

Minutes
City of Huntington Board of Zoning Appeals
July 19, 2022

A meeting of the City of Huntington Board of Zoning Appeals was held on July 19, 2022 at 5:30 p.m. in the City Hall Council Chambers. *Ms. Proctor* called the meeting to order.

Members Present: Jacqueline Proctor, Lee Canup, Dan Earl, Sherry Houck

Members Absent: C.W. Dolin, Howard Anderson,

Staff Present: Janney Lockman, Planner
Patricia Usher, Zoning Officer
Ericka Hernandez, Assistant City Attorney

Hearing no corrections or objections, *Ms. Proctor* approved the June Minutes.

Hearing no corrections or objections, *Ms. Proctor* approved the Orders.

BZA 22-C-25

A petition for a conditionally permitted use for an Auto Service Station and Repair Shop in an I-1 Light Industrial District. The property is located at 401 3rd Avenue.

Petitioner: Brent Geer/Geer Brothers Body Shop Inc. 416 4th Ave. Huntington, WV

Property Owner: High Performance Fasteners, Inc., 777 10th Ave. Huntington, WV

Brent Geer, 416 6th Ave., presented the petition, informing the Board that the proposed location is directly behind their current location. He claimed there would be no harsh chemicals on the property and would create less traffic than the previous business, which was a car museum. Only minor car repairs would occur at this location.

Ms. Proctor closed the public hearing.

Ms. Lockman presented the Staff Report.

Mr. Earl believes there would be no issue with approving the use as it is in line with what is already there and what has been there before.

Ms. Canup made a motion to **approve** BZA 22-C-25; *Ms. Houck* seconded the motion.

Roll Call BZA: Mr. Earl, Yes; Ms. Canup, Yes; Ms. Houck, Yes; Ms. Proctor, Yes

BZA petition for a **Conditional Use Permit** was **approved** with a vote of 4 Yes to 0 No.

BZA 22-V-26

A petition for a variance from permitted façade materials in a C-1 Neighborhood Commercial District to install faux metal doors on the building facade. The property is located at 639 8th Avenue.

Petitioner: U-Haul Co. of West Virginia, 6114 MacCorkle Ave. SW. St. Albans, WV

Property Owner: 625 & 639 8th Ave. LLC, 2727 N. Central Ave. Phoenix, AZ

James Meddy, 703 Mountain Dr., representative for U-Haul, presented the petition, informing the Board that the faux doors are part of U-Haul's branding package for all location. The metal sheeting is made to look like

storage unit doors, but are non-functional. He told the Board he believed the faux metal sheeting would be more attractive than the brick façade.

Ms. Lockman presented the Staff Report.

Ms. Houck inquired as to whether they were actual doors or a type of siding.

Mr. Meddy explained the sheeting is metal panels attached to the side of the building with the doors attached to them. The doors are not functional.

Ms. Proctor asked about the consequence of them not being approved? Who would have to pay for the removal? Does the corporate office understand what the regulations are?

Mr. Meddy explained the panels would be removed at corporates expense and they were unaware of the regulations prior to installing the panels and staff overlooked the materials in their review of the changes.

Mr. Earl – Why does the façade material matter?

Ms. Lockman explained that this district is located closest to residential areas and is the most restrictive. The intent of the district is to keep it aesthetically in line with residential housing.

Mr. Meddy showed pictures of the façade to the Board.

Ms. Proctor – How many panels will there be?

Mr. Meddy stated there would be 9 panels on the building.

Ms. Proctor closed the public hearing and discussion ensued.

Ms. Canup believes that branding could be considered a special condition; there is no hardship to ease; and the intent of the ordinance is to be brick.

Mr. Earl believes that the hardship is that the paneling was overlooked by staff during review and the metal sheeting looks better than the brick.

Ms. Proctor agrees with *Mr. Earl's* comments about staff's oversight during review and stated she is concerned about the look of the city.

Mr. Earl made a motion to **approve** BZA 22-V-26; *Ms. Canup* seconded the motion.

Roll Call BZA: Ms. Houck, Yes; Mr. Earl, Yes; Ms. Canup, Yes; Ms. Proctor, Yes

BZA petition for a **Variance** was **approve** with a vote of 4 Yes to 0 No.

BZA 22-V-27

A petition for a variance to exceed the maximum 15' height for accessory structures in a C-1 Neighborhood Commercial District to construct a 25'8" accessory structure. The property is located at 625 8th Avenue.

Petitioner: Sam Hull, 1700 State Route 34, Hurricane, WV U-Haul Co. of West Virginia, 6114 MacCorkle Ave. SW. St. Albans, WV

Property Owner: 625 & 639 8th Ave. LLC, 2727 N. Central Ave. Phoenix, AZ

Sam Hull, Agsten Construction, 1700 State Route 34, presented the petition, described the canopy in great detail for the Board and the need for it as a way to keep customers out of the rain while loading and unloading their possessions.

James Meddy explained that the idea for the canopy came about through customer feedback.

Ms. Proctor – How many trucks can fit under the canopy at once?

Mr. Meddy explained two trucks could park underneath the canopy at one time.

Ms. Houck – What materials will the canopy be made of?

Mr. Hull detailed the structures as wooden frame with metal panels and roof.

Ms. Proctor – Is the canopy attached or an independent structure?

Mr. Hull explained that the canopy is an independent structure and a smaller canopy on building would protect customers as they enter.

Mr. Hull illustrated in detail the canopy to provide an understanding of how the canopy would operate as an independent structure and still keep customers dry.

Ms. Houck made a motion to **approve** BZA 22-V-27; *Mr. Earl* seconded the motion.

Roll Call BZA: Ms. Canup, Yes; Ms. Houck, Yes; Mr. Earl, Yes; Ms. Proctor, Yes

BZA petition for a **Variance** was **approve** with a vote of 4 Yes to 0 No.

BZA 22-V-28

A petition for a variance to exceed the maximum 28' commercial driveway width in order to build a 40' driveway. The property is located on the southeast corner of 19th Street West and Jefferson Avenue.

Kirk Donges, THC Architects, 1010 Coles Blvd. Portsmouth OH, presented the petition, informing the Board that the facility needs the extra width for the driveway to train students to turn large line trucks safely while staying off of other properties.

Ms. Lockman presented the Staff Report.

Ms. Proctor closed the public hearing and discussion ensued.

The Board agreed that the variance would be good for the facility and would not negatively impact the neighborhood.

Ms. Proctor – How many trucks would be there at one time?

Mr. Donges explained he could not speak to the number of trucks, but believed there would likely be no more than 3 or 4 at one time. The extra width is needed to make 90 degree turn out of the garage and onto the street.

Ms. Canup made a motion to **approve** BZA 22-V-28; *Ms. Houck* seconded the motion.

Roll Call BZA: Ms. Houck, Yes; Mr. Earl, Yes; Ms. Canup, Yes; Ms. Proctor, Yes

BZA petition for a **Variance** was **approve** with a vote of 4 Yes to 0 No.

BZA 22-V-29

A petition for a variance to the minimum ground floor transparency requirements in a C-1 Neighborhood Commercial District to have 0% ground floor transparency. The property is located on the southeast corner of 19th Street West and Jefferson Avenue.

Petitioner: Kirk Donges/TSHD Architects, 1010 Coles Blvd. Portsmouth, OH

Property Owner: IBEW Local 317, 1848 Madison Ave. Huntington, WV

Mr. Donges detailed the inside of the building and told the Board that his clients see no need for windows on the Jefferson Ave. side of the building and perceive having windows as a security issue, claiming that they have experienced break ins at their location across the alley from the proposed training facility. He assured the Board there will be windows in the classroom area on the 19th Street side and translucent panels at the top of the building to provide natural light.

Phoebe Watts, 1821 Jefferson Ave, located roughly 100 ft. from this property, spoke in opposition to the petition, stating that the building is not attractive for a neighborhood setting. She believes that it would be better for the building to have windows or something attractive on the Jefferson Ave. side of the building as this is what the residents in the neighborhood will be forced to look at from now on and would be a minor cost to add in order to ensure harmony with the neighborhood. She also questioned the lack of parking on the plan, but understands that this is not part of the petition.

Ms. Proctor closed the public hearing.

Ms. Lockman presented the Staff Report. She also informed the Board that the issue of parking has been addressed, the training facility would share parking with office facility across the alley, and offered to share any of the information regarding parking with the Jefferson Ave. resident at any time after the meeting.

The Board discussed the parking issue further with Mr. Donges.

Ms. Canup asked Mr. Donges to speak to the materials utilized for the building façade.

Mr. Donges detailed the proposed structure as a pre-engineered metal building with brick used for the first 12 ft. up to meet the façade material requirements. They had wanted to ask a variance for the façade materials as a cost saving material, but will not be pursuing that variance.

Mr. Earl – Is there room for landscaping on the Jefferson Ave. side?

Mr. Donges acknowledged that, yes, there is a small strip of grass between the sidewalk and the building on the Jefferson Ave. side, and pointed out on the plan where the grassy area is located.

Mr. Earl suggested including landscaping in this area as a compromise to having the windows. The Board discuss the possibility of conditioning an approval on the condition that staff review and approve an adequate landscaping plan to accommodate for the lack of windows and make the side of the building more aesthetically pleasing.

M. Canup agreed that there is a safety issue in the neighborhood and understand the desire to not have windows, but points out that the Jefferson Ave. side of the building “looks like the back of a gymnasium” and is not an appealing view for the residents of the neighborhood.

The Board discussed how to make a condition of landscaping and ensuring it would satisfy the intent of aesthetics.

Mr. Earl made a motion to **conditionally approve** BZA 22-V-29 with the condition that a landscaping plan be submitted and approved by staff, at their discretion, for aesthetic coverage of the building on the Jefferson Ave. side; *Ms. Canup* seconded the motion.

Roll Call BZA: Mr. Earl, Yes; Ms. Canup, Yes; Ms. Houck, Yes; Ms. Proctor, Yes

BZA petition for a **Variance** was **conditionally approve** with a vote of 4 Yes to 0 No.

BZA 22-V-30

A petition for a variance to have a sign facing a parking lot in a C-3 Central Business District. The property is located at 1513 3rd Avenue, alternatively known as 1509-11 3rd Avenue.

Petitioner: Clint Artrip, 1 Albemarle Lane Barboursville, WV

Property Owner: Third Avenue Investments, LLC, 1 Albemarle Lane Barboursville, WV

Clint Artrip, 1 Albemarle, Barboursville, presented the petition, detailing his project to renovate and remodel an existing structure into a restaurant with the sign facing the parking lot instead of the road.

Bernard Kincaid, 485 County Rd 1, South Point, OH, representative for Signarama, claimed that his reading of the ordinance allowed for one sign per each side of the building. He explained that the main entrance to the building was moved to the side facing the parking lot and wants the sign to be located on this same side.

M. Proctor – What is the size of the sign?

Mr. Kincaid informed the Board of its size, which is smaller than what would be allowed, and reiterated his claim that the ordinance does not clarify where a wall sign may be located and stated that the ordinance reads one sign per side of building.

Ms. Lockman presented the Staff Report.

Ms. Proctor closed the public hearing and discussion ensued.

Ms. Canup and Mr. Earl expressed they were in favor of approving the petition.

M. Proctor – When was the ordinance written that a sign must face the road?

Ms. Lockman explained that she is not aware of this particular regulation changing and asked Ms. Usher if she knew of a change being made to the ordinance for wall signs facing the street in a C-3 District. Ms. Usher stated the regulations determining the location of wall signs applies to all districts and no change has been made to this particular line of text.

There was a brief discussion regarding the issue of the location of the front door.

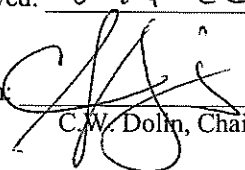
Ms. Houck made a motion to **approve** BZA 22-V-30; *Mr. Earl* seconded the motion.


Roll Call BZA: Ms. Canup, Yes; Ms. Houck, Yes; Mr. Earl, Yes; Ms. Proctor, Yes

BZA petition for a **Variance** was **approve** with a vote of 4 Yes to 0 No.

The meeting concluded at 6:40 p.m.

Date approved: 8-16-22

Chairperson: 
C.W. Dolm, Chair

Prepared by: 
Patricia Usher, Zoning Officer

