



Agenda
Huntington Board of Zoning Appeals
Tuesday, March 21, 2023 - 5:30pm

1. Call to Order
2. Roll Call
3. Approval of the February 2023 Minutes
4. Approval of the Orders
 - BZA 23-C-05
5. New Petitions

BZA 23-C-06

A petition for a conditional use permit for a community garden in an R-2 Single-Family District. The property is located at 2739 and 2741 Highlawn Avenue.

Property Owner/Petitioner: The Highlawn Community Alliance, PO Box 3193, Huntington, WV

BZA 23-V-07

A petition for a variance to off-street parking requirements in an R-2 Single-Family District. The property is located at 1408 Lynn Street.

Property Owner/Petitioner: Habitat for Humanity of the Tristate, PO Box 2526, Huntington, WV

BZA 23-C-08

A petition for a conditional use permit for an expansion of a bar for outdoor seating in a C-3 Central Business District. The property is located at 311 9th Street.

Property Owner: Greg Angel, Core EP Huntington, PO Box 11126, Fayetteville, AR

Petitioner: Allison White, 311 9th Street, Huntington, WV

BZA 23-C-09

A petition for a conditional use permit for animal training and boarding in a C-3 Central Business District. The property is located at 537 & 531 6th Avenue.

Property Owner: Dallas Ramsey & Robert Davidson, 102 Township Rd. Chesapeake, OH

Petitioner: John Miller, 458 Trotters Ln., Charleston, WV

6. Announcements/Discussion
7. Adjournment

Minutes
City of Huntington Board of Zoning Appeals
February 21, 2023

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

Members Present: Sherry Houck, Steven Yates, Sara Loftus, Dan Earl

Members Absent: Jacqueline Proctor

Staff Present: Patricia Usher, Zoning Officer
Bre Shell, Planning Director
Nathanial Crum, Planning Technician
Ericka Hernandez, Assistant City Attorney

Hearing no corrections or objections, *Mr. Earl* approved the December Minutes.

Hearing no corrections or objections, *Mr. Earl* approved the Orders.

BZA 23-C-05

A petition for a conditional use permit for towing services in an I-1 Light Industrial District. The property is located at 417 R 2nd Avenue.

Property Owner: Bob Myers, 916 5th Ave, Ste. 306, Huntington, WV, & Hetzer Reality, 833 3rd Avenue, Huntington, WV

Petitioner: Roy Holley, 140 Larkspur Dr., Huntington WV

Ms. Usher presented the Staff Report

Carl Eastham, 340 1st St, speaking on behalf of the petitioner. Requesting a conditional use permit to open a towing service in an I-1 District. Mr. Eastham stated that the building can hold 30 vehicles for an average of 24 hours. Mr. Eastham claims that the majority of the vehicles come from illegally parked cars and vehicles involved in accidents.

Ms. Houck – How long are the vehicles allowed to be in the building?

Mr. Eastham stated that there is no specified time limit, but after a certain amount of time the vehicle will gain an impound title and be sold off. However, for this site Mr. Eastham claims that the vehicles will not be there longer than 45 days.

Mr. Yates made a motion to approve BZA 23-C-05.

Roll Call; Ms. Houck, Yes; Ms. Loftus, Yes; Mr. Yates, Yes; Mr. Earl, Yes.

BZA Petition for a conditional use permit was **Approved** with a vote of 4 Yes to 0 No.

Ms. Usher presented the Planning Department's Annual Report to the Board.

Mr. Earl adjourns the meeting at 5:50 P.M.

Date approved: _____

Chairperson: _____ Prepared by: _____
Dan Earl, Vice-Chair Nathanial Crum, Planning Technician

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

BZA 23-C-05

Property Owner: Bob Myers, 916 5th Ave, Ste. 306, Huntington, WV, & Hetzer Realty, 833 3rd Avenue,
Huntington, WV

Petitioner: Roy Holley, 140 Larkspur Dr., Huntington, WV

Subject Property: 417 R 2nd Avenue

A petition for a conditional use permit for towing services in an I-1 Light Industrial District.

Individual Speaking on Behalf of Petition: Carl Eastham

Other Interested Parties: None

ORDER

On February 21, 2023, Mr. Holley, represented by Mr. Eastham appeared before the City of Huntington Board of Zoning Appeals to provide testimony related to BZA 23-C-05. Other citizens were permitted to voice their positions as well, per the practice of this Board, and no individuals provided testimony.

FINDINGS OF FACT

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

1. Roy Holley is the petitioner.
2. Bob Myers and Hetzer Realty are property owners.
3. The petitioner is requesting a conditional use permit to operate towing services.
4. The property is zoned I-1 Light Industrial District.
5. Vehicles would be stored inside of the structure.
6. The building can store approximately 30 vehicles.
7. Vehicles will be stored for an average of 24 hours.
8. Any one of the vehicles will not be stored longer than 45 days.
9. The business will provide services 24-hours a day.
10. Petitioner has previous towing experience working with another established tow company.
11. The vast majority of surrounding uses are either industrial or business.
12. One single-family home is located nearby.
13. The lot is approximately 19,800 sq. ft.

STANDARD OF REVIEW

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

1. The effect upon the Comprehensive Plan;
2. Public health, safety, morals, and general welfare;
3. Potential injury to the use and enjoyment of other properties in the immediate vicinity for the purposes already permitted;

4. The effect upon the normal and orderly development and improvement of surrounding properties for uses already permitted in the district;
5. Adequate provisions for utilities, access roads, drainage, and other necessary facilities; and
6. Adequate ingress and egress so designed to minimize traffic congestion in the public street.

CONCLUSIONS OF LAW

Towing Services is a conditional use in an I-1 Light Industrial and Commercial District. City of Huntington Ordinance. § 1320.04. states “The purpose of the I-1 district is to provide an area where various light industrial activities can be accommodated without creating undesirable or incompatible situations with surrounding land uses.” *Id.*, §1333.01. A Towing Service does have the potential to cause injury to the use and enjoyment of the neighboring properties or impede the normal and orderly development of the area due to noise and increased traffic flow; however we believe that the petitioner has taken adequate precautions to avoid the potential nuisances of this business, such as having indoor storage for the towed vehicles. Additionally, since this location is mostly surrounded by industrial and business uses, any negative impact on the surrounding properties due to Petitioner’s 24-hour operation and increased traffic is minimized. Therefore, it is our opinion that the proposed conditional use is appropriate for this location. There is some concern for the general welfare of the on single-family home to the southwest of the proposed location; however, this structure has existed among other industrial uses for many years and, despite being noticed of this petition, no one representing the property either appeared or notified staff to raise concern. Therefore, it is our opinion that the proposed conditional use is appropriate for this location.

DECISION

WHEREFORE, based upon the findings of fact from the full testimony heard at the hearing and all other documentary evidence presented, the Board **APPROVES** petition BZA 23-C-05 for a **Conditional Use Permit**.

ENTERED

Date

Chairperson: _____ Prepared by: _____
Dan Earl, Vice-Chair Nathanial Crum, Planning Technician

Staff Report A petition for a Conditional Use Permit for a Community Garden

Legal Ad

BZA 23-C-06

A petition for a conditional use permit for a community garden in an R-2 Single-Family District. The property is located at 2739 and 2741 Highlawn Avenue.

Property Owner/Petitioner: The Highlawn Community Alliance, PO Box 3193, Huntington, WV

Introduction

The Highlawn Community Alliance is petitioning for a Conditional Use Permit to operate a community garden at 2739 and 2741 Highlawn Avenue.

Existing Conditions / Background

The properties are zoned R-2 Single-Family Residential and have been vacant for many years.

The location is surrounded by other residential properties and is located on an historical, narrow brick road with off-street parking for the residents. The petitioner mentions in the application that in the time of its vacancy, the properties have been a magnet for public dumping and other undesirable activity.

Proposed Conditions

The Highlawn Community Alliance is proposing to transform the properties into a lively community garden. The properties will provide the neighborhood with fresh produce, agricultural learning opportunities, and small neighborhood events for local residents. The lots will have fencing, raised

garden beds, a compost bin, water tanks, and other structural features to assist in the creation and maintenance of the garden (*see site plan attached*).

Pictures



2739 and 2741 Highlawn Avenue, proposed location for the Community Garden; looking southwest at the two lots.



Looking southeast at the proposed location.

Zoning Ordinance

Per *Article 1320*, Community Gardens are conditionally permitted in the R-2 District.

Staff Comments

Plan2025 encourages the preservation of Highlawn’s character through renovating and maintaining residential properties. Since renovation of the structures is no longer an option, transforming these lots into an asset that would serve the immediate residents and provide access to communal green space and opportunities to gather and learn, would be in keeping with the goals and intentions of the comprehensive plan.

Currently, the ordinance does not allow for commercial sales of the produce on-site, but it does allow for the produce to be distributed at no cost.

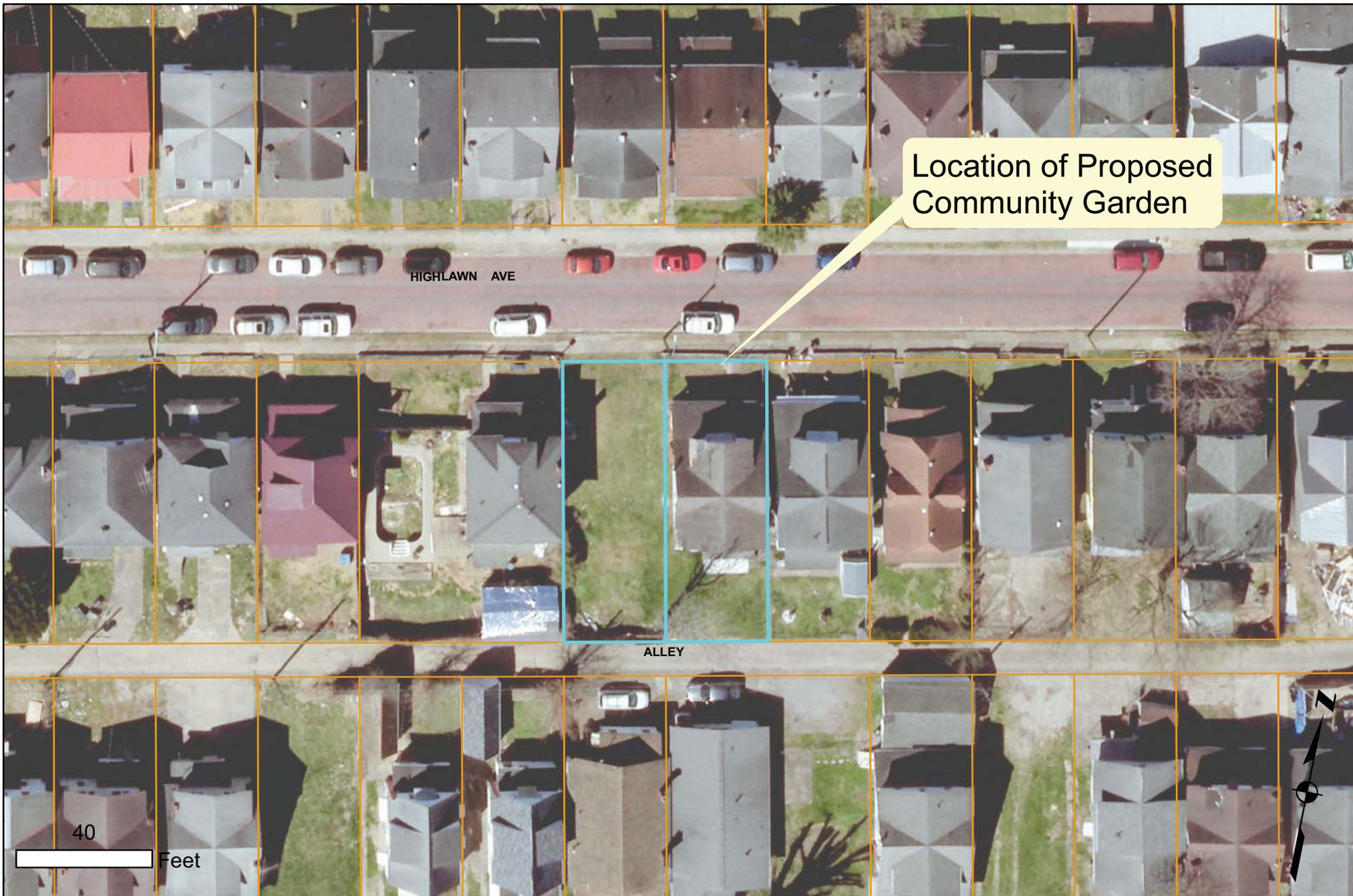
Staff does not have any concerns with the proposed use or the location; however, the site plan will need to be revised to ensure setbacks are being maintained for the proposed shed and compost bin.

Summary / Findings of Fact

1. The Highlawn Community Alliance is the petitioner and property owner.
2. The petitioner is requesting a conditional use permit to operate a community garden.
3. The property is zoned R-2 Single-Family Residential District.
4. The lots are approximately 5,000 sq. ft.

Attachments

Please see attached Aerial, Zoning, and Future Land Use Maps.



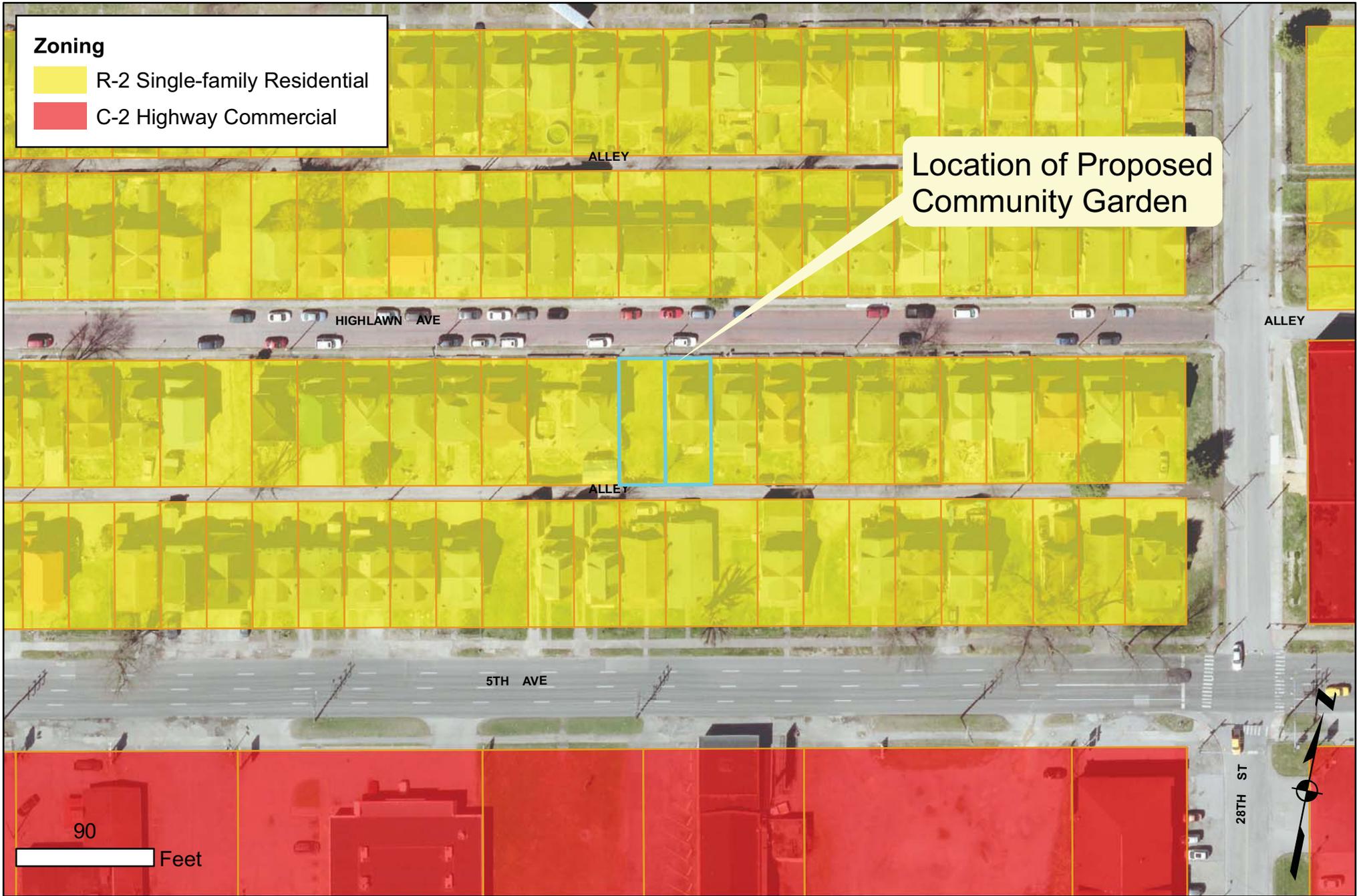
BZA 23-C-06
Conditional Use Permit for a Community Garden
2739 & 2741 Highlawn Avenue



Zoning

-  R-2 Single-family Residential
-  C-2 Highway Commercial

Location of Proposed
Community Garden

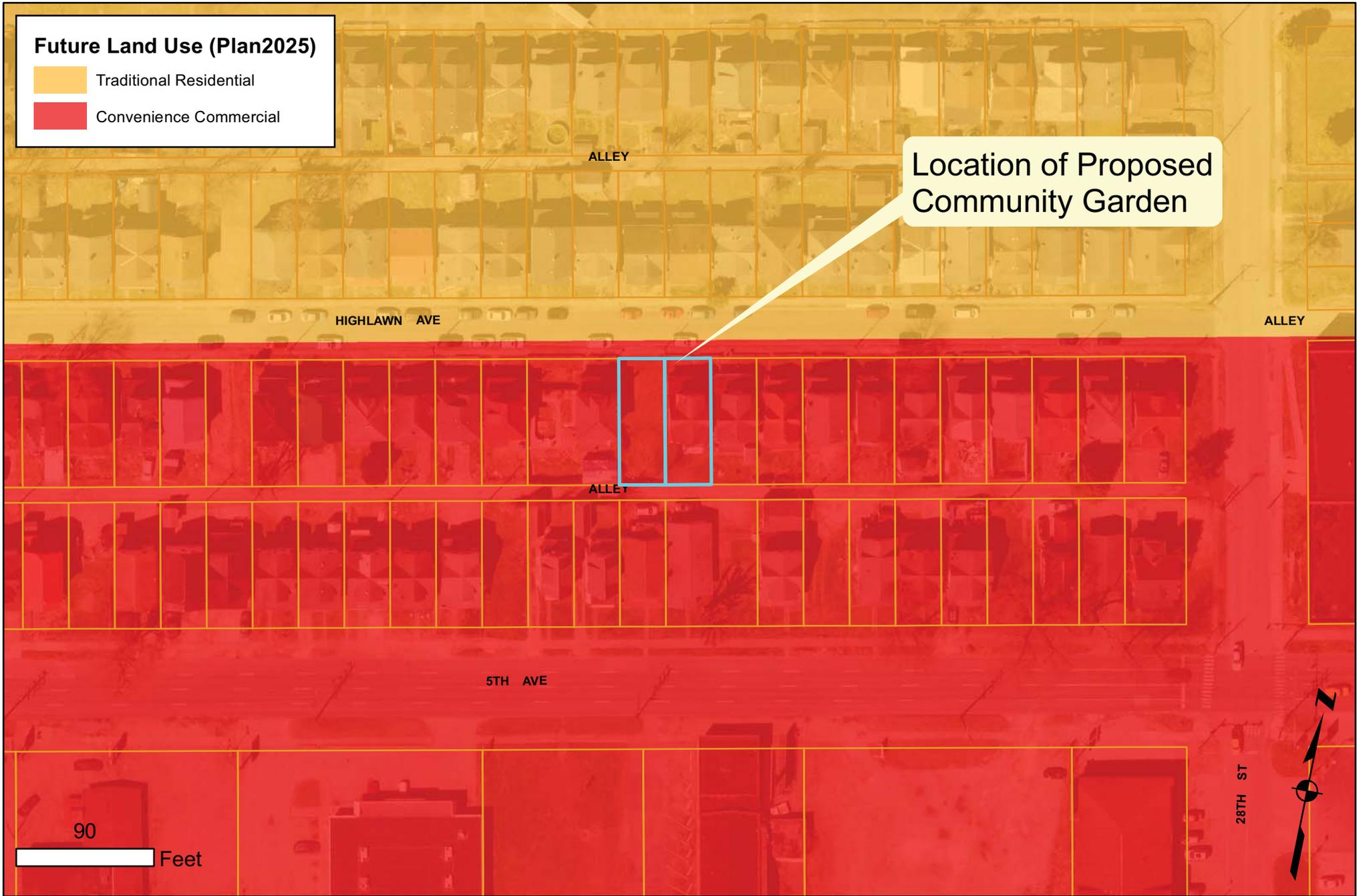


BZA 23-C-06
Conditional Use Permit for a Community Garden
2739 & 2741 Highlawn Avenue



Future Land Use (Plan2025)

-  Traditional Residential
-  Convenience Commercial



BZA 23-C-06
Conditional Use Permit for a Community Garden
2739 & 2741 Highlawn Avenue





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: The Highlawn Community Alliance Inc. Phone: 304-412-3602

Mailing Address (city, state, zip): PO Box 3193

Email: zane.parlsey@highlawn.alliance.org

Property Owner (if applicable): The Highlawn Community Alliance Inc. Phone: 304-412-3602

Mailing Address (city, state, zip): PO Box 3193

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

2739 & 2741 Highlawn Avenue, Huntington, WV. Map 11, Parcel 423 & 424, Lot 79 & 80

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 1359 to allow the following:

The construction of a community garden on a vacant lot on Highlawn Avenue.

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

- Site Plan of Real Estate involved (if applicable): **Drawn to Scale** with scale shown, the direction of North clearly indicated on the drawing, showing all boundary lines and placement of existing and/or proposed structures, and with all dimensions shown (setbacks, buildings, etc).
- Valid State or Federal Photo ID.
- Any and all documentation and evidence to support the request.
- Treasurers Receipt for One Hundred Sixty Dollars (\$160.00) non-refundable filing fee for each Conditional Use sought.

All of the above documentation is to be submitted to the Planning Commission office by _____.

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

Notice of Procedure

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

[Handwritten Signature]

Signature of Applicant

2-16-23

Date

Signature of Property Owner

Date

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

For office use only	
Received:	Project Name:



PLANNING & ZONING

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

Application for Conditionally Permitted Use

ATTACHMENT A

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

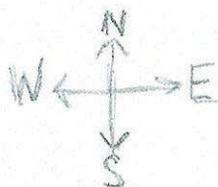
1. Effect upon the Comprehensive Plan (available online):
The garden will improve water retention on Highlawn Avenue and mitigate stormwater issues in a particularly troublesome location (see attached plans and Plan 2025, pg 35). The garden will replace "derelict property" (Plan 2025, pg.33) encouraging the upkeep of surrounding residences. Finally, the garden will provide green space on a block with limited park access (Plan 2025, 37)
2. Effect upon public health, safety, and general welfare:
The Highlawn Avenue Garden will provide free healthy produce to neighbors in the immediate surrounding area. The garden will provide safety and activity for a location known for vagrancy and public dumping. The fencing on the lot and provisional security will act as a deterrent to current activities.
3. Effect upon the use and enjoyment of other property in the immediate vicinity for the purposes already permitted:
In addition to reducing crime and vagrancy on the empty lot, the garden will provide a agricultural learning experiences, fresh produce, and small neighborhood events for other block residents. The project is designed to improve quality of life for nearby property owners and increase the resale value of neighboring residences.
4. Effect upon the normal and orderly development and improvement of the surrounding properties for uses already permitted in the district:
Future development of the surrounding properties can be encouraged by decreased vagrancy and dumping on empty lot locations, like this one, on Highlawn avenue. The garden discourages abandonment through block beautification and increasing social ties between neighbors.
5. Have adequate provisions for utilities, access roads, drainage, and other facilities been provided for:
Yes. Our design includes a yard hydrant to be tied into the an existing water meter. Proper water storm water mitigation practice will be incorporated (rain barrels, natural bio swales, etc). We do not plan on accessing sewer because all of our water use will be for the plants. We have no plans of using electricity in the near future.
6. Has adequate ingress and egress been designed to minimize traffic congestion on the public street:
Yes. The intended users of the garden are Highlawn Avenue residents. As such, we don't anticipate much need for parking (its a small block and is easily walkable). There is limited street parking in front of the double lot, but aside from occasional work parties, we expect parking to be more than adequate for our plans.

HIGH LAWN AVE

SCALE 1"=8'

GATE

SHED/PRODUCE
STAND



SHELTER
HOUSE

HIGH TUNNEL

WATER
BEDS

BEDS

WATER
TANKS

WATER
TANKS

RAISE

COMPOST BINS

4X10'

WALKWAY

Staff Report: A petition for a variance to the off-street parking requirements

Legal Ad

BZA 23-V-07

A petition for a variance to off-street parking requirements in an R-2 Single-Family District. The property is located at 1408 Lynn Street.

Property Owner/Petitioner: Habitat for Humanity of the Tristate, PO Box 2526, Huntington, WV

Introduction

The petitioner is requesting a variance to the off-street parking requirements in an R-2 District. The property is located at 1408 Lynn Street.

Existing Conditions / Background

In June of 2022, Habitat for Humanity (HFH) began the process of purchasing three parcels on Lynn St. and submitting plans and applications to build a home. Two of the parcels were purchased from the Huntington Urban Renewal Authority and one is still in the process of being purchased through WV tax sale.

The city cannot authorize development on parcels not owned by the individual(s) developing; therefore, the planning office could not sign off on the petitioner’s plans that included the third parcel as the area designated for parking. The organization and the planning office came to an agreement that would allow for the build to take place on the condition that prior to a Certificate of Occupancy being issued for the home, the petitioner do the following:

1. All three lots must to be consolidated, and parking provided.
2. If lot cannot be obtained, a variance for parking would be sought.
(See letter attached)

Proposed Conditions

The petitioner does anticipate the purchase to be complete at some time in the future and has already graveled the area intended for parking.

Zoning Ordinance

Per *Table 1343A*, a single-family dwelling unit must provide 1 parking space for every 2 bedrooms.

Pictures



View from the street, looking at the structure built by Habitat for Humanity.



View of the third parcel intended for parking.

Staff Comments

Plan 2025’s goal for housing in Fairfield is to renovate or demolish existing homes and

implores that “care must be taken to ensure that new residential development fits with the character of the surrounding area”.

Whether parking is provided or not, Habitat for Humanity has assisted in the Fairfield housing goals by building a home that fits well with others in the immediate neighborhood. If granted the variance to parking, this home would be among others on the block that do not provide off-street parking. Staff observed during a site visit, that this particular site would have ample on-street parking for its residents with the current conditions.

Summary / Findings of Fact

1. Habitat for Humanity is the petitioner and the property owner.
2. The property is zoned R-2 Single-Family Residential District.
3. The petitioner is requesting a variance to off-street parking requirements.
4. One parking space would be required for this development.
5. Per *Table 1343A*, a single-family dwelling unit must provide 1 parking space for every 2 bedrooms.
6. The lot needed for parking is approximately 3,200 sf.

Attachments

- Aerial Map
- Zoning Map
- Future Land Use Map
- Letter from Habitat for Humanity
- Application



BZA 23-C-08
Conditional Use Permit for the expansion of a
Bar to provide outdoor seating
311 9th Street



Zoning

■ C-3 Central Business District

CIVIC CENTER PLZ

3RD AVE

Location of Proposed Bar Expansion

8TH ST

ALLEY

9TH ST

10TH ST

4TH AVE

140 Feet

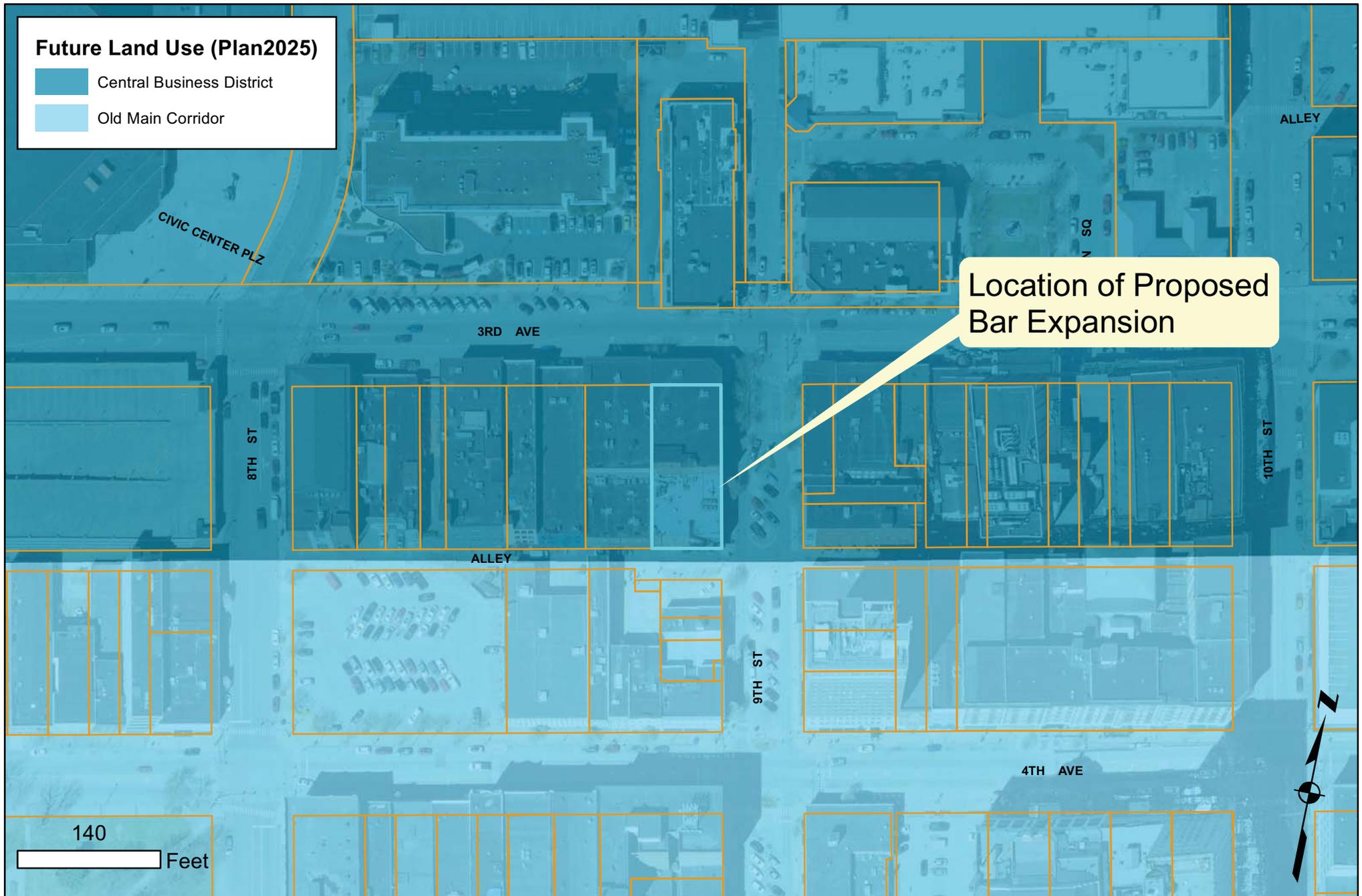


BZA 23-C-08
Conditional Use Permit for the expansion of a
Bar to provide outdoor seating
311 9th Street



Future Land Use (Plan2025)

- Central Business District
- Old Main Corridor

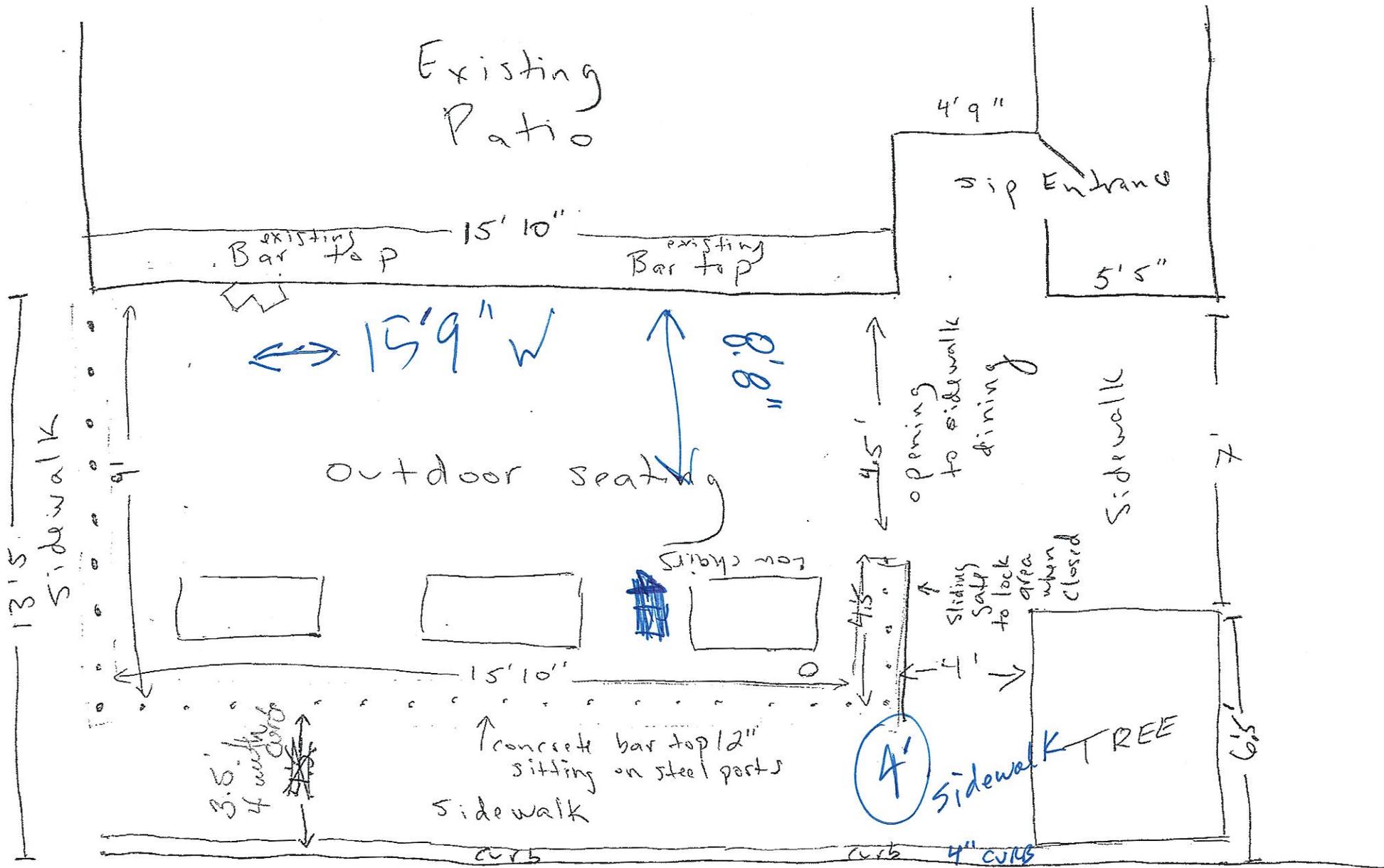


Location of Proposed Bar Expansion

BZA 23-C-08
Conditional Use Permit for the expansion of a
Bar to provide outdoor seating
311 9th Street



Existing
Patio



9th Street

5/17/2014

... = black steel posts

— 8" concrete top to match existing

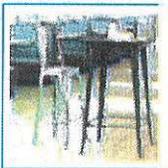


- Restaurant Furniture
- Commercial Refrigeration
- Smallwares
- Storage & Transport
- Tabletop & Dinnerware
- Disposables
- Furniture

Home > Restaurant Furniture > Restaurant Seating > Restaurant Bar Stools > Lancaster Table & Seating Alloy Series Clear Coat Metal Indoor Insulated

Lancaster Table & Seating Alloy Series Clear Coat Metal Indoor Insulated Back and Drain Hole Seat

Item #: 164BMCAFECLR



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Size: 47.2x14.2x15.7 Inch (Black)

35.4x14.2x15.7 Inch (Black)

47.2x14.2x15.7 Inch (Black)

59.1x14.2x15.7 Inch

Click to select 47.2x14.2x15.7 Inch (Black)

70.9x14.2x15.7 Inch (Black)

Roll over image to zoom in



VIDEO

Color: Assembly Type:



Product Dimensions

47.2"D x 14.2"W x 15.7"H

Material

Assembly Type 47.2 x 14.2X 15.7 Inches

Frame Material

Aluminum

Color

Assembly Type

Size

47.2x14.2x15.7 Inch (Black)



Restaurant
Equipment

Commercial
Refrigeration

Smallwares

Storage &
Transport

Tabletop &
Dinnerware

Disposables

WebstaurantStore > Restaurant Furniture > Commercial Outdoor Furniture > Outdoor Restaurant Tables and Sets > Black Outdoor Restaurant Table with Modern Legs

Lancaster Table & Seating Harbor Black 36" Square Dining Table with Modern Legs

[Leave a review](#) Item #: 427CMSMB636B



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

BZA 20-C-04

Property Owner: Core EP Huntington LP, 53 Van Buren Ave, Teaneck, NJ 07666

Petitioner: Allison White, 311 9th St, Huntington, WV 25701

Subject Property: 311 9th St

A petition for a Conditional Use Permit to allow for a Bar located in the C-3 Central Business District. The permit is for Sip Wine and Whiskey Bar to relocate from Heritage Station to 311 9th St, Cabell County District 5, Map 17, Parcel 178.

Individual Speaking on Behalf of Petition: Allison White

Other Interested Parties: None

ORDER

On June 16th, 2020 Allison White spoke before the City of Huntington Board of Zoning Appeals to provide testimony related to BZA 20-C-04. Other citizens were permitted to voice their positions as well, per the practices of this Board, and no other individuals 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
6. Adequate ingress and egress so designed to minimize traffic congestion in the public street

FINDINGS OF FACT

After reviewing all evidence at the June 16th meeting and hearing testimony from Ms. White, the Board finds as follows:

1. Core EP Huntington LP is the property owner.
2. Allison White is the petitioner.
3. The property is zoned C-3 Central Business District as are all adjacent properties.
4. Proposed space is located on the ground floor of a multi-use structure.
5. The proposed business space is approx. 2,000 sf.

6. The lot is approx. 10,880 sf.

CONCLUSIONS OF LAW

The Board concludes the Conditional Use Permit would not harm public health, safety, or general welfare and was pleased to see that the business was growing out of its current space.

DECISION

THEREFORE, based upon the findings of fact from the full testimony heard at the hearing and all other documentary evidence presented, the Board **APPROVES** petition BZA 20-C-04 for a Conditional Use Permit for a Bar.

ENTERED
July 21st, 2020

Prepared by: _____
Shae Strait, City Planner

Date

Chairman: _____
C.W. Dolin, Chairperson

Date



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: Allison White Phone: 304-634-7437

Mailing Address (city, state, zip): 311 9th Street, Huntington WV 25701

Email: info@sigdowntownbrasserie.com

X Property Owner (if applicable): Greg Angel Phone: 501-230-9707

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

311 9th Street Huntington WV 25701 5-17-178

Description

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

Sidewalk fenced in area to allow for outdoor dining for Sig Downtown Brasserie

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

- Site Plan of Real Estate involved (if applicable): Drawn to Scale with scale shown, the direction of North clearly indicated on the drawing, showing all boundary lines and placement of existing and/or proposed structures, and with all dimensions shown (setbacks, buildings, etc).
- Valid State or Federal Photo ID.
- Any and all documentation and evidence to support the request.
- Treasurers Receipt for One Hundred Sixty Dollars (\$160.00) non-refundable filing fee for each Conditional Use sought.

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

Notice of Procedure

I/We, the undersigned am/are aware that the Board of Zoning Appeals will hold a public hearing on the request for a Conditional Use on Tuesday, 3/21 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

2/24/23
Date

X _____
Signature of Property Owner Greg Angel
Core EP, Huntington LP

2/24/23
Date

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

For office use only	
Received:	Project Name:
<u>BEA 23-C-08</u>	



PLANNING & ZONING

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

Application for Conditionally Permitted Use

ATTACHMENT A

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

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

Adding outdoor sidewalk dining is in line with the comprehensive plan

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

No negative effect on public health, safety or general welfare

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

Outdoor dining will increase enjoyment of dining at my restaurant.

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

No effect to others

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

I plan to leave 4' for sidewalk across ground the fenced in area

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

Yes

Staff Report A petition for a Conditional Use Permit for the expansion of a Bar

Legal Ad
BZA 23-C-08

A petition for a conditional use permit for an expansion of a bar for outdoor seating in a C-3 Central Business District. The property is located at 311 9th Street.

Property Owner: Greg Angel, Core EP
Huntington, PO Box 11126, Fayetteville,
AR

Petitioner: Allison White, 311 9th Street,
Huntington, WV

Introduction

Allison White, owner of the Sip Wine and Whiskey Bar, is petitioning for a Conditional Use Permit to expand the existing bar to include an outdoor dining area, located at 311 9th Street.

Existing Conditions / Background

The property is zoned C-3 Central Business District and is surrounded by other businesses. Sip was approved for this location in June of 2020 (*BZA 20-C-04 Order attached*).

Proposed Conditions

The petitioner is proposing to expand the floor area of the establishment to include an outdoor space which will be located on public right-of-way. Sip is one of several businesses located on the ground floor of the multi-tenant building on the southwest corner of the 9th Street and 3rd Avenue intersection.

Public Works has reviewed and made revisions to the original plans to meet ADA standards. The Fire Department Connection (FDC) is located on the wall inside of the area proposed for outdoor dining. The Fire Marshal requires the following to distinguish the location of the connection and ensure access:

- Fencing shall not exceed 44 in. in height.
- Nothing shall be permanently mounted to the ground in front of the FDC and easy access shall be maintained at all times.
- The connection must be labeled and specify the address.

The outdoor dining area is proposed to be 15 ft. 9 in. x 8 ft. 8 in., leaving 4 ft. from fence to curb, plus the 4 in. wide curb. The petitioner is proposing to extend the existing bar top and add bar stools outside, adding three tables with benches and chairs, and a 39 in. tall fence.

Pictures



311 9th Street, proposed location for bar expansion.



Looking northwest, the proposed space will project 8'8" at the proposed location.



Looking northwest at the proposed location.

Zoning Ordinance

Per *Article 1320*, Bars are conditionally permitted in the C-3 District; therefore, if an existing bar were to increase the floor area originally approved, a new Conditional Use Permit would need to be approved for the expansion.

BAR - premises used primarily (gross revenue from alcoholic beverages sale are greater than one-half of total revenue) for sale or dispensing of alcoholic beverages by the drink for on-site consumption, and where food may be available for consumption on the premises as accessory to the principal use.

Staff Comments

Plan2025 designates this property as Central Business District. This area is characterized by the following:

- High density development
- Active storefronts below, office and housing above

Activating public right-of-way with outdoor dining has the potential of enhancing the use and enjoyment of businesses in our downtown area. The petitioner must comply with the guidance of Public Works to ensure sidewalk access; thereby providing adequate ingress and egress and minimizing traffic congestion. The Fire Marshal has provided stipulations that will safeguard the public health, safety, and welfare of the area.

The city is in the scoping stage of downtown streetscape changes that will impact the area of 9th Street where Sip is located. The petitioner has been informed of these changes, and has participated in conversations and will be given further opportunities to provide input on the various phases of the project.

Summary / Findings of Fact

1. Allison White is the petitioner.
2. Greg Angel, Core EP Huntington are property owners.
3. The petitioner is requesting a conditional use permit to expand an existing bar for outdoor dining.
4. The property is zoned C-3 Central Business District.
5. The outdoor dining area is proposed to be 15 ft. 9 in. x 8 ft. 8 in.
6. 4 ft. of the sidewalk will remain with the addition of the 4 in. curb.
7. Public Works and the Fire Marshal have reviewed and provided comment on the proposal to ensure their department standards are met.
8. The lot is approximately 11,000 sq. ft.

Attachments

Please see attached Aerial, Zoning, and Future Land Use Maps, site plan, and application.



BZA 23-C-08
Conditional Use Permit for the expansion of a
Bar to provide outdoor seating
311 9th Street



Zoning

■ C-3 Central Business District

CIVIC CENTER PLZ

3RD AVE

Location of Proposed Bar Expansion

8TH ST

ALLEY

9TH ST

10TH ST

4TH AVE

140 Feet



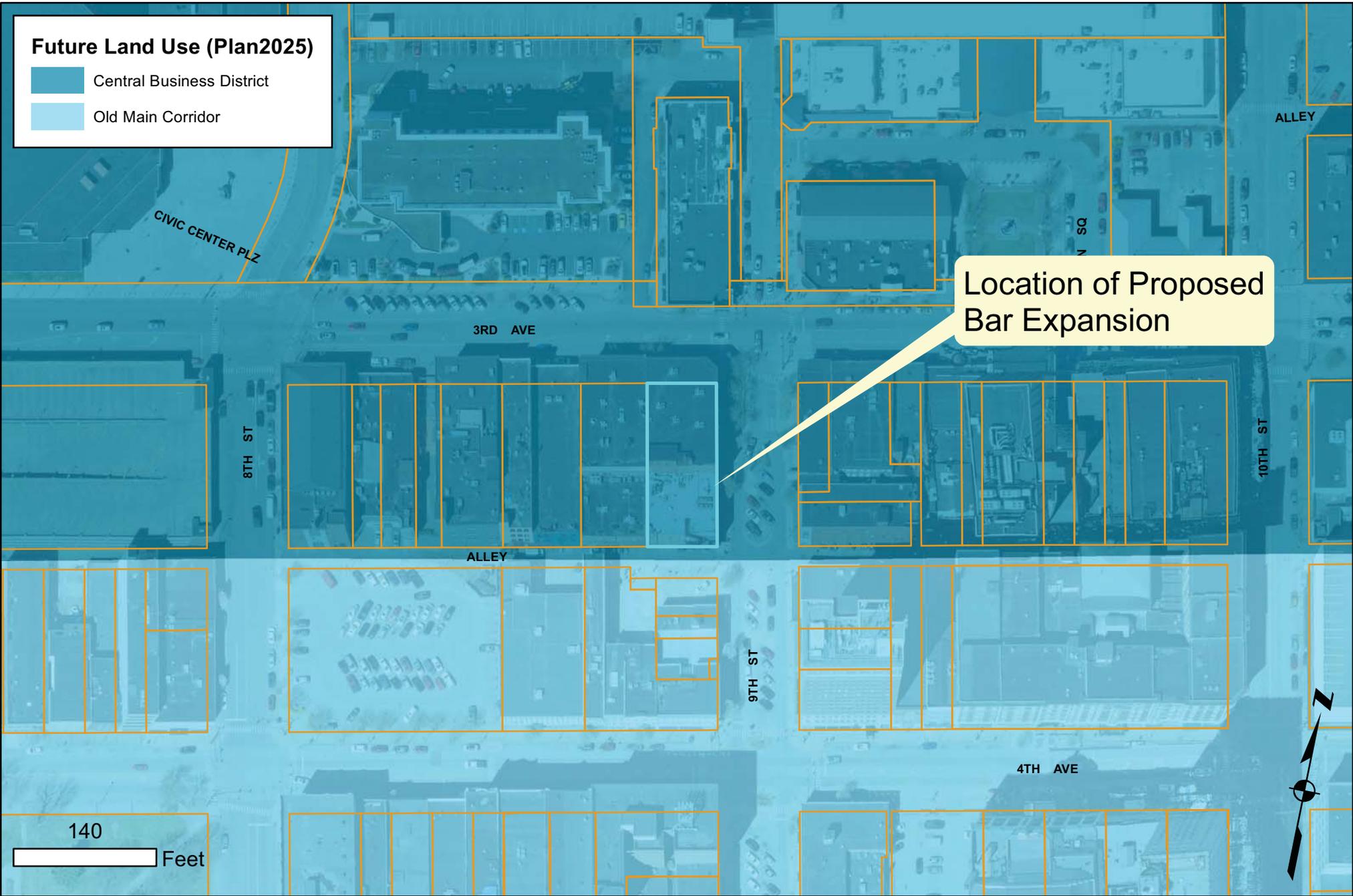
BZA 23-C-08
Conditional Use Permit for the expansion of a
Bar to provide outdoor seating
311 9th Street



Future Land Use (Plan2025)

- Central Business District
- Old Main Corridor

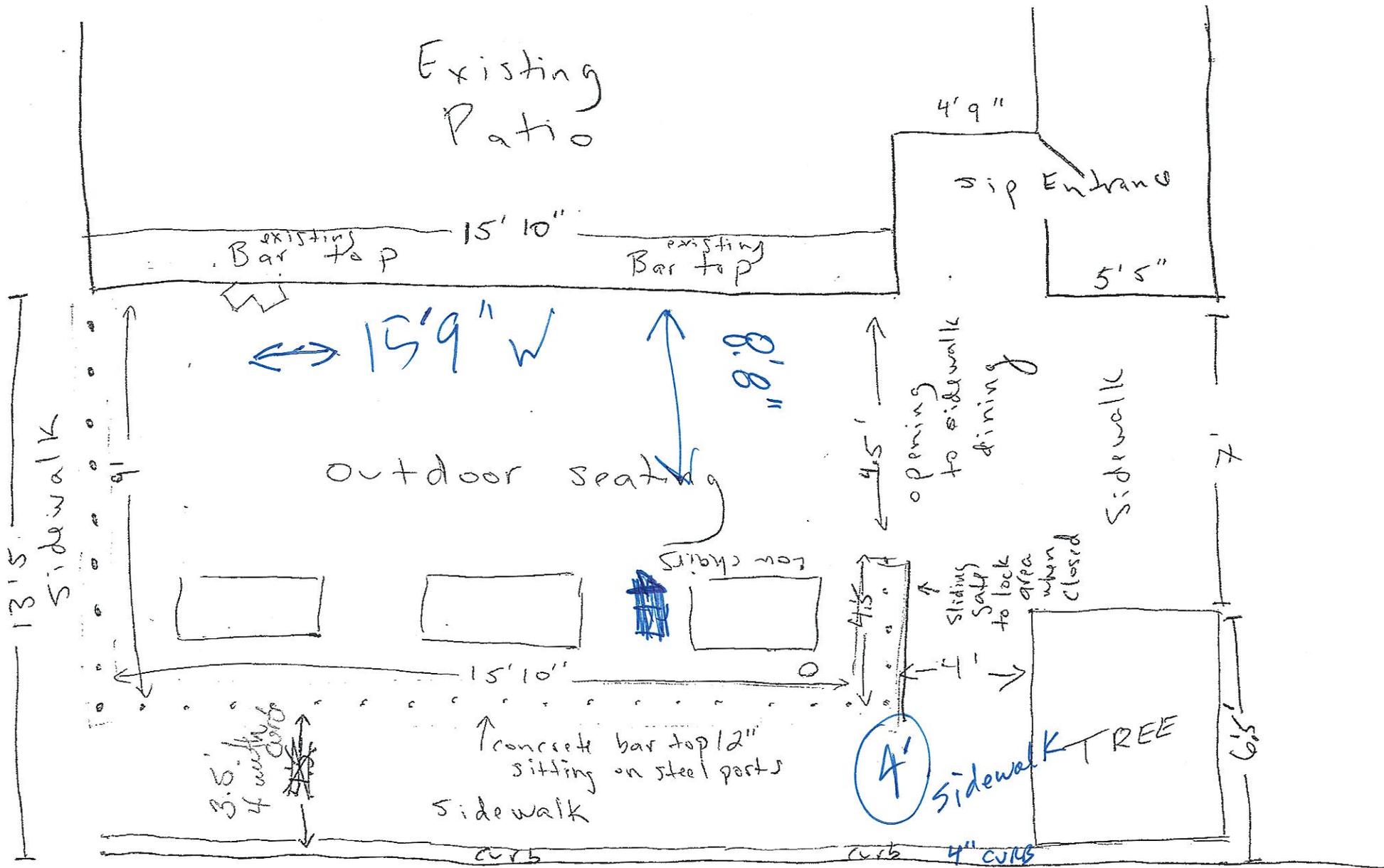
Location of Proposed Bar Expansion



BZA 23-C-08
Conditional Use Permit for the expansion of a
Bar to provide outdoor seating
311 9th Street



Existing
Patio



9th Street

57 1000

... = black steel posts

— 8" concrete top to match existing



- Restaurant Furniture
- Commercial Refrigeration
- Smallwares
- Storage & Transport
- Tabletop & Dinnerware
- Disposables
- Furniture

Home > Restaurant Furniture > Restaurant Seating > Restaurant Bar Stools > Lancaster Table & Seating Alloy Series Clear Coat Metal Indoor Insulated

Lancaster Table & Seating Alloy Series Clear Coat Metal Indoor Insulated Back and Drain Hole Seat

Item #: 164BMCAFECLR



amazon pharmacy

The pharmacy that really delivers



Learn more

Lawn & Garden > Patio Furniture & Accessories > Patio Seating > Benches



TECSPACE Aluminum Indoor/Outdoor Patio Bench Black, 47.2 x 14.2 x 15.7 inches, Light Weight High Load Bearing, Outdoor Bench for Park Garden, Patio and Lou

Visit the TECSPACE Store

★★★★☆ 194 ratings

List Price: \$139.99

Business Price **\$139.98**

Thank you for being a Business Prime Member. Pay ~~\$139.98~~ **\$0.00** for this order. Get a **\$200 Amazon Gift Card** upon approval for the **Amazon Business Prime Card** with an eligible Prime membership. Terms apply.

Size: 47.2x14.2x15.7 Inch (Black)

35.4x14.2x15.7 Inch (Black)

47.2x14.2x15.7 Inch (Black)

59.1x14.2x15.7 Inch

Click to select 47.2x14.2x15.7 Inch (Black)

70.9x14.2x15.7 Inch (Black)

Roll over image to zoom in



VIDEO

Color: Assembly Type:



Product Dimensions

47.2"D x 14.2"W x 15.7"H

Material

Assembly Type 47.2 x 14.2 x 15.7 Inches

Frame Material

Aluminum

Color

Assembly Type

Size

47.2x14.2x15.7 Inch (Black)



Restaurant
Equipment

Commercial
Refrigeration

Smallwares

Storage &
Transport

Tabletop &
Dinnerware

Disposables

WebstaurantStore > Restaurant Furniture > Commercial Outdoor Furniture > Outdoor Restaurant Tables and Sets > Black Outdoor Restaurant Table with Modern Legs

Lancaster Table & Seating Harbor Black 36" Square Dining Table with Modern Legs

[Leave a review](#) Item #: 427CMSMB636B





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: Allison White Phone: 304-634-7437

Mailing Address (city, state, zip): 311 9th Street, Huntington WV 25701

Email: info@sigdowntownbrasserie.com

X Property Owner (if applicable): Greg Angel Phone: 501-230-9707

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

311 9th Street Huntington WV 25701 5-17-178

Description

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

Sidewalk fenced in area to allow for outdoor dining for Sig Downtown Brasserie

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

- Site Plan of Real Estate involved (if applicable): Drawn to Scale with scale shown, the direction of North clearly indicated on the drawing, showing all boundary lines and placement of existing and/or proposed structures, and with all dimensions shown (setbacks, buildings, etc).
- Valid State or Federal Photo ID.
- Any and all documentation and evidence to support the request.
- Treasurers Receipt for One Hundred Sixty Dollars (\$160.00) non-refundable filing fee for each Conditional Use sought.

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

Notice of Procedure

I/We, the undersigned am/are aware that the Board of Zoning Appeals will hold a public hearing on the request for a Conditional Use on Tuesday, 3/21 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

2/24/23
Date

X Signature of Property Owner

Greg Angel
Core EP, Huntington LP

2/24/23
Date

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

For office use only	
Received:	Project Name:
<u>BEA 23-C-08</u>	



PLANNING & ZONING

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

Application for Conditionally Permitted Use

ATTACHMENT A

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

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

Adding outdoor sidewalk dining is in line with the comprehensive plan

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

No negative effect on public health, safety or general welfare

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

Outdoor dining will increase enjoyment of dining at my restaurant.

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

No effect to others

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

I plan to leave 4' for sidewalk across ground the fenced in area

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

Yes

Staff Report A petition for a Conditional Use Permit for Animal Boarding and Training

Legal Ad

BZA 23-C-08

A petition for a conditional use permit for animal training and boarding in a property zoned C-1 Neighborhood Commercial District. The property is located at 537 & 531 6th Avenue.

Property Owner: Dallas Ramsey & Robert Davidson, 102 Township Rd. Chesapeake, OH

Petitioner: John Miller, 458 Trotters Ln., Charleston, WV

Introduction

John Miller is petitioning for a Conditional Use Permit for an Animal Training and Board facility to be located at 537 & 531 6th Avenue.

Existing Conditions / Background

The properties are zoned C-1 Neighborhood Commercial. The location is surrounded by other C-1 properties and businesses; however, the structure directly to the west is a single-family home that also operates as a day care through a home occupation permit. The block has a mixture of commercial and residential properties.

Proposed Conditions

Mr. Miller is proposing to operate an animal boarding facility, which provides dog day care services. He operates one other facility in a suburban area of Kanawha County. At this location, he is proposing to transform the majority of the parking lot into an outdoor play area for the dogs.

Pictures



531 & 537 6th Avenue, proposed location for Animal Training and Boarding.



Looking north from the alley on the paved parking lot.

Zoning Ordinance

Per *Article 1320*, Animal Boarding and Training Facilities are conditionally permitted in the C-1 District.

ANIMAL BOARDING AND TRAINING – a facility for the boarding, raising, grooming, selling, training, or other animal husbandry activities for dogs, cats, or other animals for financial or other compensation.

Per *§1341.53*, the use-specific regulations for Animal Boarding and Training facilities are as followed:

- A. These regulations apply to any location providing animal training and/or boarding services. This section shall not apply to any establishment whose principle use is an Animal

Hospital/Clinic or Pet Store/Pet Services use.

- B. Distance. No training and animal boarding facilities may be directly adjacent to residentially zoned property.
- a. The distance restriction may be eliminated when adjacent to a residentially zoned property if sound proofing techniques approved by the Fire Marshal and Chief Building Inspector are utilized.
 - b. In granting a conditional use or any special exception under this section, the Board of Zoning Appeals may impose additional conditions or restrictions, such as increasing buffers, requiring odor, noise, or animal waste disposal mitigation, and setting limits on the number dogs, to ensure that the proposed use will not be detrimental to the health, safety, or general welfare of the surrounding area.
- C. Measurement of Distance. The distance between the animal boarding and training facility shall be measured in a straight line, without regard to intervening structures, from the closest property line of the animal boarding and training facility to the closest property line of the residential zone.
- D. Outdoor yard. If an outdoor yard is present, in no event shall it operate between the nighttime hours of 9:00 p.m. and 7 a.m. on weekdays and 9:00

p.m. to 9:00 a.m. on weekends and local legal holidays (*Ref. Article 527*).

- a. An outdoor yard shall be screened with privacy fencing, minimum 6 ft. in height or landscaped to keep animals from view of the property lines.

Staff Comments

Plan2025 designates this property as Downtown Transition. This area is characterized by the following:

- Transition zone between neighborhood and downtown core
- Mixed-uses but cohesive quality
- Repurpose of large single-family housing for office or multi-family uses maintaining character

The petitioner operates a facility in Cross Lanes; however, this facility is located in an area more similar to Huntington's C-2 Highway Commercial District and is surrounded by other businesses, with the closest residential properties more than 100 ft. away and buffered by a compact cluster of trees. The proposed location in Huntington is in a dense area of 6th Avenue with a mixture of commercial and residential uses on the same block. Abutting the property to the west is a single-family home that operates as a day care (home occupation permit approved in 2013); there are other residential properties to the south across the alley as well.

The petitioner is proposing to transform a large portion of the rear yard into a dog playground, with enough room behind the playground for employees to park. Additionally, the petitioner proposes to construct an 8 ft. privacy fence in the rear yard, as well as a canopy to provide a dry

area for the dogs during inclement weather. The fencing and canopy could provide some mitigation to noise from barking; however, the petitioner has mentioned that music would be played in the outdoor area throughout the day, which could become a nuisance to the use and enjoyment of other properties.

The disposal of animal waste is a concern with these types of uses. Allowing animal waste to be washed into the city's storm systems would be a detriment to the health and safety of the community. Animal waste is considered a pollutant (§969.02) and is prohibited from being discharged into the storm drain system. It is important to understand how the petitioner intends to dispose of animal waste and that this method is acceptable to the Water Quality Board.

The proposed location of the business in such a heavily dense, mixed-use area requires careful examination. In addition to the criteria the Board must consider, staff advises taking into consideration any comments that may come from the property owners in the neighborhood, and, if considering an approval, implement conditions to minimize potential negative impacts to the surrounding properties.

Summary / Findings of Fact

1. John Miller is the petitioner.
2. Dallas Ramsey & Robert Davidson are property owners.
3. The petitioner is requesting a conditional use permit to operate an animal training and boarding facility.
4. The property is zoned C-1 Neighborhood Commercial District.
5. The surrounding area is mixed-use, with many residential properties in the immediate vicinity.

6. The property abuts one single-family home that also operates as a small scale day care facility.
7. The lots are approximately 11,800 sq. ft.

Attachments

Please see attached Aerial, Zoning, and Future Land Use Maps, site plan, and application.



Location of Proposed Animal Boarding and Training Facility

6TH A

ALLEY

40 Feet



**531 & 537 6th Avenue
Conditional Use Permit for an
Animal Boarding and Training Facility
BZA 23-C-09**



Zoning

-  R-5 Multi-family Residential
-  C-1 Neighborhood Commercial
-  C-3 Central Business District
-  I-1 Lt Ind/Comm

Location of Proposed Animal Boarding and Training Facility

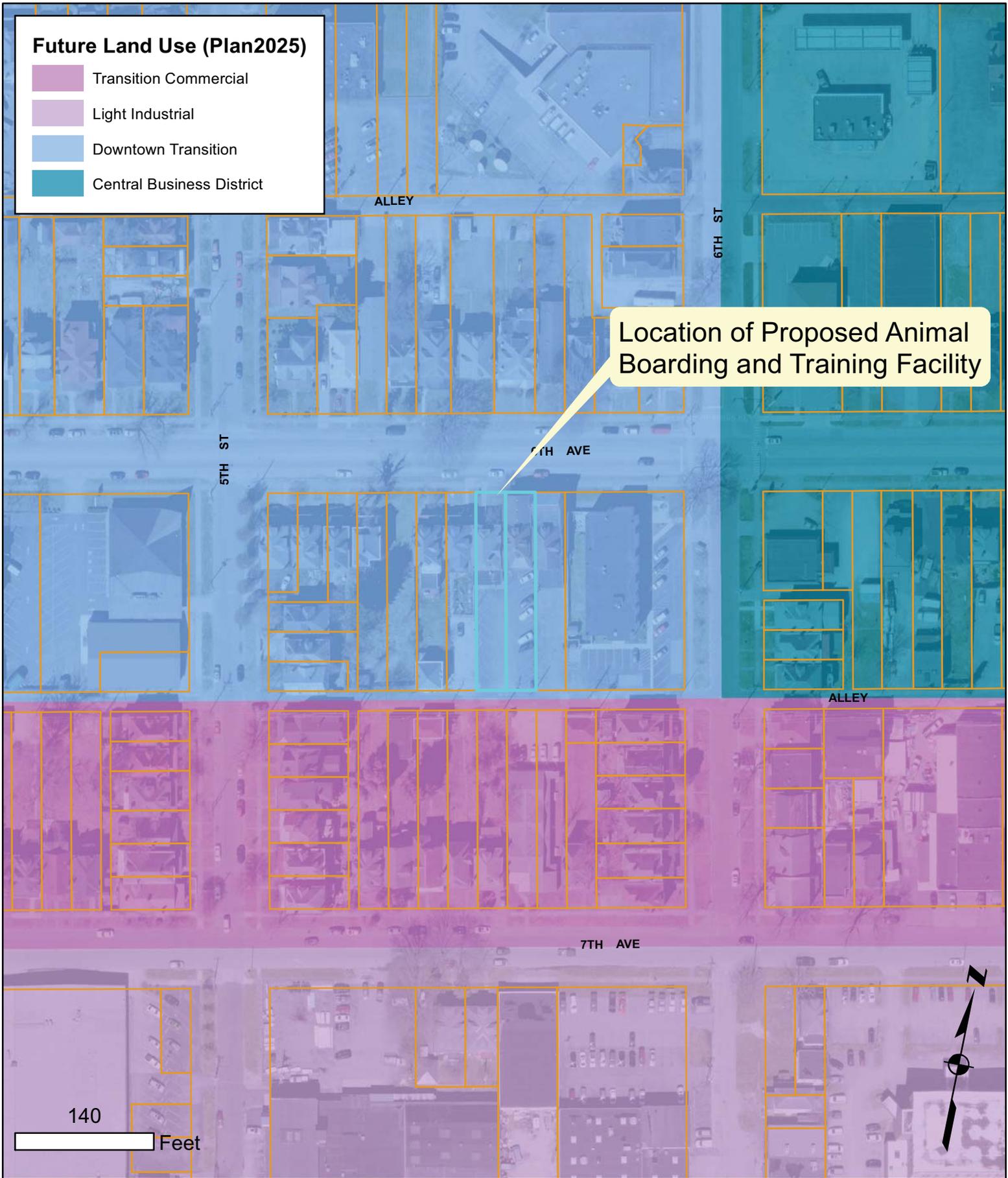
140 Feet

**531 & 537 6th Avenue
Conditional Use Permit for an
Animal Boarding and Training Facility
BZA 23-C-09**



Future Land Use (Plan2025)

-  Transition Commercial
-  Light Industrial
-  Downtown Transition
-  Central Business District



**531 & 537 6th Avenue
Conditional Use Permit for an
Animal Boarding and Training Facility
BZA 23-C-09**





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: John Miller Phone: 304 389 0048
Mailing Address (city, state, zip): 458 Trotters Lane, Charleston WV 25317
Email: jsmiller110@yahoo.com
Property Owner (if applicable): _____ Phone: _____
Mailing Address (city, state, zip): _____

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

537/531 6th Ave

Description

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

(Tails R Us) Pet boarding, daycare, training, groom

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

- Site Plan of Real Estate involved (if applicable): **Drawn to Scale** with scale shown, the direction of North clearly indicated on the drawing, showing all boundary lines and placement of existing and/or proposed structures, and with all dimensions shown (setbacks, buildings, etc).
- Valid State or Federal Photo ID.
- Any and all documentation and evidence to support the request.
- Treasurers Receipt for One Hundred Sixty Dollars (\$160.00) non-refundable filing fee for each Conditional Use sought.

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

Notice of Procedure

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

[Signature]
Signature of Applicant

[Signature]
Signature of Property Owner

2.25.2023
Date

2.27.2023
Date

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

For office use only	
Received:	Project Name:



Application for Conditionally Permitted Use

ATTACHMENT B

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

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

Article 1341.53 B a

Brief description of the requirement:

Willing to discuss any suggestion, but I believe the building is adequately sound proof. outdoor sound will be diverted up + back towards alley
How will the requirement be met:
all animal waste is disposed of immediately, which also removes odor. State will also curtail negative behavior such as barking

Article 1341.53 D

Brief description of the requirement:

outdoor yard will be utilized ~~for~~ ~~the~~ ~~purpose~~ for quick ~~and~~ bathroom purposes only, other than that
How will the requirement be met:
all other outdoor times are acceptable

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:



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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):

- Brings pet service industry to a community in need.
- allows pet owners to focus on things other than pet care.
- Brings jobs, opportunity, + guidance to young adults. ^(Marshall students)

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

- ~~will~~ ^{improve} our service, provided one geared to improve the health (physical + mental) of pets in community
- our protocols ensure safety to both ~~the~~ pets + people.
- and waste is properly disposed of. Promotes proper vaccination

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

- should improve ~~business~~ business to next property, by bringing new clients to their front door.

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

- will make surrounding properties safer.
- will improve the visual assets

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

- Fencing will ~~be~~ ^{allow} allowing unabated access to utilities 24/7.
- current access roads, drainage, + other facilities should be more than adequate + unaffected.

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

- our customers are quick drop off + pick up. requiring seldom more than a minute or 2 to complete their stop. Volume is constant, ~~is~~ averaging 2-3 cars ~~at~~ at any given time. Street parking is more effective + quicker than going through alley for services. Just like daycare

*sidewalk already set up for street access (pic)

business beside me. All employee parking will be at rear of property. ~~is~~ Because there are 2 properties. All my customer parking should be able to be handled directly in front onto my property.

6^N

PL

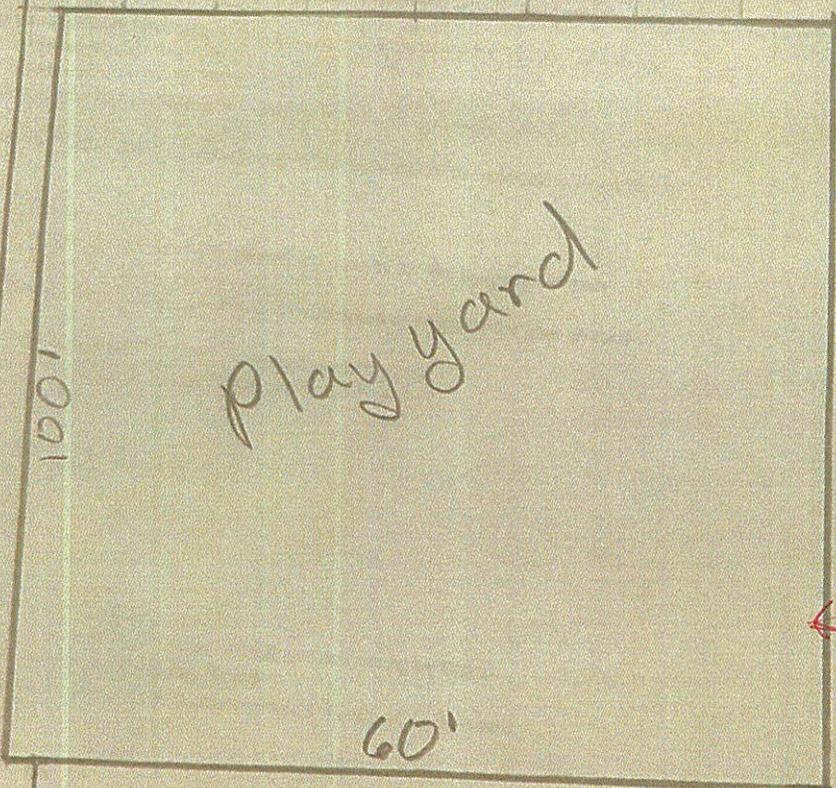
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Employee Parking

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kacatun

double parking for employees
lands hlv



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max employees
on mt

8 ft
paved

S37

S31

6th Ave

CUSTOM DETAIL



537 - 531
6th Ave

MLS # 175155
 Class COMMERCIAL
 Type Office
 Area 05 - Central City
 List Price \$225,000
 Address 537 - 531 6th Ave
 City Huntington
 State WV
 Zip 25701
 Status ACTIVE
 Sale/Rent For Sale
 IDX Include Y



Google Map data ©2023



GENERAL

County	Cabell	Legal Address	2 properties - interior access between buildings
District	7	Map Book	29
Parcel No.	234 and 235.1	Legal Description	BLK 62 PT LT 5 and BLK 62 PT LT 4
Year Built	1906	Year Built Source	Court House Records
Finished SqFt	7448	SqFt Source	Realtor Estimate
Lot Size (FxBxLxR)	60 x 200	Acres Source	Court House Records
Office Space(s) Y/N	Yes	Office Space(s) SqFt	5001-8000
Office Space(s) # Offices	16-20	Office Space(s) #Restroom	4
Office Space(s) #Pkg Spc	16-20	Office Space Sqft Source	Court House Records

FINANCIAL

Directions 6th Ave between 6th St and 5th St on the south side of Avenue.

REMARKS FOR PUBLIC ONLY

Remarks for Public Only Two buildings, one large paved and striped parking lot. Interior and exterior access between buildings. Easily used as one business or multi use. Reception areas, 3 kitchenette areas, 4 half baths, multiple use areas for offices, conference room, lesson area, reception area and plenty of storage space.. 537 6th Ave original building was built in 1880 (court house record), front office space was added. 531 6th Ave was built in 1906 with a rear addition that includes a fire rated block room w /separate entrance and office. Separate meters. Newer roofs on both buildings.

ADDITIONAL PICTURES

