



Agenda

Huntington Board of Zoning Appeals
Tuesday, January 19, 2021 - 5:30pm

1. Call to Order
2. Roll Call
3. Elections: Chair and Vice-Chair
4. 2020 Annual Report
5. Approval of the November Minutes
6. Approval of the November Orders
 - a. BZA 20-V-12
 - b. BZA 20-C-11
7. New Petitions

BZA 21-A-01 & BZA 21-V-01

Issue: An appeal of the requirement, decision, or determination made by the administrative official charged with the enforcement of the Zoning Ordinance pursuant to *Article 1341.19.A* regarding the facing of privacy fencing in a residential district.

Issue: A petition for a Variance pursuant to *Article 1341.19.A* of the City of Huntington Zoning Ordinance to allow for the finished side of a privacy fence to face inward instead of toward the abutting properties in an R-1 Residential District. The property is located at 127 Wilson Ct, Cabell County Tax District 05, Tax Map 72, Parcel 129.

Owner/Petitioner: William Chappelle, 127 Wilson Ct., Huntington, WV 25701

8. Announcements/Discussion
9. Adjournment

Minutes
City of Huntington Board of Zoning Appeals
November 17, 2020

A meeting of the City of Huntington Board of Zoning Appeals was held on November 17, 2020 at 5:30 p.m. in the City Hall Council Chambers. *Mr. Dolin* called the meeting to order.

Members Present: Howard Anderson, Isabell Cross, Jacqueline Proctor, Lee Canup, Dan Earl, C.W. Dolin (For consistency, Ms. Canup is voting on BZA 20-V-12, while Mr. Earl sits out on the petition. Ms. Canup will not be participating in BZA 20-C-11.)

Members Absent: None

Staff Present: Shae Strait, City Planner
Ericka Hernandez, Assistant City Attorney
Patricia Usher, Zoning Officer

Mr. Dolin approved the Minutes as amended.

Mr. Dolin approved the Orders as amended.

BZA 20-V-12

A petition for a Variance pursuant to Article 1327 to allow for a new building to be less than the required width of 60% of the street frontage down to 41%.

Property Owner: Blue Barn Properties, 1440 4th Ave, Huntington, WV

Petitioner: Robert's Running Shop, 1440 4th Ave, Huntington, WV

Robert Smith presented the petition, summarizing what was presented at the original meeting on October 20, 2020. He further explained that a retail business needs ease of access and he believes that customers want to see available parking, especially handicapped. He understands that the City would like to make this area more pedestrian friendly and believes that his business will bring more pedestrians to the area than any tree or build-to requirement could.

Mr. Anderson – What are your thoughts on the additional options that have been prepared by Mr. Strait?

Mr. Smith stated that he was not aware of the other options. Mr. Strait explained that the options were sent to Mr. Smith via email, then went on to describe the options presented to Mr. Smith and laid out in the revised packet. Option 1: a reduction to 50% of the required 60%, which would allow for the desired side yard parking. Option 2: granting the variance of 41% with the condition of landscaping to fill frontage.

Mr. Smith and his architect have an issue with Option 2. Once the Hal Greer project is complete, the pedestrian divider will make his property only accessible from one side of the road. He believes that the trees will make his building harder to see and is concerned about the liability to pedestrians from cars coming in and out of the parking lot.

Ms. Cross – What would the height requirements be for the proposed conditional landscaping?

Mr. Strait has detailed suggestions in the staff report such as shrubs no higher than 3 feet and trees with a canopy no lower than 7 feet. As for liability, Mr. Strait is unsure, but pointed out that

businesses and public right-of-ways throughout the city have similar landscaping. Mr. Strait referred to Sheetz which has this type of landscaping at all of their locations.

Mr. Anderson – It is assumed that there will be landscaping on the property anyway, and with the conditions proposed in Option 2, the petitioner could have the requested 41% and the missing frontage would be filled with ample landscaping.

Ms. Cross – How do you feel about the landscaping?

Mr. Smith stated that his current store is hard to find due to the setback from the road and does not want the landscaping to hide his new location. He is concerned about maintaining the trees.

Mr. Dolin – Mr. Strait, can Mr. Smith plant trees of his choosing to meet the requirement?

Mr. Smith may choose any trees he would like, the City is not limiting the type or species of trees that can be used. There are many trees that would meet this requirement, including fast growing trees.

Mr. Strait presented comments, explaining that studies in planning practice show that a build to percentage promotes pedestrian activity and a desire to be a part of the area. The options presented to the petitioner and detailed in the staff report are ways to come to a compromise with this requirement and the petitioner's request.

Mr. Anderson – It is assumed that Mr. Strait has put in a lot of time and effort into creating these alternative designs, correct?

Mr. Strait has created roughly twelve different alternatives. Not all of them have been presented to the Board.

Ms. Proctor – Does either proposal address the desires and needs of the Fairfield neighborhood in the revitalization of Hal Greer?

Mr. Strait informed the Board that at the last meeting regarding the revitalization of Hal Greer, there was overwhelming support for more urbanized types of development; closer street frontage, taller buildings, and filling the street frontage as opposed to the more automobile oriented development that exists now. This feedback from the Fairfield community is why the zoning regulations have changed and why the area has been rezoned to the C-1 Neighborhood Commercial District. The options presented are more of a give than what was hoped to accomplish for the Fairfield neighborhood; however, this property is different from many along the road as it does not have an improved alley access and will be on a one way once the Hal Greer project is complete. The option does not completely meet the needs of the neighborhood, but when considering the disadvantages, there can be a little give and take for the development.

Ms. Proctor thanked Mr. Strait and stated that she wanted to make it clear for the record that the desires and needs of the neighborhood are important in the decision making process for this request.

Ken Walker appreciates the care, concern, and diligence by the Board in their decision making and expressed his desire to keep local businesses in town. He understands that there are new regulations for the area, but does not see the fairness in allowing the bank to have their front door not facing the road and enforce these new rules onto new developments. He would much rather there be a local business at this location.

Mr. Dolin closed the public hearing and discussion ensued.

Mr. Anderson – Option 2 is an incredibly wise compromise which allows for the petitioner to secure his 41% request and ensures the landscaping that would have been put in anyway; therefore, I strongly support Option 2.

Ms. Canup – As to the buildings that are along Hal Greer that are not conforming to the current regulations, the new regulations were put in place to better the district through future developments. While searching through maps of my hometown of Athens, GA and looking at how they set up parking, because to me many businesses along Hal Greer are a parking lot waste land, I spent a lot of time looking at areas where commercial and neighborhoods meet. There is a fair amount of compromise that has been presented by this committee. I agree with Mr. Anderson that this is a smart compromise.

Ms. Cross – I am agreeable to Option 2 and am grateful for the work Mr. Strait has done to create the various alternatives.

Ms. Proctor – I want to address the false narratives that have been presented regarding this petition. There seems to be a contradiction that 50% is not as valuable as 41% for someone who claims to need more retail space. There has also been no conversation concerning the direction a door must be facing and I believe that there is a vast difference in the two businesses mentioned. I am grateful to Mr. Strait for his work in creating these alternatives.

Mr. Dolin – I am happy to see a local business grow and move into an area that is known for the hospital and as the entry into the city and Marshall University. I was hesitant to approve a 41% building frontage; however, I have learned from being on this Board that landscaping can improve the look and size of a building.

Mr. Anderson made a motion to approve BZA 20-V-12 with the condition that the front yard has landscape screening to help fill the frontage; *Ms. Canup* seconded the motion.

The recommended landscaping requirements are:

On each side of the driveway:

- A row of bushes no more than 3 feet tall from average ground level when fully grown that fill a majority of the landscaping width, and
- Trees, that when fully mature, the bottom of the canopy is no lower than 7 feet tall from average ground level

Roll Call BZA 20-V-12: Howard Anderson, Yes; Isabell Cross, Yes; Jacqueline Proctor, Yes; Lee Canup, Yes; C.W. Dolin, Yes

BZA 20-V-12 petition of a Variance was conditionally approved with a vote of 5 Yes to 0 No.

BZA 20-C-11

A petition for Conditional Use Permit for Coalfield Development to have a Community Garden in an R-2 Single-Family Residential District.

Property Owner: Real Life Christian Center, 2511 9th Avenue, Huntington, WV

Petitioner: Coalfield Development P.O. Box 1133, Wayne, WV

Gina Milum and Derrick Scott presented the petition. Coalfield Development is proposing to build a community garden on the lots. A fence will be erected as well as high tunnels.

Mr. Dolin – What kind of lighting will be installed on the property?

Mr. Scott explained that there will be two high tunnel beside each other, so, at minimum, there will need to be two flood lights to illuminate either end of the tunnels.

Mr. Anderson – Will the entire property be fenced in? Much of the fencing currently around the property is dilapidated. How tall will the fencing be and will there be barbed wiring?

Ms. Milum confirmed that yes, there will be chain link fencing around the entire property, but there will not be barbed wire. If someone gets in for a carrot, we would rather them have it without getting caught in the wire. Mr. Scott added that the intent is for the property to fit into the community and not look like a correctional facility.

Ms. Proctor – What will the hours of operation be? How many people would be onsite working at any given time?

Mr. Scott plans for the garden to be open roughly between 7:00 am to 4:00 pm, Monday through Friday, depending on time change. Signs will be posted to discourage trespassing during closed hours. As the supervisor, Mr. Scott will be accompanied by between roughly 5 to 10 trainees.

Ms. Proctor – What are the duties of the workers?

Mr. Scott detailed the activities that are planned for the garden, such as planting vegetables to be sold wholesale or at a residential market. Ms. Milum added that part of the experience with Coalfield is to gain training in a variety of skills. Trainees take classes to learn skills and do work within the community and the greenhouse.

Ms. Proctor – Mr. Strait, is this property zoned in such a way that would allow for sales of any kind?

Mr. Strait informed the Board that this property is not zoned for sale, and was unaware that this was something that was being proposed. He explained to the petitioners and the Board that the program is allowed to have sales as part of their function, but the sales cannot take place on this property. He advised the petitioners of vacant properties and farmer's markets close by that can be utilized for the sale of vegetables.

Ms. Milum explained that the agricultural part of Coalfield is for training purposes and the industrial building at West Edge is a hub for the distribution of products, so it would be no problem to distribute the products from this location.

Ms. Proctor – Who are the intended trainees that would work at the garden?

Mr. Scott told the Board that he would like encourage people from the community to apply as a way to get those living in the area engaged with the community and caring about what happens there. Coalfield is a supporter of those in recovery, so there will be individuals employed there that are working towards a better life.

Ms. Proctor – During the winter months when there is less light during the day, what type of lighting will be used inside of the high tunnels to supplement the daylight during those months?

Mr. Scott clarified that there would be no lighting in the tunnels. The sun is the only source of light for the vegetables. The lighting onsite is for human purposes and safety reasons.

Mr. Anderson – Will there be off-street parking?

Mr. Scott told the Board that currently, there are no trainees with a driver's license, everyone is bused to the site. There is room in front of the property for a few cars, and if needed there could be parking on the lot. The church parking lot across the street is also available since it is not in use during the garden's hours of operation.

Mr. Earl – To clarify, there will not be any vegetation growing outside of the tunnel, it will all be happening inside of the tunnels? Will there be anything on the outside of the tunnels?

Mr. Scott confirmed that the vegetables will all be growing inside the tunnels. The only structure on the outside will be a shelter, 12x16, for employees to take their breaks.

Mr. Earl – Addressing the concerns Mr. Strait has detailed in the staff report, how will the property be maintained?

The trainees will be charged with the maintenance of the property, such as mowing and covering the high tunnels for shade in the summer. The outside of the high tunnels will be maintained like a well-kept lawn.

Mr. Earl – Mr. Strait, please clarify what is meant by the maintenance of the property.

Mr. Strait explained that the concern is the discontinuation of the garden and abandonment of maintenance. Often times with community gardens in the city, they are utilized for a few seasons and then abandoned and no longer maintained.

Mr. Earl – How could we build into an approval a condition that would prevent this from occurring?

Mr. Strait suggested that the Board could stipulate a condition the Conditional Use Permit could be revoked if the garden incur a certain number of code violations within a specified amount of time.

Ms. Mulin explained to the Board that the high tunnels at West Edge have been in continuous use for 5 years and that the plan is to maintain the use here for years to come as well. Mr. Scott explained that the maintenance of the tunnel, such as replacing high tunnel plastic when it degrades, is a part of the training in addition to the gardening, and with the tunnels being directly across the street from his church, they are particularly interesting in keeping up the use and look of the property.

Mr. Anderson – Is there a contract between the church and Coalfield for this project?

Mr. Scott confirmed that, although the document is not currently on hand, there is a contract between the church and Coalfield.

Ms. Proctor – In regards to the amount of water that would be needed for this project, are there any concerns?

Mr. Strait stated any storage of water onsite, would have to have the plans reviewed by the city, in addition to stormwater management if necessary, to determine that there would not be a hazard to the community.

Ms. Mulin informed the Board that the gardens would be watered with a garden water hose.

Mr. Strait presented comments, reiterating the concern for maintenance that was addressed by Mr. Earl and explained several other items that would be addressed with the petitioner during the review process. Mr. Strait feels comfortable recommending approval, or approval with conditions, due to the upstanding reputation of Coalfield Development locally and state wide.

James Ferguson is not against the garden, he has concerns that he wanted to share with the Board. The area has several locations that are frequented by those who are doing drugs and throwing their waste were others could be hurt. The abandoned houses surrounding the petitioner's property are frequently broken into and used as a location for drug use and the yards are used as a dump site for drug paraphernalia.

Mr. Earl – There is a committee in this city that deals with this type of issue, the Unsafe Building Commission. Unfortunately, this Board cannot address the issue.

Mr. Anderson – Possibly this development will put pressure on the City to address the issues in this area and take down the houses.

Mr. Dolin closed the public hearing and discussion ensued.

Ms. Proctor – Having lived in bigger cities that have used community gardens as a way to reclaim an area that has degraded, I see this as a similar situation. If they are committed to reaching out to the community, I am in support of this petition as I have seen what community gardens can do for a community.

Ms. Cross – Coalfield has done good things for the city and I agree with Ms. Proctor that the garden would be good for the area.

Mr. Anderson – This is a win-win situation, for Coalfield, the church, the community, and the City.

Mr. Earl – Agree that the garden would be good with the addition of the condition to revoke the use if there are excessive violations.

Mr. Dolin – Encouraged to see an abandoned property be used for such a great use.

Ms. Proctor made a motion to conditionally approve BZA 20-C-11, with the condition that if the property were to receive 3 or more code violations in a 12 month period the Conditional Use Permit would be revoked; *Mr. Earl* seconded the motion.

Roll Call BZA 20-C-11: Howard Anderson, Yes; Isabell Cross, Yes; Jacqueline Proctor, Yes; Dan Earl, Yes; C.W. Dolin, Yes

BZA 20-C-11 petition for a Conditional Use Permit was conditionally with a vote of 5 Yes to 0 No.

The meeting concluded at 6:10 p.m.

Date approved: _____

Chairperson: _____ Prepared by: _____
C.W. Dolin, Chair Patricia Usher, Zoning Officer

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

BZA 20-C-11

Property Owner: Real Life Christian Church, 2511 9th Avenue, Huntington, WV

Petitioner: Coalfield Development, P.O. Box 1133, Wayne, WV

Subject Property: 2534 and 2536 9th Avenue

A petition for a Conditional Use Permit for Coalfield Development to have a Community Garden in an R-2 Single-Family Residential District.

Individual Speaking on Behalf of Petition: Gina Milum and Derrick Scott

Other Interested Parties: James Ferguson

ORDER

On November 17, 2020, Ms. Milum and Mr. Scott appeared before the City of Huntington Board of Zoning Appeals to provide testimony related to BZA 20-C-11. Other citizens were permitted to voice their positions as well, per the practice of this Board, and 1 individual provided testimony.

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.

FINDINGS OF FACT

After reviewing all evidence at the November 17, 2020 meeting and hearing testimony from Ms. Milum and Mr. Scott, the Board finds as follows:

1. Real Life Christian Center is the owner.
2. Coalfield Development is the petitioner.
3. Article 1320 requires a Conditional Use Permit for a Community Garden in the R-2 Single-Family Residential District.
4. The proposed use would be as a garden and greenhouse for the train of people associated with Coalfield Development in agricultural skills.
5. The garden will be tended by a supervisor from Coalfield and 5-10 trainees between the hours of 7 am and 4 pm.
6. The vegetables produced at this location will be sold from other locations.

7. The petitioner is proposing two high tunnels, two floodlights, fencing, gates, and other accessory structures as needed for this development.
8. The two properties previously had a single-family home and a duplex.
9. The property is zoned R-2 Single-Family District.
10. The two properties where this is proposed total approximately 12,250 SF.

CONCLUSIONS OF LAW

The Board concludes the Conditional Use Permit would not injure the use and enjoyment of other properties in the immediate vicinity but would greatly improve the quality of the neighborhood, possibly pressuring the City to address dilapidated housing issues in the area. The Board is convinced that adequate utilities, drainage, and parking were taken into consideration and that ingress and egress will not negatively affect traffic on the street, and are satisfied that no commercial sales will take place on the property. The Board's biggest concern is that the property be maintained and not allowed to become overgrown. With that in mind, the Board has decided that it would be appropriate to condition approval upon the outward maintenance of the property so that the community is assured that the garden will not become a detriment in the future.

DECISION

THEREFORE, based on the findings of fact from the full testimony heard at the hearing and all other documentary evidence presented, the Board **conditionally approves** petition BZA 20-C-11 for a Conditional Use Permit for a Community Garden with the condition that if the property receives 3 or more code violations in a 12 month period, the Conditional Use Permit would be revoked.

ENTERED

Date

Chairperson: _____ Prepared by: _____
C.W. Dolin, Chairperson Patricia Usher, Zoning Officer

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

BZA 20-V-12

Owner: Blue Barn Properties, 1440 4th Avenue, Huntington, WV

Petitioner: Robert's Running Shop, 1440 4th Avenue, Huntington, WV

Subject Property: 1570, 1572, 1574 Hal Greer Boulevard, Huntington, WV

A petition for a **Variance** pursuant to *Article 1327* of the City of Huntington Zoning Ordinance to allow for a new building to be less than the required width of 60% of the street frontage down to 41% in a C-1 Neighborhood Commercial District

Individual Speaking on Behalf of Petition: Robert Smith

Other Interested Parties: Kathleen Smith, Ken Walker, Ashlyn McGlone

ORDER

On October 20, 2020 and November 17, 2020, Robert Smith appeared before the City of Huntington Board of Zoning Appeals to provide testimony related to BZA 20-V-12. Other citizens were permitted to voice their positions as well, per the practice of this Board, and 3 individuals provided testimony.

When hearing 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. In determining this, the Board must find that such Variance will not:
 - a. Alter the land use characteristics of the district;
 - b. Impair the adequate supply of light and air to adjacent property;
 - c. Increase the hazard from fire, flood, and other dangers of said property;
 - d. Diminish the marketable value of adjacent lands and buildings; or
 - e. Increase the congestion of the streets;
 - f. Otherwise impair the public health, safety, convenience, comfort, or general welfare;
2. That the Variance arises from special conditions or attributed 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 and 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.

FINDINGS OF FACT

After reviewing all evidence at the both meetings and hearing testimony from Mr. Smith, the Board finds as follows:

1. Blue Barn Properties is the owner.
2. Robert's Running Shop is the petitioner.

3. The proposed use of the property is retail sales and services.
4. The property is zoned C-1 Neighborhood Commercial District.
5. Article 1327 requires that the build-to percentage be 60%.
6. The petitioner's requested build-to percentage is 41%.
7. The required vehicle parking spaces before eligible reductions is 11.
8. The required vehicle parking spaces after the reductions offered within the C-1 Neighborhood Commercial District regulations is 9.
9. The required bike parking spaces is 2.
10. The proposed vehicle parking spaces is 21 plus a loading area for trucks.
11. The property is approximately 14,460 SF.
12. Most commercial properties in the city either have access to an alley or a street in the rear.
13. The zoning ordinance for the C-1 Neighborhood Commercial assumes properties within the zone will have rear vehicle access.
14. The property at issue does not have access to an alley in the rear.

CONCLUSIONS OF LAW

At the November 17, 2020 meeting, the Board found that this property is different from the rest of the properties along Hal Greer due to the lack of access to an alley. With this in mind, the Board concludes that the Variance does not wholly arise from special conditions created by the petitioner; however, to mitigate the impact to the surrounding neighborhood from such a large reduction in street frontage, the Board conditions any approval of the variance upon the installation of front yard landscaping to fill the frontage that would otherwise have been created by the building itself. Therefore, the Board believes that substantial justice would be done and the intent of the ordinance and the desires of the neighborhood for a more urban and pedestrian friendly environment would be observed.

DECISION

THEREFORE, 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 20-V-12 for a **Variance** with the following landscaping conditions: each side of the driveway have (1) a row of bushes no more than 3 feet tall from average ground level when fully grown that fill a majority of the landscaping width; and (2) trees, that when fully mature, the bottom of the canopy is no lower than 7 feet tall from average ground level. Any changes that deviate from what has been approved and does not meet the zoning regulation must come back before the BZA for approval.

ENTERED

 Date

Chairperson: _____
 C.W. Dolin, Chairperson

Prepared by: _____
 Patricia Usher, Zoning Officer

City of Huntington Board of Zoning Appeals

January 4, 2021

Staff Report An appeal of the requirement, decision, or determination made by the administrative official charged with zoning enforcement and a Variance to allow for a privacy fence to have the finished side facing inward.

Legal Ad

BZA 21-A-01

An appeal of the requirement, decision, or determination made by the administrative official charged with the enforcement of the Zoning Ordinance pursuant to *Article 1341.19.A* regarding the facing of privacy fencing in a residential district.

BZA 20-V-02

A petition for a Variance pursuant to *Article 1341.19.A* of the City of Huntington Zoning Ordinance to allow for the finished side of a privacy fence to face inward instead of toward the abutting properties in an R-1 Residential District.

The property is located at 127 Wilson Ct, Cabell County Tax District 05, Tax Map 72, Parcel 129.

Owner/Petitioner: William Chappelle, 127 Wilson Ct. Huntington, WV 25701

Introduction

William Chappelle is petitioning to appeal a decision made by the Planning office regarding his fence and requesting a variance to allow the fence to remain erected with the finished side facing inward and leave the abutting side unfinished.

Existing Conditions / Background

A complaint regarding an unpermitted fence with the unfinished side facing abutting properties was submitted to the zoning office. On inspection, staff observed that a 6 ft. privacy fence had been erected with the

finished side facing inward on the western and southern rear yard property lines, but not on the eastern rear yard property line. The remaining eastern side of the property had an existing 4 ft. chain link fence.

During the inspection, staff met with the property owner and discussed permitting and zoning requirements particularly those regarding fence facing. The property owner explained that the fence had been erected in this manner for the safety of his young child who has a disability. In a follow up letter, the property owner was provided with the required Zoning Permit and a Floodplain Development Permit applications, a summary of the applicable regulations for privacy fences, and a recommendation that finishing be placed on both sides of the fence as a way to accommodate their needs and the requirements of the Zoning Ordinance.

The property owner requested reasonable accommodations¹ to allow for the new fencing to remain erected as is. This request was denied. During a follow up conversation, the property owner was verbally denied the possibility of requesting a variance to leave unfinished the abutting property sides of the fence due to the lack of hardship.

Proposed Conditions

After the denial, the property owner obtained a building permit and has since removed the 4 ft. chain link fencing on the east side of the property and replaced it with

6ft. privacy fencing. The new fencing that was erected was built with the abutting property side of the fence unfinished. This permit was issued in error without review or approval from the zoning office for site plan or floodplain requirements. The property owner is petitioning to keep the original 93 ft. of fencing and the newly erected 68 ft. of fencing erected as is without finishing the abutting property sides of the fence.

Brief timeline of events

1. Neighbor complaint received about privacy fence.
2. Internal investigation found the fence was installed incorrectly.
3. Property owner was informed that the fence was unlawful and given options to correct.
4. Property owner requested a reasonable accommodation under the Fair Housing Act.
5. The accommodation was reviewed and denied.
6. Property owner requested to apply for a variance for the fence.
7. Planner verbally denied the opportunity to apply for a variance due to lack of hardship.
8. Property owner sought and acquired a building permit from the permitting office in error.
9. Property owner erected the fence on the east side of the property incorrectly.
10. Appeal and Variance requests submitted.
11. Property owner was informed that the building permit was not valid.

Staff Comments

BZA 21-A-01

The property owner was denied the possibility of requesting a variance as there

are no special conditions or hardships created by the property that justify a deviation from regulations. Therefore, it is recommended that this appeal be denied.

If the appeal is to be denied, the request for a variance will not be considered.

BZA 21-V-01

If the Board grants the appeal of the determination made, it is staff's opinion that the request for a variance should be denied as the request does not arise from conditions unique to the property and there are options that would meet the petitioner's needs and maintain the intent of the Zoning Ordinance.

Staff is sensitive to the desire of the petitioner to create a safe environment for their child on their property. Rather than reversing the fencing that currently exists, staff suggests that the petitioner finish both sides of the fencing. As a means to relieve some of the financial hardship of purchasing enough pickets to completely cover the abutting property sides of the fence, staff proposes that pickets may be spaced out in a manner that would require fewer picket boards. This would create the appearance of a shadow box fence (See Figure 1), an alternative privacy fence design which is permitted in the city.



Figure 1: Picture of a shadow box fence located in Huntington's South Side neighborhood.

Zoning Ordinance

Article 1341.19.A requires that privacy fences shall be constructed so that the finished side of a fence faces toward abutting properties or right-of-ways.

Summary / Findings of Fact

1. William Chappelle is the owner and petitioner.
2. *Article 1341.19.A* requires the finished side of a privacy fence to face abutting properties.
3. The petitioner is appealing the determination made to deny the possibility of applying for a variance.

¹ According to the Federal Fair Housing Act, reasonable accommodations may be requested to change, exempt, or modify a rule, policy, practice or service when

4. Upon approval of the appeal, the petitioner is requesting a variance to keep the erected fencing as is without finishing the sides facing abutting properties.
5. The lot is approx. 5,663 sf.
6. This property is zoned R-1 Single-Family Residential District.

Attachments

- Please see attached Aerial, Location, and Zoning Maps for reference.
- Photographs of site conditions

accommodations may be necessary to afford persons with disabilities an equal opportunity to use and enjoy property.

Photographs taken on the day of initial inspection:

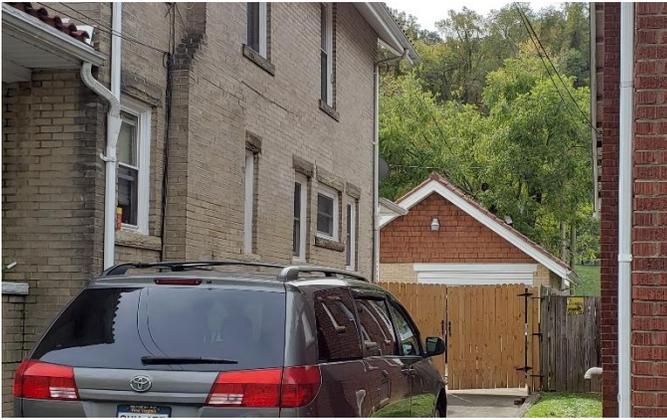


Figure 2: Western side of the property, gate finished side out.



Figure 3: Eastern side of the property, gate finished side out. Southern property line fence finished side in.



Figure 4: Southern property line abutting property side of fence unfinished.



Figure 5: Southern property line abutting property side of fence unfinished.



127 Wilson Court
BZA 21-A-01 - Appeal
BZA 21-V-01 - Variance
Privacy Fence Facing





127 Wilson Court
BZA 21-A-01 - Appeal
BZA 21-V-01 - Variance
Privacy Fence Facing



Future Land Use Zoning in Plan2025

Suburban Residential



127 Wilson Court
BZA 21-A-01 - Appeal
BZA 21-V-01 - Variance
Privacy Fence Facing





APPLICATION FOR AN APPEAL TO THE BOARD OF ZONING APPEALS

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

Applicant Name: William Chappelle Phone: 740.307.5285
Address (city, state, zip): 127 Wilson Ct. Huntington WV 25701
Email:
Property Owner (if applicable): SAME Phone:
Address (city, state, zip):

I/We, the undersigned, hereby request the Board of Zoning Appeals review the following order, requirement, decision, or determination made by Planner (Planning staff) or the Planning Commission under the provisions of Article 9 of Chapter Eight A of the Code of West Virginia, effective date June 13, 2004 and under the provision of Article 1361 of the City of Huntington Zoning Ordinance, adopted December 14, 1998, as amended.

Decision made by official or Board: October 16, 2020 letter
reasonable accomodation was denied for our fence

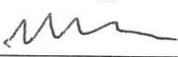
Give description of property including District, Tax Map, Parcel, lot number (if applicable), street address and/or other description.
127 Wilson Ct

This appeal is requested for the following reasons (state any reason which the Board of Zoning Appeals should be aware of in forming its decision):
my son has autism, and our fence was built smooth side facing in so that he could not climb out; this was denied because we had not replaced chain link fence on one side, but this has now been done

This Application Must Be Accompanied By:

- Site Plan of Real Estate involved (if applicable): **Drawn to Scale** with scale shown, with 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).
- Any and all documentation and evidence to support the request.
- Treasurers Receipt for One Hundred Fifty Dollars (\$160.00) Filing Fee

I/We, the undersigned, am/are aware that a Public Hearing by the Board of Zoning Appeals will be held on the third **Tuesday** of the month, _____ unless otherwise noted. It is my responsibility to attend (or send a representative) to the above meeting to City Hall Council Chambers. The filing deadline for this petition is _____.


Signature of Applicant

12-29-20
Date

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

BZA Decision:

- Approved
- Denied
- Approved with conditions

Conditions: _____

FOR OFFICE USE
Received: <u>12/29/2020</u>
Staff Initials: <u>PU</u>
Project Number: <u>BZA 21-A-01</u>
Meeting Date: <u>January 19</u>



APPLICATION FOR APPEAL FOR VARIANCE OF ZONING REGULATIONS

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

Applicant Name: William Chappelle Phone: 740 307 5285

Address (city, state, zip): 127 Wilson Ct Huntington WV 25701

Email:

Property Owner: William Chappelle Phone: 740 307 5285

Address (city, state, zip): 127 Wilson Ct Huntington WV 25701

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

127 Wilson Ct Huntington WV 25701

Variance requested pursuant to:

Article 1341.19 and/or Figure of the City of Huntington Zoning Ordinance.

Description of the variance being requested:

Privacy Fencing around backyard of 127 Wilson Ct. constructed on south side mt.

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

127 Wilson Ct. Huntington WV 25701

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

My son has Autism, and is an elopement risk. Constructing the fence, finished side in does not allow him to have a foothold to climb the fence. My neighbor to the west (back) was constructed on white vinyl, fence directly behind my wood fence so it is not visible to him. Now child he can have a place I asked him. Fencing on the south side, was not changed, now is west privacy fence to address the planner's reason for denying. (Attach additional pages if necessary) my request for a variance or reasonable accommodation due to my son's disability.

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

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

All of the above documentation is to be submitted to the office of Planning and Zoning by: 12/18/20 in order to be placed on the next Board of Zoning Appeals agenda. Incomplete documentation will delay applicants review by the BZA.

I/We, the undersigned, am/are aware that a Public Hearing by the Board of Zoning Appeals will be held on Tuesday, January 19, 2020. It is my responsibility to attend (or send a representative) to the above meeting to present plans and to answer any questions regarding the request for a Variance. All meetings are held at 5:30 p.m. in the City Council Chambers of Huntington City Hall.

FOR OFFICE USE
Received: <u>12/18/2020</u>
Staff Initials: <u>PU</u>
Project Number: <u>BZA 21-V-01</u>

[Signature]
Signature of Applicant

12/18/20
Date

[Signature]
Signature of Property Owner

12/18/20
Date

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

FOR OFFICE USE ONLY

Board of Zoning Appeals

Approved Date of Decision: _____

Denied Conditions: _____

Planning Staff: _____ Title: _____ Date: _____



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

October 9, 2020

Owner
127 Wilson Court
Huntington, WV 25701

RE: NOTICE OF VIOLATION AT 127 WILSON COURT, HUNTINGTON, WV

To whom it may concern:

This letter is to notify you that your property is in violation of the City of Huntington Zoning Ordinance. A fence may not be erected without a Zoning Permit or a Building Permit.

Additionally, all fences must be constructed with the finished side of the fence facing toward abutting properties or right-of-ways. Your property is located within the flood plain and will require a completed flood plain ordinance as well.

Please refer to *Article 1341.19* of the City of Huntington Zoning Ordinance for regulations regarding fences within city limits. A copy of this section of the Ordinance has been provided for you.

You will have fourteen (14) days to begin bringing the property into compliance by obtaining a permit for the fence from this department, which may adjusting the fence to be in compliance with City regulation. We suggest if you'd like to have the finished side of the fence to face inward, you place a finish face on both sides of your fence to accommodate your needs and the requirements of the ordinance.

If you do not begin to bring the property into compliance by October 23, 2020, a citation will be issued that may result in a fine of up to \$500. If this timeline will not work due to physical or other limitations, please reach out to me directly.

If you have any questions, please feel free to contact me at 304.696.5540, ext. 2094.

Sincerely,

A handwritten signature in blue ink, appearing to read "P. Usher".

Patricia Usher,
Zoning Officer

Section 1341.19 Fences, Walls, and Screens

- A. Fences and walls are permitted by-right in all districts. Any fence or wall shall be durably constructed and well-maintained. Privacy fences shall be constructed so that the finished side of the fence faces toward abutting properties or rights-of-way unless the fence is not visible from the adjoining property. Fences that have deteriorated shall be replaced or removed.
- B. Sight Distance, Storm Water and Easements. No fence, wall or hedge shall obstruct the sight distance requirements of Section 1341.03. No fence or wall shall obstruct the flow of storm water, except as part of a City-approved storm water system.
- C. Fences.
 - 1. Residential District.
 - a. Front Yard. 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) and shall not exceed four feet in height.
 - b. Side and Rear Yard. Any fence located in the side or rear yard shall have a maximum height of seven feet.

... (Section Omitted for Brevity)...

- 2. Height. The height of a fence shall be measured from the ground level in which the fence is located on or above. For linear sections of fence that are mounted level, parallel to the horizon, but on ground that varies in height, the height shall be measured as an average across the level mounted segment of the fence.
- 3. Setbacks. A fence may be constructed on a lot line and are not required to comply with minimum setbacks for accessory structures. Homeowners are encouraged but not required to setback fences at least two feet from an abutting lot line in order to allow for maintenance over the long-term. However, no fence shall be located closer than three feet from an adjoining residence. A fence shall not be placed within a public right-of-way or alley.
 - a. Exception:
 - i. A fence of a business shall be setback a minimum of five feet from the abutting lot line of an existing dwelling or an undeveloped residentially zoned lot.
- 4. Exceptions:
 - a. A maximum height of ten feet with a ten foot setback from all property lines is permitted to enclose:
 - i. A tennis or racquet sport court
 - ii. A non-household swimming pool
 - iii. An electric substation
 - b. On a corner lot, the Planning Commission staff may permit a side or rear yard fence into the front yard that is not abutting the primary entrance of the structure based on prevailing setback of other structures and fences on the same street as that front yard.
- 6. Fence Materials. A fence shall not be constructed out of fabric, junk, junk vehicles, appliances, tanks or barrels. Electric fences are prohibited in all zones. Barbed or razor fences are prohibited in all zones except industrial.

D. Walls.

- 1. Engineered retaining walls necessary to hold back slopes are exempted from setback regulations and the regulations of this section, and are permitted by-right as needed in all districts.
- 2. Residential District.
 - a. Front Yard. Any wall located in the front yard or required front yard, whichever distance is greater, shall not exceed four feet in height.
 - b. Side and Rear Yard. Any wall located within ten feet of the side or rear yard property line shall not exceed four feet in height. Any wall ten feet or farther from the side or rear yard property line shall not exceed seven feet in height.

... (Section Omitted for Brevity)...



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

October 16, 2020

Owner
127 Wilson Court
Huntington, WV 25701

**RE: ZONING VIOLATION FOR AN UNLAWFUL PRIVACY FENCE
AT 127 WILSON COURT, HUNTINGTON, WV**

To Madoloyne and William Chappelle,

This letter is to notify of the status of your zoning violation based on the follow facts:

A fence was constructed without a permit in April of 2020. This fencing is in violation of Article 1341.19.A because the privacy fencing, excluding the gates, has the finished face inward to your own property. Violation notice was delivered to you on October 13th.

You then requested a reasonable accommodation to have the fence remain facing inward to prevent your child, who is diagnosed with Autistic Disorder, from climbing the fence, resulting in elopement. However, a fence was never constructed along the southeastern property line. A four foot tall chain-link fence on the adjacent property is constructed next to this line that is very scalable. This fence occupies approximately thirty percent of your rear yard perimeter. There has been no effort in approximately sixth months to address this lack of fencing. In addition, no effort has been made in those sixth months to finish the exterior facing of the newly constructed fence or to obtain the required permit.

Based on these facts, your request for a reasonable accommodation has been *denied*. Your options to get the newly constructed fence into compliance with the Zoning Ordinance are:

- Obtain a Building Permit from the Permit Office for your fence and:
 - Finish both sides of the privacy fence, or
 - Reverse your fence panels so that the finish face is towards the adjacent properties
- Remove the newly constructed fence

To obtain a Building Permit you will need a site plan of the constructed or proposed fence (the attached map can suffice), your contractor and their information, cost of the project to include materials and labor, any other additional information required by the Permit Office. You will have until November 2nd, 2020 to begin the process of coming into compliance.

If you have any questions, please feel free to contact me at 304.696.5540, ext. 2093.

Sincerely,
Shae Strait
Planner

Section 1341.19 Fences, Walls, and Screens

- A. Fences and walls are permitted by-right in all districts. Any fence or wall shall be durably constructed and well-maintained. Privacy fences shall be constructed so that the finished side of the fence faces toward abutting properties or rights-of-way unless the fence is not visible from the adjoining property. Fences that have deteriorated shall be replaced or removed.
- B. Sight Distance, Storm Water and Easements. No fence, wall or hedge shall obstruct the sight distance requirements of Section 1341.03. No fence or wall shall obstruct the flow of storm water, except as part of a City-approved storm water system.
- C. Fences.
 - 1. Residential District.
 - a. Front Yard. 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) and shall not exceed four feet in height.
 - b. Side and Rear Yard. Any fence located in the side or rear yard shall have a maximum height of seven feet.

... (Section Omitted for Brevity)...

- 2. Height. The height of a fence shall be measured from the ground level in which the fence is located on or above. For linear sections of fence that are mounted level, parallel to the horizon, but on ground that varies in height, the height shall be measured as an average across the level mounted segment of the fence.
- 3. Setbacks. A fence may be constructed on a lot line and are not required to comply with minimum setbacks for accessory structures. Homeowners are encouraged but not required to setback fences at least two feet from an abutting lot line in order to allow for maintenance over the long-term. However, no fence shall be located closer than three feet from an adjoining residence. A fence shall not be placed within a public right-of-way or alley.
 - a. Exception:
 - i. A fence of a business shall be setback a minimum of five feet from the abutting lot line of an existing dwelling or an undeveloped residentially zoned lot.
- 4. Exceptions:
 - a. A maximum height of ten feet with a ten foot setback from all property lines is permitted to enclose:
 - i. A tennis or racquet sport court
 - ii. A non-household swimming pool
 - iii. An electric substation
 - b. On a corner lot, the Planning Commission staff may permit a side or rear yard fence into the front yard that is not abutting the primary entrance of the structure based on prevailing setback of other structures and fences on the same street as that front yard.
- 6. Fence Materials. A fence shall not be constructed out of fabric, junk, junk vehicles, appliances, tanks or barrels. Electric fences are prohibited in all zones. Barbed or razor fences are prohibited in all zones except industrial.

D. Walls.

- 1. Engineered retaining walls necessary to hold back slopes are exempted from setback regulations and the regulations of this section, and are permitted by-right as needed in all districts.
- 2. Residential District.
 - a. Front Yard. Any wall located in the front yard or required front yard, whichever distance is greater, shall not exceed four feet in height.
 - b. Side and Rear Yard. Any wall located within ten feet of the side or rear yard property line shall not exceed four feet in height. Any wall ten feet or farther from the side or rear yard property line shall not exceed seven feet in height.

... (Section Omitted for Brevity)...



127 Wilson Ct Aerial of Rear Yard Fencing





Inspections and Permits Division
 800 Fifth Ave
 P.O. Box 1659
 Huntington, WV 25717-1659

Date: October 21 2020

Permit Invoice

Applicant	CHAPPELLE WILLIAM	Permit Number	2020-00001822
Permit Type	C-Repair - Commercial Repair	Site Address	127 WILSON CT HUNTINGTON, WV 25701
Description	NEW FENCE		
Est. Imp. Value	\$800.00		
Property Owner	CHAPPELLE WILLIAM		
Contractor	CHAPPELLE WILLIAM		

Permit Amount: \$40.00

Signature: _____

THIS IS NOT A PERMIT

Please take this invoice and your payment to Room 20 to receive your permit placard.

City Use Only

Payment Code:



Permit Type:



Permit Number:





ZONING PERMIT APPLICATION

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

Applicant Name: William Chappelle Phone: 740 307 5285
Address: 127 Wilson Ct. Email: BJC984@yahoo.com
Property Owner (if applicable): William Chappelle Phone: 740 307 5285
General Contractor: _____ Phone: _____ City License #: _____

Address, Parcel Number, or Property Description: 127 Wilson Ct. Huntington WV 25701

- Type of Permit:
- Driveway / Parking Pad
 - Enclosed Porch
 - Deck / Porch / Stoop
 - Carport
 - Garage
 - Fence, 6 feet or shorter
 - Storage Building/Accessory building
 - Other: _____

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

- Application Checklist:
- Site Plan (see requirements)
 - Construction Materials: _____
 - Cost of labor and materials: \$ Free labor + 800.00 materials

[Signature] _____ Date: 10/19/20

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

FOR OFFICE USE ONLY

- Planning**
- Approved Conditions: _____
 - Denied
 - Building Permit required
 - Public Works approval required

Reviewed by: _____ Title: _____ Date: _____

- Public Works**
- Approved Conditions: _____
 - Denied

Reviewed by: _____ Title: _____ Date: _____



FLOODPLAIN DEVELOPMENT
PERMIT APPLICATION
 (This form to be filled out in duplicate in ink.)

Application Number

SECTION 1: GENERAL PROVISIONS (Applicant to read and sign)

1. No work may start until a Floodplain Development Permit and Location Improvement Permit have been issued.
2. The permits may be revoked if any false statements are made herein.
3. If revoked, all work must cease until a permit is reissued.
4. Development shall not be used or occupied until a Certificate of Compliance is issued.
5. The permit will expire if no work is commenced within six months of issuance.
6. Applicant is hereby informed that other permits may be required to fulfill local, state and federal regulatory requirements.
7. Applicant hereby gives consent to the Local Administrator or his/her representative to make reasonable inspections required to verify compliance.
8. ***I, THE APPLICANT, CERTIFY THAT ALL STATEMENTS HEREIN AND IN ATTACHMENTS TO THIS APPLICATION ARE, TO THE BEST OF MY KNOWLEDGE, TRUE AND ACCURATE.***

[Signature]
 Applicant's Signature

10/19/20
 Date

SECTION 2: PROPOSED DEVELOPMENT (To be completed by APPLICANT)

Name: William Chappelle

Address: 127 Wilson Ct. Huntington WV 25901

Phone: (Home) 740 367 5285 (Bus) _____

(Fax) _____ (Cell) _____

Email Address: BJC984@yahoo.com

Builder: self

Engineer: _____

Project Location:

To avoid delay in processing the application, please attach sufficient information to easily identify the project location, providing the street address, Tax Map Parcel and Lot information or legal description and, if outside urbanized areas, the distance to the nearest intersecting road or well-known landmark. A sketch attached to this application showing the project location would be helpful.

SECTION 4: ADDITIONAL INFORMATION REQUIRED (To be completed by LOCAL ADMINISTRATOR)

The APPLICANT must submit the documents checked below before the application may be processed:

- A site plan showing the location of all existing structures, water bodies, adjacent roads, lot dimensions and proposed development.
- Development plans, drawn to scale, and specifications, including where applicable: details for anchoring structures, proposed elevation of lowest floor (including basement), types of water resistant materials used below the first floor, details of floodproofing of utilities located below first floor and details of enclosures below the first floor.
Also: _____
- Subdivision or other development plans (if the subdivision or other development exceeds 10 lots or 2 acres, whichever is the lesser, the applicant must provide 1% annual chance flood elevations if they are not otherwise available).
- Plans showing the extent of watercourse relocation and/or landform alterations.
- Top of new fill elevation _____ Ft. NGVD (MSL).
- Floodproofing protection level (non-residential only) _____ Ft. NGVD (MSL).
For floodproofed structures, Applicant must attach certification from a registered engineer or architect.
- Certification from a registered engineer that the proposed activity in a regulatory floodway will not result in any increase in the height of the 1% annual chance flood. A copy of all data and calculations supporting this finding must also be submitted.
- Other _____

SECTION 5: PERMIT DETERMINATION (To be completed by LOCAL ADMINISTRATOR)

I have determined that the proposed activity

- A. Is In conformance with the provisions of Article 1349 of the City of Huntington Zoning Ordinance. The permit is issued subject to the conditions attached to and made part of this permit.
- B. Is Not

Signed _____ Date

If Box A is checked, the Local Administrator may issue a Floodplain Development Permit upon payment of designated fee.

If Box B is checked, the Local Administrator will provide a written summary of deficiencies. Applicant may revise and resubmit an application to the Local Administrator or may appeal a decision to the Board of Zoning Appeals.



ZONING PERMIT APPLICATION

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

Applicant Name: Williams Chapelle
Address: 127 Wilson Ct
Property Owner (if applicable): SAME
General Contractor: SELF
Address, Parcel Number, or Property Description: 127 Willson Ct, 5-72-129

Type of Permit:

- Driveway / Parking Pad
Enclosed Porch
Deck / Porch / Stoop
Carport
Garage
Fence, 6 feet or shorter
Storage Building/Accessory building
Other:

FOR OFFICE USE
Received: 1/4/2021
Staff Initials: PU
Permit Number:

Application Checklist:

- Site Plan (see requirements)
Construction Materials: Wooden 6ft privacy fence
Cost of labor and materials: \$ 800

Signature of Applicant: [Signature]
Date: 1/06/21

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

FOR OFFICE USE ONLY

Planning

- Approved
Denied

Conditions: BZA Approval Required for fence facing
Building Permit required
Public Works approval required

Reviewed by: Title: Date:

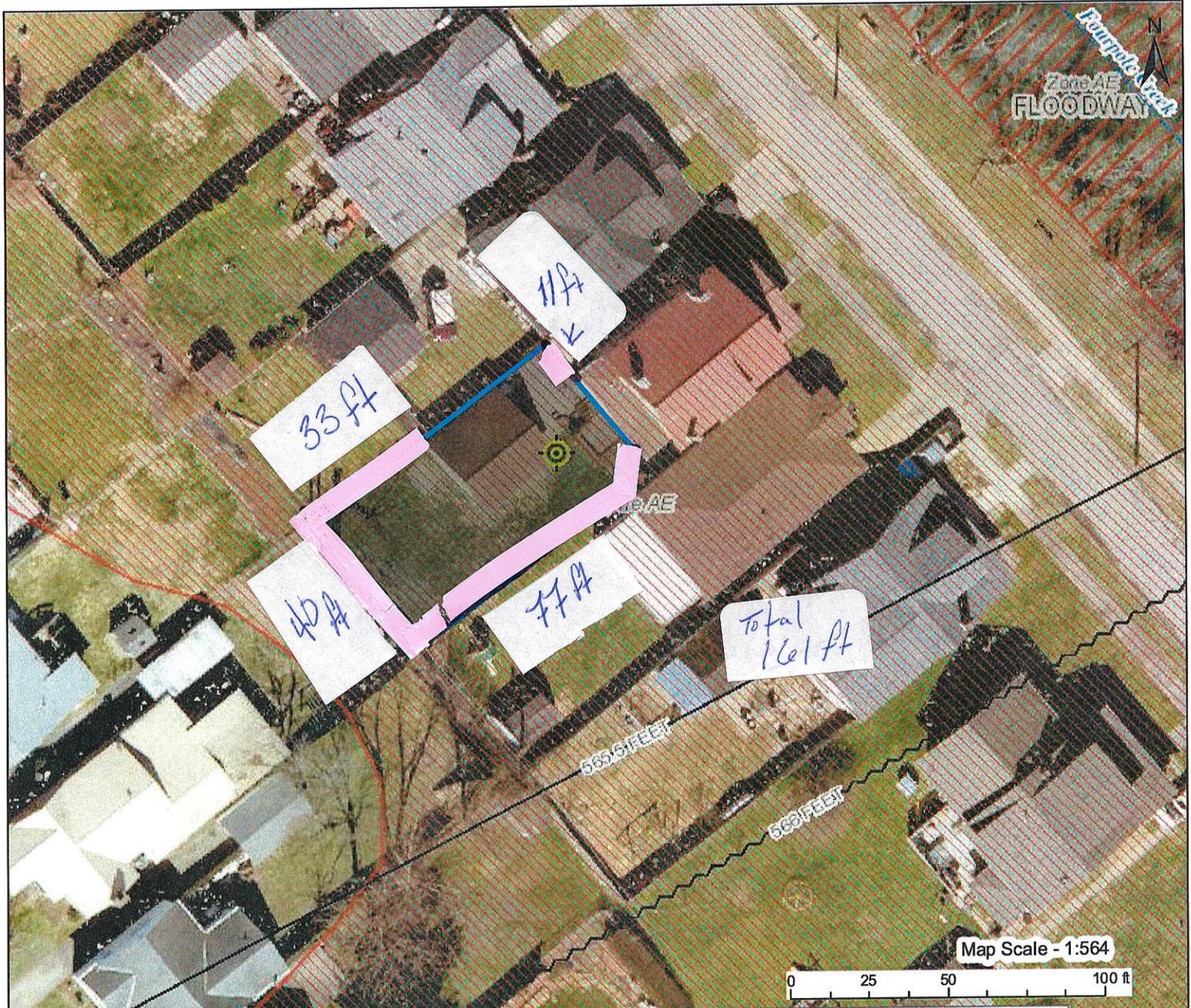
Public Works

- Approved
Denied

Conditions:

Reviewed by: Title: Date:

WV Flood Map



This map is not the official regulatory FIRM or DFIRM. Its purpose is to assist with determining potential flood risk for the selected location.

H I G H R I S K		1-Percent-Annual-Chance Flood Hazard Area With Base Flood Elevation (BFE)	Flood Info Location	Map created on 1/4/2021		
		Regulatory Floodway in AE Zone		User Notes		
		1-Percent-Annual-Chance Flood Hazard Area Without BFE (may have Advisory Flood Heights)	Flood Hazard Area	Location is WITHIN the FEMA 100-year floodplain.		
		1-Percent-Annual-Chance High Risk Advisory	Flood Zone	AE		
Download the Full Legend for all flood tool symbols https://www.mapwv.gov/flood/map/docs/wv_flood_tool_legend.pdf			Stream	Fourpole Creek		
Disclaimer: The online map is for use in administering the National Flood Insurance Program. It does not necessarily identify all areas subject to flooding, particularly from local drainage sources of small size. Refer to the official Flood Insurance Study (FIS) for detailed flood elevation data in flood profiles and data tables. WV Flood Tool (https://www.mapwv.gov/flood) is supported by FEMA, WV NFIP Office, and WV GIS Technical Center.			Watershed (HUC8)	Raccoon-Symmes (5090101)		
			Flood Height Water Depth	Flood Height 3 Refer to FIS report for BFE NAVD88 About 4.0 ft (Source: HAZUS)		
			Elevation	564.7 ft (Source: Cabell 2009) (NAVD88)		
			Community & ID	City of Huntington (ID: 540018)		
			FEMA Map & Date	54011C0118D; Effective Date: 6/16/2005		
			Location (lat, long)	(38.402248, -82.427556) (WGS84)		
			Parcel ID	06-05-0072-0129-0000		
			E-911 Address	127 WILSON CT, HUNTINGTON, WV, 25701		



FLOODPLAIN DEVELOPMENT
PERMIT APPLICATION
(This form to be filled out in duplicate in ink.)

Application Number

SECTION 1: GENERAL PROVISIONS (Applicant to read and sign)

1. No work may start until a Floodplain Development Permit and Location Improvement Permit have been issued.
2. The permits may be revoked if any false statements are made herein.
3. If revoked, all work must cease until a permit is reissued.
4. Development shall not be used or occupied until a Certificate of Compliance is issued.
5. The permit will expire if no work is commenced within six months of issuance.
6. Applicant is hereby informed that other permits may be required to fulfill local, state and federal regulatory requirements.
7. Applicant hereby gives consent to the Local Administrator or his/her representative to make reasonable inspections required to verify compliance.
8. ***I, THE APPLICANT, CERTIFY THAT ALL STATEMENTS HEREIN AND IN ATTACHMENTS TO THIS APPLICATION ARE, TO THE BEST OF MY KNOWLEDGE, TRUE AND ACCURATE.***

W. Chappelle
Applicant's Signature

1/06/21
Date

SECTION 2: PROPOSED DEVELOPMENT (To be completed by APPLICANT)

Name: William Chappelle

Address: 127 Wilson Ct.

Phone: (Home) 740.307.5285 (Bus) _____

(Fax) _____ (Cell) _____

Email Address: BZC984@yahoo.com

Builder: self

Engineer: _____

Project Location:

To avoid delay in processing the application, please attach sufficient information to easily identify the project location, providing the street address, Tax Map Parcel and Lot information or legal description and, if outside urbanized areas, the distance to the nearest intersecting road or well-known landmark. A sketch attached to this application showing the project location would be helpful.

DESCRIPTION OF WORK (check all applicable lines):

A. Structural Development

- | <u>Activity</u> | <u>Structure Type</u> | |
|--|--|--|
| <input type="checkbox"/> New Structure | <input type="checkbox"/> Residential (1-4 Family) | |
| <input type="checkbox"/> Addition | <input type="checkbox"/> Residential (more than 4 Family) | |
| <input type="checkbox"/> Alteration | <input type="checkbox"/> Non-Residential—Floodproofing: | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| <input type="checkbox"/> Relocation | <input type="checkbox"/> Combined Use (Residential & Commercial) | |
| <input type="checkbox"/> Demolition | <input type="checkbox"/> Manufactured (Mobile) Home | |
| <input type="checkbox"/> Replacement | <input type="checkbox"/> In Manufactured Home Park? | <input type="checkbox"/> Yes <input type="checkbox"/> No |

Present Market Day Value: \$ 120,400
 Estimated Cost of Project: \$ 800
Substantial Damage/Improvement Yes No

B. Other Development Activities

- Fill Mining Drilling Grading
 Excavation (Except for Structural Development Checked Above)
 Watercourse Alteration (Including Dredging and Channel Modifications)
 Drainage Improvements (Including Culvert Work)
 Road, Street or Bridge Construction
 Subdivision (New or Expansion)
 Individual Water or Sewer System
 Other (please specify) Fence

After completing SECTION 2, APPLICANT should submit form to Local Administrator for review.

SECTION 3: FLOODPLAIN DETERMINATION (To be completed by LOCAL ADMINISTRATOR)

The proposed development is located on FIRM Panel No.: 54011C01181 Dated: 6/16/2005

The proposed development:

Is **NOT** located in a Special Flood Hazard Area (Notify the applicant that the application review is complete and NO FLOODPLAIN DEVELOPMENT PERMIT IS REQUIRED.

IS located in a Special Flood Hazard Area
FIRM zone designation is:

Base Flood Elevation at the site is: AE
~~504.7~~ 504.7 Ft. NGVD (MSL)

Unavailable

The proposed development **IS** located in a floodway.

FIRM Panel No.: _____ Dated: _____

See SECTION 4A for additional instructions.

[Signature]
Signed

1/04/2021
Date

SECTION 4: ADDITIONAL INFORMATION REQUIRED (To be completed by LOCAL ADMINISTRATOR)

The APPLICANT must submit the documents checked below before the application may be processed:

- A site plan showing the location of all existing structures, water bodies, adjacent roads, lot dimensions and proposed development.
- Development plans, drawn to scale, and specifications, including where applicable: details for anchoring structures, proposed elevation of lowest floor (including basement), types of water resistant materials used below the first floor, details of floodproofing of utilities located below first floor and details of enclosures below the first floor.
Also: _____
- Subdivision or other development plans (if the subdivision or other development exceeds 10 lots or 2 acres, whichever is the lesser, the applicant must provide 1% annual chance flood elevations if they are not otherwise available).
- Plans showing the extent of watercourse relocation and/or landform alterations.
- Top of new fill elevation _____ Ft. NGVD (MSL).
- Floodproofing protection level (non-residential only) _____ Ft. NGVD (MSL).
For floodproofed structures, Applicant must attach certification from a registered engineer or architect.
- Certification from a registered engineer that the proposed activity in a regulatory floodway will not result in any increase in the height of the 1% annual chance flood. A copy of all data and calculations supporting this finding must also be submitted.
- Other _____

SECTION 5: PERMIT DETERMINATION (To be completed by LOCAL ADMINISTRATOR)

I have determined that the proposed activity

- A. Is In conformance with the provisions of Article 1349 of the City of Huntington Zoning Ordinance. The permit is issued subject to the conditions attached to and made part of this permit.
- B. Is Not permit.

 Signed Signed Date

If Box A is checked, the Local Administrator may issue a Floodplain Development Permit upon payment of designated fee.

If Box B is checked, the Local Administrator will provide a written summary of deficiencies. Applicant may revise and resubmit an application to the Local Administrator or may appeal a decision to the Board of Zoning Appeals.

