

**Minutes**  
**City of Huntington Board of Zoning Appeals**  
**March 19, 2024**

A meeting of the City of Huntington Board of Zoning Appeals was held on March 19, 2024 at 5:34 p.m. in the City Hall Council Chambers. *Ms. Proctor* called the meeting to order and confirmed a quorum was present.

Members Present: Jacqueline Proctor, Gina Browning, Steven Yates, Dan Earl & Sara Loftus

Members Absent: None

Staff Present: Cade Williams, Planner II  
Ericka Hernandez, Assistant City Attorney  
Stephanie Petruso, Senior Planner  
Steve Curry, Planner II

Hearing no corrections or objections, *Ms. Proctor* approved the February Minutes, and all present were in favor.

Hearing no corrections or objections, *Ms. Proctor* approved the February Orders, and all present were in favor.

**BZA 23-C-32**

A petition for a conditional use to permit a bar to be located in the C-2 Highway Commercial District.

*Petitioner:* Sherry Kipp, 1713 Chestnut St., Kenova, WV  
*Property Owner:* Ronnie Myers, PO Box 2885, Huntington, WV  
*Property Location:* 2333 Adams Ave.

Mr. Williams read the Staff Report.

Sherry Kipp, 1713 Chestnut St., Kenova, WV, explained she wants to reopen the bar that was previously at this location. She wants to open a bar that is not in the Downtown neighborhood. She stated she does not want to make any changes to the building until this petition is approved. Her intention is to remodel the building and put a new roof on the facility. She generalized in her explanation that everything on the property will be updated. Lastly, she explained she wants to do a sports bar and she will be overseeing the bar with assistance.

*Ms. Proctor* questioned if the petitioner's brother has assisted her in making a business plan. *Ms. Kipp* explained she wanted to be granted approval with this petition first before moving forward.

*Ms. Proctor* asked what the intended hours of operation for the bar will be. *Ms. Kipp* inferred hours of operation will probably be between 4:00 p.m. to 3:00 a.m., similar to regular bar hours of operation.

*Ms. Proctor* wondered how many days a week the bar will be open. *Ms. Kipp* explained the bar will be open Monday through Saturday.

*Mr. Yates* asked for confirmation from before (the first hearing in October 2023) if this bar would be more like a neighborhood bar rather than a sports bar. *Ms. Kipp* explained this would be more like a neighborhood sports bar as she wants to have drinks and food available.

*Ms. Proctor* asked if the intent is to have a restaurant. *Ms. Kipp* stated the intentions is to have snack foods.

*Ms. Loftus* asked if there is a distinction between a bar and a restaurant in terms of how much food has to be offered. *Ms. Hernandez* explained whichever, alcohol or food, is sold the most: over 50%.

*Ms. Proctor* questioned how one knows if alcohol or food is being sold more as this distinction is based off of a measurement. *Ms. Hernandez* explained the City can do audits.

Robert Sharp, 1713 Chestnut St., Kenova, WV, spoke in support of this petition. He stated he will be involved with Sherry on everything too (alluding to business matters). He expressed they want to give back to the community with this business. He expressed they want to remodel everything and see what they can do with the building.

*Ms. Proctor* questioned what the vision was for giving back to the community. Mr. Sharp listed a variety of causes they would like to give towards.

*Ms. Proctor* asked since the October meeting if *Ms. Kipp* had asked the surrounding neighborhood on their opinion of the bar. *Ms. Kipp* stated she has and stated the property owner of French Colony Apartments and his son are supporters. She stated she has not spoken to other community members.

Mr. Williams read a letter expressing support for this petition from Michael Spence, the manager of French Colony Apartment Complex. The letter stated the owner of the complex gives full support to *Ms. Kipp* and Mr. Sharp for their new business. Mr. Spence stated in his letter he has known them for over a decade and business dealings have been left with a satisfactory result.

Marybeth Day, 2307 W. 5<sup>th</sup> Ave., spoke in objection of this petition. She stated she has lived in this area for at least 21 years and confirmed this location was a troublesome bar in the past. She explained there are lots of children and lots of crime in the area. In her opinion, bars will degenerate the community.

Jim Rumbaugh, 2300 Oakview Dr., spoke in objection of this petition. Mr. Rumbaugh does not think another bar is needed in the neighborhood. He expressed as a member of the West Huntington Neighborhood Association, people would come to the meetings complaining about the bar formerly at this location and another bar in the neighborhood. Lastly, he referred to an older newspaper article expressing illegal gambling at this location when it was an active bar and has heard the nickname the "murder bar" for the bar that was previously there. He stated he did not receive of a notice as he does not live in the impacted area but has property in this neighborhood.

Mike Bunyon, 2312 Adams Ave., spoke in objection of this petition. He tried to get a hold of other property owners to get their opinion on the petition. He listed off three apartment complexes in the vicinity of the petitioned location. He stated this bar is a magnet for trouble. He referred to noise pollution and stated property damage as a result of calling the law. He acknowledged a previous owner did host a Christmas party every year to give back to children but this did not keep the bar from causing trouble.

Kevin Day, 2307 W. 5<sup>th</sup> Ave., spoke in objection of this petition. He has lived at this location since 1997. He expressed he has seen drunk men and women showing nudity outside. He has also seen men urinating outside during the daytime. He expressed extreme opposition to this petition as there are children around and he does not want them to be exposed to this activity.

Josiah Hannah, 408 24<sup>th</sup> St. W., spoke in objection of this petition. He stated he did not know the old bar had closed. He stated he has children and expressed when he first moved back to the area he saw a man

walking with a shotgun from the bar. He is thankful he had not had to use force but expressed people have tried to break into his home and posed violence on his family. He likes someone is interested in investing in the community but cannot support this bar.

*Mr. Earl* stated there is not strong neighborhood support for this petition and this is a criteria needed to approve the petition.

*Mr. Yates* expressed he had a different perception of this bar back in October. This bar seems to be more of a sports bar than a neighborhood bar. He agrees with *Mr. Earl*.

*Ms. Browning* expressed some agreement with *Mr. Yates*. She did not realize how late this bar would be open and noticed a lot of people came out in objection to the petition.

*Ms. Loftus* asked if there is anything in the Ordinance about transparency and the time the bar is open. *Ms. Hernandez* explained the hours of operation for a bar is up to the State of West Virginia.

*Ms. Proctor* explained it is important to support businesses who want to grow and develop our city. She understands what it's like having your neighbor keep you up at night but there is a different zone in the impacted area. She expressed it is important what is done or presented for the community.

*Ms. Loftus* asked the petitioner what the plan is if the bar is denied. *Ms. Kipp* stated she will appeal and take more steps to talk to the neighborhood and abide by hour of operation regulations. She stated the bar was never presented as a family restaurant and the sports bar will have drinks and a lounging area.

*Ms. Proctor* explained the petitioner was originally going to have a LVL (limited video lottery) and a bar.

*Mr. Yates* motioned to approve BZA 23-C-32 to the March meeting. *Ms. Browning* and *Ms. Loftus* seconded motion.

BZA Roll Call: *Mr. Earl*, No; *Ms. Browning*, No; *Ms. Loftus*, Yes; *Mr. Yates*, No; *Ms. Proctor*, No.

BZA 23-C-32 was denied with a vote 1 Yes to 4 No.

#### **BZA 24-08**

Issue 1: A petition for a variance to allow a second driveway on the same parcel in an R-2 Single-family Residential District.

*Petitioner/Property Owner*: Jeremy Whipkey, 417 Division St., Huntington, WV  
*Property Location*: 417 Division St.

*Mr. Williams* read the Staff Report.

Jeremy Whipkey, 417 Division St., expressed the current driveway is not good for the public. Utilizing the current driveway blocks the sidewalk if two vehicles are parked in it. Additionally, he would like to repair the sidewalk coming up to the new driveway. He stated after speaking to neighbors they agree one car off the street is a good thing and he will reduced the driveway flare.

*Ms. Proctor* questioned when the petitioner would start work if the petition is approved. *Mr. Whipkey* guessed May would be the start date.

*Ms. Proctor* asked if he is okay with the maximum width of the flare being 13 feet and if he will make sure it gets done. Mr. Whipkey stated he is fine with this and will see through with the development of the driveway.

Martin Facmcen, 450 Division St., spoke in support of the petition. He stated Division Street and the alley are narrow and if someone parks on the street it is hard to turn in and out of the alley. He thinks this would help when trucks drive on Division Street too. Overall, he thinks this driveway would help with traffic flow and help protect the petitioner's property.

*Mr. Earl* stated he thought this petition meets the criteria for a variance.

*Mr. Yates* expressed he doesn't think the property allowed for other options.

*Ms. Proctor* asked if the contractor the petitioner is hiring to construct the new driveway will be using appropriate material for repairing the sidewalk portion. Mr. Whipkey stated this has been discussed and confirmed with the contractor. *Ms. Proctor* requested Mr. Whipkey to double check with the Planning & Zoning Department that appropriate material will be used.

*Mr. Yates* motioned to approve BZA 24-08. *Ms. Loftus* seconded motion.

BZA Roll Call: *Ms. Browning*, Yes; *Mr. Earl*, Yes; *Mr. Yates*, Yes; *Ms. Loftus*, Yes; *Ms. Proctor*, Yes.

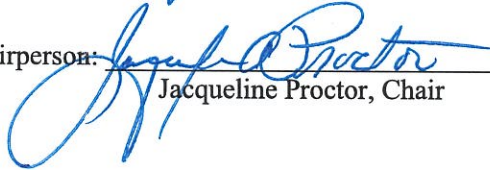
BZA 24-08 was approved with a vote 5 Yes to 0 No.

**Good and Welfare**

*Ms. Proctor* asked if there were questions. Mr. Williams stated he will representing the Planning & Zoning Department's Staff at the next meeting

*Ms. Proctor* adjourns the meeting at 6:24 p.m.

Date approved: April 16, 24

Chairperson:   
Jacqueline Proctor, Chair

Prepared by:   
Cade Williams, Planner II