

**Minutes  
City of Huntington Board of Zoning Appeals  
January 16, 2024**

A meeting of the City of Huntington Board of Zoning Appeals was held on January 16, 2024 at 5:30 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

Members Absent: Dan Earl & Sara Loftus

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

*Ms. Shell* explained petitions BZA 23-C-32 to BZA 23-V-36 needed a continuance as the petitioner could not make the meeting due to inclement weather.

*Mr. Yates* made a motion to approve continuance. *Ms. Browning* seconded motion.

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

BZA continuance was approved with a vote 3 Yes to 0 No.

*Ms. Proctor* opened the floor for Chair and Vice Chair nominations. *Ms. Browning* motioned for *Ms. Proctor* as Chair. *Mr. Yates* seconded nomination.

All were in favor, *Ms. Proctor* was reelected as Chair.

*Ms. Proctor* nominated *Mr. Earl* for Vice Chair. *Mr. Yates* seconded nomination.

All were in favor, *Mr. Earl* was reelected as Vice Chair.

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

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

**BZA 23-C-30**

A petition for a conditional use to permit a self-storage development in the I-1 Light Industrial/Commercial District. The property is located at Wayne County Tax District 6, Map 5, Parcels 132, 133, 100, and 101.1 and are located within the southwestern 4600 block of Piedmont Road near the intersection with Elm Street and includes 4711 Piedmont Rd.

*Petitioner/Property Owner*: Brian Browning, 5821 E. Pea Ridge Rd., #19, Huntington, WV 25705.

Brian Browning, 5821 E. Pea Ridge Rd., expressed the reasoning for building a self-storage development at that location.

*Ms. Proctor* questioned the amount of units at this site. Mr. Browning confirmed 175 units.

*Ms. Proctor* questioned the involvement of parking at the site. Mr. Browning alluded to 9 vehicular parking spots will be available by the office and the rest of the lot will be paved to service the function of the development.

*Ms. Proctor* questioned if the development will be operating 24-7. Mr. Browning confirmed the development will be accessible 24-7 with keyed entrance and normal office operations from 9:00AM to 5:00PM. Additionally, emergency service calls will be available to customers.

*Mr. Yates* questioned if there will be vehicle storage allowed. Mr. Browning confirmed no vehicle storage will be offered.

*Ms. Proctor* mentioned the idea of truck rentals. Mr. Browning announced he would not be able to offer this service at this time due to the zoning code.

*Mr. Yates* wondered if this project would be constructed in phases. Mr. Browning confirmed this is the case. Due to the environment of the project he thinks a phased approach would be better for construction.

*Ms. Proctor* questioned additional security measures at the site. Mr. Browning confirmed there will be security cameras and lighting.

*Ms. Proctor* asked if Mr. Browning has talked with neighbors about project. Mr. Browning stated he talked to neighbors and those parties were okay if not supportive of the development.

*Ms. Browning* made a motion to approve BZA 23-C-30. *Mr. Yates* seconded motion.

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

BZA petition was approved with a vote 3 Yes to 0 No.

### **BZA 23-V-31**

A petition for a variance to the minimal transparency requirement for the front façade of a building in the I-1 Light Industrial/Commercial District. The property is located on 1502 Madison Ave. at the northwest intersection of Madison Avenue and 15th Street West.

*Petitioner/Property Owner*: Ashley Stewart, Ashley Claire Stewart Revocable Trust, 17 Washington Ave., Huntington, WV.

Carl Eastham, 340 1<sup>st</sup> St., represented the petition and explained the reasoning for the variance. He stated he misunderstood the transparency requirement associated with the removal of the garage door.

*Ms. Shell* provided a background to this petition.

*Ms. Proctor* expressed concerned with lighting around LVL (Limited Video Lottery). Mr. Eastham explained there will be different types of lightning and a buzzer for entry.

*Ms. Proctor* questioned about parking. Mr. Eastham explained in the rear there will be employee parking and in the front parking for patrons. Parking in the front will allot for 6 spots.

*Ms. Browning* questioned lighting in the rear. *Mr. Eastham* confirmed lighting will be around the building.

*Ms. Proctor* complimented the work that has done at 1502 Madison Ave.

*Mr. Yates* made a motion to approve BZA 23-V-31. *Ms. Browning* seconded motion.

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

BZA petition was approved with a vote 3 Yes to 0 No.

**BZA 23-V-41**

A petition for a variance to exceed the height requirement for a fence in the front yard of a residential property in the R-5 Multi-family Residential District. The property is located at 210 6th Ave.

*Petitioner/Property Owner*: Anthony C. Almeida, 210 6th Ave., Huntington, WV 25701.

*Ms. Shell* explained the meeting has been moving faster than anticipated and asked if the petition may be moved to the end of the meeting.

*Ms. Proctor* asked board for permission to move petition to the end of the agenda. *Mr. Yates* made a motion to move BZA 23-V-41. *Ms. Browning* seconded motion.

All were in favor, BZA 23-V-41 was moved to the end of the agenda.

**BZA 23-C-42**

A petition for a conditional use to permit a banquet hall in the C-1 Neighborhood Commercial District. The property is located at 919 8<sup>th</sup> St.

*Petitioner*: Haley Collins-Preston, 914 11<sup>th</sup> St., Huntington, WV 25701.

*Property Owner*: Melanie Mansour, 919 8<sup>th</sup> St., Huntington, WV 25701.

*Mr. Williams* presented the Staff Report.

Haley Collins-Preston, 914 11<sup>th</sup> St., explained her reasoning for wanting a banquet hall at the facility. As a part of her business model, she wants to provide an outlet to provide for private events as well as ones open to the community through her business. Additionally, her business, The Space on 8<sup>th</sup>, would provide aesthetician-based services including teeth whitening, spray tans, etc.

*Ms. Proctor* questioned the capacity of the unit *Ms. Collins-Preston's* business is in. *Ms. Collins-Preston* stated the space can hold 30 to 40 occupants.

*Ms. Proctor* asked if *Ms. Collins-Preston* has operated an event space in the past. *Ms. Collins-Preston* stated this would be her first time running an event space.

*Ms. Proctor* questioned if we (the City) have concerns with capacity of the unit The Space on 8<sup>th</sup> is operating in. *Ms. Shell* responded stating building and fire code will probably give a maximum occupancy rate after inspection. Additionally, *Mr. Williams* stated that inspection will be a part of a series of inspections to obtain a Certificate of Occupancy to open for business.

*Ms. Browning* wondered how *Ms. Collins-Preston* will operate the other side of her business when an event is going on. *Ms. Collins-Preston* responded by stating the aesthetician side of her business is being done by renting booths to other aestheticians. Her room is the only room at the front entrance of the unit. Booths are located in the back of the unit with a separate entrance and a barn door separating this general area from the event space.

*Mr. Yates* expressed concern with parking. *Ms. Collins-Preston* stated there is shared parking in the front of the commercial center, public parking along 8<sup>th</sup> Street, and parking along the back of the complex in the alley.

*Ms. Proctor* stressed having a hard time imaging an event space that would involve food and drinks being mixed with aesthetician-based services. *Ms. Collins-Preston* explained for her there is separation in the unit itself. The booth area and event space are ran separately and feel isolated from each other in nature. The only place there would be some mixing would be in her room as it is in the front of the unit due to foot traffic.

*Ms. Browning* made a motion to approve BZA 23-C-32. *Mr. Yates* seconded motion.

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

BZA petition was approved with a vote 3 Yes to 0 No.

#### **BZA 24-01**

A petition for a variance to reduce the transparency requirement for the ground floor of a commercial property in the C-3 Central Business District. The property is located at 410-414 10<sup>th</sup> St.

*Petitioner*: Jason Farley, 410 10<sup>th</sup> St., Huntington, WV.

*Property Owner*: L Y Investments Inc., P.O. Box 2662, Huntington, WV.

*Ms. Shell* reads Staff Report.

Jason Farley, 410 10<sup>th</sup> St., explained the reasoning for this variance. His concern is the front façade which consists mainly of glass as someone recently fell through it. As a result, Mr. Farley would like to replace the glass filled façade with two double glass doors and a stucco wall as a safety precaution.

*Mr. Yates* questioned the transparency of the glass façade. Mr. Farley confirmed you cannot see out of the building through the windows. He stated they are like shadowboxes.

*Ms. Proctor* questioned Mr. Farley's ownership in the bar. Mr. Farley stated he only owns a part of the business.

*Ms. Proctor* stressed safety is important. Additionally, she noted as someone who is a neighbor of Sharkey's, noise and intoxicated patrons are an issue as some patrons have gotten rowdy. As a result, she has seen where patrons have been thrown in the glass façade. She sees potential but would not like the current situation to be an example of Downtown Huntington. Mr. Farley assured with the reconstruction of the front façade he plans on insulating it to prevent sound traveling outside from the bar itself.

*Ms. Proctor* questioned if anything else could be done with the front façade of the building to give it more transparency. *Ms. Shell* explained there is wiggle-room in order to get closer to the minimum 70% transparency threshold, currently Mr. Farley is at 64% transparency.

The *Board* questioned if it was possible to approve this petition with the condition of Mr. Farley having to reach 67% transparency. *Ms. Hernandez* and *Ms. Shell* agreed the condition can be worded as transparency must reach 67% or an additional 7 square feet must be added.

*Mr. Yates* made a motion to approve BZA 24-01 under the condition the minimum transparency is 67% or an additional 7 square feet must be added which can include doors and windows. *Ms. Browning* seconded motion.

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

BZA petition was conditionally approved with a vote 3 Yes to 0 No.

**BZA 24-02**

A petition for a conditional use to permit the redevelopment of a closed school in the R-1 Single-family Residential District. The property is located at 1899 James River Rd.

*Petitioner:* Courtney Proctor Cross, 216 11<sup>th</sup> Ave., Huntington, WV.

*Property Owner:* Western West Virginia Animal Rescue Alliance, 216 11<sup>th</sup> Ave., Huntington, WV.

Ms. Shell presented the Staff Report.

Courtney Proctor Cross, 216 11<sup>th</sup> Ave., explained this petition is needed to expand the operations of the animal shelter. The petition is needed because this property is the former Cook School. Ms. Proctor Cross had no clue a conditional use was needed as the prior use of this site was for animal activities. Plans are for this site to be used for animals and an educational facility. A portion of this property will have indoor and outdoor facilities for animals and another part of this property will house operations for an animal clinic including a mobile unit in partnership with Mountwest Community and Technical College. Activity will remain across the street at the present animal shelter. Ideally, this conditional use would allow plans to move forward to allow the animal shelter to tend to the needs of their animals. Talks occurred last year with the Public Works Director to get a crosswalk installed. Additionally, gravel has been laid temporarily in the front yard so the building can be accessed. Lastly, one of the neighbors expressed gratuity personally towards this project to Ms. Proctor Cross.

*Mr. Yates* complimented Ms. Proctor Cross on the renovation work that has been done to the former Cook School. Ms. Proctor Cross reiterated the condition was pretty bad when the building was acquired.

*Ms. Proctor* was concerned with sound pollution and the future of the gravel lot. Ms. Proctor Cross explained sound will not be a problem as traffic from the interstate drowns out any noise that would come from this property. Additionally, Ms. Proctor Cross does not know what this area will be in the future but will figure it out.

*Ms. Proctor* questioned the location of parking to adopt and look at animals. Ms. Proctor Cross explained 2 to 3 vehicular spots will be placed at the former Cook School and, if needed, people can walk over from the current animal shelter.

*Ms. Proctor* wondered why the Staff Report mentioned bike parking. Ms. Shell explained there are both bike and vehicle parking requirements for developments. The Planning and Zoning Department wanted to highlight pedestrian traffic in the area. Additionally, there has been conversations to connect this property to the PATH (Paul Ambrose Trail for Health) Network due to the amount of bike and pedestrian traffic.

*Mr. Yates* expressed gratitude towards the proposed use and the location of the future facility.

*Mr. Yates* made a motion to approve BZA 24-02. *Ms. Browning* seconded motion.

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

BZA petition was conditionally approved with a vote 3 Yes to 0 No.

**BZA 24-03**

*Issue 1:* A petition for a variance to exceed the one driveway maximum threshold for a residential property in the R-1 Single-family Residential District. The property is located at 701 13<sup>th</sup> Ave.

*Petitioner/Property Owner:* Jay Michaels, 701 13<sup>th</sup> Ave., Huntington, WV.

**BZA 24-04**

*Issue 2:* A petition for a variance to exceed the maximum width of a single-lane driveway.

Ms. Shell presented the Staff Report.

Jay Michaels, 701 13<sup>th</sup> Ave., explained he and his wife wanted to create a driveway that serves primarily as a beautification project and secondarily as a way for their elderly parents to easily access the home.

*Ms. Browning* questioned why the driveway is 28 feet in width as the pathway is designed in a circular fashion. Mr. Michaels specified he thinks with a design focus and wanted plenty of room for efficient functionality. To him the design looks good to the eye. Ms. Shell explained how she calculated the measurements provided in the Staff Report. In the course of the conversation it was noted that the calculation is showing 28 ft. between the two sections of the circular driveway so the width of each side is actually 14 ft. Mr. Michaels added he took into consideration the looks of neighboring driveways and the crushed-gravel material he plans on using for the driveway in his design.

*Mr. Yates* questioned if the individuals with mobility limitations live with him. Mr. Michaels confirmed they only come to visit.

*Ms. Proctor* alluded to only dwellers parking in the driveway. Mr. Michaels confirmed this to be the case most of the time if allowed. *Ms. Proctor* responded with the concern of having objects such as boats being parked in this driveway. Mr. Michaels explained that won't be the case.

*Ms. Proctor* questioned why the driveway is not being bricked. Mr. Michaels responded the crushed gravel is preferred due to aesthetics and desiring to use a porous material because of rainfall, particularly runoff. Additionally, he will be installing a fountain in the center if he has enough funds available after finishing the driveway.

*Ms. Proctor* wondered if there was an issue with the concrete lip coming from the street. Ms. Shell explained per Public Works, Mr. Michaels will be compliant. The lip has been placed to prevent gravel being pushed onto the street.

Carrie Wallace, 705 13<sup>th</sup> Ave., spoke in support of these petitions. As a contractor, she sees where the existing driveway along 7<sup>th</sup> Street may not be functional as it is on a slope and requires someone walking up the stairs to access the home. This is compared to the new driveway Mr. Michaels and his wife are building off of 13<sup>th</sup> Avenue. Additionally, she is happy to see a proper curb cut has been done and complimented the design of the driveway. Lastly, she added a nearby property has been turned into apartments and a driveway was installed potentially without the City's approval which has caused parking issues in the neighborhood.

Richard Lykins, 704 13<sup>th</sup> Ave., spoke in support of these petitions. He thinks the driveway will look nice and complimented the homeowners as well as their work on the property thus far.

Sandra Hickman, 702 13<sup>th</sup> Ave., spoke in support of these petitions. As a nurse, she sees the value in making a safe entrance for the elderly. The existing driveway along 7<sup>th</sup> Street is sloped, has adjoining uneven steps leading to the entrance of the house, and a curb to go over. The new driveway has even egress and ingress and only a couple of steps must be climbed to enter the home.

Laura Malarkey, 633 13<sup>th</sup> Ave., spoke in support of these petitions. She stated the homeowners have done a lot to improve the property. Additionally, she has collected several signatures to prove neighbors support this driveway being built. Lastly, she sees the driveway for the front entrance addressing a mobility issue when examining the current driveway along 7<sup>th</sup> Street.

Mike Malarkey, 633 13<sup>th</sup> Ave., spoke in support of these petitions. He explained once you get past 11<sup>th</sup> Avenue (he alluded if traveling in a southward direction) there are no stop signs. Drivers speed down 13<sup>th</sup> Avenue: having this driveway would allow people entering the home to have a safe place to park.

Kat Michaels, 701 13<sup>th</sup> Ave., spoke in support of these petitions. She added to the discussion that the extra width for the driveway is helpful for people entering from the road.

Lastly, Ms. Shell added we received a phone call from a neighbor expressing support for these petitions. Another neighbor, Scott Stapleton, sent an email to the Planning and Zoning Department expressing gratitude towards the driveway project and homeowners. Also, an individual had expressed dissatisfaction to the Planning and Zoning Department regarding these petitions but no statement was submitted.

*Ms. Proctor* was curious about regulation with instituting concrete for erosion control. *Ms. Shell* confirmed a concrete buffer is required to prevent gravel from getting into the street.

*Mr. Yates* made the motion to approve BZA 24-03. *Ms. Browning* seconded motion.

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

BZA petition was approved with a vote 3 Yes to 0 No.

*Ms. Browning* made the motion to approve BZA 24-04. *Mr. Yates* seconded motion.

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

BZA petition was approved with a vote 3 Yes to 0 No.

#### **BZA 24-05**

A petition for a variance to allow for parking to occur in the front yard of a new multi-family/townhouse development in the C-1 Neighborhood Commercial District. The property is located at 121 and 135 Norway Ave.

*Petitioner:* Nicholas Goff, 226 Seneca Rd., Huntington, WV, 25075

*Property Owner:* Aventus Development LLC, 226 Seneca Rd., Huntington, WV, 25075

Nicholas “Nick” Goff, 226 Seneca Rd., explained he is petitioning for this variance to allow parking in the front yard of the townhouse complex he is building. He added rear parking won’t work on the property and with the layout of the site, front yard parking is suited better for the vision.

*Ms. Proctor* questioned the allotment of units on the site. *Mr. Goff* stated there will be 8 units with 4 more across the street in the future.

*Ms. Shell* presented the Staff Report.

*Ms. Proctor* wondered if some units could be placed along Norway Avenue and other units along Edison Drive. *Mr. Goff* explain him and *Ms. Shell* have attempted to alter the site plan in various ways. This was the best choice out of all the layouts created.

*Ms. Proctor* expressed ingress and egress as it has been noticed drivers surpass the speed limit along Norway Avenue.

*Mr. Yates* complimented *Mr. Goff* on the design of some of his other developments.

*JT Maisel*, 109 Edison Dr., spoke with a neutral opinion towards the petition. He was curious as to where he would find the information for *Mr. Goff*’s project. *Ms. Hernandez* provided information to *Mr. Maisel*

about this petition and project proposal. Additionally, Mr. Goff introduced himself to Mr. Maisel and stated if Mr. Maisel and his wife do not want him to build, he will not create the development.

*Mr. Yates* made the motion to approve BZA 24-05. *Ms. Browning* seconded motion.

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

BZA petition was approved with a vote 3 Yes to 0 No.

**BZA 23-V-41**

A petition for a variance to exceed the height requirement for a fence in the front yard of a residential property in the R-5 Multi-family Residential District. The property is located at 210 6th Ave.

*Petitioner/Property Owner*: Anthony C. Almeida, 210 6th Ave., Huntington, WV 25701.

*Mr. Williams* explained *Mr. Almeida's* wife had left a voicemail informing us he would not be able to attend the meeting as he was held up at work.

*Ms. Browning* motioned to move BZA 23-V-41 to the February meeting. *Mr. Yates* seconded motion.

All were in favor, BZA 23-V-41 was moved to the February meeting.



**Good and Welfare**

*Ms. Shell* appreciated everyone coming out, stated we will have a February meeting, and introduced the City's new Senior Planner, *Ms. Stephanie Petruso*.

*Ms. Proctor* wondered about the Annual Report and Comprehensive Plan update. *Ms. Shell* stated there is a plan in place for the Annual Report to be a part of the packet for the February meeting. Additionally, *Ms. Shell* explained we recently had a Steering Committee meeting and will discuss results and ideas with consultants. An update will be provided in the future.

*Ms. Proctor* adjourns the meeting at 8:18 p.m.

Date approved: Feb 20, 2024

Chairperson:  Prepared by:   
Jacqueline Proctor, Chair Cade Williams, Planner II