

Minutes
City of Huntington Board of Zoning Appeals
April 19, 2022

A meeting of the City of Huntington Board of Zoning Appeals was held on April 19, 2022 at 5:30 p.m. in the City Hall Council Chambers. *Ms. Proctor* called the meeting to order.

Members Present: Howard Anderson, Lee Canup, Jacqueline Proctor, Sherry Houck

Members Absent: C.W. Dolin, Dan Earl

Staff Present: Janney Lockman, Planner
Patricia Usher, Zoning Officer
Erica Hernandez, Assistant City Attorney

Hearing no corrections or objections, *Ms. Proctor* approved the March Minutes.

Hearing no corrections or objections, *Ms. Proctor* approved the Orders.

BZA 22-V-12

A petition for a variance to exceed the maximum size for a wall sign in the C-3 Central Business District. The property is located at 1005 6th Ave.

Petitioner: Gibbs Retail Systems, 1005 6th Ave. Huntington, WV

Property Owner: ChaChing Realty, LLC, 1005 6th Ave. Huntington, WV

Joe and Tyler Gibbs were present to present the petition. Mr. J. Gibbs explained to the Board that he would like to have a larger sign for his business than what is permissible by right.

Mr. Anderson – There is a sign in the alley that looks to be the signs that would be allowed. Why not have the same size sign on the front of the building?

Mr. J. Gibbs pointed to the large area on the front of the building where the sign would be located and said he believes a bigger sign would look better than a smaller one would.

Ms. Lockman presented the Staff Report.

Mr. Anderson – What are your normal business hours?

Mr. J. Gibbs stated that his business is open during normal business hours, 9 am – 5 pm, and they do have customers that visit the location. He further explained to the Board that his business began in Huntington several decades ago, but moved outside of city limits and has been there for more than 2 decades. The company is now moving back into the city in the location where it first began.

Mr. Anderson is glad that the business is moving back to the city. He expressed that he is aware that the ordinance is meant to keep signs at a reasonable size, but is inclined to grant the variance because the sign has been tastefully done and the business is moving back into City limits.

Ms. Houck made note that there were no other businesses in the area with signs as large as the one being proposed, but agrees with Mr. Anderson that a local business moving back into town should be allowed to have a larger sign.

Ms. Canup is also glad that the business is moving back into city limits, but does not feel that the request meets the criteria for a variance

Ms. Proctor, agreeing that the sign is too large, asked of the applicants if they are willing to decrease the size of the proposed sign.

There was discussion among the Board members and the petitioners about reducing the signs of the proposed sign while still allowing them to have a sign that is larger than what would be allowed.

Mr. Anderson made a motion to **conditionally approve** BZA 22-V-12 with the condition that the sign not exceed 75 sq. ft.; *Ms. Houck* seconded the motion.

Roll Call BZA: Ms. Canup, No; Mr. Anderson, Yes; Ms. Houck, Yes; Ms. Proctor, Yes

BZA petition for a **Variance** was **conditionally approved** with a vote of 3 Yes to 1 No.

BZA 22-C-13

A petition for a Conditional Use Permit for an off-site parking lot in a C-2 Highway Commercial District. The property is located at 524 19th St. W.

BZA 22-V-14

A petition for a variance to the setback requirements for a commercial parking lot. The property is located at 524 19th St. W.

BZA 22-V-15

A petition for a variance to the maximum lot coverage requirements in a C-2 Highway District. The property is located at 524 19th St. W.

Petitioner Kevin Miller, P.O. Box 300, Portsmouth, OH

Property Owner: The Riverside Group, LLC, P.O. Box 300, Portsmouth, OH

Ms. Proctor proposed hearing all requests for 524 19th St. W. at once and voting on each separately as was recommended by staff. There were no objections.

Kevin Miller, property owner, presented the petition, providing the Board with a history of the how he bought the property, graveled the lot without knowing permits were needed, deciding to pave the lot, get permits, and the challenges that lead to the hearing today. The parking lot would be for parking for employees of 525 19th ST. W. located across the street. Parking on-site at 525 19th St. W. is used for loading and unloading products for installation by employees.

Mr. Anderson asked for clarification on the role the paving company had in the sequence of events.

Mr. Miller claimed that the paving company believed that no permits were needed and were not award of stormwater utility requirements. He provided greater detail of the events that occurred from when the project was stopped by City employees and to a permit that was issued in error.

Ms. Proctor asked about the time after the lot was paved when the Planning office sent notice of the violation issues.

Mr. Miller insisted that illness and working out of the area as the bases for the lack of response to the violation notices.

Mr. Miller concluded his time speaking by stating that without the extra parking across the street, the business he works for would not be able to stay in the city.

Ms. Lockman presented the Staff Report. She advised the Board that if they chose to approve the conditional use request for the off-site parking lot, that they approve the variance for setbacks, but deny the request for 100% lot coverage as Stormwater Utility has yet to receive plans and will likely require some of the pavement to be removed. By approving and denying in this way, the petitioner would not have to come back before the Board for another variance, and permit them to choose, with the guidance of Stormwater Utility, where the 10% of pavement must be removed.

Ms. Canup is sensitive to the errors that have occurred in this case and believes that there is a hardship to be alleviated; however, she is not happy with the position the petitioner put the Board in with the threat made to leave the city if the requests are denied.

BZA 22-C-13

Mr. Anderson made a motion to **approve** BZA 22-C-13; *Ms. Canup* seconded the motion.

Roll Call BZA: Mr. Anderson, Yes; Ms. Houck, Yes; Ms. Canup, Yes; Ms. Proctor, Yes

BZA petition for a **Conditional Use** was **approved** with a vote of 4 Yes to 0 No.

BZA 22-V-14

Ms. Houck made a motion to **approve** BZA 22-V-14; *Mr. Anderson* seconded the motion.

Roll Call BZA: Mr. Anderson, Yes; Ms. Canup, Yes; Ms. Houck, Yes; Ms. Proctor, Yes

BZA petition for a **Variance** was **approved** with a vote of 4 Yes to 0 No.

BZA 22-V-15

Ms. Canup made a motion to **approve** BZA 22-V-15; *Mr. Anderson* seconded the motion.

Roll Call BZA: Ms. Canup, No; Mr. Anderson, No; Ms. Houck, No; Ms. Proctor, No

BZA petition for a **Variance** was **denied** with a vote of 0 Yes to 4 No.

BZA 22-V-16

A petition for a variance to build a 5' high front yard fence in a C-1 Neighborhood Commercial District. The maximum front yard fence height is 4'. The property is located at 1230 6th Ave.

Petitioner: Mike Martin, 1230 6th Ave. Huntington, WV

Property Owner: UHS River Park Hospital, 1230 6th Ave. Huntington, WV

Mike Martin presented the petition, explaining that the fence would allow the hospital to provide a safe outdoor space for its senior patients. The height of the fence would assist in preventing elopement of patients.

Ms. Lockman presented the Staff Report.

Ms. Canup went through the criteria for considering a variance and believes that this request meets all of them. The rest of the Board agreed with her conclusion.

Mr. Anderson made a motion to **approve** BZA 22-V-16; *Ms. Houck* seconded the motion.

Roll Call BZA: Ms. Houck, Yes; Mr. Anderson, Yes; Ms. Canup, Yes; Ms. Proctor, Yes

BZA petition for a **Variance** was **approved** with a vote of 4 Yes to 0 No.

BZA 22-V-17

A petition for a variance to exceed the 90% maximum building coverage in an I-2 Industrial District. The property is located at 2586 Guyan Ave.

Petitioner/Property Owner: Rubberlite, Inc. 2501 Guyan Ave., Huntington, WV

Ms. Houck recused herself from the petition due to a conflict of interests.

Paul Testani presented the petition, informing the Board that the variance to build a new 52,000 sq. ft. facility on Rubberlite property which will cover roughly 99% of the property. The project has already received stormwater approvals and setback variances. This variance will complete the permit process and allow the project to move forward with construction.

Ms. Lockman presented the Staff Report.

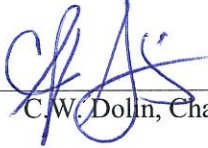
Ms. Canup made a motion to **approve** BZA 22-V-17; *Mr. Anderson* seconded the motion.

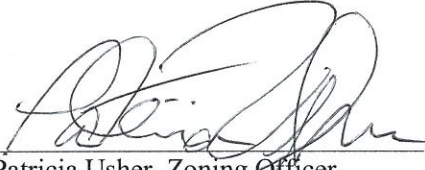
Roll Call BZA: Ms. Canup, Yes; Mr. Anderson, Yes; Ms. Proctor, Yes

BZA petition for a **Variance** was **approved** with a vote of 3 Yes to 0 No.

The meeting concluded at 6:33 p.m.

Date approved: 6-3-22

Chairperson: 
C.W. Dolin, Chair

Prepared by: 
Patricia Usher, Zoning Officer