



**Agenda**  
Huntington Board of Zoning Appeals  
Tuesday, November 15, 2022 - 5:30pm

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1. Call to Order
2. Roll Call
3. Approval of the November 02, 2022 Minutes
4. Approval of the Orders
  - BZA 22-C-43
  - BZA 22-V-42
  - BZA 22-V-45
  - BZA 22-V-46

5. New Petitions

**BZA 22-C-47**

A petition for a conditional use permit for an off-site parking lot in a C-2 Commercial District. The property is located at 1038 Washington Avenue.

**BZA 22-V-48**

A petition for a variance to the materials requirements for commercial parking lots to use gravel for a parking lot in a C-2 Commercial District. The property is located at 1038 Washington Avenue.

*Petitioner:* Tony Lovejoy Jr., P.O. Box 253 Barboursville, WV

*Property Owner:* James Nelson, 1038 Washington Ave. Huntington, WV

6. Announcements/Discussion
7. Adjournment

**Minutes**  
**City of Huntington Board of Zoning Appeals**  
**November 2, 2022**

A meeting of the City of Huntington Board of Zoning Appeals was held on November 2, 2022 at 5:30 p.m. in the City Hall Council Chambers. *Mr. Dolin* called the meeting to order.

Members Present: C.W. Dolin, Jacqueline Proctor, Sherry Houck

Members Absent: Dan Earl

Staff Present: Breanna Shell, Planning Director  
Janney Lockman, Planner  
Patricia Usher, Zoning Officer  
Nathanial Crum, Planning Technician  
Ericka Hernandez, Assistant City Attorney

Hearing no corrections or objections, *Mr. Dolin* approved the September Minutes.

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

**BZA 22-V-42**

A petition for a variance to exceed the prevailing setback in an R-1 Single Family Residential District. The property is located at 218 Gallaher Street.

*Petitioner/Property Owner:* John Mark Holley, 5412 Parkwood Dr., Raleigh, NC

Ms. Usher Presented the staff report

*Mr. Dolin* requests the petitioner to come forward.

Mr. Holley, 218 Gallaher Street, presented the petition, looking for a setback to have the house setting directly adjacent to the garage.

*Ms. Proctor* – Is there a particular reason why you want it that far back?

Mr. Holley explained that the lot is 264ft deep and having the house that close to the street seems odd to him. The main reason I am looking to have it next to the garage is for aesthetic purposes.

Ms. Proctor – So you will be parking in the back of your home?

Mr. Holley explained that there is a driveway that comes off of Gallaher Street into the garage.

Ms. Proctor – Patricia how much on average is the setbacks in this neighborhood?

Ms. Usher said that most homes had a setback of roughly 20ft.  
Mr. Holley expressed that he saw other homes on Gallaher Street that are setback anywhere from 50-75ft.

Ms. Usher did confirm that a couple of the homes located on this street are setback a little further than 20ft but explained that in the staff report that the immediate vicinity homes are setback mostly to that 20ft mark.

Ms. Proctor – So, that would not be the only structure that far back?

Ms. Usher confirmed that would be correct.

Ms. Houck made a motion to approve BZA 22-V-42; Ms. Proctor seconded the motion.

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

BZA petition for a Variance to exceed the prevailing setback was **APPROVED** with a vote 3 Yes and 0 NO.

### **BZA 22-C-43**

A petition for a conditional use permit for the redevelopment of a closed school in an R-1 Single Family Residential District. The property is located at 68 Holley Avenue.

*Petitioner/Property Owner:* Scott Hutchinson Ent. Inc. 729 9<sup>th</sup> Ave. #97 Huntington, WV

Ms. Lockman presented the staff report

Mr. Dolin requests the petitioner to come forward

Scott Hutchinson, 718 13<sup>th</sup> Ave, presented the petition, he first passed out architectural drawings showing the proposed plans for the redevelopment of the school. He explained that he had purchased the building in 2018 and had previously gained approval from the Board of Zoning Appeals to house the Huntington Prep Basketball team and it was approved. He goes on to say that they had run a successful organization until COVID hit and the program was dissolved and he was left with an empty building that he was using for storage. He continues by explaining that when the Huntington Prep Basketball team was being housed in the building there were strict rules in place and the premises were maintained neatly and consistently. During this time the Fire Marshall and Health Department were involved in inspecting the property and making sure everything was up to code and according to Mr. Hutchinson everything was approved and is still currently in place. He proposes that he wants to put apartments in because he could not sell the property because it is a “hard sell,” and he believes that apartments would be good for the neighborhood. Mr. Hutchinson says that they will be small apartments and he will be very restrictive on who can rent these apartments. He says that due to the building being vacant there is a problem with vandals breaking windows and causing issues. He exclaims that he is just trying to make the neighborhood better, and that there is plenty of parking if needed but most of the tenants would not have cars. Mr. Hutchinson continues by saying most of the people that would be living there would not be families but seniors who need help financially. He then explains that there have been previous attempts from people in Huntington approaching him to buy the building and that they were in the drug rehab business, Mr. Hutchinson made it clear that he did not even consider this because “he would not want this by his house”. Mr. Hutchinson explains that there is HUD housing all over the City of Huntington and just because they are on HUD that does not mean they are bad people but just need help financially. He closes his opening statement by describing himself as a family man who would not allow bad people to move into the neighborhood.

*Ms. Proctor* – Is your target resident seniors?

Mr. Hutchinson – that is what I prefer but we do not always get seniors and I would not only limit it to seniors but most of the housing that I have been affiliated with is senior housing.

*Ms. Proctor* – What else goes into your target for residents?

Mr. Hutchinson – I receive calls and applications, I then check the references and make calls to do my research. I do not want to put someone who is not a good person into a nice community and I would not want to deal with that person myself. I would do my work to make sure that I get good tenants into the building.

*Ms. Proctor* – Aside from the housing authority have you made contact with Federal level individuals in HUD?

Mr. Hutchinson – Yes, we did an extensive study with a group called Urban Design Adventure that showed a huge need for HUD housing and section 8 housing in the City.

*Ms. Proctor* – So did you do the study or was it done federally?

Mr. Hutchinson – I paid someone to do the study.

*Ms. Proctor* – So you have that documented somewhere?

Mr. Hutchinson – Yes

*Ms. Proctor* – So, your target tenant would be a senior, a low income individual, and possible a younger person who has financial needs being taken care of by the feds?

Mr. Hutchinson – well it could be a working person, it can be anybody as long as they are good people. I'm not going to rent it to bad people.

*Ms. Proctor* – So are you saying that you are personally going to review every application for an apartment at this location.

Mr. Hutchinson – Absolutely I will. I am a small company and very involved in my business.

*Ms. Houck* – In your application process how do you determine what their income is?

Mr. Hutchinson – We research it, on the application there is also a section for them say if they are on Section 8, we also work really closely with the Huntington Housing Authority to let us know that information.

*Mr. Dolin* – Tell me about the parking situation at the old school.

Mr. Hutchinson – We have a vacant lot that is behind the church, there is roughly 60 blacktop spots there.

*Ms. Proctor* – That is property that you own?

Mr. Hutchinson – Yes

*Ms. Proctor* – Since you have had the property vacant for a few years, what have you done to maintain the property? Because, when you were approved several years ago for the basketball school one of the conditions was to maintain a proper look and to ensure there was lighting...etc.

Mr. Hutchinson – We do our best to keep the grass mowed and maintained weekly, we pick paper up, I normally go into the building everyday but at least try and go in three times a week to make sure nothing has been damaged or vandalized. There is some roof damage but when we start construction that will be repaired, there is also a building located in the back of the school that is currently used as storage but I plan on having that tore down. Overall I am in the property quite a bit.

*Ms. Proctor* – Please make clear for me in the document that you gave to us showing the plans for the apartments, dormitory rooms are one thing and apartments are another. So, do plan to gut the entire building? Because originally there was a kitchen, nursing, station, and the rooms that were just meant to sleep in.

Mr. Hutchinson – Yes, we plan on doing an extensive amount of construction on the building. Each room will have a kitchen, bathroom, HVAC unit, and each unit will have its' own meter. These will be small apartments, each of them will stand on its' own with their own utilities.

Ms. Houck – When you describe these apartments it gives me the feeling of temporary or transitional housing, you are saying that it won't be families and it is just going to be individuals.

Mr. Hutchinson – Yes, it is just going to be individuals. My goal as the landlord is to have beginning families or seniors that live there, I do not want big families. The units are small and would not support a big family. I have other units that have tenants that have been there for almost 10 years and others that have had the tenants get back onto their feet and leave. We are not only renting to section 8 or HUD housing, we are renting to people that are working people too. I am glad to say that I have other apartments that have not had problems with and I believe that is because I am particular on who I put in there and I will be the same way here.

*Ms. Proctor* – What kind of security measures do you plan on implementing once the units are complete and functional? How do you plan on protecting the residents?

Mr. Hutchinson – Well I do have a small team that works in my office that does nothing but take care of my units. We have a security system inside the building right now, we have cameras around the exterior of the building and inside of the hallways. I plan on putting an entry code pad on the main door to get in. We are going to make our security really tight, so that the front door will have a code to get in and each apartment unit will be secured with the tenant having the key to get in. Also, each resident would be assigned to a parking spot.

*Ms. Houck* – What is the average square footage for each of the units?

Mr. Hutchinson – Between six and nine hundred square feet but the majority will be around six or seven hundred.

*Ms. Proctor* – So most of these units will be rented to single or no more than two people given the size. If everything is completed what is the total number of units that will be located here?

Mr. Hutchinson – Yes, and approximately 18 finished units

*Ms. Proctor* – I thought that was the first stage and then there were going to be more?

Mr. Hutchinson – No, the first phase is going to be eight units.

*Ms. Proctor* – So 36 people will be potentially be living on the property

Mr. Hutchinson – Yes, or maybe even less.

*Mr. Dolin* – Is there anyone who would like to speak in opposition to the petition?

Multiple people stepped forward to voice their concerns.

Sue Dostal, 814 N. Norwood Rd, spoke in opposition of the petition. After the Basketball academy closed the building was left to be dilapidated, grass not being maintained, the windows were not replaced. The playground was removed and debris was left behind. Lighting and outdoor maintenance was not kept up to the promises that were previously made during original BZA meeting for the basketball academy. Increased traffic flow at unknown hours. North Norwood already a congested roadway. Infrastructure already stressed and cannot handle this many more people. Utilities cannot handle 18 more housing appliances.

Mark Brown, 3132 Brereton CT, spoke in opposition. Exclaimed that the previous statement about the basketball closing because of COVID was not true since it closed in 2019. Dilapidated building and property does not maintain character of the neighborhood. Property in worse condition now than when it was purchased in 2018. Mr. Hutchinson had promise the playground to the community but it has now been removed. No new windows or landscaping. Building is not well lit and not maintained at all.

Pam DeMoss, 3146 Saltwell RD, spoke in opposition of the petition. Said we could use empty parking lot, however when we tried they called us and said that we were not allowed to use it.

Deborah Holland, 825 N. Northwood RD, spoke in opposition of the petition. This will increase traffic, the amount of people in the neighborhood will increase, increase of noise, crowding, and impact on utilities. This will not benefit the current residents in the neighborhood.

Jack Daniels, 1730 Valley RD, spoke in opposition of the petition. This project will have a very negative impact on the neighborhood such as traffic congestion, noise, storm water runoff, ongoing site maintenance. Wants to see the school turned into a community building.

Jason Roach, 3125 Brereton CT, spoke in opposition of the petition. Not opposed to more affordable housing in Huntington. Opposed because of the previous experience with the owner of this property. Not seen a benefit to the community with the previous project.

Dale Meadows, 1715 Woodward Terrace, spoke in opposition of the petition. Landscaping and maintenance on building had not been kept up in the years following the 2018 BZA meeting. Debris has piled up all around property. Playground was torn out after saying it would not be. Fire marshal shut down previous project when moving in Huntington Prep due to code violations. Code enforcement had to be called multiple times to enforce the code on this property.

Robyn Avery, 3136 Brereton CT, spoke in opposition of the petition. Safety concerns for neighborhood and children.

Toni Ferry, 4 Romar CT, spoke in opposition of the petition.

Karl Epps, 3130 Brereton CT, spoke in opposition of the petition. Did not maintain property during the last four years.

Randy Clark, 811 N. Northwood RD, spoke in opposition of the petition. Dilapidation of the building. Multiple dump truck loads of building material being dumped on the property.

Linda Avery, 3136 Brereton CT, spoke in opposition of the petition.

Nicole McCarty, 109 Gilbert St, spoke in opposition of the petition.

Robert Shuff, 3154 Brereton CT, spoke in opposition of the petition. Project will effect neighborhood in a negative way. Afraid that fire safety will be disregarded since it was apparently done so in the past.

James Thompson, 3127 Brereton CT, spoke in opposition of the petition.

Gary Sawyers Jr., 3312 Norwood RD, spoke in opposition of the petition. I went to school at Geneva Kent, my family has grown up playing on the playground at Geneva Kent, and I played on the first big toy at Geneva Kent. Now the playground is all gone and my kids can no longer go to Geneva Kent.

Noah Beter, 828 N. Norwood RD, spoke in opposition of the petition. Does not believe that security measures would be adequate to keep people safe.

Nicholas Lester, 107 Gilbert Street, spoke in opposition of the petition. Large amounts of dirt piled in the rear of property, broken bricks and debris that causes harm to vehicles. Increased traffic will cause a lot of trouble for current residents. 18 new apartments will be terrible for the water and sewage systems.

Megan Shoub, 3125 Brereton CT, spoke in opposition of the petition. Worried that infrastructure would not hold up with the increased amount of new residents. Has concerns that the building would not be built to adequately house residents.

George Sergent, 3126 Brereton CT, spoke in opposition of the petition. Came before the board 4 years ago and was given conditions to follow for the variance, and he did not do what he was supposed to do, so why give him another chance?

Jill Griffiths, 2 Romar CT, spoke in opposition of the petition. Lack of maintenance on the property.

Sandy Blank, 3129 Brereton CT, spoke in opposition of the petition.

Dorothy Barbour, 3146, Brereton CT, spoke in opposition of the petition. Property is a mess.

Mary Lynne Thacker, 1724 Arlington BLVD, spoke in opposition of the petition. If more housing is added I am afraid that the flooding would destroy my property even more. More housing will not fit into the infrastructure and the area around my property will have even more flooding.

Brandon Byrd, 3134 Brereton CT, spoke in opposition of the petition. Have known Scott for a long time and he is a great guy but he has a mess of a property. Should consider donating land back to the neighborhood, he had beat the church out in an auction.

Diann Clark, 811 N. Norwood RD, spoke in opposition of the petition. Dumping ground for other projects various materials and trash all around property.

Betty Eisenhart, 823 N. Norwood RD, spoke in opposition of the petition. This project will increase the noise levels in the neighborhood as well as increase the flow of traffic through the area.

Zach Blank, 19 James Drive, spoke in opposition of the petition. Why is this happening in two phases, what will happen to tenants already there when the second phase of construction occurs?

Lucretia Burrows, 3131 Brereton CT, spoke in opposition of the petition. While property was under the ownership of the Board of Education the area was clean and we could still use the facilities located around the property, now it is nothing but a "trash heap"

Larry and Nicole Gue, 818 N. Norwood RD, spoke in opposition of the petition. Property is the worse it has ever been in 50 years.

Robyn Watts, 810 N. Norwood RD, spoke in opposition of the petition. Quoted section 1341.51 from the City of Huntington's Zoning Ordinance, MR. Hutchinson has allowed the property to be abandoned and dilapidated and should not be granted a conditional use permit.

Kim Bowen, 10 Elwood Ave, spoke in opposition of the petition.

Deborah Wetherholt, 872 Norway Ave, spoke in opposition of the petition.

Grace Scarberry, 882 Norway Ave, spoke in opposition of the petition.

*Mr. Dolin* closes public comment.

*Ms. Proctor* – When it comes to public discussion your reaction should not be considered relevant to our discussion, you have had your opportunity and that is great but we are in a situation where we need to make decision about someone who wants something and many people who do not want something. So, it would be appreciated if you would not necessarily hoorah and clap or whatever, we are trying to discuss in an appropriate manner to make a sound decision, thank you.

*Ms. Proctor* – I am disappointed that some of the conditions by which we allowed him the first variance did not come true. So, this makes me cautious about what we are going to decide here tonight.

*Ms. Proctor* – What are you anticipating on doing to get the property ready to even do an architectural redo of the property?

*Mr. Hutchinson* – Once I had bought the property there was some concern over the playground, within a few weeks of owning the property someone was injured. My insurance company advised me to remove the playground or they would not be insured. It was a similar instance with the church wanting to use the parking lot, our insurance said to not do that. Due to concerns of someone getting injured on the property and them getting sued. The dirt piles were from another project that was being worked on and the reason why it is stock piled on this property is because we were hoping to have already started construction on the site. People are using the property as a dumping ground that is why we need tenants so that vandals would be deterred. All the windows in the building are new except were the old school office was. We do plan to place new windows in if we are allowed to start the construction on the building.

*Ms. Proctor* made a motion to approve BZA 22-C-43; *Ms. Houck* seconded the motion.

Roll Call BZA; *Ms. Houck*, No; *Ms. Proctor*, No; *Mr. Dolin*, No.

BZA Petition for a Conditional use permit for the redevelopment of a closed school was **DENIED** with a vote of 0 Yes to 3 No.

#### **BZA 22-V-44**

A petition for a variance to the materials requirements for commercial parking lots to use gravel for a parking area for a park in an R-5 District. The property is located at 800 Madison Avenue.

*Petitioner/Property Owner*: United Way of the River Cities, Inc. 820 Madison Ave. Huntington, WV

BZA 22-V-43 has been withdrawn.

*Ms. Houck* motions to remove the petition from the agenda; *Ms. Proctor* seconded the motion.

Roll Call BZA; *Ms. Houck*, Yes; *Mr. Dolin*, Yes; *Ms. Proctor*, Yes.

BZA 22-V-43 for a variance to the material requirements for a commercial parking lot was **REMOVED** with a vote of 3 Yes to 0 No.

**BZA 22-V-45**

A petition for a variance to expand a non-conforming light warehousing use in a C-1 Neighborhood Commercial District. The property is located at 1707, 1713, and 1717 12<sup>th</sup> Ave.

**BZA 22-V-46**

A petition for a variance to use a prohibited material on the ground floor façade in a C-1 Neighborhood Commercial District to construct a metal building. The property is located at 1713 12<sup>th</sup> Ave.

*Petitioner/Property Owner:* Cabell Huntington Hospital, 1340 Hal Greer Blvd. Huntington, WV

Ms. Lockman presented the staff report

*Mr. Dolin* requests the petitioner to come forward.

Kenneth Jackson, 2324 White Rd., Using two COVID drive through buildings, the initial intent was to take down the buildings and sell them. However, they were purchased with federal fund through FEMA during COVID, so it was decided to keep them and not sell them because we were not sure what the implications would be. The contractor jumped the gun and did not pull a permit, we did pour a concrete pad and started to put up the structure. We then stopped and started working with the City, we feel that this does not have a negative impact on that area, it's on property that we already own that has a metal warehouse on it. The hospital is willing to do any landscaping that is necessary to clean up the area. The problem with the buildings is that they are more like giant car ports with tubular construction and metal siding, we do not know that if we put any other siding on if the structure would be able to support it. The purpose of the buildings is for one of them to be a maintenance building, where we will store our equipment such as lawnmowers, snow blowers, and plows. The other building will be used as a store room for non-medical supplies and extra storage for the hospital.

Ms. Proctor – Have you sought out through the planners what material could be suitable that would maintain structural integrity and still comply with zoning code?

Mr. Jackson – we do not think that if we put plywood and siding on the side that it would necessarily look very good and we do not think that it would be able to hold that. If we do need to go down that avenue we will get our architect to take a look at it and see what other façade we can put on the structure, we are willing to do whatever we need to do to make it fit into the neighborhood.

*Ms. Proctor* – Janney are the pictures included in the packet what you are recommending to be used as façade materials?

Ms. Lockman – That is the section of the zoning ordinance for the C-1 District that is showing permitted façade material options. I would refrain from saying use a certain material over another because I am not a structural engineer but these are examples showing what is prohibited and what would be allowed.

*Ms. Houck* – Did the Board approve the other large metal building located on the property?

Ms. Lockman – That may have been installed before this new ordinance had been put into effect.

Ms. Hernandez – That did come before the Board but it was before the ordinance had changed.

*Mr. Dolin* – How many people will be going in and out of these structures throughout the day.

Mr. Jackson – Not very many, probably on a weekly basis about three or four times. During the winter time we will most likely be going out there more, since our equipment would be stored there.

*Ms. Houck* – In terms of landscaping do you have any sort of plan for that?

Mr. Jackson – We will reseed the area, we also thought about putting in higher hedges to enclose in the property. I have also thought about putting in fencing but not sure on that yet, but we are willing to do whatever we need to do.

Josh Dygert, 3626 Piedmont Rd, The structures are premanufactured and have their limitations, so any additions in terms of siding would be very light-gauge metal siding. These buildings would be able to improve site organization and some landscaping would go a long way.

*Ms. Proctor* – Making the site look more attractive would go a long way in making the area look a lot more appealing to people looking from the outside. As the hospital continues to expand we want to make sure that it does not slowly begin to look like an industrial park.

*Mr. Dolin* – I believe that any motion made should include a stipulation that the project meets any landscape requirements set forth by the Planning office.

Ms. Hernandez – To be enforceable that would require some very direct guidance.

Ms. Lockman - In the past this Board has made an approval conditional on a landscaping plan that we approve. I would be more than happy to meet with the hospital to formulate landscaping plans, but my main concern is that I am not sure if there is a Certificate of Occupancy for a building being used for primarily storage so I do not think that there would be any checkpoints to see if the landscaping is being done.

Ms. Lockman – would they need to get a CO?

Ms. Hernandez – Yes, in this case since it is a commercial building and different inspectors would need to be involved I do not see any way around the CO. I believe that they would need to get one so that would give Planning and Zoning a chance to finalize the use/plans.

*Ms. Proctor* made a motion to approve BZA 22-V-45; *Ms. Houck* seconded the motion.

Roll Call BZA; Ms. Proctor, Yes; Ms. Houck, Yes; Mr. Dolin, Yes.

BZA petition for Variance to expand a non-conforming light warehouse use in a C-1 district was **APPROVED** with a vote of 3 Yes to 0 No.

*Ms. Proctor* made a motion to approve BZA 22-V- 46; *Ms. Houck* seconded the motion.

Roll Call BZA; Ms. Houck, Yes; Ms. Proctor, Yes; Mr. Dolin, Yes.

BZA Petition for a Variance to use a prohibited material on the ground floor façade was **CONDITIONALLY APPROVED**, with the condition that the petitioner create landscaping and other improvement plans that the Planning and Zoning staff must review; with a vote of 3 Yes to 0 No.

Mr. Dolin adjourns the meeting at 7:40 p.m.

Date approved: \_\_\_\_\_

Chairperson: \_\_\_\_\_ Prepared by: \_\_\_\_\_  
C.W. Dolin, Chair Nathaniel Crum, Planning Technician

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

**BZA 22-V-42**

*Petitioner/Property Owner:* John Mark Holley, 5412 Parkwood Drive. Raleigh, NC

Subject Property: 218 Gallaher Street

A petition for a variance to exceed the prevailing setback in an R-1 Single Family Residential District. The property is located at 218 Gallaher Street.

Individual Speaking on Behalf of Petition: John Mark Holley

Other Interested Parties: None

**ORDER**

On November 2, 2022, Mr. Holley appeared before the City of Huntington Board of Zoning Appeals to provide testimony related to BZA 22-V-42. Other citizens were permitted to voice their positions as well, per the practice of this Board.

**FINDINGS OF FACT**

After reviewing all evidence at the November 2, 2022 meeting and hearing testimony from Mr. Holley, the Board finds as follows:

1. John Mark Holley is the petitioner and the property owner.
2. The property is zoned R-1 Single-Family Residential District.
3. The Petitioner seeks to build a new house on a parcel that has an existing garage.
4. The Petitioner stated that he was forced to keep the garage, so he is trying to work with it as it stands.
5. The petitioner is requesting that the new house exceed the prevailing front yard setback.
6. The proposed setback would be 55 feet and put the front door closer to the existing garage.
7. The prevailing setback for the immediate area is approximately 20 feet; however, other houses on Gallaher Street have setbacks roughly 50-75 feet.
8. The lot is approximately 23,000 sf.

**STANDARD OF REVIEW**

When hearing a **Variance**, the Board must consider:

1. The requested Variance will not adversely affect the public health, safety, or welfare, or the rights of the adjacent property owners or residents;
2. That the Variance arises from special conditions or attributes which pertain to the property for which a Variance is sought. Such special conditions may not be created by the person seeking the Variance;
3. That the Variance would eliminate an unnecessary hardship and permit a reasonable use of the land; and
4. That the Variance will allow the intent of the Zoning Ordinance to be observed and substantial justice done.

**CONCLUSIONS OF LAW**

City of Huntington Ordinance 1321.02 indicated that the required front yard setback is determined by the prevailing setback, which is defined in 1315.06.B “as the mean front yard line of all principle buildings along a block face.” In this particular block most homes had a prevailing set back of about 20ft, although it was noted that there are other homes on this street with a larger setback. The Board is satisfied by the evidence presented that neither the rights of the adjacent property owners nor the public health will be impacted negatively by extending the setback. Petitioner did not choose the location of the garage, which was pre-existing, and is forced to work with an established situation. To allow the variance would permit a reasonable use of the land and substantial justice would be done by permitting this variance. Therefore, the approval of the variance is appropriate.

**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 22-V-42 for a **Variance**.

ENTERED

\_\_\_\_\_

Date

Chairperson: \_\_\_\_\_ Prepared by: \_\_\_\_\_  
C.W. Dolin, Chair Nathaniel Crum, Planning Technician

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

**BZA 22-C-43**

*Petitioner/Property Owner:* Scott Hutchinson Ent. Inc. 729 9<sup>th</sup> Ave. #97 Huntington, WV

Subject Property: 68 Holley Avenue

A petition for a conditional use permit for the redevelopment of a closed school in an R-1 Single Family Residential District. The property is located at 68 Holley Avenue.

Individual Speaking on Behalf of Petition: Scott Hutchinson

Other Interested Parties:

Sue Dostal  
Noah Beter  
Toni Ferry  
Kim Bowen  
Mark Brown  
Karl Epps  
Robyn Avery  
Gary Sawyers Jr.  
Sandy Blank  
Zach Blank  
Jill Griffiths  
Mary Lynne Thacker  
Betty Eisenhart  
Robyn Watts  
Linda Avery  
Jack Daniels  
George Sergeant  
Diann & Randy Clark  
Jason Roach  
Megan Shoub  
Pam DeMoss  
James B Thompson  
Dorothy Barbour  
Deborah Holland  
Nicole McCarty  
Robert Shuff  
Nicholas Lester  
Brandon Byrd  
Lucretia Burrows  
Deborah Wetherholt  
Grace Scarberry

## ORDER

On November 2, 2022, Mr. Hutchison appeared before the City of Huntington Board of Zoning Appeals to provide testimony related to BZA 22-C-43. Other citizens were permitted to voice their positions as well, per the practice of this Board.

### FINDINGS OF FACT

After reviewing all evidence at the November 02, 2022 meeting and hearing testimony from Mr. Hutchison, the Board finds as follows:

Scott Hutchison is the petitioner and property owner.

1. Scott Hutchison is the petitioner and principal of Scott Hutchison Enterprises, Inc., the property owner.
2. The property is zoned R-1 Single-Family Residential District.
3. The petitioner seeks to redevelop the former Geneva Kent school into multi-family dwelling units.
4. The petitioner is proposing a total of 18 units on the premises: one one-bedroom unit, and 17 two-bedroom units.
5. The proposed development would require 27 parking spaces, which can be accommodated on an adjacent lot owned by the petitioner.
6. In addition to the parking lot to the rear of the school building, this property has an approximately 14,000 sf. lot that could be used for parking across the street to accommodate any overflow.
7. The petitioner appeared before the Board of Zoning Appeals in 2018 regarding this property.
8. At that time his intent was to house students from Huntington Prep.
9. At the 2018 hearing, the petitioner testified that security cameras and new windows would be installed and landscaping would be included.
10. The petitioner did install new windows but no landscaping was done.
11. After the Huntington Prep project failed, the petitioner let the property fall into disrepair, the grass was not maintained, and debris accumulated.
12. The petitioner also dumped dirt from another one of his projects on this property.
13. The Property has been plagued by vandals who, among other things, have broken the windows and trespassers dumping construction debris.
14. The lot is approximately 57,000 sf. And the parking lot is approximately 14,000 sf. Totaling approximately 71,000 sf. for the development.

### 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.

Section 1341.51 of City of Huntington Ordinance details additional standards that must be met when considering the redevelopment of a closed school. Specifically, it requires this Board to consider the following

1. The redevelopment serves the community or is imperceptible to the residential properties nearby;
2. The new development must preserve the historic character of the structure and maintain the development standards to be in line with the residential district character;
3. No negative noise and/or traffic may be created due to the reuse of the commercial structure;
4. A redevelopment of a community or public use may be extended throughout a building provided the size of the structure is not increased;
5. Signage: Minimal or unobtrusive to the residential character and scaled for the pedestrian; an
6. Parking: Reasonable accommodations to the required parking standards in article 1343 may be requested during the public hearing process based on the following:
  - a. Alternative transportation accommodations be improved such as sidewalk repair or bicycle parking.
  - b. Shared parking on nearby lots at complimentary times,
  - c. Special considerations regarding uses.

### CONCLUSIONS OF LAW

City of Huntington Ordinance 1320, requires a Conditional Use Permit for the redevelopment of a closed school, public building, community center, or church located in a residentially zoned area. The redevelopment of school, since most are in residential neighborhoods, get extra scrutiny, the standard for which has been laid out above.

The Board had the benefit in this matter of being able to review how well Petitioner followed through with its instructions from four years ago. Unfortunately, we have been disappointed. Our record includes a plethora of photographs that show the lack of maintenance at the site. Because of this, we are not confident that the proposed project will not injure the public health, safety, or general welfare or interfere with the use and enjoyment of the neighboring properties. Therefore, the Conditional Use Permit must be denied.

### DECISION

**WHEREFORE**, based upon the findings of fact from the full testimony heard at the hearing and all other documentary evidence presented, the Board **DENIES** petition BZA 22-C-43 for a **CONDITIONAL USE PERMIT** for the redevelopment of a closed school. The redevelopment of school, since most are in residential neighborhoods, get extra scrutiny, the standard for which has been laid out above

ENTERED

\_\_\_\_\_ Date

Chairperson: \_\_\_\_\_ Prepared by: \_\_\_\_\_  
C.W. Dolin, Chair Nathanial Crum, Planning Technician

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

**BZA 22-V-45**

*Petitioner/Property Owner:* Cabell Huntington Hospital, 1340 Hal Greer Blvd. Huntington, WV

Subject Property: 1707, 1713, and 1717 12<sup>th</sup> Avenue

A petition for a variance to expand a non-conforming light warehousing use in a C-1 Neighborhood Commercial District.

Individual Speaking on Behalf of Petition: Kenneth Jackson

Other Interested Parties: Josh Dygert

**ORDER**

On November 02, 2022, Mr. Jackson appeared before the City of Huntington Board of Zoning Appeals to provide testimony related to BZA 22-V-45. Other citizens were permitted to voice their positions as well, per the practice of this Board, and one individual provided testimony.

**FINDINGS OF FACT**

After reviewing all evidence at the September 20, 2022 meeting and hearing testimony from Mr. Jackson, the Board finds as follows:

1. Cabell Huntington Hospital is the petitioner and the property owner.
2. The property is zoned C-1 Neighborhood Commercial District.
3. The petitioner is requesting to expand a nonconforming use.
4. The Proposed structures were purchased with federal funds for use for the COVID drive through testing centers.
5. Since the building was purchased with federal funds, the petitioner is concerned that it may be unlawful to sell the buildings and, therefore, wants to find a useful purpose for the structures now that they are no longer being used for COVID testing.
6. The subject parcel has a metal warehouse on it already and is the nonconforming use the petitioner is wanting to expand.
7. The proposed buildings are or tubular construction with metal siding.
8. The petitioner intends to use one of the buildings for grounds-maintenance equipment storage and the other for storage of non-medical supplies.
9. The petitioner testified that its employees would only enter the buildings a few times each week.
10. The lot is approximately 19,500 sf.

**STANDARD OF REVIEW**

When hearing a **Variance**, the Board must consider:

1. The requested Variance will not adversely affect the public health, safety, or welfare, or the rights of the adjacent property owners or residents;

2. That the Variance arises from special conditions or attributes which pertain to the property for which a Variance is sought. Such special conditions may not be created by the person seeking the Variance;
3. That the Variance would eliminate an unnecessary hardship and permit a reasonable use of the land; and
4. That the Variance will allow the intent of the Zoning Ordinance to be observed and substantial justice done.

### CONCLUSIONS OF LAW

City of Huntington Ordinance 1355.(A) states that “A nonconforming use may be extended throughout a building provided the size of the structure is not increased.” A special condition arises with the petitioner having two large structures that are in still good condition with no apparent method of disposal that would not cause the chance of running afoul of federal law. This proposal is unlikely to adversely affect the public health, safety, or welfare of the neighborhood since there should be little activity at the location. The expansion of light-warehousing would permit a reasonable use of the land and allow the intent of the Zoning Ordinance to be observed and substantial justice done. Therefore, the approval of the variance is appropriate.

### 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 22-V-45 for a **Variance**. Any changes that deviate from what has been approved and does not meet the zoning regulation must come back before the BZA for approval.

ENTERED

\_\_\_\_\_  
Date

Chairperson: \_\_\_\_\_ Prepared by: \_\_\_\_\_  
C.W. Dolin, Chair Nathanial Crum, Planning Technician

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

**BZA 22-V-45**

*Petitioner/Property Owner:* Cabell Huntington Hospital, 1340 Hal Greer Blvd. Huntington, WV

Subject Property: 1713 12<sup>th</sup> Avenue

A petition for a variance to use a prohibited material on the ground floor façade in a C-1 Neighborhood Commercial District to construct a metal building. The property is located at 1713 12<sup>th</sup> Ave.

Individual Speaking on Behalf of Petition: Kenneth Jackson

Other Interested Parties: Josh Dygert

**ORDER**

On November 02, 2022, Mr. Jackson appeared before the City of Huntington Board of Zoning Appeals to provide testimony related to BZA 22-V-45. Other citizens were permitted to voice their positions as well, per the practice of this Board.

**FINDINGS OF FACT**

After reviewing all evidence at the November 02, 2022 meeting and hearing testimony from Mr. Jackson, the Board finds as follows:

1. Cabell Huntington Hospital is the petitioner and the property owner.
2. The property is zoned C-1 Neighborhood Commercial District.
3. The property is adjacent to residential districts to the east.
4. The petitioner has structures that were purchased with federal funds for use for the COVID drive through testing.
5. Since the building was purchased with federal funds, the petitioner is concerned that it may be unlawful to sell the buildings and, therefore, wants to find a useful purpose for the structures now that they are no longer being used for COVID testing.
6. In reusing the buildings the petitioner proposing to use prohibited material for the first floor façade.
7. The subject parcel has a metal warehouse on it already.
8. The proposed buildings are of tubular construction with metal siding.
9. The proposed building is premanufactured and has limitations as to the weight it could bear.
10. Lawful façade coverings would be too heavy for the frame of the proposed structure.
11. The lot is approximately 19,500 sf.

**STANDARD OF REVIEW**

When hearing a **Variance**, the Board must consider:

1. The requested Variance will not adversely affect the public health, safety, or welfare, or the rights of the adjacent property owners or residents;
2. That the Variance arises from special conditions or attributes which pertain to the property for which a Variance is sought. Such special conditions may not be created by the person seeking the Variance;

3. That the Variance would eliminate an unnecessary hardship and permit a reasonable use of the land; and
4. That the Variance will allow the intent of the Zoning Ordinance to be observed and substantial justice done.

**CONCLUSIONS OF LAW**

City of Huntington Ordinance 1327.03(E)(3)(iii), states that “metal sheeting is prohibited as a ground floor façade material in the C-1 District.” The special conditions for petitioner is having two large structures that are still in good shape with no apparent method of disposal that would not cause the chance of running afoul of federal law, which are not strong enough to bear the weight of facades acceptable to the district. Permitting the proposed structure with their metal façades would eliminate an unnecessary hardship of finding a lawful disposition of the buildings.

The Board is concerned that allowing these structures to use this metal material on the façade so close to residential housing without any sort of buffer could negatively impact the surrounding area by making it look more like an industrial park. Therefore, we propose a condition that the petitioner work closely with the Planning Office to formulate an acceptable landscaping plan to create a buffer between this area and the surrounding neighborhood. We believe this condition will minimize any adverse effect on the public health, safety, or welfare, of the rights of the adjacent property owners or residents. We believe our conditioned approval will meet the intent of the Zoning Ordinance and allow substantial justice to be done.

**DECISION**

**WHEREFORE**, based upon the findings of fact from the full testimony heard at the hearing and all other documentary evidence presented, the Board **Conditionally APPROVES** petition BZA 22-V-46 for a **Variance**. Any changes that deviate from what has been approved and does not meet the zoning regulation must come back before the BZA for approval.

ENTERED

\_\_\_\_\_   
Date

Chairperson: \_\_\_\_\_ Prepared by: \_\_\_\_\_   
C.W. Dolin, Chair Nathanial Crum, Planning Technician

**Staff Report:** A petition for a conditional use permit for an off-site parking lot and a variance to allow a commercial gravel parking lot.

**Legal Ad**

**BZA 22-C-47 & 22-V-48**

A petition for a conditional use to allow for an off-site parking lot in a C-2 Highway Commercial District.

A petition for a variance to the materials requirements for commercial parking lots to allow for a gravel parking lot in a C-2 Highway Commercial District.

The property is located at 1302 Washington Avenue.

*Petitioner:* Tony Lovejoy Jr., P.O. Box 253, Barboursville, WV

*Property Owner:* James Nelson, 1038 Washington Ave. Huntington, WV

**Introduction**

The petitioner is requesting a conditional use permit for an off-site parking lot at 1038 Washington Ave and a variance to allow for the commercial off-site parking lot to be gravel instead of paved. The property is zoned C-2 Highway Commercial District.

**Existing Conditions / Background**

Recently, the DOH conducted a project in West Huntington to replace damaged curbs. One of the contracting companies used the 1038 Washington Ave. lot as a storage area for equipment and materials. The Planning office was made aware of the use through an inspection from the Stormwater Utility department. The owner of the property was contacted and given requirements for Stormwater Management and Planning and Zoning codes. Both entities were given

contact information for Mr. Lovejoy to discuss requirements with him. Mr. Lovejoy is the owner of billiard business next door, The Pool Hall, at 1036 Washington Ave. which has limited parking.

Since that time, Mr. Lovejoy has been working with staff to submit plans and seek approvals for the lot.

**Proposed Conditions**

The petitioner plans to purchase both properties in the future and consolidate them into one lot. Since the lots are not currently consolidated, the petitioner proposes to use the 1038 Washington Ave. lot as an off-site parking lot for the billiard business and to utilize the gravel left by the construction company without lot unpaved.

The site plan submitted by the petitioner proposes an 80' x 50' gravel parking area, which will need to be updated to in order to meet setback requirements for parking lots; otherwise, Mr. Lovejoy must come back before this Board to request a Variance from setback requirements.

The site plan also proposes fencing around the lot. It is unclear what the petitioner intends to do, so the site plan will need to be updated for clarity and the requirements for fencing must be met.

The remainder of the lot towards the alley is sloped (75' x 50', 3,750 sf). There are no plans at this time to develop this area, thus it would remain grass. Please see attached site plan.

## Zoning Ordinance

Per *Table 1320.A*, off-site parking lots are a conditional use in a C-2 District.

Per *Article 1343.05(4)*, all parking areas and driveways shall be a paved surface except parking spaces accessory to one-family or two-family dwellings.

## Pictures



*Looking north at the gravel lot, 1038 Washington Ave.*

## Staff Comments

Plan 2025 designates this area as Transition Commercial. Characterize by:

- Medium density and medium lots
- Limited on-site parking at times

Gravel lots are cheaper and easier to install, but have the disadvantage of having an unfinished look and, if not maintained, can look unkempt and run down as gravel is more prone to ruts. Another disadvantage of gravel lots is their tendency to grow as vehicles push the gravel around and expanding the lot beyond what was permitted and eventually eliminating required setback.

Gravel is not considered a pervious surface material as the compaction of stone and

underlying soil prevents infiltration of water creating the same amount of water runoff as a paved surface. Additionally, heavy rains, which are frequent in the city, will cause loose surface material to be washed out into the city's storm drains.

The submitted site plan does not meet setback requirements for new commercial parking lots or fencing regulations. The petitioner would need to redesign the site plan and remove gravel to meet the regulations.

There have been a number of variance requests recently for the use of gravel as a parking lot surface material. Staff encourages the Board to be judicious when reviewing proposals for gravel parking lots, and suggests that if they grant the petitions presented that they conditionally approved on the condition that the petitioner submit a site plan meeting all required setbacks, that has been approved by the DOH and Public Works, prior to a permit being issued.

## Summary / Findings of Fact

1. Tony Lovejoy Jr. is the petitioner.
2. James Nelson is the property owner.
3. The property is zoned C-2 Highway Commercial District.
4. The petitioner is requesting to have an off-site parking lot.
5. The petitioner is requesting to have a gravel commercial lot, rather than paving the lot as required by zoning code.
6. The petitioner must seek approval from DOH for encroachment onto Washington Ave (also known as US Route 60).
7. The site plan is pending review by the Public Works department.
8. The lot is approximately 8,445 sf.

## Attachments

- Aerial Map
- Zoning Map
- Future Land Use Map
- Site Plan



**BZA 22-V-47 & BZA 22-C-48**  
**Variance to Paved Parking Surface**  
**& Conditional Use for Off-Site Parking**



**Zoning**

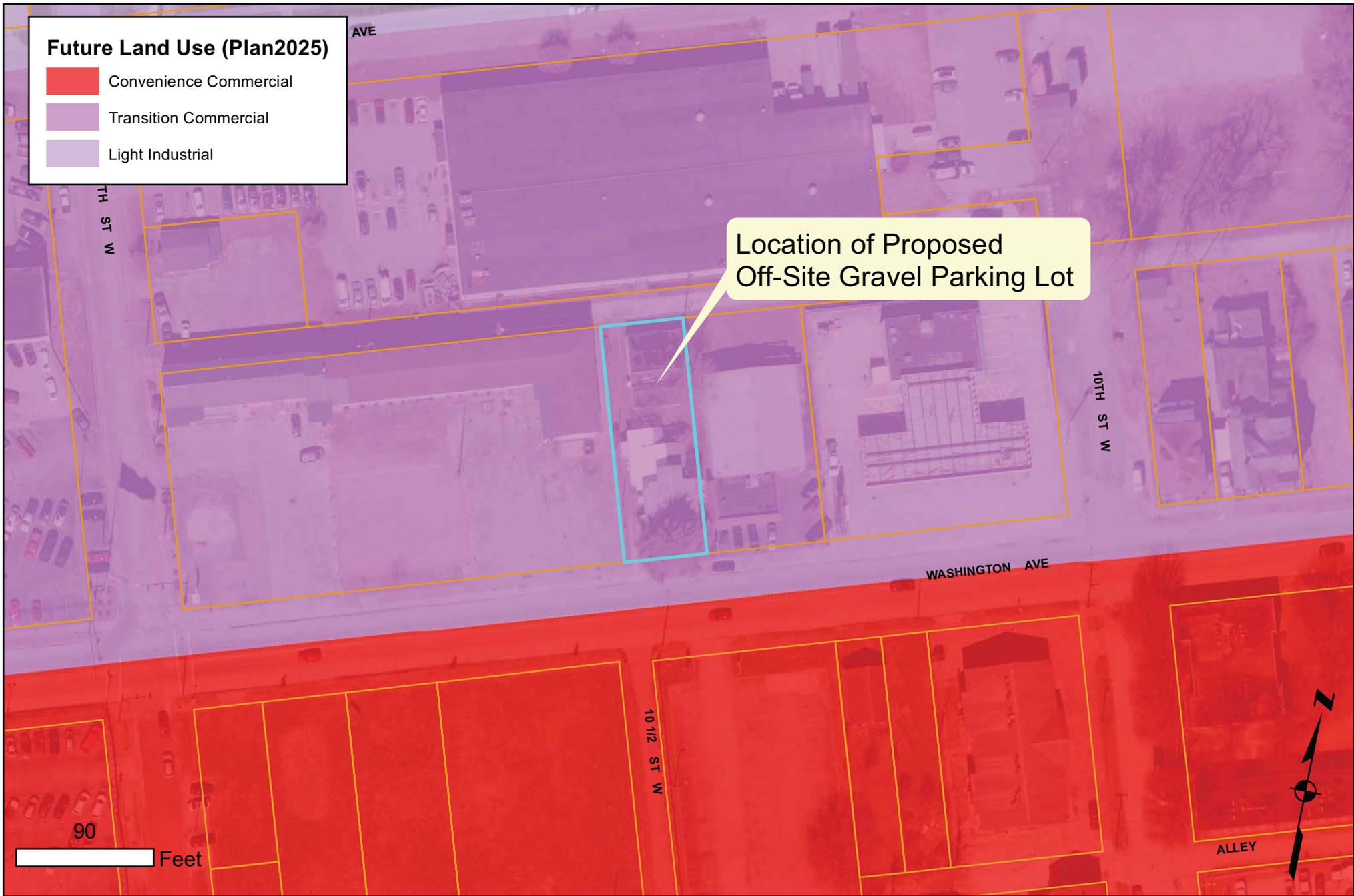
-  R-5 Multi-family Residential
-  C-2 Highway Commercial
-  I-1 Lt Ind/Comm

Location of Proposed  
Off-Site Gravel Parking Lot



**BZA 22-V-47 & BZA 22-C-48**  
**Variance to Paved Parking Surface**  
**& Conditional Use for Off-Site Parking**





# BZA 22-V-47 & BZA 22-C-48

## Variance to Paved Parking Surface & Conditional Use for Off-Site Parking



Coach's Inn

54.5 6' fence

6' fence

grass

grass

6' Fence

155'

Proposed gravel lot



80'



← 50' →

Pool Hall Building

Coach's Inn gravel lot

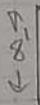
6' Fence

Front door

Existing Pool Hall parking lot

grass

← 24' → concrete driveway



grass

city sidewalk

city sidewalk

1 square = 2 feet  
Tony Lovcjay  
(304) 962-2875

1038/1040  
Washington Ave

1036  
Washington Ave

1. Access. See Section 1343.08.
2. Barriers and Curbs. All areas for off-street parking, off-street loading and unloading and the storage or movement of motor vehicles shall be physically separated from the street by a raised curb, planting strip, wall or other suitable barrier against unchanneled motor vehicle entrance or exit, except for necessary and approved vehicle entrances and exits to the lot. All commercial and industrial parking areas approved after the adoption of this Ordinance shall be separated from the street by a landscaped strip of land of no less than five (5) feet.
3. Setbacks. All newly constructed parking lots shall be set back a minimum of three (3) feet from all property lines unless exempted in a district's supplementary regulations.
4. **Materials. All parking areas and driveways shall be a paved surface except parking spaces accessory to one-family or two-family dwellings.**
5. Sidewalks and Pedestrian Pathways.
  - a. In no case can a driveway or parking area block a city sidewalk.
  - b. Sidewalks between parking areas and principal structures, along aisles and driveways and wherever pedestrian traffic shall occur, shall be provided with a minimum width of four (4) feet of passable area and be raised six (6) inches or more above the parking area except when crossing streets or driveways. At points of intersection between pedestrian and motorized lines of travel, and at other points where necessary to avoid abrupt changes in grade, a sidewalk shall slope gradually so as to provide an uninterrupted line of travel. Guardrails and wheel stops permanently anchored to the ground shall be provided in appropriate locations. Parked vehicles shall not overhang or extend over sidewalk areas, unless an additional sidewalk width of two and one-half (2-1/2) feet is provided to accommodate such overhang. Handicapped provisions shall be included in all sidewalks and curbing construction.
6. Landscaping and Drainage. Parking areas shall be suitably landscaped to minimize noise, glare and other nuisance characteristics as well as to enhance the environment and ecology of the site and surrounding area. General landscaping design shall conform to criteria set forth in Article 1347 of this Ordinance. All parking areas and access ways thereto shall be properly drained and all such areas shall be a paved surface except parking spaces accessory to one-family or two-family dwellings. A drainage plan shall be approved by the Director of Public Works. Parking viewed from the public right-of-way or from any property used for residential purposes shall be suitably shielded.
7. Lighting. All parking areas shall be lighted to provide a minimum of three (3) foot-candles at driveway intersections with main roads and a total average illumination of one-half (0.5) foot-candles throughout the parking area. Such lighting shall be shielded in such manner as not to create a hazard or nuisance to the adjoining properties or the traveling public.
8. Interior Street Crosswalks. Where pedestrians must cross service roads or access roads to reach parking areas, crosswalks should be clearly designated by pavement markings and or signs. In non-residential districts, provision for pedestrian access between adjoining commercial lots should be encouraged.

**Section 1343.06      Handicapped Parking Standards**

- A. All regulations within the section are duplicative or are supplemental to the regulations



# 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: Tony A. Lovejoy Jr. Phone: 304 962-2875

Mailing Address (city, state, zip): PO Box 253 Barboursville, WV 25504

Email: lovejoydev98@yahoo.com

Property Owner (if applicable): James Nelson Phone: 304-416-05643

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

1038 Washington Ave, Htgn, WV 25704 Map, 20, Parcel, 62, Lot 16

### 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:

\_\_\_\_\_  
\_\_\_\_\_

### 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.

Tony Lovejoy Jr.  
Signature of Applicant

9-19-20  
Date

sign off via phone call  
Signature of Property Owner

10/26/2022  
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>RC-47</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):

Area is commercial and will always be commercial and used for commercial property

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

Giving customers a safe and proper parking area.

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

N/A

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

Install a new lot for customers to keep them from using other businesses parking

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

keeping back for all set backs and keeping under 5000sqft. for drainage.

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

We are meeting all DOH set backs and egress/ingress



# PLANNING & ZONING

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

## Variance of Zoning Regulations Application

Applicant Name: Tony A. Lovejoy, Jr. Phone: (304) 962-2875

Mailing Address (city, state, zip): PO Box 253 Barboursville, WV 25504

Email: lovejoydev98@yahoo.com

Property Owner (if applicable): James Nelson Phone: 304-416-5643

Please list the Location (address) and Description (Tax Map Number, Parcel, and Lot,):  
1038 Washington Ave Map 06, parcel 02, Lot 16

Variance request pursuant to:  
Article \_\_\_\_\_ and/or Figure \_\_\_\_\_ of the City of Huntington Zoning Ordinance.

Description of the variance being requested:

Describe the special conditions or attributes which pertain to the property or hardship for which the variance is sought (state any reason the Board of Zoning Appeals should be aware of in determining its decision):  
Needing to add parking for my customers, but not having the funds to do a hard surface at this time, plan to concrete as funds come available.

*(Attach additional pages if necessary)*

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

- Site plan the property involved (if applicable); drawn to scale, showing all boundary lines and the placement of existing and/or proposed structures, and with all dimensions shown (setbacks, buildings, ect.).
- Valid State and Federal Photo ID.
- Any and all documentation and evidence to support the request.
- One hundred sixty dollars (\$160) non-refundable filing fee for each variance sought.

All of the above documentation shall be submitted in full to the Planning and Zoning office by \_\_\_\_\_ in order to be placed on the next Board of Zoning Appeals (BZA) agenda. An incomplete submittal will delay the applications review by the BZA.

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

Tony A. Lovejoy, Jr.  
Signature

9-19-20  
Date

For office use only	
Received:	Project Name: <u>BZA 22-V-48</u>