

City of Huntington Board of Zoning Appeals

October 1st, 2020

Staff Report: A petition for a Variance to allow for a free-standing sign to be less than the required setback from the property line in a C-1 Neighborhood Commercial District.

Legal Ad BZA 20-V-13

Issue: A petition for a Variance pursuant to Table 1345 to allow for a free-standing sign to be less than the required setback of 5 feet from the front property line and to instead be constructed in the public right-of-way of 3rd Avenue. The property is located in a C-1 Neighborhood Commercial District at 2547 3rd Ave, Huntington, WV.

Property Owner/Petitioner: James T. Hall DDS, 2547 3rd Ave, Huntington, WV.

Introduction

James T. Hall is petitioning for the sign for his medical office to be placed on the public right-of-way rather than his private property.

Existing Conditions / Background

James T. Hall renovated the building for his dentistry office in recent years. A bush was removed from the area where the gravel is located in the photos below. The petitioner had a stone sign fabricated that he wishes to place in this spot.

Five other businesses within 500 feet also have signs located partially or wholly within the right-of-way; two of which are monument signs, but are not located on or adjacent to properties with driveways or parking lots.

Public works has already granted the petitioner approval following the approval of the Board of Zoning Appeals.

Proposed Conditions

The petitioner wishes to place a stone free-standing sign just past his front yard line onto the public right-of-way where it will have greater visibility and be in alignment with the signs of neighboring businesses on the southern side of 3rd Avenue.

The sign is approximately 24 SF in area. It stands 4 feet tall at its highest point. No vegetative landscaping has been proposed around the sign.

Photos



Figure 1 - Looking to the east down 3rd Avenue, the gravel area in the foreground is where the petitioner intends to place the sign. His Medical Office is visible on the right. The right-of-way line is marked by the red line.



Figure 2 - Looking west down 3rd Avenue, the Medical Office is visible on the left with the sign temporarily placed in the front yard against the column of the entryway. The red outlined shape is at the proposed location and represents the approximate size of the sign.

Zoning Ordinance

Article 1345 requires that all free-standing signs be setback a minimum of 5 feet from property lines.

Article 1345 also requires that all free-standing signs be surrounded by landscaping.

Article 1345.02 .F states that "Signs shall be subject to the placement requirements in Table 1345, but in no event shall any sign be placed in a position that will obstruct the view of motorists or cause any other danger to motorists or pedestrians within a public right-of-way or on adjoining lots. Nor shall any sign be placed within the clear sight triangle required to be maintained at all street intersections, driveway and access way entrances onto public streets. All signs shall be set back within the buildable area of the site, except as noted in Table 1345".

Staff Comments

The sign is at risk of blocking line-of-sight of the sidewalk when pulling out of the

adjacent parking lot onto 3rd Avenue. One of the reasons for a setback is to prevent this type of line-of-sight blocking. However, the average height of the sign is 3 feet tall because of its unique shape with the shorter portion being closer to the sidewalk. Because of this shape, the risk to pedestrian is somewhat reduced allowing slightly better visibility of the sidewalk just before the driveway.

Ideally the sign would be placed away from the driveway entrance to prevent any safety issues for pedestrians.

The staff therefore recommends shifting the sign to the east into the lawn space of the right-of-way located in front of the business.

Summary / Findings of Fact

1. James T. Hall DDS is the owner and petitioner.
2. Article 1345 requires that all free-standing signs be setback 5 feet from all property lines.
3. The petitioner is proposing to set the free-standing sign nearly 5 feet past the front property line onto the public right-of-way.
4. The free-standing sign is approximately 24 SF in area.
5. The free-standing sign is approximately 4 feet in height.
6. The use of the property is a Medical Office.
7. The property is zoned C-1 Neighborhood Commercial District.
8. The property where the Medical Office is located is approximately 7,400 SF.

Attachments

Please see attached Aerial, Location, Zoning Maps, and Application for reference.



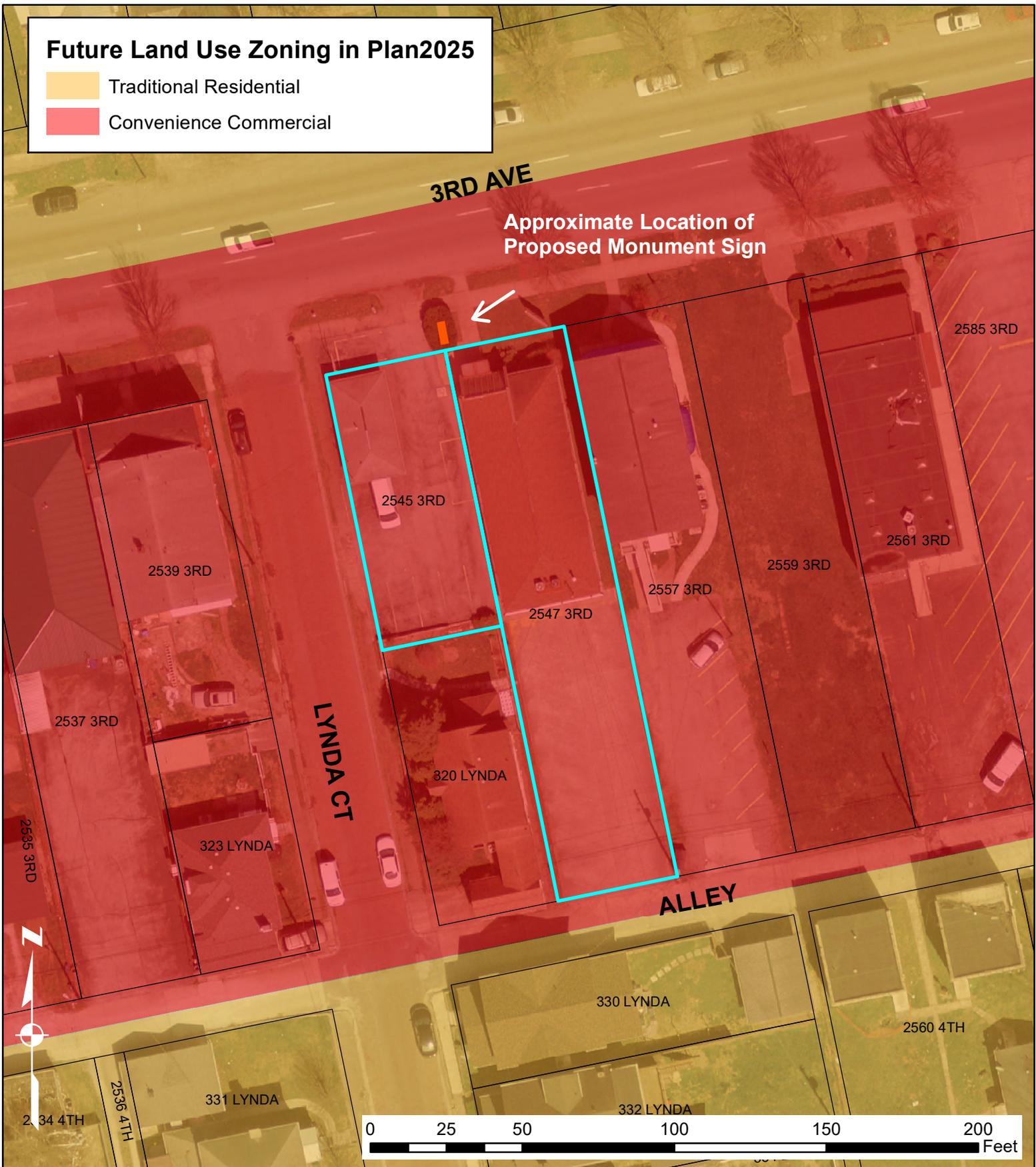
2547 3rd Avenue Variance for Monument sign Setback





2547 3rd Avenue Variance for Monument sign Setback





2547 3rd Avenue Variance for Monument sign Setback





**APPLICATION FOR
APPEAL FOR
VARIANCE OF
ZONING
REGULATIONS**

**Planning and Zoning
Huntington City Hall
800 Fifth Avenue
P.O. Box 1659
Huntington, WV 25717
(304) 696-5540, opt 3**

Applicant Name: James T. Hall DDS Phone: 304-421-3458

Address (city, state, zip): 2547 3rd Avenue Huntington WV 25703

Email: halltimes5@frontier.com

Property Owner: James T. Hall Phone: 304-421-3458

Address (city, state, zip): 2547 3rd Avenue Huntington WV 25703

Occupant Name: James T. Hall DDS Phone: 304-421-3458

Address (city, state, zip): 2547 3rd Avenue Huntington WV 25703

Variance requested pursuant to:

Article 1345 and/or Figure Table 1345 of the City of Huntington Zoning Ordinance.

Description of the variance being requested:

I am requesting that a sign be erected at 2547 3rd Avenue. It is a stone sign that I would like to place in front of my new dental office. I have been informed however that this area is a city right of way. I would like the board to consider allowing me to put this sign in this position as noted on the pictures provided.

Description of property including tax map, parcel, lot number (if applicable), street address and/or other description:

Map Parcel 05-10-374 Legal1: BLK 249 LT 13
2547 #rd Avenue Huntington WV 25703

Please describe the special conditions or attributes which pertain to the property or hardships for which the variance is sought (state any reason which the Board of Zoning Appeals should be aware of in forming its decision):

I would hope that the board would take into account several other properties within a block either way of my office that also have signs erected in the city's right of way. I feel that my sign will add to the property and community. I have built my office here to make a difference in the Highlawn area. I believe in the community and have property adjacent to my office that we are hopefully going to be getting ready to revitalize as well. I would appreciate your time in considering this issue.

(Attach additional pages if necessary)

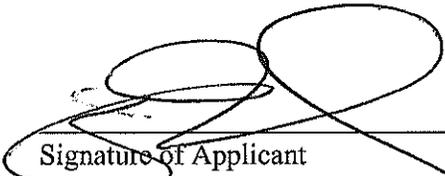
The following exhibits are to be attached and made part of this application:

- Site plan of Real Estate involved (if applicable); drawn to scale with scale shown, with direction North clearly indicated on the drawing, showing all boundary lines and placement of existing and/or proposed structures, and with all dimensions shown (setbacks, buildings, etc.).
- Valid State or Federal Photo ID.
- One Hundred Sixty dollars (\$160.00) filing fee for each variance sought.

All of the above documentation is to be submitted to the office of Planning and Zoning by: Monday, Sept 21, 2020 in order to be placed on the next Board of Zoning Appeals agenda. Incomplete documentation will delay applicants review by the BZA.

I/We, the undersigned, am/are aware that a Public Hearing by the Board of Zoning Appeals will be held on Tuesday, October 20, 2020. It is my responsibility to attend (or send a representative) to the above meeting to present plans and to answer any questions regarding the request for a Variance. All meetings are held at 5:30 p.m. in the City Council Chambers of Huntington City Hall.

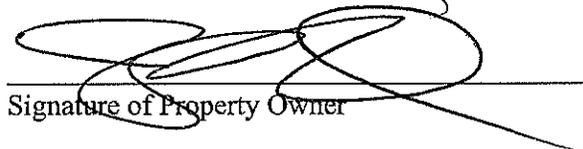
FOR OFFICE USE Received: <u>09.21.2020</u> Staff Initials: <u>PU</u> Project Number: _____
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Signature of Applicant

09/21/2020

Date



Signature of Property Owner

09/21/2020

Date

**All applications to be submitted must be typed or legibly written in blue or black ink.*

FOR OFFICE USE ONLY

Board of Zoning Appeals

- Approved Date of Decision: _____
 Denied Conditions: _____

Planning Staff: _____ Title: _____ Date: _____

Patricia Usher

From: James Insko
Sent: Monday, September 21, 2020 9:57 AM
To: Patricia Usher; Shae Strait
Subject: RE: James Hall DD

Patricia,

Public Works approves this sign.

Jim

Jim Insko
Public Works Director,
City of Huntington, WV
304-696-5540 Ext. 2200
inscoj@huntingtonwv.gov

From: Patricia Usher
Sent: Monday, September 21, 2020 9:29 AM
To: James Insko <InskoJ@Huntingtonwv.gov>; Shae Strait <StraitS@Huntingtonwv.gov>
Subject: RE: James Hall DD

Mr. Inco,

Could you please review the following sign proposal as soon as you can? James Hall Dentistry, 2547 3rd Avenue, is proposing to erect a monument sign that would be located in the public right-of-way. If you approve, he will still have to go through the Board of Zoning Appeals for final approval. The deadline for BZA submission is the end of business day today.

Please let me know if you have any questions concerning this request. Thank you

Sincerely,

Patricia Usher
Zoning Officer
City of Huntington
800 5th Avenue, Room 2
Huntington, WV 25701
304.696.5540 ext. 2094

From: Shae Strait
Sent: Friday, September 18, 2020 3:00 PM
To: Patricia Usher <UsherP@Huntingtonwv.gov>
Subject: Re: James Hall DD



SIGN PERMIT APPLICATION

Planning and Zoning
Huntington City Hall
800 Fifth Avenue
P.O. Box 1659
Huntington, WV 25717
(304) 696-5540, opt 3

Applicant Name: James Hall Phone: 304.421.3458
Email: halltimes5@frontier.com
Property Owner: James Hall Phone: SAME
Business Name: James T Hall DDS PLLC Phone: 304.525.6441
Address (city, state, zip): 2547 3rd Avenue Huntington WV 25703

Sign Information

Address: 2547 3rd Avenue Andover WV 25703
Zoning: _____ District: OS Tax Map: _____ Parcel: _____
Sign Fabricator: Reger Contracting
Phone: 304.265-4205 City License #: _____
Installer (if different from above): SAME
Phone: _____ City License #: _____
Total Estimated Cost (labor and materials): 3500.00

Please answer the following questions regarding the proposed signage:

1. What is the linear frontage of the commercial space or building? 6 x 4
2. Will the sign(s) be: New Replacement
3. Are there existing signs at this location that will remain? Yes No

If YES, check the type and list the amount:

- | | |
|--|---|
| <input type="checkbox"/> Awning/Canopy | <input type="checkbox"/> Pole Sign |
| <input type="checkbox"/> Changeable Copy | <input type="checkbox"/> Projection/Suspended |
| <input type="checkbox"/> Home Occupation | <input type="checkbox"/> Sidewalk Sign |
| <input type="checkbox"/> Marquee | <input type="checkbox"/> Wall Sign |
| <input type="checkbox"/> Monument | <input type="checkbox"/> Other: _____ |

4. What type of sign(s) is/are being proposed? (check the type and list the amount)

- | | |
|--|---|
| <input type="checkbox"/> Awning/Canopy | <input type="checkbox"/> Pole Sign |
| <input type="checkbox"/> Changeable Copy | <input type="checkbox"/> Projection/Suspended |
| <input type="checkbox"/> Home Occupation | <input type="checkbox"/> Sidewalk Sign |
| <input type="checkbox"/> Marquee | <input type="checkbox"/> Wall Sign |
| <input checked="" type="checkbox"/> Monument | <input type="checkbox"/> Other: _____ |

5. What are the specifications of the proposed sign(s)?

Sign 1 type: Stone
Dimensions: 4 x 6
Square footage: 24
Projection from wall: Flt
Height from Grade: 4.5

Sign 2 type: _____
Dimensions: _____ x _____
Square footage: _____
Projection from wall: _____
Height from Grade: _____

Sign 3 type: _____
Dimensions: _____ x _____
Square footage: _____
Projection from wall: _____
Height from Grade: _____

Illumination type:
 Internal
 External
 Direct (Exposed Source)

Illumination type:
 Internal
 External
 Direct (Exposed Source)

Illumination type:
 Internal
 External
 Direct (Exposed Source)

Facings:
 Single-sided
 Double-sided

Facings:
 Single-sided
 Double-sided

Facings:
 Single-sided
 Double-sided

****The following information MUST be submitted with this application before a review can be conducted****

- Site plan map and/or building elevation drawings drawn to scale with the location of the sign(s).
- Drawing/rendering of the proposed sign(s) showing dimensions.

I, the undersigned, do hereby certify that I have read and examined this document and do certify that all information included therein is true and correct to the best of my knowledge, and I authorize the City of Huntington to investigate all statements or other information contained in this application form and any attachments submitted with it. I understand and agree that any misrepresentation, falsification, or material omission of information may result in denial of my permit. I will comply with all applicable laws and ordinances whether specified herein or not. I understand that the granting of a permit does not presume to give authority to violate or cancel the provisions of any other federal, state, or local law regulating construction or performance of construction. I certify that all building requirements have been met, including wind load. Furthermore, I, the undersigned, do hereby agree to assume responsibility for any and all other liabilities which may arise or occur, including, but not limited to, any personal injuries or property damage, arising out of the use of said permit.

Jam Hill
Print Name

[Signature]
Signature of Applicant

9/18/2026
Date

**All applications to be submitted must be typed or legibly written in blue or black ink.*

FOR OFFICE USE ONLY

FOR OFFICE USE
Received: 09.18.2020
Staff Initials: pu
Permit Number: _____

Variance required
Project Number: _____
 Approved
 Denied
Conditions: _____

Reviewed by: _____ Title: _____ Date: _____

Good Morning, Patricia and Shae:

Attached is the drawing for the site plan for the proposed signage on 2547 3rd Avenue. It is going to be about 4 ft. wide by around 6ft tall. The rock will only be out of the ground 5ft as 10-12 inches will be set in the ground. I have attached a picture from the GIS site on where the sign would go and the dimensions. When I first bought the property, there was an existing sign in the right away as seen on the current GIS map which is why I thought that I was ok. Also, I noticed Valley Health and Thornburgh Agency have signs that are in the right of way. A list of properties from the GIS map with signs in the right of way near my building follows.

5-10-351

5-10-375

5-10-377

5-11-156

It is my hope that this can work out. I have invested in the Highlawn area because that is where I feel there is a need for my dental practice. I want to be part of that area's transformation. I own additional property surrounding my dental building and hope to invest and improve that property as well. Thanks for your time and let me know if you need anything else.

