



CITY OF WHEELING PLANNING COMMISSION

www.WheelingWV.gov

STAFF REPORT

PROPERTY LOCATION: 79 Burkham Court

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

APPLICANT: Wheeling Joint Apprenticeship Training Center

BACKGROUND & ANALYSIS:

The Wheeling Joint Apprenticeship Training Center is seeking a change in the zoning classification of property they own located at the corner of Burkham Court and Peters Run Road described as Lots 1 & 3 on the Map of Burkham Court. The property is across the street from their existing facility at 82 Burkham Court and currently contains a duplex, which is a legal non-conforming use in the existing R-1C Single Family High Density.

If the zone change is approved, the applicant intends to raze the existing structure and construct a building similar to their facility across the street at 82 Burkham Court. The applicant indicates they have outgrown the current facility. The new structure would require site plan approval by the Planning Commission.

The property is adjacent to an existing C-1 district, including the applicant's existing facility and parking lot, and if approved would not be considered spot zoning. This is the only property along Peters Run Road that is not zoned commercial. This is the last property inside city limits.

The existing R-1C district only allows single family dwellings. The purpose of the residential zones is listed in §1335.01 and includes, *"to provide for adequate daylight, ventilation, quiet, privacy, and recreational opportunities"* and *"to preserve the desirable character of existing neighborhoods"*.

The description of the C-1 Neighborhood Commercial district outlined in the zoning ordinance is *"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."*

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.

COMPREHENSIVE PLAN:

The property being considered for a zone change is located in the "Suburban Residential Core" land use area on the Future Land Use Map (Map 8) in the 2014 Comprehensive Plan (page 56, attached), which states, *"The areas that are designated as suburban residential core in the future land use plan should continue "as-is" with the primary use being single-family residential uses at low to moderate densities reflecting the existing neighborhoods. While single-family uses will continue to be the predominant land*

COMMISSION MEMBERS

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

STAFF: THOMAS CONNELLY, AICP

use, there are areas where multi-family residential uses and commercial or office uses may be appropriate.” It continues, “The city should allow for the continuation of existing commercial and office uses, particularly where they provide a needed service to the neighborhood such as a grocery store or medical office. New commercial and office uses within the residential areas should be discouraged to protect the residential nature of these neighborhoods.”

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.

STAFF RECOMMENDATION:

Staff recommends referring the request to the Zoning Committee following the public hearing.

ATTACHMENTS:

Correspondence to the Commission
Petition for Zoning Amendment
Application for Zoning Certificate
Application Timeline
Site Photos
Zoning Map
Comprehensive Plan Map #2: Existing Land Use Map
Comprehensive Plan Map #8: Future Land Use Map

WHEELING JOINT APPRENTICE & TRAINING COMMITTEE

I.B.E.W.



82 BURKHAM COURT
WHEELING, WV 26003



N.E.C.A.



December 20, 2021

The Wheeling Joint Apprenticeship Training Committee has purchased the property at 79 Burkham Court for the purpose of expanding our training center. The property is currently occupied by a 2 unit residential dwelling. The property is zoned R-1C.

We are requesting that the zoning be changed to C-1 to allow for demolition of the current building and construction of the addition to our training facility.

Although design plans are not finalized, we envision a building similar to the size and style of the current facility at 82 Burkham Court. We anticipate no increase in the number of students, or need for additional parking. We simply require more space.

Thank you for your consideration of this matter.

A handwritten signature in cursive script, reading "Robert A. Kubovicz", written over a horizontal line.

Robert Kubovicz
Chairman

A handwritten signature in cursive script, reading "Mark A. Dunfee", written over a horizontal line.

Mark Dunfee
Secretary/Training Director



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: 79 BURKHAM COURT

2. Legal Description: _____

Subdivision Name: Map of Burkham Court Lot No. 1 + 3

3. Existing Use: 2 UNIT RESIDENTIAL

4. Present Zoning District: R-1C

5. Proposed Use: TRAINING CENTER

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: Glenn D. Giffin Bus. Address (82 Burkham Court Wheeling,

b. Address: 71618 Sunny Acres Drive Martins Ferry, Ohio, 43935
cell 740-310-1552

c. Phone: office 304-242-3870 Date: 12-23-2021

9. Signature(s) of Owners

Address of Owners

<u>Glenn D. Giffin</u>	<u>71618 Sunny Acres Drive Martins Ferry Ohio</u>
<u>Rahel A. Kubovic</u>	<u>56624 Boyd Ave Bridgeport Oh 43912</u>
<u>Thomas J. Ginner</u>	<u>34 MCCREARY AVE, WHEELING</u>

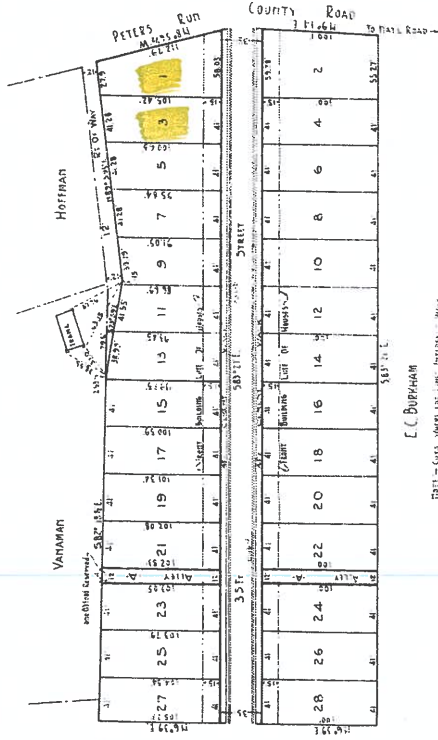
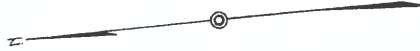
Dated Filed: 12/23/21 Date of Notice in Newspaper: _____

MAP OF BURKHAM COURT TRIADDELPHIA DIST.- OHIO CO.- WVA.

SCALE 1" = 50'
1922

C. C. SMITH & SONS, ENGINEERS,
WHEELING - WEST VA.
75 30-6

TRACED BY ORREN KOLLER, ENGINEER,
WHEELING - WEST VA.



E. C. BURKHAM
STATE - GEO. MEYER & CO. ENGINEERS, WASH.

Where all lots in these presents, that E. C. Burkham has ceased the above plat of Burkham Court situated in Triadelphia District, Ohio County, West Virginia, to be made, a being a subdivision of part of the tract of land owned by the said E. C. Burkham, and recorded in the office of the Clerk of the County Court of said County in Deed Book Number 134 at Page 151.

Said E. C. Burkham hereby declares to be, that the Thirty (30) foot Street and Ten (10) foot Alley designated as Alley A on said map, excepting the portion thereof reserved and located along the north end of said Alley A, together with the said Burkham reserves to and for himself, his heirs, assigns, personal representatives and assigns, and under said Alley A, streets, sidewalks, and other public utilities and no other person shall have any right or privilege, without the express grant of said E. C. Burkham.

The actual plat of this line street and alley shown on the map is reserved. The lots so reserved and shown on the map have been surveyed by Sarah E. Lee and published in the City and County Plat Book of said County in Deed Book Number 103 at Page 265.

All lots will be sold and conveyed subject to the building line shown on said map and no building or structure whatsoever, except open porches, shall be erected nearer to the said street than the building line as established.

Witness the following signatures and seal this 20th day September, 1922.

E. C. Burkham

State of West Virginia, Ohio County, to wit:

I, O. S. Kelle, a Notary Public of said County, do certify that E. C. Burkham, whose name appears in the foregoing map, bearing date hereon, on the 20th day of September, 1922, has this day acknowledged the same before me.

Given under my hand this 20th day of September, 1922.

O. S. Kelle

Notary Public in and for said County.

My Commission expires
January 31st 1931.

The foregoing map admitted to record this 20th day of September, 1922.

John H. Wolfe
Clerk of County Court,
Ohio County, West Virginia.



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: 79 BURKHAM COURT, WHEELING WV
2. Name of Property Owner: WHEELING JATC
3. Name of Applicant:
4. Address of Applicant:
5. Applicant Phone: Owner Phone:
6. Existing Use: 2 UNIT RESIDENTIAL
7. Proposed Use: Same Other (describe): TRAINING CENTER
8. Number of off-street parking spaces to be provided: 0
9. Number of off-street loading berths to be provided: 1

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: 2
Number of proposed dwelling units: 0

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: 2064 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: (IN DESIGN STAGE)

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: [Signature] Date: 12-22-21

Owner Signature: [Signature] Date: 12-22-21

Reset Form

Print Form



TIME LINE FOR ZONING AMENDMENT

First Contact Date December 2021

Petitioner Name Wheeling Joint Apprenticeship Training Center

Property Address 79 Burkham Court

Application needed by Nov. 10, Dec. 1, Dec. 15, Dec. 29

MEETINGS

	<u>DATE</u>	
City Council Referral to Planning Commission	<u>Jan. 4</u>	
Planning Commission - Public Hearing	<u>February 14</u>	↓
Zoning Committee	<u>March 7</u>	
Planning Commission - Vote	<u>March 14</u>	<u>Feb. 14</u>
Report Received by City Council	<u>April 5</u>	<u>March 1</u>
Report Accepted/Approved by City Council	<u>April 19</u>	<u>March 15</u>
City Council - 1 st Reading of Ordinance	<u>April 19</u>	<u>March 15</u>
City Council - 2 nd Reading of Ordinance	<u>May 3</u>	<u>April 5</u>

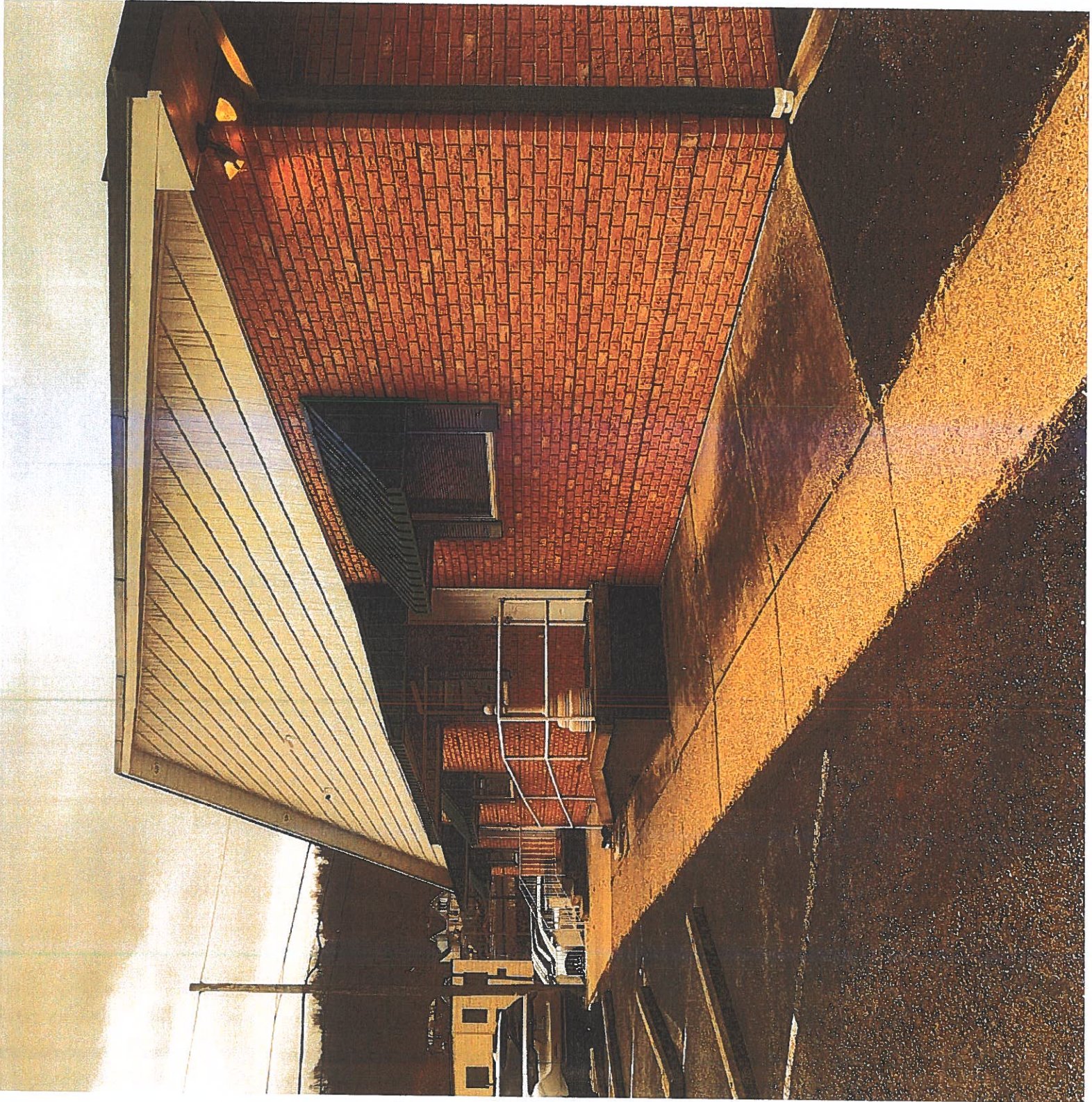
If the time line shown above in any way inhibits your project, please state the reason below and the Commission may consider voting following the public hearing:

Signature of Applicant

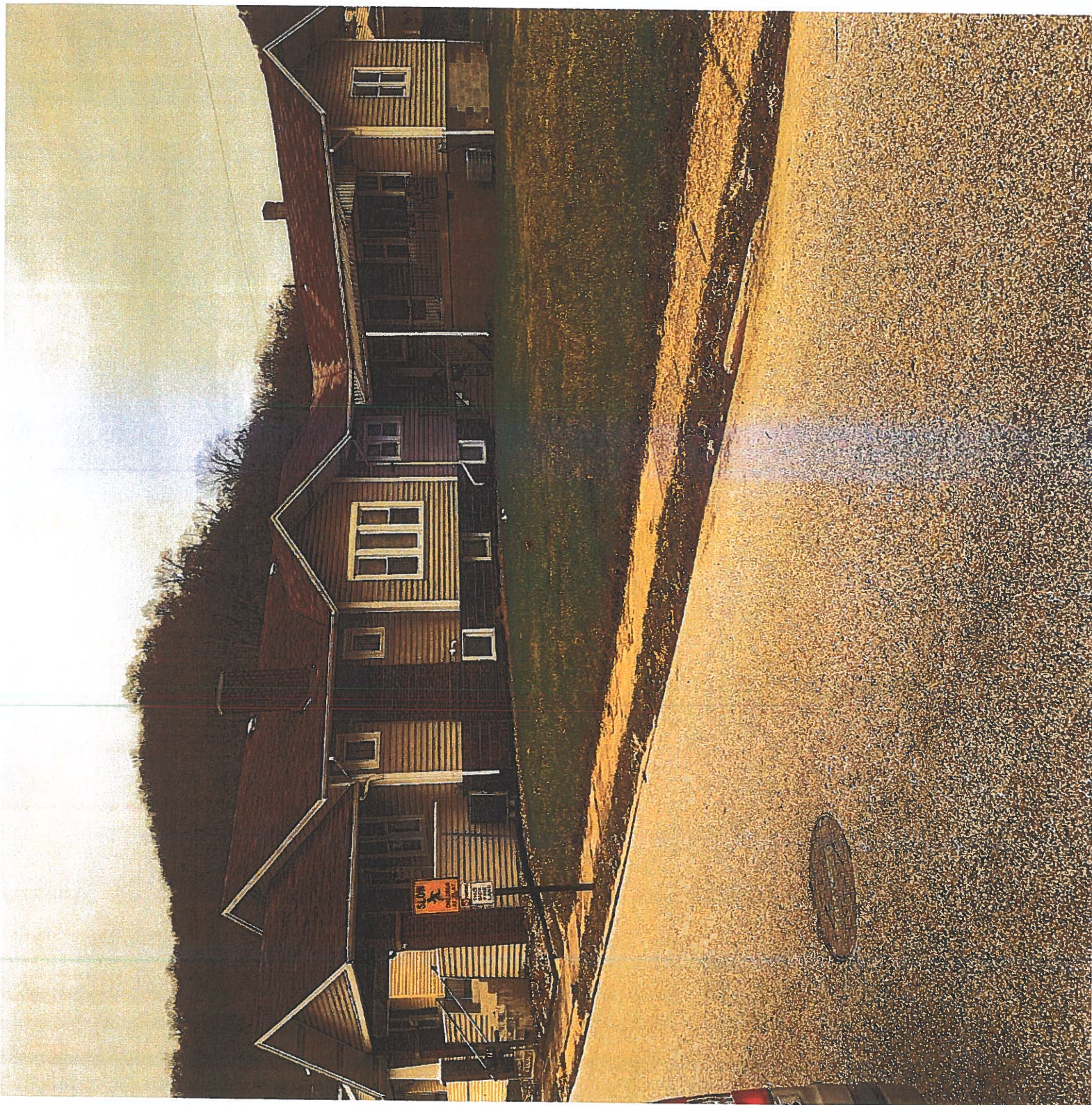
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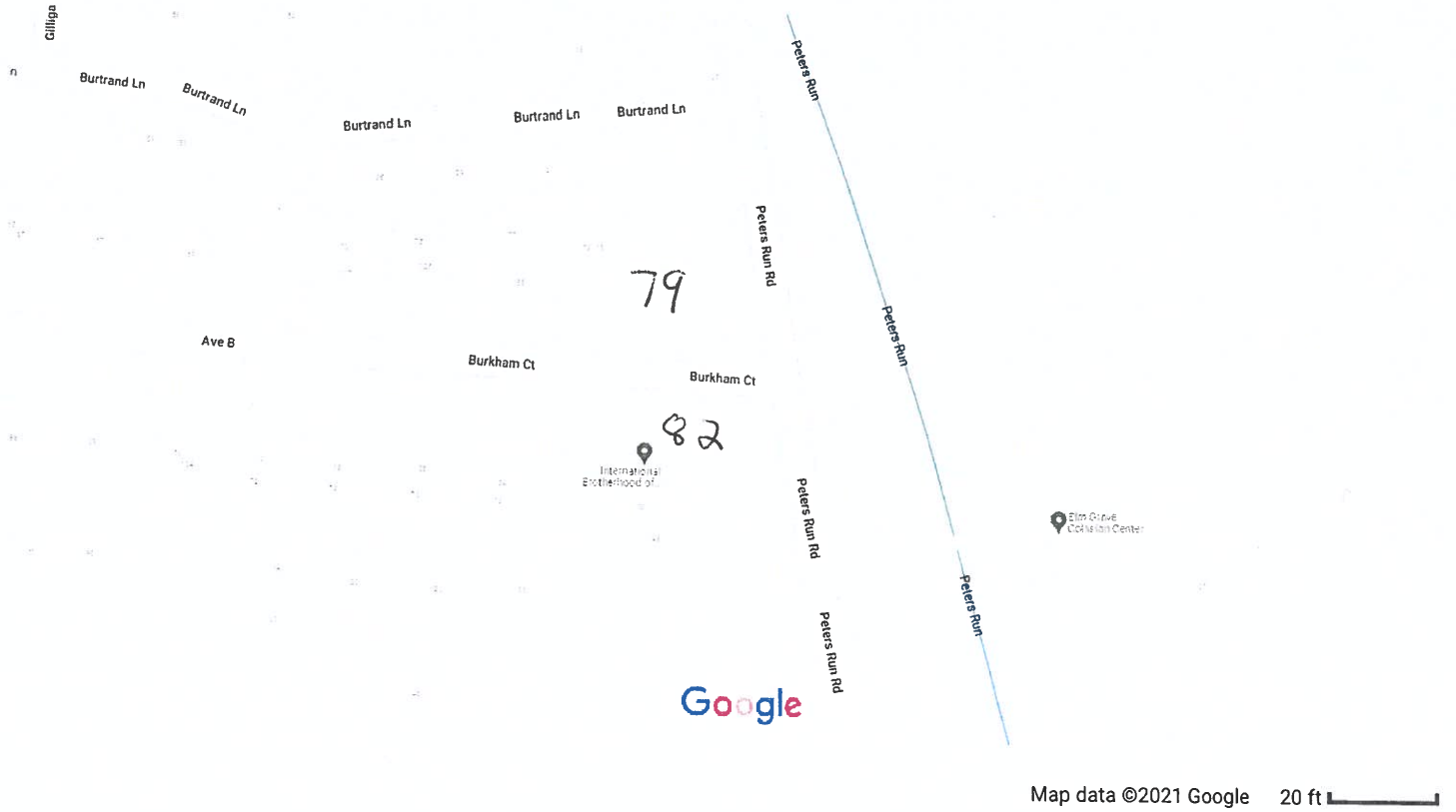


22



79







Peters Run

Google Earth

Imagery date: 10/6/...

20 m

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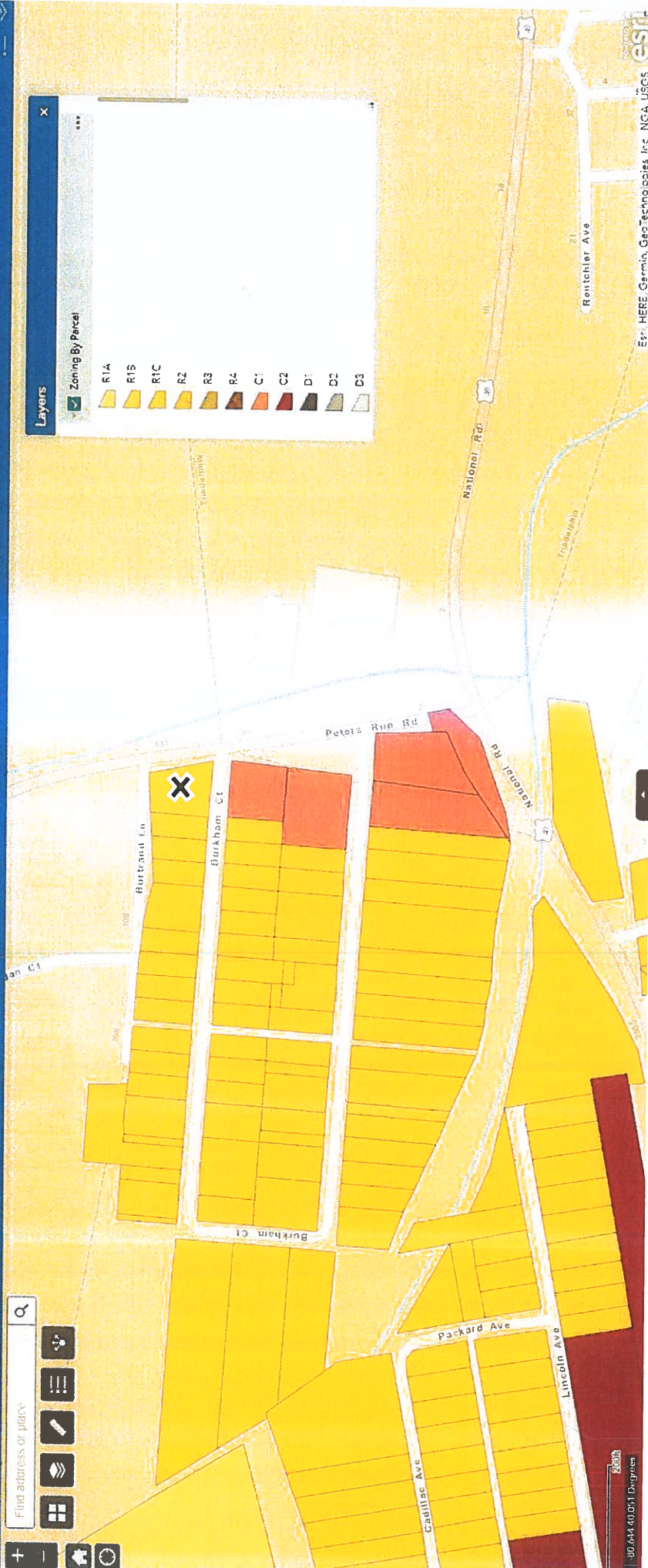


Google Earth

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10 m

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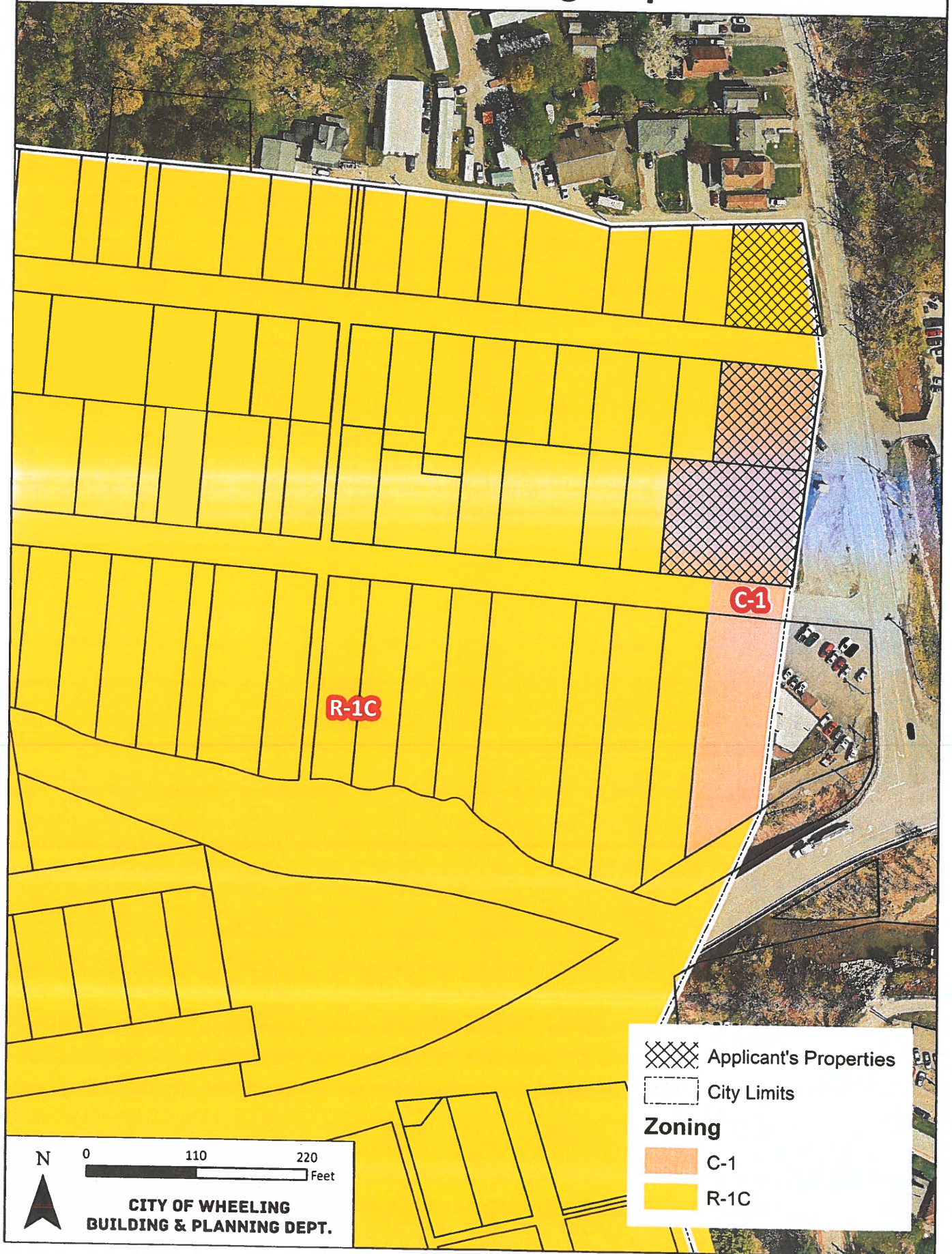


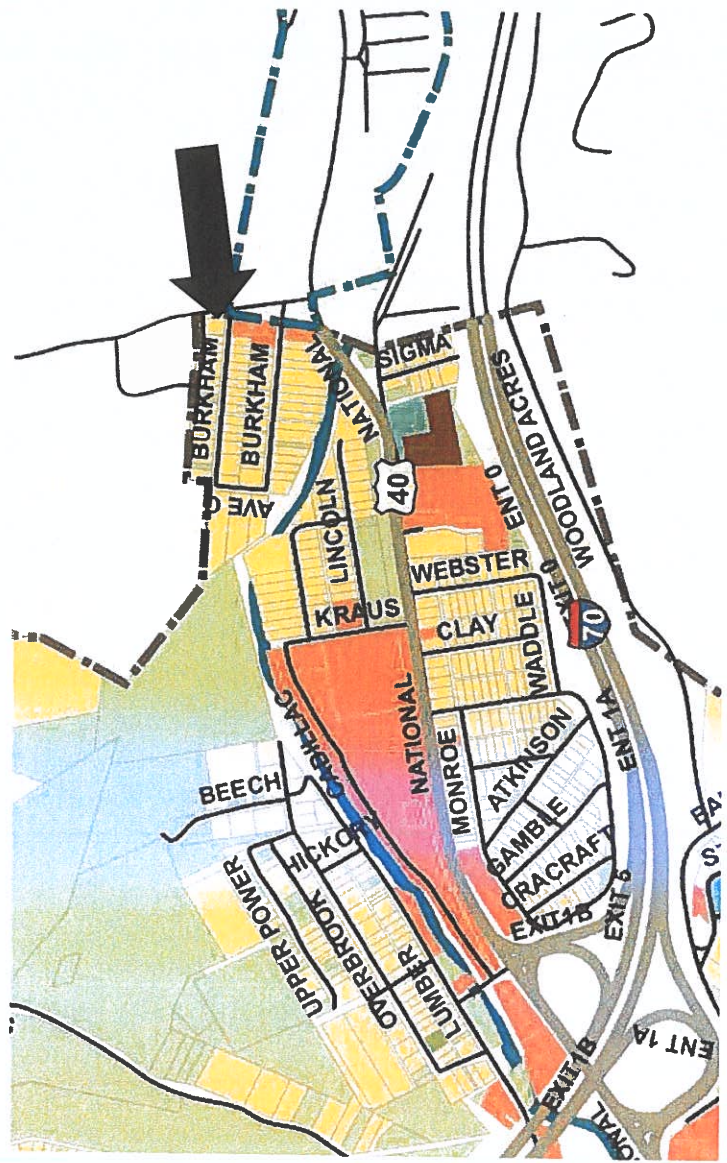
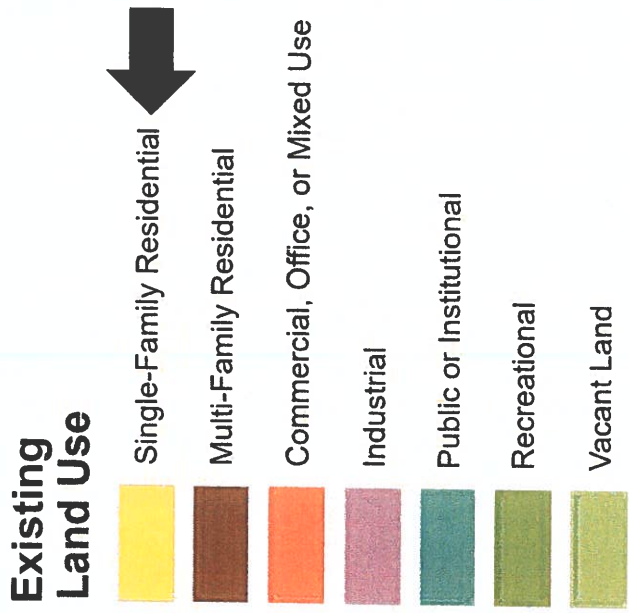
Layers

Zoning By Parcel













- R1A
- R15
- R1C
- R2
- R3
- R4
- C1
- C2
- D1
- D2
- D3

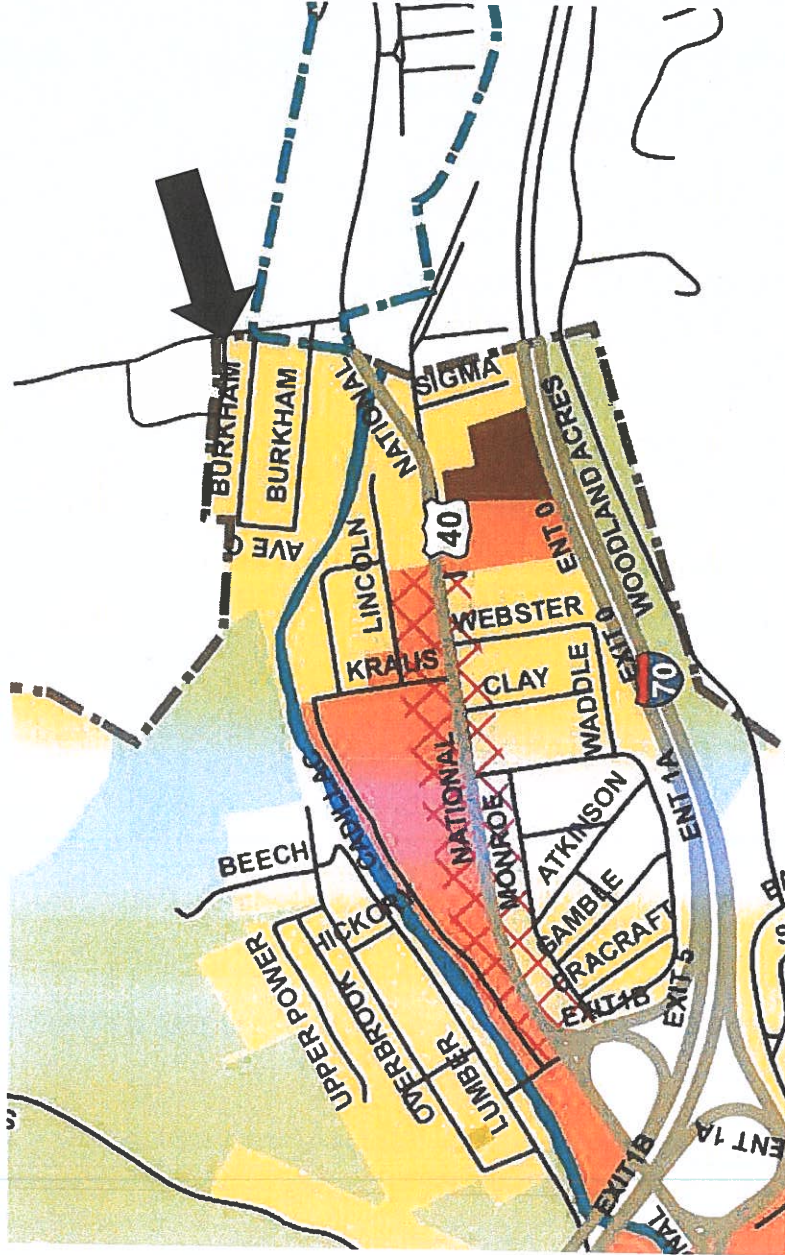
Existing Zoning Map





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



Suburban Residential Core

Wheeling has a number of well-established neighborhoods that were built over the course of the city's history. Some, like Center Wheeling and North Wheeling, are examples of the oldest neighborhoods that grew outwards from downtown. Others, like Woodsdale, Park View, and Elm Grove developed later in Wheeling's history and are examples of more suburban development styles albeit, with some historic context.



The areas that are designated as suburban residential core in the future land use plan should continue "as is" with the primary use being single-family residential uses at low to moderate densities reflecting the existing neighborhoods. While single-family uses will continue to be the predominant land use, there are areas where multi-family residential uses and commercial or offices uses may be appropriate.

Multi-Family Uses in the Suburban Residential Core Areas

The city should allow for the continuation of existing multi-family residential uses. Additionally, new multi-family residential uses may be appropriate with the following considerations:

- The new multi-family uses should be confined to a maximum of six to eight dwelling units per structure with a maximum density of eight units per acre.
- The density and design of the proposed residential use should blend in with the character of the surrounding neighborhood. This may include multi-family residential uses located in a structure that resembles large single-family detached homes or multi-family dwellings that maintain a similar height and scale of surrounding residential uses.
- Multi-family homes that provide affordable or accessible housing options are strongly encouraged (e.g., patio homes or cottage housing).
- Multi-family attached dwellings with more than two units should be located on collector or arterial streets unless they serve as a transition discussed below or are part of a master planned development.
- Multi-family residential uses may be allowed in areas adjacent to nonresidential uses to serve as a land use transition or buffer between the more intense nonresidential use and nearby single-family neighborhoods.



The above is a multi-family structure that resembles a large, single-family home.

Commercial and Offices Uses in the Suburban Residential Core Areas

The city should allow for the continuation of existing commercial and office uses, particularly where they provide a needed service to the neighborhood such as a grocery store or medical office. New commercial and offices uses within the residential areas should be discouraged to protect the residential nature of these neighborhoods.

Urban Residential Core

Wheeling is a National Heritage Area, in large part due to its vast historical resources that are focused in the city's older neighborhoods such as North Wheeling, East Wheeling, Center Wheeling, and others that generally run parallel to the Ohio River. These neighborhoods have a broader mix of residential and nonresidential uses, as well as higher densities than the newer neighborhoods found in the suburban residential core areas. It is a major goal of this plan to encourage the preservation of the city's historic heritage as well as protect these neighborhoods that provide a mix of housing options, neighborhood commercial and office uses, and public services in highly walkable neighborhoods. In areas that are designated as urban residential core, the predominant land use should continue to be residential, which could include single-family homes, two-family homes, and low to moderate density multi-family dwellings in the form of small apartment buildings (6-8 units), townhomes, or rowhouses. All residential uses should be in keeping with the historic characteristics of these areas including smaller lots and shallower setbacks from the streets. Any infill development should be sensitive to the scale and massing of adjacent structures.



Commercial and Offices Uses in the Urban Residential Core Areas

These areas were constructed in an era when there was less separation of residential uses and nonresidential uses. This mixture of uses should continue with the following considerations:

- The creation of new commercial or office uses should be focused toward buildings originally designed for nonresidential uses, mixed use buildings (nonresidential first floors), or at the corners of major roadways. While these areas are located in more walkable areas of the city, this plan recognizes the continued reliance on cars for transit and as such, new nonresidential uses will require better access.
- Uses should be limited to neighborhood scale development such as small retail shops or offices.
- The density and design of any new nonresidential building should blend in with the character of the surrounding neighborhood in scale and massing. Big box stores or similarly large scale commercial or office buildings should be discouraged.
- Where there is a larger redevelopment project that contains some nonresidential uses, consider utilizing multi-family housing options as a transitional use between the nonresidential uses and nearby single-family homes.