



Agenda

Huntington Board of Zoning Appeals
Tuesday, January 16, 2024 - 5:30pm

1. Call to Order
2. Roll Call
3. Approval of the November 2023 Minutes
4. Approval of the November Orders
 - BZA 23-C-38
 - BZA 23-V-39
 - BZA 23-C-40
5. Election of Chair and Vice Chair
6. Old Business
 - a. October 2023

BZA 23-C-30

Issue: 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

BZA 23-V-31

Issue: 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.

BZA 23-C-32

Issue 1: A petition for a conditional use to permit a bar to be located in the C-2 Highway Commercial District.

Petitioner: Sherry Kipp, 1713 Chestnut St., Kenova, WV

Property Owner: Ronnie Myers, P O Box 2885, Huntington, WV

Property Location: 2333 Adams Ave.

BZA 23-C-33

Issue 2: A petition for a variance to the distance requirement between a residential area and a limited video lottery location.

BZA 23-V-34

Issue 3: A petition for a variance to the distance requirement between two limited video lottery locations.

BZA 23-V-35

Issue 4: A petition for a variance to the distance requirement between a church and a limited video lottery location.

BZA 23-V-36

Issue 5: A petition for a conditional use to permit a limited video lottery to be located in the C-2 Highway Commercial District.

b. December 2023

BZA 23-V-41

Issue: 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 Avenue.

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

BZA 23-C-42

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

Petitioner: Haley Collins-Preston, 914 11th St., Huntington, WV 25701.

Property Owner: Melanie Mansour, 919 8th St., Huntington, WV 25701.

RECESS

7. New Petitions

BZA 24-01

Issue: 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 10th St.

Petitioner: Jason Farley, 410 10th St., Huntington, WV.

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

BZA 24-02

Issue: 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 11th Ave., Huntington, WV.

Property Owner: Western West Virginia Animal Rescue Alliance, 216 11th Ave., Huntington, WV.

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 13th Ave.

Petitioner/Property Owner: Jay Michaels, 701 13th Ave., Huntington, WV.

BZA 24-04

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

BZA 24-05

Issue: 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 Avenue.

Petitioner: Nicholas Goff, 226 Seneca Road, Huntington, WV, 25075

Property Owner: Aventus Development LLC, 226 Seneca Road, Huntington, WV, 25075

8. Announcements/Discussion
 - a. Annual Report Update
 - b. Comprehensive Plan update
 - c. Hiring
9. Adjournment

**Minutes
City of Huntington Board of Zoning Appeals
November 21, 2023**

A meeting of the City of Huntington Board of Zoning Appeals was held on November 21, 2023 at 5:30 p.m. in the City Hall Council Chambers. *Mr. Earl* called the meeting to order.

Members Present: Dan Earl, Gina Browning, Izzy Cross, Sara Loftus

Members Absent: Jacqueline Proctor, Steven Yates

Staff Present: Cade Williams, Planner II
Bre Shell, Planning Director
Sam Ransbottom, Assistant City Attorney

Hearing no corrections or objections, *Mr. Earl* approved the October Minutes, and all present were in favor.

Hearing no corrections or objections, *Mr. Earl* approved the October Orders, and all present were in favor.

BZA 23-C-38

A petition for a conditional use to permit for a tattoo parlor to be established in the C-3 Central Business District. The property is located at 1111 4th Avenue.

Petitioner: Golden Dagger LLC/John Thompson, 503 County Road 115, Chesapeake, OH 45619

Property Owner: Marshall Matters LLC, P.O. Box 8176, Huntington, WV 25701

Ms. Shell presented the Staff Report.

John Thompson, 503 County Road 105, expressed he would like to move to this location as his business needs more space.

Mr. Earl questioned the sanitary requirements needed to be met. Ms. Shell referred to the acknowledgment of the requirements needed to be met with the local health department. Mr. Earl questioned beautification efforts mentioned in staff report. Ms. Shell emphasized the active storefront of this business in terms of its appearance as the board does not know what the aesthetics will be until the business opens.

Ms. Browning – Are you going to be able to have people to see tattooing from the window?
Mr. Thompson explained their logo will be on the window and art in the background. He confirmed it will be hard to see customers being tattooed.

Ms. Cross – Are you going to try to recreate what you did on 20th Street?
Mr. Thompson confirmed this is the idea on a larger scale.

Ms. Cross questioned fundraising idea. Mr. Thompson explained he wants to design his tattoos and part of his business around fundraising initiatives to help the community.

Ms. Loftus makes a motion to approve BZA 23-C-38. Ms. Browning seconds motion.

Roll Call BZA: Ms. Cross, Yes; Ms. Loftus, Yes; Ms. Browning, Yes; Mr. Earl, Yes.

BZA petition was approved with a vote 4 Yes to 0 No.

BZA 23-V-39

A petition for a variance for a 6 ft. high fence in the area considered the front yard of a house in an R-2 Single-family Residential District. The property is located at 1116 3rd Street West.

Petitioner/Property Owner: Justin Livingood, 1116 3rd Street W, Huntington, WV 25701

Ms. Shell presented the Staff Report.

Justin Livingood, 1116 3rd Street W, expressed he had no clue until earlier today that the permit issued for the fence was done in error as it is in the public right-of-way. He mentioned he did not want to do any modifications to the fence until he could add additional wooden plats. He also provided to the board examples of fencing in the city where fencing is in the public right-of-way. He stressed the fencing was installed as a security and privacy measure, including for his children.

Chuck McGill, 101 Belford Avenue, expressed support for this petition. He stated he was happy to hear this fencing project was great news to him. He added Mr. Livingood has made various improvements to his property that has made the neighborhood look good. He acknowledged the need for a privacy fence for his children to have a safe place to play in as a parent.

Jenna Misiti, 1200 3rd Street W, expressed support for the petition and thinks the project looks great. She is a neighbor of Mr. Livingood. She was confused on why this fence should have not been permitted and alluded as a parent she would want children to have the opportunity to have a safe area to play in.

Travis Austin, 331 11th Avenue W, expressed support for the petition. He agreed with the viewpoints of other supporters. He mentioned the sidewalk (in the public right-of-way) was interesting as sidewalks in the city are terrible and Mr. Livingood paid to have the sidewalk in front of his home repaired from his own funds.

Jennifer Wheeler, 635 Ridgewood Road, expressed her support of this petition in a typed statement. She likes his plans for the fence and personally has witnessed the improvements he has made to his property. She noted many who are directly impacted by the improvements are in support in this petition from her perspective.

Don Gossett and Jan Gossett, 323 12th Avenue W, expressed their opposition of this petition jointly in a typed statement. They are concerned with the appearance and the lack of visibility for pedestrians as well as vehicles traveling along the alley and 3rd Street W due to its height: the fence is already located on the corner of the lot.

Additionally, the Planning and Zoning Department received a call from a citizen who resides at 300 12th Avenue W expressing opposition to this petition. They spoke highly of Mr. Livingood, but had various concerns including aesthetics, visibility, and the privacy of the fence amongst other thoughts.

Mr. Earl – “Is there an obstruction to traffic as a result of the fence?”

Ms. Shell considered traveling from the alley may be a possibility but could not confirm this rationale. Additionally, Mr. Livingood added he did take this into consideration as he uses that alley to get in and out of his driveway. He was considerate of the view for travelers as he would not want anyone to put anyone in danger.

Ms. Loftus asked for clarification of the fence in terms of its proximity to the public right-of-way. Ms. Shell confirmed part of it seems to be in the public right-of-way but this can only be confirmed with a survey.

Ms. Browning questioned if the fence matches the lining of fencing on surrounding properties. Ms. Shell explained it is in close range of lining up with surrounding fences.

Ms. Loftus makes a motion to approve BZA 23-V-39 with the condition the fence is moved if it is in the public right-of-way. Ms. Browning seconds motion.

BZA Roll Call: Ms. Loftus, Yes; Ms. Browning, Yes; Ms. Cross, Yes; Mr. Earl Yes.

BZA petition was conditionally approved with a vote 4 Yes to 0 No.

BZA 23-C-40

A petition for a conditional use to permit for a bar to be established in the C-3 Central Business District. The property is located at 418 8th Street, Suite B.

Petitioner: Jeff McKay, 419 9th Street #301, Huntington, WV 25701

Property Owner: Progress LLC, P.O. Box 8, Barboursville, WV 25504

Ms. Shell presented the Staff Report.

Jeff McKay, 419 9th Street #301, explained he would like to pursue this conditional use as he cannot participate in PODA due to the state's bartending regulations, wants to be able to provide tasting options and can only serve up three ounces of three different wines due to state law, and he plans to provide food to be compliant with state code.

Ms. Cross – “Is your main goal to participate in PODA...?”

Mr. McKay confirmed that was one of many, but he also wants to provide a café type experience. He explained the seating is available for this and patrons may consume coffee or tea if they desire.

Ms. Cross – “So if I come in to shop for a bottle of wine or beer I'll be able to taste it and go on my way?”

Mr. McKay explained a license for tasting does not exist in West Virginia and approving this conditional use would essentially allow her question to become a reality.

Ms. Loftus questioned food being served. Mr. McKay explained his business is a retail establishment first and food is being offered to be able to serve alcohol.

Ms. Cross makes a motion to approve BZA 23-C-40. Ms. Loftus seconds motion.

BZA Roll Call: Ms. Browning, Yes; Ms. Cross, Yes; Ms. Loftus, Yes; Mr. Earl, Yes.

BZA petition was approved with a vote 4 Yes to 0 No.

Good and Welfare

Ms. Browning wished a Happy Thanksgiving to all.

Mr. Earl adjourns the meeting at 6:35 p.m.

Date approved: _____

Chairperson: _____ Prepared by: _____

Jacqueline Proctor, Chair

Cade Williams, Planner II

BEFORE THE BOARD OF ZONING APPEALS, HUNTINGTON, CABELL AND WAYNE
COUNTIES, WEST VIRGINIA

BZA 23-C-38

Petitioner: Golden Dagger LLC/John Thompson, 503 County Road 115, Chesapeake, OH 45619

Property Owner: Marshall Matters LLC, P.O. Box 8176, Huntington, WV 25701

Subject Property: 1111 4th Avenue

In re: A petition for a conditional use to permit for a tattoo parlor to be established in the C-3 Central Business District.

Individual Speaking on Behalf of Petition: John Thompson

Other Interested Parties: None

ORDER

On November 21, 2023, Mr. John Thompson appeared before the City of Huntington Board of Zoning Appeals to provide testimony related to BZA 23-C-38. Other citizens were permitted to voice their positions as well, per the practice of this Board, and no one provided testimony.

FINDINGS OF FACT

After reviewing all evidence at the November 21, 2023 meeting and hearing testimony from Mr. Thompson, the Board finds as follows:

1. Mr. Thompson is the petitioner.
2. Marshall Matters LLC is the property owner.
3. Mr. Thompson currently owns a tattoo parlor called Golden Dagger, located on 20th Street.
4. Mr. Thompson wants to move Golden Dagger to this location to expand his business.
5. The business will offer piercing and tattoo services.
6. The proposed location is currently vacant.
7. Mr. Thompson intends on beautifying the storefront.
8. Pedestrians will not be able to see clients being tattooed.
9. The property is zoned in the C-3 Central Business District.

STANDARD OF REVIEW

When considering a **Conditional Use Permit**, the Board must consider:

1. The effect upon the Comprehensive Plan;
2. Public health, safety, morals, and general welfare;
3. Potential injury to the use and enjoyment of other properties in the immediate vicinity for the purposes already permitted;
4. The effect upon the normal and orderly development and improvement of surrounding properties for uses already permitted in the district;
5. Adequate provisions for utilities, access roads, drainage, and other necessary facilities; and
6. Adequate ingress and egress so designed to minimize traffic congestion in the public street.

CONCLUSIONS OF LAW

City of Huntington Ordinance Article §1320.04 requires a conditional use permit be obtained before opening a tattoo parlor in the C-3 Central Business District. Plan2025, the City's current comprehensive plan, encourages pedestrian-scale commercial growth for 4th Avenue, as well as, development that serves the university student population. Plan2025 at p. 93. We believe the proposed use satisfies the intent of the comprehensive plan by being pedestrian-oriented and a popular use among college students.

We are comfortable that the public health will be protected by the requirement of a permit from the Cabell-Huntington Health Department before obtaining a business license. *See* COH Ord. §1341.41(B). We also do not find any serious concern with any potential injury to the use and enjoyment of other surrounding properties or any negative impact to their development and improvement. The storefront as it exists now is an attractive, although vacant, addition to the area. We also appreciate that Petitioner intends to set up his parlor in a fashion that will not allow pedestrians to see tattoos being actively performed; however, we must remind Petitioner that the City's transparency requirements must be maintained on the front windows.

This use is not anticipated to have any significant impact on utilities, access roads, drainage, and other necessary facilities. Given that this use is pedestrian in scale, we do not foresee any adverse impact on traffic congestion. Therefore, it is our opinion the proposed Conditional Use is appropriate for this location.

DECISION

WHEREFORE, based upon the findings of fact from the full testimony heard at the hearing and all other documentary evidence presented, the Board **APPROVES** petition BZA 23-C-38 for a **Conditional Use**.

Within 30 days of this Order, any person aggrieved with this decision may appeal by filing a verified petition for a writ of certiorari with the circuit clerk of the county where the subject property is located.

The Clerk of the Board of Zoning appeals is directed to forward a true and correct copy of this entered Order to the petitioner and all known interested parties.

Date

Chairperson: _____ Prepared by: _____
Dan Earl, Vice Chair Ericka B. Hernandez, Attorney for the
Board of Zoning Appeals

BEFORE THE BOARD OF ZONING APPEALS, HUNTINGTON, CABELL AND WAYNE
COUNTIES, WEST VIRGINIA

BZA 23-V-39

Property Owner/Petitioner: Justin Livingood, 1116 3rd St W., Huntington, WV
Subject Property: 1116 3rd St W

In re: A petition for a variance for a 6 ft. high fence in the area considered the front yard of a house in an R-2 Single-family Residential District.

Individual Speaking on Behalf of Petition: Justin Livingood
Other Interested Parties: Chuck McGill, 101 Belford Ave, Huntington, WV
Jenna Misiti, 1200 3rd St W, Huntington, WV
Travis Austin, 331 11th Ave W, Huntington, WV

ORDER

On November 21, 2023, Mr. Livingood appeared before the City of Huntington Board of Zoning Appeals to provide testimony related to BZA 23-V-39. Other citizens were permitted to voice their positions as well, per the practice of this Board, and three people provided testimony.

FINDINGS OF FACT

After reviewing all evidence at the November 21, 2023 meeting and hearing testimony from Mr. Livingood, the Board finds as follows:

1. Mr. Livingood is the petitioner and property owner.
2. Petitioner is requesting to install a 6 foot privacy fence in the front yard by adding to the existing 4 feet fence with 2 feet of horizontal board slats.
3. Petitioner's property is a corner lot and is the only street-facing property on this block.
4. The property also is approximately 77 feet deep and has no rear yard.
5. Petitioner was issued a fence permit in error.
6. The City ordered Petitioner to stop work on the fence once the error was discovered.
7. At least a portion of the fence constructed prior to this petition was placed in the public right of way.
8. Petitioner is unsure of the exact location of the property line.
9. The Director of Public Works will not approve any placement of the subject fence in the public right of way.
10. The requested height has some concerned about the safety of pedestrian and vehicular traffic.
11. The property is zoned in an R-2 Residential District.

STANDARD OF REVIEW

When considering a **Variance**, the Board must consider:

1. The requested Variance will not adversely affect the public health, safety, or welfare, or the rights of the adjacent property owners or residents;

2. That the variance arises from special conditions or attributes which pertain to the property for which a variance is sought. Such special conditions may not be created by the person seeking the variance;
3. That the variance would eliminate an unnecessary hardship permit a reasonable use of the land; and
4. That the variance will allow the intent of the Zoning Ordinance to be observed and substantial justice done.

CONCLUSIONS OF LAW

The intent of the zoning ordinance includes promoting, protecting, and facilitating “the public health, safety, morals, general welfare, coordinated, and practical community development. . . .” COH Ord. §1313.02(A). The fencing ordinance requires that fences in the front yard in a residential district be no taller than four feet in height. COH Ord. §1341.19(C)(2)(a).

The materials being used to construct the fence are permitted, so that is not a concern. The location, however, could create potential safety issues, particularly with pedestrian and vehicular traffic coming from and going into the public alley to the north, adjacent of 1116 3rd St W. If the fence is placed in Petitioner’s yard, rather than the right of way, we believe these concerns will be mitigated.

Because of the orientation of the house, its location on the lot, and relatively narrow lot depth, the only opportunity for private yard space is the side yard. This is a special condition of the property and, based on the evidence before us, not created by Petitioner. It is reasonable to have a privacy-fenced yard in a residential lot located in a residential district, so long as the front of the house is not covered by the fence; therefore, we believe allowing the privacy fence in the front of the side yard would eliminate an unnecessary hardship.

We believe that permitting a privacy fence in the front yard in this instance would allow the intent of the Zoning Ordinance to be observed and substantial justice done. Notwithstanding this conclusion, we recognize that the current fence may be located, at least partially, in the public right of way and Petitioner is unclear as to the exact location of the property line; therefore, our approval is conditioned upon the location of the fence being approved by the Public Works Department.

DECISION

WHEREFORE, based upon the findings of fact from the full testimony heard at the hearing and all other documentary evidence presented, the Board **CONDITIONALLY APPROVES** petition BZA 23-V-39 for a **Variance**. Any changes that deviate from what has been approved and does not meet the zoning regulation must come back before the BZA for approval.

Within 30 days of this Order, any person aggrieved with this decision may appeal by filing a verified petition for a writ of certiorari with the circuit clerk of the county where the subject property is located.

The Clerk of the Board of Zoning appeals is directed to forward a true and correct copy of this entered Order to the petitioner and all known interested parties.

Date

Chairperson: _____ Prepared by: _____
Dan Earl, Vice Chair Ericka B. Hernandez, Attorney for the
Board of Zoning Appeals

BEFORE THE BOARD OF ZONING APPEALS, HUNTINGTON, CABELL AND WAYNE
COUNTIES, WEST VIRGINIA

BZA 23-C-40

Petitioner: Jeff McKay, 419 9th St., #301, Huntington, WV 25701

Property Owner: Progress LLC, P.O. Box 8, Barboursville, WV 25504

Subject Property: 419 9th St., #301

In re: A petition for a conditional use to permit for a bar to be established in the C-3 Central Business District.

Individual Speaking on Behalf of Petition: Jeff McKay

Other Interested Parties: None

ORDER

On November 21, 2023, Jeff McKay appeared before the City of Huntington Board of Zoning Appeals to provide testimony related to BZA 23-C-40. Other citizens were permitted to voice their positions as well, per the practice of this Board, and no one provided testimony.

FINDINGS OF FACT

After reviewing all evidence at the November 21, 2023 meeting and hearing testimony from Mr. Thompson, the Board finds as follows:

1. Mr. McKay is the petitioner.
2. Progress LLC is the property owner.
3. Petitioner's business, Apex Beverage Company, currently is a retail bottle shop which sells alcohol, mostly beer, for home consumption.
4. The subject business is located in the Progress Building.
5. Petitioner seeks a conditional use to expand this business to offer tastings and host social events through his business.
6. Petitioner also seeks to participate in the City's Downtown Private Outdoor Designated Area (PODA).
7. Petitioner's business is located within the Downtown PODA.
8. The property is zoned in the C-3 Central Business District in the Downtown core.

STANDARD OF REVIEW

When considering a **Conditional Use Permit**, the Board must consider:

1. The effect upon the Comprehensive Plan;
2. Public health, safety, morals, and general welfare;
3. Potential injury to the use and enjoyment of other properties in the immediate vicinity for the purposes already permitted;
4. The effect upon the normal and orderly development and improvement of surrounding properties for uses already permitted in the district;
5. Adequate provisions for utilities, access roads, drainage, and other necessary facilities; and
6. Adequate ingress and egress so designed to minimize traffic congestion in the public street.

CONCLUSIONS OF LAW

According to Plan2025, the City's current comprehensive plan, "Downtown is the entertainment hub of the city." Plan2025 at p. 96. It also encourages "[s]upporting events and festivals that draw a unique crowd[.]" *Id.* A bar is a conditional use in the C-3 Central Business District, City of Huntington Ordinance §1320.04.

Earlier this year, the City Council enacted an ordinance establishing a Private Outdoor Designated Area (PODA) in the downtown. In a PODA, during certain designated times, pedestrians can buy alcoholic beverages and drink them on the sidewalks. Since Petitioner's business is located within the Downtown PODA, having a bar, generally, at this location has been approved by the legislative body.

Apex, however, is not seeking to be a bar in the colloquial sense. We do not believe that Petitioner's model of offering tastings and hosting events will adversely affect the public health or safety. The Progress Building as a whole already hosts events, so a conditional use would not injure the use and enjoyment of other properties in the immediate vicinity. Petitioner's idea for Apex compliments the existing uses within the C-3 District and would minimally impact traffic in the area. Thus, we believe the petitioned Conditional Use is appropriate for this location.

DECISION

WHEREFORE, based upon the findings of fact from the full testimony heard at the hearing and all other documentary evidence presented, the Board **APPROVES** petition BZA 23-C-40 for a **Conditional Use**.

Within 30 days of this Order, any person aggrieved with this decision may appeal by filing a verified petition for a writ of certiorari with the circuit clerk of the county where the subject property is located.

The Clerk of the Board of Zoning appeals is directed to forward a true and correct copy of this entered Order to the petitioner and all known interested parties.

Date

Chairperson: _____ Prepared by: _____
Dan Earl, Vice Chair Ericka B. Hernandez, Attorney for the
Board of Zoning Appeals

Staff Report: A petition for a conditional use to permit a self-storage development.

Legal Ad**BZA 23-C-30**

Issue: 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.

Introduction

Brian Browning is petitioning a conditional use to permit a self-storage development on the property he owns near the intersection of Piedmont Road and Elm Street. This includes 4711 Piedmont Road.

Existing Conditions / Background

The property is owned by Brain Browning. Currently, the lots he wants to develop as a self-storage center are vacant parcels. Additionally, a portion of the property has been recently successfully rezoned to be included in the I-1 Light Industrial/Commercial District.

Proposed Conditions

The proposed self-storage development will consist of 175 units and is planned to be built in phases. Once finished, this development will be able to rent storage units individually and will be able to rent space for recreational vehicles, boats and trailers.

Zoning Ordinance

Per *Article 1320.04*, in the I-1 district, self-storage units are permitted with a conditional use permit.

Pictures

Rezoned parcels that are now I-1 (previously R-2 Single-family).



Vacant lot that was already zoned I-1 (4711 Piedmont Rd).



Eastern side of parcels involved in petition.

Staff Comments

Plan2025 designates this area as a Traditional Residential District, which is characterized by:

- Medium density
- Smaller lots with grid streets
- Mainly single family with nodes of commercial activity that are sparse and with conditions.

The area Mr. Browning is wanting to develop in has been envisioned for residential development. However, it is located by a railroad. Throughout the city, a lot of industrial zones are located along railroads. Additionally, when examining Plan2025, it is evident the parcels Mr. Browning owns is located near a designated commercial node. As the I-1 district can be used for some commercial uses, this proposed designation could shift to include Mr. Browning's business.

One thing to note while considering the conditional use for this project is parking. Since this development will take on a phased approach and have vehicles to store it is imperative there is some parking spaces off-street for parking. Section §1343.03 does not require a certain number of parking for vehicles. But, if the plan does include outdoor storage of vehicles and trailers those must be limited to recreational vehicles, boats, and trailers and will not be permitted to occur on street. The application states that the property owner will create gates to allow people to pull into the property and not cause a disturbance on Piedmont. All parking areas must be a paved surface, separated from property lines with a 3 foot landscape buffer. Stormwater requirements will be met on site and lighting as appropriate for the use. Another key consideration for this property would be the side facing the Piedmont Road. Due to the residential zoning and uses on the other side, strong consideration should be given to that street side façade which requires materials

suitably finished for aesthetic purposes (1333.03.B.2) and transparency to be met.

Summary / Findings of Fact

1. Brian Browning is the owner and petitioner.
2. The petitioner is requesting a conditional use to build a self-storage development.
3. The property is currently zoned I-1 Light Industrial/Commercial District.
4. The petitioner will be implementing this project in phases. The end result will include 175 storage units.

Attachments

- Aerial map
- Zoning map
- Future Land Use map
- Site Plans
- Application



PLANNING & ZONING

City of Huntington
Planning & Zoning
P.O. Box 1659 | Huntington, WV 25717
(304) 696-5540, option 3
planningdept@huntingtonwv.gov

Conditional Use Permit Application

Applicant Name: Brian Browning Phone: 419-322-9814

Mailing Address (city, state, zip): 5821 E Pea Ridge Rd #19, Huntington WV 25705

Email: brianbrowning34@gmail.com

Property Owner (if applicable): Brian Browning Phone: 419-322-9814

Mailing Address (city, state, zip): 5821 E Pea Ridge Rd #19, Huntington WV 25705

Please list the Location (address) and Description (Tax Map Number, Parcel, and Lot,):

see attached

Description

Under the terms and conditions indicated in Article 1359 of the Zoning Ordinance, application is hereby made for a Conditional Use pursuant to Article 1341.15 to allow the following:

Build and rent storage units; Rent U-Haul vehicles and trailers

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, the direction of 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.
- Any and all documentation and evidence to support the request.
- Treasurers Receipt for One Hundred Sixty Dollars (\$160.00) non-refundable filing fee for each Conditional Use sought.

All of the above documentation is to be submitted to the Planning Commission office by September 19, 2023.

Incomplete documentation will delay applicants review by the Board of Zoning Appeals.

Notice of Procedure

I/We, the undersigned am/are aware that the Board of Zoning Appeals will hold a public hearing on the request for a Conditional Use on **Tuesday**, October 17, 2023 at **5:30pm** in City Hall Council Chambers. It is my responsibility to attend (or send a representative/agent) to this meetings to present plans and to answer any questions regarding the request for a Conditional Use.

Brian Browning
Signature of Applicant

Brian Browning
Signature of Property Owner

9-12-23
Date

9-12-23
Date

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

For office use only	
Received: <u>9/14/23</u>	Project Name:

Attachment to the Conditional Use Permit Application
Applicant Brian Browning

Phone: 419-322-9814

Address

4711 Piedmont Rd, Huntington WV 25704

Legal Description

Formerly known as:

50-06-0005-0132-0000

50-06-0005-0133-0000

50-06-0005-0100-0000

50-06-0005-0101-0001



PLANNING & ZONING

City of Huntington
Planning & Zoning
P.O. Box 1659 | Huntington, WV 25717
(304) 696-5540, option 3
planningdept@huntingtonwv.gov

Application for Conditionally Permitted Use

ATTACHMENT A

In making its decision to approve or deny Conditional Use, The Board of Zoning Appeals must consider six issues. Please provide a written statement on how the proposed Conditional Use will affect each of the following considerations:

1. Effect upon the Comprehensive Plan (available online):

The desire is to continue with the growth and development of our city by building and renting storage units. After the city's approval to begin building, the vision is to have 175 units and provide the surrounding residents with safe, secure, presentable storage opportunities.

2. Effect upon public health, safety, and general welfare:

There is no adverse affect to the public health, safety, or general welfare. Furthermore, by having the concrete and paved areas on the property, it improves the quality and safety of the area.

3. Effect upon the use and enjoyment of other property in the immediate vicinity for the purposes already permitted:

The property was previously used by Rahall Transportation to perform maintenance on railroad cars. After the construction storage units, the immediate vicinity will be less impacted by noise than the prior occupant of the property.

4. Effect upon the normal and orderly development and improvement of the surrounding properties for uses already permitted in the district:

By building new storage units, the appearance will be improved over an empty lot and show growth to the local economy.

5. Have adequate provisions for utilities, access roads, drainage, and other facilities been provided for:

We will work closely with the storm drainage department to ensure adequate drainage. Power will be added to the area to provide sufficient lighting to the outside premises. Power will not be provided inside the units. There will also be a small office building on the premises for convenience to customers.

6. Has adequate ingress and egress been designed to minimize traffic congestion on the public street:

Currently, the property has very large gates that allow extra wide loads to enter. The plan is to move these gates even further into the property allowing customers to pull their vehicles and attached trailers onto the property thereby avoiding any disturbance to moving traffic along Piedmont Road.



PLANNING & ZONING

City of Huntington
Planning & Zoning
P.O. Box 1659 | Huntington, WV 25717
(304) 696-5540, option 3
planningdept@huntingtonwv.gov

Application for Conditionally Permitted Use

ATTACHMENT B

Additional requirements pertaining to the Conditional Use may exist in the City of Huntington Zoning Ordinance. These additional requirements may exist within the General Regulations, specific districts to include overlay districts, or other articles of the ordinance. Please consult with the Planning and Zoning office to help identify these additional requirements.

List all each Article and Section numbers pertaining to this Conditional Use and give a brief description as to how each of the requirements shall be met:

Article 1341

Brief description of the requirement:

Section 15: Storage limited to recreational vehicles, boats, and trailers. No junk vehicles shall be stored.

How will the requirement be met:

Unauthorized vehicles listed in Articles 1341.15 will not be permitted.

Article 1341

Brief description of the requirement:

Section 15: Trash, radioactive or highly toxic substances, garbage refuse, explosive or flammable materials, hazardous substances, animal carcasses or skins, or similar items shall not be stored.

How will the requirement be met:

Unauthorized items listed in Article 1341.15 will not be permitted.

Article 1341

Brief description of the requirement:

Section 15: the interior traffic aisles, required off-street parking areas, loading area, and access ways shall be paved with a hard surface and shall be kept clear of stored items.

How will the requirement be met:

the traffic area will be covered in a hard surface and kept clear of stored items.

Article 1341

Brief description of the requirement:

Section 15: Maximum building length is 250 feet.

How will the requirement be met:

Each building, when constructed, will not exceed 250 feet in length.

Article 1341

Brief description of the requirement:

Section 15: The minimum separation between buildings is 20 feet.

How will the requirement be met:

Each building will be constructed such that there is 20 feet between them.

Section 1341.14 Religious Use

- A. A primary or secondary school and/or a child or adult day care center are permitted on the same lot as a religious use provided that the requirements for such uses are also met.
- B. One dwelling unit for a religious leader of the place of worship and their family may be accessory to a religious use on the same lot.

Section 1341.15 Self-Storage Development

- A. Outdoor storage shall be limited to recreational vehicles, boats and trailers. No "junk vehicles" shall be stored. Outdoor storage areas shall be screened in compliance with Article 1347.
- B. Trash, radioactive or highly toxic substances, garbage, refuse, explosives or flammable materials, hazardous substances, animal carcasses or skins, or similar items shall not be stored.
- C. The interior traffic aisles, required off-street parking areas, loading areas and access ways shall be paved with a hard surface and shall be kept clear of stored items.
- D. Maximum building length - 250 feet.
- E. Minimum separation between buildings - 20 feet.

Section 1341.16 Swimming Pool - Household

- A. The swimming pool shall not involve any commercial use.
- B. Enclosure around in-ground pools shall meet the requirements of the Building Code.
- C. Enclosure around above ground pool. Any existing or new above ground pool shall include a secure fence, wall, or other enclosure a minimum of four feet high above the surrounding ground level. Such pools shall be equipped with an access ladder that can be raised and locked in a position so that it is a minimum of four feet above the surrounding ground level or otherwise completely inaccessible to children when the pool is unattended.
- D. Location. A pool and any deck or shelter that is elevated above the average surrounding ground levels shall meet the applicable setback requirement for an accessory building. Patios around pools that are level with the average surrounding ground level are not required to meet setbacks. A pool is not permitted within a required front yard.
- E. Drainage. A proper method shall be provided for drainage of the water from the pool that will not overload or flood any: 1) on-lot septic system or 2) portion of a building or property not owned by the owner of the pool. A pool shall not be located so as to interfere with the operation of a well or on-lot septic system.

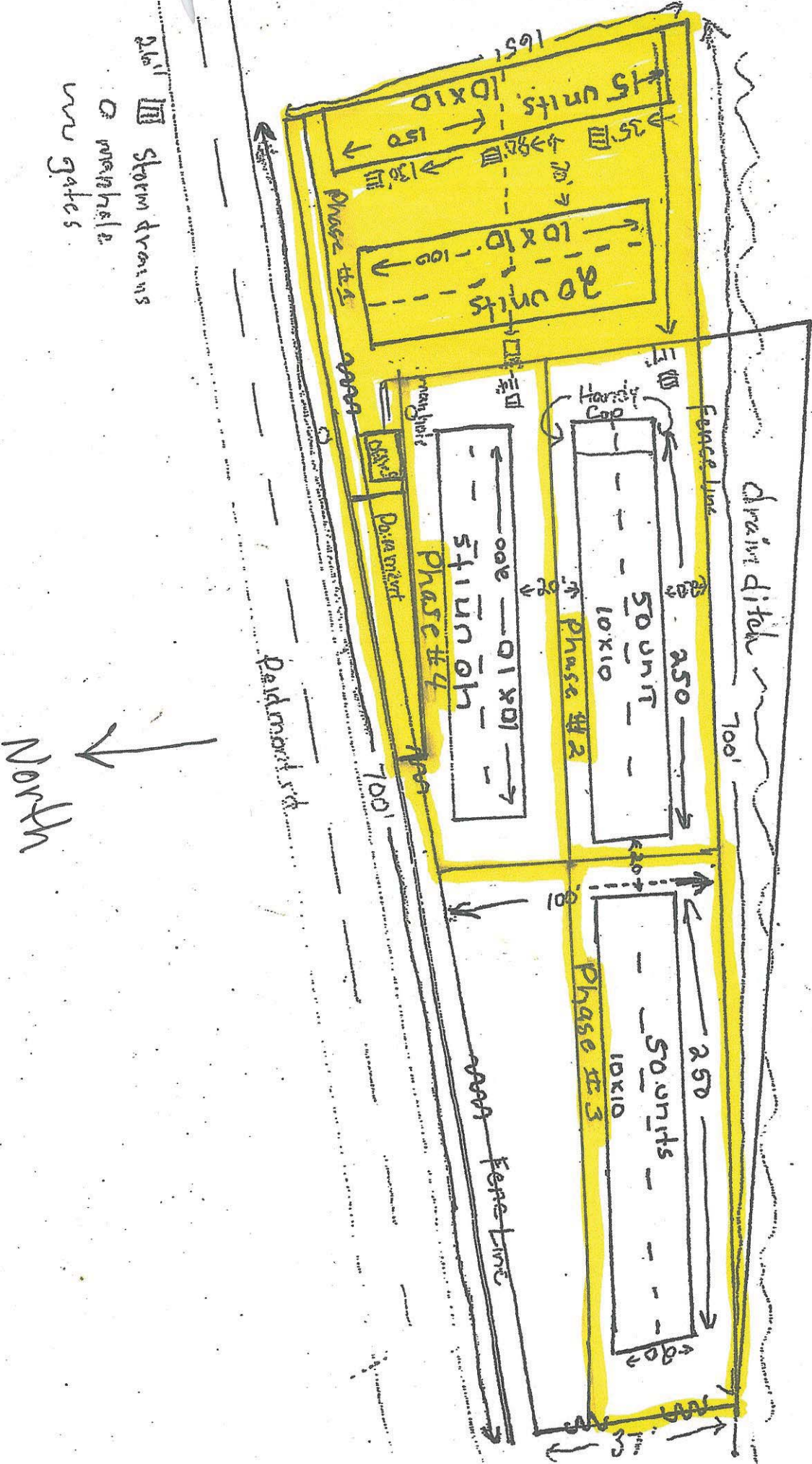
Section 1341.17 Swimming Pool, Non-household

- A. The water surface shall be setback at least 25 feet from any lot line.
- B. Minimum lot area - two acres.
- C. Any water surface within 100 feet of an existing dwelling shall be separated from the dwelling by evergreen screening in agreement with Article 1347.
- D. The water surface shall be surrounded by a secure, well-maintained fence at least six feet in height.
- E. Drainage. A proper method shall be provided for drainage of the water from the pool that will not overload or flood any: 1) on-lot septic system or 2) portion of a building or property

175 Self Storage Units

4 Phase build

4711 Piedmont Rd
Huntington W. 25904

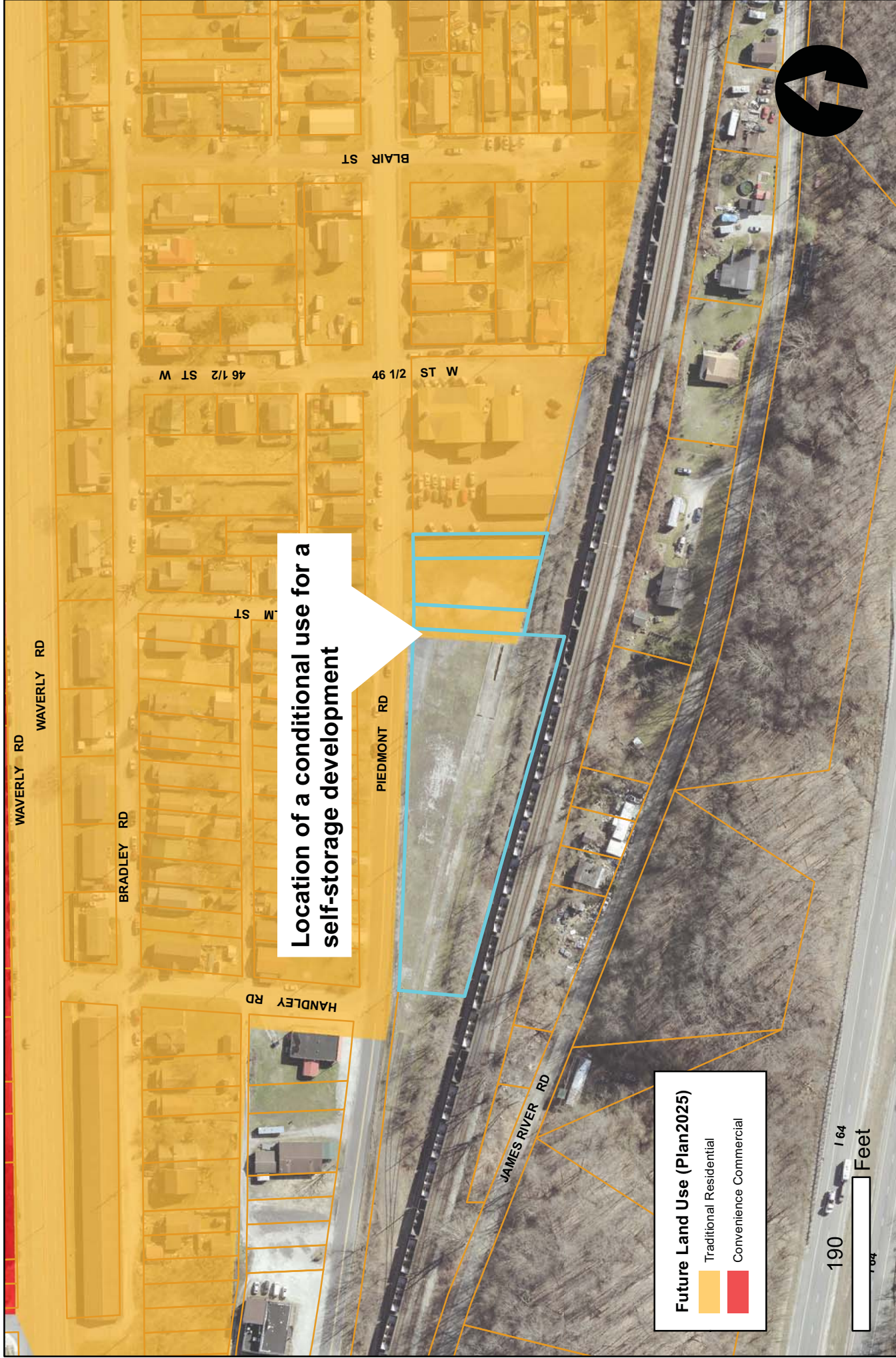




4711 Piedmont Road
Wayne County Tax District 6, Map 5,
Parcels 132, 133, 100 and 101.1
BZA 23-V-30

Location of a conditional use permit for a self-storage in the I-1 Light Industrial/Commercial District.

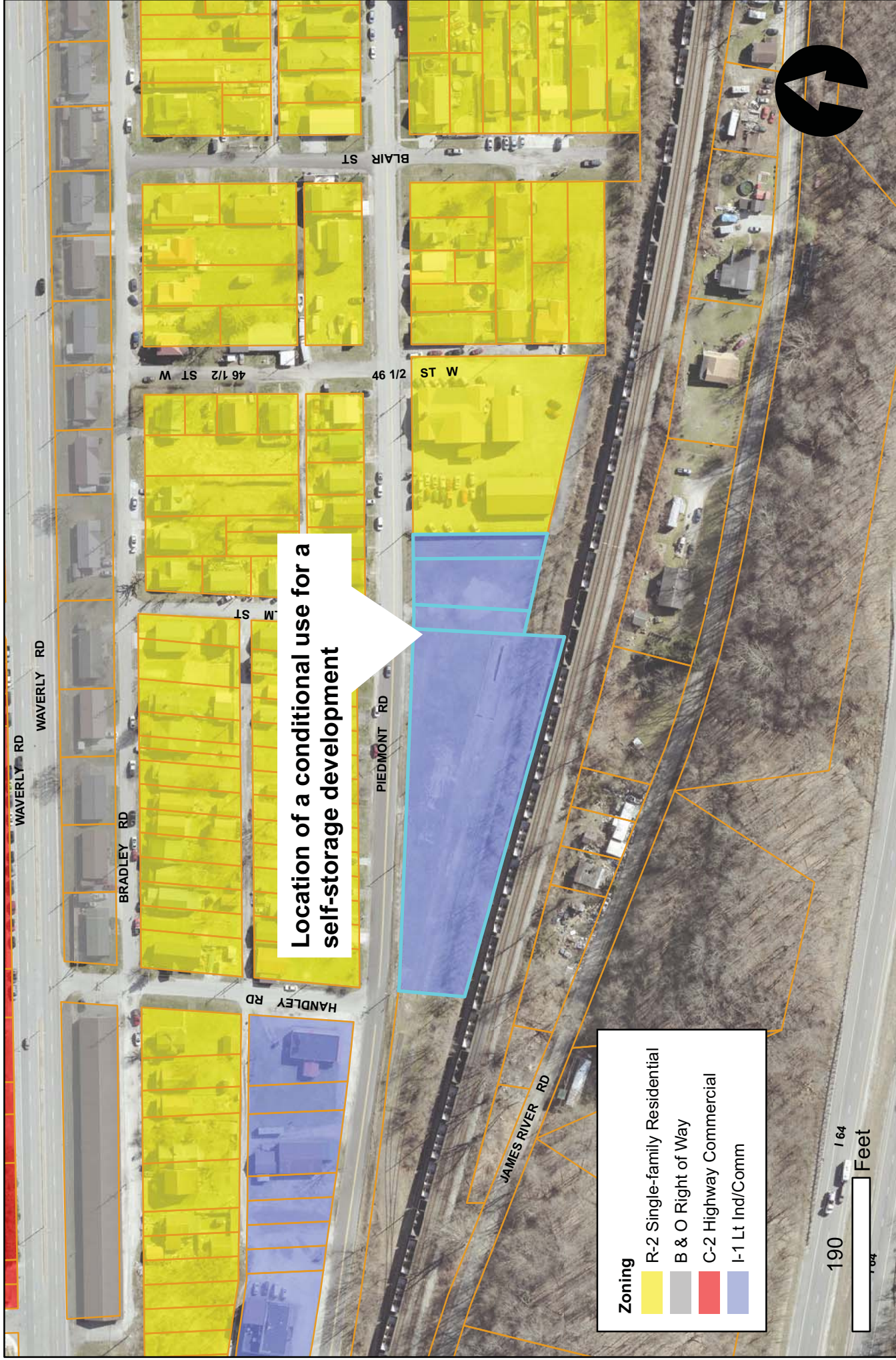




4711 Piedmont Road
Wayne County Tax District 6, Map 5,
Parcels 132, 133, 100 and 101.1
BZA 23-V-30

Location of a conditional use permit for a self-storage in the I-1 Light Industrial/Commercial District.





4711 Piedmont Road
Wayne County Tax District 6, Map 5,
Parcels 132, 133, 100 and 101.1
BZA 23-V-30

Location of a conditional use permit for a self-storage in the I-1 Light Industrial/Commercial District.



Staff Report: A petition for a variance to the minimal transparency requirement for the front façade of a building.

Legal Ad**BZA 23-V-31**

Issue: 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.

Introduction

Ashley Stewart is petitioning a variance to the transparency requirement to be able to utilize the building on the property as a bar and limited video lottery (LVL), the location was approved to be a bar and LVL location on June 20th, 2023. In review of the proposal for the new location the petitioner plans to remove the garage door and replace with a regular door which reduces the transparency of the front façade to 33% transparency when 50% is required per the I-1 Industrial District.

Existing Conditions / Background

The property is owned by Ashley Stewart/ Ashley Claire Stewart Revocable Trust. Presently, the property sets vacant. In the past this property was used for office/warehousing. Additionally, in June 2023, this location was granted conditional uses for a bar and limited video lottery (BZA 23-C-21 & BZA 23-C-22).

Proposed Conditions

Ms. Stewart would like replace the garage door with a 48' x 80' foot window and leave the existing door (36' x 80') and adjacent window (18' x 48').

Zoning Ordinance

Per *Article 1333.02*, in the I-1 district, the front façade for any building being used for commercial purposes must meet a minimum of 50% transparency.

Pictures

Current front façade of building on 1502 Madison Ave.



Previous view of garage door, looking west of the property.



Looking east of the property.

Staff Comments

Plan2025 designates this area as a Light Industrial District, which is characterized by:

- Medium sized lots
- Allows commercial, light industrial, and residential uses.
- Industrial properties close to residential areas.

§1315.08.E states the front façade is the side of a structure that faces a street's right-of-way. The building is surrounded by commercial and industrial uses. There are some buildings along the street that have limited or no transparency on their front facades. On other buildings their back sides or sidewalls face the street. However, it is important to note this building is located near the focal point of the West Huntington main street district, Central City at 14th Street West.

Additionally, §1341.02 declares that bars if no transparency requirement is listed the structure must have at least 20% transparency. These transparency requirements are designed to keep our streetscapes attractive to residents and visitors and to provide safety for all.

Summary / Findings of Fact

1. Ashley Stewart/Ashley Claire Stewart Revocable Trust, is the owner and petitioner.
2. The petitioner is requesting a variance to the transparency requirement to be able to utilize the building on the property as a bar and limited video lottery in the future.
3. The property is currently zoned I-1 Light Industrial/Commercial District.

4. The petitioner will installing a smaller window in place of garage door on the front façade of the building which will reduce the transparency to 33%.

Attachments

- Aerial map
- Zoning map
- Future Land Use map
- Site Plans
- Application



PLANNING & ZONING

City of Huntington
Planning & Zoning
P.O. Box 1659 | Huntington, WV 25717
(304) 696-5540, option 3
planningdept@huntingtonwv.gov

Variance of Zoning Regulations Application

Applicant Name: Ashley Stewart **Phone:** 304-638-0109
Mailing Address (city, state, zip): 17 Washington Ave
Email: acstewart99@gmail.com
Property Owner (if applicable): _____ **Phone:** _____
Mailing Address (city, state, zip): _____

Please list the Location (address) and Description (Tax Map Number, Parcel, and Lot,):

1502 Madison Ave

Variance request pursuant to:

Article 1333.02 and/or Figure _____ of the City of Huntington Zoning Ordinance.

Description of the variance being requested:

33% Transparency

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

- Site plan the property involved (if applicable); drawn to scale, showing all boundary lines and the placement of existing and/or proposed structures, and with all dimensions shown (setbacks, buildings, ect.).
- Valid State and Federal Photo ID.
- Any and all documentation and evidence to support the request.
- One hundred sixty dollars (\$160) non-refundable filing fee for each variance sought.

All of the above documentation shall be submitted in full to the Planning and Zoning office by Sept 19 in order to be placed on the next Board of Zoning Appeals (BZA) agenda. An incomplete submittal will delay the applications 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, _____. 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.

Signature

Date

For office use only

Received: 9/19/23 Project Name: _____



PLANNING & ZONING

City of Huntington
Planning & Zoning
P.O. Box 1659 | Huntington, WV 25717
(304) 696-5540, option 3
planningdept@huntingtonwv.gov

Variance of Zoning Regulations Application

ATTACHMENT A

In making its decision to approve or deny a Variance request, The Board of Zoning Appeals must consider four criteria. Please provide a written statement on how the proposed Variance will affect each of the following considerations:

1. Effect upon public health, safety, or general welfare, or the rights of adjacent property owners or residents:

There will be no negative effects for the adjacent properties and residents

2. What is the special condition or attribute of the property for which the variance is sought (must not be created by the person seeking the variance):

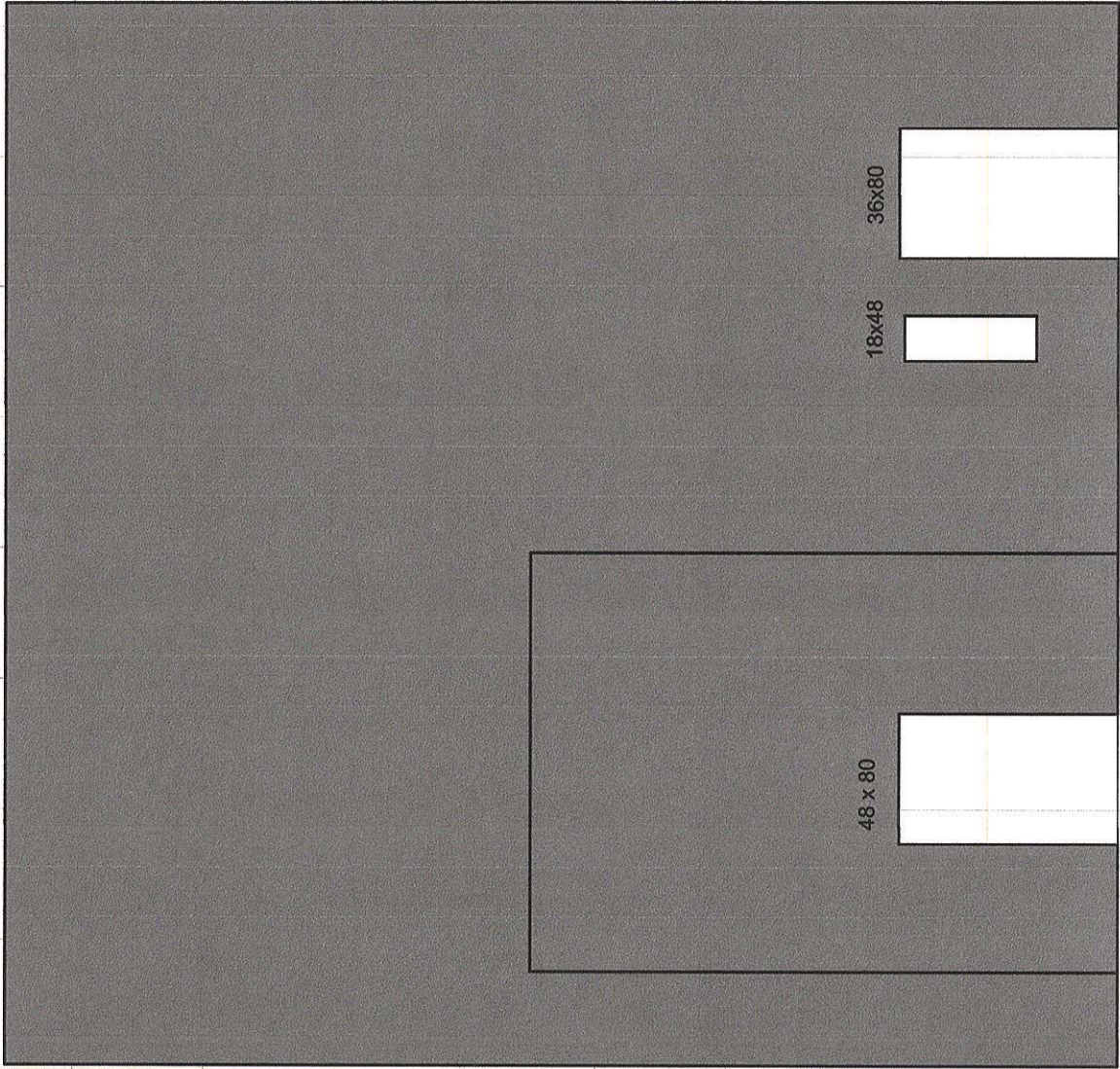
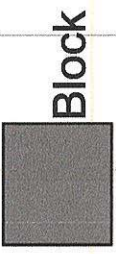
This property has been approved for variances for bar & video lottery

3. How an approval of the Variance would eliminate an unnecessary hardship and permit a reasonable use of the land:

An approval will permit the property to be better utilized for a bar and video lottery

4. How would an approval of the Variance allow for the intent of the Zoning Ordinance to be observed and substantial justice done:

An approval would observe a second egress on new property making it over the 2090 no transparency requirement in section 13A.02

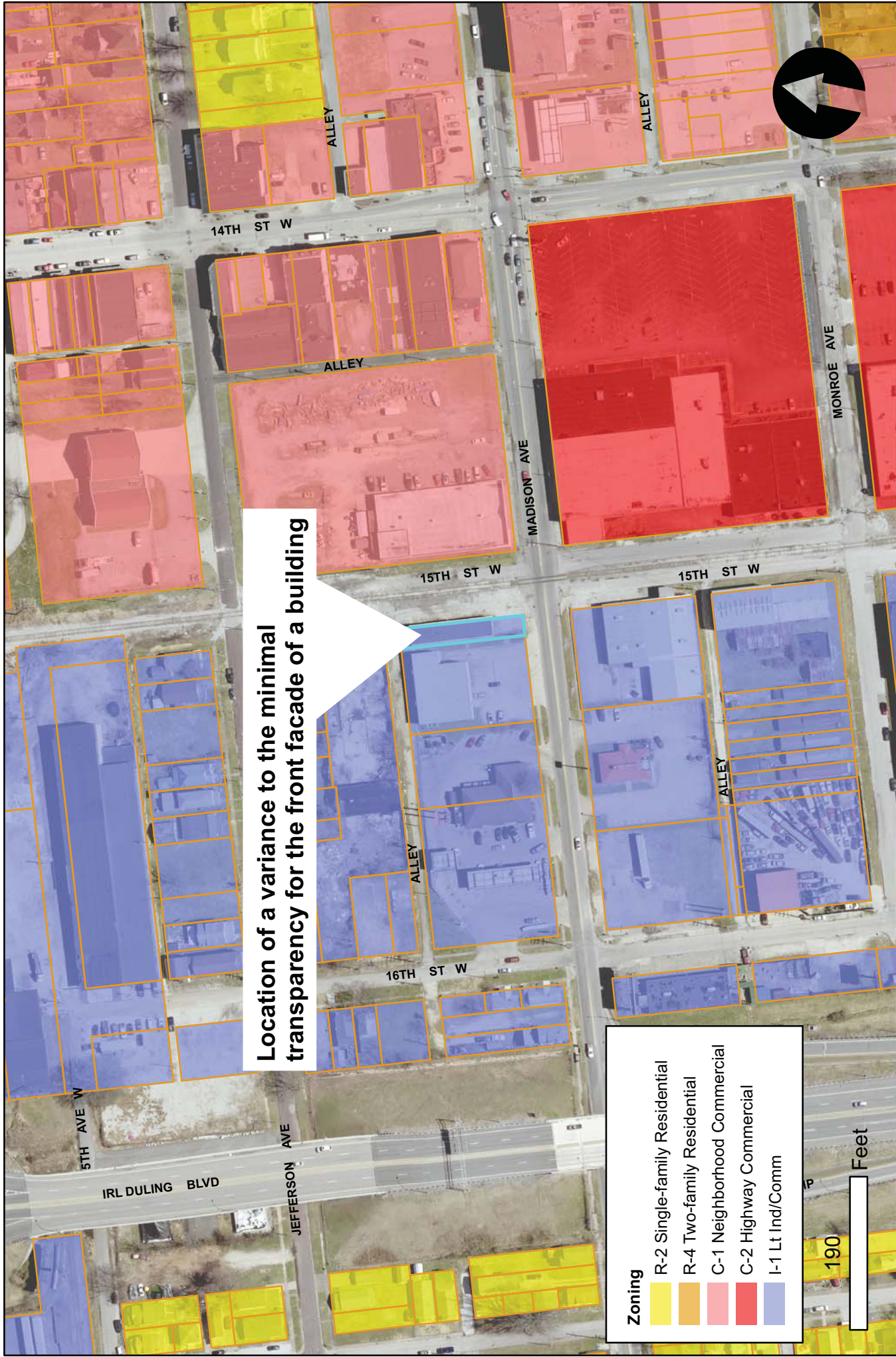




1502 Madison Avenue
Cabell County Tax District 7, Map 41,
Parcel 320
BZA 23-V-31
Location of a variance to the minimal transparency requirement for the front facade of a building in the
I-1 Light Industrial/Commercial District.



1502 Madison Avenue
Cabell County Tax District 7, Map 41,
Parcel 320
BZA 23-V-31
Location of a variance to the minimal transparency requirement for the front facade of a building in the
I-1 Light Industrial/Commercial District.



1502 Madison Avenue
Cabell County Tax District 7, Map 41,
Parcel 320
BZA 23-V-31
Location of a variance to the minimal transparency requirement for the front facade of a building in the
I-1 Light Industrial/Commercial District.

Staff Report: Two petitions for a conditional use to permit a bar and a limited video lottery: three variances to the distance requirement between two limited video lottery locations, between a church and a limited video lottery location, and between a residential area and a limited video lottery location.

Legal Ad

BZA 23-C-32, BZA 23-C-33, BZA 23-V-34, BZA 23-V-35 & BZA 23-V-36

Issue: Two petitions for a conditional use to permit a bar (BZA 23-C-32) and a limited video lottery (BZA 23-C-33) in the C-2 Highway Commercial District: three variances to the distance requirement between two limited video lottery locations (BZA 23-V-34), between a church and a limited video lottery location (BZA 23-V-35), and between a residential area and a limited video lottery location (BZA 23-V-36). The property is located at 2333 Adams Ave.

Petitioner: Sherry Kipp, 1713 Chestnut St., Kenova, WV.

Property Owner: Ronnie Myers, P O Box 2885, Huntington, WV.

Introduction

Sherry Kipp is petitioning for two conditional uses to allow for a bar and limited video lottery location and three variances to be able to open the limited video lottery location at 2333 Adams Ave.

Existing Conditions / Background

The property is owned by Ronnie Myers. Currently, the property sits vacant. Historically, the building on this property has been used as a bar/lounge. The property is surrounded by other businesses primarily on the same side of the street and residential uses across the street.

Proposed Conditions

The petitioner would like redevelop the building on the property into a bar and limited video lottery location.

Zoning Ordinance

Per *Article 1320*, bars and limited video lottery are conditionally permitted uses in a C-2 Highway Commercial District.

§1341.02 requires Bars to meet the transparency requirements of their district.

§1333.02 requires new commercial or mixed-use structures to have 60% transparency for the ground floor, front façade.

Full regulations for Limited Video Lottery are outlined in attachment *§1341.47*.

These regulations include information about state licensing; distance from schools, religious institutions, public parks, childcare centers, and residentially zoned districts; and compliance for existing facilities with Limited Video Lottery.

This structure is located within:

- Approximately 156 feet from another Limited Video Lottery and Bar location, Liquid Dreamz, the requirement is to be 1000 feet.
- Approximately 280 feet to a church at St. Peter's Episcopal Church when the requirement is 500 feet.

- Approximately 70 feet from a residentially zoned district when the requirement is 250 feet.

- Larger scale commercial and service for the region

Pictures



Image of 2333 Adams Avenue to include the edge of adjacent parking lot.



Closer image of existing building. This façade of the building will need to be improved to meet the 60% transparency requirement.

Staff Comments

Plan2025 designates this area as a Convenience Commercial District, which is characterized by higher intensity commercial uses that are primarily accessed by cars. Characteristics include:

- Low density and large lots
- Commercial uses along primarily state routes
- Parking available on-site or in shared lot

Staff's recommendation is to take this petition in two parts. Because the LVL use requires the sale of alcohol I would recommend reviewing the Conditional Use for the Bar as step one in the public meeting process, and then the limited video lottery conditional use as a secondary part to the petition, if the bar is granted.

In consideration of the bar and the LVL it is important to balance this particular business owner's proposal with previous uses at this location.

Although the business owner has changed the property owner has been the same through both this business owner and the previously licensed location which was operating as Harley's Shop and closed in December of 2019. Since conditional uses for a bar expire within a year of abandonment and conditional uses for LVL expire within six (6) months of abandonment, this is what is triggering the renewal of the conditional uses for the bar and LVL use as proposed.

In consideration of the Bar the Board should consider the factors for the conditional use including how the business owner intends to design the business model to ensure that security, parking, lighting and reduce any unintended consequences for the neighboring uses, in particular the residential uses across the street. Consideration of the abilities of the business owner to manage this business model and their personal skill set could shed light on how they manage this location.

Important to note for the bar the structure will need to at minimum come into compliance on the structure to meet the C-2 Highway Commercial transparency requirements to include 60% transparency. For their street facing wall that is approximately 30ft, the transparency requirement would be approximately 108 square feet of windows or doors that are operable or are able to be visually seen inside.

In consideration of the LVL use, it would be my recommendation to consider the variances to the distance requirements in advance of the conditional use. Related but different, all three variances and the conditional use must all be approved to allow the LVL use to be approved to operate.

In consideration of the variances the criteria for the board to consider is of a stricter standard than the criteria for the conditional use. In addition, to note is the volume of variances that are needed for this use to meet the general requirements that new LVL locations are required to meet. As summarized below, the distance requirements are not only needing to be reduced for this location but are drastically reduced compared to what would be permitted:

- Approximately 156 feet from another Limited Video Lottery and Bar location, Liquid Dreamz, the requirement is to be 1000 feet.
- Approximately 280 feet to a church at St. Peter's Episcopal Church when the requirement is 500 feet
- Approximately 70 feet from a residentially zoned district and residential uses when the requirement is 250 feet.

In reviewing the criteria for the determination if a variance to the various distance requirements should be given, the only consideration that is unique to the property that may be considered a slight hardship is that there had been a bar and LVL location operating in the building before, so anecdotally, the property is already set up for this kind of business. Consideration could be given though that there are of course a number of other business models that would be available to the property owner for this location including similarly situated such as a restaurant or retail sales location, which would be permitted by right.

Therefore the two most important factors to consider in determining these variances are the effect upon public health safety or general welfare of adjacent property owners and whether or not the approval would allow for the intent of the Zoning Ordinance requirement can be observed.

In looking at the intent of the zoning ordinance to be met, there is very little that the property owner can do about distance requirements to other uses and in this particular case since these distance requirements are not being met drastically (IE: not just a few feet but substantial reduction) it would be hard to imagine ways to mitigate unintended consequences of these kind of uses adjacent to residences, churches or other businesses that are serving this particular clientele.

Finally, in consideration of terms or effect of public health, safety, or general welfare of the rights of adjacent property owners or residents. History of the impact of this type of business on the adjacent property owners (even with a new business owner) are

appropriate to bring into consideration on the decision of this being approved. Consideration could be given to weigh if the new business owner has the ability to decrease the impact on adjacent uses, since we cannot be 100% assured on how this business will operate in reality.

- Site Plans
- Application

In summary, staff recommends proceeding with caution, in particular with the understanding of how this business can be approved to operate with three variances for the distance requirements which are drastically reduced, balanced with the fact that there has been a similarly situated use in this location in the past. Careful consideration of the impact on the neighboring uses, in particular the consideration of the residential and religious uses nearby. Without strong neighborhood support or mitigation of the distance to these other uses, it is hard to justify the criteria for approving the variances can be met.

Summary / Findings of Fact

1. Sherry Kipp is the business owner and petitioner.
2. Ronnie Myers is the property owner
3. The petitioner is requesting a conditional use to open a bar
4. The petitioner is requesting a conditional use to open a Limited Video Lottery Location.
5. The petitioner is requesting three variances to reduce the required distances to residential uses, a church and another limited video lottery location.
6. The property is currently zoned C-2 Highway Commercial District.

Attachments

- Aerial map
- Zoning map
- Future Land Use map



PLANNING & ZONING

City of Huntington
Planning & Zoning
P.O. Box 1659 | Huntington, WV 25717
(304) 696-5540, option 3
planningdept@huntingtonwv.gov

Conditional Use Permit Application

Applicant Name: Sherry Kipp Phone: 304-544-9764
Mailing Address (city, state, zip): 1713 Chestnut St Kenova WV 25530
Email: Kipp6@mate.edu
Property Owner (if applicable): Ronnie Myers Phone: 304-544-9921
Mailing Address (city, state, zip): _____

Please list the Location (address) and Description (Tax Map Number, Parcel, and Lot,):

2333 Adams Ave Huntington WV 39, 163, PT LT 12

Description

Under the terms and conditions indicated in Article 1359 of the Zoning Ordinance, application is hereby made for a Conditional Use pursuant to Article _____ to allow the following:

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, the direction of 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.
- Any and all documentation and evidence to support the request.
- Treasurers Receipt for One Hundred Sixty Dollars (\$160.00) non-refundable filing fee for each Conditional Use sought.

All of the above documentation is to be submitted to the Planning Commission office by _____.
Incomplete documentation will delay applicants review by the Board of Zoning Appeals.

Notice of Procedure

I/We, the undersigned am/are aware that the Board of Zoning Appeals will hold a public hearing on the request for a Conditional Use on **Tuesday**, _____ at **5:30pm** in City Hall Council Chambers. It is my responsibility to attend (or send a representative/agent) to this meetings to present plans and to answer any questions regarding the request for a Conditional Use.

Sherry Kipp
Signature of Applicant

9-12-23
Date

Ronnie Myers
Signature of Property Owner

9-12-23
Date

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

For office use only	
Received:	Project Name:



PLANNING & ZONING

City of Huntington
Planning & Zoning
P.O. Box 1659 | Huntington, WV 25717
(304) 696-5540, option 3
planningdept@huntingtonwv.gov

Application for Conditionally Permitted Use

ATTACHMENT A

In making its decision to approve or deny Conditional Use, The Board of Zoning Appeals must consider six issues. Please provide a written statement on how the proposed Conditional Use will affect each of the following considerations:

1. Effect upon the Comprehensive Plan (available online):

2. Effect upon public health, safety, and general welfare:

3. Effect upon the use and enjoyment of other property in the immediate vicinity for the purposes already permitted:

4. Effect upon the normal and orderly development and improvement of the surrounding properties for uses already permitted in the district:

5. Have adequate provisions for utilities, access roads, drainage, and other facilities been provided for:

6. Has adequate ingress and egress been designed to minimize traffic congestion on the public street:



PLANNING & ZONING

City of Huntington
Planning & Zoning
P.O. Box 1659 | Huntington, WV 25717
(304) 696-5540, option 3
planningdept@huntingtonwv.gov

Application for Conditionally Permitted Use

ATTACHMENT B

Additional requirements pertaining to the Conditional Use may exist in the City of Huntington Zoning Ordinance. These additional requirements may exist within the General Regulations, specific districts to include overlay districts, or other articles of the ordinance. Please consult with the Planning and Zoning office to help identify these additional requirements.

List all each Article and Section numbers pertaining to this Conditional Use and give a brief description as to how each of the requirements shall be met:

Article _____

Brief description of the requirement:

How will the requirement be met:

Article _____

Brief description of the requirement:

How will the requirement be met:

Article _____

Brief description of the requirement:

How will the requirement be met:

Article _____

Brief description of the requirement:

How will the requirement be met:

Article _____

Brief description of the requirement:

How will the requirement be met:



PLANNING & ZONING

City of Huntington
Planning & Zoning
P.O. Box 1659 | Huntington, WV 25717
(304) 696-5540, option 3
planningdept@huntingtonwv.gov

Variance of Zoning Regulations Application

Applicant Name: Sherry Kipp **Phone:** 304-544-9764
Mailing Address (city, state, zip): 1713 Chestnut St Kenova WV 25530
Email: Kippsh@marc.edu
Property Owner (if applicable): Ronnie Myers **Phone:** 304-710-9921
Mailing Address (city, state, zip): _____

Please list the Location (address) and Description (Tax Map Number, Parcel, and Lot,):

Variance request pursuant to:

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

Description of the variance being requested:

Need a variance for proximity limited Vicks Lottery
near by.

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

- Site plan the property involved (if applicable); drawn to scale, showing all boundary lines and the placement of existing and/or proposed structures, and with all dimensions shown (setbacks, buildings, ect.).
- Valid State and Federal Photo ID.
- Any and all documentation and evidence to support the request.
- One hundred sixty dollars (\$160) non-refundable filing fee for each variance sought.

All of the above documentation shall be submitted in full to the Planning and Zoning office by _____ in order to be placed on the next Board of Zoning Appeals (BZA) agenda. An incomplete submittal will delay the applications 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, _____. 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.

Signature

Sherry Kipp

Date

9-12-23

For office use only

Received: _____ Project Name: _____



PLANNING & ZONING

City of Huntington
Planning & Zoning
P.O. Box 1659 | Huntington, WV 25717
(304) 696-5540, option 3
planningdept@huntingtonwv.gov

Variance of Zoning Regulations Application

ATTACHMENT A

In making its decision to approve or deny a Variance request, The Board of Zoning Appeals must consider four criteria. Please provide a written statement on how the proposed Variance will affect each of the following considerations:

1. Effect upon public health, safety, or general welfare, or the rights of adjacent property owners or residents:

2. What is the special condition or attribute of the property for which the variance is sought (must not be created by the person seeking the variance):

3. How an approval of the Variance would eliminate an unnecessary hardship and permit a reasonable use of the land:

4. How would an approval of the Variance allow for the intent of the Zoning Ordinance to be observed and substantial justice done:



PLANNING & ZONING

City of Huntington
Planning & Zoning
P.O. Box 1659 | Huntington, WV 25717
(304) 696-5540, option 3
planningdept@huntingtonwv.gov

Variance of Zoning Regulations Application

Applicant Name: Sherry Kipp Phone: 304-544-9764
Mailing Address (city, state, zip): 1713 Chestnut St Kenova WV 25830
Email: Kipp6@mtc.edu
Property Owner (if applicable): Ronnie Myers Phone: 304-710-9921
Mailing Address (city, state, zip): _____

Please list the Location (address) and Description (Tax Map Number, Parcel, and Lot.):

0333 Adams Ave Huntington WV 39, 163, PTLT 10

Variance request pursuant to:

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

Description of the variance being requested:

Need a variance for proximity close to residential properties

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

- Site plan the property involved (if applicable); drawn to scale, showing all boundary lines and the placement of existing and/or proposed structures, and with all dimensions shown (setbacks, buildings, ect.).
- Valid State and Federal Photo ID.
- Any and all documentation and evidence to support the request.
- One hundred sixty dollars (\$160) non-refundable filing fee for each variance sought.

All of the above documentation shall be submitted in full to the Planning and Zoning office by _____ in order to be placed on the next Board of Zoning Appeals (BZA) agenda. An incomplete submittal will delay the applications 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, _____. 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.

Sherry Kipp
Signature
Ronnie Myers

9-12-23
Date
9-12-23

For office use only	
Received:	Project Name:



PLANNING & ZONING

City of Huntington
Planning & Zoning
P.O. Box 1659 | Huntington, WV 25717
(304) 696-5540, option 3
planningdept@huntingtonwv.gov

Variance of Zoning Regulations Application

ATTACHMENT A

In making its decision to approve or deny a Variance request, The Board of Zoning Appeals must consider four criteria. Please provide a written statement on how the proposed Variance will affect each of the following considerations

1. Effect upon public health, safety, or general welfare, or the rights of adjacent property owners or residents:

2. What is the special condition or attribute of the property for which the variance is sought (must not be created by the person seeking the variance):

3. How an approval of the Variance would eliminate an unnecessary hardship and permit a reasonable use of the land:

4. How would an approval of the Variance allow for the intent of the Zoning Ordinance to be observed and substantial justice done:



PLANNING & ZONING

City of Huntington
Planning & Zoning
P.O. Box 1659 | Huntington, WV 25717
(304) 696-5540, option 3
planningdept@huntingtonwv.gov

Variance of Zoning Regulations Application

Applicant Name: Sherry Kipp Phone: 304-544-9764
Mailing Address (city, state, zip): 1713 Chestnut St Kenova WV 25530
Email: Kipp6@mate.edu
Property Owner (if applicable): Ronnie Myers Phone: 304-710-9921
Mailing Address (city, state, zip): _____

Please list the Location (address) and Description (Tax Map Number, Parcel, and Lot,):

2333 Adams Ave Huntington WV 39, 163, PTLT2

Variance request pursuant to:

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

Description of the variance being requested:

Need a Variance for proximity because close to a
church.

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

- Site plan the property involved (if applicable); drawn to scale, showing all boundary lines and the placement of existing and/or proposed structures, and with all dimensions shown (setbacks, buildings, ect.).
- Valid State and Federal Photo ID.
- Any and all documentation and evidence to support the request.
- One hundred sixty dollars (\$160) non-refundable filing fee for each variance sought.

All of the above documentation shall be submitted in full to the Planning and Zoning office by _____ in order to be placed on the next Board of Zoning Appeals (BZA) agenda. An incomplete submittal will delay the applications 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, _____. 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.

Sherry Kipp
Signature
Ronnie Myers

9-12-23
Date
9-12-23

For office use only	
Received:	Project Name:



PLANNING & ZONING

City of Huntington
Planning & Zoning
P.O. Box 1659 | Huntington, WV 25717
(304) 696-5540, option 3
planningdept@huntingtonwv.gov

Variance of Zoning Regulations Application

ATTACHMENT A

In making its decision to approve or deny a Variance request, The Board of Zoning Appeals must consider four criteria. Please provide a written statement on how the proposed Variance will affect each of the following considerations:

1. Effect upon public health, safety, or general welfare, or the rights of adjacent property owners or residents:

2. What is the special condition or attribute of the property for which the variance is sought (must not be created by the person seeking the variance):

3. How an approval of the Variance would eliminate an unnecessary hardship and permit a reasonable use of the land:

4. How would an approval of the Variance allow for the intent of the Zoning Ordinance to be observed and substantial justice done:

Written Statement for Conditional Use Permit Application for [Your Sports Bar & Video Lottery Lounge]
Address: 2333 Adams Ave, Huntington, WV
City: Huntington

1. Effect Upon the Comprehensive Plan

The proposed sports bar/lounge with video lottery machines aligns with the City of Huntington's Comprehensive Plan, which aims to diversify local businesses and create vibrant community spaces. The addition of video lottery machines will offer a unique entertainment option, thereby attracting a wider range of patrons and contributing to the local economy. We will adhere to zoning regulations and land-use policies to ensure that our business complements the existing urban fabric.

2. Public Health, Safety, Morals, and General Welfare

Our establishment will prioritize public health and safety by adhering to all local, state, and federal regulations, including those related to COVID-19 and gaming. Rigorous sanitation protocols will be implemented, and staff will be trained in responsible beverage and gaming service to uphold public morals. Security measures, including surveillance cameras and security personnel, will be in place to ensure the general welfare of our patrons and staff.

3. Potential Injury to the Use and Enjoyment of Other Property in the Immediate Vicinity

We are committed to being good neighbors. Our establishment will maintain reasonable operating hours and soundproofing measures to minimize noise pollution, including noise generated by the video lottery machines. This will ensure that the use and enjoyment of other properties in the immediate vicinity are not adversely affected.

4. Effect Upon the Normal and Orderly Development and Improvement of Surrounding Property for Uses Already Permitted in the District

Our sports bar/lounge aims to enhance the local area by providing a high-quality establishment that residents can enjoy. The inclusion of video lottery machines will add a unique entertainment option that complements existing businesses. We anticipate that our business will encourage further development and improvement in the district, potentially increasing property values and attracting additional permitted uses.

5. Adequate Provisions for Utilities, Access Roads, Drainage, and Other Necessary Facilities

We have conducted a thorough assessment of the site and have made provisions for utilities, access roads, and drainage. All necessary facilities, including electrical systems to support the video lottery machines, will be constructed to code, ensuring that they are both adequate and sustainable. We will work closely with city engineers and planners to ensure that our plans meet all requirements.

6. Adequate Ingress and Egress So Designed to Minimize Traffic Congestion in the Public Street

Our location has been strategically chosen to ensure easy access and minimize traffic congestion. Adequate parking spaces will be provided, and we will work with local traffic authorities to develop a traffic management plan that facilitates smooth ingress and egress to and from our establishment.

7. Unique Value Despite Proximity to Other Video Lottery Establishments

While there are other video lottery establishments nearby, our sports bar/lounge offers a unique blend of entertainment options, including sports viewing, dining, and socializing, in addition to video lottery. This multi-faceted approach will attract a diverse clientele and offer something for everyone, making our establishment a complementary addition to the existing entertainment landscape rather than a competitor.

Sincerely,
Sherry Kipp

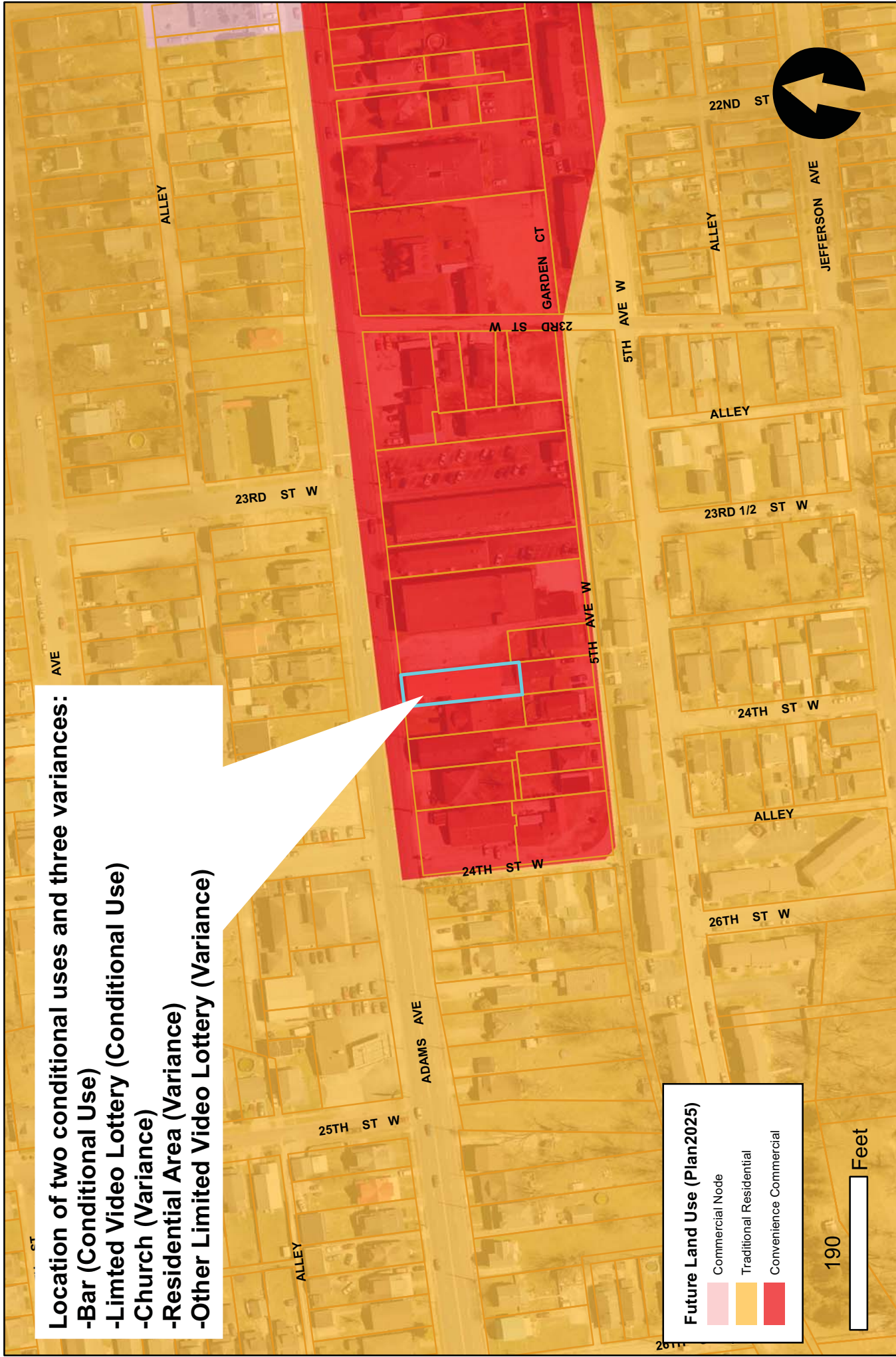


Location of two conditional uses and three variances:

- Bar (Conditional Use)
- Limited Video Lottery (Conditional Use)
- Church (Variance)
- Residential Area (Variance)
- Other Limited Video Lottery (Variance)



2333 Adams Avenue
Cabell County Tax District 7, Map 39,
Parcel 163
BZA 23-C-32, BZA 23-C-33, BZA 23-V-34, BZA 23-V-35, BZA-23-V-36
Location of a conditional use for a bar and limited video lottery: location for a variance of distance
from a church, residential area, and other video lottery.



Location of two conditional uses and three variances:

- Bar (Conditional Use)
- Limited Video Lottery (Conditional Use)
- Church (Variance)
- Residential Area (Variance)
- Other Limited Video Lottery (Variance)



2333 Adams Avenue
Cabell County Tax District 7, Map 39,
Parcel 163
BZA 23-C-32, BZA 23-C-33, BZA 23-V-34, BZA 23-V-35, BZA-23-V-36
Location of a conditional use for a bar and limited video lottery: location for a variance of distance from a church, residential area, and other video lottery.



Location of two conditional uses and three variances:
-Bar (Conditional Use)
-Limited Video Lottery (Conditional Use)
-Church (Variance)
-Residential Area (Variance)
-Other Limited Video Lottery (Variance)



2333 Adams Avenue
Cabell County Tax District 7, Map 39,
Parcel 163
BZA 23-C-32, BZA 23-C-33, BZA 23-V-34, BZA 23-V-35, BZA 23-V-36
Location of a conditional use for a bar and limited video lottery: location for a variance of distance from a church, residential area, and other video lottery.

Staff Report: A petition for a variance to exceed the height requirement for a fence in the front yard.

Legal Ad

BZA 23-V-41

Issue: 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 Avenue.

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

Introduction

Anthony C. Almeida is petitioning for a variance to the fence height in the front yard of his property. This property is located in a residential district where the maximum height requirement is 4 feet.

Existing Conditions / Background

The property is owned by Anthony C. Almeida. Currently, he resides at this location. In the past he has had two fire-arm related encounters where he has felt in danger. Additionally, he has found trespassers inside of his home.

Proposed Conditions

The petitioner has installed a fence in the front yard that goes over the allotted maximization height permitted of 4 feet. Due to the numerous criminal incidences he has witnessed, this fence was installed as a safety measure and was stopped mid construction due to a compliance officer witnessing the height without a building permit review.

Zoning Ordinance

Per *Article 1341.19.C.02.a*, in any residential district, front yards may not exceed a maximum of 4 feet in height for a fence. In addition, “any fence located in the front yard or required front yard, whichever distance is greater, shall have a minimum ratio of 1:1 open to structural areas (such as picket fence or split rail fence).”



Red indicates Front Yard Line as defined by the Zoning Requirements. At that red line and towards the rear of the lot a privacy fence up to seven feet in height is permitted. The blue line indicates the fence requirements would be limited to 4 ft., 1-1 ratio, where the applicant has placed a 6 foot privacy fence.

Pictures



View of 210 6th Avenue looking east to the front yard privacy fence. If permitted, the fence will be properly finished



Front facing view of privacy fencing.

Staff Comments

Plan2025 designates this area as a Downtown Transition District, which is characterized by:

- Medium to high density development
- Area of change from neighborhood to downtown core
- Varied land uses
- Preservation of the character found in large single-family housing while be repurposed for other uses.

The height requirement for fencing is instilled in the ordinance to preserve the character of neighborhoods. Along the portion of 6th Avenue his home is located on there is a plethora of large single-family housing. Some properties near his home has fencing in the front yard; but none of them are as tall as his fence or constructed as a privacy fence. Additionally, the street he is

on is mixed with single-family and multi-family dwellings.

Nonetheless, it's important to consider the material used to construct this fence. The petitioner has used wooden slats in a horizontal direction as the design with a gate leading up to the front entrance of the home. Even though the material he has used is permitted, it prohibits the character of his home to compliment the streetscape that is filled with homes with similar architectural styles to his residence. Overall, staff can agree the petitioner has a right to install a fence to protect himself, but the height is causing an obstruction to the view of the front of the house which changes the character of the neighborhood.

Board members should give consideration to the impact on this development, setting a standard to alter the land use characteristics of the district, and whether or not this will impair the adequate supply of light, air, and other impacts to adjacent properties.

Summary / Findings of Fact

1. Anthony C. Almeida is the owner and petitioner.
2. The petitioner is requesting a variance to the fence height requirement in the front yard of a residential property.
3. The property is currently zoned in the R-5 Multi-family Residential District
4. The petitioner has installed a fence that surpasses the 4-foot maximum height restriction and 1:1 open to structural areas requirement in a front yard.

Attachments

- Aerial map
- Zoning map
- Future Land Use map
- Application



PLANNING & ZONING

City of Huntington
Planning & Zoning
P.O. Box 1659 | Huntington, WV 25717
(304) 696-5540, option 3
planningdept@huntingtonwv.gov

Variance of Zoning Regulations Application

Applicant Name: Anthony Almeida Phone: 786.252.0039

Mailing Address (city, state, zip): 210 6th Ave Huntington WV

Email: tony.almeida40@gmail.com

Property Owner (if applicable): me Phone: 786.252.0039

Please list the Location (address) and Description (Tax Map Number, Parcel, and Lot,):

Variance request pursuant to:

Article 1341.14 and/or Figure _____ of the City of Huntington Zoning Ordinance.

Description of the variance being requested:

Variance to the height and minimum ratio for zoning in front yard.

X Describe the special conditions or attributes which pertain to the property or hardship for which the variance is sought (state any reason the Board of Zoning Appeals should be aware of in determining its decision):

- I normally do not want or like front yard fences
- TO DATE I HAVE HAD (2) FIREARM related incidences that made me fear for my life
- TO DATE I HAVE PICKED-UP (5) DIFF. trash bags full of needles
- I HAVE CHASED MULTIPLE DRUG ADDICTS OFF MY PORCH

(Attach additional pages if necessary)

• TO DATE IVE CAUGHT (2) DRUG ADDICTS IN MY HOME. / our realtor did not disclose 7 addicts houses in our neighborhood

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

- Site plan the property involved (if applicable); drawn to scale, showing all boundary lines and the placement of existing and/or proposed structures, and with all dimensions shown (setbacks, buildings, ect.).
- Valid State and Federal Photo ID.
- Any and all documentation and evidence to support the request.
- One hundred sixty dollars (\$160) non-refundable filing fee for each variance sought.

All of the above documentation shall be submitted in full to the Planning and Zoning office by _____ in order to be placed on the next Board of Zoning Appeals (BZA) agenda. An incomplete submittal will delay the applications 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, _____. 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.

Signature

Date

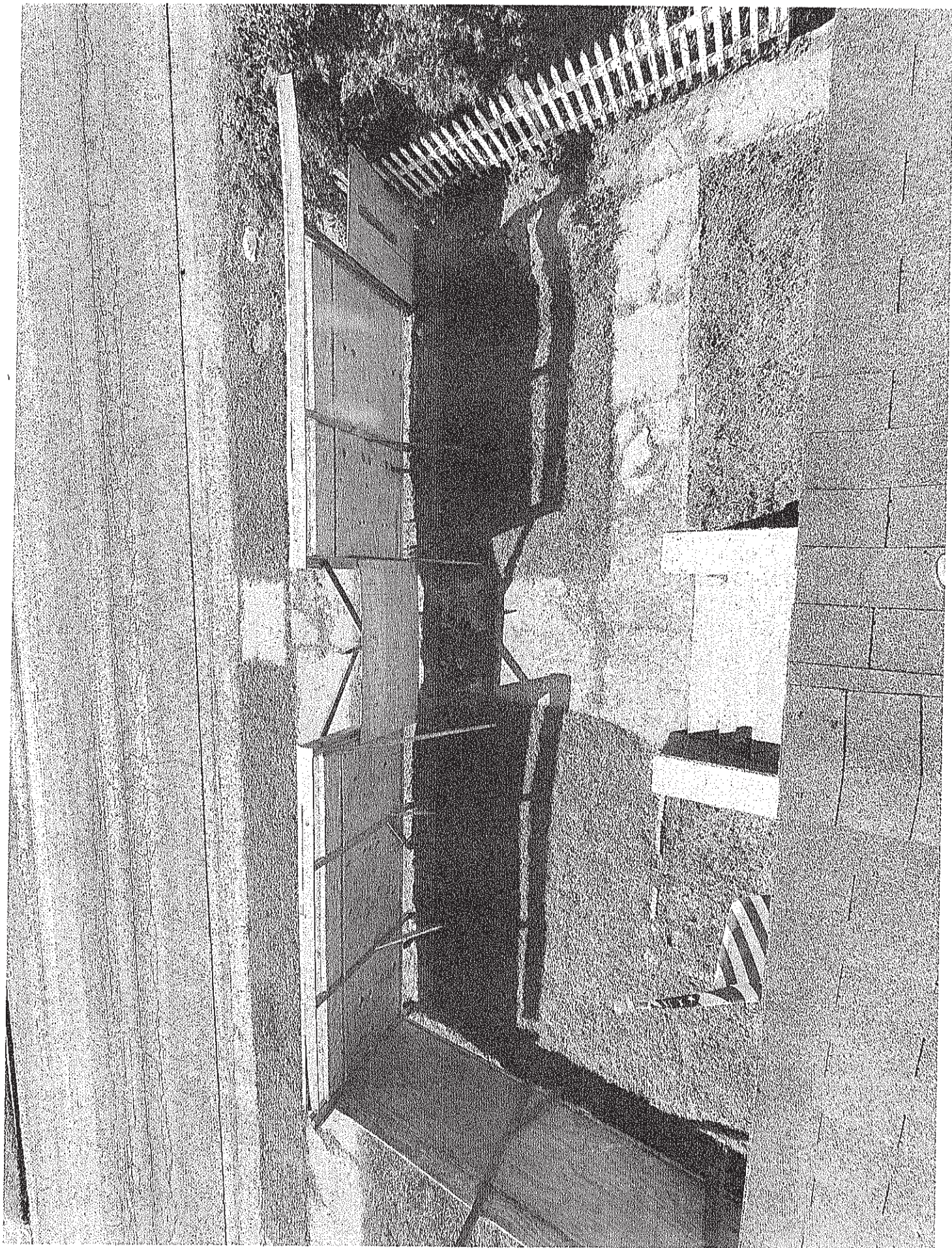
Aug 22, 2023

For office use only

Received:

Project Name:





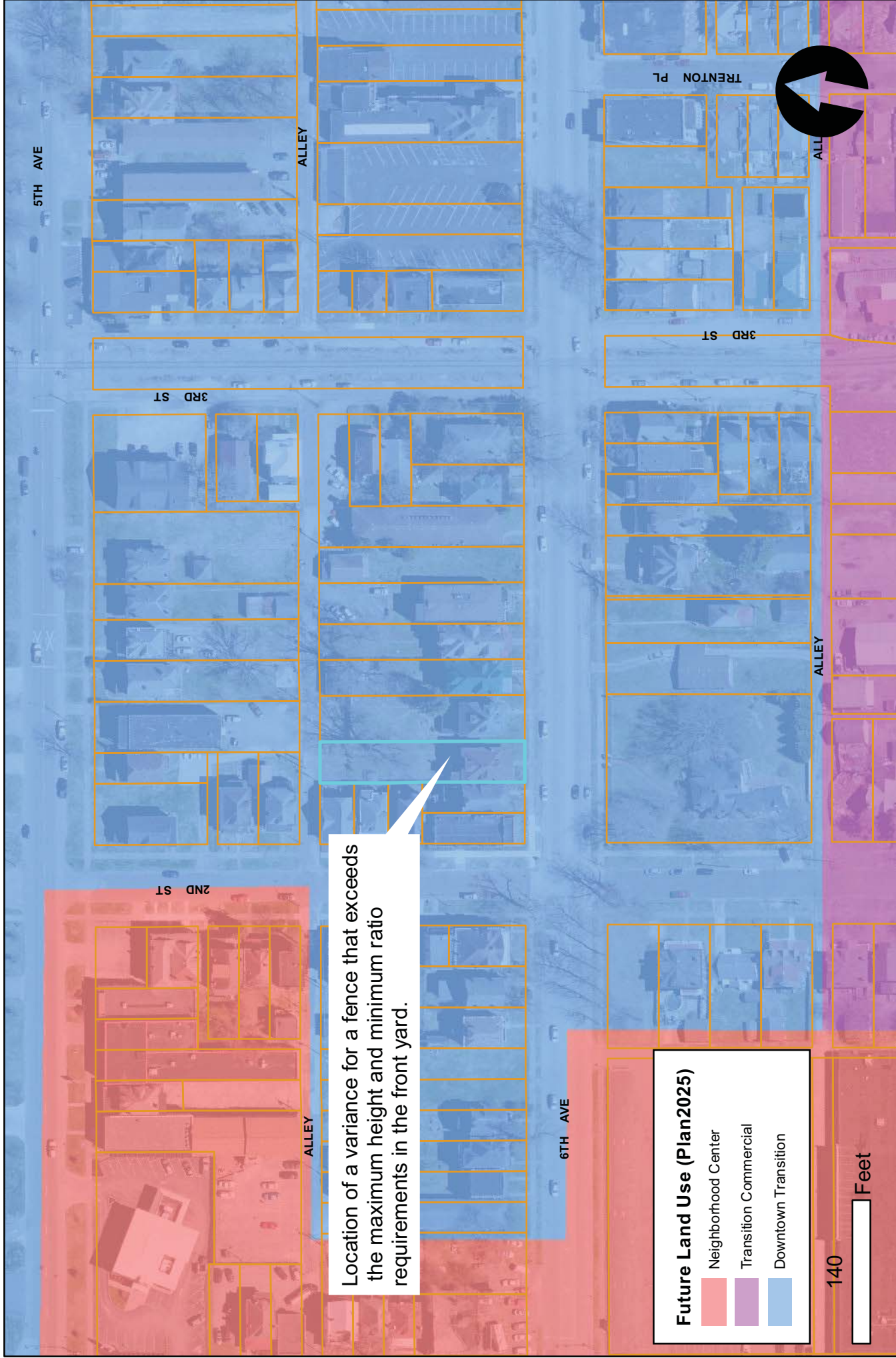


Location of a variance for a fence that exceeds the maximum height and minimum ratio requirements in the front yard.

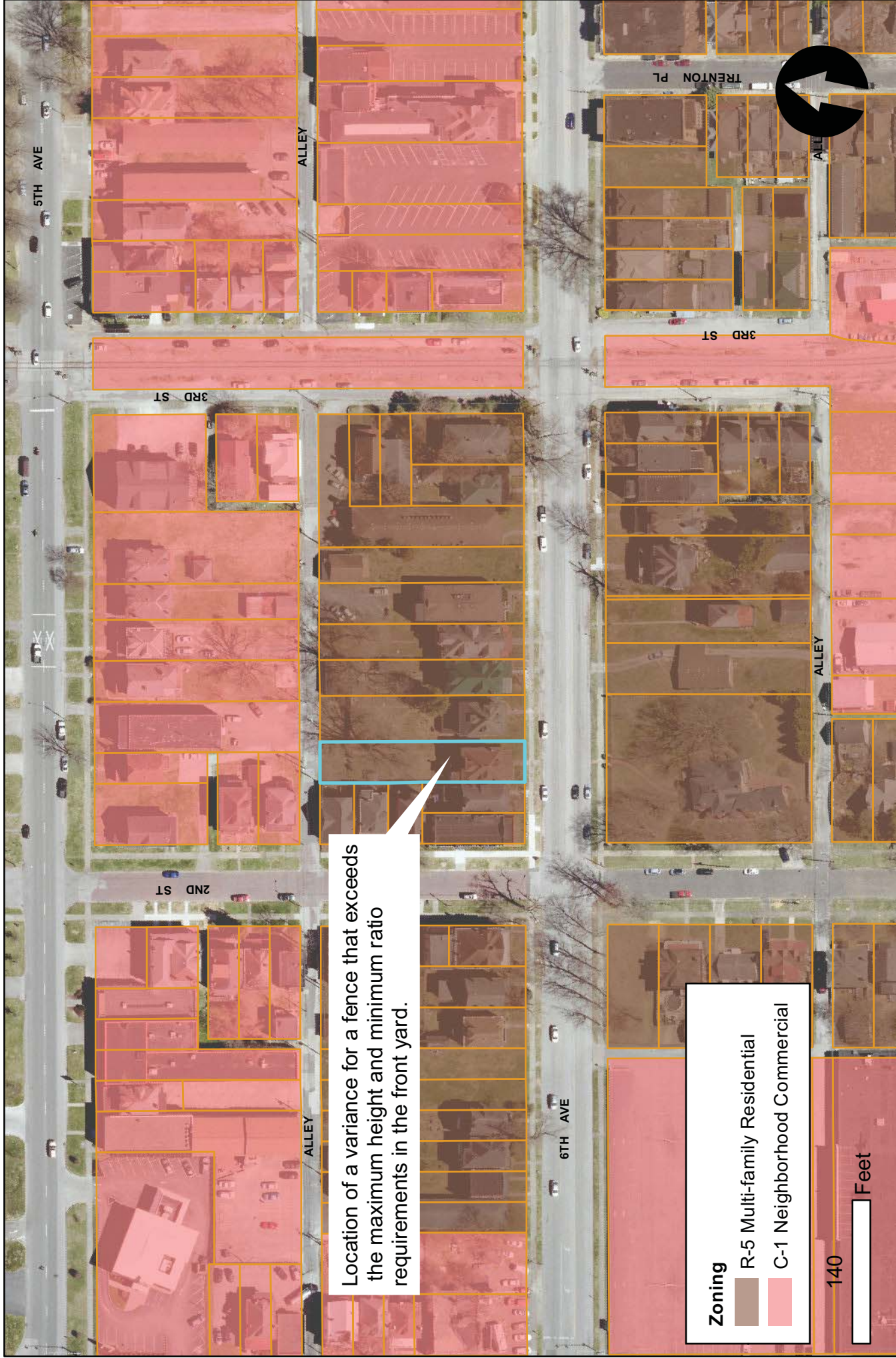
210 6th Avenue
Cabell County Tax District 7, Map 28,
Parcel 443
BZA 23-V-41

Location of a variance for a fence that exceeds the maximum height and minimum ratio requirements in the front yard of a house in an R-5 Multi-family Residential District





210 6th Avenue
Cabell County Tax District 7, Map 28,
Parcel 443
BZA 23-V-41
Location of a variance for a fence that exceeds the maximum height and minimum ratio requirements in the front yard of a house in an R-5 Multi-family Residential District



210 6th Avenue
Cabell County Tax District 7, Map 28,
Parcel 443
BZA 23-V-41
Location of a variance for a fence that exceeds the maximum height and minimum ratio requirements in the front yard of a house in an R-5 Multi-family Residential District

Staff Report: A petition for a conditional use to permit a banquet hall.**Legal Ad****BZA 23-C-42**

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

Petitioner: Haley Collins-Preston, 914 11th St., Huntington, WV.

Property Owner: Melanie Mansour, 919 8th St., Huntington, WV.

Introduction

Haley Collins-Preston is petitioning for a conditional use to allow a banquet hall so she can include event space services in her business model. Recently, she has taken ownership of the business, The Space On 8th. She plans on operating both a salon and an event space.

Existing Conditions / Background

The property is owned by Melanie Mansour. Ms. Collins-Preston will be operating her business within the commercial center located on the southwestern corner of 9th Avenue and 8th Street. Previously, this business offered primarily photography and yoga services while using the unit as an event space too, solely as an accessory use.

Proposed Conditions

If approved, the conditional use would allow Haley Collins-Preston to operate an event space as a main use in the outlet her business occupies.

Zoning Ordinance

Per 1320.04, in the C-1 district, banquet halls are a conditional use.

Pictures

Outside of the 919 8th Street, retail storefront of the proposed salon and banquet hall space, looking south.



Outside of the 919 8th Street, intersection of 9 1/2 alley and 8th Street.



Overhead of shopping complex, where parking lot is shared. Petitioned parcel is highlighted in red.

Staff Comments

Plan2025 designates this area as a Commercial Node, which is characterized by:

- Medium density buildings and small lots
- Low intensity commercial spaces
- Minimal off-street parking
- Mainly centered around intersections in residential areas

The Board needs to give their opinion on the event space as it is considered a banquet hall under the city ordinance. §1315.02.B defines a banquet hall or conference center as a facility that is available to lease for private parties and may include kitchen facilities for the catering and preparation of food, sale of alcoholic beverages with valid licensure, outdoor gardens, receptions, or decks. The area The Space on 8th will offer inside of its doors is classified as a banquet hall due to its size.

Nonetheless, this location is along 8th Street, a busy thoroughfare that runs from Ritter Park to Downtown. With traffic comes the desire for travelers to visit nearby businesses. Shared parking is available for patrons. §1343.04.02 states shared parking cannot be farther than 1,320 feet from most primary entrances when it comes to any non-residential space. The unit The Space on 8th occupies is in close proximity to both public parking on the side of 8th Street and the shared parking lot associated with the shopping center.

Additionally, as §1327.01 of the ordinance states “the purpose of the C-1 district is to conveniently provide goods and services to the residents of the neighborhoods while maintaining and promoting the sense of

community provided by the commercial hub located in the neighborhood.” Banquet halls bring people together with events. Having an area for residents to corral and share ideas is crucial for advocacy in the neighborhood which can amplify community development. Staff believes having another “third place” for events will be beneficial to the neighborhood and city services.

Another component to consider for this conditional use is the transparency of the front façade. §1327.02 specifies ground floor transparency being a minimum of 50%. The outlet The Space on 8th occupies has a storefront that surpasses this requirement with plenty of windows and a tinted, see-through glass entrance door.

Overall, Staff recommends the Board to evaluate how this conditional use will impact circulation and the general welfare of the public, once these conditions have been evaluated, staff finds that there could be sufficient support to approve the conditional use in this location.

Summary / Findings of Fact

1. Melanie Mansour is the owner.
2. Haley Collins-Preston is the petitioner.
3. The petitioner is requesting a conditional use to permit a banquet hall.
4. The property is currently zoned C-1 Neighborhood Commercial District.
5. The petitioner would like to operate a salon and an event space as primary uses.

Attachments

- Aerial map
- Zoning map
- Future Land Use map
- Site Plans
- Application



PLANNING & ZONING

City of Huntington
Planning & Zoning
P.O. Box 1659 | Huntington, WV 25717
(304) 696-5540, option 3
planningdept@huntingtonwv.gov

Conditional Use Permit Application

Applicant Name: Haley Collins-Preston Phone: 606-331-9375

Mailing Address (city, state, zip): 914 11th st Huntington, WV 25701

Email: thespaceon8th@gmail.com

Property Owner (if applicable): Mark Mansour Phone: 304-654-0564

Mailing Address (city, state, zip): Old Colony Real Estate Huntington, WV 25701

Please list the Location (address) and Description (Tax Map Number, Parcel, and Lot,):

919 8th st huntington, wv 25701

Description

Under the terms and conditions indicated in Article 1359 of the Zoning Ordinance, application is hereby made for a Conditional Use pursuant to Article 1320.04 to allow the following:

a conditional use for a banquet hall (event space)

in the C-1 commercial district

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, the direction of 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.
- Any and all documentation and evidence to support the request.
- Treasurers Receipt for One Hundred Sixty Dollars (\$160.00) non-refundable filing fee for each Conditional Use sought.

All of the above documentation is to be submitted to the Planning Commission office by 11/21/23.

Incomplete documentation will delay applicants review by the Board of Zoning Appeals.

Notice of Procedure

I/We, the undersigned am/are aware that the Board of Zoning Appeals will hold a public hearing on the request for a Conditional Use on **Tuesday**, December 19th at **5:30pm** in City Hall Council Chambers. It is my responsibility to attend (or send a representative/agent) to this meetings to present plans and to answer any questions regarding the request for a Conditional Use.

DocuSigned by:

A handwritten signature in blue ink, appearing to read "Haley Collins-Preston".

5FAC94AF99E342D Applicant

DocuSigned by:

A handwritten signature in blue ink, appearing to read "Mark Mansour".

14A68AC82AD9425 Signature of Property Owner

11-20-23

Date

11-20-23

Date

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

For office use only

Received:

Project Name:



PLANNING & ZONING

City of Huntington
Planning & Zoning
P.O. Box 1659 | Huntington, WV 25717
(304) 696-5540, option 3
planningdept@huntingtonwv.gov

Application for Conditionally Permitted Use

ATTACHMENT A

In making its decision to approve or deny Conditional Use, The Board of Zoning Appeals must consider six issues. Please provide a written statement on how the proposed Conditional Use will affect each of the following considerations:

1. Effect upon the Comprehensive Plan (available online):

No effects. The event space will fall under all requirements of the comprehensive plan.

2. Effect upon public health, safety, and general welfare:

No effects. The event space is a clean and safe environment that will be offered to the community at an affordable price.

3. Effect upon the use and enjoyment of other property in the immediate vicinity for the purposes already permitted:

No effects.

4. Effect upon the normal and orderly development and improvement of the surrounding properties for uses already permitted in the district:

No effects, the event space will be orderly and organized in a manner that will not be bothersome in any way to surrounding properties.

5. Have adequate provisions for utilities, access roads, drainage, and other facilities been provided for:

Yes. Utilities are active and all necessary things mentioned above have been provided.

6. Has adequate ingress and egress been designed to minimize traffic congestion on the public street:

Yes, parking is available in the pavilion area as well as ally way and directly in front, roadside.



PLANNING & ZONING

City of Huntington
Planning & Zoning
P.O. Box 1659 | Huntington, WV 25717
(304) 696-5540, option 3
planningdept@huntingtonwv.gov

Application for Conditionally Permitted Use

ATTACHMENT B

Additional requirements pertaining to the Conditional Use may exist in the City of Huntington Zoning Ordinance. These additional requirements may exist within the General Regulations, specific districts to include overlay districts, or other articles of the ordinance. Please consult with the Planning and Zoning office to help identify these additional requirements.

List all each Article and Section numbers pertaining to this Conditional Use and give a brief description as to how each of the requirements shall be met:

Article 1320.04

Brief description of the requirement:
A conditional use for A banquet hall/event space in the neighborhood commercial district

How will the requirement be met:
I plan to conduct the event space in my business and it will constitute for a significant amount of my earnings

Article _____

Brief description of the requirement:

How will the requirement be met:

Article _____

Brief description of the requirement:

How will the requirement be met:

Article _____

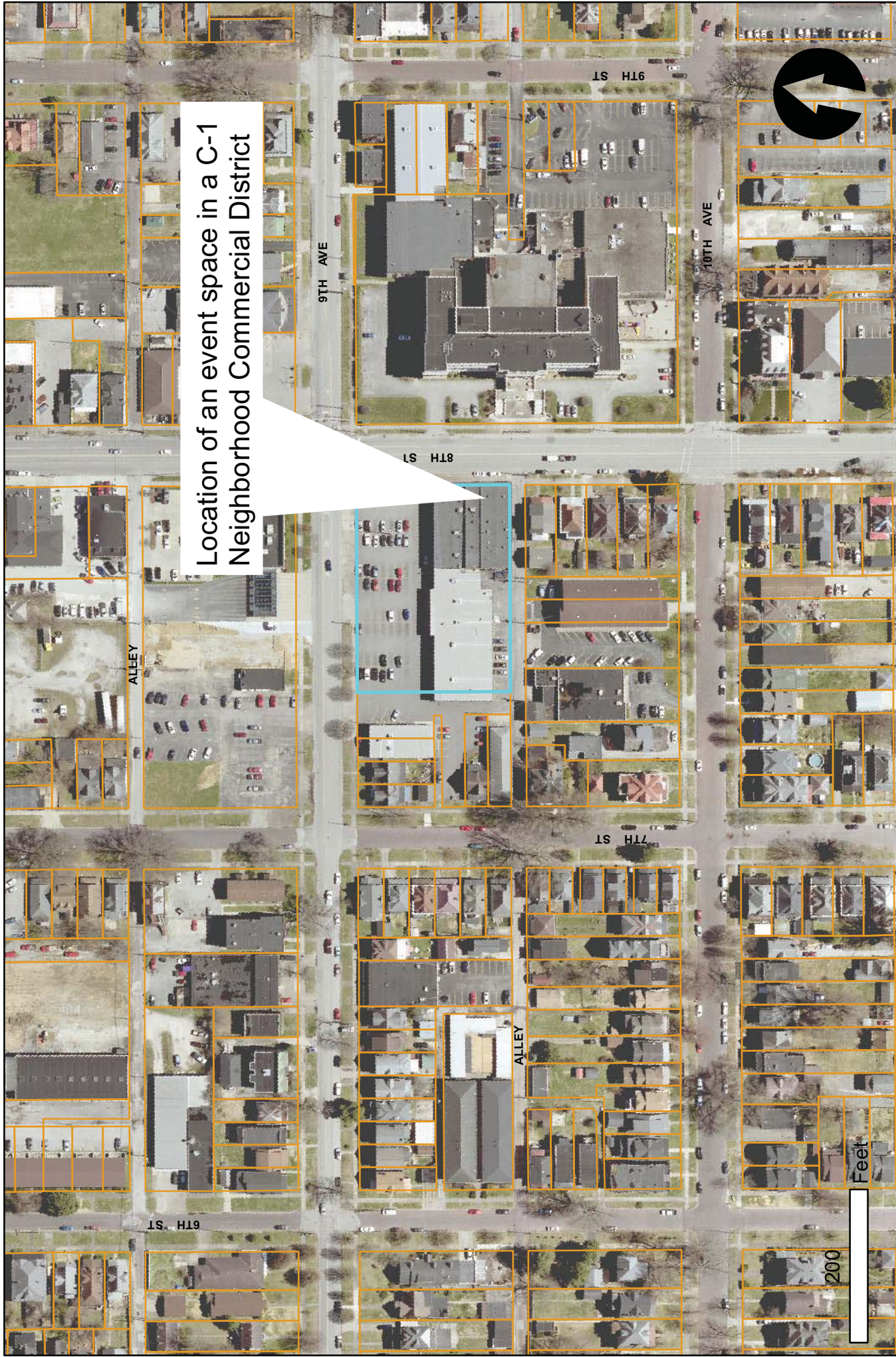
Brief description of the requirement:

How will the requirement be met:

Article _____

Brief description of the requirement:

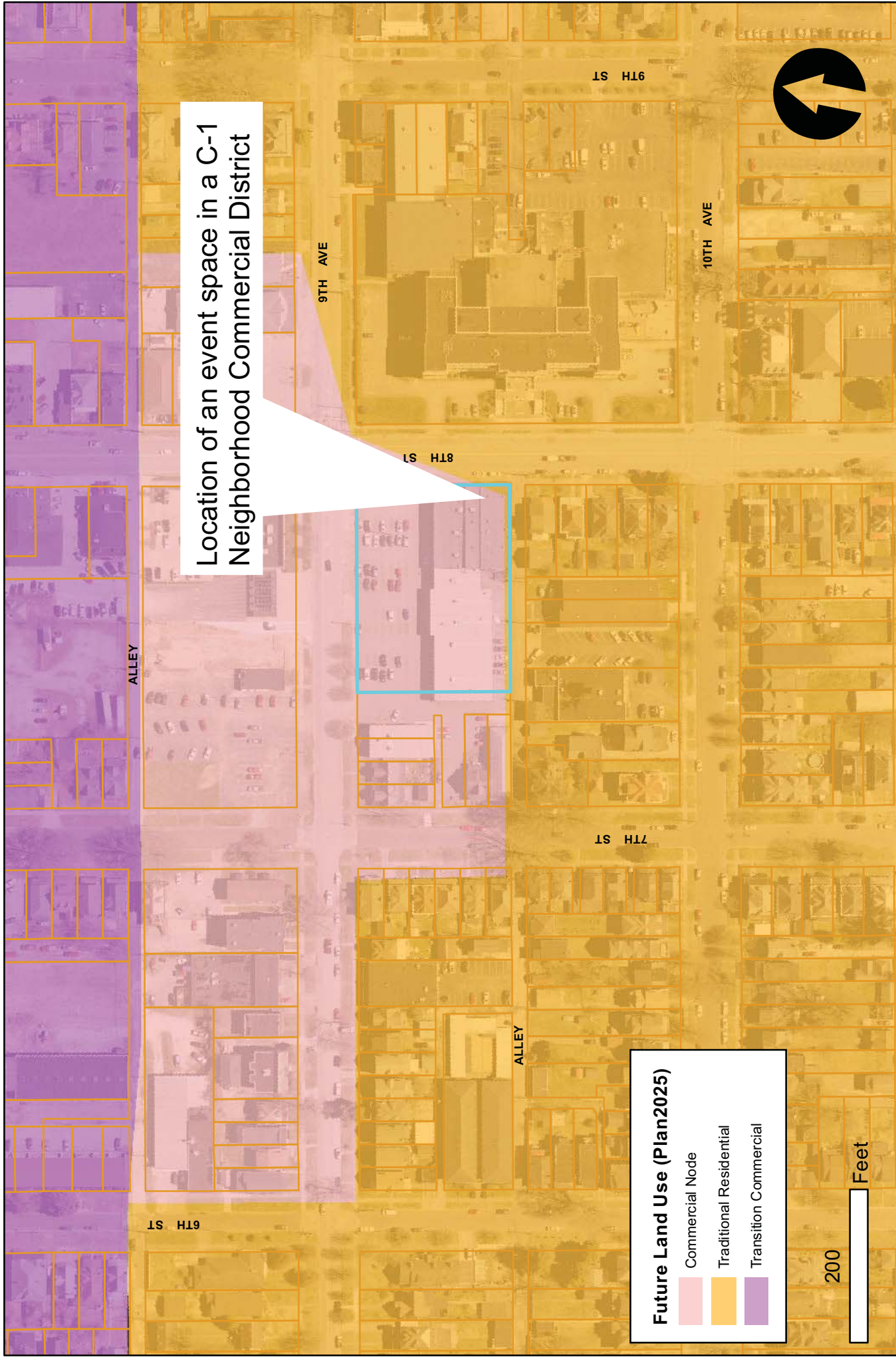
How will the requirement be met:



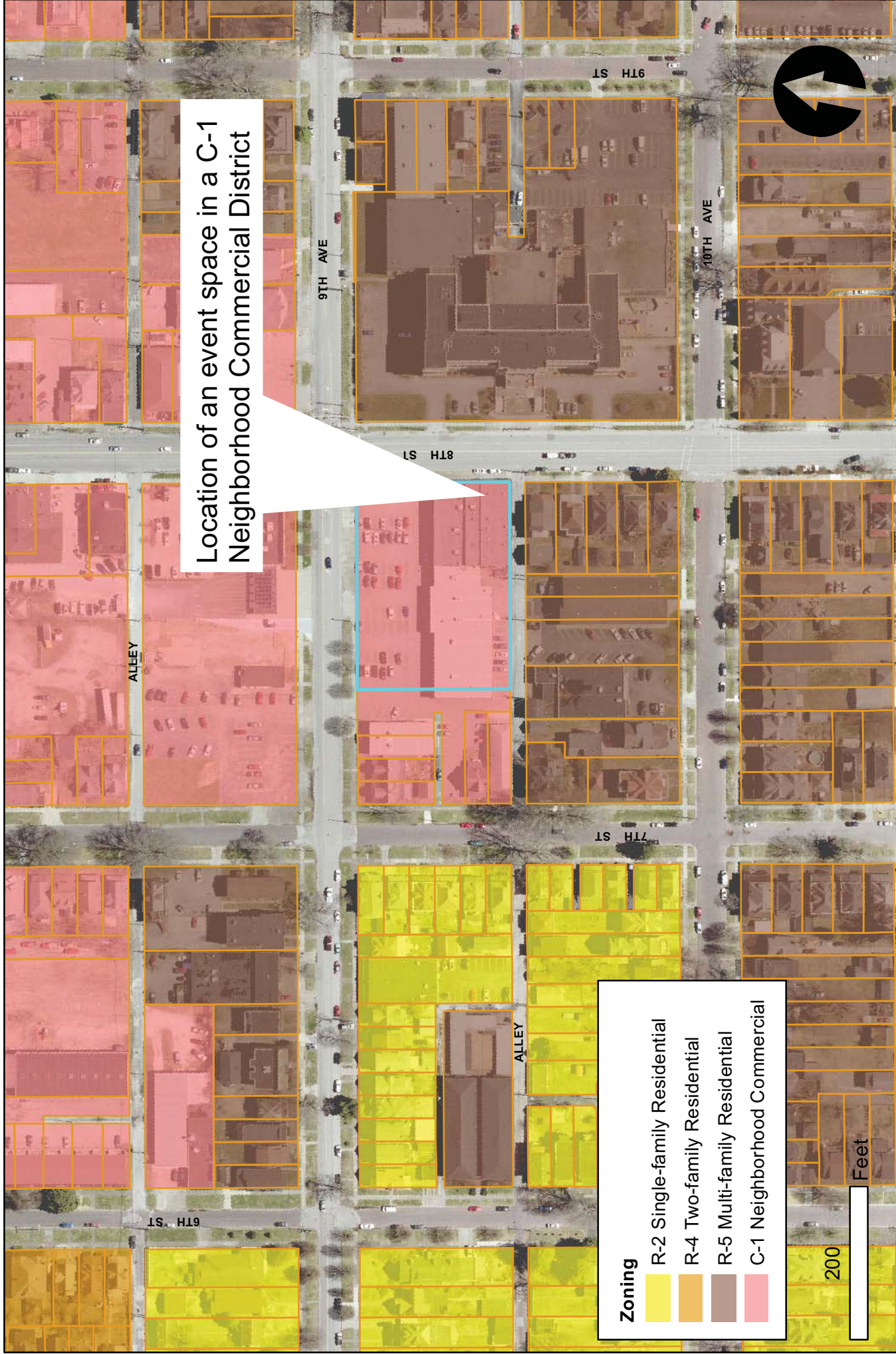
Location of an event space in a C-1
Neighborhood Commercial District



BZA 23-C-42
919 8th Street
Cabell Tax District 7, Map 44
Parcel 207
Conditional Use for an event space in a C-1 Neighborhood Commercial District



BZA 23-C-42
919 8th Street
Cabell Tax District 7, Map 44
Parcel 207
Conditional Use for an event space in a C-1 Neighborhood Commercial District



BZA 23-C-42
919 8th Street
Cabell Tax District 7, Map 44
Parcel 207
Conditional Use for an event space in a C-1 Neighborhood Commercial District

Staff Report: A petition for a variance to the minimal transparency requirement for the front façade of a building.

**Legal Ad
BZA 24-01**

Issue: 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 10th St.

Petitioner: Jason Farley, 410 10th St.,
Huntington, WV.

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

Introduction

Jason Farley is petitioning a variance to the transparency requirement to reduce the windows and doors on the storefront of the Sharkey's bar. Mr. Farley states that with this change Sharkey's will be a safer venue for all to enjoy.

Existing Conditions / Background

The property is owned by L Y Investments Inc. Presently, the property is a mixed-use development with Sharkey's maintaining commercial space on the ground floor. In year's past and again just recently a patron fell through one of the windows on the front façade which created a safety hazard.

Proposed Conditions

Mr. Farley would like to replace the window filled front façade with two glass double-door entrances. In addition the door in the middle that goes to the upper levels will be brought out to the street and a gate installed to prevent people from going into that portico that do not have permission to enter.

Mr. Farley is proposing to reduce the storefront design to 3 double doors which equate to 154 sf of transparency or 64%.

Mr. Farley states that this improvement will allow him to renovate the store frontage in a way that will improve the character of the downtown district.

Zoning Ordinance

Per *Article 1331.02*, in the C-3 district, the front façade for any building being used for commercial purposes at the ground floor has a minimum transparency of 70%.

This building has a street frontage of 40 feet and would require 168 sf of windows or doors at minimum to meet the 70% transparency requirement. A rough estimate of the existing conditions show approximately 210 sf of windows or doors or 87% transparency. Although some of the existing façade has been tinted or boarded up it appears due to damage.

Pictures



View of Sharkey's front façade from the southeastern direction from 10th St.



View of Sharkey's from western side of 10th St.

Staff Comments

Plan2025 designates this area as the Old Main Corridor District, which is characterized by:

- Dense development along 4th Avenue between Downtown and Marshall University.
- Cater to populations within Downtown and students on Marshall's campuses.
- Alive storefronts and mixed-use housing.

§1315.08.E states the front façade is the side of a structure that faces a street's right-of-way. The right-of-way is defined by an area owned by a local or state government to provide a place for utilities and an access point for residents as well as emergency personnel to travel throughout the city. According to §1315.08.I.01, the only time transparency may be exempted is for common walls. Exposed facades on every building in the city are expected to have transparency. The proposal the applicant has brought forth to the board would limit the visibility of transparency from the front façade at this location on the ground floor.

Additionally, §1341.02. A. 1. States that all new bars are required to follow the transparency requirements of the district and there is no "grandfathering." This would

mean that a new location could not open without having some transparency to see inside the building.

This requirement was added for bars in particular due to increased policing of dangerous and illegal activity occurring in bars without the ability of patrons, people walking by or the police to be able to see what is occurring inside.

These transparency requirements are designed to keep our streetscapes attractive to residents and visitors and to provide safety for all. The building is surrounded by commercial uses. All of the buildings near this location have an abundance of transparency including businesses on corner lots. When motorists and pedestrians are traveling through the C-3 District (known as the Downtown neighborhood), an area that is growing as a general focal point in the city, it is ideal to have an environment that feels welcoming physically. Allowing this store front to undermine the transparency requirement may create an area that isn't visually appealing which may prevent consumerism, especially localism, both vital calibers for economic activity in this part of the city that would come from vehicular and foot traffic from occurring.

Staff hopes that Sharkey's continues to be a frequently visited business and contributes to the downtown entertainment district. But if this transparency reduction is approved it is likely it will be hard to reverse if the use or business owner changed.

Overall, due to these factors, staff does not think that this location meets the requirements for a variance. Other options could be considered by the applicant to ensure the safety of patrons without

compromising the aesthetics of the downtown as a whole. The transparency requirement is meant to preserve the character of the Downtown neighborhood and enrich the vibrancy of the area. This requirement doesn't need to be disrupted to protect the general well-being and health of patrons at this business.

If the BZA feels that a variance for this use would be appropriate to grant, conditions such as:

- Requiring the visibility through the doors of the entrances to Sharkeys and/or
- Requiring the ability to restore the window frontage, and/or
- Requiring other elements of streetscape beautification

may be an appropriate condition to mitigate the intent of the transparency requirement.

Summary / Findings of Fact

1. Jason Farley is the petitioner and L Y Investments Inc. is the owner.
2. The petitioner is requesting a variance to the transparency requirement to be able make the bar safer for patrons.
3. The property is located within the C-3 Central Business District.
4. The petitioner will replace the window-filled front façade with a stucco wall and two glass double-door entrances and a gate over the residential doors above. This equates to an approximate 64% transparency.

Attachments

- Aerial map
- Zoning map
- Future Land Use map
- Site Plans
- Application



PLANNING & ZONING

City of Huntington
Planning & Zoning
P.O. Box 1659 | Huntington, WV 25717
(304) 696-5540, option 3
planningdept@huntingtonwv.gov

Variance of Zoning Regulations Application

Applicant Name: JASON FARLEY Phone: (304) 416-2930

Mailing Address (city, state, zip): 410 10th St. Hunt. WV 25701

Email: wjlf.13@gmail.com (preferred method of contact phone or mail)

Property Owner (if applicable): Jess Lettwich Phone: (304) 638-5377

Please list the Location (address) and Description (Tax Map Number, Parcel, and Lot,):

410 & 414 10th St.

Variance request pursuant to:

Article 133.02 and/or Figure _____ of the City of Huntington Zoning Ordinance.

Description of the variance being requested:

70% transparency from 2nd - 8th

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

The windows are a hazard to my business, peoples safety. This change would make the building safer, now handicap accessible. It will help the access to my patrons but upgrade the access to help w/fire code. This change will actually give more transparency than it has currently or for the last twenty years. Our building is probably the biggest eye sore on the block but I hope to be aloud to change that.
(Attach additional pages if necessary)

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

- Site plan the property involved (if applicable); drawn to scale, showing all boundary lines and the placement of existing and/or proposed structures, and with all dimensions shown (setbacks, buildings, ect.).
- Valid State and Federal Photo ID.
- Any and all documentation and evidence to support the request.
- One hundred sixty dollars (\$160) non-refundable filing fee for each variance sought.

All of the above documentation shall be submitted in full to the Planning and Zoning office by _____ in order to be placed on the next Board of Zoning Appeals (BZA) agenda. An incomplete submittal will delay the applications 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, 1-16-24. 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.

Signature

Jason Farley

Date

12/11/23

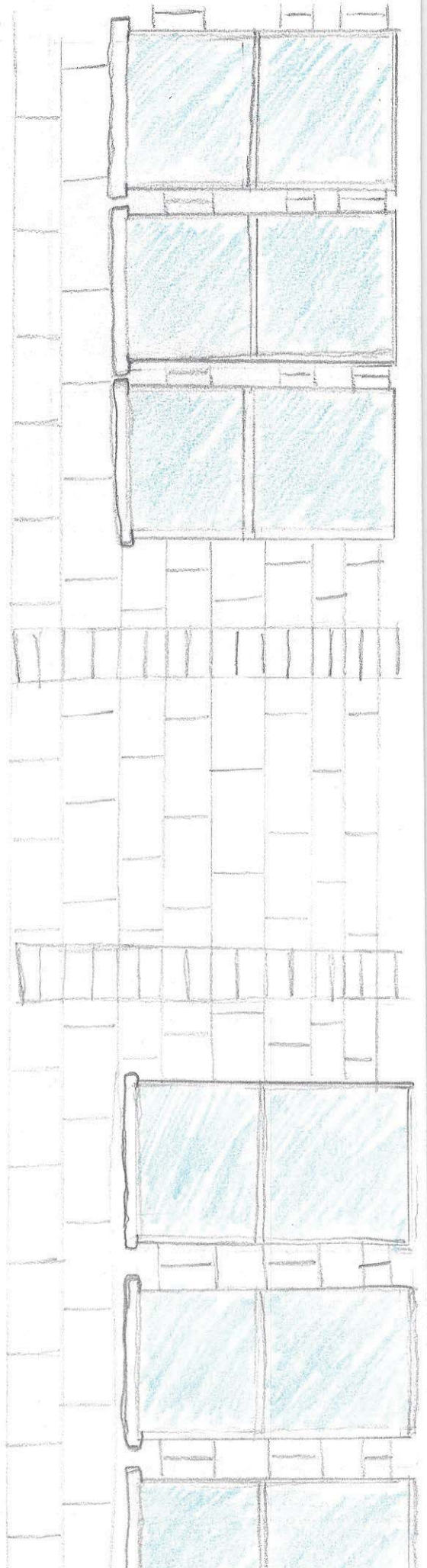
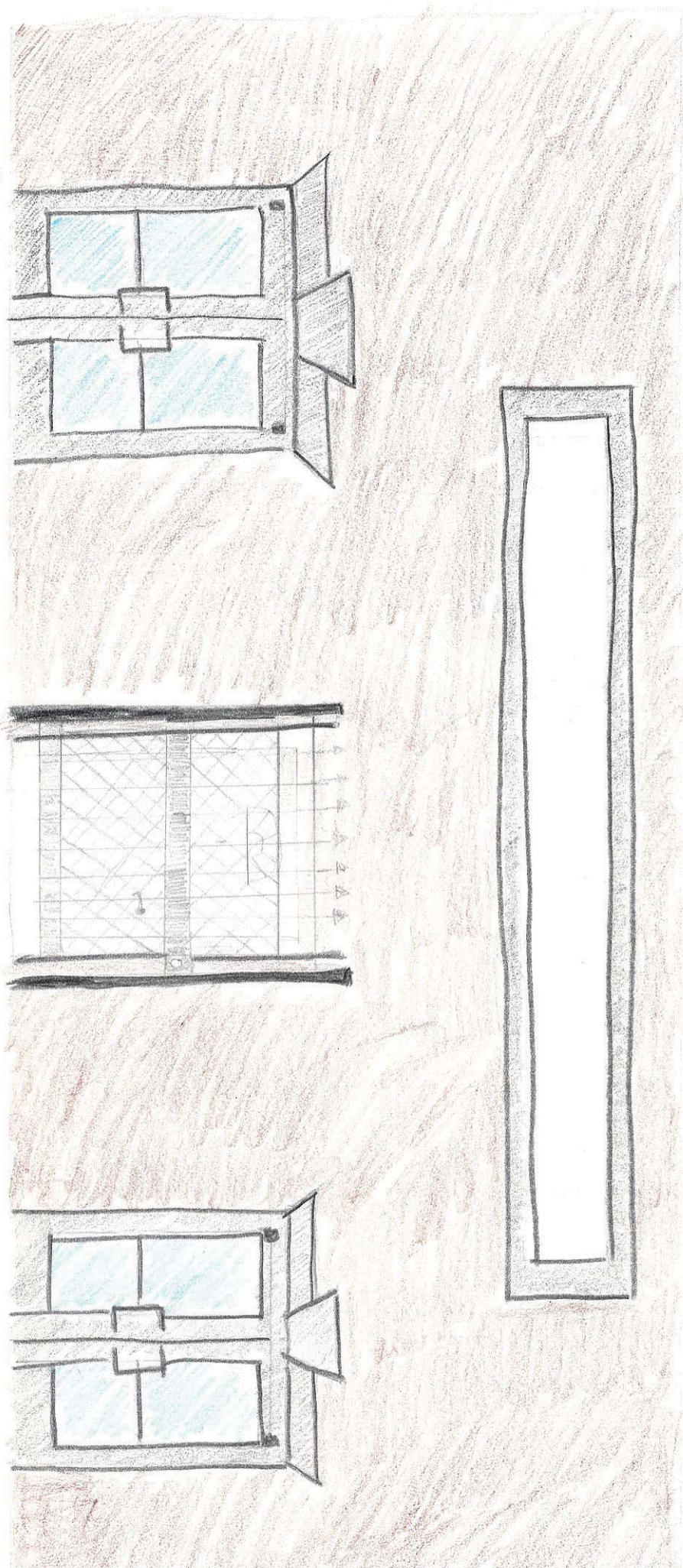
For office use only

Received:

Project Name:

Guest Check

TABLE	GUESTS	SERVER	5806-25
40 ft	store front		
(480	in inches)		
25 ft	7 inches in windows		
(307	in inches)		
7 ft	6.5 inches in transparency		
(90 1/2	in inches)		
	New Construction		
10 ft	8 inches in windows		
(128	inches) full transparency		
		Tax	
		Total	



Measurement's Sharkeys Jason farley



Jasmine Sloan <joejazz75647@gmail.com>




Fri 1/5/2024 3:19 PM




To:Cade Williams <WilliamsC@Huntingtonwv.gov>


****EXTERNAL SENDER**** This email is not from an official City of Huntington email account. Please take caution when opening links or attachments from this email. Please forward this to spam@huntingtonwv.gov if you believe this email is suspicious.

The middle door for upstairs apartments is 7 foot wide 10 foot tall and nothing changes there except adding a security gate to keep people from going upstairs and sleeping in there hallway.

1:38  4G 


  **www.google.com** 

 **Door Closers USA**  





Door Closers USA


72 in. x 84 in. Light Traffic, Low Abuse Commercial Storefront Double Door, 3-1/4 in. Bottom Rail,...

 **Door Closers USA** **\$3,845.46**

72 in. x 84 in. Light Traffic, Low Abuse...

 In stock online

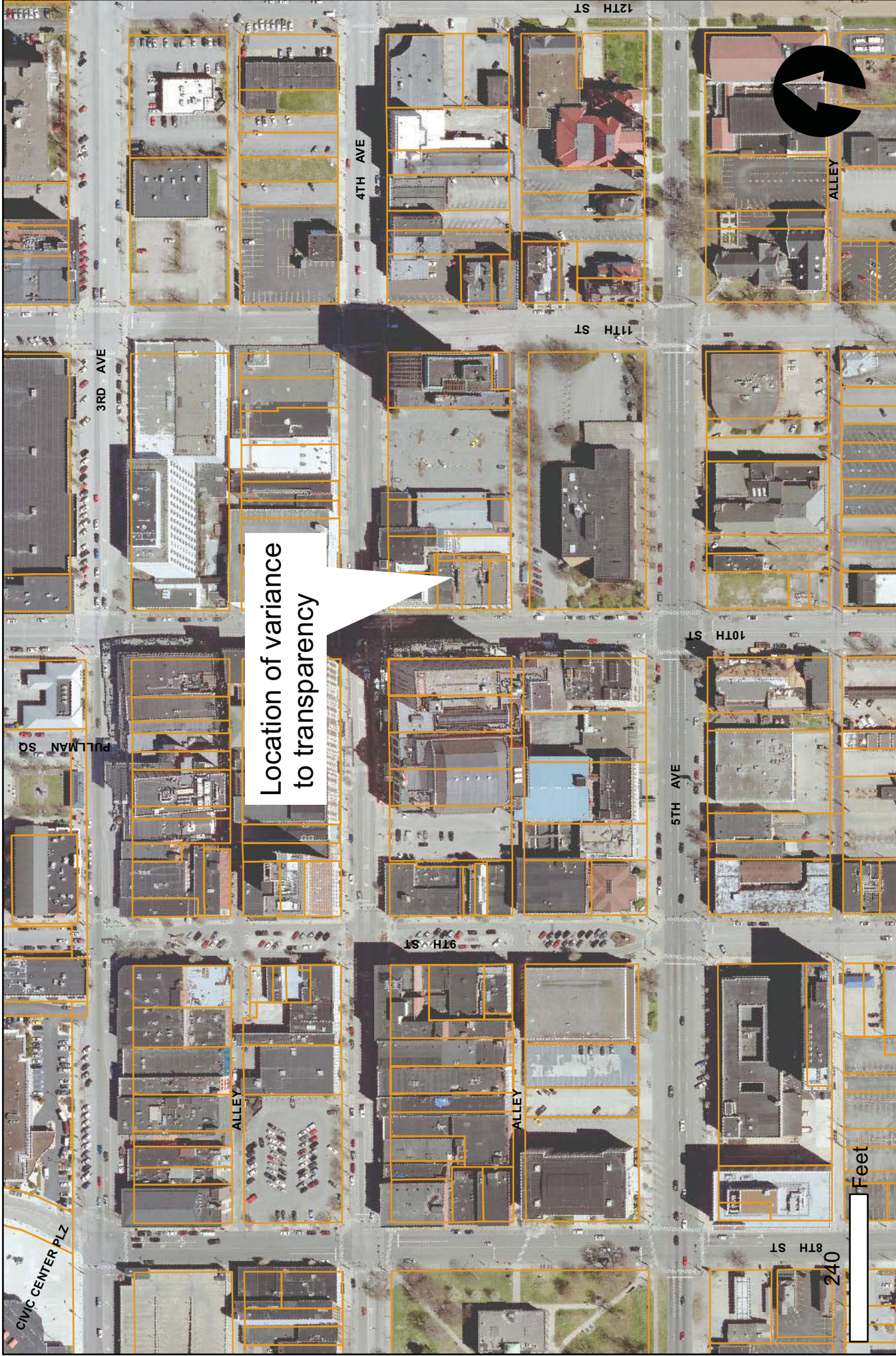
 Free delivery Jan 9 - 18

 Not eligible for returns

Base price	\$3,845.46
Delivery	Free
Estimated tax	+ \$0.00
Estimated total	\$3,845.46

[Visit site](#) [View details](#)

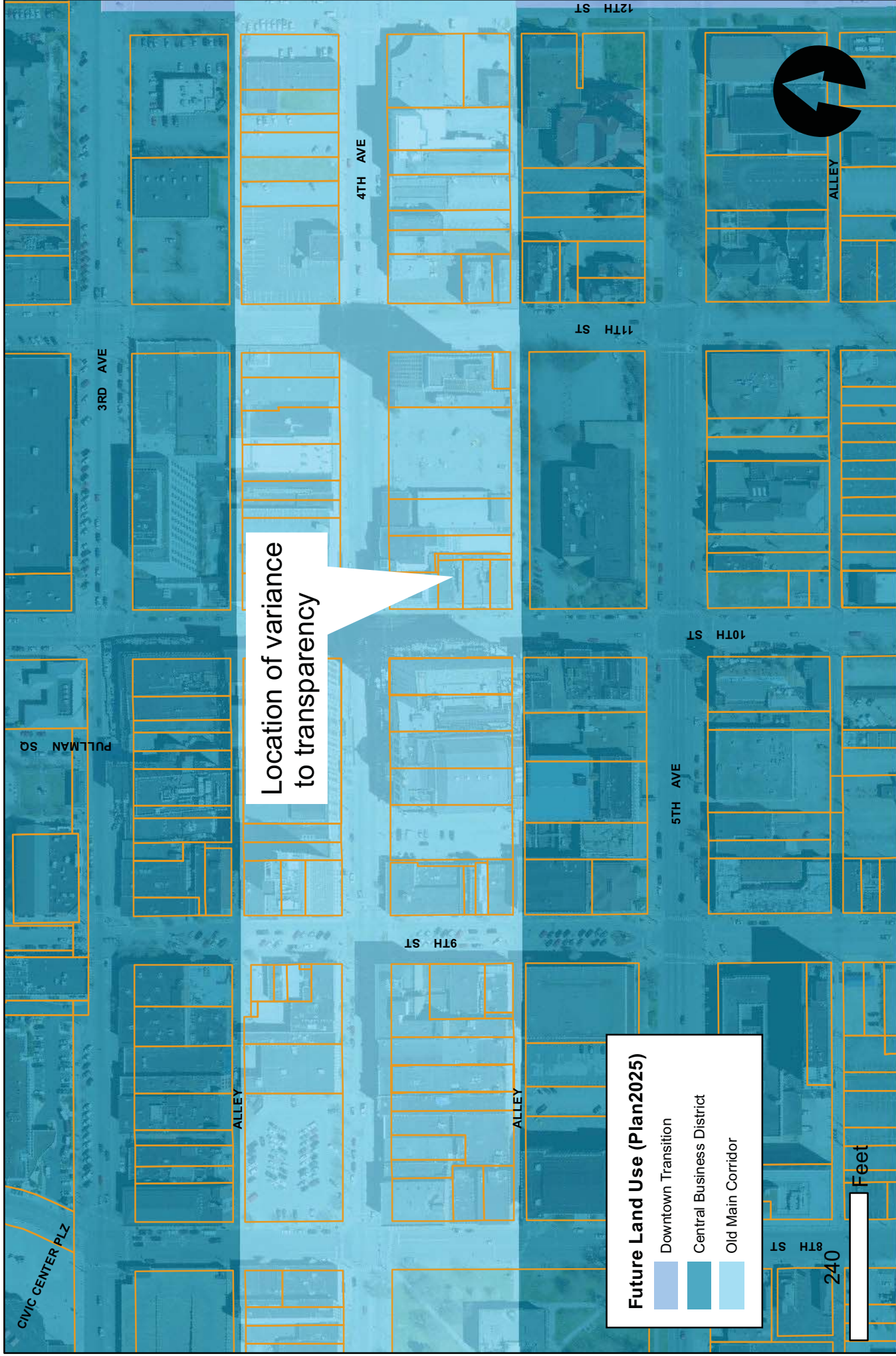
Sponsored



**410 10th Street
Cabell County Tax District 6, Map 17,
Parcel 279**

**BZA 24-01
Variance to the transparency of the front facade of a bar in the C-3 Central Business District**





410 10th Street
Cabell County Tax District 6, Map 17,
Parcel 279
BZA 24-01

Variance to the transparency of the front facade of a bar in the C-3 Central Business District





410 10th Street
Cabell County Tax District 6, Map 17,
Parcel 279

BZA 24-01

Variance to the transparency of the front facade of a bar in the C-3 Central Business District



Staff Report: A petition for a conditional use to redevelop a closed school.**Legal Ad
BZA 24-02**

Issue: 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 11th Ave., Huntington, WV.

Property Owner: Western West Virginia Animal Rescue Alliance, 216 11th Ave., Huntington, WV.

Introduction

Courtney Proctor Cross is petitioning for a conditional use to allow the redevelopment of the former Cook School at 1899 James River Road.

Existing Conditions / Background

The property is owned by the Western West Virginia Animal Rescue Alliance. Due to years of underutilization and vacancy, the building is in despair and occupied by wildlife and has incurred damage from trespassers. Historically, the school served as an educational center for youth, but it's most recent iteration was the Huntington Mounted Patrol which ended in 2012.

Improvements have been made to the exterior and interior of the building to secure the location and to proceed with the vision of reuse for the If approved, the conditional use would allow the applicant and the Western WV Animal Rescue Alliance to redevelop the closed school to become the new home for the Western West Virginia

Animal Rescue Alliance Medical and Education Center.

Proposed Conditions

If approved, the conditional use would allow the applicant and the Western WV Animal Rescue Alliance to redevelop the closed school to become the new home for the Western West Virginia Animal Rescue Alliance Medical and Education Center.

Zoning Ordinance

Per 1320.04, in the R-1 district, redevelopment of closed schools are a conditional use.

Pictures

View showing front façade and front yard of the former Cook School. The photo was taken from James River Road in a southeastern direction.



View of the western side of the property from 19th St W in an east-southeast direction.

Staff Comments

Plan2025 designates this area as a Rural Residential District, which is characterized by:

- Low density development
- Mainly single-family housing
- Large lots
- Housing mixed with dense, wooded terrain

The Board must evaluate the criteria for the redevelopment of a closed school when forming an opinion. §1341.51.C declares the board must consider how the project affects the community and nearby residential properties, how the project preserves historic character and maintain development standards in the residential district, if the project will generate noise or traffic as none is desired, signage, parking, and if an expansion will be needed.

In the parking area the applicant is proposing to park a mobile veterinary care unit which will be staffed by the Mountwest Veterinary Technician Program in addition to parking for three (3) vehicles.

There does appear to be a gravel parking area that has been added to the site with a driveway to 19th Street West. If this is to remain a parking area it will need to be a paved surface or petitioned for a variance to remain.

Additionally, it is important to note the desired uses of this structure. The applicant has expressed this facility will be used to house pets for the Huntington-Cabell-Wayne Animal Control Shelter and provide educational opportunity for the community and Northwest Community College's Veterinary Technician Program. The former Cook School would become the new home

for the Western West Virginia Animal Rescue Alliance Medical and Education Center if this conditional use is permitted.

Thus, the uses of this property would be classified as an Animal Hospital/Clinic and a Trade or Business School. In the R-1 district both of these uses are not permitted; however, as the petition being heard is for redeveloping a closed school, the desired uses for this property are contingent on the board's decision of the appropriateness for the redevelopment of this particular school site. Additionally, this site would complement Plan 2025 as the redevelopment would be low density, set on a large lot, and would not interfere with the dense woodlands that surround the property.

Presently, across the street from the former Cook School is the Huntington-Cabell-Wayne Animal Control Shelter and a baseball field: to the west and east of the property are single-family homes, equating to a total of two homes in close proximity. Permitting the conditional use in question would complement the local character and function. In addition the petitioner states that trees will be planted on the eastern property line to provide a landscaping buffer from the closest residential use. On the western side the property is buffered by South 19th Street West.

Nonetheless, another factor to consider is parking. Minimal impact to traffic is expected and plans include parking. §1343.03.Table.A specifies parking requirements for the redevelopment of a closed school is contingent on the desired uses. As the planned function of this site is an Animal Hospital/Clinic and a Trade or Business School, 1 vehicular spot is required per 400 square feet of floor area and there

must be a minimum of 4 bike parking spaces. The applicant disclosed there will be 3 vehicular parking spots at the site and a huge shared parking lot available across the street for employees, patrons, and students. Adequate vehicular parking is available but accommodations for bicycle and pedestrian traffic may need to be taken into consideration.

Furthermore, to prevent negative consequences, Staff encourages the Board to request reasonable conditions regarding the safe passage of users between the Animal Shelter and the Medical and Education Center, if they decide to permit the conditional use. This condition should factor in the safety of pedestrian traffic with additional pedestrian trails between the two properties. It is evident there will be circulation between the existing animal shelter, the parking lot beside the shelter, and the former Cook School. Requesting a more detailed analysis of how this traffic will flow would alleviate the concerns of shared parking across the street.

Transparency must be taken into consideration in deciding if this redevelopment proposal is beneficial to the surrounding community. As long as the existing transparency of the former Cook School is preserved, the petitioner will surpass the requirement with redevelopment. §1321.02 states minimum ground floor transparency is 20% on corner and front facades in the R-1 district. This will aid in the continued longevity of the historic architectural character of the former Cook School.

The BZA may want to consider how the addition of daytime kennels and cat

enclosure would increase noise or sound outside of the property boundaries.

Overall, Staff recommends considering the impact this conditional use will have on the character and function of this neighborhood as well as the welfare of the public. Staff also strongly encourages setting forth a measure to mandate an opportunity for safer travel for motorists and pedestrians if this conditional use is approved. Depending on if these factors being reviewed alongside the factors for a conditional use meet the minimum qualifications. Staff finds that there is justification for approving the conditional use.

Summary / Findings of Fact

1. Western West Virginia Animal Rescue Alliance is the owner.
2. Courtney Proctor Cross is the petitioner.
3. The petitioner is requesting a conditional use to permit the redevelopment of a closed school.
4. The property is currently zoned R-1 Single-family Residential District.
5. The petitioner would like to operate an Animal Hospital/Clinic and a Trade or Business School at this location.

Attachments

- Aerial map
- Zoning map
- Future Land Use map
- Site Plans
- Application



PLANNING & ZONING

City of Huntington
Planning & Zoning
P.O. Box 1659 | Huntington, WV 25717
(304) 696-5540, option 3
planningdept@huntingtonwv.gov

Conditional Use Permit Application

Applicant Name: Courtney Proctor Cross Phone: 304 544 5891

Mailing Address (city, state, zip): 216 Eleventh Ave. West Huntington WV 25701

Email: wwwara@gmail.com

Property Owner (if applicable): Western West Virginia Animal Rescue Alliance Phone: 304 544 5891

Mailing Address (city, state, zip): 216 Eleventh Ave. West Huntington WV 25701

Please list the Location (address) and Description (Tax Map Number, Parcel, and Lot,):

1899 James River Road Huntington WV 25701 Tax Map #67 Parcel 1 / Lot: 256' x 240'

Description

Under the terms and conditions indicated in Article 1359 of the Zoning Ordinance, application is hereby made for a Conditional Use pursuant to Article 1320.04 to allow the following:

Redevelopment of the former Cook School to serve as the Western West Virginia Animal Rescue Alliance Medical and Education Center serving the Huntington Cabell Wayne Animal Control Shelter.

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, the direction of 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.
- Any and all documentation and evidence to support the request.
- Treasurers Receipt for One Hundred Sixty Dollars (\$160.00) non-refundable filing fee for each Conditional Use sought.

All of the above documentation is to be submitted to the Planning Commission office by Wed. Dec. 20, 2023.
Incomplete documentation will delay applicants review by the Board of Zoning Appeals.

Notice of Procedure

I/We, the undersigned am/are aware that the Board of Zoning Appeals will hold a public hearing on the request for a Conditional Use on **Tuesday, January 16, 2023** at **5:30pm** in City Hall Council Chambers. It is my responsibility to attend (or send a representative/agent) to this meetings to present plans and to answer any questions regarding the request for a Conditional Use.

Signature of Applicant

Courtney Proctor Cross

Date

12/19/23

Signature of Property Owner

Courtney R. Cross / WWWARA Pres.

Date

12/19/23

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

For office use only

Received:

Project Name:



PLANNING & ZONING

City of Huntington
Planning & Zoning
P.O. Box 1659 | Huntington, WV 25717
(304) 696-5540, option 3
planningdept@huntingtonwv.gov

Application for Conditionally Permitted Use

ATTACHMENT A

In making its decision to approve or deny Conditional Use, The Board of Zoning Appeals must consider six issues. Please provide a written statement on how the proposed Conditional Use will affect each of the following considerations:

1. Effect upon the Comprehensive Plan (available online):
see attachment A

2. Effect upon public health, safety, and general welfare:
see attachment A

3. Effect upon the use and enjoyment of other property in the immediate vicinity for the purposes already permitted:
see attachment A

4. Effect upon the normal and orderly development and improvement of the surrounding properties for uses already permitted in the district:
see attachment A

5. Have adequate provisions for utilities, access roads, drainage, and other facilities been provided for:
Yes

6. Has adequate ingress and egress been designed to minimize traffic congestion on the public street:
see attachment A



PLANNING & ZONING

City of Huntington
Planning & Zoning
P.O. Box 1659 | Huntington, WV 25717
(304) 696-5540, option 3
planningdept@huntingtonwv.gov

Application for Conditionally Permitted Use

ATTACHMENT B

Additional requirements pertaining to the Conditional Use may exist in the City of Huntington Zoning Ordinance. These additional requirements may exist within the General Regulations, specific districts to include overlay districts, or other articles of the ordinance. Please consult with the Planning and Zoning office to help identify these additional requirements.

List all each Article and Section numbers pertaining to this Conditional Use and give a brief description as to how each of the requirements shall be met:

Article 1341.51A

Brief description of the requirement:
see attachment B

How will the requirement be met:

see attachment B

Article 1341.51.B

Brief description of the requirement:
see attachment B

How will the requirement be met:
see attachment B

Article _____

Brief description of the requirement:

How will the requirement be met:

Article _____

Brief description of the requirement:

How will the requirement be met:

Article _____

Brief description of the requirement:

How will the requirement be met:

**APPLICATION FOR CONDITIONALLY PERMITTED USE
WESTERN WV ANIMAL RESCUE ALLIANCE to benefit
HUNTINGTON CABELL WAYNE ANIMAL CONTROL SHELTER**

Attachment A: How the Conditional Use will affect each of the following considerations:

- 1. Effect upon the Comprehensive Plan:** The Western West Virginia Animal Rescue Alliance Medical and Education Center will complement the Rural Residential District as outlined on page 127 of the Comprehensive Plan. Specifically, it will not add to the density of population or traffic otherwise in the area; it is located on a large lot and set back from the adjacent roads; there are no sidewalks at the edge of the property or near the road; and the back of the property is bordered by dense woodlands between the property and I-64, which will remain unaffected by the Conditional Use. There is one single family home on the East Side of the building and one across 19th Street West on the west side of the property. The Conditional Use improves the value of these properties by converting what had become a dilapidated eyesore and nuisance property in which vagrants squatted, created graffiti, stripped the pipes and wiring, and which was later inhabited by wild animals into a clean, well-maintained, functioning quiet property.
- 2. Effect upon public health, safety, and general welfare:** The renovation and use of the former Cook School will improve public health, safety, and general welfare. In its dilapidated condition, the building was often used by vagrants and was overrun by raccoons and other wildlife. The renovated building will house cats, puppies, and small dogs available for adoption and will be used in partnership with the Mountwest Veterinary Technician Program to provide veterinary care for shelter and rescue animals.
- 3. Effect upon the use and enjoyment of other property in the immediate vicinity for the purposes already permitted:** The former Cook School is located across James River Road from the Animal Shelter and GHPRD Barr Softball Field; as stated above, there is one single family home to the East and one on the West, across 19th Street West. The home to the East of the property removed the windows on the side of the house facing the Cook School, bricking them in, because the dilapidated Cook School had become such an eyesore. The planned Conditional Use includes planting a line of trees along the property line to provide a screen or barrier to benefit the property owner and provide shade and water absorption on the property, so this is very beneficial and consistent with the Comprehensive Plan. On the West side, the single family property is located directly across from the Animal Shelter; this use will not impact the West side property at all, except to the extent it improves an adjacent property and enhances property value and stability in the area.
- 4. Effect upon the normal and orderly development and improvement of surrounding property for uses already permitted in the district:** This Conditional Use will have little to no effect upon the normal and orderly development of surrounding properties. The situation regarding the two adjacent houses is described above. South of the building is the easement between the building and I-64. There are homes further down 19th Street West, which are not visible from the Conditional Use property and these will not be

impacted by the Conditional Use (except to the extent that it improves property values in the area).

5. **There are adequate provisions for utilities, access roads, drainage, and other facilities.** Yes.
6. **Has adequate ingress and egress been designed to minimize traffic congestion on the public street:** Yes. There will be parking for two or three vehicles on the Conditional Use property; additional parking will be across James River Road on the gravel lot between Barr Field and the Animal Shelter, and on the paved lot adjacent to the Animal Shelter. There will not be any parking on 19th Street West or James River Road related to the use of this building and property. The property is surrounded by a fence which will be repaired and/or replaced as necessary.

Application for Conditionally Permitted Use

ATTACHMENT B

Article 1341.51.A

Brief Description of the Requirement: Purpose: to provide options for the redevelopment of community and public structures that are surrounded by residential structures and within residential zoning districts.

How will the requirement be met: by redeveloping an abandoned public structure, formerly the Cook School, most recently the stable for the Huntington Mounted Patrol Unit, into a clean, attractive, functional and orderly structure that will serve the community, provide educational and training opportunities for the Mountwest Veterinary Technician Program, and serve the needs of the pets in the Huntington Cabell Wayne Animal Control Shelter.

Article 1341.51.B

Brief Description of the Requirement: Intent: to protect the residential character without allowing these structures to become dilapidated and/or abandoned.

How will the requirement be met: This project meets this requirement by rescuing a public property that had become abandoned, dilapidated and unsafe; it had broken windows, a leaking roof, moss growing inside, some mold, wild animals living inside, and evidence of people squatting in the building (abandoned sleeping bags and clothing and other matter, as well as graffiti) and the wiring and piping had been removed and the building vandalized. All of these problems are being corrected by the Conditional Use.

OVERVIEW OF PROJECT PLAN FOR CONDITIONALLY-PERMITTED USE

This project focuses on rescuing the old Cook School on James River Road which was most recently housed the stables for the Huntington Mounted Patrol (which ended this use in 2012). In the intervening time period, the building became effectively abandoned, dilapidated, vandalized, and unsafe. Photographs of the building in its dilapidated condition are attached.

The Conditional Use would transform this property into the Western West Virginia Animal Rescue Alliance Medical and Education Center, which will be used to house some small animals, such as cats, kittens, puppies, and small dogs until they are ready for adoption and to provide veterinary care through a partnership with the Mountwest Veterinary Technician Program. The veterinary care will take place in one room of The Center and in an adjacent mobile surgical unit which will be stationary and located immediately adjacent to the West side of the building. A foundation committed to animal welfare provided the funds to purchase this surgical unit. Photographs of this type of unit, as well as the plans for the actual surgical unit to be purchased, are included in the attachments.

This project will not create additional traffic or noise. There will be no increase in the size of the structure. There will be minimal and unobtrusive signage; the surgical unit will have the WWVARA logo and the Center's name on it. Visitors to the Animal Shelter will park and check in across the road at the main office of the shelter and, if appropriate, will be escorted or directed to the Conditional Property. The only parking on the Conditional Use property will be for two or three staff members and/or a veterinarian or vet tech student.

With respect to other uses on the property, the following things are planned: (1) approximately 10 outside daytime kennels for puppies or small dogs to get exercise, fresh air and sunshine while their inside spaces are cleaned and to enable play time; and (2) an outdoor cat habitat with screening to confine the animals but allow them to roam within the cat habitat and enjoy fresh air and playtime. All the cats will be spayed, neutered, and compatible with fellow felines. Photographs of similar kennels and a similar cat habitat are attached.

Operating hours for this Conditional Use will be from 8 a.m. – 5 p.m. most days, with the possibility of 8 a.m. – 8 p.m. hours one day a week for evening vet care. Before and after operating hours, the gates surrounding the property will be locked and the building secured.

Hunnes
↓

N ↑

Barr Field
↑

James River Rd

Gate

Gate

General
for
parking
spaces

pod for
mobile
surgical
unit

The
Center
(former look school)

outside
kennels
for
puppies
and
small
dogs
daytime
use

fenced
yard
daytime
use

O=frees

Gate

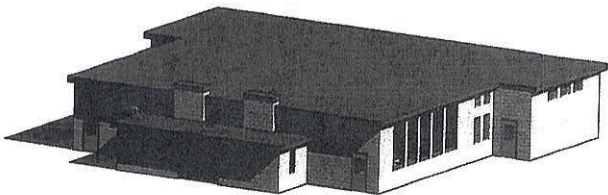
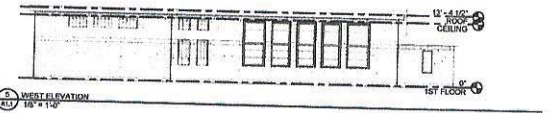
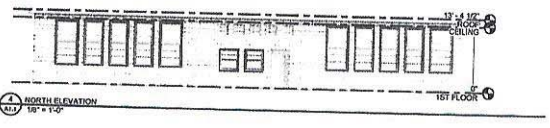
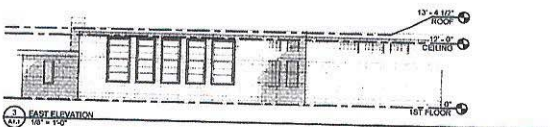
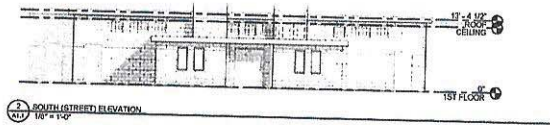
← woods →

< 1

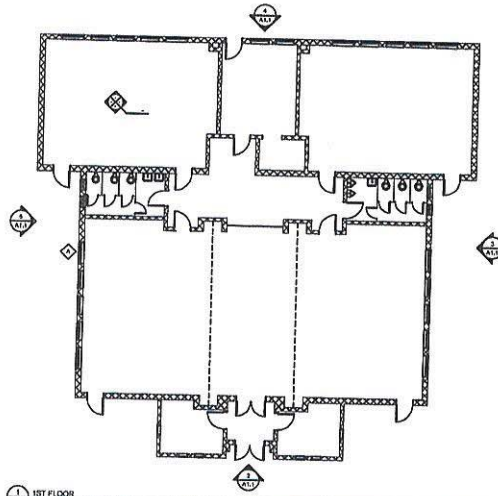
T-64

1944 St. W.

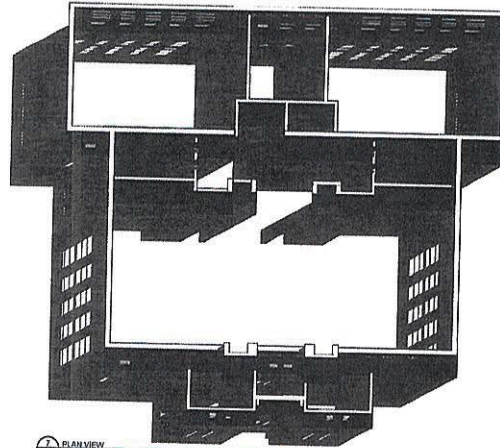
↑ W



6. MODEL VIEW



1. 1ST FLOOR



7. PLAN VIEW

WWVRA RENOVATIONS COOK SCHOOL

1801 JAMES RIVER ROAD
HUNTINGTON, WV 25701

**Edward Tucker
ARCHITECTS, INC.**
1801 South Avenue
Huntington, West Virginia 25701
304.692.4901 tuck@etac.com



SHEET REVISIONS

DATE DESCRIPTION

SCHEMATIC DESIGN

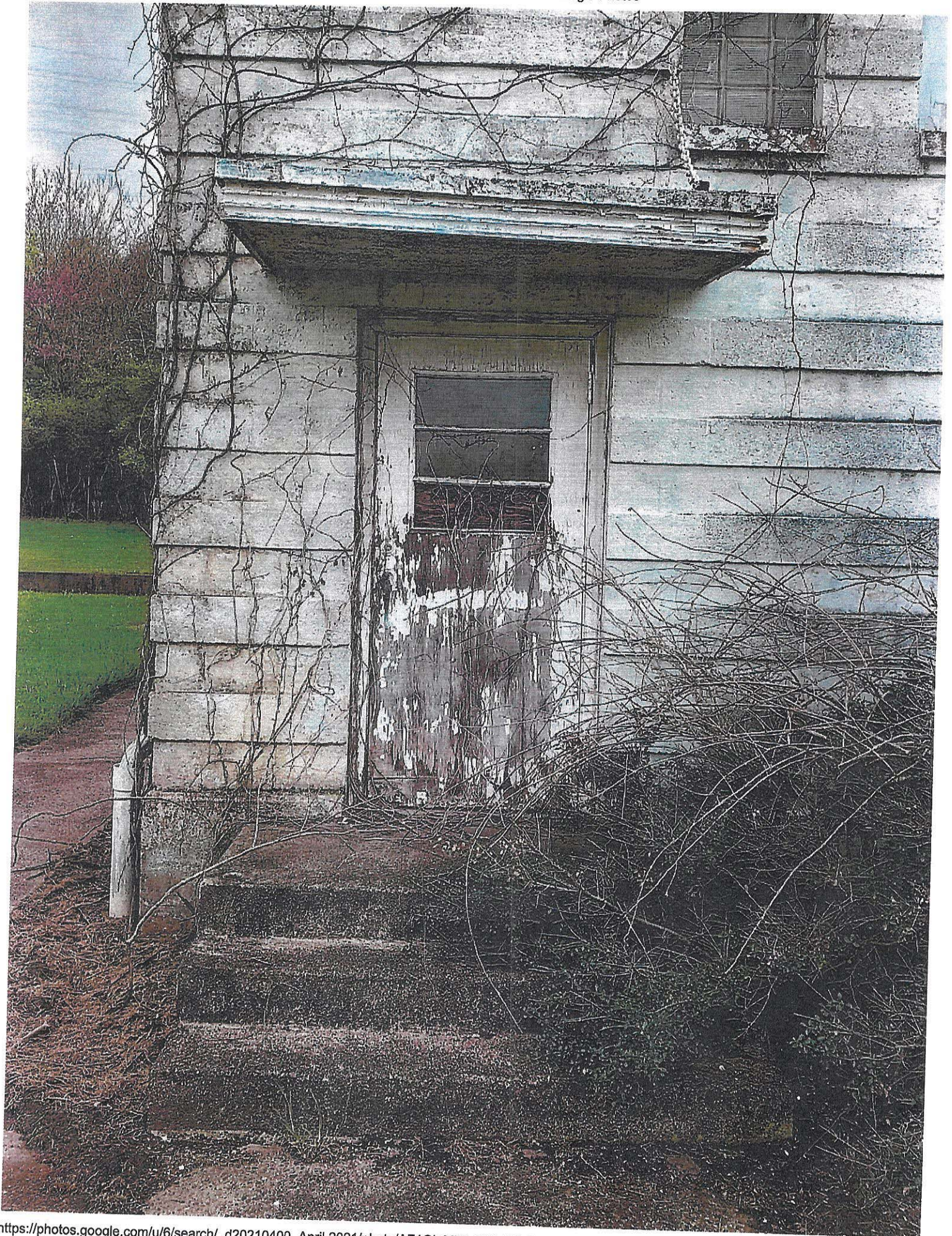
EXISTING
CONDITIONS

A1.1

ETA PROJECT # 2021-0828
DATE 11-30-2021

Cook School
before
renovations
began

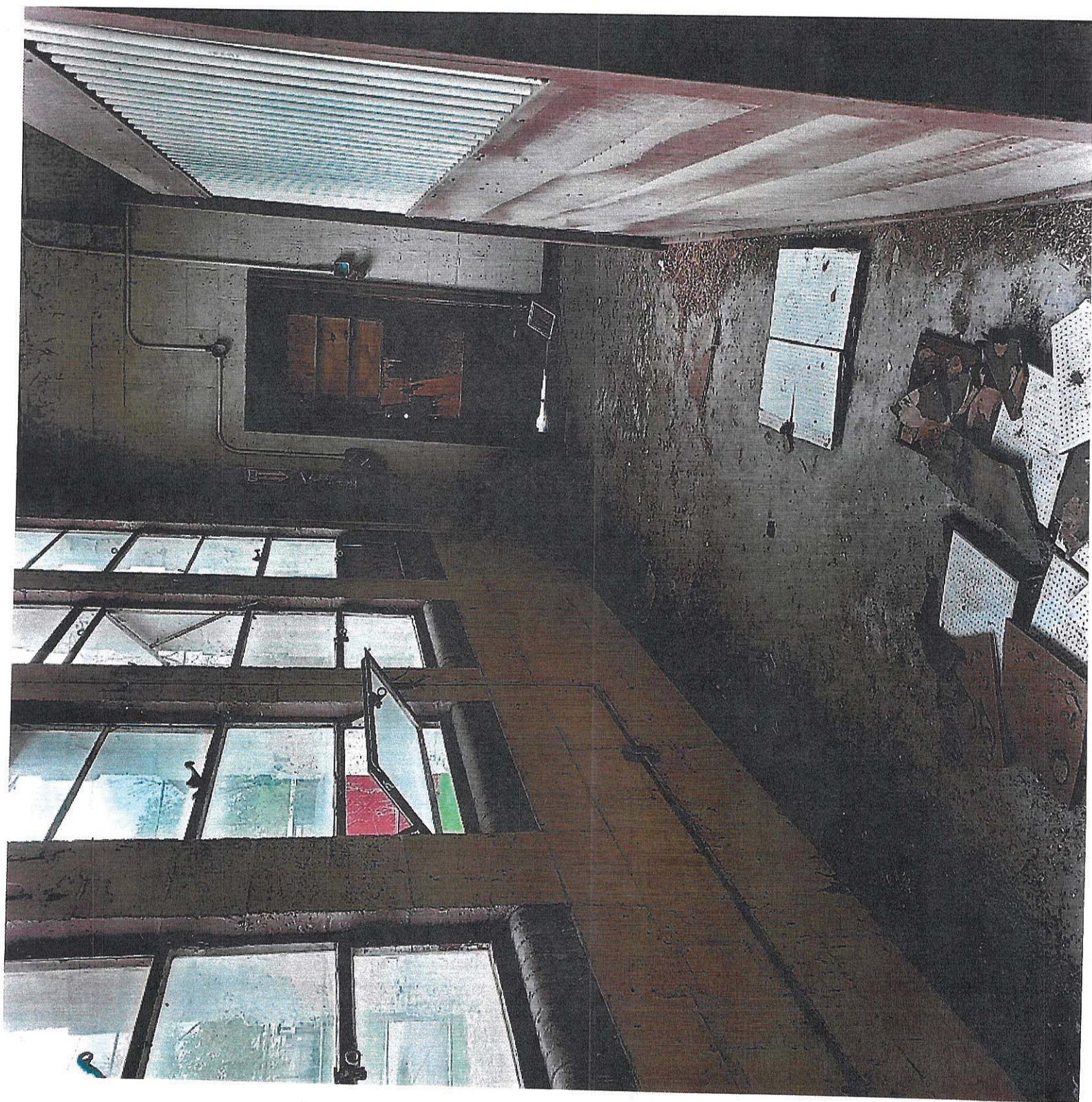




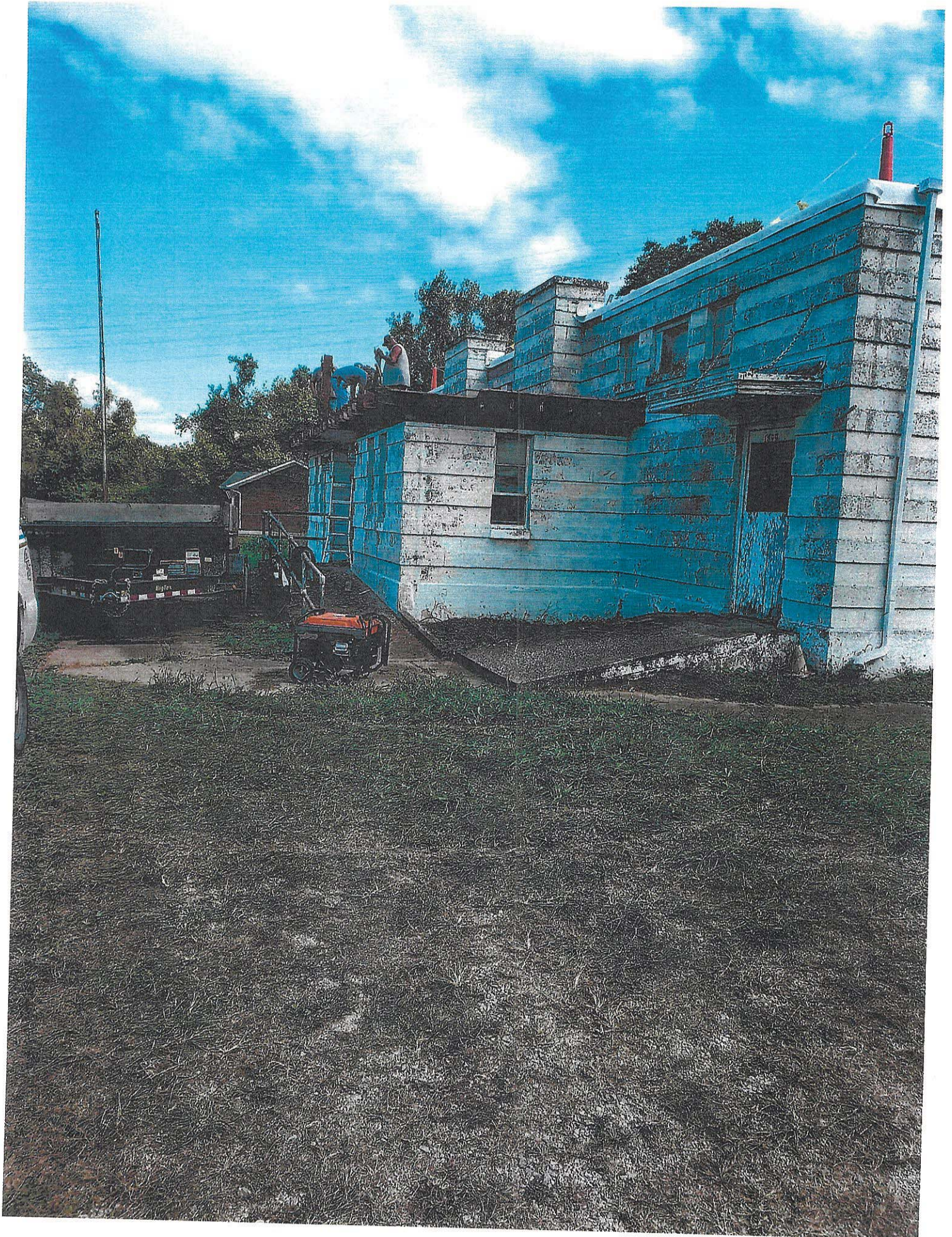


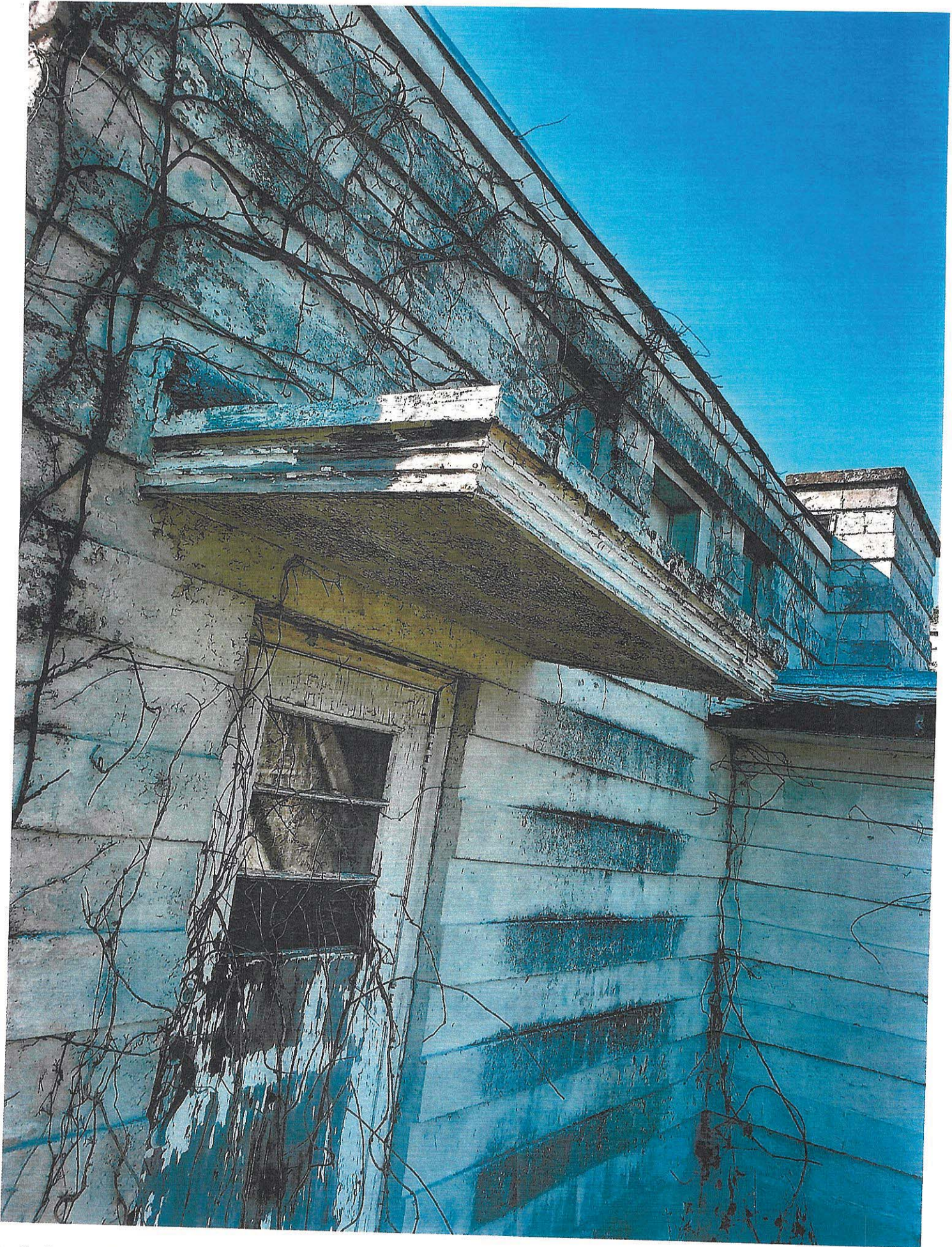




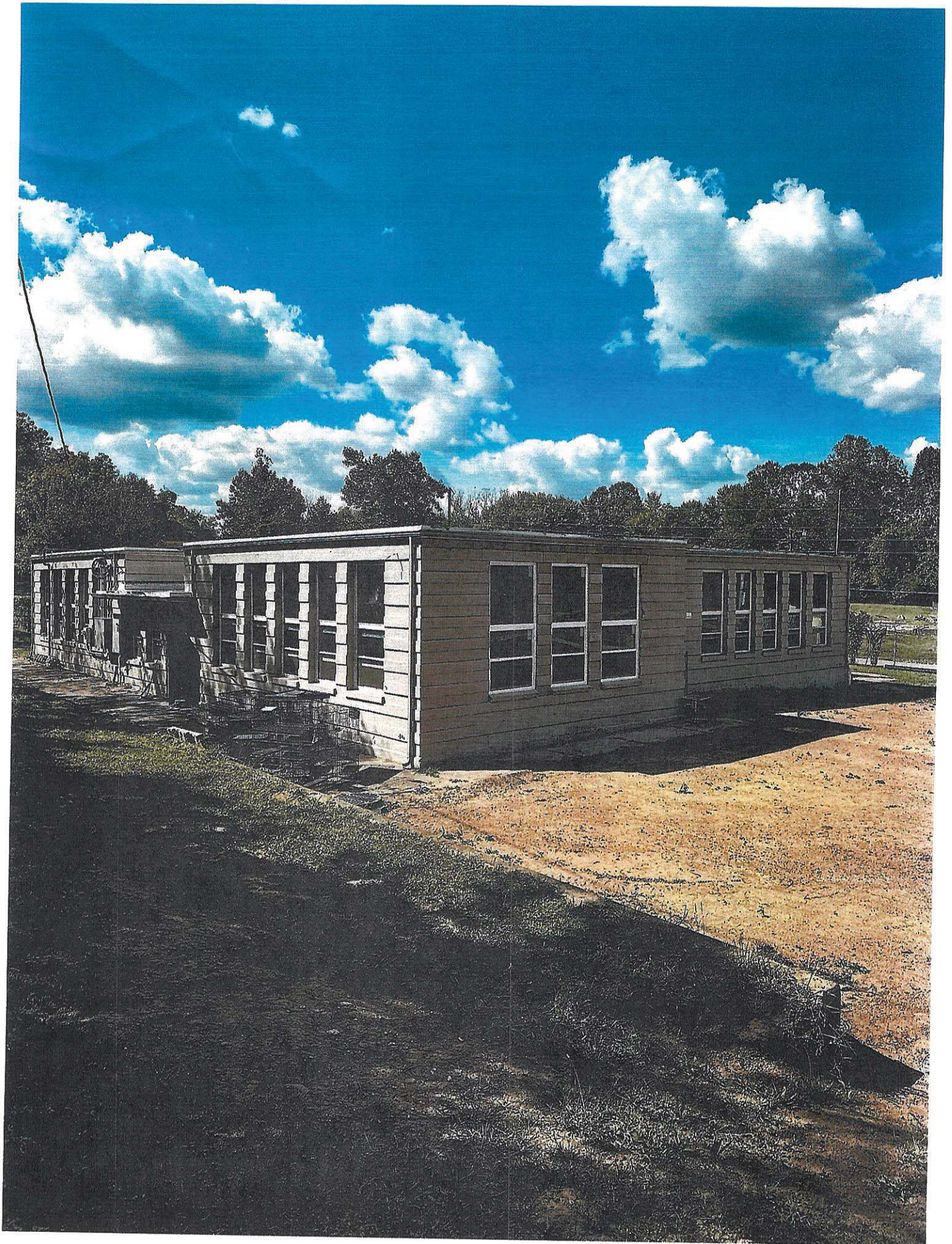








Cook School during renovations

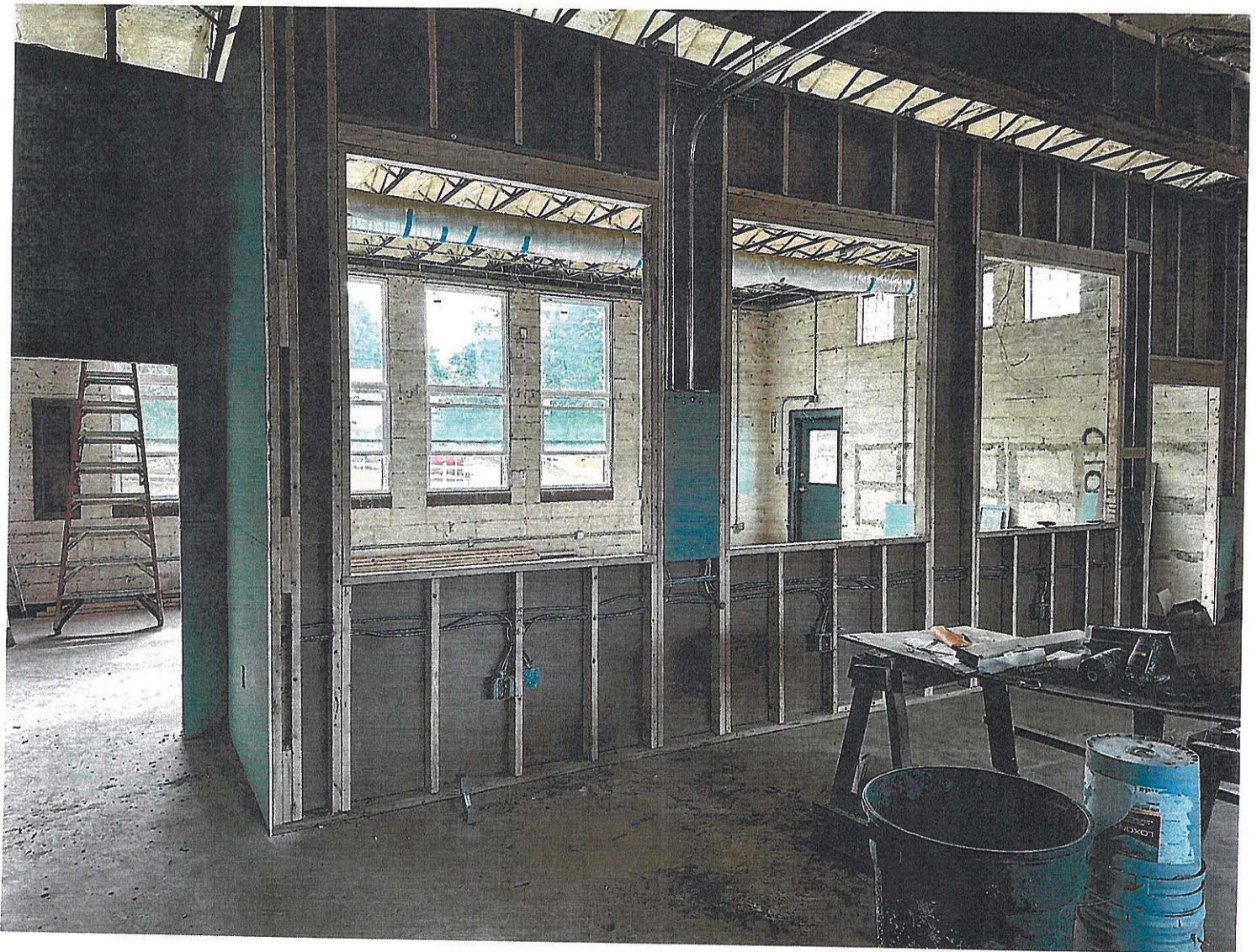




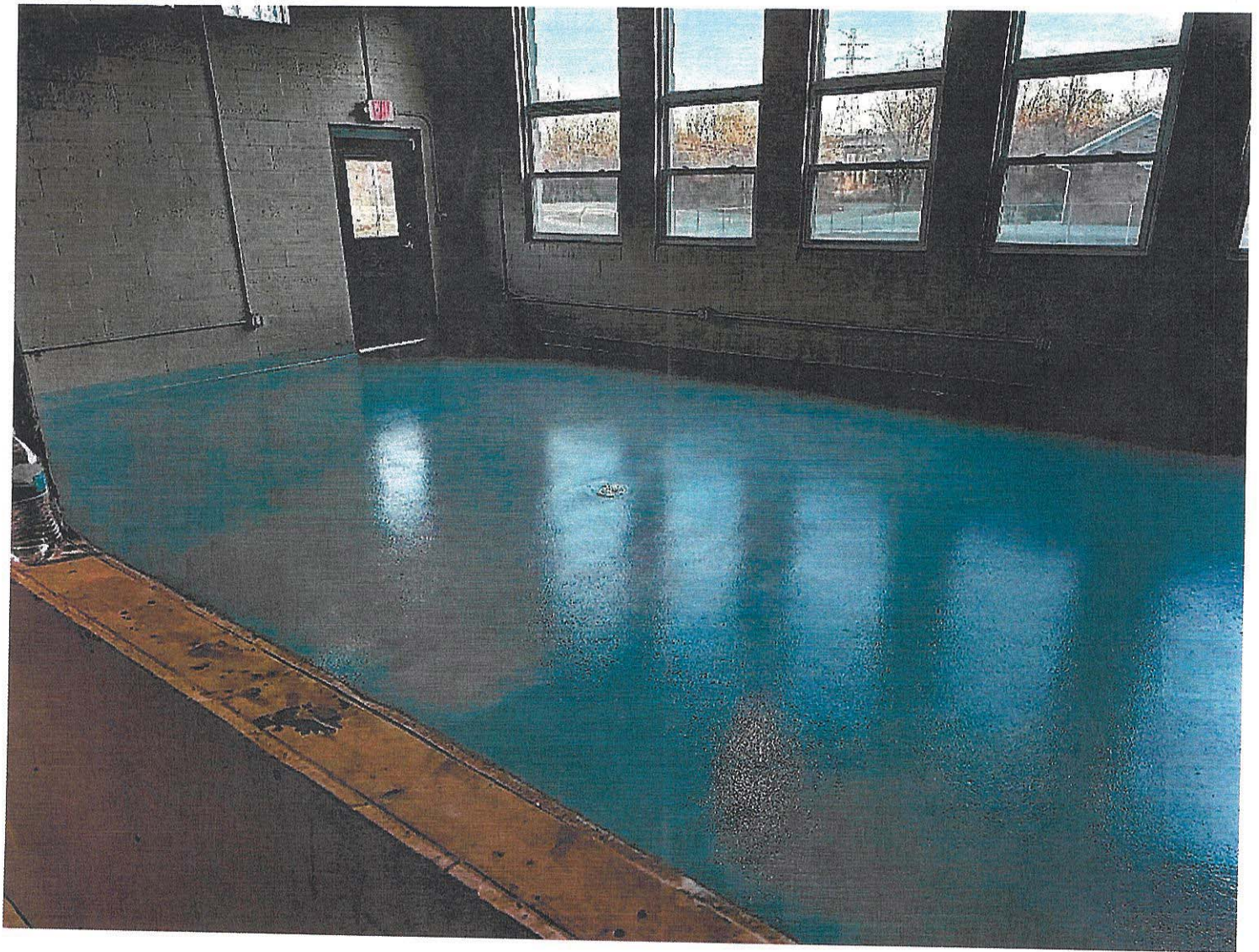


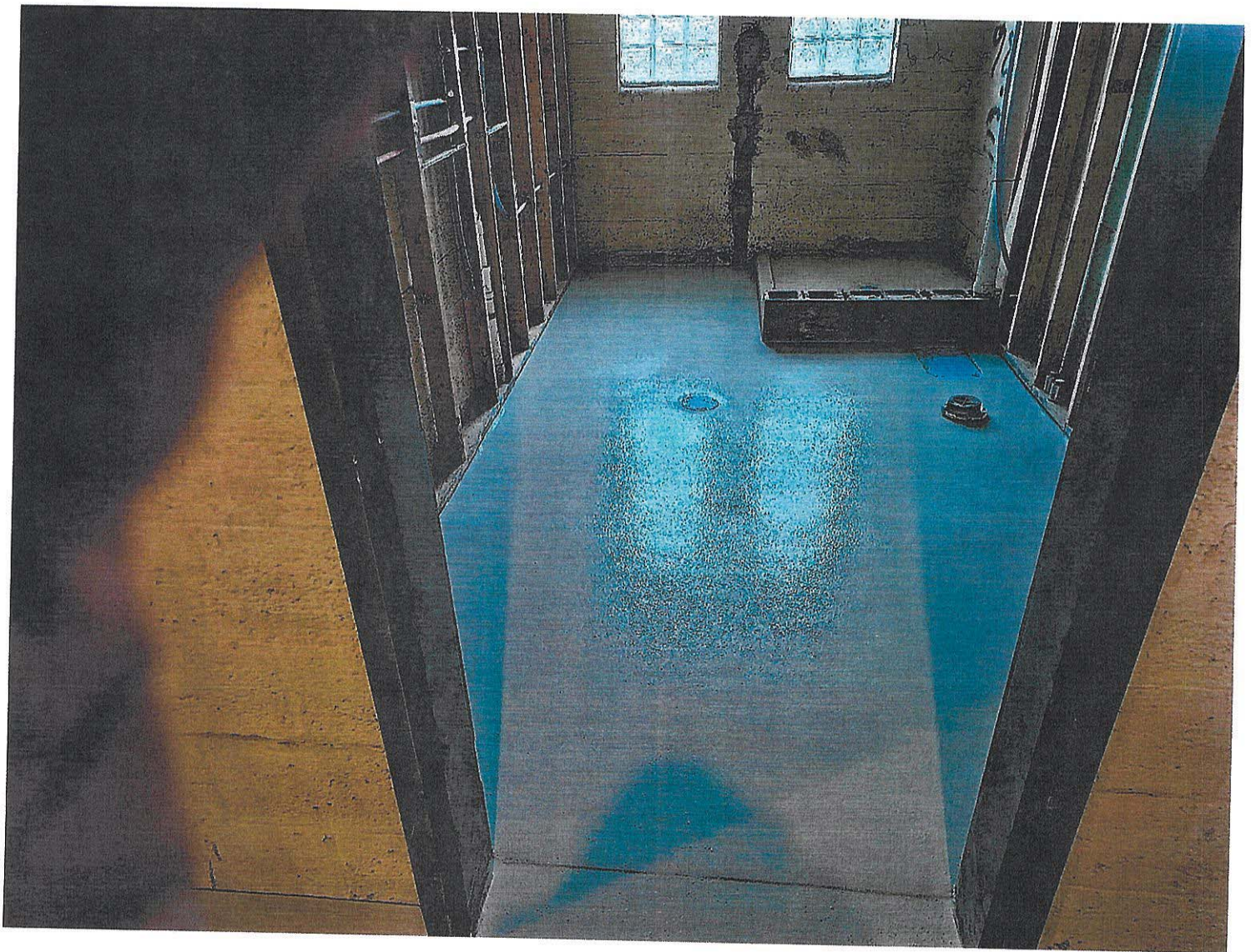












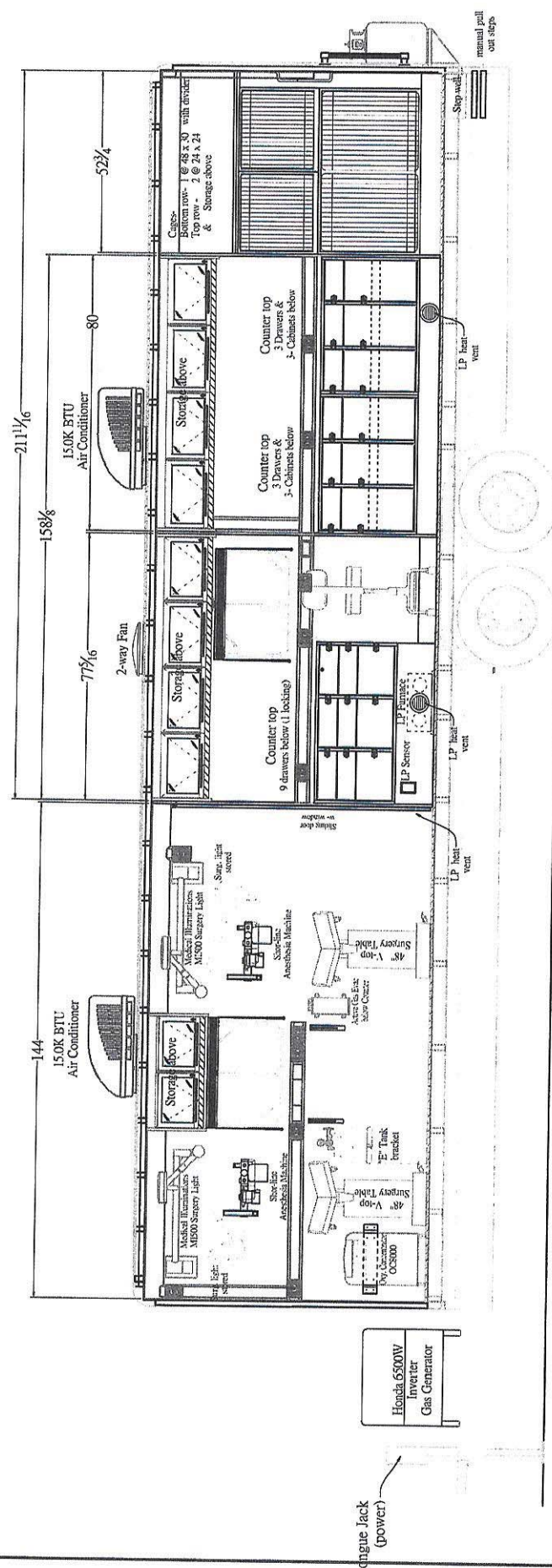




Mobile Surgical
Unit
for the
west side
of the building

This document is confidential and proprietary to La Boit Specialty Vehicles Inc. and may not be reproduced, published or distributed to others without company authorization.
 120v duplex outlet w- 2 USB ports
 120v duplex outlet
 CAT 6 connection
 Over Counter LED Light

PRELIMINARY PLAN







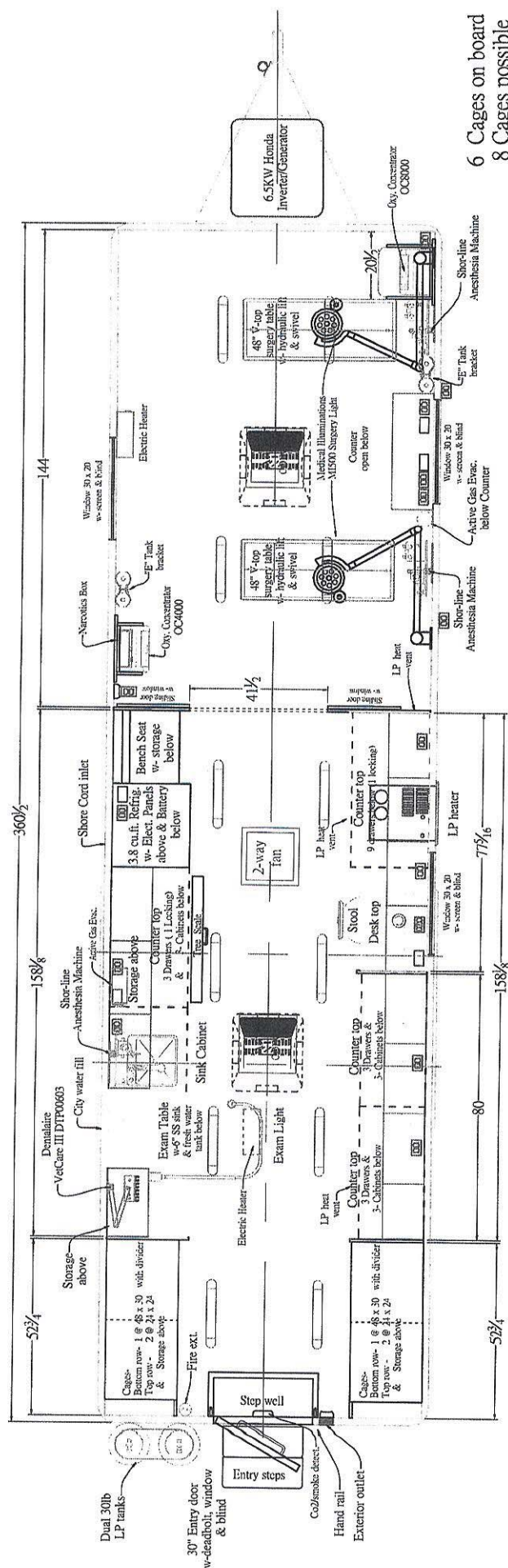
CURB SIDE INTERIOR ELEVATION

Approval signature_____

PRELIMINARY PLAN

This document is confidential and proprietary to La Bost Specialty Vehicles Inc. and may not be reproduced, published or disclosed to others without company authorization.

-  120v duplex outlet w- 2 USB ports
-  120v duplex outlet
-  CAT 6 connection
-  Over Counter LED Light



6 Cages on board
8 Cages possible

Standard and some optional features-

550

- 1-6500W Honda Generator with 35' Shore Cord
8D Battery & 80amp charger

1- Exterior outlet

- 2-15.0K BTU Air Conditioners
2-Electric Heaters 1500W Wall mount

1-2-way Fan
3.8 cu. ft. Refrigerator

- LP Furnace & 2- 30lb Tanks
4- CAT 6 connections
1- Stool

[illegible]

- 30" Entry door w-pull out steps
3-30 x 20 windows (3 sliders)
2-48 x 30 Cages w-dividers
4-24 x 24 Cages

2- Locking drawers (Exam room drawers)

- Interior height to be $81\frac{3}{4}$ "

Plumbing

- City water fill
4 gallon Water heater
Hand Sink
Exam table with 6" deep sink
28 gal. fresh water tank
5 gal. gray water dump tank

- 2-V-Top Surgery Tables
Sunex Exam light LED LS708-55RT
2-Medical Illuminations MI550 LED light w- holder
Tree digital Vet Scale

Narcotics Box

- 3-Shor-line Anesthesia w-ISO vapo, oxy. lines, regulator & purge syst.
- 1-1-Purline OC8000 oxy. concentrator w-dual "E" tank bracket
- 1-1-Purline OC4000 oxy. concentrator w-dual "E" tank bracket
- 2-Smith Medical Active Gas Evac Systems
- 1-Dentalare Vitecare III

[illegible]

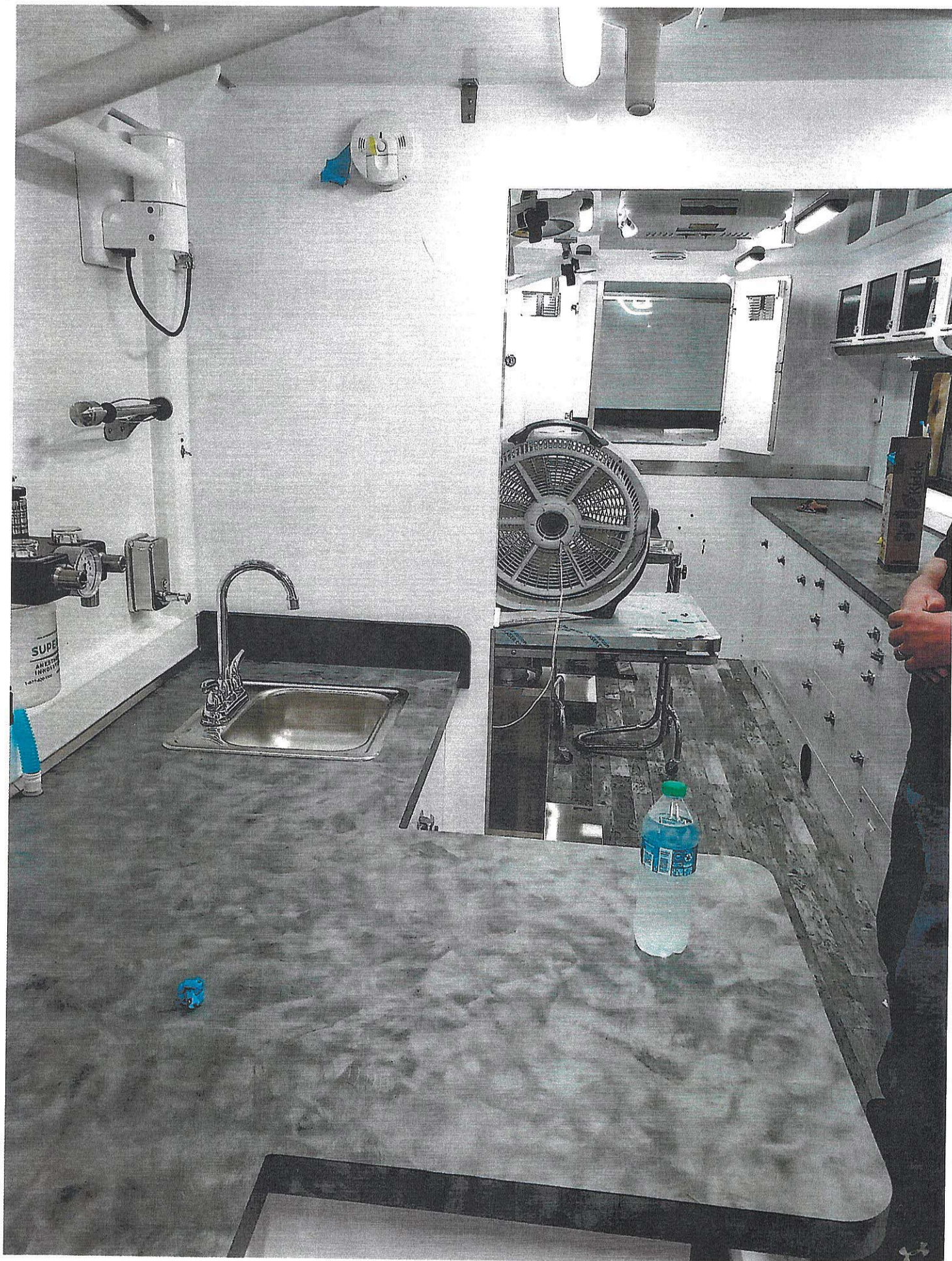
- 12- 20" overhead LED lighting
1 - Over Counter LED light

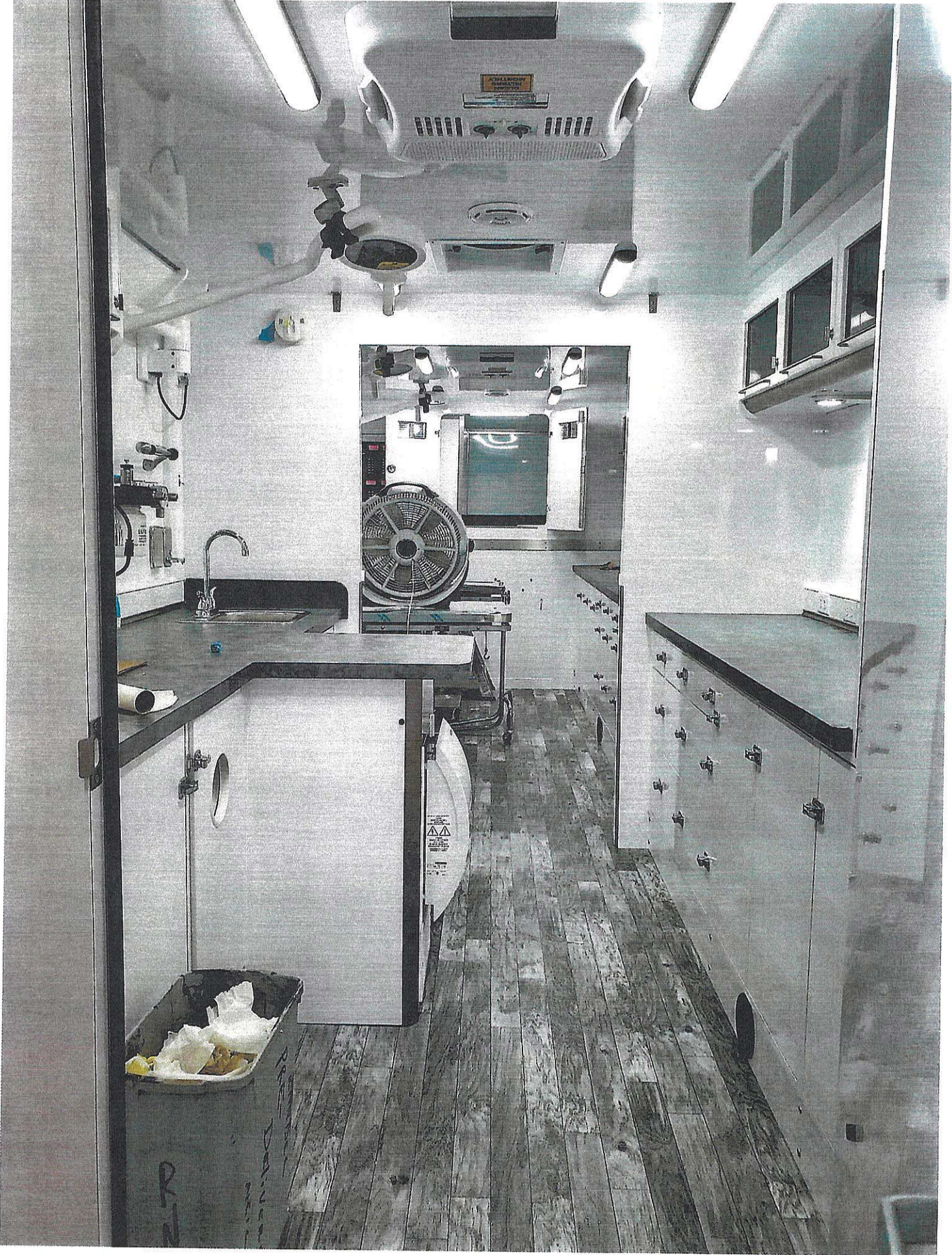
Colors

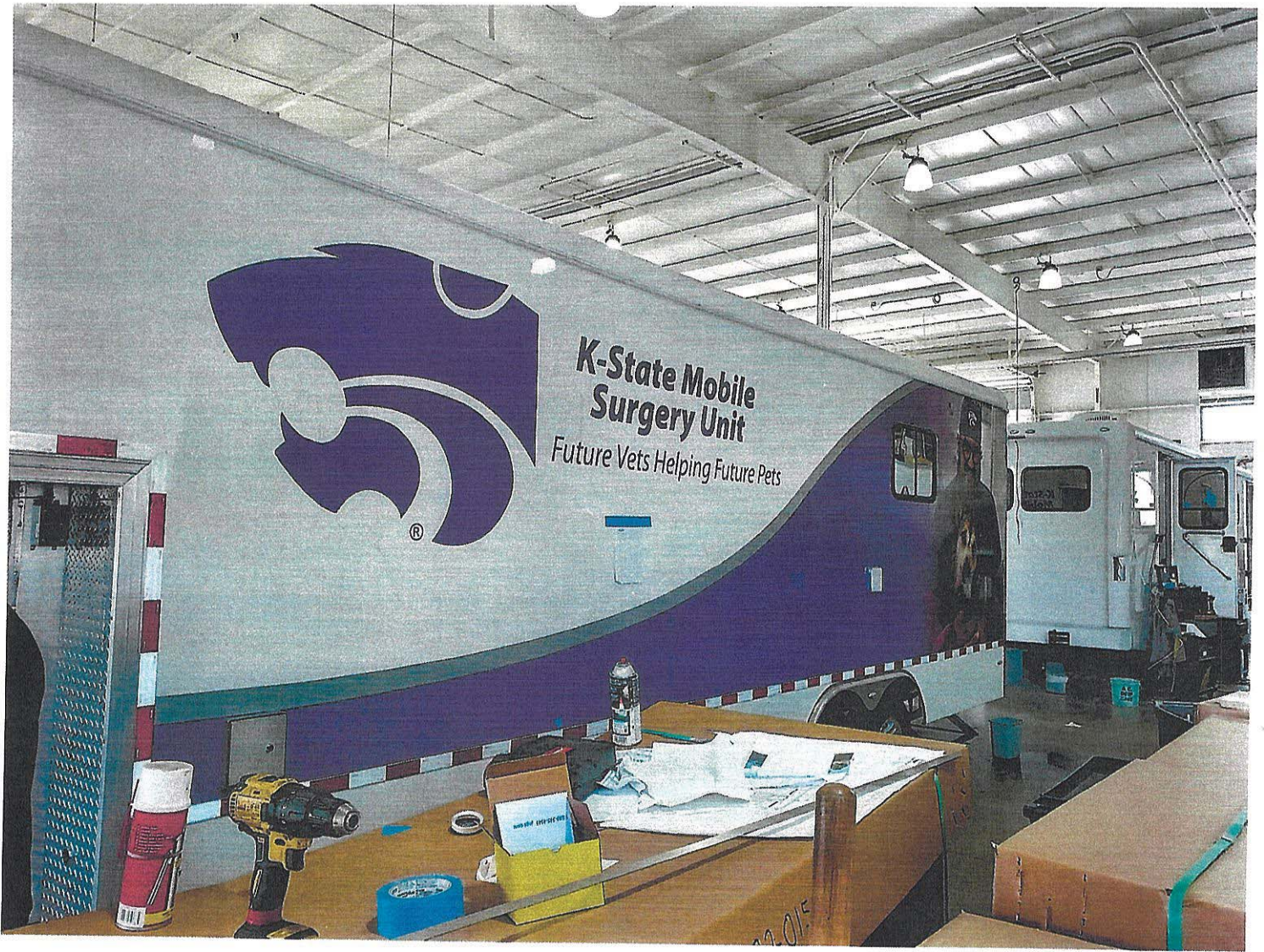
- | | |
|-------------------------|----------------|
| White | Weathered Oak |
| Flint Crystall #3518-46 | Etching finish |
| Smoked Plexiglass | |
| Black w. Keyed Locks | |
| Black | |
| Newport Ash Gray #686 | |

Pick up from Gahanna, OH

Approval signature-

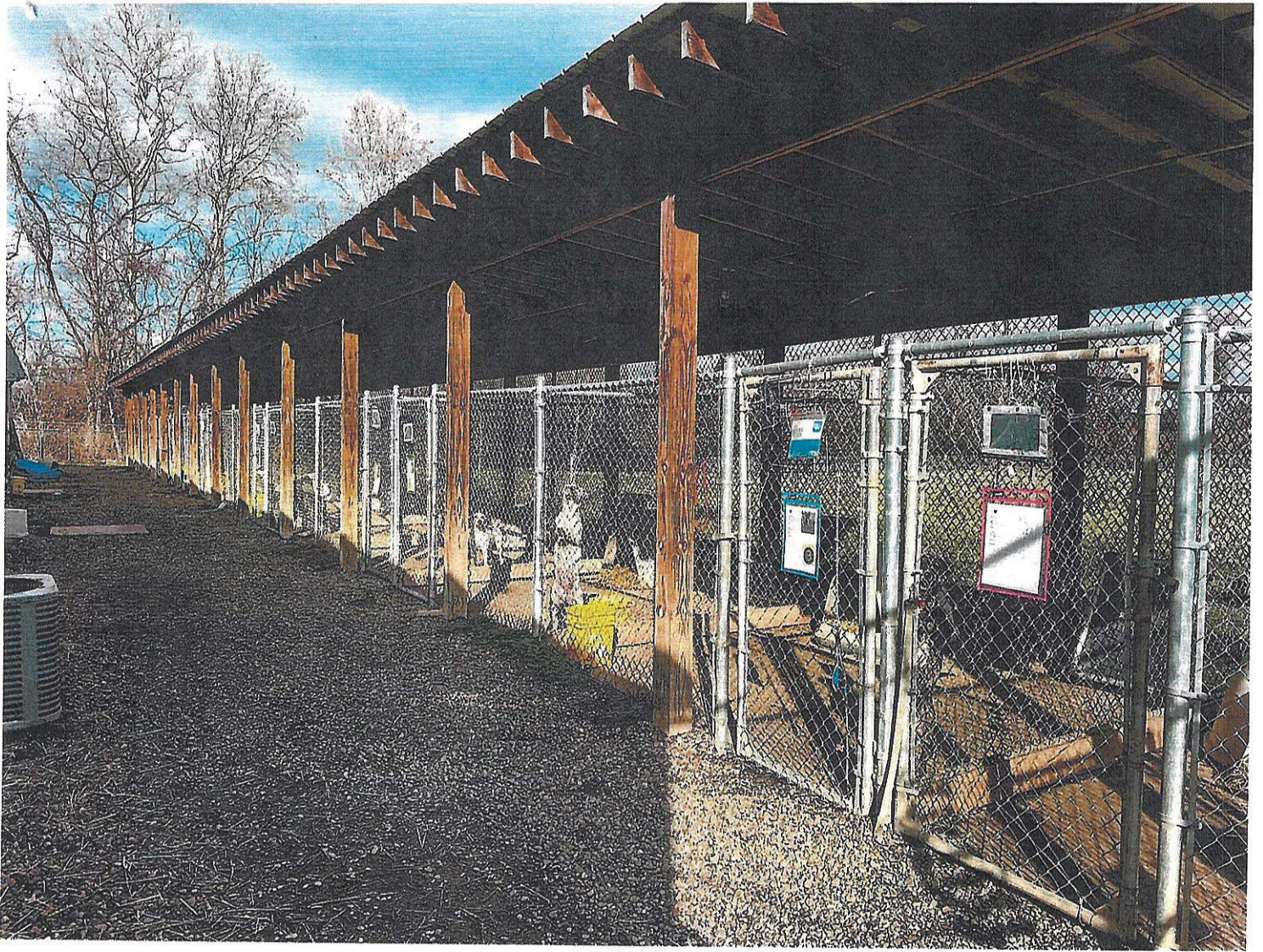








Outside
kennels for
puppies and
small dogs
(daytime use)





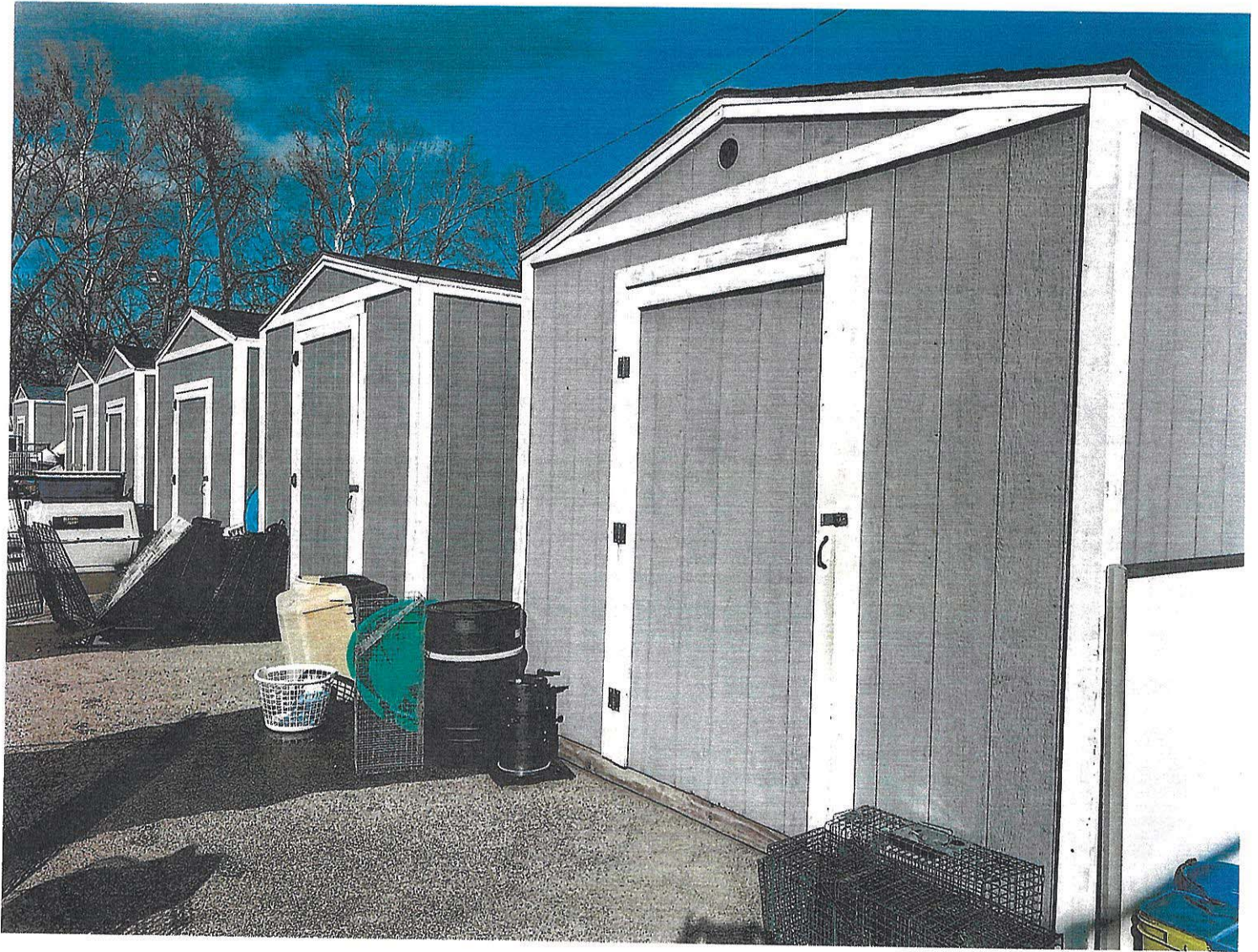
Outdoor Secure Cat Habitat Planned for 2024





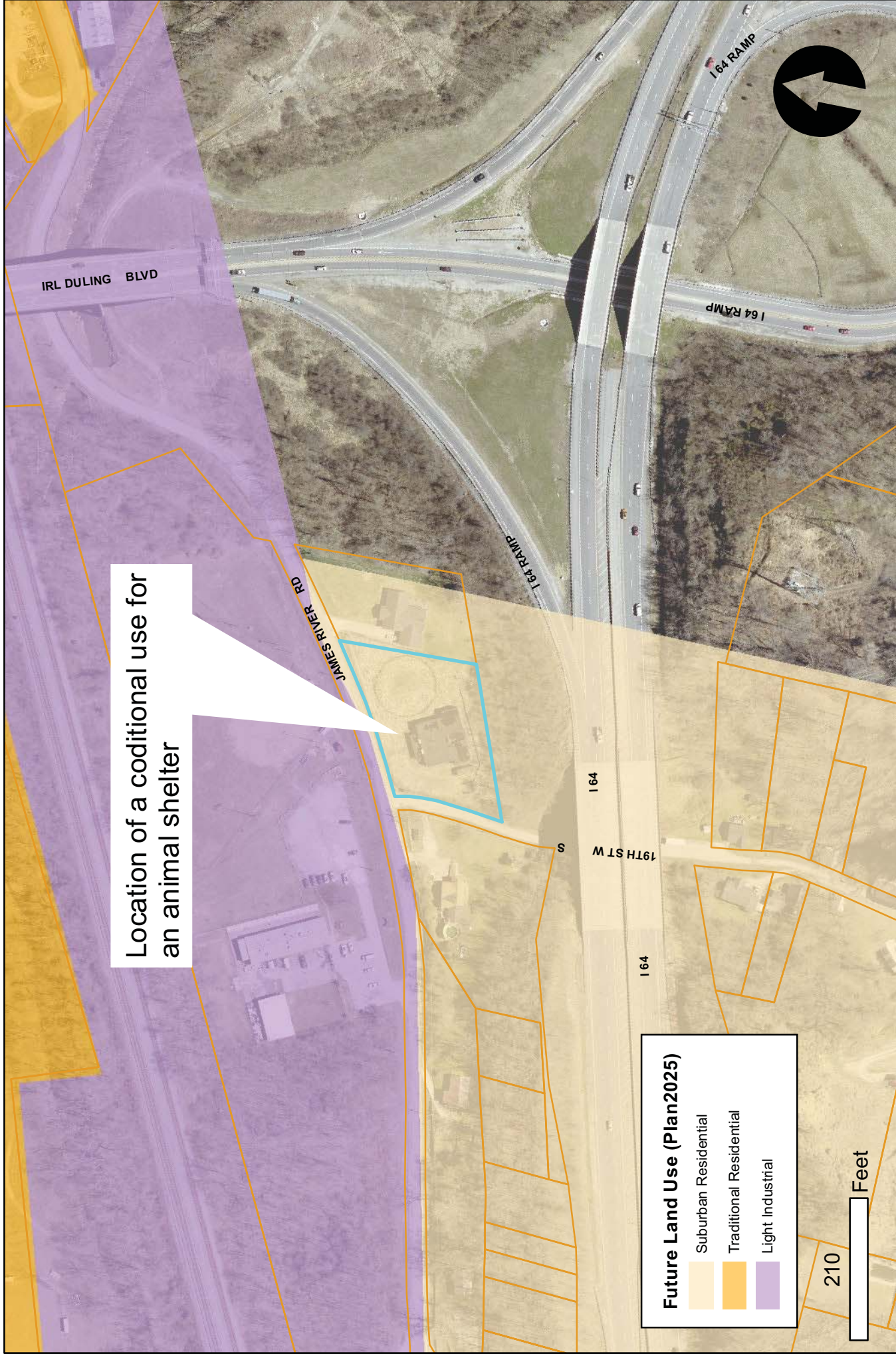




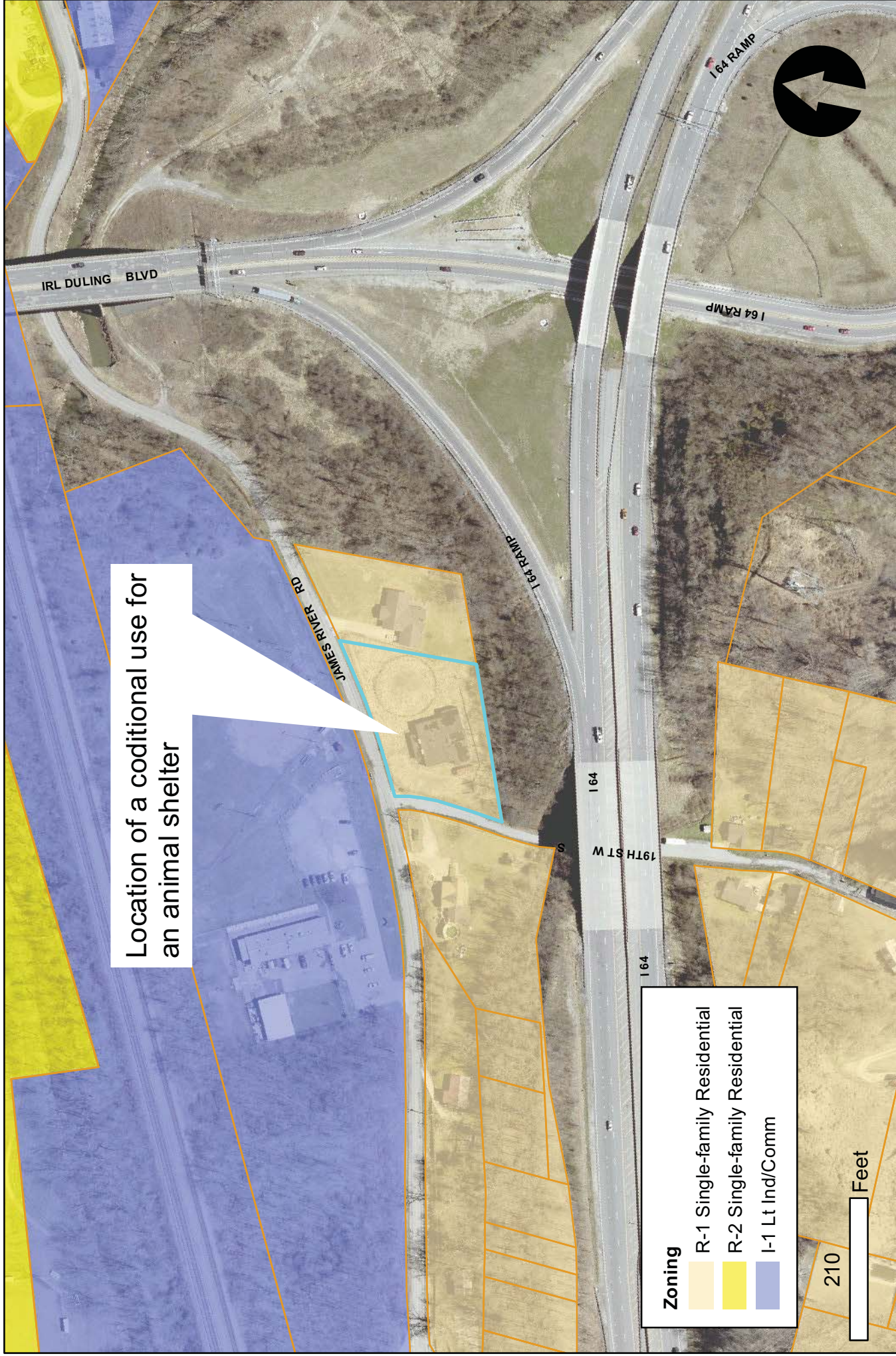




1899 James River Road
Cabell County Tax District 6, Map 67, Parcel 1
BZA 24-02
Conditional use for the Cabell-Wayne Animal Shelter to move into the old Cook School
in an R-1 Residential District.



1899 James River Road
Cabell County Tax District 6, Map 67, Parcel 1
BZA 24-02
Conditional use for the Cabell-Wayne Animal Shelter to move into the old Cook School in an R-1 Residential District.



Location of a conditional use for an animal shelter

Zoning

- R-1 Single-family Residential
- R-2 Single-family Residential
- I-1 Lt Ind/Comm



1899 James River Road
Cabell County Tax District 6, Map 67, Parcel 1
BZA 24-02
Conditional use for the Cabell-Wayne Animal Shelter to move into the old Cook School in an R-1 Residential District.

Staff Report: Two petitions for a variance to exceed the one driveway maximum threshold for a residential property and a variance to exceed the maximum width of a single-lane driveway.

Legal Ad

BZA 24-03 & BZA 24-04

Issue: Two petitions for a variance to exceed the one driveway maximum threshold for a residential property in the R-1 Single-family Residential District and a variance to exceed the maximum width of a single-lane driveway. The property is located at 701 13th Ave.

Petitioner/Property Owner: Jay Michaels, 701 13th Ave., Huntington, WV.

Introduction

Jay Michaels is petitioning for two variances to build a second single-lane driveway in the front yard of his property that violates the minimum width requirement.

Existing Conditions / Background

The property is owned by Jay Michaels. Currently, there is a driveway and a garage located on the western side of the property off of 7th Street. Additionally, the owner has already started work on this driveway but was stopped by a code enforcement officer. The applicant was under the influence he was working with a contractor that would have known the requirements due to an association with the City but they were not.

Proposed Conditions

The petitioner would like to build a 28 feet wide round single-lane driveway in the front yard of his property. The spherical driveway will cover approximately 2,124 square feet with about 453 square feet being greenspace and a sidewalk in the middle.

The petitioner states that this will be used as an accessible entrance to the property for persons with mobility limitations who will be visiting.

Zoning Ordinance

Per *Article 1343*, there may only be one single-lane driveway per residential use and it may only be a maximum of 12 feet in width.

Pictures



New spherical driveway in front yard of 701 13th Avenue. Driveway entrance and exit is to the east of the intersection of 13th Avenue and 7th Street.



Image of existing side driveway off of 7th Street. Driveway is located south of the intersection of 13th Avenue and 7th Street, along of a side of a block that is sparsely developed compared to other sides and neighboring blocks.

Staff Comments

Plan2025 designates this area as the Traditional Residential District, which is characterized by:

- Medium density development and sidewalk lined streets.
- Mainly single-family with conditional commercial uses.
- Small lots with a grid street network.
- Newer development preserving single-family character.

Staff's recommends examining these petitions with a holistic view. In close proximity to this home is an abundance of single-family housing and two parks, Miller School Park and Ritter Park. To mitigate vehicular traffic and reduce incidents of pedestrians and vehicle collisions, sites are required to provide limited accessible off-street parking. For this reason, §1343.D.01 declares residential uses may only have one single-lane driveway for off-street parking.

However, the applicant already meets this requirement with the existing driveway located off of 7th Street. When examining neighboring residences, off-street parking is seen in either the front or side yard. These driveways are designed going in one straight direction. The applicant's second driveway may jeopardize this commonality found within the streetscape as it will be the only property with a spherical driveway and possessing two driveways. Also, Staff recognizes the applicant was performing this work under the impression of the City's approval, but the applicant did not come to the city for a permit until after the construction process had started.

Nevertheless, it is worth noting this property is located at the southeastern corner of the intersection of 13th Avenue and 7th Street.

§1343.08.05 states corner properties located at the intersection of two roads shall not have driveway egress or ingress within 50 feet of the point of tangency. Even though the new spherical driveway is not in direct violation of this portion of the ordinance, the driveway is not far from violating the distance requirement. From an aerial measurement, the point of entry or exit is within 60 feet from the point of tangency.

Although the majority of this neighborhood does have an extensive grid network of sidewalks, this particular corner has no sidewalks that intersect this driveway or the existing driveway on 7th Street. Despite being a block without sidewalks this street does appear to have a large right of way and about half of the driveway and parking appears to be in the public right of way. Therefore this plan was shared with public works and they concurred that due to the lack of sidewalk here they are not concerned with the right of way encroachment.

Staff believes that although this is a very large driveway in addition to an existing driveway, due to the gravel materials and lack of sidewalk on this side, the impact to the neighborhood will be less. Depending on the direct impact of the surrounding neighbor's perspective the risk of approving the variance would be minimal other than the precedent being set for other properties to follow suit. Due to the large lot of this property versus others in the vicinity this may be minimal, but staff still recommends the preservation of the majority of vehicular traffic should enter from the rear or side of the lot.

Motorists may experience difficulty turning east onto 13th Avenue from 7th Street, predominantly coming northbound, as they

will have to factor in vehicles going in and out of the applicant's driveway. If the Board determines that these would be variances that are approvable, applicable conditions may be to require more landscaping or reduce the width of driveway to more closely align with the 12 ft. driveway max width instead of the 28 foot driveway circle.

Summary / Findings of Fact

1. Jay Michaels is the petitioner and property owner.
2. The petitioner is requesting a variance to have more than one single-lane driveway at his residence.
3. The petitioner is requesting a variance to surpass the maximum width for a single-lane driveway from 12 ft. to 28 ft.
4. The petitioner is installing a spherical shaped driveway with close proximity to a 4-way intersection.
5. The property is zoned R-1 Single-family Residential.

Attachments

- Aerial map
- Zoning map
- Future Land Use map
- Site Plans
- Application



PLANNING & ZONING

City of Huntington
Planning & Zoning
P.O. Box 1659 | Huntington, WV 25717
(304) 696-5540, option 3
planningdept@huntingtonwv.gov

Variance of Zoning Regulations Application

Applicant Name: Jay Michaels **Phone:** (323) 610-2709
Mailing Address (city, state, zip): 701 13th Avenue, Huntington, WV 25701
Email: katalinmichaels@gmail.com
Property Owner (if applicable): same **Phone:** _____
Mailing Address (city, state, zip): _____

Please list the Location (address) and Description (Tax Map Number, Parcel, and Lot,):

701 13th Avenue (07-59-116)

Variance request pursuant to:

Article 1343.08D1 and/or Figure _____ of the City of Huntington Zoning Ordinance.
1343.08.D.1

Description of the variance being requested:

Requesting a variance from 1343.08.D.01 which provides that a residence is limited to one single lane driveway.

The property at issue has a driveway on 7th St. The plan is to create an accessible entrance from the 13th Ave.

side of the property for persons with mobility limitations.

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

- Site plan the property involved (if applicable); drawn to scale, showing all boundary lines and the placement of existing and/or proposed structures, and with all dimensions shown (setbacks, buildings, ect.).
- Valid State and Federal Photo ID.
- Any and all documentation and evidence to support the request.
- One hundred sixty dollars (\$160) non-refundable filing fee for each variance sought.

All of the above documentation shall be submitted in full to the Planning and Zoning office by _____ in order to be placed on the next Board of Zoning Appeals (BZA) agenda. An incomplete submittal will delay the applications 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, January 16. 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.

Signature

Jay Michaels

Date

12/20/23

For office use only

Received:

Project Name:



PLANNING & ZONING

City of Huntington
Planning & Zoning
P.O. Box 1659 | Huntington, WV 25717
(304) 696-5540, option 3
planningdept@huntingtonwv.gov

Variance of Zoning Regulations Application

ATTACHMENT A

In making its decision to approve or deny a Variance request, The Board of Zoning Appeals must consider four criteria. Please provide a written statement on how the proposed Variance will affect each of the following considerations:

1. Effect upon public health, safety, or general welfare, or the rights of adjacent property owners or residents:
The planned driveway will positively impact public health and safety by creating a more accessible entrance for people with limited mobility who will be able to drive directly to the door and therefore
contend with fewer steps and have an even surface for ingress and egress. The proposed variance will
impact adjacent property owners positively by improving the appearance of this property.
2. What is the special condition or attribute of the property for which the variance is sought (must not be created by the person seeking the variance):
The current access limitation posed by having the driveway on 7th St on an incline, with a stepping
stone and gravel path, and stairs involved in coming into the house can be improved by granting a
variance to enable creation of an attractive and accessible entrance from the 13th Ave. side.
3. How an approval of the Variance would eliminate an unnecessary hardship and permit a reasonable use of the land:
See above. The current situation is difficult for people with mobility challenges, as it requires them to
navigate stepping stones and/or several stairs to enter the home.
4. How would an approval of the Variance allow for the intent of the Zoning Ordinance to be observed and substantial justice done:
By enhancing safety and attractiveness of the property at issue, which in turn, helps property values of
surrounding properties.





PLANNING & ZONING

City of Huntington
Planning & Zoning
P.O. Box 1659 | Huntington, WV 25717
(304) 696-5540, option 3
planningdept@huntingtonwv.gov

Variance of Zoning Regulations Application

Applicant Name: Jay Michaels **Phone:** (323) 610-2709
Mailing Address (city, state, zip): 701 13th Avenue, Huntington, WV 25701
Email: katalinmichaels@gmail.com
Property Owner (if applicable): same **Phone:** _____
Mailing Address (city, state, zip): _____

Please list the Location (address) and Description (Tax Map Number, Parcel, and Lot,):

701 13th Avenue (07-59-116)

Variance request pursuant to:

Article 1343.08 B and/or Figure Table F of the City of Huntington Zoning Ordinance.

Description of the variance being requested:

Requesting a variance from 1343.08 B (Table F), which limits the width of a single driveway to a maximum of 12 feet plus an additional 1.5 ft for the flare. The planned circular driveway is 14 feet to permit effective navigation.

It is a single lane driveway consistent with the code.

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

- Site plan the property involved (if applicable); drawn to scale, showing all boundary lines and the placement of existing and/or proposed structures, and with all dimensions shown (setbacks, buildings, ect.).
- Valid State and Federal Photo ID.
- Any and all documentation and evidence to support the request.
- One hundred sixty dollars (\$160) non-refundable filing fee for each variance sought.

All of the above documentation shall be submitted in full to the Planning and Zoning office by _____ in order to be placed on the next Board of Zoning Appeals (BZA) agenda. An incomplete submittal will delay the applications 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, January 16. 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.

Signature

J. Michaels

Date

12/20/23

For office use only

Received: _____ Project Name: _____



PLANNING & ZONING

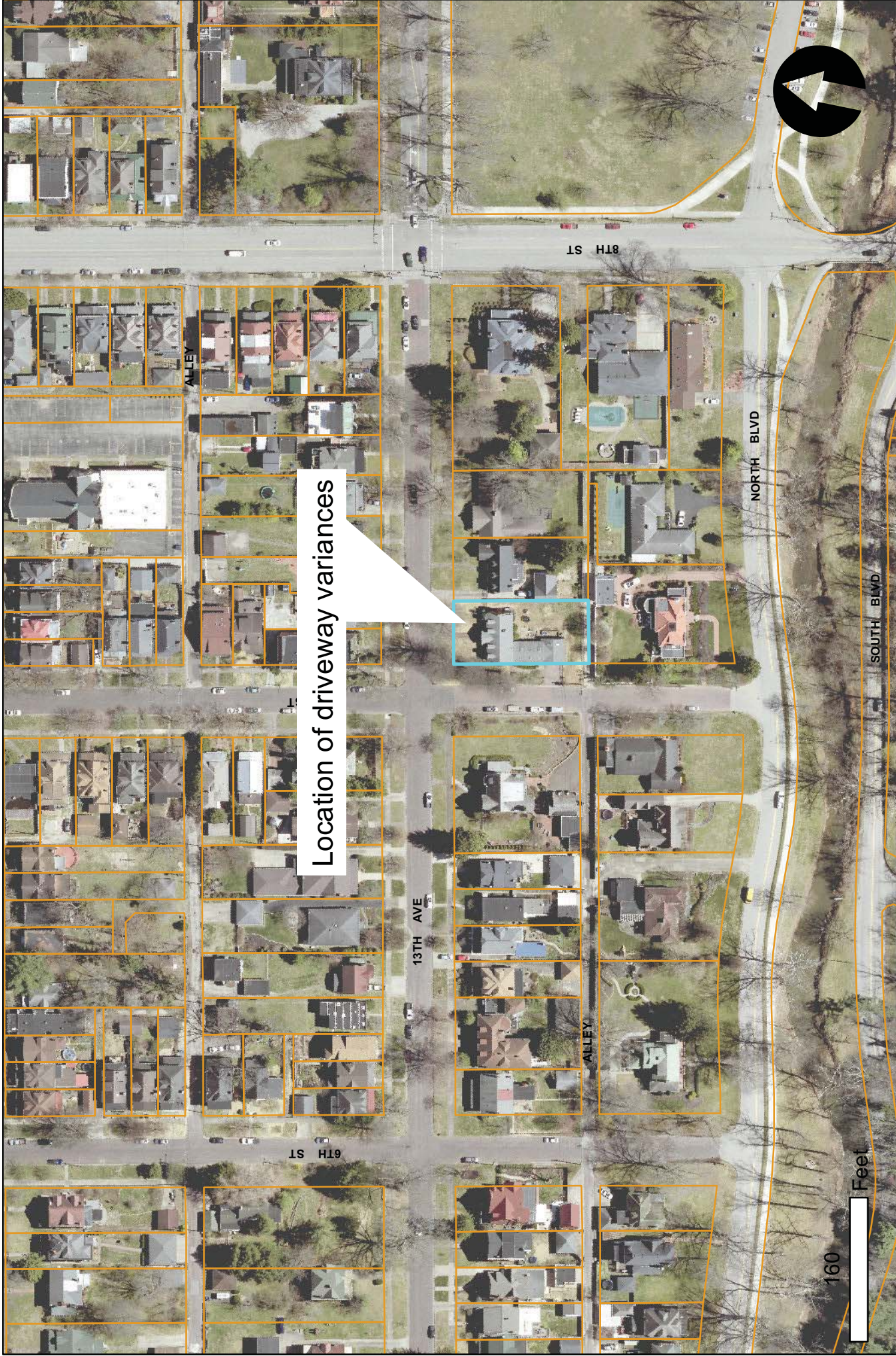
City of Huntington
Planning & Zoning
P.O. Box 1659 | Huntington, WV 25717
(304) 696-5540, option 3
planningdept@huntingtonwv.gov

Variance of Zoning Regulations Application

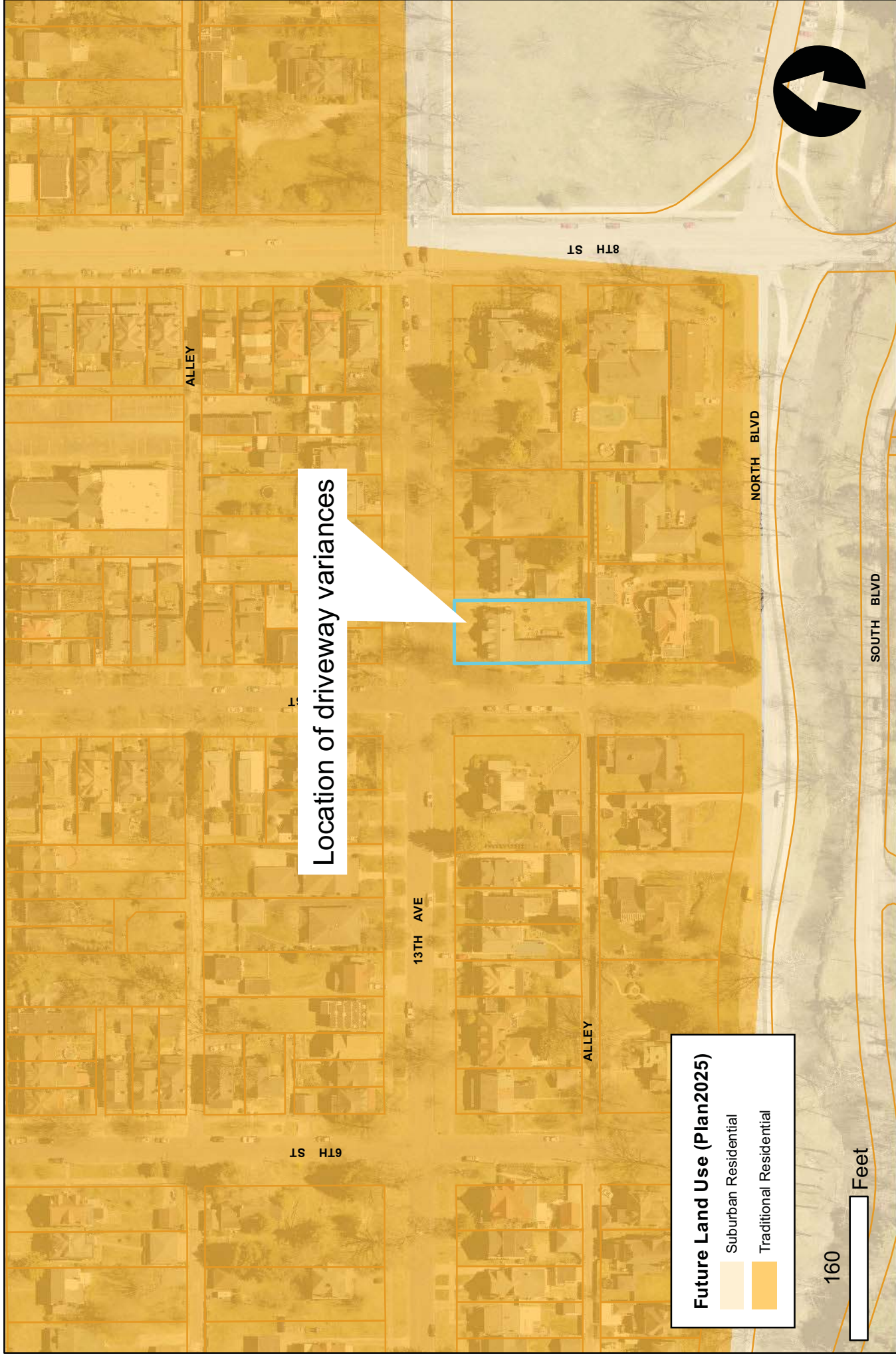
ATTACHMENT A

In making its decision to approve or deny a Variance request, The Board of Zoning Appeals must consider four criteria. Please provide a written statement on how the proposed Variance will affect each of the following considerations:

1. Effect upon public health, safety, or general welfare, or the rights of adjacent property owners or residents:
The proposed driveway plan will positively impact safety as the slightly wider design enables good maneuverability for drivers in the driveway. It also allows cars to smoothly enter and exit 13th Ave efficiently with good visibility and minimal impact on traffic flow, as there will be no backing into traffic.
2. What is the special condition or attribute of the property for which the variance is sought (must not be created by the person seeking the variance):
The variance is sought to provide a safer parking situation than that which currently exists on 7th St. by changing to a configuration that allows easy access to the house by mobility-challenged people and eliminates the need to back into the roadway.
3. How an approval of the Variance would eliminate an unnecessary hardship and permit a reasonable use of the land:
See above. The property owners' elderly, mobility-challenged parents would benefit from this safer and more accessible configuration.
4. How would an approval of the Variance allow for the intent of the Zoning Ordinance to be observed and substantial justice done:
Approval would create a safer, more welcoming entrance into the residence and would benefit both traffic safety and people with mobility challenges entering and exiting the home.



701 13th Street
Cabell County Tax District 7, Map 59, Parcel 116
BZA 24-03, BZA 24-04
Variances for a second driveway and the maximum width of a driveway in an R-1 Single-Family Residential Zone.



701 13th Street
Cabell County Tax District 7, Map 59, Parcel 116
BZA 24-03, BZA 24-04
Variances for a second driveway and the maximum width of a driveway in an R-1 Single-Family Residential Zone.



701 13th Street

Cabell County Tax District 7, Map 59, Parcel 116

BZA 24-03, BZA 24-04

Variances for a second driveway and the maximum width of a driveway in an R-1 Single-Family Residential Zone.



Staff Report: A petition for a variance to allow parking in the front yard of a multi-family/townhouse development.

Legal Ad**BZA 24-05**

Issue: 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 Avenue.

Petitioner: Nicholas Goff, 226 Seneca Road, Huntington, WV, 25075

Property Owner: Aventus Development LLC, 226 Seneca Road, Huntington, WV, 25075

Introduction

Nicholas Goff is petitioning for a variance to the requirement that all off-street parking only be permitted in the side or rear yards in the C-1 Commercial District.

Existing Conditions / Background

The property is owned by Aventus Development. Currently, the property sits vacant and is surrounded by predominantly single-family housing and limited commercial uses.

This particular parcel of C-1 property is very uniquely shaped. The site consists of two parcels of land that have frontage on Norway Avenue but also intersection with Edison Drive so has two front yard requirements. Due to Norway being at an angle in relationship to the parcel, the western side of the lot is approximately 230 ft of depth, whereas the eastern side of the lot is 44 ft of depth. Creating a trapezoidal shaped lot with two front yards of very

different characters. Norway Avenue is a highly trafficked route to access the commercial main street of the Gallagher Village neighborhood with, whereas Edison Drive is a more single family residential neighborhood side street. To the western property line is Spring Hill Cemetery.

Proposed Conditions

The petitioner would like to build a townhouse development consisting of two buildings. The two, four-unit townhome complexes will have 8 parking spaces in front of each building.

Zoning Ordinance

Per *Article 1327.03.B2.iii*, the off-street parking requirements state that off-street parking areas shall only be permitted in the side or rear yards in the C-1 Commercial District.

Pictures

View of vacant property in a northward direction along Norway Avenue.



View of vacant property looking south towards Edison Drive. Along Edison Drive are a plethora of single-family housing.

Staff Comments

Plan2025 designates this area as the Hills Residential District, which is characterized by:

- Medium density development on small to medium sized lots.
- Mainly single-family with housing intermixed with woodlands.
- Mix of curvilinear and grid streets.
- Interspersed network of sidewalks.

§1343.Table.A declares multi-family dwelling units must have 1.5 vehicular parking spots for every 2 bedroom unit, there are 8 - 2 bedroom units which would equate to this development needing at least 12 spaces, 14 spaces are proposed. Every new development in the city must have off-street parking to avoid public, shared parking along the sides of the roads to be taken up. The applicant's project surpasses the minimum threshold.

The applicant is constrained by the site frontage on two streets being Norway and Edison Drive, therefore the only way to build the parking in conformance in the side or rear yard with the code requirements would be to place the buildings very close to Norway Avenue. The townhouse

developments have a porch on the front and due to the traffic on the street and the design of the townhouses the applicant feels that this would be very dangerous and make the units less marketable.

The character of this particular block of commercial property does tend to have buildings set off the property line with parking in the front of the property. Although staff would typically not recommend this type of development pattern to be repeated this variation of C-1 Neighborhood Commercial is a very different context then most neighborhood nodes like one sees on 20th Street or 14th Street West due to the traffic on Norway and the lack of sidewalk infrastructure.

Due to the irregular nature of the lot and the front yard line of Norway and Edison there are limited ways to meet the requirements due to the particular shape of this lot.

Overall, Staff recommends permitting this variance due to the applicability of the code requirements being able to be met on this particularly shaped lot and the context of the surrounding area.

Although there may be a possible way to design the site to follow all the guidelines set in the zoning ordinance to ensure adequate off-street parking is available for this development, compromising other features of the redevelopment do arise.

If the Board would want to consider conditions on the approval of the variance, staff would suggest considering:

- safety of the driveway location from other points of ingress or egress,

- increased landscaping to buffer from the traffic of Norway Avenue and to shield the parking area from the front
- OR
- to meet the more single family residential character of Edison Drive.

Summary / Findings of Fact

1. Nicholas Goff is the petitioner.
2. Aventus Development is the property owner.
3. The petitioner is requesting a variance to the requirement that all off-street parking only be permitted in the side or rear yards in the C-1 Neighborhood Commercial District and is proposing parking in front of the townhouse buildings.
4. The petitioner is installing 14 parking spaces for the 12 that are required.
5. The property is zoned C-1 Neighborhood Commercial District.

Attachments

- Aerial map
- Zoning map
- Future Land Use map
- Site Plans
- Application



PLANNING & ZONING

City of Huntington
Planning & Zoning
P.O. Box 1659 | Huntington, WV 25717
(304) 696-5540, option 3
planningdept@huntingtonwv.gov

Variance of Zoning Regulations Application

Applicant Name: Nicholas Goff Phone: 304 710 1828

Mailing Address (city, state, zip): 226 Seward Rd Hytn WV 25705

Email: nicholasgoff@gmail.com

Property Owner (if applicable): Same Phone: 304-710-1828

Please list the Location (address) and Description (Tax Map Number, Parcel, and Lot,):

Variance request pursuant to:

Article 132.03B and/or Figure 2.111 of the City of Huntington Zoning Ordinance.

Description of the variance being requested:

Requesting variance to allow parking in front of townhomes.

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

Property is unconventional shape and "front" or "side" could be interpreted

subjectively. Requesting a variance granted for parking directly in front

of each structure.

(Attach additional pages if necessary)

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

- Site plan the property involved (if applicable); drawn to scale, showing all boundary lines and the placement of existing and/or proposed structures, and with all dimensions shown (setbacks, buildings, ect.).
- Valid State and Federal Photo ID.
- Any and all documentation and evidence to support the request.
- One hundred sixty dollars (\$160) non-refundable filing fee for each variance sought.

All of the above documentation shall be submitted in full to the Planning and Zoning office by _____ in order to be placed on the next Board of Zoning Appeals (BZA) agenda. An incomplete submittal will delay the applications 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, 12/21/25. 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.

Signature

Date

For office use only	
Received:	Project Name:

WEST VIRGINIA
CABELL COUNTY
CITY OF HUNTINGTON

LEGEND

- ⊙ 5/8" x 30" Rebar w/Pink Plastic Cap Stamped "David A. Lee WV PS 2248" (set)
- 1/2" Rebar (found)
- 1" Iron Pipe (found)
- | | |
|-----|-----|
| 47 | 47 |
| 225 | 226 |

 Tax Map Number
Tax Parcel Number
- ⚡ Power Pole
- ⊕ Water Meter
- ⊙ Bell Manhole
- ET— Electric/Telephone Line
- G— Gas Line
- ⊕ TBM (as noted)

NOTES

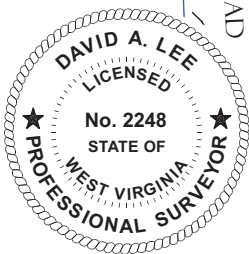
1. Being subject to all restrictions, reservations, right-of-way, easements, utilities, covenants, exceptions, conveyances, leases and exclusions previously imposed and appearing of record, and those not of record.
2. The subject property is located in Zone X (areas determined to be outside the 0.2% annual chance floodplain), as shown on FIRM map no. 54011C0116D.
3. The locations of underground utilities as shown hereon are based on aboveground structures. Locations of underground utilities/structures may vary from locations shown hereon. Additional buried utilities/structures may be encountered. No excavations were made during the progress of this survey to locate buried utilities/structures. The "WV 811" ticket number is 2018941771.
4. The vertical datum is based on NAVD '88.
5. The contours shown hereon were derived from a grid of field shots. Contour interval = 1'.
6. Dimensions for swale provided by developer.

TOTAL AREA	19,998 Sq. Ft.	
IMPERVIOUS SURFACE	9,412 Sq. Ft.	47%

47	47
225	226

Aventus Development, LLC
D.B. 1415, Pg. 387

Area
19,998 Sq. Ft.
0.459 Ac.



LICENSED PROFESSIONAL SURVEYOR NO. 2248

SURVEYED BY:



David A. Lee
SURVEYING AND MAPPING

(304) 972-9657 (877) 360-4210
E-mail Address: dlsurveyor@gmail.com
www.leesurvey.com

Site Plan for:
Aventus Development, LLC
121 Norway Ave
Huntington, WV 25705

CURVE TABLE				
CURVE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	327.63'	180.23'	S 42°38'14" E	177.97'
C2	50.00'	47.75'	S 29°33'32" E	45.96'



GRAPHIC SCALE

Scale: 1" = 40'
Job No. 20-021 CAWW
Survey: July 16, 2020
Site Plan: December 19, 2023
Drawing: 20-021_SitePlan3.dwg



121 Norway Avenue

Cabell County Tax District 5, Map 47, Parcel 225

BZA 24-05

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





121 Norway Avenue
Cabell County Tax District 5, Map 47, Parcel 225
BZA 24-05

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



121 Norway Avenue
Cabell County Tax District 5, Map 47, Parcel 225
BZA 24-05

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

