



Agenda
Huntington Board of Zoning Appeals
Tuesday, November 16, 2021 - 5:30pm

1. Call to Order
2. Roll Call
3. Approval of the October Minutes
4. Approval of the October Orders
 - BZA 21-V-09
 - BZA 21-V-10
5. New Petitions

BZA 21-C-12

Issue: A petition for a Conditional Use Permit to allow for a Commercial Greenhouse in a C-1 Neighborhood Commercial District. The property is located at 3257 Piedmont Road.

Petitioner: Creed Warner, 3257 Piedmont Rd., Huntington, WV 25704

Property Owner: Charles Corns, 5759 Hubbards Branch Rd., Huntington, WV 25704

BZA 21-V-11

Issue: A petition for a variance from the requirement that parking must be located in the rear or side yards when alley access is available. The property is located at 3230 Piedmont Road.

Petitioner/Property Owner: Lyle and Susan Plymale, 3230 Piedmont Rd., Huntington, WV 25704

6. Announcements/Discussion
7. Adjournment

Minutes
City of Huntington Board of Zoning Appeals
October 19, 2021

A meeting of the City of Huntington Board of Zoning Appeals was held on October 19, 2021 at 5:30 p.m. in the City Hall Council Chambers. *Mr. Dolin* called the meeting to order.

Members Present: Jacqueline Proctor, C.W. Dolin, Dan Earl

Members Absent: Isabell Cross, Howard Anderson

Staff Present: Janney Lockman, Planner
Patricia Usher, Zoning Officer
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 21-V-09

A petition for a variance from the requirement that a garage may not be located in the front yard. The property is located at 950 Sunnycrest Drive.

Petitioner/Property Owner: Ronnie Hicks, 950 Sunnycrest Drive, Huntington, WV 25705

Ronnie Hicks, 950 Sunnycrest Dr., presented the petition, describing to the Board the layout of his property and the reason for choosing the front yard location.

Mr. Dolin – What will the garage be used for and how large will it be?

Mr. Hicks explained he would be using the garage as a workshop for himself. The structure would be 24 x 36 x 13.

Ms. Proctor – How does the neighbor closest to you feel and what would the impact be on the other neighbors in the area?

Mr. Hicks explained that the neighbor closest to his property is supportive of the structure being located there. He then detailed the terrain and vegetation of the area, explaining that the structure would not be visible to any of the other neighbors.

Ms. Lockman presented the Staff Report.

Mr. Dolin closed the public hearing.

Mr. Earl is persuaded by the report from staff and the assurance from the petitioner that the neighbors will not be negatively impacted by the structures location.

Ms. Proctor made a motion to **approve** BZA 21-V-09; *Mr. Earl* seconded the motion.

Roll Call BZA: Ms. Proctor, Yes; Mr. Earl, Yes; Y/N; Mr. Dolin, Yes

BZA petition for a **Variance** was **APPROVED** with a vote of 3 Yes to 0 No.

BZA 21-V-10

A petition for a variance from the size requirements for window signs from Article 1345.08 to install a sign that covering the entire window surface. The property is located at 1217 Adams Ave.

Petitioner/Property Owner: Grace Gospel Church, 1111 Adams Ave., Huntington, WV 25704

Keith Wiebe, Pastor for Grace Church, shared a document with the Board that have been included with these minutes for the record. The document contains letters from neighbors and pictures of other businesses with window signs. He explained to the Board that he and his church community has been investing in the West End neighborhood of Huntington for many years and have recently opened a birth to three preschool at 1217 Adams Avenue. He explained that the window sign is used for privacy for the baby room.

Mr. Dolin – What is the maximum number of children for the school?

Mr. Wiebe told the Board that the maximum number of children in the building is 40, but there are currently only 20 enrolled.

Ms. Proctor – What are the hours for the school and are you anticipating growth for the school?

Mr. Wiebe identified the hours as 7 am to 5:30 pm and declared that he did expect growth for the school in all grade levels. He further detailed the layout of the various school structures.

Mayor Steve Williams advocated for the approval of the sign and commended the church’s accomplishments in the community.

Mr. Earl recognized that window signage is a growing method of advertising and questioned the purpose of the ordinance restriction on size.

Ms. Lockman explained that the intent is to reduce visual clutter and prevent businesses from completely covering their windows and limiting access to light.

Ms. Proctor noted that there are many signs in the city that have been erected without permits. She expressed her inclination to approve of the signage as it is being utilized for the safety of the children in the school.

Mr. Dolin believes that the signage is a good balance of privacy from the outside and light on the inside.

Mr. Earl made a motion to **approve** BZA 21-V-10; *Ms. Proctor* seconded the motion.

Roll Call BZA: Ms. Proctor, Yes; Mr. Earl, Yes; Y/N; Mr. Dolin, Yes

BZA petition for a **Variance** was **APPROVED** with a vote of 3 Yes to 0 No.

The meeting concluded at 5:55 p.m.

Date approved: _____

Chairperson: _____ Prepared by: _____
C.W. Dolin, Chair Patricia Usher, Zoning Officer

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

BZA 21-V-09

Owner/Petitioner: Ronnie Hicks, 950 Sunnycrest Drive, Huntington, WV 25705

Subject Property: 950 Sunnycrest Drive

A petition for a variance from the requirement that a garage may not be located in the front yard.

Individual Speaking on Behalf of Petition: Ronnie Hicks

Other Interested Parties: None

ORDER

On October 19, 2021, Mr. Hicks appeared before the City of Huntington Board of Zoning Appeals to provide testimony related to BZA 21-V-09. 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 October 19, 2021 meeting and hearing testimony from Mr. Hicks, the Board finds as follows:

1. Ronnie Hicks is the petitioner and property owner.
2. The property is zoned R-1 Residential District.
3. The lot is approximately 0.61 acres, or 26,572 sf.
4. The petitioner is requesting to build a garage in the front yard of the lot, which he intends to use as a workshop.
5. The proposed structure will be 24 feet x 36 feet x 13 feet.
6. The topography of the property is sloped. The house is located on a hill, and the remainder of the property, including the side and rear yards, are hillside. The front yard closest to the street is the flattest part of the property.
7. The house is set back over 100 feet from the front property line.
8. The property is located at the end of the street with no neighbors to the south and no neighbor directly across from the front.
9. The terrain and vegetation in the area block the view of the proposed structure from all but one neighbor.
10. The size of the structure will be 24 x 36 x 13.

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. In determining this, the Board must find that such Variance will not:
 - a. Alter the land use characteristics of the district;

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

BZA 21-V-10

Owner/Petitioner: Grace Gospel Church, 1111 Adams Ave., Huntington, WV 25704

Subject Property: 1217 Adams Ave

A petition for a variance from the size requirements for window signs from Article 1345.08 to install a sign that covers 100% of the window surface area.

Individual Speaking on Behalf of Petition: Keith Wiebe

Other Interested Parties: Mayor Steve Williams

ORDER

On October 19, 2021, Mr. Wiebe appeared before the City of Huntington Board of Zoning Appeals to provide testimony related to BZA 21-V-10. Other citizens were permitted to voice their positions as well, per the practice of this Board, and one individuals provided testimony.

FINDINGS OF FACT

After reviewing all evidence at the October 19, 2021 meeting and hearing testimony from Mr. Wiebe, the Board finds as follows:

1. Grace Gospel Church is the petitioner and property owner.
2. The property is zoned C-2 Highway Commercial District.
3. The petitioner seeks to use the subject building as a birth to three-year-old preschool.
4. The petitioner has schools for older children currently.
5. The current enrollment for the preschool is 20, but the building can have up to 40 children.
6. The petitioner is requesting to have a sign covering 100% of their window.
7. The requested sign is a perforated window sign that allows someone to see out, but not in.
8. The sign will be utilized as a means to provide the baby room with privacy.
9. The use of perforated window signage is a growing method of advertising.
10. The perforated window sign still provides for light to enter the room.

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. In determining this, the Board must find that such Variance will not:
 - a. Alter the land use characteristics of the district;
 - b. Impair the adequate supply of light and air to adjacent property;
 - c. Increase the hazard from fire, flood, and other dangers of said property;
 - d. Diminish the marketable value of adjacent lands and buildings; or
 - e. Increase the congestion of the streets;

Staff Report A petition for a Conditional Use Permit to allow for a Commercial Greenhouse in a C-1 Neighborhood Commercial District

Legal Ad

BZA 21-C-12

Issue: A petition for a Conditional Use Permit to allow for a Commercial Greenhouse in a C-1 Neighborhood Commercial District. The property is located at 3257 Piedmont Road.

Petitioner: Creed Warner, 3257 Piedmont Rd., Huntington, WV 25704

Property Owner: Charles Corns, 5759 Hubbards Branch Rd., Huntington, WV 25704

Introduction

Creed Warner is petitioning for a Conditional Use Permit to open a Commercial Greenhouse at 3257 Piedmont Road.

Existing Conditions / Background

The petitioned property is currently the location of Tri-State Lawn and Landscape Pros, which operates a retail nursery and landscaping business from this site. While obtaining a certificate of occupation for the retail business, the petitioner was informed that they would need to obtain a conditional use permit in order to operate a greenhouse at this site. The greenhouse and a fence around the rear of the lot were installed on site prior to obtaining proper permitting. This property is zoned C-1 Neighborhood Commercial, as are the properties across from it on Piedmont Road, but is on a lot on the corner of Piedmont Road and Court Street, with properties zoned R-2 Single Family residential across Court Street and the alley to the rear of the property.

Proposed Conditions

The petitioner is proposing to operate a 20' by 36' commercial greenhouse at this location that is 14' tall.

Pictures



View of greenhouse from Court Street



View of greenhouse from the alley between Piedmont and Hughes Street.

Zoning Ordinance

Per *Article 1320*, commercial greenhouses are a conditionally permitted use in a C-1 Neighborhood Commercial District.

Staff Comments

Plan2025 designates this property as Traditional Residential. This designation allows for commercial uses that are “sparse and with conditions.”

This proposal will allow for an existing business to expand within city limits. Staff does not feel that the proposed use will have a negative impact on the public health, safety, or welfare.

However, the business owner should seek permits before expanding in the future. Parking for customers, deliveries, and any equipment related to the landscaping business is already limited at this area, and any further conditionally permitted or unpermitted expansion of the business may increase traffic and reduce parking for residents, and could have a negative impact on the public health, safety, or welfare for area residents.

Please note, that per Public Works code, if contractors, business owners, or property owners build without first receiving a permit, they may be charged double for the permit.

Summary / Findings of Fact

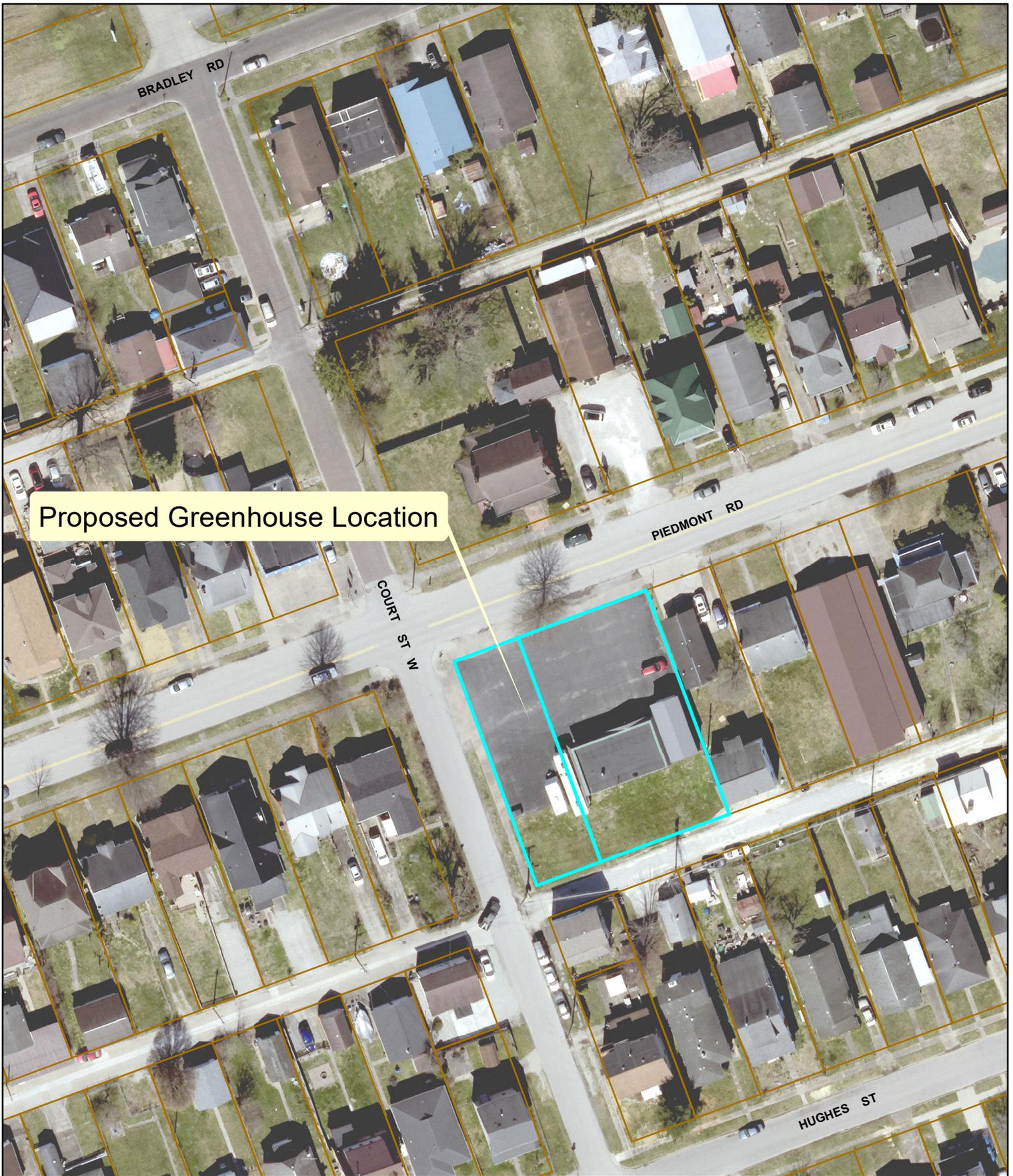
1. Creed Warner is the petitioner.
2. Charles Corns is the property owner.
3. The petitioning to add a commercial greenhouse to their retail nursery and landscaping operations at this location.
4. The petitioner did not receive proper permission prior to purchasing and installing structure for commercial greenhouse or fencing.

5. The property is zoned C-1, as are properties across Piedmont Road, but it has properties zoned R-2 Single Family Residential across the street and across the alley from it.

6. The lot is approximately 16,800 sf.

Attachments

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



Proposed Greenhouse Location

**3257 Piedmont Road
Conditional Use for Commercial Greenhouse
BZA 21-C-12**





Current Zoning

- B & O Right of Way
- C-1 Neighborhood Commercial
- R-2 Single-family Residential

Proposed Greenhouse Location

Zoning Map
3257 Piedmont Road
BZA 21-C-12





Future Land Use (Plan2025)

- Commercial Node
- Traditional Residential

Proposed Greenhouse Location

Future Land Use Map
3257 Piedmont Road
BZA 21-C-12





APPLICATION FOR
CONDITIONALLY
PERMITTED USE

Planning and Zoning
Huntington City Hall
800 Fifth Avenue
P.O. Box 1659
Huntington, WV 25717
(304) 696-5540, opt 3

Applicant Name: Creed Warner Phone: _____

Address (city, state, zip): 3257 Piedmont Rd Hgt N WV 25704

Email: creed@creedwarner.com

Property Owner (if applicable): Chuck Corns Phone: 813-304-3303

Address (city, state, zip): 3257 Piedmont Rd Hgt N WV 25704

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

Description

Under the terms and conditions indicated in Article 1359 of the Zoning Ordinance, application is hereby made for a Conditional Use pursuant to Article 1320 to allow the following:

Commercial greenhouse in C-1

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) filing fee for each Conditional Use sought.

All of the above documentation is to be submitted to the Planning Commission office by Sep 19. 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, Nov 16 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

Date 10-4-2021

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

FOR OFFICE USE
Received: 10-4-2021
Staff Initials: PO
Project Number: BZA 21-C-12
Meeting Date: Nov 16

BZA Decision:
o Approved
o Denied
o Approved with conditions
Conditions:



APPLICATION FOR CONDITIONALLY PERMITTED USE

Planning and Zoning
Huntington City Hall
800 Fifth Avenue
P.O. Box 1659
Huntington, WV 25717
(304) 696-5540, opt 3

Attachment A

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

1. Effect upon the Comprehensive Plan (available online or from the Planning and Zoning Office).

Small locally owned BUSINESS,
That employes people in the community.

2. Public health, safety, morals, and general welfare.

The lot is fenced in and locked

3. Potential injury to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.

Supplies are kept according to safety standards

4. Effect upon the normal and orderly development and improvement of surrounding property for uses already permitted in the District.

Adding more business to the immediate street
Allows customer to have more one stop shop!

5. Adequate provisions for utilities, access roads, drainage, and other necessary facilities.

There is no undue hardship to any existing adjacent properties

6. Adequate ingress and egress so designed to minimize traffic congestion in the public street.

Plenty of on street and off street parking for customers

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

ZONING PERMIT SITE PLAN

Property Owner: Creed Warner

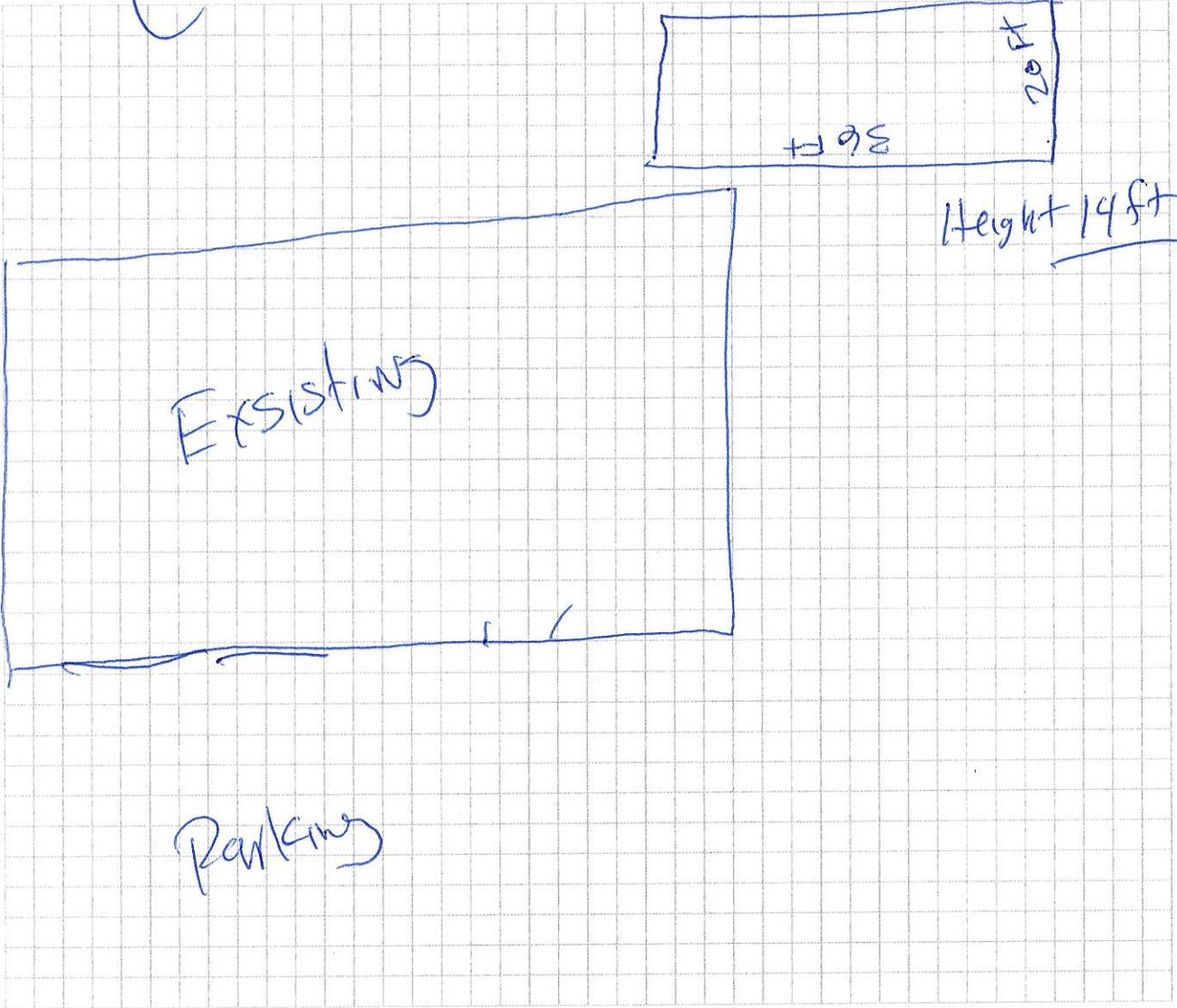
Site Address: 3257 Prelmont Rd

I acknowledge this is a true and accurate representation of the proposed development to the best of my knowledge.

Signature: [Handwritten Signature]

Label and include:

- Property lines
- Location of existing structures on the property
- Location and dimension of proposed structure(s)



FOR OFFICE USE ONLY

- Approved
- Denied

Reviewed by: _____ Title: _____ Date: _____

#

Staff Report: A petition for a variance to driveway location requirements.

BZA 21-V-11

Legal Ad

Issue: A petition for a variance from the requirement that parking must be located in the rear or side yards when alley access is available. The property is located at 3230 Piedmont Road.

Petitioner/Property Owner: Lyle and Susan Plymale, 3230 Piedmont Rd., Huntington, WV 25704

Introduction

The petitioner is requesting a variance to provide parking in their front yard. Regulations state that parking must be located off of an alley or in a side yard in areas where there is alley access.

Existing Conditions / Background

This house is located in a C-1 Neighborhood Commercial District. Street parking is available in this area, however, the petitioners have had issues with their cars getting hit while being parked on the street. This property also has alley access, with a 15' right-of-way, and a carport in the rear.

Proposed Conditions

The petitioner proposes to install a 20' by 18' parking pad with a 12' wide driveway to provide space for two cars. The proposed parking area would abut the sidewalk. Public Works must approve any proposed curb cuts, and has reviewed the proposed plan and determined that it would be permissible. Please see attached site plan.

Zoning Ordinance

Per *Article 1343.08(A)(3)(a)*, if an improved alley with a right-of-way of at least 15' in width is provided, all vehicle access shall be from the alley to the maximum extent practicable.

Staff Comments

Staff visited the site and drove through the alley behind the property to see alley conditions. Staff does not find that the variance arises from special conditions or attributes of the property, however, staff does not believe that the requested variance will adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents.

Summary / Findings of Fact

1. Lyle and Susan Plymale are the petitioners and property owners.
2. The property is zoned C-1 Neighborhood Commercial District.
3. The petitioner is requesting to build a parking pad in the front yard of the lot.
4. Section 1315.06(A)(1) states that vehicle access shall be from the alley on properties with alley access.
5. The lot is approximately 5,600 SF.

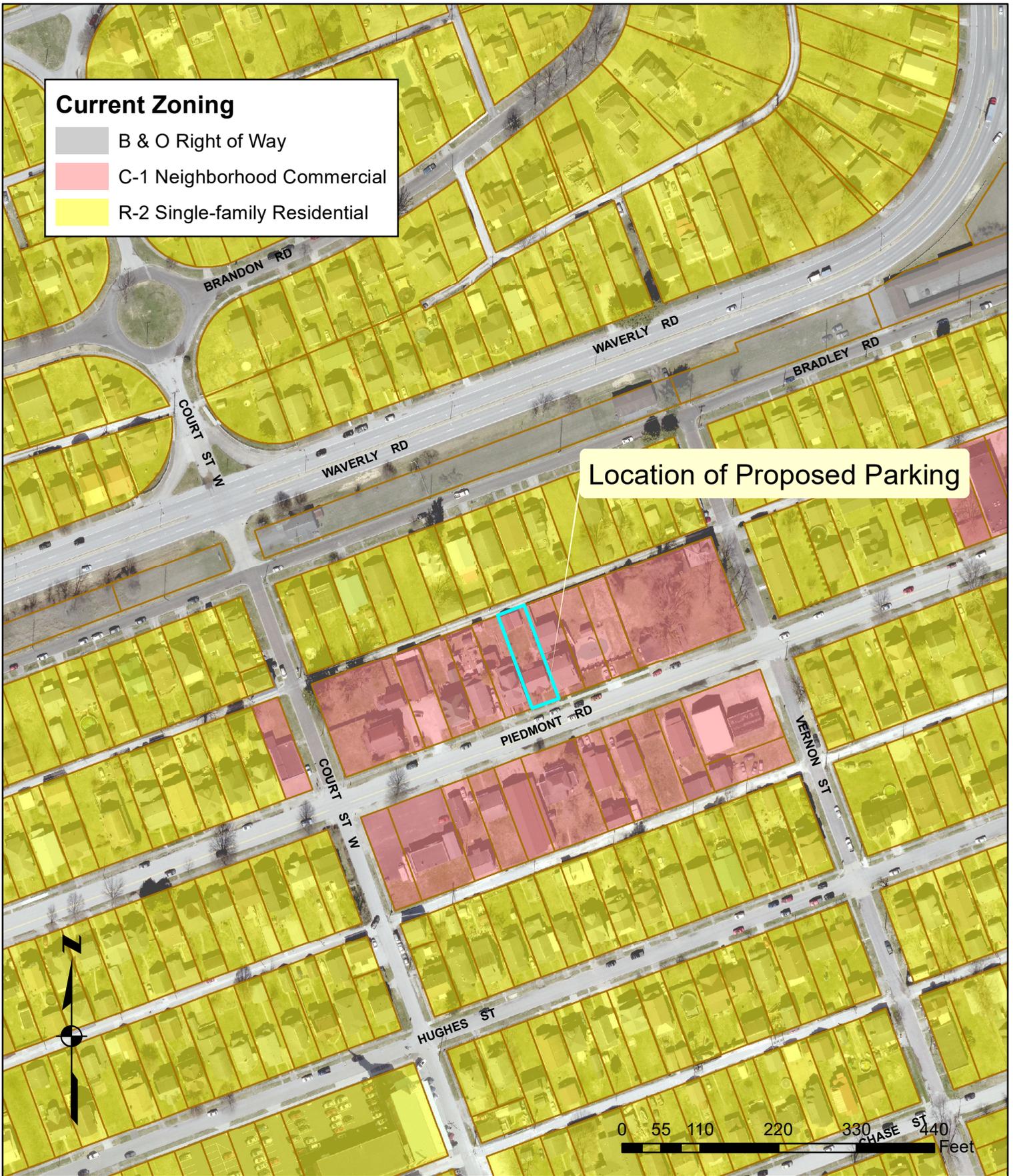
Attachments

Please see attached Aerial, Zoning, Context, and Future Land Use Maps, and site plan for reference.



**3230 Piedmont Road
Variance for Parking in Front Yard
BZA 21-V-11**





Zoning Map
3230 Piedmont Road
BZA 21-V-11





Future Land Use (Plan2025)

- Commercial Node
- Traditional Residential

Proposed Greenhouse Location

Future Land Use Map
3257 Piedmont Road
BZA 21-C-12





APPLICATION FOR APPEAL FOR VARIANCE OF ZONING REGULATIONS

Planning and Zoning Huntington City Hall 800 Fifth Avenue P.O. Box 1659 Huntington, WV 25717 (304) 696-5540, opt 3

Applicant Name: Susan & Lyle F. Plymale II Phone: 304-429-2744
Address (city, state, zip): 3230 Piedmont Road
Email: GoldenDmer314@aol.com
Property Owner: Susan & Lyle F. Plymale II Phone: Same
Address (city, state, zip): Same

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

Variance requested pursuant to:

Article 1343.08.A.3 and/or Figure of the City of Huntington Zoning Ordinance.

Description of the variance being requested:

Variance to locate parking in front of house

Description of property including tax map, parcel, lot number (if applicable), street address and/or other description:

Please describe the special conditions or attributes which pertain to the property or hardships for which the variance is sought (state any reason which the Board of Zoning Appeals should be aware of in forming its decision):

After being hit (Both of our cars) 6 times over 45 years, we desperately need a driveway for both of our cars - so we won't have to pay car damage. We have lost 3 cars over 45 years.

(Attach additional pages if necessary)

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, with direction 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.
- One Hundred Sixty dollars (\$160.00) non-refundable filing fee for each variance sought.

All of the above documentation is to be submitted to the office of Planning and Zoning by: 10/19/21 in order to be placed on the next Board of Zoning Appeals agenda. Incomplete documentation will delay applicants 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, November 16. 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.

FOR OFFICE USE Received: <u>10-20-21</u> Staff Initials: <u>JZ</u> Project Number: <u>BZA 21-V-11</u>

Lyle F. Reynolds II

Signature of Applicant

Lyle F. Reynolds II
Susan E. Reynolds

Signature of Property Owner

10-18-21
Date

10-18-21
Date

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

FOR OFFICE USE ONLY

Date of Decision: _____

- Approved
- Approved with conditions
- Denied

Conditions: _____

ZONING PERMIT SITE PLAN

Property Owner: Lyle^{II} + Susan Plymate

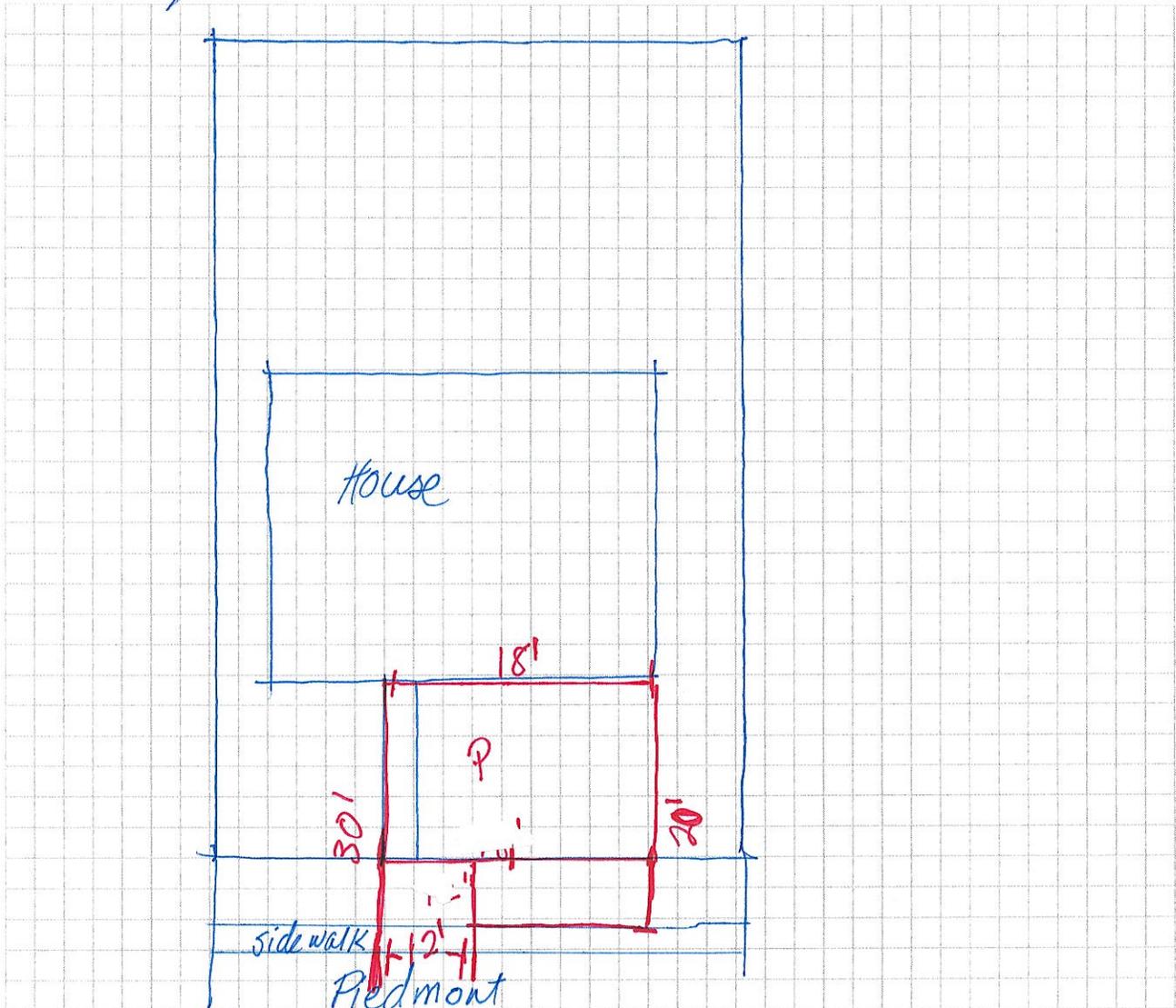
Site Address: 3230 Piedmont Road

I acknowledge this is a true and accurate representation of the proposed development to the best of my knowledge.

Signature: Lyle J Plymate II

Label and include:

- Property lines
- Location of existing structures on the property
- Location and dimension of proposed structure(s)



FOR OFFICE USE ONLY

- Approved
- Denied

Reviewed by: _____

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