

Minutes
City of Huntington Board of Zoning Appeals
January 25, 2022

A meeting of the City of Huntington Board of Zoning Appeals was held on January 25, 2022 at 5:30 p.m. in the City Hall Council Chambers. *Mr. Dolin* called the meeting to order.

Members Present: Lee Canup, C.W. Dolin, Howard Anderson

Members Absent: Jacqueline Proctor, Dan Earl

Staff Present: Breanna Shell, Planning Director
Janney Lockman, Planner
Patricia Usher, Zoning Officer
Scott Damron, City Attorney

Hearing no corrections or objections, *Mr. Dolin* approved the December Minutes.

Hearing no corrections or objections, *Mr. Dolin* approved the Orders.

BZA 22-01

A petition for a variance to the side yard setback requirements in an I-2 Heavy Industrial District. The project is at the northwest corner of Guyan Ave. and 26th Street.

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

Paul Testani presented the petition, explaining to the Board that Rubberlite abandoned a portion of the right-of-way and has plans to increase the size of their facility by 2,000 sq. ft. into the abandoned portion of land. The structure is located at the end of a dead end road that leads to the river. The expansion would only take over a portion of the grassy area between the building and the road leaving a small portion of green space.

Mr. Dolin – When will construction begin?

Mr. Testani explained the demolition has already taken place for some of the buildings and hopes that the reconstruction will occur as soon as possible.

Ms. Lockman presented the Staff Report.

Mr. Dolin closed the public hearing and discussion ensued.

Mr. Anderson spoke of Rubberlite as being good neighbor to the city over the years and is in favor of approving the variance request.

Ms. Canup made a motion to **approve** BZA; *Mr. Anderson* seconded the motion.

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

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

BZA 22-03

A petition for a variance from the height limitations of Article 1327.02 to build a four (4) story building in a C-1 Neighborhood Commercial Zone. The property is located at 1524 10th Avenue.

Petitioner: Barnett Commons L.P. 115 S. High St. Suite 200 Dublin, OH

Property Owner: City of Huntington Land Bank 800 5th Ave. Huntington, WV

Sean McMickle, Spire Development, presented the petition, explaining to the Board the plans for a four-story senior independent-living facility and a three-story single-family apartment building complex. The addition of a fourth floor for the senior living structure would assist in off-setting the cost of development and preserve green space for the residents and pervious surface for water runoff.

Ms. Canup – Has there been any community input and what kind of input have you received?

Mr. McMickle stated the property is owned by the Huntington Land Bank, so there have been extensive conversations with the development department regarding the Hal Greer project and how the project could enhance the goals of the redevelopment, specifically concerning the realignment of 10th Avenue and the improvement of the sidewalk and streetscape to enhance walkability of area. The plans presented to the Board are a product of those conversations.

Mr. Anderson – Please elaborate on the targeted senior residents, who will manage the property, do tenants receive public assistance, and has there been a market study done to determine the need for this type of housing?

Mr. McMickle provided greater details of the development. Twenty-three units will be reserved for senior citizens 55 and up; an independent property management company will be hired to maintain the units, but Spire will be the long-term owner of property, there are no intentions to build then sell the property; a market study has been conducted and shows that independent living facility are in demand; all tenants will be responsible for their own rent, the tax credit for the project limits the amount of rent that may be charged.

Ms. Canup – Do you have any examples of other similar projects in the area?

Mr. McMickle stated this would be the first project they have done in Huntington, but not in the state. He listed Parkersburg, Charleston, and St. Albans, and mentioned several projects have taken place throughout the Midwest.

Cathy Burns, Development Director of Huntington, provided background on the property, informing the Board the property has been vacant since 2018 and the city has been responsible for maintaining. In 2019, a neighborhood master plan for Fairfield was done that listed the senior housing as a future need for the community, siting key amenities that make the neighborhood desirable for this demographic; healthcare services, public transportation, recreation, and food services. She highlighted several facts from the market study relevant to the project, such as housing that caters to seniors is projected to increase. Ms. Burns detailed the city's efforts to reaching out locally to sell the property. In 2021, Spire reached out with their interest to develop the property and has been working with the city on plans. She concluded by assuring the Board that references were called prior to discussing any plan with the company, and all references came back good.

Ms. Lockman presented the Staff Report.

Bill St. Clair, Huntington Realty Corporation, presented the Board with a packet detailing his objections to the variance requests. His objections are: whether there is standing for Spire to request a variance as they do not own the property; the BZA, being a Mayor appointed body, creates a conflict of interest for

voting on a petition for a property owned by the city; there has been no hardship demonstrated; and the development is inconsistent with the comprehensive plan.

Sam St. Clair, Huntington Realty Corporation, spoke of the demolition of Northcott; claimed that the petitioner is required to provide low-income housing for the project as part of the tax credit; is convinced the petitioner intends to construct the buildings with poor quality materials; and insisted that the tax payers should not have to pay for design plans.

Sandra Clements, former City Councilperson, informed the Board that the community and residents of Fairfield were not consulted about the project and believes the development should be harmonious with the community. She also questioned what the rate of rent would be as the rates have not been listed for reference.

Mr. Dolin closed the public hearing and discussion ensued.

Mr. Anderson – I would like comment from staff about the quality of the building, as I do not want low quality housing in the city either.

Ms. Lockman assured the Board that the C-1 District has design standards for building façade and the structures will have to meet all building codes.

Ms. Canup clarified her earlier inquiry about community involvement; inquired as to whether or not the green space would be reduced if the height variance were denied; and asked if there was an estimate as to what the green space would be if it had to be reduced.

Ms. Lockman informed the Board that community outreach is not a requirement for any development in the city and as such is not a requirement for this project.

Mr. McMickle confirmed that a redesign of the space, if the height variance were denied, would reduce the green space provided. There is currently 33% green space provided and a redesign could reduce that by half.

Ms. Canup expressed her struggle with potentially reducing the green space.

Mr. Dolin expressed his struggle with denying the petition as the university and hospital continue to spread and dwarf the neighborhood.

Mr. Anderson expressed his hopes that a quality development on the main road will encourage more quality development and attract a buyer for the Northcott property.

Mr. McMickle explained to the Board that they do have a legal right to the property as they are in a purchase agreement which gives them the right to pursue variances for development and assured the Board that the Land Bank did sign off on the variance application. He explained an independent assessment was conducted and are they are paying market price for the property. He assured the Board they are heavily invested in the property and the community and are not receiving a free ride.

Ms. Canup made a motion to **conditionally approve** BZA 22-03 with the condition that the existing site plan presented be utilized; *Mr. Anderson* seconded the motion.

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

BZA petition for a **variance** was **conditionally approved** with a vote of 2 Yes to 1 No.

BZA 22-04

A petition to provide fewer parking spaces than required for multi-family housing by Article 1343.A. Per the requirements, 51 spaces would be required. 26 spaces are proposed. The property is located at 1524 10th Avenue.

Petitioner: Barnett Commons L.P. 115 S. High St. Suite 200 Dublin, OH

Property Owner: City of Huntington Land Bank 800 5th Ave. Huntington, WV

Mr. McMickle presented the petition, explaining that the reduction in parking is needed to make the project financially feasible for multi-family and senior housing. He also address concerns about the property being used for senior housing, assuring the Board they are bound by law to only rent to seniors as a long term deed restriction. Mr. McMickle justified the reduction in parking by noting the preserved green space and the location along a public transportation route and explained that projects in other areas ended up with too much parking.

Mr. Anderson – Could you clarify the statement you made about normally designing with one space per unit and what you have proposed here?

Mr. McMickle’s experience in other communities, which required one space per unit, has shown to be too much parking for this type of development. The current plan is two spaces for each of the multi-family unit – six units, twelve spaces – and one space for every four units for the senior housing – twenty-six units, fourteen spaces. *Mr. Anderson* suggested that one space for each senior unit would be better.

Ms. Lockman presented Staff Comments regarding parking regulations in the city and the research conducted into how other areas calculate parking for senior living.

Mr. Anderson – Are adequate turn lanes in line with Hal Greer project?

Ms. Lockman confirmed the current plans do take into account the Hal Greer project and the redesign of the road.

Ms. Clements assured the Board that seniors do drive, made comment on the inadequate public transportation system in Huntington; and pointed out there is no grocery store in the Fairfield neighborhood.

Bill St. Clair is skeptical about the deed restriction, believing it would restrict future development of the property and stymie development of the entire corridor. He alleges the developers did not taken into account nonresidents visiting, such as health care professionals. He suggests acquiring more property to facilitate extra parking, and questioned again how much they paid, believing that the petitioner is getting a low price and has the funds to purchase other properties. He concludes his remarks stating the development does not meet the goals of the Comprehensive Plan for the Fairfield neighborhood.

Sam St. Clair declared himself a frequent developer of low income housing in Huntington; therefore, believes the developers are taking advantage of “low hanging fruit; an easy steal on good property on a main thorough fare, where they are going to lump people in a tight box and put them up against the busiest street in the community”. Mr. St. Clair believes that the developers are dishonest in the portrayal of the tax credit they received and are taking advantage of the Fairfield community.

Teresa Johnson, City Council member for Fairfield, is concerned about the children who frequent the AD Lewis center due to ingress and egress of cars, speeding, and where the cars will park if the lot is full.

Mr. Dolin closed the public hearing and discussion ensued.

Mr. Anderson suggested that the Board postpone their decision to allow time for the petitioner to meet with the community and come up with a plan that compromises what the developer needs and what the community is concerned about.

Ms. Canup reiterated concerns about too much or too little parking, but felt she would be fine to vote this evening.

The Board discussed whether to postpone or vote on the decision and what impact this would have on their prior decision and the conditions attached.

Mr. Anderson made a motion to **postpone** BZA 22-04 and allow the developers and the community time to discuss a compromise; the motion died without a second.

Ms. Canup made a motion to **approve** BZA 22-04; *Mr. Anderson* seconded the motion.

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

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

The meeting concluded at 7:15 p.m.

Date approved: Feb 15, 2022

Chairperson: *Joseph A. Proctor*
C.W. Dolin, Chair

Prepared by: *Patricia Usher*
Patricia Usher, Zoning Officer

J. Proctor-Kerr, Chair