



# CITY OF WHEELING PLANNING COMMISSION

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## STAFF REPORT

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**Planning Commission Hearing Date:** Monday, December 11, 2023

**Property Location:** 7 Junior Ave

**Applicant:** Theresa Palkovic dba Valley Rehab Center Inc.

**Nature of Request:** Class II Home Occupation- Physical Therapy

### BACKGROUND

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Ms. Palkovic seeks to operate an outpatient Physical Therapy home occupation in her residence at 7 Junior Ave. "Personal office use where clients may visit the premise" is a permitted use as outlined in §1367.05(b)(19) of the City's Planning and Zoning Code.

The zoning classification for the subject property is R-1B Single-Family, Medium 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. Palkovic will be the only employee and intends to operate by appointment only. The home-based business will occupy 200 square feet of the approximately 1,400 square foot detached single-family dwelling. Ms. Palkovic intends to add an informational sign of not more than one square foot. Only routine cleaning chemicals will be within the home. There appears to be two (2) to four (4) on-site parking spaces on the subject property, two of which are an integral basement two-car garage. City staff have not confirmed if the integral garage is presently used for the storage of a motor vehicle.

### HOME OCCUPATION PROVISIONS

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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:

- Is permitted to have clients or customers visit the premises.
- Is permitted to have no more than one (1) non-illuminated sign that may not exceed four square feet.

#### COMMISSION MEMBERS

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

STAFF: BRENDA J. DELBERT

- 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 related to the service provided and such may not exceed 10% of the gross income.
3. Only people 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 homebased 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**

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As stated on Page 69 of the Envision Wheeling 2014 Comprehensive Plan, Plan Initiative No. 6 is to Promote Entrepreneurial Efforts by, “Ensuring that city ordinances do not limit home occupations too severely as many businesses get started as a home-based business.”

#### **PLANNING COMMISSION REVIEW**

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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**

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Staff recommend approval of the subject application.