



CITY OF WHEELING PLANNING COMMISSION

www.WheelingWV.gov

STAFF REPORT

PLANNING COMMISSION HEARING DATE: Monday, December 12, 2022

PROPERTY LOCATION: 16 Lee Drive [see Exhibit 1]

PROPERTY ZONING CLASSIFICATION: R-1A Single-Family, Low Density [see Exhibit 2]

NATURE OF REQUEST: Class II Home Occupation
"Beauty Shop Limited to One Chair"

APPLICANT: Helaina Queen

BACKGROUND & ANALYSIS

Ms. Helaina Queen seeks to operate a "Beauty Shop Limited to One Chair" accessory home occupation use in her residence at 16 Lee Drive. A "Beauty Shop Limited to One Chair" is listed as a permitted accessory home occupation use outlined in §1367.05(b)(19) of the City's Planning and Zoning Code.

The zoning classification for the subject property, as illustrated in Exhibit 2, is R-1A Single-Family, Low Density. Home Occupation uses are permitted in all zoning districts in which residential uses are permitted. However, Class II Home Occupation uses require the Planning Commission to conduct a public hearing on the application to ensure the use meets the performance standards outlined herein.

As stated in her application, Ms. Queen will be the only employee and intends to operate by appointment only. The home-based business will occupy 150 square feet of the approximate 1,762 square foot detached single-family dwelling. Ms. Queen notes in her application that no signage will be erected at the residence, no chemicals will be within the home, and no deliveries will be made to the home that are associated with the home-based business. There appears to be two (2) to three (3) on-site parking spaces on the subject property, one of which appears to be an integral basement single-car garage. Staff has not confirmed if the integral garage is presently used for the storage of a motor vehicle.

The type of beauty services Ms. Queen seeks to provide from her residence is "microblading," which can be generally described as a semi-permanent to permanent cosmetic tattooing procedure that fills in thin eyebrow areas with pigment to appear fuller.

Ms. Queen recently obtained a related Business Registration Certificate from the West Virginia State Tax Department and is now before the Planning Commission seeking to obtain a Class II Home Occupation Permit to operate said "Beauty Shop Limited to One Chair" accessory home occupation use.

COMMISSION MEMBERS

HOME OCCUPATION PROVISIONS

The purpose of a Home Occupation use, as outlined in Article 1367 of the City's Planning and Zoning Code, is to provide restricted home-based business opportunities that:

- Are clearly secondary to the principal use of the premises as a residence.
- Are compatible to the neighborhood.
- Are limited in extent.
- Do not detract from the residential character of the neighborhood

A Class II Home Occupation use differs from a Class I Home Occupation use in that the Class II Home Occupation:

1. Is permitted to have clients or customers visit the premises.
2. Is permitted to have no more than one (1) non-illuminated sign that may not exceed four (4) square feet.
3. Accommodates off-street parking for both the dwelling unit and the Home Occupation use.

There are ten (10) additional measures specifically outlined in the §1367.05(a) of the Planning and Zoning Code that must be met prior to the granting of a Class II Home Occupation Permit by the Planning Commission.

1. The Class II Home Occupation must be secondary to the principal use as a dwelling unit and may not occupy more than 250 square feet or 25% of the dwelling unit, whichever is less.
2. Retail sales are permitted only to the extent that they are incidental and directly related to the service provided and such may not exceed 10% of the gross income.
3. Only persons permanently residing at the property may be employed and/or engaged in the service provided.
4. The home-based business may only operate between the hours of 8 a.m. and 10 p.m.
5. No more than one (1) Class II Home Occupation may be permitted within any single dwelling unit.
6. The home-based business may only be carried on within the principal residential building, including storage.
7. One (1) non-illuminated [§1367.02] flat wall sign, no larger than four (4) square feet, may be the only exterior indication of the home-based business.
8. There may be no exterior storage of materials.
9. The home-based business may not generate traffic in greater volume than would normally be expected in a residential neighborhood and any parking generated by the conduct of the home-based business must be met off the street and other than in a required front yard.
10. The home-based business may not produce offensive noise, vibration, smoke, electrical interference, dust, odors, or heat.

COMPREHENSIVE PLAN CONSISTENCY

As stated on Page 69 of the Envision Wheeling 2014 Comprehensive Plan and illustrated in Exhibit 3, Plan Initiative No. 6 is to Promote Entrepreneurial Efforts by, "Ensur[ing] that city ordinances do not limit home occupations too severely as many businesses get started as a home-based business.

PLANNING COMMISSION REVIEW

As stated in §1367.07(b)(2), a Class II Home Occupation 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 related performance standards set forth in the Planning and Zoning Code and outlined herein.

If the Planning Commission grants the Class II Home Occupation Permit, it may require additional terms and conditions considered necessary to assure the integrity of such permit and the zoning district in which it is proposed to be located; provided, such additional terms and conditions are imposed with specific reference to the intent and purpose of Article 1367 – Home Occupations.

STAFF RECOMMENDATION

Staff recommends approval of the subject application.

ATTACHMENTS

- Exhibit 1 – Project Location
- Exhibit 2 – Zoning Classification
- Exhibit 3 – Comprehensive Plan Consistency
- Exhibit 4 – Applicant's Submitted Documents
 - Application for Certificate of Zoning Compliance
 - Application for Home Occupation Permit and accompanying materials
- Exhibit 5 – Public Notice

EXHIBIT 1 – PROJECT LOCATION

West Virginia Property Viewer

Search Layers Basemap Tools Clear Help Download Data

Parcel Address Flood Zone

Parcel ID: 35-10-W14D-0006-0000

Toggle Highlight: ON Copy Link Details Zoom Close

Owner(s):	QUEEN THOMAS R & CYNTHIA A	Community:	City of Wheeling
Address:	16 LEE DR	E-911 Address:	16 LEE DR, Wheeling, WV, 26003
Class Type:	Residential	External Links:	Map Video Info
Legal Description:	LEEWOOD PARK 8; .286 AC	Flood Info:	Parcel appears to be in a LOW RISK flood hazard zone.

Scale - 1: 4,514
40.105816, -80.651715
(Click on map to capture)



EXHIBIT 2 – ZONING CLASSIFICATION

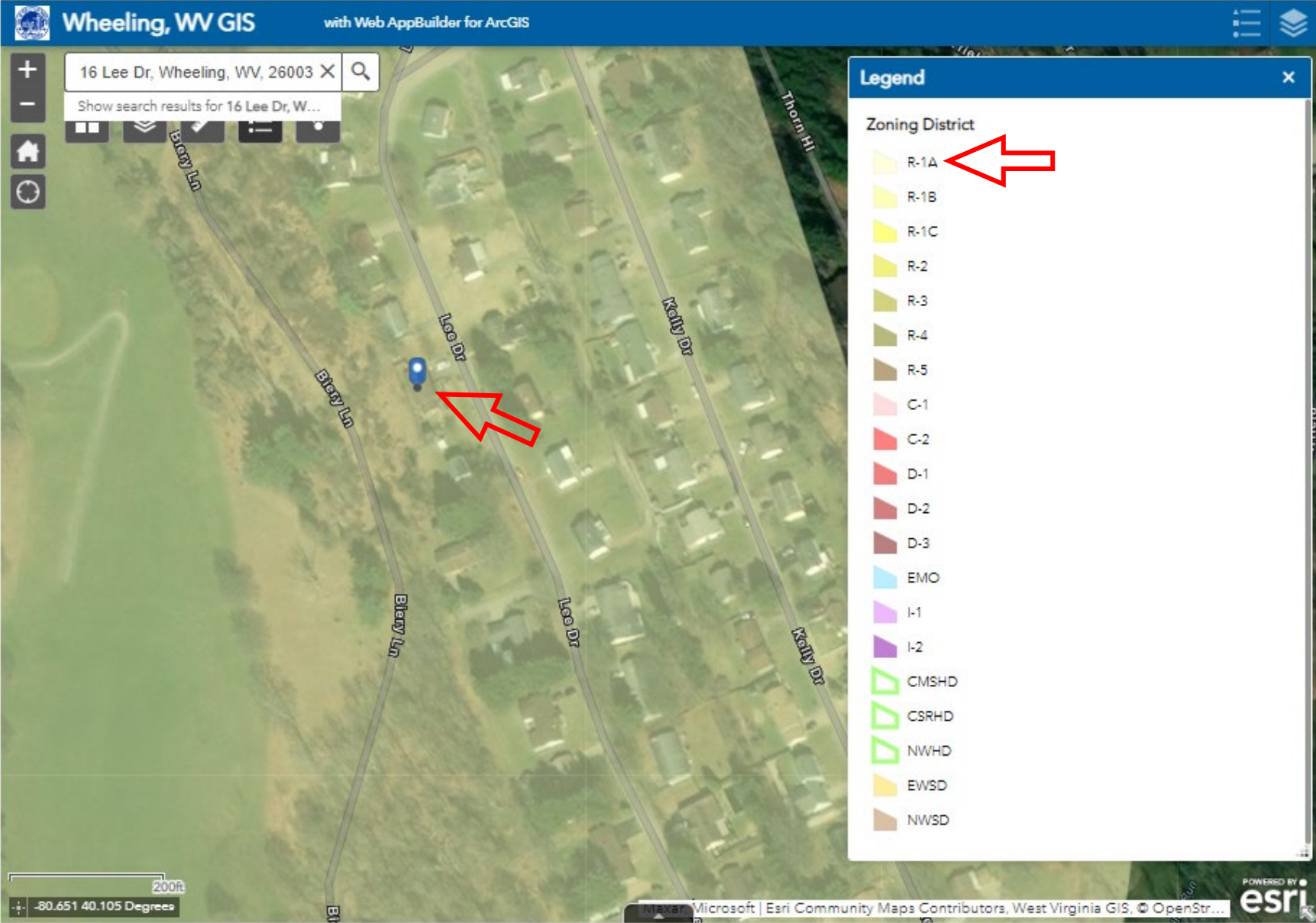


EXHIBIT 3 – COMPREHENSIVE PLAN CONSISTENCY

Envision Wheeling: Community Plan

6	Plan Initiative:	Diverse Economy
	Implementation Strategy:	Promote Entrepreneurial Efforts
	Responsible Agency:	City of Wheeling
	Potential Partner Agencies:	RED, the Chamber of Commerce, Reinvent Wheeling, and all the local universities
	Potential Funding Source:	WV Land and Water Conservation Fund, WV Economic Infrastructure Fund, Planning and Local Technical Assistance Programs (federal)
	Priority/Timeframe:	High Priority /Ongoing Strategy
	Working Group:	Economic Development Working Group

In order to promote entrepreneurial efforts, the city should consider the following strategies:

- Work with West Liberty University to identify potential joint efforts to expand the new business incubator to ensure that it will be accessible to all people.
- Review the city's ordinances to identify any potential barriers to co-working space where people, especially freelancers or those who work from home, have a place where they can come together in an office setting and where costs are shared amongst those who use the space.
- Ensure that the city ordinances do not limit home occupations too severely as many businesses get started as a home-based business.
- Consider making a commercial space available for pop-up commercial activities where a potential business can test out the market of their goods or services on a temporary basis at little to no cost. This type of activity is most successful when tied to community or neighborhood events such as First Fridays or other events that brings people to the business.

EXHIBIT 4 – APPLICANT’S SUBMITTED DOCUMENTS

SEE FOLLOWING PAGES



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: 16 Lee Drive
- 2. Name of Property Owner: Thomas + Cynthia Queen
- 3. Name of Applicant: Melaina Queen
- 4. Address of Applicant: 16 Lee Drive
- 5. Applicant Phone: 740-338-7852 Owner Phone: 724-225-6616
- 6. Existing Use: single family dwelling
- 7. Proposed Use: Same Other (describe): Permanent Makeup Studio
- 8. Number of off-street parking spaces to be provided: 1
- 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: Melaina Queen

Date: 10/27/22

Owner Signature: _____

Date: _____

Reset Form

Print Form



Application for Home Occupation Permit
City of Wheeling, West Virginia

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

Name of Applicant: Helaina Queen

Address: 16 Lee Drive

Phone Number: 740-338-7852 Email: helainamoon@hotmail.com

Name and Address of Owner if different: Thomas + Cynthia Queen 160 Lagonda Road Washington PA 15301

Legal Description (attach copy of deed): single family dwelling

Description of Home Occupation: Microblading Studio (Permanent Makeup)

Total Floor Area of Dwelling Unit: 1762 sq ft Total Used for Home Occupation: 150 sq ft

Hours of Operation: by appointment Total Number of Employees: 1

Size of Sign: N/A Will customers visit the business: Yes No

Is off-street Parking provided? Yes No If Yes, total number of parking spaces: 1

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: Helaina Queen Date: 10/27/22

Zoning Official Use

Zoning District:

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

Public Hearing Date:

Planning Commission Action: Approved Denied

Zoning Official: Date:

Application for Home Occupation Permit

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

- Operating by appointment only
- No chemicals
- No deliveries
- Perform permanent Makeup application (Microblading)
- 1 employee
- no signage
- clients will receive services out of the in home "shop"

CITY OF WHEELING



CITY COUNTY BUILDING
1500 CHAPLINE STREET
WHEELING, WEST VIRGINIA 26003

BUILDING & PLANNING DEPARTMENT
Phone (304) 234-3601 | WheelingWV.gov

MEMORANDUM

TO: Finance Dept.
FROM: Paula Blake, Permit Specialist
DATE: November 16, 2022
RE: Cash Received

Please find attached \$50.00 cash for the processing of a Class II Home Occupation application for Helaina Queen at 16 Lee Drive for the December 12, 2022 meeting of the Planning Commission.

Thank you.

THE CITY OF WHEELING, W. VA.	
\$ <u>50.⁰⁰</u>	Finance Department <u>10-27-22</u>
RECEIVED OF <u>Melaina Queen</u>	
<u>fifty and 00/100</u>	DOLLARS
Being The Amount Due City of Wheeling	<u>Class II Home Occ.</u> <u>16 Lee Drive</u>
No. <u>cash</u>	<u>P. Blake</u> Finance Director



16 Lee Dr, Wheeling,
WV 26003

Google



Biery Ln

Biery Ln

12

Lee Dr

Lee Dr

Lee Dr

13

15

17

19

THIS DEED, Made this 19th day of September, 2016, by and between **JASON A. GEORGE** and **BRANDY GEORGE**, husband and wife, Parties of the First Part, Grantors, and **THOMAS R. QUEEN** and **CYNTHIA A. QUEEN**, husband and wife, Parties of the Second Part, Grantees.

WITNESSETH: That for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable considerations, the receipt of which is hereby acknowledged, the Parties of the First Part do hereby GRANT and CONVEY unto the Parties of the Second Part, with covenant of GENERAL WARRANTY, as Joint Tenants with Right of Survivorship and Not as Tenants In Common, the following described property, that is to say:

All that certain tract or parcel of land situate in Richland District, Ohio County, West Virginia, and known and described as Lot Eight (8), situate on the westerly side of Lee Drive, as shown on the Amended and Revised Plat of Leewood Park, which plat is on file in the office of Stegman & Schellhase, Inc., Civil Engineers and Surveyors, said Lot Eight (8) being more particularly bounded and described as follows:

Beginning at a point in the division line between Leewood Park and Oglebay Park, said point being located N. 16° 24' W. 1523 and 74/100 feet measured along said division line from an iron pin at the most westerly corner of the tract of land (Lot 1, Leewood Park) that was conveyed by Edmund Lee Jones and Virginia B. Jones, his wife, to T. Frasier Smith and Margaret F. Smith, by deed dated June 21, 1938, and recorded in said County Clerk's office in Deed Book 254, at page 41; thence from said beginning point, and with said division line, N. 16° 24' W. 104 and 16/100 feet to a point; thence leaving said division line, N. 73° 32' E. 116 and 23/100 feet to a point; thence with the westerly line of Lee Drive, S. 19° 33' E. 105 and 6/10 feet to a concrete monument; thence leaving Lee Drive, S. 74° 08' W. 122 and 4/100 feet to the place of beginning, containing by survey made by Stegman & Schellhase, Inc., Civil Engineers and Surveyors, Two Hundred Eighty-six Thousandths (286/1000) of an acre, more or less.

This deed is subject to the right of way granted by The Byrum Construction Company to Wheeling Electric Company by deed dated the 11th day of April, 1956, and of record in said Clerk's office in Deed Book 379, at page 32.

This deed is further subject to the right of way granted by Edmund Lee Jones, et al, to Chesapeake & Potomac Telephone Company of West Virginia, by deed dated November 23, 1938, and of record in said Clerk's office in Deed Book 252, at page 139.

This conveyance is subject to any and all existent rights of public utility companies insofar as the same may be respectively affected thereby.

This conveyance is also made subject to all those rights of way, easements,

This deed is subject to the right of way granted by The Byrum Construction Company to Wheeling Electric Company by deed dated the 11th day of April, 1956, and of record in said Clerk's office in Deed Book 379, at page 32.

This deed is further subject to the right of way granted by Edmund Lee Jones, et al, to Chesapeake & Potomac Telephone Company of West Virginia, by deed dated November 23, 1938, and of record in said Clerk's office in Deed Book 252, at page 139.

This conveyance is subject to any and all existent rights of public utility companies insofar as the same may be respectively affected thereby.

This conveyance is also made subject to all those rights of way, easements, covenants and restrictions which are incorporated by reference or otherwise in the said deed to The Byrum Construction Company from Edmund Lee Jones, et al, dated March 1, 1956, and recorded in said Clerk's office in Deed Book 377, at page 495.

There is also granted to the parties of the second part the right in common with The Byrum Construction Company, its successors and assigns, to use the rights of way granted to The Byrum Construction Company by deed of Edmund Lee Jones, et al, dated March 1, 1956, and recorded in said Clerk's office in Deed Book 377, at page 498.

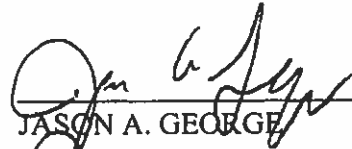
BOOK 909 PAGE : 248

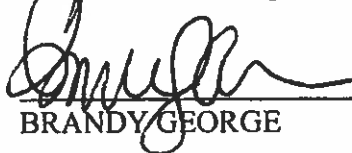
Being the same property conveyed to Raymond C. George and Elizabeth A. George, his wife, by Walter W. Lyon, Jr. and Elizabeth L. Lyon, his wife, by a Deed dated the 10th day of February, 1968, and recorded in the aforesaid Clerk's office in Deed Book 492 at page 48. The said Raymond C. George died on the 19th day of April, 2003, survived by his wife, Elizabeth A. George. The said Elizabeth A. George died testate on the 27th day of August, 2015, and by the terms of her Last Will and Testament recorded in Will Book 124 at Page 561 devised said real estate unto her son, Jason A. George, the grantor herein.

This conveyance is subject to the Grantors retaining and reserving all right, title and interest in all coal, oil, gas, and other mineral rights, known or unknown, on the real estate together with all rights incidental and ancillary thereto.

The Grantors hereby declare that under the penalty of fine and imprisonment of law, the true and actual consideration of the foregoing real estate is ONE HUNDRED FIVE THOUSAND DOLLARS (\$105,000.00).

WITNESS the following signatures and seals:



JASON A. GEORGE


BRANDY GEORGE

STATE OF MAINE,

COUNTY OF Penobscot, to-wit:

I, Christian Morin, a Notary Public of said County and State, do certify that JASON A. GEORGE and BRANDY GEORGE, his wife, whose names are signed to the writing above and hereto annexed, bearing date the 19 day of September, 2016, have this day acknowledged the same before me in my said County.

Given under my hand this 19 day of September, 2016.



NOTARY PUBLIC

My Commission Expires: January 14, 2023

Christian Morin
Notary Public, State of Maine
My Commission Expires January 14, 2023

Given under my hand this 19 day of September, 2016.


NOTARY PUBLIC

My Commission Expires: January 14, 2023

Christian Morin
Notary Public, State of Maine
My Commission Expires January 14, 2023

This Instrument was Prepared Without the Benefit of a Title Examination By:

Gail W. Kahle, Esquire (WV Bar ID No. 6109) 39 Fifteenth Street P.O. Box 527 Wheeling, WV 26003	Patricia A Fahey OHIO County 10:50:39 AM Instrument No 19645566 Date Recorded 09/23/2016 Document Type DEED	Pages Recorded 2 Book-Page 909-247 Recording Fee \$11.00 Transfer Tax \$462.00 Additional \$25.00
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WEST VIRGINIA
STATE TAX DEPARTMENT
BUSINESS REGISTRATION
CERTIFICATE

ISSUED TO:
MOON QUEEN BEAUTY STUDIO LLC
16 LEE DR
WHEELING, WV 26003-1616

BUSINESS REGISTRATION ACCOUNT NUMBER: **2432-0833**

This certificate is issued on: **08/31/2022**

*This certificate is issued by
the West Virginia State Tax Commissioner
in accordance with Chapter 11, Article 12, of the West Virginia Code.*

*The person or organization identified on this certificate is registered
to conduct business in the State of West Virginia at the location above.*

This certificate is not transferrable and must be displayed at the location for which issued.
This certificate shall be permanent until cessation of the business for which the certificate of registration
was granted or until it is suspended, revoked or cancelled by the Tax Commissioner.

Change in name or change of location shall be considered a cessation of the business and a new
certificate shall be required.

TRAVELING/STREET VENDORS: Must carry a copy of this certificate in every vehicle operated by them.
CONTRACTORS, DRILLING OPERATORS, TIMBER/LOGGING OPERATIONS: Must have a copy of
this certificate displayed at every job site within West Virginia.

SEE FOLLOWING PAGES

The Intelligencer.

PROOF OF PUBLICATION

The Intelligencer
1500 Main Street
(304) 233-0100


PUBLICATION FEE: \$13.95,

Brian Clutter who being duly sworn according to law, deposes and says that he is Operations Director of The Intelligencer newspaper published in the CITY OF Wheeling, STATE OF West Virginia, hereby certify that the annexed publication was inserted in said newspaper on the following dates:

The Intelligencer:
2 Dec 2022



Sworn to and subscribed before me this 2nd
day of December 2022





PUBLIC NOTICE

Please take notice that on December 12, 2022, at 5:00 p.m. in City Council Chambers, 1500 Chapline Street, Wheeling, WV 26003, the City of Wheeling Planning Commission will conduct a public hearing for Class II Home Occupation located at 16 Lee Drive for Microblading Studio. If you would like to express your opinion on the matter, you are invited to attend the public hearings. For additional information call (304) 234-3601.
/s/ Brenda J. Delbert
City Clerk
Int. Dec 2, 2022

CITY OF WHEELING



CITY COUNTY BUILDING
1500 CHAPLINE STREET
WHEELING, WEST VIRGINIA 26003

BUILDING & PLANNING DEPARTMENT
Phone (304) 234-3601 | WheelingWV.gov

NOTICE

Please take notice that the Planning Commission of the City of Wheeling will hold a public hearing on **MONDAY, DECEMBER 12, 2022, at 5:00 P.M.**, in the City Council Chambers – Room 103 First Floor, City-County Building, to consider the application of **HELAINA QUEEN** for a Class II Home Occupation for a microblading studio at 16 Lee Drive in the City of Wheeling.

For additional information, please contact the Department of Building and Planning at 304.234.3601. If you would like to express your opinion concerning this matter, you are invited to attend the above-mentioned public hearing. Thank you.

Owner Name	Mailing Street	Mailing City,State,Ztip
AUBER,KENNETH R	21 LEE DR	WHEELING ,WV 26003
BELCH,GEORGE E II	17 LEE DR	WHEELING ,WV 26003
BLOW,TIMOTHY E	19 LEE DR	WHEELING ,WV 26003
DERROW,CHRISTOPHER D	10 KELLY DR	WHEELING ,WV 26003
FRANK,MICHAEL S	11 LEE DR	WHEELING ,WV 26003
HOLGERSON,JOHN R & PAULA L	450 NE 9TH AVE	DEERFIELD BEACH ,FL 33441
LIM,HANNOOL	14 KELLY DR	WHEELING ,WV 26003
MCKINLEY,BETTY J	12 LEE DR	WHEELING ,WV 26003
O'DEA,LAUREN MARCELLA	12 KELLY DR	WHEELING ,WV 26003
OLIVER,RYAN	8 KELLY DR	WHEELING ,WV 26003
RIGGS,DAVID V & KERRIE L	18 LEE DR	WHEELING ,WV 26003
ROBINSON,TONY A	20 LEE DR	WHEELING ,WV 26003
SASEEN,ROBERT J & M F	13 LEE DR	WHEELING ,WV 26003
WHITNEY,SAMARA WORKMAN	14 LEE DR	WHEELING ,WV 26003

NOTICE

CLASS II HOME OCCUPATION HEARING

The City of Wheeling Planning Commission will conduct a public hearing on MONDAY, DECEMBER 12, 2022, at 5:00 p.m. in City Council Chambers, Room 103, City-County Building, to consider the application of HELAINA QUEEN for a Class II Home Occupation Permit for the purpose of a microblading studio at 16 Lee Drive in the City of Wheeling.

City of Wheeling, Codes Official


Any interested citizen may contact the Assistant Director at 304-234-3601