

Minutes
City of Huntington Board of Zoning Appeals
November 15, 2022

A meeting of the City of Huntington Board of Zoning Appeals was held on November 15, 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, Dan Earl

Members Absent: None

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

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

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

BZA 22-C-47

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

BZA 22-V-48

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

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

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

Ms. Lockman presented the staff report

Mr. Dolin requests the petitioner to come forward.

Tony Lovejoy, 2775 3rd Avenue, Has owned the Pool Hall for about 6 years. The City tore down abandoned house next door due to its poor condition. Mr. Lovejoy has been working on purchasing both properties off of Mr. Nelson, it was supposed to be done already but he has had setbacks in his personal life that has postponed the sale. The business across Washington Ave. lets the Pool Hall use their parking lot, but this makes our patrons cross Washington Avenue which makes it dangerous for them. My intentions are to concrete or blacktop entirely at some point but currently do not have the funds.

Mr. Dolin – Do you have any plans for fencing?

Mr. Lovejoy – I want to fence in completely all the way around, the estimate for the blacktop was \$25,000 and the fencing estimate was about \$22,000.

Mr. Earl – What does the gravel cost?

Mr. Lovejoy – Well actually McClanahan, before I knew that you could not have a gravel lot, we made a deal that they pay me \$250 a month and would leave me 6 loads of gravel.

Mr. Earl – They gave you \$250 a month? You do not own the property.

Mr. Lovejoy – It is a weird situation, when the house came up for sale they offered it to me for \$5,000 before the city tore it down. Then Mr. Nelson found that I was interested in buying it and asked if he could purchase the property since he already owns 1036 Washington Ave. So we both made a deal that when the time came for me to buy 1036 Washington Ave that 1038 Washington Ave would come with it.

Mr. Earl – so do you own the Pool Hall?

Mr. Lovejoy – I own the business not the building. We were supposed to close on the sale about a year ago, I have \$250,000 sitting ready to make the final purchase. It has continuously been pushed back but I talked to him on November 09, 2022 and said that we should be able to finish the closing within the next three months. At the time of this closing the two parcels should be conjoined into one property.

Mr. Dolin – So you are doing the maintenance now on the gravel lot?

Mr. Lovejoy – Yes, I pay someone to come out every day to clean the Pool Hall lot, the gravel lot, and the lot across the street.

Mr. Earl – Gravel does not look good to have on a main road in town, it is not ideal.

Mr. Lovejoy – I believe that we are going to be setback from the road, and the first part coming off of Washington Ave is going to be concrete.

Ms. Proctor – Date is undefined for when ownership will change, do you have an estimate to when you might blacktop the property?

Mr. Lovejoy – I am hoping once I take absolute control that within two years it will be completely blacktopped or concreted.

Ms. Proctor – What about the fence?

Mr. Lovejoy – again it is a money issue once I have the property I will do everything I can to get the fence and parking lot done.

Ms. Proctor – Directed towards Ms. Lockman, what other changes to the plan would you like to see?

Ms. Lockman – The way it is stated in the ordinance is any new parking lot needs to be separated from the street by a landscape strip of five feet, this can be grass, bushes, it is really up to you as long it is five feet from street. Now the other property lines need to be setback three feet minimum. Also, are you going to be moving the curb cut from where it is now?

Mr. Lovejoy – That is correct, the curb cut was all the way to one side because it was offset from where the house originally was. So, we are planning to center the cut into the parking area.

Ms. Proctor – Does the setbacks decrease the likelihood of gravel moving into the street?

Ms. Lockman - Yes the setbacks definitely do, the gravel can still creep into the grass buffer. I think that there are ways to indicate not to drive over the grass. Such as railroad ties or something similar.

Mr. Earl – If we approve this or something like it, if there is a violation we would not be seeking Mr. Lovejoy we would be going after the property owner?

Ms. Lockman – That is correct. We would send the violation letter to the property owner.

Mr. Earl – Are you sure that the property owner is okay with this, did he sign off on it?

Mr. Lovejoy – Yes, Patricia talked to him.

Ms. Proctor – Do you have letter to that effect?

Ms. Lockman – we do not, his signature was given via phone call.

Mr. Earl – I think that it would look better and have less chance of gravel getting into the street if you would setback the parking lot further. I say that you have the parking lot starting parallel to the Pool Hall building.

Mr. Lovejoy – I would be willing to do that, whatever needs to be done.

Ms. Lockman – I would also like to mention that since this road is US Route 60 the placement of any curb cuts would be up to West Virginia DOH.

Ms. Proctor – I would like to request some sort of barrier along the gravel to keep it in place and make it look nicer.

Ms. Proctor – Also, what are your hours of operation? Do you plan on putting lights onto the lot?

Mr. Lovejoy – We are open 10 a.m. – 3 a.m. but sometimes close around 1 a.m. I also plan on putting lights in the parking lot area.

Mr. Earl made a motion for the approval of BZA 22-C-47 and 22-V-48, on the condition that the petitioner submit a site plan meeting all of the required setbacks that is approved by both the DOH and Public Works prior to a permit being issued in addition the setback shall include a concrete driveway that extends to the depth of the building to the East of 1036 Washington Ave and that the grass buffer area be extended like wise and be lined with some sort of barrier.

Ms. Houck seconded the motion.

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

BZA 22-C-47 Petition for a conditional use to allow for an off-site parking lot in a C-2 District was **CONDITIONALLY APPROVED**, with the condition that the petitioner submit a site plan meeting all of the required setbacks that is approved by the DOH, Public Works, and the Planning and Zoning Office prior to a permit being issued in addition the setback shall include a concrete driveway that extends to the depth of the building to the East of 1036 Washington Ave and that the grass buffer area be extended like wise and be lined with some sort of barrier; with a vote of 3 Yes to 0 No.

BZA 22-V-48 Petition for a variance to the material requirements for commercial parking lots to allow for a gravel parking lot in a C-2 District was **CONDITIONALLY APPROVED**, with the condition that the petitioner submit a site plan meeting all of the required setbacks that is approved by the DOH, Public Works, and the Planning and Zoning Office prior to a permit being issued in addition the setback shall include a concrete driveway that extends to the depth of the building to the East of 1036 Washington Ave and that the grass buffer area be extended like wise and be lined with some sort of barrier; with a vote of 3 Yes to 0 No.

Mr. Dolin adjourns the meeting at 6:04 P.M.

Date approved: 12-20-2022

Chairperson: 
C.W. Dolin, Chair

Prepared by: 
Nathaniel Crum, Planning Technician