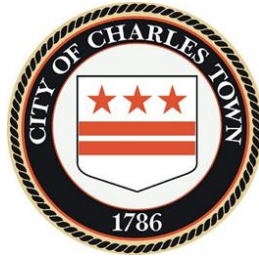


Home Occupation No. \_\_\_\_\_



## Home Occupation Application

To assist staff in the review of a home occupation application, the applicant must supply all of the information contained in this application form. This application must be signed by **all owners** of the real estate which is the subject of the application. The owners may designate one or more professional agents to represent them in the application process using the spaces provided on this form.

Incomplete applications may be subject to delayed processing. Applicants are encouraged to meet or contact staff prior to filing.

***As part of this application, the following must be provided:***

1. Completed Application.
2. As applicable, any supporting information.
3. For a Major Home Occupation, \$150.00 Application Fee

### Definition of a Home Occupation

A business, profession, occupation, or trade conducted for financial gain or profit and located entirely within a residential Dwelling, or within a detached Residential Garage. Such Use is accessory, incidental, and secondary to the Use of the Dwelling for residential purposes and does not change the residential purposes and does not change the residential character or appearance of the Dwelling or detached Residential Garage.

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### The Charles Town City Ordinance Requirements For Home Occupations.

In addition to the other applicable requirements of the City of Charles Town, Home Occupations shall also be governed by the following provisions:

1. **Intent.** The intent of the Home Occupation regulations are to allow for Home Occupations that are compatible with the neighborhood in which they are located. They insure both the compatibility of Home Occupations with other Uses permitted in Residential Districts (as listed in Section 1322.01) and that permitted Home Occupations are incidental and secondary to the Use of a Dwelling as a residence. The regulations provide for the maintenance and preservation of the residential character of neighborhoods. They also promote the efficient use of public services and facilities by assuring these services are provided to the residential population for which they are planned and constructed, rather than Commercial Uses;
2. **Home Occupation Classification.** This Ordinance provides for two classifications of Home Occupations: Minor Home Occupations and Major Home Occupations. The classifications differ in the type of Uses permitted and the number of employees allowed:
  - a. **Minor Home Occupations.** The following Minor Home Occupation Uses are permitted as Use by right, provided all requirements of this Ordinance are met:
    - (1) Artists, craftsmen, and sculptors;
    - (2) Authors and composers;
    - (3) Office facilities, excluding medical and dental offices;
    - (4) Individual tutoring;
    - (5) Individual music instruction, provided that no instrument be amplified;
    - (6) Telephone solicitation work;
    - (7) Telework programs that enable primary employment via Internet access; and
    - (8) Uses not listed that, in the opinion of the Zoning Administrator and upon review and approval of the Board of Zoning Appeals, are considered to be of the same general character as the Minor Home Occupations permitted; and
  - b. **Major Home Occupations\*** The following Major Home Occupations are conditionally permitted and may be **undertaken only if the Charles Town Board of Zoning Appeals issues a Special Use Permit** upon a finding that the business activity is compatible with the residential Use of the property and surrounding properties:

Home Occupation No. \_\_\_\_\_

- (1) Preparation of food or food products to be sold or served off-site;
- (2) Medical offices and dental offices;
- (3) Single chair hair stylists;
- (4) Organized classes with up to six (6) students at one time;
- (5) Televisions and other electrical repairs excluding major appliances such as refrigerators and stoves;
- (6) Upholstering; and
- (7) Uses not listed that, in the opinion of the Zoning Administrator and upon review and approval of the Board of Zoning Appeals, are considered to be of the same general character as the Major Home Occupations conditionally permitted;

3. **General Standards and Guidelines.** Minor and Major Home Occupations are regulated by performance standards aimed at limiting the potential impact of the Home Occupation on surrounding residential Uses. These standards are as follows:

- a. Minor Home Occupations are permitted in any Dwelling type, or detached Residential Garage, and may be operated by one (1) or more persons, all of whom are Family members who reside within the Dwelling;
- b. Major Home Occupations are limited to Single-Family Detached Dwellings and detached Residential Garages, and are permitted to employ one (1) full-time non-resident employee;
- c. Dwellings or detached Residential Garages used for Home Occupations may not be altered in such a manner that would change the residential character or appearance of the property. There shall be no exterior appearance of a business Use including, without limitation, parking, or lights;
- d. A sign that is no more than 16 inches x 16 inches shall be permitted for home occupations. Such signs can be either suspended or projected sign, ground mounted or attached to the structure like a wall sign. In no instance shall such sign be placed on the roof in any fashion or above the first floor. No such sign shall be illuminated.
- e. The selling, display, or stockpiling or inventorying of a substantial nature, of merchandise, supplies, or products is prohibited on the premises; provided that, orders previously made by telephone, by appointment or at a sales party may be filled on the premises; and further provided that, incidental retail sales may be made in connection with permitted Major Home Occupations;
- f. A Home Occupation cannot create significantly greater Vehicle or pedestrian traffic than normal for the Residential District;
- g. Goods associated with a Home Occupation cannot be visible from, or stored, outside the Structure used for a Home Occupation;
- h. Storage of hazardous materials is limited as follows:

Home Occupation No. \_\_\_\_\_

- (1) To one gallon or less total for all combustible liquids, corrosive liquids, Class 1 or 2 oxidizers, or Class 1 water reactives;
  - (2) To 10 pounds total for all corrosive solids, health hazards, or Class 2 oxidizers, or 50 pounds for Class 1 oxidizers;
  - (3) To four standard cubic feet of flammable gases, and 500 standard cubic feet of inert or oxidizer gases; and
  - (4) No quantities of other hazardous materials classes are permitted in conjunction with a Home Occupation; and
- i. No activity is permitted that creates electrical or electronic interference (including any interference with radio or television reception), or creates any offensive noise, vibration, smoke, fumes, dust, odors, heat or glare noticeable at or beyond the property line;
  - j. The Home Occupation may not generate any solid waste or sewage discharge, in volume or type, not normally associated with residential Use in the neighborhood; and
  - k. The Home Occupation may not involve any illegal activity; and
4. Operators of Major Home Occupations are required to secure a Zoning Permit from the City's Department of Community Development. Permits issued for **Major Home Occupations are non-transferrable and non-assignable.**

\* Upon the receipt of a completed application for a Major Home Occupation, a Public Hearing will be scheduled within 45 days from the next Board of Zoning Appeals application submission deadline.

Approval of a special use permit by the BZA does not relieve the applicant from other requirements including, but not limited to, signs, building, zoning and use permits or site plans, as applicable.

It is the **applicant's responsibility** to make a good-faith effort to provide the Zoning Administrator, as applicable, with a current list containing the accurate names and mailing addresses of all interested parties. For purposes of this provision, "interested parties" shall mean Landowners of Adjacent Property. The applicant shall provide the addresses in order to comply with Section 1321.10.G of the Zoning Ordinance:

### Legal Notices

The following shall occur at least 15 days prior to the Public Hearing: notice of the hearing shall be advertised by the Board of Zoning Appeals as a Class I legal advertisement in the local newspaper, posting of a sign upon the property, and letters to adjacent and confronting land owners within 100 feet of the subject property.

**Home Occupation No.** \_\_\_\_\_

1. DATE \_\_\_\_\_, 20\_\_\_\_

2. APPLICANT'S NAME\* \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number (\_\_\_\_) \_\_\_\_\_ Fax Number (\_\_\_\_) \_\_\_\_\_

Email Address \_\_\_\_\_

3. CURRENT PROPERTY OWNER'S NAME \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number (\_\_\_\_) \_\_\_\_\_ Fax Number (\_\_\_\_) \_\_\_\_\_

Email Address \_\_\_\_\_

4. LEGAL DESCRIPTION OF THE SUBJECT PROPERTY (List all parcels that apply)

Property Address: \_\_\_\_\_

Tax Map # and Parcel(s): \_\_\_\_\_

Deed Book and Page #: \_\_\_\_\_

Property Area in Square Feet or Acres: \_\_\_\_\_

**What is this request for?**

- Home Occupation, Minor
- Home Occupation, Major
- Child Care Center

5. DESCRIPTION OF THE EXISTING (OR FORMER) USE(S) OF THE PROPERTY AND CURRENT ZONING:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\*Applicants include: Property owner(s), Engineer(s), Surveyor(s), or Consultant(s)

**Home Occupation No.** \_\_\_\_\_

6. DESCRIPTION OF THE PROPOSED USE(S) OF THE PROPERTY: (Include the hours of operation and the activities to be conducted on the site. Be as specific about your proposed use as possible.)

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7. IS THIS REQUEST CONSISTENT WITH THE PURPOSES AND INTENT OF THE CITY OF CHARLES TOWN ZONING ORDINANCE? Why or why not?

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8. PLEASE DESCRIBE HOW THE PROPOSED USE WOULD AFFECT TRAFFIC CONDITIONS SURROUNDING THE SUBJECT PROPERTY:

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9. PLEASE DESCRIBE HOW THIS PROPOSED USE WOULD CHANGE THE EXISTING LAND USE CHARACTERISTICS: (i.e. – from residential to incidental home occupation.)

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10. PLEASE DESCRIBE ANY PROPOSED WORK TO BE DONE TO THE PROPERTY: (i.e. – new structures, building additions, ADA compliance, etc.)

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Home Occupation No. \_\_\_\_\_

11. WOULD THE ADJOINING PROPERTY OWNER'S PEACEFUL ENJOYMENT OF THEIR HOMES AND THE CONSERVATION OF PROPERTY VALUES BE PROTECTED?

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12. WOULD THE PROPOSED ACTIVITY CAUSE ANY ODORS, DUST, GAS, SMOKE, FUMES, VIBRATIONS, GLARE OR NOISE?

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**QUESTIONS 13 – 16 ARE FOR MAJOR HOME OCCUPATIONS ONLY**

13. JUSTIFICATION FOR THE REQUEST:

A) The Use will not materially endanger the public health or safety or constitute a public nuisance if located where proposed and developed according to the plans and information submitted and approved;

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B) The Use will not substantially diminish the value of Adjacent Property unless the Use is a public necessity; and

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C) The location and character of the Use, if developed according to the plans and information approved, will be in harmony with proximate land Uses, and consistent with the purposes of the Zoning District.

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Home Occupation No. \_\_\_\_\_

14. HAS THE PROPERTY BEEN THE SUBJECT OF ANY COURT ACTION?

Yes (Please specify nature of all proceedings and current status and attach any documents showing court decisions, etc.)

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No

15. PARCEL HISTORY (List all pending or previously approved applications on the subject parcels inventoried above, including previous site plan applications if this application is a site plan amendment)

Application No.	Project Name and Phase	Status	Approval Date



**Home Occupation No.** \_\_\_\_\_

16. INTERESTED PARTY ADDRESSES, FOR PUBLIC NOTICE (including across street)  
(Interested parties are defined as adjacent properties within 100 feet).

Owner	# and Street	City, State, Zip

Home Occupation No. \_\_\_\_\_

APPLICANT CERTIFICATION

I certify that, to the best of my knowledge, the submitted information and statements are true and correct. I also certify that I have received and read Article 1323(K) and relevant provisions of the Charles Town Zoning Ordinance outlining the City's Board of Zoning Appeals application and approval procedures for a Major Home Occupation.

Signature of Applicant

\_\_\_\_\_ Date \_\_\_\_\_

Signature of Owner(s) (If different than applicant)

\_\_\_\_\_ Date \_\_\_\_\_

Please submit an original completed petition to the following:

Zoning Administrator  
City of Charles Town  
101 E. Washington Street  
Charles Town, WV 25414

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**FOR CITY USE ONLY**

Application Number: \_\_\_\_\_ Date Application Received: \_\_\_\_\_

Zoning District: \_\_\_\_\_

Fee: \$ \_\_\_\_\_ Check No. \_\_\_\_\_ Receipt No. \_\_\_\_\_

BZA Hearing Date: \_\_\_\_\_ Decision: \_\_\_\_\_

Comments: \_\_\_\_\_

\_\_\_\_\_

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