

Minutes
City of Huntington Board of Zoning Appeals
May 16, 2023

A meeting of the City of Huntington Board of Zoning Appeals was held on May 16, 2023 at 5:30 p.m. in the City Hall Council Chambers. *Ms. Proctor* called the meeting to order.

Members Present: Jacqueline Proctor, Dan Earl, Gina Browning, Steven Yates

Members Absent: Sara Loftus

Staff Present: Janney Lockman, City Planner
Bre Shell, Planning Director
Nathaniel Crum, Planning Technician
Ericka Hernandez, Assistant City Attorney

Hearing no corrections or objections, *Ms. Proctor* approved the April Minutes, and all present were in favor.

Hearing no corrections or objections, *Ms. Proctor* approved the Orders, and all present were in favor.

BZA 23-V-11

A petition for a variance to the minimum length and width requirement for factory built structures in an R-2 Single-Family District. The property is located at 4232 Altizer Avenue.

Property Owner/ Petitioner: James Fox, 2687 1st Avenue, Huntington, WV

Ms. Lockman presented the Staff Report.

Mr. Fox was not there to represent the petition; therefore, Ms. Proctor made the suggestion to move the petition to the end of the agenda.

Mr. Earl motioned to move the petition to the end of the agenda, *Mr. Yates* seconded the motion. All were in favor and the petition was moved.

BZA 23-V-13

A petition for a variance to the side yard setback for a tiny home development project in an R-5 Multi-Family District. The property is located at 1842 7th Avenue.

Petitioner: Katelyn Spears, 8 Pyramid Dr. Apt. 805, Huntington, WV

Property Owner: Varsity Huntington II, LLC, 216 11th Ave West, Huntington, WV

Ms. Lockman presented the Staff Report.

Katelyn Spears, 8 Pyramid Drive, is proposing to construct four tiny homes on the designated property. Ms. Spears stated that these homes will provide a good living opportunity and better convenience for students with its' close proximity to campus.

Mr. Earl – The plans show a sidewalk down the middle of the homes, is this still accurate to your plans?

Ms. Spears stated that the sidewalk down the middle of the project is confirmed and will be incorporated in the project.

Mr. Earl – Do you have an idea of what these homes will look like, are they manufactured? How many parking spaces will there be?

Ms. Spears explained that the homes are not going to be manufactured, a contractor has been hired and the homes will be constructed to match the surrounding houses on 7th Avenue. Ms. Spears expressed that she is currently planning for three (3) parking spaces.

Mr. Yates – What was the setback on the previous structure that was there?

Ms. Spears stated that she did not quite know the exact measurements of the old setback but the previous home was close to property lines.

Ms. Proctor – Is the second story going to run the full length of the house?

Ms. Spears, Yes.

Mr. Earl – What is the roof line distance for the proposed buildings?

Ms. Spears stated that they will be lower than the adjacent buildings.

Ms. Proctor – was there any concern with the proposed homes from the Fire Marshal or Chief Building Inspector?

Ms. Lockman explains that the Fire Marshal and Chief Building Inspector do not have anything in their codes that regulate how close buildings can be to one another. However, there was some concern with the proximity to other buildings and to make sure that roof lines are not too close together.

Mr. Earl – Are these concerns something that will be addressed by the Fire Marshal and Chief Building Inspector to ensure they are sufficient?

Ms. Lockman, Yes.

Mr. Yates made a motion to approve BZA 23-V-13. *Mr. Earl* seconded the motion.

Roll Call BZA; Ms. Browning, Yes; Mr. Yates, Yes; Mr. Earl, Yes; Ms. Proctor, Yes.

BZA petition for a variance was **Approved** with a vote of 4 Yes to 0 No.

BZA 23-V-14

A petition for a variance to the minimum parking requirement in an R-5 Multi-Family District. The property is located at 1842 7th Avenue.

Petitioner: Katelyn Spears, 8 Pyramid Dr. Apt. 805, Huntington, WV

Property Owner: Varsity Huntington II, LLC, 216 11th Ave West, Huntington, WV

Ms. Lockman presented the Staff Report.

Katelyn Spears, 8 Pyramid Drive, is proposing to have a 20' x 28' parking area located in the rear of the property for a tiny home development. She stated that the current dimension will allow for three parking spaces. She noted that there is on-street parking available as well as Marshall University student parking close by.

Ms. Browning – With three cars parked in the parking spaces would there be room to install a bike rack?

Ms. Spears explained that there should be enough room next to the parking spaces to place bicycle racks, there will also be room on the porches of each home.

Ms. Browning motions to approve the petition on the condition that a bike rack be installed with a minimum of two bicycle spots, *Mr. Yates* seconded the motion.

Roll Call BZA; Ms. Browning, Yes; Mr. Yates, Yes; Mr. Earl, Yes; Ms. Proctor, Yes.

BZA petition for a variance was **Conditionally Approved** with a vote of 4 Yes to 0 No.

BZA 23-C-15

A petition for a conditional use permit for an auto service and repair shop in a C-1 Neighborhood Commercial District. The property is located at 807 23rd Street.

Property Owner: East End Properties, LLC, Tyrone Phillips, 148 Oney Avenue, Huntington, WV

Petitioner: John Stiltner, 1693 10th Avenue, Huntington, WV

Ms. Lockman presented the Staff Report.

John Stiltner, 807 23rd Street, claimed that the property has had a large amount of the cars that were being stored removed from the property and the remaining cars have been moved into an enclosed lot in the rear of the property. He went on to say that a West Virginia State License has been applied for and is waiting on approval from the Board before moving forward with the Municipal Business License. Mr. Stiltner stated that he is taking over this business and is trying to get everything into compliance.

Mr. Yates – When the business was operating without the proper licensing, was this under a different owner?
Mr. Stiltner, Yes.

Ms. Proctor – Do you completely own this business?
Mr. Stiltner, Yes.

Ms. Proctor – Where you selling cars from this property?
Mr. Stiltner stated that he is not a car salesman, he only sells cars to recover fees from people who did not pay for the work on their car.

Mr. Earl motioned to approve the petition with the condition that all stored vehicles be removed within 30 days of 5/19/2023 and revocation of the conditional use permit if the condition is not complied with or if in the future the business operates in a manner not compliant with Article 1341.11 of the City of Huntington Zoning Ordinance.

Roll Call BZA; Ms. Browning, Yes; Mr. Yates, Yes; Mr. Earl, Yes; Ms. Proctor, Yes.

BZA petition for a variance was **Conditionally Approved** with a vote of 4 Yes to 0 No

BZA 23-C-16

A petition for a conditional use permit for Limited Video Lottery in an I-1 Light Industrial District. The property is located at 440 8th Avenue W.

BZA 23-V-17

A petition for a variance to the distance requirements for a Limited Video Lottery use to a residentially zoned district. The property is located at 440 8th Avenue W.

Property Owner/ Petitioner: Willie's Entertainment, LLC, William Mosser, 218 33rd St. W., Huntington, WV

Ms. Lockman presented the Staff Report.

William Brown, 1907 Washington Ave, stated that the Bar needed to be expanded to allow for more storage capacity and better spacing for customers and staff. Mr. Brown claimed that this expansion presented an opportunity to have room for Limited Video Lottery, which was already being inquired about by potential patrons. He finishes his statement by noting Limited Video Lottery will provide more entertainment for customers and another stream of revenue for their business; and the closest residentially zoned district is located across a railroad track which acts as a buffer.

Ms. Proctor – Since you have come before the Board a few times has anything changed with your proposed security measure?

Mr. Brown explained that nothing has changed from their original plans to ensure safe and secure conditions around the property. He also noted that the alley adjacent to the property will be painted as a no parking area.

Mr. Earl made a comment that this property operated as a bar with limited video lottery prior to Covid, and during the previous meeting the neighbor showed their support for this petition.

Mr. Yates made a motion to approve BZA 23-V-16, *Ms. Browning* seconded the motion.

Roll Call BZA; Ms. Browning, Yes; Mr. Yates, Yes; Mr. Earl, Yes; Ms. Proctor, Yes.

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

Mr. Yates made a motion to approve BZA 23-V-17, *Mr. Earl* seconded the motion.

Roll Call BZA; Ms. Browning, Yes; Mr. Yates, Yes; Mr. Earl, Yes; Ms. Proctor, Yes.

BZA petition for a variance to the distance requirement from a residential district was **Approved** with a vote of 4 Yes to 0 No.

BZA 23-V-11

A petition for a variance to the minimum length and width requirement for factory built structures in an R-2 Single-Family District. The property is located at 232 Altizer Avenue.

Property Owner/ Petitioner: James Fox, 2687 1st Avenue, Huntington, WV

Ms. Lockman re-presented the Staff Report.

Ms. Hernandez stated that since Ms. Proctor was not present at the previous meeting for this petition, she should not vote on the approval or denial; however quorum is still met.

Mr. Earl commented that the neighborhood was going to have a meeting with the petitioner to discuss the proposed development further, but was unsure if the meeting occurred.

Breanna Shell, Planning Director, stated that she attended the neighborhood meeting that was held with Mr. Fox; however, did not feel comfortable speaking for the neighborhood's position on the matter.

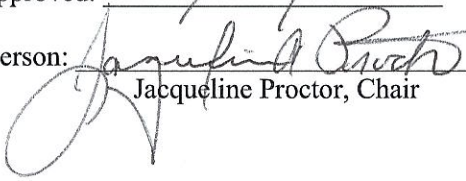
Mr. Earl motioned to move the petition to next month's meeting occurring on June 20, 2023.

Roll Call BZA; Ms. Browning, Yes; Mr. Yates, Yes; Mr. Earl, Yes; Ms. Proctor, Yes.

BZA petition for a variance was moved to next to the June 20, 2023 agenda with a vote of 4 Yes to 0 No.

Ms. Proctor adjourns the meeting at 6:40 p.m.

Date approved: 6/20/23

Chairperson: 
Jacqueline Proctor, Chair

Prepared by: 
Nathaniel Crum, Planning Technician

