



Agenda

Huntington Board of Zoning Appeals
Tuesday, January 20th, 2025 - 5:30pm

1. Call to Order
2. Roll Call
3. Election of Chair and Vice Chair
4. Approval of the December 2025 Minutes
5. Approval of the December 2025 Orders
 - BZA 25-31
 - BZA 25-32
 - BZA 25-33
 - BZA 25-34
6. New Petitions

BZA 26-01

Petitioner/Property Owner: Playmates Preschool and Childcare Development Childcare Centers, Inc.,
P.O. Box 549, Ceredo, WV 25507

Property Location: 3453 and 3455 Hughes St., Huntington, WV 25704

Issue: A petition for a conditional use to allow for a daycare in an R-2 Single-family Residential District.

BZA 26-03

Petitioner: V3 WV GP, LLC, 2709 Colt Run Rd., Oakton, VA 22124

Property Owner: MSA Properties, LP, 1 Purdue Dr., Richboro, PA 18954

Property Location: 2018 3rd Ave., Huntington, WV 25703

Issue: A petition for a conditional use to allow for manufacturing and production (indoors) in a C-2 Highway Commercial District.

7. Announcements/Discussion

8. Adjournment

**Minutes
City of Huntington Board of Zoning Appeals
December 16th, 2025**

A meeting of the City of Huntington Board of Zoning Appeals was held on December 16th, 2025 at 5:30 p.m. in the City Hall Council Chambers. *Mr. Earl* called the meeting to order and Ms. Parsons confirmed a quorum was present.

Members Present: Dan Earl, Matthew Smith, Douglas Franklin, Sonja Vital

Members Absent: Gina Browning and Matt Smith

Staff Present: Katie Parsons, Planner I
Stephanie Petruso, Senior Planner
Zane Parsley, Planning Director
Ericka Hernandez, Assistant City Attorney

Mr. Earl asked if there were any objections to the November 2025 minutes, seeing none, the minutes were approved.

Mr. Earl asked if there were any objections to the orders from November 2025, seeing none, the order was approved.

BZA 25-33

Petitioner: Everett Station LLC, AU Associates, 159 Old Georgetown St., Lexington, KY 40508

Property Owner: Tiger LLC, 1216 7th Ave., Huntington, WV 25701

Property Location: Cabell County Tax District 5, Map 23, Parcel 324. This parcel is located at the end of Everett Street, and sits between 8th Avenue and 9th Avenue, adjacent the railroad.

Issue: A petition for a conditional use to allow for a multi-family residence located in an I-1 Light Industrial/Commercial District.

Ms. Parsons read the staff report.

Vinny Paiva, Development Manager from AU Associates, 159 Old Georgetown St., Lexington, KY 40508 was present to represent the petition. He stated that they were a developer from Lexington, KY who has completed six income based housing complexes throughout rural WV. He stated they were using the “Low Income Tax Credit” from the state of WV to develop TWO (2) story complexes with thirty-two units total.

The board did not have any questions for the developer at this time.

Mr. Earl asked if anyone else was there to speak in favor, seeing none. *Mr. Earl* asked if anyone else was there to speak in opposition and several members from the public raised their hand.

Christopher Coyle, 611 Everett St., spoke to the board. He presented the board with individual folders that contained notarized citizen letters, an un-notarized petition with a notable amount of signatures, pictures of parking concerns along Everett Street and the surrounding block. Mr. Coyle cited concerns such as infrastructure strain, potential overcrowding of local schools systems, congestion of streets currently and jeopardy of the character of the neighborhood.

Mr. Earl questioned staff about many of the concerns Mr. Coyle raised. Specifically, Mr. Earl asked planning staff about parking for the proposed development and overcrowding of schools.

Ms. Parsons explained that for a multi-family development, off-street parking is required and after reviewing the plans the developer had provided they had met that parking requirement. Ms. Parsons stated that planning staff does not have input or consideration of potential influx into a local school system and directed the question to Ms. Hernandez, Assistant City Attorney for further clarification.

Ms. Hernandez stated that the county has jurisdiction over the educational needs of an area.

Mr. Parsley added that this meeting strictly focused on the conditional use of a multi-family residence, and that in the event of approval the petition would go before a second board (Planning Commission) to have their site plan review.

Mr. Coyle went on to say that there is not enough parking currently, and they are concerned about the displacement of on street parking during development and during events held at the Boys and Girls Club just a half a block away from the proposed development. Mr. Coyle stated that many people utilize the proposed parcel as overflow parking as it is, and is concerned what Everett Street will look like when that option is removed.

Mr. Earl clarified that the Boys and Girls Club only holds events every so often and that the overflow parking is not an everyday occurrence.

David Barbour, 628 Buffington St., stated that he has lived in the area since 1978 and was in opposition when Neighborgall Construction bought the proposed parcel back in the 80's. He expressed concerns of traffic, and that he does not believe this development is needed in this area.

Gary Spitler, 650 Park St., stated he owns property all around Guyandotte and expressed concerns of the potential traffic that will be caused by this new development. He stated he was building a new house close to this potential development and he doesn't wish to see this in the area. He also expressed concerns about the sewer systems and the infrastructure that will be affected.

Kathy Baker, 3404 Nickel Plate Rd., stated her main concern is utilities, citing many instances of repair in the past year. She stated there was not enough room in their pre-k and local school systems for any new influx of kids. She was also concerned about increasing traffic in the area due to the children who will be walking to and from the bus stop.

Mr. Earl asked if anyone was present to speak in opposition that would state something they have not already heard.

Mollie Roberts, 620 Buffington St., stated she has lived in Guyandotte her entire life. She was concerned about the proximity of the railroad to the proposed development.

David Kloman, 619 Everett St., expressed concerns of flooding in the streets currently and how the proposed development could potentially worsen this issue.

Angela Black formerly Angela Clay, 611 Everett St., spoke about a previous development that wanted to go into the proposed site before, that it was denied due to the land not being suitable to sustain development and environmental concerns. She also expressed concerns with current flooding issues.

Mr. Earl again asked if anyone was there to express something they had not heard.

Charlotte Smith, 613 S. High St., stated that most individuals in the neighborhood work hard to keep their properties maintained. Ms. Smith expressed concerns that the property won't be maintained long term.

Brittany Coyle, 611 Everett St., expressed concerns about traffic because emergency vehicles can't access Everett Street at times. She stated that it is a small community, and a large apartment complex is not suitable in this area due to the character of the homes already located in the area.

Emily Messinger, 607 Everett St., stated she lived at the house at the very end of Everett St., and has a nine year old daughter who suffers from Autism specifically with auditory processing. She stated that she has a hard time hearing, and she plays in this area and rides her bike and this development would change her life. Ms. Messinger stated that due to it being a dead end street, it feels safe and she is concerned it would change with this development.

David Stratton, 609 S. High St., stated he owns several properties along S. High St., and he believes this will change his visibility of his surroundings due to the size of the development. He is concerned with the lack of sidewalks, and does not believe the proposed extension of Everett St., to 9th Ave., would not be beneficial to the residents of Everett St.

Kelly Baker, 3516 Nickel Plate Rd., stated there was nowhere for children to play in the area. She stated that children already run around in the streets, and she believes increasing the amount

of families in the area will only increase that. She was curious if there would be a playground on site and if so, can anyone in the community enjoy it.

Rusty Roberts, 620 Buffington St., expressed concerns about WV having so many out of state developers.

Mr. Earl closed public comment.

Mr. Earl stated there was an overwhelming resident response. He stated that the use of enjoyment of surrounding properties was clearly affected.

Mr. Parsley reminded the board that they can call AU Associates or Terradon back up to the podium to clarify concerns.

Ms. Vital stated she saw an issue with public health, safety and welfare if emergency service vehicles were unable to reach the street beforehand.

Mr. Earl stated they clearly had a problem with it already and this would only make it worse.

Ms. Vital stated that she believes drainage issues would be an issue, and this development would impact the already existing issue, as well as traffic.

Mr. Franklin stated he was familiar with this area, and believed the petition should be “tabled” until more information was available.

Mr. Earl followed up with a rebuttal if anything about the petition would change before the next meeting.

Mr. Parsley reiterated that these questions should be directed to the developer.

Mr. Franklin asked if the updates to drainage would just be to the property or parcel and not the surrounding area.

Mr. Parsley responded by saying that these would be questions for the developer to answer.

Mr. Earl stated he wished for the engineer representing Terradon to come up to the podium.

Shawn Gray from Terradon was present and came to the podium. He stated that the drainage on site would not have any more water leaving the site than happened before. He went on to say that based on their calculations less water would actually leave the site.

Ms. Vital asked Mr. Gray how many residents could be at this location.

Mr. Gray responded that there were at least 32 residents but could be up to three times that amount.

Mr. Paiva approached the podium and stated that there will be twelve (1) bedroom units, twelve (2) bedroom units and eight (3) bedroom units.

Mr. Earl asked about the parking requirements, Ms. Parsons stated they had 48 required, and 52 were located on the site plan.

Mr. Paiva said they would change any parking requirements needed, but that they had exceeded the requirements.

Mr. Earl asked the board to entertain a motion.

Mr. Franklin made a motion to approve BZA 25-33. *Mr. Smith* seconded.

BZA Roll Call: *Mr. Smith, No; Mr. Franklin, No; Ms. Vital, No; Mr. Earl, No.*

BZA 25-33 was denied with a vote 0 Yes, 4 No.

BZA 25-31

Petitioner: Cassandra Baker, 400 Riverbend Dr., Ona, WV 25545

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

Property Location: 418 8th St., Suite D, Huntington, WV 25701

Issue: A petition for a conditional use to allow for a tattoo parlor in a C-3 Central Business District.

Ms. Parsons read the Staff Report.

Mr. Earl asked if anyone was present to represent the petition, and the petitioner approached the podium.

Kassandra Baker, 400 Riverbend Dr., Ona, WV 25545 stated she has been a “Permanent Makeup Artist” for the last six years at a salon located in Lavalette, WV. She has been doing tiny tattoos for the past year, and has all the certifications to complete them.

There were no questions for the petitioner from the board, and no other members from the public were present to speak in favor or opposition.

Mr. Earl stated he did not see an issue with this conditional use, the other members present nodded in agreement.

Mr. Franklin made a motion to approve BZA 25-31. *Mr. Smith* seconded.

BZA Roll Call: *Mr. Smith, Yes; Mr. Franklin, Yes; Ms. Vital, Yes; Mr. Earl, Yes.*

BZA 25-31 was approved with a vote 4 Yes, 0 No.

BZA 25-32

Petitioner: J.D. Maynard, 4333 Waverly Rd., Huntington, WV 25704

Property Owner: Randall Wiles, 3501 Brandon Rd., Huntington, WV 25704

Property Location: 3501 & 3509 Brandon Rd., Huntington, WV 25704

Issue: A petition for a variance to allow for a second driveway in an R-2 Single-family Residential District.

Ms. Parsons read the Staff Report.

Mr. Earl asked if anyone was present to represent the petition, and the petitioner approached the podium.

Randall Wiles, 3501 Brandon Rd., Huntington, WV 25704 stated that he was asking for a variance to have a second driveway added to his property to accommodate the size of the RV and being unable to make the turn that would be required if he was unable to receive his variance request.

Mr. Earl stated he remembered Mr. Wiles' previous petition, and saw no problem with his current request.

No other members had comments.

Mr. Franklin made a motion to approve BZA 25-32. *Ms. Smith* seconded.

BZA Roll Call: *Mr. Smith, Yes; Mr. Franklin, Yes; Ms. Vital, Yes; Mr. Earl, Yes.*

BZA 25-32 was approved with a vote 4 Yes, 0 No.

BZA 25-34

Petitioner: Robertson Loia Roof, 3460 Preston Ridge Rd., Suite 275, Alpharetta, GA 30005

Property Owners: Huntington Municipal Development Authority, 800 5th Ave., Huntington, WV 25701 and Marshall University Board of Governors, 1 John Marshall Dr., Huntington, WV 25755

Property Location: Between 3rd and 5th Avenues at 24th St.

Issue: A petition for a variance to exceed the maximum permitted height of 25 ft for free-standing lights by 5 ft.

Ms. Petruso read the staff report.

Mr. Earl asked if anyone was present to represent the petition, and a member from the development was present.

Jason Dandzimier from Kroger was present to represent the petition.

Ms. Vital asked about the height of the Kroger located near the proposed new development, and Mr. Dandzimier was unable to answer her questions.

Mr. Earl asked if there was a mechanical reason to want them taller, and Mr. Dandzimier stated it was to allow for more parking spaces.

Ms. Vital asked if the lights would be taller than the proposed building height, and Mr. Dandzimier stated they would.

Mr. Franklin motioned to approve BZA 25-34. *Ms. Vital* seconded.

BZA Roll Call: *Ms. Vital, Yes; Mr. Smith, Yes; Mr. Franklin, Yes; Mr. Earl, Yes.*

BZA 25-34 was approved with a vote 4 Yes, 0 No.

Mr. Earl adjourned the meeting at 7:03 p.m.

Date approved: _____

Chairperson: _____ Prepared by: _____
Dan Earl, Acting Chair Katie Parsons, Planner I

Staff Report: A petition for a conditional use to allow for a daycare in an R-2 Single-family Residential District.

**Legal Ad
BZA 26-01**

Issue: A petition for a conditional use to allow for a daycare in an R-2 Single-family Residential District.

Petitioner/Property Owner: Playmates
Preschool and Childcare Development
Childcare Centers, Inc., P.O. Box 549,
Ceredo, WV 25507

Property Location: 3453 and 3455 Hughes
St., Huntington, WV 25704

Introduction

The petitioner is requesting a conditional use to allow for a daycare in an R-2 Single-family Residential District.

Existing Conditions / Background

The proposed location is at 3453 and 3455 Hughes Street located in the Westmoreland area of Huntington. The lots are individual in nature, each having its own multi-family style structure located on the premises. Across the street and adjacent the properties, heading northwest down Hughes Street, single family homes surround the parcels, with a church located at the end of the block.

Directly across Vinson Street looking southeast, there is a large building holding multi-family units and a mix of commercial uses. A Playmates Childcare facility is located on the south portion of the building, towards Eloise Street. Playmates Childcare had an existing “teen center” at this location up until 2024.

Proposed Conditions

If the conditional use were to be approved, the petitioner plans to demolish the structures that currently sit on the parcels. They will then consolidate the parcels, and begin building a facility which will be their new “teen center”.

Zoning Ordinance

Per §1320.04, a “daycare” is only conditionally permitted in an R-2 Single-family Residential District.

Conditional Use

In making its decision, the Board of Zoning Appeals shall consider the following:

1. Effect upon the Comprehensive Plan.
2. Public health, safety, morals, and general welfare.
3. Potential injury to 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 surrounding property for uses already permitted in the District.
5. Adequate provisions for utilities, access roads, drainage, and other necessary facilities.
6. Adequate ingress and egress so designed to minimize traffic congestion in the public street.

Comprehensive Plan

Plan2035 designates this area as Traditional Residential, characteristics of this include:

- A mix of housing types and uses interspersed throughout the primarily residential area
- A medium density of single-family and two-family homes between 6 and 11 units per acre
- Smaller lots with grid streets where parking primarily enters from the alley
- Sidewalks throughout
- Residential density per acre increases in areas near transitions or busier corridors
- New development is incremental and designed to infill into the prevailing architectural standards of the district
- Commercial uses are sparse and with conditions



View of the petitioned property from Hughes St. looking southeast at the two parcels.



View of 3543 Hughes St. from Hughes St. looking south.

Pictures



View of petitioned property from the corner of Vinson St. and Hughes St. looking southwest at 3455 Hughes St.



View of the petitioned property from Vinson St. from the previous "teen center" location, looking northwest towards Hughes St.

Staff Comments

The petitioner, Playmates Preschool and Childcare Development Childcare Centers, Inc., is a longstanding and established childcare provider serving not only the Westmoreland neighborhood, but also the City of Huntington, Wayne County, and the Town of Ceredo. The organization has a history of operating licensed childcare facilities within the community and previously operated a teen center at a nearby location until 2024.

The proposed conditional use would allow for the redevelopment of two existing parcels currently occupied by older multi-family style structures. The petitioner intends to demolish the existing buildings, consolidate the parcels, and construct a new facility designed to serve as a teen center. This redevelopment would represent an investment in the neighborhood and replace aging structures with a purpose-built facility.

While the surrounding area consists primarily of single-family residences, there are institutional and higher-density uses located in close proximity, including a church at the end of the block and a large mixed-use, multi-family building directly across Vinson Street. Additionally, the subject property is located two blocks from Vinson Middle School, and the proposed teen center is intended to primarily serve school-aged children from the surrounding area. The proximity to the middle school supports the functional relationship between the proposed use and the neighborhood it is intended to serve.

Staff Recommendation

Based on the petitioner's established history, the planned redevelopment of the site, and

the proximity to institutional and educational uses, staff finds that the proposed conditional use has the potential to be compatible with the surrounding neighborhood.

Staff does not foresee the proposed use having a detrimental impact on the public health, safety, morals, or general welfare, provided the development complies with all applicable zoning, building, and licensing requirements. Therefore, staff recommends approval of this conditional use.

Summary / Findings of Fact

1. Playmates Preschool and Childcare Development Childcare Centers, Inc., is the property owner and the petitioner.
2. The petitioned property is currently zoned R-2 Single-family Residential District.
3. A "daycare" is only conditionally permitted in this district.
4. Plan 2035 has this area designated at Traditional Residential.

Attachments

- Application
- 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: Jeanette Barker **Phone:** 3046330076

Mailing Address (city, state, zip): PO Box 549 Ceredo WV 25507

Email: jbarkerplaymates@aol.com

Property Owner (if applicable): Jeanette Barker **Phone:** 3046330076

Mailing Address (city, state, zip): PO Box 549 Ceredo WV

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

3453 and 3455 Hughes Street, Huntington WV 25704/Lot 14 Block 'N', Westmorland Subdivision No. 2 Deed Book No. 79, page 85 and Lot 15 Deed Book 641-page 21 lot size 80x140

Description

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

Tearing down two old, abandoned buildings, previously used as rentals. We are proposing to replace building with a nice a metal building built to provide youth community programs in Westmoreland. (See attached drawings).

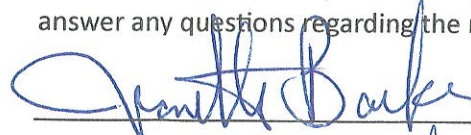
The following exhibits are to be attached and made part of this application:

- 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 Dec 15th, 2025. 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 Conditional Use on **Tuesday, at 5:30pm** in City Hall Council Chambers. It is my responsibility to attend (or send a representative/agent) to these meetings to present plans and to answer any questions regarding the request for Conditional Use.



Signature of Applicant

12-8-2025

Date



Signature of Property Owner

12-8-2025

Date

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

For office use only

Received:

Project Name:



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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 proposed Youth Community Center supports the goals of the City of Huntington's Comprehensive Plan by strengthening community services, promoting safe youth engagement, and encouraging neighborhood stability. The Comprehensive Plan places emphasis on improving quality of life, increasing access to youth programming, and supporting community-oriented facilities within residential and mixed-use areas. The center will provide supervised, constructive activities and educational opportunities that align with the Plan's goals related to public safety, youth development, and community wellness. Overall, the project directly advances the Plan's vision for inclusive, supportive community infrastructure.

The two buildings to be torn down are unsafe, unoccupied and are a draw to unfavorable activities. The buildings have been boarded up but have been broken into multiple times in the last few months since the purchase of the property. They are currently a negative eyesight to our community and have been broken into multiple times in the last 2 months.

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

Before this school year, Playmates Preschools and Child Development Centers operated a teen center and early childhood education activities across the street at the old Vinson Middle school. Wayne County Board of Education decided to discontinue the programs and give the building to a historical society group. This has left our community with no place for our teens and youth to go. Many of the youth are now spending unsupervised time at home or at Corbin Park. The Youth Community Center will have a positive effect on public health and safety by providing hot meals, structured programs, mentorship, recreational activities, and after-school support for neighborhood youth. This reduces unsupervised time and contributes to safer community conditions. The facility will operate under established safety protocols, always maintain staff supervision, and ensure compliance with fire, building, and accessibility codes. The center promotes general welfare by offering resources and supportive services that benefit youth development, mental well-being, and healthy social engagement.

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

The proposed building will be attractive, and the use is compatible with surrounding residential and community-oriented uses and will not diminish the enjoyment or functionality of neighboring properties. Activities will occur primarily indoors, and outdoor activities will be supervised and time-limited to avoid excessive noise. The center's presence can help strengthen neighborhood cohesion and maintain a positive environment. Proper site management, designated drop-off areas, and responsible programming will ensure minimal disruption to adjacent property owners.

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

The Youth Community Center will not hinder the normal or orderly development of surrounding properties. Instead, it complements existing residential and community land uses by providing a stable, beneficial service that enhances the neighborhood. The center can increase positive foot traffic and community visibility, supporting continued healthy development in the area. All improvements to the site will comply with zoning, building, and safety codes, ensuring consistency with the city's development standards.

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

The site is already served by adequate utilities, including water, sewer, and electrical service. No extraordinary infrastructure demands will be placed on the existing systems. Access to additional parking can accommodate the expected level of traffic associated with the center's operations, and existing drainage patterns are sufficient for the proposed use. Any required site adjustments, such as lighting, signage, or ADA-compliant pathways, will be installed in accordance with city standards.

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

Ingress and egress have been planned to minimize congestion and ensure safety for youth and surrounding residents. Drop-off and pick-up areas will be clearly designated, with signage and circulation patterns designed to keep vehicles from backing up into the public street. Parking areas will be organized to allow efficient movement of vehicles, pedestrians, and bicycles. The anticipated traffic level is modest and will not create significant impacts on nearby roadways.



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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 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 1359

Brief description of the requirement:

Sets the standards and procedures for Board of Zoning Appeals review of Conditional Uses, including required findings, public notice, and potential conditions imposed by the Board.

How will the requirement be met: The application includes responses to all six required findings. The proposed Youth Community Center meets the intent of the zoning ordinance, conforms to the public welfare requirements, and is compatible with surrounding land uses. All conditions imposed by the BZA will be followed.

Article 1341 *General Regulations (Parking, Landscaping, Screening, Lighting, etc.*

Brief description of the requirement: *Regulates site layout requirements, including off-street parking, screening of adjacent properties, lighting standards, and general site development necessities.*

How will the requirements be met: The site plan will provide appropriate parking spaces for staff and visitors, along with safe pedestrian access. Lighting will be shielded to avoid glare on adjacent residences. Any required landscaping or screening will be installed to buffer the site and maintain neighborhood character

Article 1341

Brief description of the requirement: Outlines the permitted, accessory, and conditional uses within the zoning district, as well as yard setbacks, height restrictions, and lot requirements.

How will the requirement be met: The Youth Community Center is permitted as a conditional use within the district. The building and its improvements will comply with height, setback, and lot-coverage requirements. No variances are needed or requested at this time.

Article 1335 **Off-Street Parking**

Brief description of the requirement: Outlines the permitted, accessory, and conditional uses within the zoning district, as well

How the requirements will be met: The site will include sufficient parking to accommodate staff, visitors, and occasional peak activity times. Spaces will be ADA-compliant where required.

Aerial Map



3453 and 3455 Hughes Street

Wayne County Tax District 6, Map 7, Parcel 210 & 211

BZA 26-01

A petition for a conditional use to allow for a daycare in an R-2 Single-family Residential District.



Zoning Map



3453 and 3455 Hughes Street

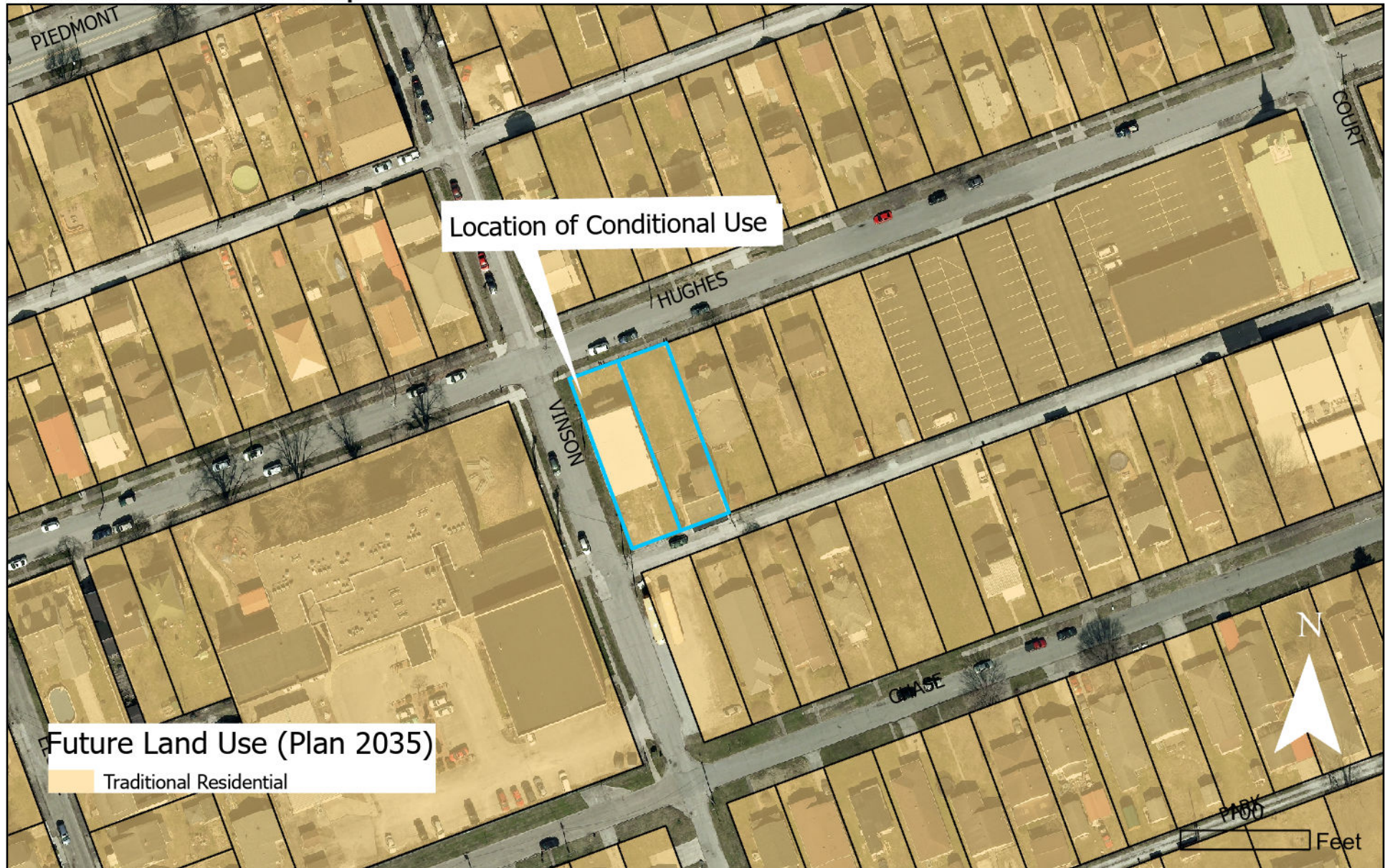
Wayne County Tax District 6, Map 7, Parcel 210 & 211

BZA 26-01

A petition for a conditional use to allow for a daycare in an R-2 Single-family Residential District.



Future Land Use Map



3453 and 3455 Hughes Street

Wayne County Tax District 6, Map 7, Parcel 210 & 211

BZA 26-01

A petition for a conditional use to allow for a daycare in an R-2 Single-family Residential District.



Staff Report: A petition for a conditional use to allow for manufacturing and production (indoors) in a C-2 Highway Commercial District.

**Legal Ad
BZA 26-03**

Issue: A petition for a conditional use to allow for manufacturing and production (indoors) in a C-2 Highway Commercial District.

Petitioner: V3 WV GP, LLC, 2709 Colt Run Rd., Oakton, VA 22124

Property Owner: MSA Properties, LP, 1 Purdue Dr., Richboro, PA 18954

Property Location: 2018 3rd Ave.,
Huntington, WV 25703

Introduction

The petitioner is requesting a conditional use to allow for manufacturing and production in a C-2 Highway Commercial District.

Existing Conditions / Background

The petitioner currently operates a Medical Marijuana Dispensary in the proposed location. They have operated at this location since early 2022. This location is directly across from the parking lot of the Marshall University Football Stadium. Other uses located close-by are restaurants, retail and commercial services.

Proposed Conditions

The petitioner currently operates a Medical Marijuana Dispensary in the proposed location. The petitioner would like to change from a retail service to a manufacturer of Medical Marijuana products.

Zoning Ordinance

Per §1320.04, “manufacturing and production (indoors)” is only conditionally permitted in a C-2 Highway Commercial District.

Conditional Use

In making its decision, the Board of Zoning Appeals shall consider the following:

1. Effect upon the Comprehensive Plan.
2. Public health, safety, morals, and general welfare.
3. Potential injury to 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 surrounding property for uses already permitted in the District.
5. Adequate provisions for utilities, access roads, drainage, and other necessary facilities.
6. Adequate ingress and egress so designed to minimize traffic congestion in the public street.

Comprehensive Plan

Plan2035 designates this area as University/Institutional; characteristics of this are:

- High-intensity uses close to residential areas
- High traffic volume and parking needs
- Contains large, multi-story buildings
- Campus style with multiple uses on property

- Necessitate nearby services for employees, patients, students, and visitors
- Important community service that needs to be accessible
- Medium density housing and services primarily geared toward university or institution
- Development suitable for university and institutional uses that can be adjacent to residential uses without adverse effects to surrounding residential uses
- Edges of campus or institutions are more highly regulated for compatibility with surrounding properties
- Maintain housing and development standards in line with adjacent neighborhood character

Pictures



View of petitioned property from 3rd Ave looking northeast.

Staff Comments

The proposed change in use would take place entirely within an existing commercial building and would eliminate all public retail activity at the site. Staff finds that an indoor manufacturing and processing operation is generally consistent with the intent of the

University/Institutional designation and is not expected to negatively impact nearby institutional or commercial uses.

The petitioner currently operates a medical marijuana dispensary at this location and has done so since early 2022. The request before the Board is to change from a retail-oriented use to an indoor manufacturing and processing use with no public access. Because all operations would occur indoors and without customer visitation, staff does not anticipate adverse impacts to public health, safety, morals, or general welfare beyond what has already been associated with the existing approved use.

The surrounding area is made up primarily of commercial uses, including restaurants, retail establishments, and service-based businesses. The proposed use removes customer generated traffic from the site and is expected to result in fewer daily vehicle trips than a retail operation. Staff does not believe the proposed indoor manufacturing use will negatively affect the use or enjoyment of nearby properties.

Access to the site will remain unchanged. With the elimination of public retail sales, staff anticipates reduced traffic activity compared to the existing use. The current ingress and egress are considered adequate to accommodate employee access and deliveries, and the proposed use is not expected to create traffic congestion on surrounding public streets.

Staff Recommendation

Staff recommends approval of this conditional use as we believe this aligns with the C-2 Highway Commercial uses, as well as the comprehensive plans future use of University/Institutional district.

Summary / Findings of Fact

1. V3 WV GP, LLC is the petitioner
2. MSA Properties, LP is the property owner
3. The property is currently zoned C-2 Highway Commercial
4. Plan2035 designates this area as University/Institutional
5. The petitioner currently operates a retail service at this location
6. The petitioner is requesting a conditional use to allow for light manufacturing and cease his retail service business

Attachments

- Application
- 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: V3 WV GP, LLC Phone: 703-217-8728

Mailing Address (city, state, zip): 2709 Colt Run Road, Oakton, VA 22124

Email: kennedy2001@gmail.com

Property Owner (if applicable): MSA Properties, LP Phone: 215-771-0761

Mailing Address (city, state, zip): 1 Purdue Drive, Richboro, PA 18954

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

Address: 2018 3rd Avenue, Huntington, WV 25703; Legal Desc 1: BLK 192 PT LT 11-12, Parcel ID: 05 9007700000000

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:

The Conditional Use of the property located at 2018 3rd Avenue as a medical cannabis processing facility, which appears to be a conditionally permitted use according to Table 1320.A: Manufacturing and Production (Indoors).

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.
- Citizen letters to the Board (if applicable) must be notarized.
- 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 December 16, 2025.

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, JAN 20, 2025** 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

12-15-2025

Date



Signature of Property Owner

12-15-2025

Date

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

For office use only	
Received:	Project Name:



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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 attached Memorandum

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

See attached Memorandum

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

See attached Memorandum

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

See attached Memorandum

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

See attached Memorandum

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

See attached Memorandum



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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:

MEMORANDUM

To: City of Huntington Board of Zoning Appeals

From: Gregory Kennedy
V3 WV GP, LLC 

Date: December 16, 2025

Subject: Conditional Use Permit Application - Attachment A
Property address: 2018 3rd Avenue, Huntington, WV 25703

I. Introduction

This memorandum supports the request for a Conditional Use Permit to allow V3 WV GP, LLC ("V3") to operate a medical cannabis processing facility at 2018 3rd Avenue, Huntington, WV 25703, located in the C-2 Highway Commercial District under the City's Zoning Ordinance. The proposed use involves indoor, regulated processing under a state permit from the West Virginia Bureau for Public Health (the "Bureau"), with no retail sales on site.

Because manufacturing in the C-2 district is a conditional use under Huntington's zoning code, approval from the Board of Zoning Appeals (BZA) is required. As specified in § 1359.01 of the Zoning Ordinance, the BZA must consider certain criteria in evaluating the conditional use application.

This document addresses those criteria and demonstrates consistency with the City's planning policy as articulated in Plan2025.

Existing Use and Ownership

The property is currently operated as a licensed medical cannabis dispensary under a valid West Virginia medical cannabis permit. The permit is held by WV Kindness, LLC and operated by New Leaf WV, LLC d/b/a "NewLeaf", which has common ownership with V3. As such, V3 will ensure operational continuity and compliance expertise already demonstrated at this site.

Proposed Conversion Using Existing Infrastructure

The proposed use as a medical cannabis processing facility will utilize the existing footprint, architecture, and floor plan of the current dispensary. No expansions, exterior alterations, or structural modifications are proposed. The only physical changes anticipated are the addition of wash sinks to support and enhance hand-washing, sanitation, cleanliness, and the hygienic maintenance of tools and equipment required for processing operations.

These conditions ensure that the project is inherently low-impact, well-controlled, and consistent with the design standards of the C-2 district.

II. Applicable Policy & Regulatory References

City of Huntington Comprehensive Plan (Plan2025)

- The City adopted Plan2025 in December 2013; the plan remains the guiding “vision statement” for land use, development, and growth.
- Plan2025 organizes its guidance using “Looks, Grows and Connects” sections per neighborhood/district: covering land use and community design (“Looks”), economic development and redevelopment (“Grows”), and infrastructure, transportation, public services, stormwater/ drainage and utility planning (“Connects”).
- As articulated in Plan2025, the City encourages redevelopment and infill of underutilized commercial and industrial properties, especially along existing commercial corridors, rather than expansion into undeveloped areas.

III. Conditional Use Criteria – Attachment A

1. Effect Upon the Comprehensive Plan (Plan2025)

- The project aligns with Plan2025’s emphasis on redevelopment/infill of underutilized commercial properties, particularly along established commercial corridors such as 3rd Avenue. This supports Plan2025’s goal of focusing development in existing developed areas rather than encouraging sprawl.
- Plan2025’s “Grows” chapter supports economic development, diversification, and reuse of existing property for new business and technical uses, particularly when compatible with neighborhood character and infrastructure. The proposed facility embodies just that: a modern, regulated medical manufacturing use, activating an existing commercial building rather than requiring new greenfield development.
- The property already serves a medical cannabis dispensary under the West Virginia regulation, and the new use simply adapts the existing interior for processing with minimal changes.
- Since the NewLeaf dispensary owners are also the owners of the proposed V3 processing-facility owners, the City benefits from operators who are experienced, compliant, and already integrated into the community, which supports Plan2025’s goal of leveraging existing business capacity.
- The reuse of the property requires no expansion of the building footprint, streets, utilities, or parking areas, which aligns with Plan2025’s “Connects” pillar emphasizing efficient use of infrastructure.

- The proposal encourages additional investment in a corridor that Plan2025 identifies for ongoing commercial revitalization.
- The request furthers Plan2025's principle of efficient use of infrastructure (water, sewer, utilities, roadways) by utilizing existing services rather than burdening the city with new infrastructure expansion, thus promoting cost-effective and sustainable growth. This aligns with the "Connects" goals of Plan2025 regarding public services and infrastructure.

Plan2025 emphasizes the redevelopment and reuse of existing commercial properties in already-developed corridors. This proposal strongly aligns with those objectives because:

Conclusion (Criterion 1): The proposal is consistent with the vision, goals, and policies of Plan2025, and supports the comprehensive plan's long-term objectives for economic diversification, infill redevelopment, efficient use of infrastructure, and revitalization of corridors.

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

- The facility will operate under the strict regulatory framework of the West Virginia medical cannabis program, adhering to state standards for security, sanitation, controlled access, and safe handling/storage of products. Indoor processing eliminates many risks associated with open-air operations or unregulated uses.
- Given the controlled environment, no retail access, and limited authorized personnel, the risk to public safety or welfare is minimal compared to many permitted uses in C-2 (e.g., high-traffic retail, automotive service, or heavy industrial).
- Because the use is indoors and secured, external impacts such as odors, noise, emissions, will be negligible. The building's façade and site improvements will comply with the required façade/material standards under the Zoning Ordinance for C-2, ensuring a visually acceptable presence.
- The property has already been operating as a West Virginia licensed dispensary, which demonstrates ongoing adherence to stringent security, sanitation, and access-control requirements.
- The same ownership group, already vetted and trusted under state regulatory oversight, will manage the processing operations, reduce risk and ensure continuity of best practices.
- The only physical modification is anticipated to be the installation of added wash sinks to improve sanitary conditions and reinforce hygienic standards required for medical-grade product handling.
- All processing will occur indoors within the existing controlled and monitored environment, ensuring no external impacts to the public.

Conclusion (Criterion 2): The conditional use will not adversely affect public health, safety,

morals, or general welfare; on the contrary, it will operate under a regulated, controlled environment and meets or exceeds applicable standards. The project improves sanitation and maintains high safety standards already proven by the current dispensary use.

3. Effect upon the Use and Enjoyment of Other Property in the Immediate Vicinity

- The area surrounding 3rd Avenue and other C-2 corridors is comprised of existing commercial, light industrial, and service uses. The proposed facility's low external activity (no retail, no public traffic) and indoor operations mean that surrounding properties are unlikely to be disturbed. There will be minimal noise, no exterior manufacturing or storage, and no noxious external impacts.
- The project may in fact improve the character and security of the immediate area, which can have a positive effect on neighboring property values and perceptions of stability.
- Because this is a permitted conditional use under C-2 (subject to BZA approval), the facility is appropriately contemplated within the zoning context, and thus the enjoyment of neighboring properties under permitted uses will not be compromised.
- Because the building is already operating as a medical cannabis dispensary, the neighborhood is accustomed to a regulated, secure, and low-traffic medical cannabis use at this address.
- No change to the external appearance, footprint, or intensity of use is proposed.
- The change from dispensary to processing reduces public traffic, thereby decreasing potential impacts on neighboring parcels.
- The continuation of the same owners and managers ensures consistent operational behavior, maintaining compatibility with nearby properties.

Conclusion (Criterion 3): The proposed facility will not impair the use or enjoyment of nearby properties; it is compatible with and typical of permissible commercial/industrial uses in the district.

4. Effect upon the Normal and Orderly Development and Improvement of Surrounding Properties

- By reactivating an existing commercial building for a modern, regulated use, the proposal supports orderly redevelopment rather than piecemeal or haphazard expansion. It avoids intrusion into residential or undeveloped areas, preserving the integrity of those zones while focusing activity on established commercial corridors, which is consistent with the objectives of Plan2025.
- The use does not require rezoning or variance of zoning district because the property is already zoned C-2, and conditional use is allowed. This preserves the underlying zoning

structure and does not disrupt land-use stability in surrounding parcels.

- The improvements required (site upkeep, utilities, façade, security) may serve as a catalyst for further investment or improvements on neighboring parcels, enhancing the attractiveness and viability of the corridor for other permitted uses.
- The building is already compliant with the C-2 district as a dispensary and will continue to be used in an equal or lesser-impact form of medical cannabis operations.
- No new construction, expansions, or exterior enhancements are proposed, meaning the processing use will not trigger additional land-use conflicts or developmental pressures.
- The proposal illustrates responsible and incremental reinvestment consistent with the Plan2025 goal of targeted corridor revitalization.

Conclusion (Criterion 4): The proposal supports and does not hinder the orderly development and improvement of surrounding properties; it fits with existing zoning and encourages reinvestment.

5. Adequacy of Utilities, Access Roads, Drainage, and Other Facilities

- The subject property is an existing commercial parcel already served by public utilities (water, sewer, electrical) and existing roadway access, such as is typical of properties along the 3rd Avenue / US-60 corridor.
- Because this is a light-manufacturing, indoor processing use (rather than heavy industry), demand on utilities and services is expected to be modest and within the capacity of existing systems. No upgrades to drainage, stormwater management, etc., are expected.
- All utilities and infrastructure currently support the existing dispensary use and are more than adequate for the proposed processing use.
- Since the building footprint and layout are unchanged, utility demands remain stable.
- The only interior modification is the installation of wash sinks, which requires minor plumbing and does not affect capacity.
- No new impervious surfaces, grading, drainage changes, or street access modifications are proposed.

Conclusion (Criterion 5): The site has adequate utility and infrastructure capacity, and the proposal can meet all required standards for drainage and other facilities under the City's Development Ordinance.

6. Adequate Ingress and Egress Designed to Minimize Traffic Congestion

- The adequacy of ingress and egress will not be impacted due to the conditional use as a manufacturing facility. As such, there is no change in traffic circulation and no need for a Traffic Circulation Plan for any site development.
- Given that the use is not retail and will not attract public foot traffic, the typical traffic generated will consist only of staff, occasional deliveries, and regulated transport vehicles, which is far less than many other commercial uses (e.g., retail, service stations) allowed in C-2.
- The property sits on a major corridor (3rd Avenue / US Route 60), where the road network is designed to handle significant traffic volumes; access from an arterial with curb cuts already in place is compatible with the traffic characteristics of the district.
- Ingress and egress remain unchanged from the current dispensary use.
- The processing facility will reduce vehicle trips compared to a public-facing dispensary, significantly lowering traffic volumes.
- No new curb cuts, entrances, or circulation changes are necessary.
- The existing access to 3rd Avenue (U.S. Route 60) is fully adequate for the reduced level of traffic.

Conclusion (Criterion 6): The proposal can provide safe and adequate ingress/egress, and is unlikely to cause or exacerbate traffic congestion; the requirement for a circulation plan will ensure traffic impacts are properly managed. Adequate ingress/egress already exists; traffic impacts will be equal to or less than current conditions.

IV. Additional Supporting Considerations

Policy Alignment with Smart Growth and Fiscal/Economic Health Goals

- The City, in implementing Plan2025, has repeatedly emphasized the importance of “smart-growth” principles: reinvestment in existing infrastructure, reuse of underutilized properties, and discouraging urban sprawl.
- Redevelopment of underutilized commercial/industrial parcels for new, regulated uses such as medical manufacturing helps improve the City’s fiscal and economic health by expanding the tax base without imposing disproportionate demands for new infrastructure or services.

Precedent for Conditional Use in C-2 District

- The City’s BZA has previously considered conditional uses in the C-2 district. For example, a rooftop deck addition to a bar at 2020 3rd Avenue (nearby) was processed via conditional use in the same district.

- This demonstrates that the BZA regularly exercises its discretion under Article 1361 to assess conditional uses in C-2 with the six required criteria; approval of a manufacturing use is within the scope of that discretion, assuming findings support the criteria.

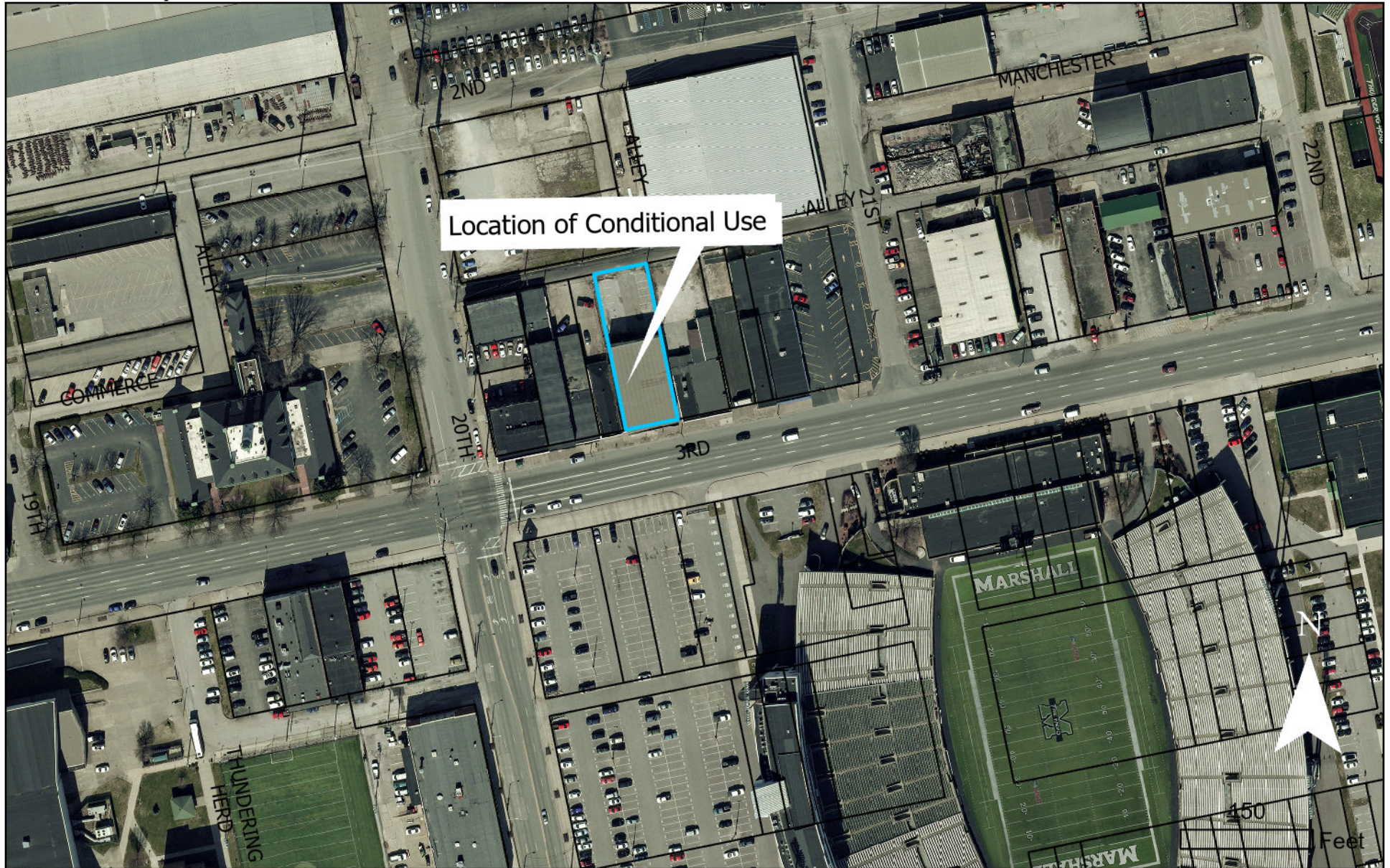
V. Conclusion & Request

On the basis of the facts and analysis above:

- The proposed medical cannabis processing facility at 2018 3rd Avenue is fully consistent with the vision and policies of Plan2025, including promoting redevelopment, efficient use of existing infrastructure, and economic diversification.
- The use meets the statutory and regulatory criteria under the Zoning Ordinance for conditional use approval (effects on health, safety, neighboring properties, orderly development, utilities, and traffic), and in several respects offers advantages over typical high-impact commercial or industrial uses.
- The proposal will revitalize an existing commercial property, bring stable employment, improve site conditions, and do so without adverse impacts on surrounding properties or public welfare.

Therefore, the applicant respectfully requests that the Board of Zoning Appeals grant the Conditional Use Permit for the proposed medical cannabis processing facility at 2018 3rd Avenue, C-2 Highway Commercial District.

Aerial Map



2018 3rd Ave

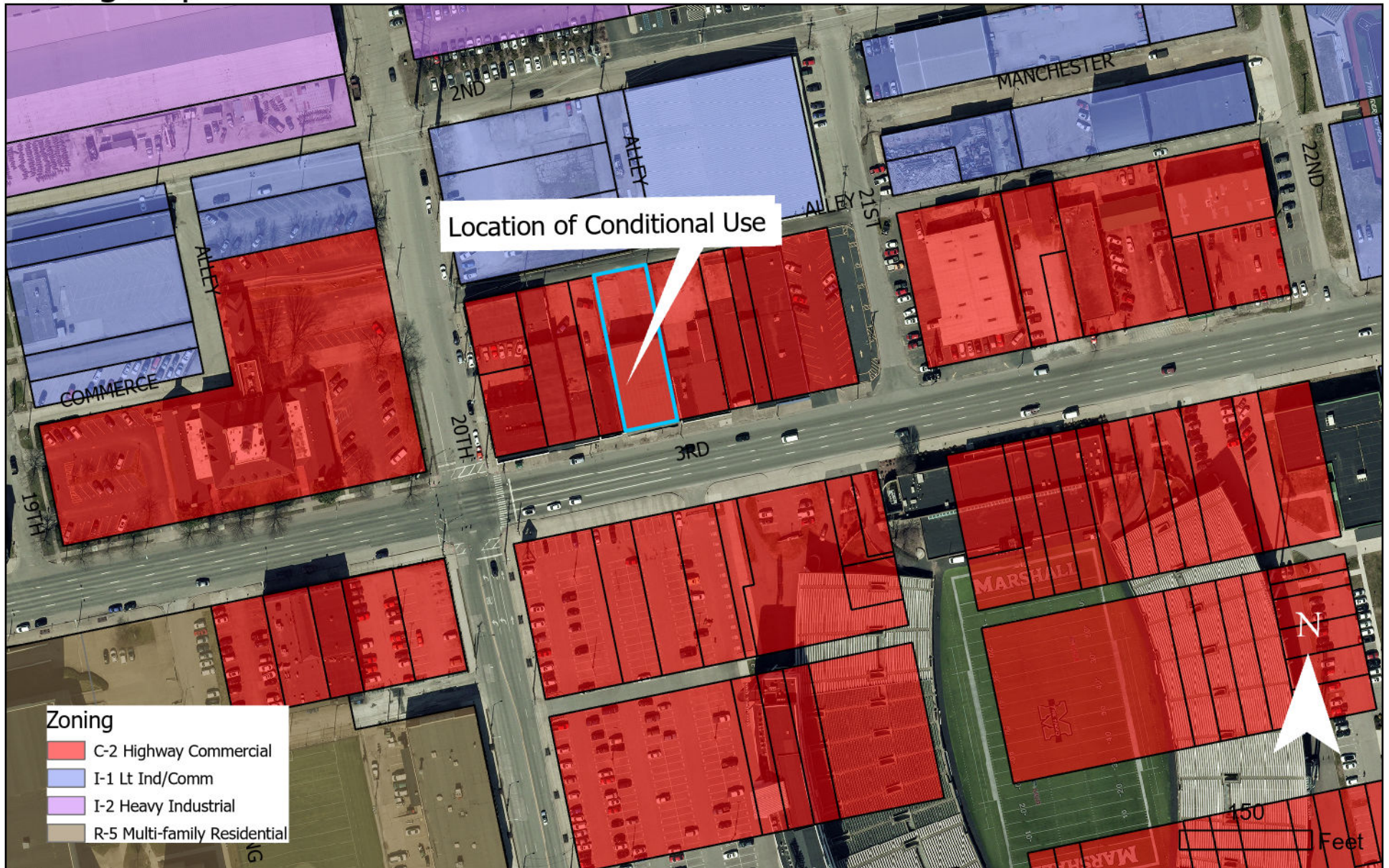
Cabell County Tax District 5, Map 9, Parcel 77

BZA 26-03

A petition for a conditional use to allow for manufacturing and production (indoors) in a C-2 Highway Commercial District.



Zoning Map



2018 3rd Ave

Cabell County Tax District 5, Map 9, Parcel 77

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Future Land Use Map



2018 3rd Ave

Cabell County Tax District 5, Map 9, Parcel 77

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