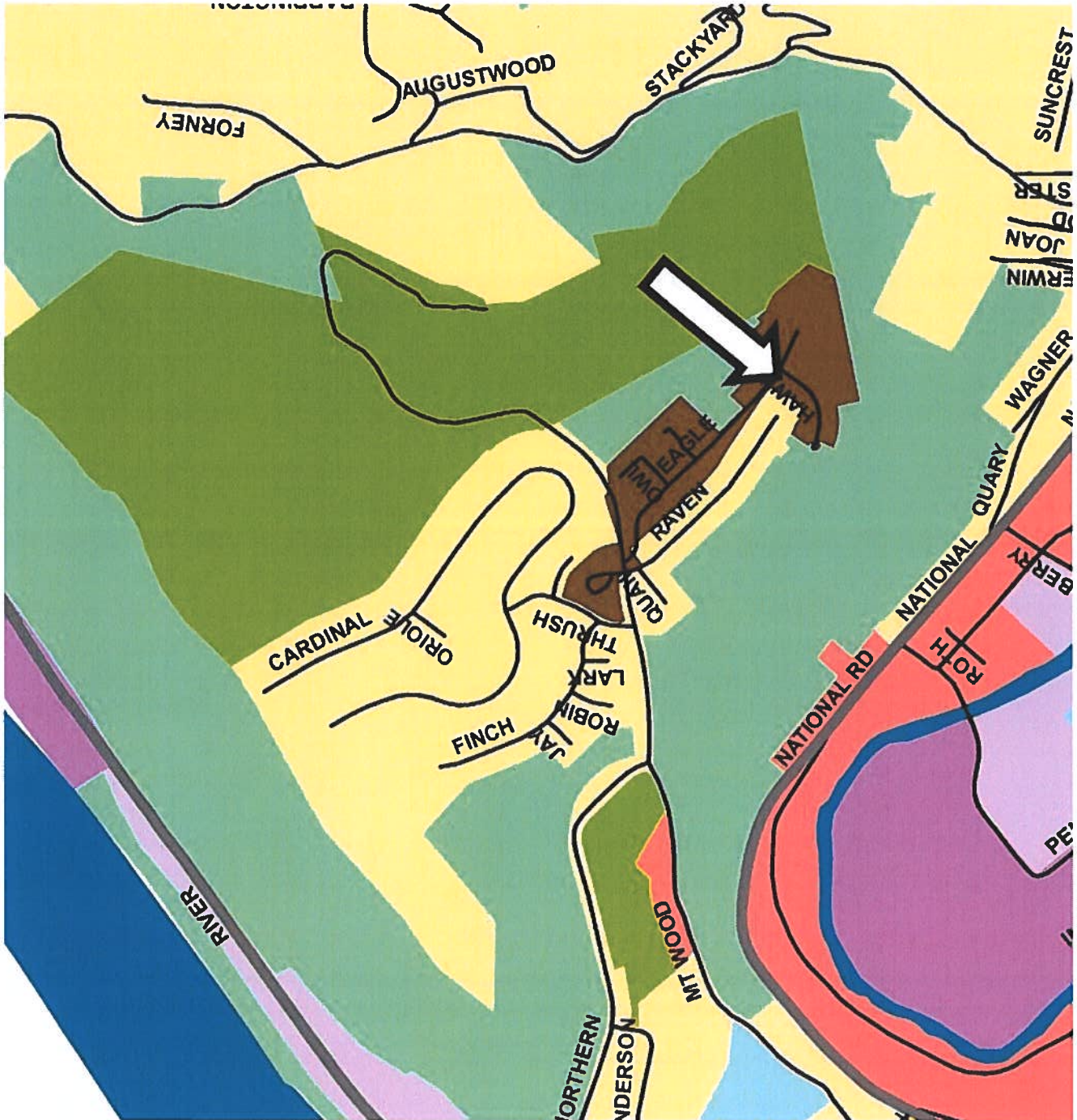
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CITY OF WHEELING
BUILDING & PLANNING DEPT.



Future Land Use

-  Conservation Development
-  Suburban Residential Core
-  Urban Residential Core
-  Mixed Residential
-  Multi-Family Residential
-  Mixed Use Development
-  Urban Mixed Use Development
-  Commercial / Office
-  Office / Light Industrial
-  Industrial Core
-  Parks and Recreation
-  Public and Institutional



1335.01 GENERAL PROVISION AND REFERENCES.

PURPOSE AND INTENT.

(a) It is the purpose and intent of these districts to promote the following:

- (1) To provide for housing in appropriate locations and to permit limited public and quasi-public uses appropriate in residential neighborhoods.
- (2) To protect residential areas from change and intrusion that may cause deterioration.
- (3) To meet minimum standards of health and safety by protecting against hazards and nuisances.
- (4) To provide for adequate daylight, ventilation, quiet, privacy, and recreational opportunity.
- (5) To preserve the desirable character of existing neighborhoods.

(b) REFERENCES. See Article 1331 for general regulations. See Article 1347 for R- 5, Planned Residential Development. See Article 1355 et seq. for supplemental regulations. See Article 1371 for special permit uses. See Article 1373 for uses subject to site development plan approval.

1339.03 C-1 NEIGHBORHOOD COMMERCIAL.

The objectives of the C-1 District are to permit a compatible mix of commercial and residential uses within a medium-density neighborhood business district, and to contain retail businesses in a compact and cohesive location. The commercial uses should predominantly serve the convenience retail and service needs of local residents and employees. In commercial district C-1, land and structures may only be used for:

(a) **PRINCIPAL PERMITTED USES.**

- (1) Bank or lending institution.
- (2) Government service or office.
- (3) Office.
- (4) Personal service establishment.
- (5) Recreational facility.
- (6) Restaurant without lounge.
- (7) Retail business and business-to-business establishment.
- (8) Retail Food Establishment.
- (9) Veterinarian; non-boarding animals only.
- (10) Residential Uses, as per R-4;
 - A. Single-family dwelling.
 - B. Two-family dwelling.
 - C. Multi-family dwelling.
 - D. Home occupation as an accessory use to a principal residential use, regulated under Article 1367.

(Ord. 12821. Passed 5-4-04.)

- (11) Religious land use. (Ord. 12879. Passed 7-20-04.)

(b) **ACCESSORY USES.**

- (1) Accessory buildings and structures that are customary and clearly incidental to the principal use.
- (2) A private garage or open parking for operative passenger vehicles and for not more than one commercial licensed operative vehicle of person residing on the premises.
- (3) A playhouse, tool house, garden house, greenhouse, or private swimming pool not operated for gain.
- (4) Customary home occupation. See Article 1367.
- (5) One accessory apartment in an owner-occupied single-family dwelling.

(c) **SPECIAL PERMIT USES.**

- (1) Community center.
- (2) Day care center; nursery school.
- (3) Membership association.
- (4) Public or private utility.
- (5) Service station.
- (6) Restricted accessory parking.
- (7) Restaurant with lounge. (Ord. 12821. Passed 5-4-04.)

1	Plan Initiatives:	Modern and Sustainable, Diverse Economy, Neighborhoods, & Quality of Life
	Implementation Strategy:	Encourage a Sustainable Mix of Future Land Uses
	Responsible Agency:	City of Wheeling
	Potential Partner Agencies:	All agencies and stakeholders
	Potential Funding Source:	None required
	Priority/Timeframe:	High Priority/Ongoing Strategy
	Working Group:	None

The future land use plan establishes the desired future land use types for properties. In some areas, the city envisions the continuation of existing uses while in others, this plan establishes the ground work for allowing alternative development that fits within the community vision and will be more sustainable in the long run. The future land use plan will help guide the decisions of the Wheeling City Council, Planning Commission, Board of Zoning Appeals, city departments, regional agencies, and other groups regarding a variety of issues such as zone changes, capital improvements, development of public facilities, and similar decisions.

Potential Growth Areas

While the city does not aggressively seek annexations, there is some potential for expansion of the existing city boundaries. Through an analysis of the slopes and potential for development, the future land use plan identifies potential growth areas and the related future land uses. These areas generally open up potential for new residential growth due to the difficult terrain and access issues (streets and infrastructure) and the city should be open to this growth if the opportunity arises.

Using the Future Land Use Plan

The Future Land Use Plan (Map 8) is intended to serve as a guide for continued development and redevelopment within Wheeling, as well as the potential growth areas surrounding the city. The map is not a zoning map nor does the adoption of this plan legally regulate how land is used. This plan is not intended to be site specific with a single future land use attached to every individual property. The user should first take into consideration the recommendations and policies of this section, the character of the surrounding area as well as individual conditions of the site including, but not limited to the existing use of the site, natural topography, presence of flood hazard areas, traffic, surrounding uses, and similar conditions. In many cases, this plan includes the possibility of a variety of uses within a specific land use category depending on the conditions of the actual site. The Planning Commission, through a more thorough site plan review process, will work to ensure new developments are of the highest functionality and aesthetic quality to the community and conform to the surrounding neighborhood.



Multi-Family Residential

There are a number of high density multi-family residential buildings in Wheeling that include older mansions converted to apartment buildings and large, high-rise apartment buildings. These stand-alone residential structures provide a housing option necessary to a community like Wheeling. The future land use plan illustrates the continued use of land for multi-family residential uses that consist of the highest density residential uses in the city that are not part of a mixed use building that contains nonresidential uses as part of the mix.



Mixed Residential

Many of Wheeling's neighborhoods have a variety of housing types intermixed amongst each other that developed naturally over the course of history. While the preservation of this mixture is encouraged in areas designated as urban residential core, the primary intention of these areas is the preservation of the existing housing stock. In other areas of the community, there is the potential for broader redevelopment activities that could see the clearing of large areas for residential redevelopment. For example, the ridgeline areas of East Wheeling and the southern portion of Wheeling Island are two areas where there are a larger number of vacant lots, deteriorating housing stock, and natural development constraints including floodplain and steep slopes where redevelopment may remedy certain development issues.



Example of a neighborhood block with a mix of housing types

The following are development principles that should apply to Mixed Residential areas on the future land use map:

- Maintain historically significant structures to the maximum extent feasible but ease restrictions for the demolition of other structures to allow for the consolidation of lots that will allow increased redevelopment opportunities
- Redevelopment should be accomplished in a manner that will protect homes from flood hazards and minimize grading of steep terrain. This may include designing new buildings so they are elevated above base flood elevations (parking on the ground level) and/or clustering homes in areas with the flattest topography.
- Allow for higher density housing where the effect will be to protect the natural resources described in this plan.
- Encourage a mixture of housing types within a single development to increase the housing choices in Wheeling. This may include a mixture of detached homes and attached housing adjacent to one another.

Initiative #4 – Wheeling will invest in its Neighborhoods.

- **Increase Housing Options:** Almost every stakeholder group who participated in this planning process raised an issue related to housing that included a lack of both affordable housing as well as higher-end homes (\$250,000+), a need for senior housing options, a desire for urban housing, and finally a desire for new housing as compared to older homes that require money and time for renovations.

Regarding the issues about housing affordability, the discussion revolved around the need for housing that the average person can afford more so than low-income housing. Some communities call this workforce housing where, for example, teachers, police officers, and the average worker can afford to live. The two major constraints to affordable housing in Wheeling are:

- The influx of gas and oil workers, which has driven up rent prices because of the demand on housing; and
- The age and condition of housing where many of the affordable homes are older and require substantial time and monetary resources to rehabilitate.

The desire to see senior housing and urban housing choices came from the discussions with older and younger residents who are both looking to live closer to activities such as restaurants, shopping, and entertainment. In these cases, many of the participants pointed out a need for patio homes, often seen as a senior living option, as well as urban housing that was described as both mixed use with residential uses over commercial uses as well as smaller homes on small lots close to downtown. These discussions led to the overall policies to focus redevelopment efforts in and around the downtown area and surrounding neighborhoods where higher densities can be accommodated because of access to roads, transit, and activities.

- **Consider Transitions between Different Uses:** The Future Land Use Plan (Map 8) highlights areas where there should be additional nonresidential or mixed use development in and around existing residential neighborhoods. Past history has shown that many of the properties along National Road and other major roads are shallow, and any development is seen as an encroachment into primarily residential areas. This will be a growing issue as the city encourages, to some degree, more of a mixture of uses and more flow between residential and business areas. This plan recognizes that Wheeling is very much an urban community where nonresidential uses are typically in close proximity to residential areas but that such adjacency can be softened with appropriate buffers and a transition of land use types and intensities.
- **Encourage Property Maintenance:** With an older housing stock and a growing percentage of rental housing units, property maintenance is continuing to be an issue for many neighborhoods. In certain cases, the neighborhood groups have noted that even a few deteriorating buildings can create a domino effect of maintenance issues that need to be resolved. Some of the plan participants believe that the maintenance issues can be resolved by stronger code enforcement but there are other tools available to Wheeling to address building and property conditions as a form of neighborhood stabilization.

Understanding Spot Zoning by Daniel Shapiro, Esq.

Editor's note: We're pleased to continue offering articles providing an overview of some of the key zoning and land use law issues planners and planning commissioners face. As with all such articles, we encourage you to consult with your municipal attorney as laws and legal practice vary from state to state.

Occasionally, planning boards or commissions are faced with a petitioner's request to re-zone property only to be challenged with an objector's claim that doing so would constitute illegal spot zoning. The plan commission often has a quandary; approve the development and risk making an improper, if not illegal decision, or deny the development which would have financially improved the community. To better assist with this difficult decision, it is beneficial for the commission to understand exactly what "spot zoning" is.

What Constitutes Spot Zoning?

The "classic" definition of spot zoning is "the process of singling out a small parcel of land for a use classification totally different from that of the surrounding area for the benefit of the owner of such property and to the detriment of other owners."¹

Spot zoning is, in fact, often thought of as the very antithesis of plan zoning.² When considering spot zoning, courts will generally determine whether the zoning relates to the compatibility of the zoning of surrounding uses. Other factors may include; the characteristics of the land, the size of the parcel, and the degree of the "public benefit." Perhaps the most important criteria in determining spot zoning is the extent to which the disputed zoning is consistent with the municipality's comprehensive plan.

Counties and municipalities both adopt comprehensive plans for the purposes of stating their long term planning objectives, and addressing the needs of the community in one comprehensive document that can be referred to in making many zoning decisions over time.

Comprehensive plans also typically map out the types (and locations) of future land use patterns which the municipality would like see -- again, these provide guidance for changes in the zoning ordinance and zoning district maps.

The key point: rezonings should be consistent with the policies and land use designations set out in the comprehensive plan.

Importantly, each claim of spot zoning must be considered based upon its own factual scenario. Indeed, some courts engage in a cost/benefit analysis to determine whether the challenged zoning is spot zoning.

For instance, in *Griswold v. Homer*,³ the Alaska Supreme Court found spot zoning to exist by considering a cost benefit analysis, as well as the size of the parcel in question and the rezoning in relationship to the comprehensive plan. Critically, it found that the spot zoning was absent because, among other things, the underlying ordinance resulted in genuine benefits to the City of Homer as a whole, and not just to the particular land owner.

Although courts often find spot zoning where the challenged zone is surrounded by other incompatible zones, spot zoning is less likely to occur when the rezoning has "slopped over" by the extension of the perimeter of an existing zone to include the rezoned area.

Additionally, improper spot zoning is less likely when the disputed area is characterized by mixed uses or transitional areas. In other words, spot zoning is more frequently found in residential than in commercial neighborhoods.

When holding that spot zoning is invalid, some courts will couch their ruling in terms of substantive due process -- in other words, that the rezoning was not "reasonably related" to a legitimate state interest. Other courts will frame a ruling upon equal protection principles.⁴

Regardless, when courts declare such rezoning invalid they must base their declaration on: (1) the lack of connection of the rezoning to a legitimate power or purpose; (2) the lack of the rezoning's conformity to the comprehensive plan; or (3) the rezoning's representing an unreasonable inequality in the treatment of similarly situated lands. See, e.g., *Hanna v. City of Chicago*⁵ (spot zoning occurs when a relatively small parcel or area is rezoned to a classification out of harmony with the comprehensive plan).

Rebutting Spot Zoning

Spot zoning, however, may be rebutted when the challenged zoning is found to be consistent with a municipality's recent zoning trends in the area, not just with the present surrounding uses.⁶ To illustrate the importance that each factual scenario must be closely addressed, rather than merely labeled, it should be noted that one Illinois court found that the rezoning of small parcels inconsistent with the zoning of surrounding areas is not necessarily unlawful.⁷ The size of a parcel is just one factor to be considered in determining spot zoning.

A claim of spot zoning may also lack merit, for instance, when the zoning or planning regulations consider the boundaries of the property in dispute to contain a line of demarcation between zoning districts which would appropriately separate one zoning district from another.⁸

Most importantly though, if the zoning is enacted in accordance with a comprehensive plan, it is typically not "spot zoning."⁹

What's a Planning Commission to Do?

When considering zoning map amendments, the planning commission or board must not only determine whether the petitioner has satisfactorily responded to the traditional standards in support of his or her application, but it should also closely scrutinize whether a potential exists for spot zoning. In doing so, the commission should look at the comprehensive plan and the surrounding uses to the property at issue.

While the commission is not qualified to make legal determinations of spot zoning, it is nonetheless the gatekeeper of identifying that such an issue may exist. It is therefore appropriate for the commission to defer its decision and consult with its municipal attorney *before* voting to approve the rezoning and referring it to the governing body for adoption.

Summing Up:

Spot zoning must be addressed upon the facts and circumstances of each case. As such, when faced with allegations of spot zoning, the courts will closely look at factors such as the size of the parcel; the anticipated public benefit; the consistency with the community's comprehensive plan; and the consistency with surrounding zoning, and uses, to make a determination of the validity of the rezoning.

Dan Shapiro is a partner with the law firm of Robbins, Salomon and Patt, Ltd in Chicago, Illinois. He practices in the areas of land use, zoning, governmental relations, municipal law, and civil litigation.

Dan represents a wide variety of private developers as well as governmental entities and advises his clients closely on issues of concern. As part of his practice, he has successfully presented legislative and administrative matters before plan commissions, zoning boards, and other village, city, and county bodies.

Dan also is an adjunct professor teaching land use at Kent Law School in Chicago, and is the Chairman of the Village of Deerfield (Illinois) Plan Commission.

Notes:

1. Anderson's American Law of Zoning, 4th Edition, § 5.12 (1995).
2. See, e.g., Jones v Zoning Board of Adjustment of Township of Long Beach, 32 N.J. Super 397,108 A.2d 498, 502 (1954).
3. Griswold v. Homer, 926 P.2d 1015 (Alaska 1996)
4. See, e.g., Rando v. Town of N. Attleborough, 692 N.E.2d 544 (Mass. App. Ct. 1998).
5. Hanna v. City of Chicago 771 N.E.2d 13 (2002)
6. See e.g., 1350 Lakeshore Associates v. Casalino, 352 Ill.App.3d 1027, 816 N.E.2d 675 (1st Dist. 2004).
7. See, e.g., Goffinet v. County of Christian, 65 Ill.2d 40 357 N.E.2d 442 (1976).
8. See, e.g., LaSalle National Bank v. City of Highland Park, 344 Ill.App.3d 259, 799 N.E.2d 781 (2nd Dist. 2003).
9. See, e.g., Jones v. Zoning Board of Adjustment of Township of Long Beach, 32 N.J. Super. 397, 108 A.2d 498, 502 (1954).

Public Comment / Petition in North Park

2 Hawk Court
Oppose
Support



N
0 375 750
Feet
CITY OF WHEELING
BUILDING & PLANNING DEPT.

Petition to

Action petitioned for

The petition in which you are signing states that you agree to the rezoning of and opening of On Deck Korner Grocery Store located at 2 Hawk Court in the North Park community.

Date	Printed Name	Signature	Address	For
10-4-21	Helicia	<i>Helicia</i>	26 Hawk Ct.	yes
10-4-21	JACOB	<i>Jacob</i>	26 Hawk Ct	yes
10-5-21	SANDY DONALDSON	<i>Sandy Donaldson</i>	34 HAWK CT	yes
10-5-21	Heather Heltschy	<i>Heather Heltschy</i>	1 HAWK ct	yes
10-5-21	Michael Bezem	<i>Michael Bezem</i>	1 Hawk Ct	yes
10-5-21	Anette Waller	<i>Anette Wallace</i>	1 Hawk Ct	yes
10/5	JOHN SAMUELS	<i>John Samuels</i>	50 Eagle Ave	yes
10/5	Mike Pizzola	<i>Mike Pizzola</i>	28 Hawks court	yes

Petition to

Action petitioned for

The petition in which you are signing states that you agree to the rezoning of and opening of On Deck Korner Grocery Store located at 2 Hawk Court in the North Park community.

Date	Printed Name	Signature	Address	For
9-25-21	LatiSha Hawkins	<i>LatiSha Hawkins</i>	212 Eagle Court	✓
9-25-21	Jurnee Hawkins	<i>Jurnee Hawkins</i>	212 Eagle Ct.	✓
9-25-21	Aisajah Alford	<i>Aisajah Alford</i>	107 Eagle Ct.	✓
9/25/21	Donna Bushin	<i>Donna Bushin</i>	211 Eagle Ct.	✓
9/25/21	Latisha Kathy Smith	<i>Kathy Smith</i>	602 Eagle Ct.	✓
9/25/21	Stephanie Woods	<i>Stephanie Woods</i>	602 Eagle Ct.	✓
9/25/21	Kenya Walker	<i>Kenya Walker</i>	327 Eagle Ct.	✓
9/25/21	Beatrice Hawkins	<i>Beatrice Hawkins</i>	235 Eagle Ct.	✓
9/25/21	Beatrice Hawkins	<i>Beatrice Hawkins</i>	212 Eagle Court	✓

Petition to

Action petitioned for

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Date	Printed Name	Signature	Address	For
9/23/20	Sarah Sanders	<i>[Signature]</i>	131 Eagle Ct	-
9/25/20	Freddy Turimire	<i>[Signature]</i>	501 Eagle Ct	-
9/25/21	Adele Hubbard	<i>[Signature]</i>	332 Eagle Ct	-
9/25-21	Brianna Bassett	<i>[Signature]</i>	337 eagle ct	-
9.25.21	Ayshia Green	<i>[Signature]</i>	213 Eagle Court	✓
9.25.21	Brenden Briggs - Tyler	<i>[Signature]</i>		✓
9-25-21	Jasmine Devore	<i>[Signature]</i>	60 NOAH KETTER AVE	✓
9-25-21	Seben Mahi	<i>[Signature]</i>	60 NOAH KETTER AVE	✓
9-25-21	Michelle Roeder	<i>[Signature]</i>	238 Eagle Court	✓

Petition to

Action petitioned for

The petition in which you are signing states that you agree to the rezoning of and opening of On Deck Korner Grocery Store located at 2 Hawk Court in the North Park community.

Date	Printed Name	Signature	Address	For
9-25-21	Iesha Walker		118 Virginia Street	<input checked="" type="checkbox"/>
9-25-2021	SANNIEISHA WALKER		1176 ISABELLA STREET WHEELING, WV	<input checked="" type="checkbox"/>
9-25-21	Tiffany Gonyea		130 Eagle Court	<input checked="" type="checkbox"/>
9-25-21	Jacqueline Gonyea		132 eagle court	<input checked="" type="checkbox"/>
9-25-21	Camille Gonyea		132 eagle court	<input checked="" type="checkbox"/>
9-25-21	Kimberly Pennington		116 Eagle Ct.	<input checked="" type="checkbox"/>
9-25-21	Kendra Pennington		116 Eagle Ct.	<input checked="" type="checkbox"/>
9-25-21	Margie Collier		29 Hawk Ct	<input checked="" type="checkbox"/>
10-5-21	Tom McKeever		555 Eagle Ave	<input checked="" type="checkbox"/>

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Petition to

Action petitioned for

The petition in which you are signing states that you agree to the rezoning of and opening of On Deck Korner Grocery Store located at 2 Hawk Court in the North Park community.

Date	Printed Name	Signature	Address	For
9-25-21	Americus Cooper	Americus Cooper	217 Eagle Ct Wheeling WV	✓
9-25-21	Shauneecho Fumansi	Shauneecho Fumansi	211 Eagle Court Wheeling WV	✓
9-25-21	Stevananda Bradley	Stevananda Bradley	311 Eagle Ct	✓
9-25-21	Deborah	Deborah	311 Eagle Court Wheeling WV	✓
9-25-21	Mackenzie Snodgrass	Mackenzie Snodgrass	331 Eagle Ct	✓
9-25-21	Erica	Erica	415 Eagle Ct	✓
9-25-21	Mirian Sutton	Mirian Sutton	423 Eagle Ct	✓
9-25-21	Charles Taracy	Charles Taracy	435 Eagle Ct	✓
9-25-21	Lumpkin	Lumpkin		✓

Petition to

Action petitioned for

The petition in which you are signing states that you agree to the rezoning of and opening of On Deck Korner Grocery Store located at 2 Hawk Court in the North Park community.

Date	Printed Name	Signature	Address	For
9-25-21	Jaymee Kohr	Jaymee Kohr	124 Eagle Court	✓
9-25-21	Cheryl Smith	Cheryl Smith	402 Hawk Court	✓
9-25-21	Anthony Cooper	Anthony Cooper	44 Eagle Ave	✓
9-25-21	BRANDON HANSON	Brandon Hanson	334 Eagle Court	✓
9-25-21	T BAXTER	T Baxter	334 Eagle Court	✓
9-25-21	Kathleen Williams	Kathleen Williams	417 Eagle Ct	✓
9-25-21	Katie Cooper	Katie Cooper	44 Eagle Ave	✓
9-25-21	Patricia Smith	Patricia Smith	103 Eagle Ave	✓
9-25-21	Ann helped Simpson	Ann helped Simpson	552 Eagle Ave	✓

Petition to

Action petitioned for

The petition in which you are signing states that you agree to the rezoning of and opening of On Deck Korner Grocery Store located at 2 Hawk Court in the North Park community.

Date	Printed Name	Signature	Address	For
9/25/21	Brittany Alford	<i>Brittany Alford</i>	107 Eagle Ct.	✓
9/25/21	Kim Atkins	<i>Kim Atkins</i>	422 Eagle Ct.	✓
9/25/21	Robert Rosenberger	<i>Robert Rosenberger</i>	121 Eagle Ct	✓
9/25/21	Rend Wellmann	<i>Rend Wellmann</i>	125 Eagle Ct	✓
9/25/21	Angel Koppel	<i>Angel Koppel</i>	114 Eagle Ct	✓
9/25/21	Aissa Ferguson	<i>Aissa Ferguson</i>	221 Eagle Ct	✓
9/25/21	Wesley Case	<i>Wesley Case</i>	221 Eagle Ct	✓
9/25/21	Russ Klabas	<i>Russ Klabas</i>	236 Eagle Ct.	✓

Petition to

Action petitioned for





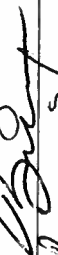




The petition in which you are signing states that you agree to the rezoning and opening of On Deck Korner Grocery Store located at 2 Hawk Court in the North Park community.

Date	Printed Name	Signature	Address	For
9/25/21	Nicole R. Bacher	Nicole R. Bacher	501 Eagle Ct. Wheeling, WV 26003	✓
9/25/21	Kayana Kumbhar	Kayana Kumbhar	503 egret way WV 26003	✓
9/25/21	Dane Williams	Dane Williams	337 Eagle Ct. Wg. WV 26003	✓
10/1/21	Njanya Darby	Njanya Darby	471 Eagle Court Wheeling WV 26003	✓
10/1/21	Zhantera Smith	Zhantera Smith	12 Hawk Ct Wheeling WV	✓
10/1/21	Aimee M. Timmins	Aimee M. Timmins	222 Eagle Court Wheeling WV 26003	✓
10/1/21	Datasha Timmins	Datasha Timmins	28 Hawk Court Wheeling WV 26003	✓
10/1/21	Yvonne Stradwick	Yvonne Stradwick	15 Raven Ave Wheeling WV 26003	✓

Petition to

Action petitioned for

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Date	Printed Name	Signature	Address	For
10/2/21	Danny Doyle		156 E Cardinal Ave	✓
10/2/21	Kathleen Doyle		156 E Cardinal Ave	✓
10/2/21	Laura Marling		49 Thrush Ave.	✓
10/2/21	Ing Bentz		718 Cardinal Ave	✓
10/2/21	Bonnie Vetzan		240 W. Cardinal Ave	✓
10/2/21	Dawn Flick		151 E Cardinal Ave	✓
10/2/21	Dwight Hicks		151 E. Cardinal Ave.	✓
10/2/21	RANDY GIESEY		105 E CARDINAL AVE	✓
10/2/21	ROBIN GIESEY		105 E CARDINAL AVE	✓

Petition to

Action petitioned for

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Date	Printed Name	Signature	Address	For
10-2-21	Sonathan Cummings		291 W Cardinal Ave	✓
10-2-21	Kristin Cummings		291 W Cardinal Ave	✓
10-2-21	Gina Annett		140 E. Cardinal Ave	✓
10-2-21	Michelle Lemoos		72 Finch Ave	✓
10-2-21	Tami Grizzle		Eagle Ave	✓
10-4-21	Cheryl Taylor		228 Eagle Ave	✓
10-4-21	Steph Ruffalo		119 Eagle Ave	✓
10-5-21	Lisa Riker		119 Eagle Ave	✓
10-6-21	Jerry McFarland		12 Owl Ct.	✓

Petition to

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Date	Printed Name	Signature	Address	For
10/1/21	Jon Micheal G.	Jon Micheal	41 Hawk Ct, Wheeling, WV	Yes
10-1-21	Raquan Ingram	Raquan Ingram	13 HAWK CT Wheeling, WV	YES
10/1/21	Melvin Clement	Melvin Clement	13 HAWK COURT Wheeling, WV	YES
10/1/21	Margie & Eool	Margie Cook	24 Hawk Ct whg. W. Va	yes
10-2-21	Isaiah Schwert	Isaiah Schwert	22 hawk ct whg W. Va	yes
10-3-21	Rachelle Piggie	RP	22 hawk ct Wheeling WV	yes
10-3-21	Donna Nicholson	Donna Nicholson	37 Hawk Ct Whg	Yes
10-4-21	Donna Nicholson	Donna Nicholson	37 Hawk Ct Whg	Yes
10-4-2020	Volanda Nightengale	Volanda Nightengale	35 Hawk Ct. Whg	Yes

Petition to

Action petitioned for

The petition in which you are signing states that you agree to the rezoning of and opening of On Deck Korner Grocery Store located at 2 Hawk Court in the North Park community.

Date	Printed Name	Signature	Address	For
✓ 10-7-21	Patricia Timmins	Patricia Timmins	28 Hawk Ct Wheeling W Va 26003	yes
✓ 10-7-21	BRENDA COLLINS	Brenda Collins	33 Hawk Ct. Wheeling WV 26003	yes
✓ 10/1/21	Dana Masley	Dana Masley	36 Hawk Ct North park	yes
✓ 10/1/21	Jam Estep	Jam Estep	36 Hawk Ct North park	yes
✓ 10-11-21	Wanda B	Wanda B	45 Hawk Ct Wheeling WV	yes
✓ 10-11-21	George Nicholas	George Nicholas	49 Hawk Ct Wheeling WV	yes
✓ 10-01-21	Emaw Peck	Emaw Peck	41 Hawk Ct, Wheeling WV	yes
✓ 10-01-21	Jordan Peck	Jordan Peck	41 Hawk Ct, Wheeling WV	yes
✓ 10-01-21	Doug Forgenie	Doug Forgenie	41 Hawk Ct, Wheeling WV	yes

Petition to

Action petitioned for

The petition in which you are signing states that you agree to the rezoning of and opening of On Deck Korner Grocery Store located at 2 Hawk Court in the North Park community.

Date	Printed Name	Signature	Address	For
10-5-21	Bria-Knigh		108 Eagle Ave	✓
10/5/21	Zachary Conner		69 Eagle Ave	✓
10-5-21	DAVID COLLES		47 Eagle Ave	✓
10-5-21	Nichole Breiding		70 Eagle Ave	✓
10-5-21	Belly Martin		10 Wren	✓
10-5-21	Jessie Mills		22 Wren Ct.	✓
10-5-21	Robert D. Pucci		24 Wren Ct.	✓
10-5-21	Jason Mills		22 Wren Ct.	✓
10-5-21	Kim-Holmes		13 Wren	✓

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Date	Printed Name	Signature	Address	For
10/5/21	Ed Peyton	Ed Peyton	12 Wren Court	✓
10/5/21	Shawn Neff	Shawn Neff	11 Wren Ct	✓
10-5-21	Julie Blake	Julie Blake	49 Eagle Ave	✓
10-5-21	John McCreiswell	John McCreiswell	46 Eagle Ave	✓
10-5-21	Cierra Walker	Cierra Walker	45 Eagle Ave	✓
10-6-21	Robert Lopez	Robert Lopez	16 Owl Court	✓
10-6-21	Rodrika McHale	Rodrika McHale	26 Owl Court	✓
10-6-21	Brian Schultz	Brian Schultz	15 Owl Court	✓
10-6-21	Martina Schultz	Martina Schultz	15 Owl Court	✓

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Date	Printed Name	Signature	Address	For
10/6/21	NO'EL ANN NIGHTENEGATE	Shannon Nightenega	22 owl court	✓
10/6/21	SHANNON KELLY	Shannon Kelly	20 Owl Court	✓
10/6/21	MONTA BENDER	Monta Bender	30 Owl Court	✓
10/6/21	ALEXIS CORNER	Alexis Corner	31 Owl Court	✓
10/6/21	BANKNOX	Banknox	14 Owl Court	✓
10/6/21	JOLLY NOH	Jolly Noh	52 Eagle Ave	✓
10-6-21	BRUCE OHLER	Bruce OHLER	35A Eagle Ave	✓
10-6-21	SUPRE BAILEY	Supre-Bair	110 Raven Ave	✓
10-6	VILJA STEIN	Vilja K. Stein	823 Raven Ave.	✓

Petition to

Action petitioned for


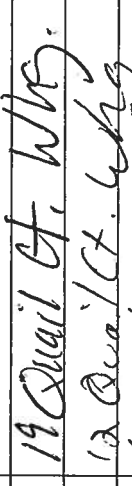
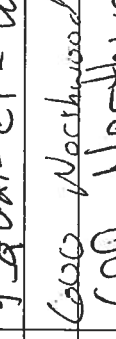
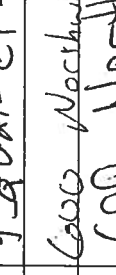
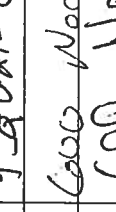
The petition in which you are signing states that you agree to the rezoning of and opening of On Deck Korner Grocery Store located at 2 Hawk Court in the North Park community.

Date	Printed Name	Signature	Address	For
10-6-21	Peter Chacabos	Peter Chacabos	78 Raven	✓
10-6-21	Chelsie Ryan	Chelsie Ryan	67 Raven	✓
10-6-21	Ketitia Donaldson	Ketitia Donaldson	46 Raven	✓
10-6-21	James Donaldson	James Donaldson	46 Raven	✓
10-6-21	Jim HARDMAN	Jim HARDMAN	21 RAVEN	✓
10-6-21	TERRIE SHADWICK	TERRIE SHADWICK	21 OWEN CT.	✓
10-6-21	Torre Shadwick	Torre Shadwick	18 Owl Ct	✓
10-6-21	Sammie Pelley	Sammie Pelley	18 Owl Ct	✓
10-6-21	Jessica Webb	Jessica Webb	32 Eagle Ave Wheeling WV	✓

Petition to

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Date	Printed Name	Signature	Address	For
10-5-21	Jason Bass		19 Quail Ct. Wbg.	<input checked="" type="checkbox"/>
10-5-21	Jason Clark		12 Quail Ct. Wbg.	<input checked="" type="checkbox"/>
10-8-21	William Sominewald	WILLIAM SOMINEWALD	9 Quail Ct - Wbg	<input checked="" type="checkbox"/>
10-11-21	James Machine		600 Northwood Court	<input checked="" type="checkbox"/>
10-11-21	Jacob Machine		600 Northwood Court	<input checked="" type="checkbox"/>
10-11-21	Brenda Blankenship		600 Northwood Ct	<input checked="" type="checkbox"/>
10-11-21	Sarah Smith	Sarah Smith	600 Northwood Ct	<input checked="" type="checkbox"/>
10-11-21	Beverly Calangelo	Bru Calangelo	800 Northwood Ct.	<input checked="" type="checkbox"/>
10-11-21	Mary Zandron	Mary Zandron	491 G C + P Rd. Wbg.	<input checked="" type="checkbox"/>

Petition to

Action petitioned for










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Date	Printed Name	Signature	Address	For
10-11-21	Jason Deaton	Jason Deaton	700 Northwood court	✓
10/11/21	Morgan Andersen	Morgan Andersen	11	✓
10/11/21	Harry Gray	Harry Gray	700 Northwood	✓
10/11/21	Jeff Laibel	Jeff Laibel	600 Northwood Ct 26003	✓
10/11/21	Julia Fields	Julia Fields	800 Northwood Ct APT 304 26003	✓
10/11/21	Alix Fields	Alix Fields	800 Northwood Ct APT 304 26003	✓
10/11/21	MARCI CASTER	MARCI CASTER	600 NORTHWOOD Ct APT. 301 26003	✓
10/11/21	Isaac Holden	Isaac Holden	700 Northwood Ct APT 303	✓
10/11/21	JORDAN BURCHETT	Jordan Burchett	600 Northwood Ct. APT 103	✓

Petition to

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Date	Printed Name	Signature	Address	For
	Jordan Hartman		700 Northwood Ct APT 302	✓
	BROCKE VOTTS		700 NORTHWOOD CT APT 302	✓
	Alex Danley		600 Northwood Ct #20	✓
	Mia Hinkel		700 Northwood Ct Apt #101	✓
	MERRY JOHNSON		700 Northwood Ct Apt 104	✓
	Mrsudd Patel		800 Northwood APT 104	✓
	Theresa Rose		18 Wren Court	✓
	David Rose		18 Wren Court	✓
	Brittney Sunningham		700 Northwood Ct Apt. 301	✓

Petition to

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Date	Printed Name	Signature	Address	For
10/11/21	Kyle Johnson		500 Northwood Court	✓
10/11/21	Rachel Albert	Rachel Albert	800 Northwood Court	✓
10/11/21	Jarell Pell	Jarell Pell	800 Northwood Ct	✓
10/11/21	Hristen Breen	Hristen Breen	800 Northwood Ct.	✓
10-11-21	Abigail Miles	Abigail Miles	600 Northwood Ct.	✓
10-14-21	Rashell Davis	Rashell Davis	328 W. Cardinal Ave	✓
10/14/21	Edie Fuller	Edie Fuller	318 W. Cardinal Ave.	✓
10/14/21	Bill Fuller	Bill Fuller	318 West Cardinal ave	✓
10/14/21	Waclyn Saseen	Waclyn Saseen	322 W. Cardinal ave	✓

Petition to

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Date	Printed Name	Signature	Address	For
10-14-21	Carla Seals	<i>Carla Seals</i>	312 W. Cardinal Ave. Wkg.	✓
10-14-21	Linda Boyd	<i>Linda Boyd</i>	303 W. Cardinal St. Wkg.	✓
10-14-2021	William Starkhouse	<i>[Signature]</i>	302 W Cardinal St	✓
10-14-21	Marianne Stackhouse	<i>Marianne Stackhouse</i>	302 W Cardinal Ave, WNG	✓
10-14-21	Roger A Husk	<i>Roger Husk</i>	273 CARDINAL ST. WNG	✓
10/14/21	Alysha Parnett	<i>Alysha Parnett</i>	256 W. Cardinal Ave. Wkg.	✓
10/14/21	Robin Forzano	<i>R Forzano</i>	253 W Cardinal Wkg	✓
	SHAWN DONALDSON	<i>[Signature]</i>	115 E CARDINAL	✓
	ELAINE DONALDSON	<i>[Signature]</i>	115 E. CARDINAL	✓

Petition to

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Date	Printed Name	Signature	Address	For
10/00/21	D. JOE ALAN	<i>D. Joe Alan</i>	68 E. CARDINAL	✓
10/20/21	NICK STEWART	<i>Nick Stewart</i>	77 E. CARDINAL	✓
10/20/21	James Stahl	<i>James Stahl</i>	69 E. Cardinal	✓
10/20/21	Shannon Spigarelli	<i>Shannon Spigarelli</i>	67 E. Cardinal	✓
10/20/21	JAMES M. SPIGARELLI	<i>James M. Spigarelli</i>	67 E. CARDINAL	✓
10/20-21	<i>Sherry Spigarelli</i>	<i>Sherry Spigarelli</i>	354 KALION AVE	

Petition to

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Action petitioned for

Date	Printed Name	Signature	Address	For
10-19-21	Thomas Gompers	<i>Thomas Gompers</i>	88 Finch Ave	
10/19/21	Jo Chiara	<i>Jo Chiara</i>	79 Finch Ave	
10/19/21	Michael Chiara	<i>Michael Chiara</i>	79 Finch Ave	
10/19/21	David Mellow	<i>David Mellow</i>	82 Finch Ave	
10-19-21	Robert Finkle	<i>Robert Finkle</i>	78 Finch	✓
10-19-21	Leslie Morris	<i>Leslie Morris</i>	73 Finch Avenue	
10-19-21	Don Morris	<i>Don Morris</i>	73 Finch Avenue	
	Mark Garar	<i>Mark Garar</i>	68 Finch Ave	✓
10-19-21	Peter Lambellini	<i>Peter Lambellini</i>	69 Finch Ave	

(New)

Petition to

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Date	Printed Name	Signature	Address	For
10-19-21	Tom Donzella	<i>Tom Donzella</i>	63 Finch	
10-19-21	Donna Rose	<i>Donna Rose</i>	62 Finch Ave	
10-19-21	Joe Geise	<i>Joe Geise</i>	58 Finch Ave	
10-19-21	Diane Pastoria	<i>Diane Pastoria</i>	59 Finch Ave	
10-20-21	Gealvannad	<i>Gealvannad</i>	11 Jay Court	✓
10/20/21	Donna Cook	<i>Donna Cook</i>	3 Jay Ct.	✓
10/20/21	Mike Norman	<i>Mike Norman</i>	48 Finch Ave	✓
10/20/21	Teresa Duntin	<i>Teresa Duntin</i>	27 Finch Ave	✓
10-20-21	Ralph Dunkon	<i>Ralph Dunkon</i>	27 Finch Ave	✓

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Date	Printed Name	Signature	Address	For
10/20/21	Corinna Greene	Corinna Green	74 Finch Ave Wheeling, WV	✓
10/20/21	JUSTINE YOUNG	Justine Young	10 LARK CT WHEELING	✓
10/20/21	Cody Young	Cody Young	10 LARK CT WHEELING	✓
11/20/21	Ken Kolenc	Ken Kolenc	16 Finch Ave Wheeling	✓
10/20/21	Marti Snyder	Marti Snyder	13 Finch Ave Wheeling	✓
10/20/21	SPRUE FREDRICK	SPRUE FREDRICK	190 Blount Ave W. Va	✓
10/20/21	Nancy Barry	Nancy Barry	59 E. Cardinal	✓
12/20/21	Tom Barry	Tom Barry	59 E. Cardinal Ave	✓
10/20/21	Greg Parsons	Greg Parsons	62 E. Cardinal Ave	✓