



CITY OF WHEELING PLANNING COMMISSION

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STAFF REPORT

PROPERTY LOCATION: 38 South Broadway Street

NATURE OF REQUEST: Class II Home Occupation

APPLICANT: Ashley Green

BACKGROUND & ANALYSIS:

Ashley Green is requesting a Class II Home Occupation permit in order to operate a “Family Day Care Home” out of her home. A “Family Day Care Home” is listed as a permitted home occupation outlined in §1367.05.b.5 of the zoning ordinance as defined in West Virginia Code 49-2b-2(n). It shall occupy no more than 750 square feet of the gross floor area of the primary residential building and is not required to provide off-street parking. Additionally, WV code states the provider may care for four to six children, at one time including children who are living in the household, who are under six years of age. No more than two of the total number of children may be under twenty-four months of age.

As outlined in her application, Ms. Green will be the only employee and intends to operate between 8 am – 6 pm. She intends to utilize a sign to identify the business. The regulations limit signage to a flat wall sign no larger than 4 square feet.

This property is located in the R-3 Residential Zoning District. Home Occupations are permitted in all zoning districts in which residential uses are permitted, however, Class II Home Occupations require the Planning Commission to conduct a public hearing on an application to ensure the use meets the standards outlined below.

Plan Initiative 6 of the 2014 Comprehensive Plan is to Promote Entrepreneurial Efforts by “ensuring city ordinances do not limit home occupations too severely”.

Home Occupation

The purpose of a home occupation as outlined in §1367 of city code is to provide restricted occupational uses that:

1. Are clearly secondary to the use of the premise as a residence.
2. Compatible to the neighborhood.
3. Limited in extent.
4. Do not detract from the residential character of the neighborhood.

A Class II Home Occupation differs from a Class I Home Occupation in the following ways:

1. Clients or customers visit the premises.
2. The property does not have more than one non-illuminated sign exceeding four square feet.
3. The property accommodates parking for both the dwelling unit and the home occupation.

In addition to the above criteria, ten additional measures are specifically outlined in the zoning ordinance and must be met prior to the granting of a Class II Home Occupation permit. These are as follows:

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STAFF: THOMAS CONNELLY, AICP

1. The business is secondary to the use as a dwelling unit and does not occupy more than 250 square feet or 25% of dwelling unit.
2. Retail sales are permitted only to the extent that they are incidental and directly related to the service provided. The sales shall not exceed 10% of the gross income.
3. Only persons residing at the property shall be employed in the service provided.
4. The business shall operate between 8 a.m. and 10 p.m.
5. The business shall be the only Class II Home Occupation located at the property.
6. The business is carried on wholly within the principal building (including storage).
7. A flat wall sign no larger than 4 square feet shall be the only exterior indication of the home occupation.
8. There is no exterior storage of materials.
9. The business does not generate traffic in greater volume than would normally be expected in a residential neighborhood.
10. The business does not produce offensive noise, vibration, smoke, odors, etc.

As stated in §1367.07.b.2, a permit shall not be granted if the Planning Commission determines that the proposed home occupation will constitute a nuisance or otherwise be detrimental to the neighbors because of excessive traffic, noise, odors or other circumstances that are contrary to the above outline criteria.

STAFF RECOMMENDATION:

Staff recommends approval of the application.

ATTACHMENTS:

Application for Certificate of Zoning Compliance
Application for Home Occupation Permit
Photo



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: 38 South Broadway ST Wheeling Wv
- 2. Name of Property Owner: Bernard McGee
- 3. Name of Applicant: Ashley Green
- 4. Address of Applicant: 38 South Broadway ST Wheeling Wv
- 5. Applicant Phone: (304) 559-7952 Owner Phone: _____
- 6. Existing Use: Family Home
- 7. Proposed Use: Same Other (describe): _____
- 8. Number of off-street parking spaces to be provided: 0
- 9. Number of off-street loading berths to be provided: 0

COMPLETE THIS SECTION BELOW FOR THE ERECTION, ALTERATION, OR ADDITION OF A STRUCTURE

Type of Improvement:

- New Building
- Addition
- Alteration / Repair

Residential:

Number of existing dwelling units: 1
 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: _____ 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: _____ Date: _____

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: Ashley Green

Address: 38 South Broadway ST

Phone Number: (304) 559-7952 Email: greenashley972@gmail.com

Name and Address of Owner if different: Berard McGee

Legal Description (attach copy of deed): attached

Description of Home Occupation: childcare services

Total Floor Area of Dwelling Unit: 3 Total Used for Home Occupation: 1

Hours of Operation: 8:00 am - 6:00 pm Total Number of Employees: none

Size of Sign: 18" x 27" Will customers visit the business: Yes No

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

Supporting Information: Attach a narrative and vicinity map showing the property and layout.

It is the applicant's responsibility to insure compliance with all state and local laws as well as deed restrictions applicable to the subject property.

Applicant Signature: Ashley Green Date: 4-22-2021

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

Zoning District: R-3

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

Public Hearing Date: June 14, 2021

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.

I plan on operating a WV state registered/certified home daycare for children 12 months to 5 years of age, from 8:00 am - 6:00 pm Monday - Friday, my certificate only allows me to have six children in my care at one time and only allows me to work up to 17 hours a day, I will not have employees. I plan on advertising through social media and a small sign in my front yard or a banner on my front porch. Ashley Green



06/03/2021