

**Minutes**  
**City of Huntington Board of Zoning Appeals**  
**February 15, 2022**

A meeting of the City of Huntington Board of Zoning Appeals was held on February 15, 2022 at 5:30 p.m. in the City Hall Council Chambers. *Ms. Proctor* called the meeting to order.

Members Present: Jacqueline Proctor, Howard Anderson, Dan Earl

Members Absent: C.W. Dolin

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

Minor corrections and typos were given for the minutes. *Mr. Anderson* made a motion to approve the minutes as amended; *Mr. Earl* seconded the motion, the January Minutes were approved as amended.

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

**BZA 22-05**

A petition for a Special Permit to allow for a Bar in an I-1 Light Industrial District. The property is located at 1037 7<sup>th</sup> Ave.

*Petitioner:* Jeffery Raines & Benjamin R. Singer, 3828 48th Ave. S, St. Petersburg, FL

*Property Owner:* Pineda Properties, LLC, 530 5th St. Huntington, WV

Jeff Raines, St. Petersburg, FL, presented the petition, detailing his proposal to install Limited Video Lottery (LVL) machines in the unused portion of the Z-Brick Pizza restaurant location. The restaurant is take-out and delivery only, dine-in is not an option; therefore, a significant portion of the structure is unused. Mr. Raines explained the intent is not to be a traditional bar, the plan is for the door to remain locked during operating hours, but regulations with the city and state require a license for on-site alcohol consumption to operate an LVL. He also mentioned that the location used to be a bar several years ago.

*Mr. Anderson* – What is the minimum distance a bar may be located to a religious institution and how is the distance measured?

Mr. Raines stated the minimum distance is 300 feet. Ms. Hernandez confirmed that the distance is 300 feet, but informed the Board that this is a state requirement and the city does not regulate state bar distance regulations. *Mr. Anderson* inquired as to how the state feels about the locations proximity to the City Mission. Mr. Raines responded, saying the state will go with the decision made by the city.

There was discussion on how the distance is measure per state and city requirements. Ms. Lockman provided clarity on the different methods used by the state and the city in their measurements.

Mr. Raines informed the Board that he spoke with the Director of the City Mission, who informed him that they would not support the petition for a Bar/LVL to be located across from the mission, but they would not come out to speak against it.

*Mr. Earl* – What bar existed in this location previously?

Mr. Raines named the bar as Club Deception.

*Mr. Anderson* – How do you plan to satisfy the distance requirements with the state?

Mr. Raines explained that he did not believe the City Mission to be a religious institution as they do not provide church services. *Mr. Anderson* made note of the deeply religious undertones of their work and asked legal for their interpretation of the use.

Ms. Hernandez detailed her research into the definition of a religious use and determined that the City Mission is considered a religious use as it is ancillary to a religious use.

Sam St. Clair, neighboring property owner, confirmed that this location has been a bar in the past, and stated that prior owners have not been good neighbors, frequently leaving the area littered after the weekends. He made note of the at risk population and services provided for them in the area, and expressed displeasure that the City Mission did not come out to speak against the petition and the negative impact the use would have on the people they serve.

*Ms. Proctor* closed the public hearing and discussion ensued.

*Mr. Anderson* expressed apprehension approving a bar so close to the City Mission.

*Mr. Earl* shared in this concern, adding that he finds it challenging to not think about the Bar request and the LVL request separately. He suggested that the area of the petition is already in distress and does not believe that a bar providing LVL was a good idea.

*Mr. Anderson* made a motion to **approve** BZA 22-05; *Ms. Proctor* seconded the motion.

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

BZA petition for a **Conditional Use** was **denied** with a vote of 0 Yes to 3 No.

**BZA 22-06**

A petition for a Special Permit to allow for a Limited Video Lottery Establishment in an I-1 Light Industrial District.

**BZA 22-07**

A petition for a variance to allow a Limited Video Lottery Establishment to be closer than the required minimum distance from a religious institution.

A petition for a variance to allow a Limited Video Lottery Establishment to be closer than the required minimum distance from another establishment offering Limited Video Lottery.

The property is located at 1037 7<sup>th</sup> Ave.

*Petitioner:* Jeffery Raines & Benjamin R. Singer, 3828 48th Ave. S, St. Petersburg, FL


*Property Owner:* Pineda Properties, LLC, 530 5th St. Huntington, WV

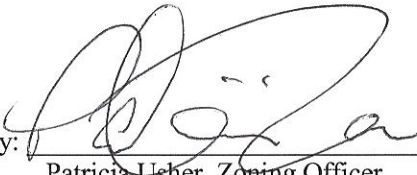
The Board discussed whether or not they could move forward with the other petitions since the Conditional Use for the Bar was denied. Ms. Lockman confirmed that a Limited Video Lottery could not be approved without the approval of the Bar. *Ms. Proctor* sought council from legal and made a formal

determination that the denial of the Conditional Use for a Bar rendered the other petitions moot; therefore, they would not be heard.

The meeting concluded at 5.55 p.m.

Date approved: March 15, 2022

Chairperson:   
C.W. Dolin, Chair

Prepared by:   
Patricia Usher, Zoning Officer