



**Agenda**  
Huntington Board of Zoning Appeals  
Tuesday, September 17, 2024 - 5:30pm

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1. Call to Order
2. Roll Call
3. Approval of the August 2024 Minutes
4. Approval of the August 2024 Orders
  - BZA 24-24
  - BZA 24-26
5. New Petitions

**BZA 24-27**

*Petitioner:* Brent Geer, 416 4<sup>th</sup> Ave., Huntington, WV 25701

*Property Owner:* Geer Brothers Body Shop Inc., 416 4<sup>th</sup> Ave., Huntington, WV 25701

*Property Location:* 413 3<sup>rd</sup> Ave.

*Issue:* A petition for a conditional use to permit towing services in the I-1 Light Industrial/Commercial District.

**BZA 24-28**

*Petitioner/Property Owner:* Melissa Beilstein, 1827 Washington Blvd., Huntington, WV 25701

*Property Location:* 1827 Washington Blvd.

*Issue:* A petition for a variance from the required location of an accessory structure in the R-1 Single-family Residential District.

**BZA 24-29**

*Petitioner/Property Owner:* Jennifer Linn-McComas, 2785 3<sup>rd</sup> Ave., Huntington, WV 25702

*Property Location:* 2785 3<sup>rd</sup> Ave.

*Issue:* A petition for a variance from the required minimum ratio of 1:1 open to structural areas in the front yard of a parcel in the R-2 Single-family Residential District.

**BZA 24-30**

*Petitioner:* J.D. Maynard, AIA, DJM Architecture, 4333 Waverly Rd., Huntington, WV 25704

*Property Owner:* Muslim Association of Huntington Inc., 944 20<sup>th</sup> St., Huntington, WV 25703

*Property Location:* 944 20<sup>th</sup> St. also known as 2010 10<sup>th</sup> Ave.

*Issue 1:* A petition for a variance from the front yard setback of a parcel in the C-1 Neighborhood Commercial District.

**BZA 24-31**

*Issue 2:* A petition for a variance to allow a parking area in the front yard in the C-1 Neighborhood Commercial District.

6. Announcements/Discussion
7. Adjournment

**Minutes**  
**City of Huntington Board of Zoning Appeals**  
**August 20, 2024**

A meeting of the City of Huntington Board of Zoning Appeals was held on August 20, 2024 at 5:30 p.m. in Convention Center Meeting Room #5 of the Marshall Health Network Arena. *Ms. Proctor* called the meeting to order and Mr. Williams confirmed a quorum was present.

Members Present: Jacqueline Proctor, Gina Browning, Dan Earl and Sherry Houck

Members Absent: Sara Loftus and Steven Yates

Staff Present: Cade Williams, Planner II  
Ericka Hernandez, Assistant City Attorney  
Stephanie Petruso, Senior Planner

*Mr. Earl* motioned to approve June 2024 Minutes. *Ms. Houck* seconded motion.

BZA Roll Call: *Ms. Browning*, Yes; *Mr. Earl*, Yes; *Ms. Houck*, Yes; *Ms. Proctor*, Yes.

June 2024 Minutes were approved with a vote 4 Yes to 0 No.

*Mr. Earl* motioned to approve June 2024 Orders. *Ms. Houck* seconded motion.

BZA Roll Call: *Mr. Earl*, Yes; *Ms. Browning*, Yes; *Ms. Houck*, Yes; *Ms. Proctor*, Yes.

June 2024 Orders were approved with a vote 4 Yes to 0 No.

**BZA 24-26**

*Petitioner/Property Owner:* McGuire Properties, LLC, 1001 6th Ave., Suite 100, Huntington, WV

*Property Location:* 633 & 639 5th Ave.

*Issue 1:* A petition to request reconsideration based on new information of the June 16, 2024 decision of BZA 24-24, which was a denial of a variance to exceed the maximum allotted front yard setback in the C-3 Central Business District. If granted, the reconsideration will immediately follow.

*Ms. Houck* motioned to approve BZA 24-26. *Mr. Earl* seconded motion.

BZA Roll Call: *Ms. Houck*, Yes; *Mr. Earl*, Yes; *Ms. Browning*, Yes; *Ms. Proctor*, Yes.

BZA 24-26 was approved with a vote 4 Yes to 0 No.

**BZA 24-24**

*Issue 2:* A petition for a variance to exceed the maximum allotted front yard setback in the C-3 Central Business District.

Mr. Williams read the Staff Report.

Angela Maxwell with Edward Tucker Architects, 1401 6<sup>th</sup> Ave., presented new renderings of the project. She explained the parking area in the front yard is being broken up with greenspace and a green wall. She stated the design can be altered.

*Ms. Proctor* asked how much of the sidewalk is readily available for the public to use along the public right-of-way. *Ms. Maxwell* explained the sidewalk along the right-of-way is 5 feet wide while sidewalks in front of the building are 4 feet wide.

*Ms. Proctor* questioned how tall the screening effect (of the green wall) will be. *Ms. Maxwell* was unsure but indicated the height will be about 5 feet. She also stated the greenery is up to the property owner.

*Ms. Browning* and *Mr. Earl* expressed concern with the type of greenery planted.

*Ms. Houck* wondered if it was feasible to reposition the building, specifically if it is possible to put the building towards the eastern side of the property. *Ms. Maxwell* explained the property owner will go into more detail about that question.

*Francis McGuire* with *McGuire Properties, LLC*, 1001 6<sup>th</sup> Ave., spoke in support of this petition. He explained shrubbery has not been determined and an alternative plan had been examined with a different layout for the building but that plan was deemed not feasible. He stated the back of the building will be on the alley. He also explained his company is excited to get started on this project as the original start date was March 1<sup>st</sup> of this year.

*Kevin McGuire* with *McGuire Realty Company*, 1001 6<sup>th</sup> Ave., spoke in support of this petition. He explained if the building was repositioned, the lane for the drive-thru would have to wrap around the building and parking would be reduced.

*Ms. Browning* explained the layout of the property makes sense to her and as long as there is some element of greenery to the plan the proposed vision is a good solution.

*Mr. Earl* expressed he remained in support of the petition.

*Ms. Houck* stated she thinks this project permits reasonable use of the land.

*Ms. Proctor* explained she understands the zoning regulation of this area but expressed the need to reexamine the zoning code for this block. She stated she sees this exception to the code for this project as a positive thing.

*Ms. Houck* motioned to approve BZA 24-24. *Mr. Earl* seconded motion.

BZA Roll Call: *Mr. Earl*, Yes; *Ms. Browning*, Yes; *Ms. Houck*, Yes; *Ms. Proctor*, Yes.

BZA 24-24 was approved with a vote 4 Yes to 0 No.

**Good and Welfare**

*Ms. Proctor* adjourned the meeting at 5:52 p.m.

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

Chairperson: \_\_\_\_\_ Prepared by: \_\_\_\_\_  
Jacqueline Proctor, Chair Cade Williams, Planner II

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

**BZA 24-26**

*Petitioner/Property Owner:* McGuire Properties, LLC, 1001 6th Ave., Suite 100, Huntington, WV  
*Subject Property:* This property is located at 633 & 639 5<sup>th</sup> Ave.

*In re:* A petition to request reconsideration based on new information the June 16, 2024 decision of BZA 24-24, which was a denial of a variance to exceed the maximum allotted front yard setback in the C-3 Central Business District.

Individual Speaking on Behalf of Petition:

Angela Maxwell, Edward Tucker Architects, 1401 6th Ave., Huntington, WV 25701  
Francis McGuire, 1001 6th Ave., Huntington, WV 25701

Other Interested Parties:

Kevin McGuire, 1001 6th Ave., Huntington, WV 25701

**ORDER**

On August 20, 2024, Mr. McGuire and Ms. Maxwell appeared before the City of Huntington Board of Zoning Appeals to provide testimony related to BZA 24-26.

**FINDINGS OF FACT**

After reviewing all evidence at the August 20, 2024 meeting and hearing testimony from Mr. McGuire and other interested parties, the Board finds as follows:

1. McGuire Properties, LLC is the petitioner and property owner.
2. Petitioner seeks to develop a shopping strip center.
3. The original proposed development has parking located in front and behind of the building with most parking in the front.
4. The proposed development had a proposed set back of over 100 feet from the public right-of-way in a district with a maximum setback of 12 feet.
5. Petitioner's original petition for variance from the setback requirement was orally denied at the public hearing.
6. No Order of decision had been issued by August 20, 2024.
7. Petitioner revised its plans to include an abundance of greenspace including a green wall with the intent of changing the character of the development.
8. Petitioner seeks reconsideration of the original petition for variance based on new facts not previously considered, specifically, the addition of a green wall.
9. The property is currently vacant land, but was formerly the site of the YWCA, which has been vacant and unused for many years.

**CONCLUSIONS OF LAW**

The Board does have the power to reopen and rehear a matter either before its decision is final or based on new facts alleged. *Wolfe v. Forbes*, Syl. Pt. 3, 217 S.E.2d 899, 900 (W.Va. 1975); *Mustard v. City of*

Bluefield, 45 S.E.2d 326, 327-28 (W.Va. 1947). However, a decision to rehear a matter, regardless of the circumstances, “should not be lightly granted.” To grant a reconsideration, the petitioning party must have standing and the decision must either not be final or based on new, relevant facts. Because the Order from the previous hearing had not been signed or released as of August 20, 2024, our previous decision was not final. Additionally, we believe there are new facts to consider that are relevant to the decision. For these reasons, we find that permitting a reconsideration 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 has decided to **RECONSIDER** the decision of the Board regarding BZA 24-24 and **ABATE** the portion of our previous interim decision denying the variance for setback. The remaining decisions in the June Order, BZA 24-23 and 24-25, remain in effect.

Within 30 days of this Order, any person aggrieved with this decision may appeal by filing a verified petition for a writ of certiorari with the circuit clerk of the county where the subject property is located.

The Clerk of the Board of Zoning appeals is directed to forward a true and correct copy of this entered Order to the petitioner and all known interested parties.

ENTERED

\_\_\_\_\_  
Date

Chairperson: \_\_\_\_\_ Prepared by: \_\_\_\_\_  
Jaqueline Proctor, Chair Cade Williams, Planner II

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

**BZA 24-24**

*Petitioner/Property Owner:* McGuire Properties, LLC, 1001 6th Ave., Suite 100, Huntington, WV  
*Subject Property:* This property is located at 633 & 639 5<sup>th</sup> Ave.

*In re:* A petition for a variance to exceed the maximum allotted front yard setback in the C-3 Central Business District.

Individual Speaking on Behalf of Petition:

Angela Maxwell, Edward Tucker Architects, 1401 6th Ave., Huntington, WV 25701  
Francis McGuire, 1001 6th Ave., Huntington, WV 25701

Other Interested Parties:

Kevin McGuire, 1001 6th Ave., Huntington, WV 25701

**ORDER**

On August 20, 2024, Mr. McGuire appeared before the City of Huntington Board of Zoning Appeals to provide testimony related to BZA 24-24. Other citizens were permitted to voice their positions regarding BZA 24-24, as well, per the practice of this Board, and interested parties provided testimony.

**FINDINGS OF FACT**

After reviewing all evidence at the August 20, 2024 meeting and hearing testimony from Mr. McGuire and other interested parties, the Board finds as follows:

1. McGuire Properties, LLC is the petitioner and property owner.
2. The petitioner seeks to develop a shopping strip center.
3. The development has a design that is more common in a suburban setting.
4. The property faces US Route 60, which is a multi-lane, one-way road in this block.
5. The property currently is directly adjacent to a Neighborhood Commercial Zoning District to the west and south and, in the future land use map, directly adjacent to the Downtown Transition District to the west.
6. In the Comprehensive Plan, this block is identified as being part of the Central Business District, both currently and on the future land use map.
7. The building has a proposed set back of over 100 feet from the public right-of-way.
8. The maximum setback for this district is 12 feet.
9. The proposed development has parking located in front and behind of the building with most parking in the front.
10. The revised plans include an abundance of greenspace including a green wall. This is believed to change the character of the development.
11. The property is currently vacant land, but was formerly the site of the YWCA, which has been vacant and unused for many years.

## STANDARD OF REVIEW

When considering 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

“The purpose of the C-3 district is to ensure continuation of the highly diverse and integrated land uses serving a variety of missions to an assortment of persons. It also serves to provide a cohesive and viable central business district for the City of Huntington, while preventing the intrusion of certain incompatible commercial or industrial uses.” City of Huntington Ordinance §1331.01. The maximum front yard setback in the C-3 District is 12 feet. City of Huntington Ordinance §1331.02.

In the Comprehensive Plan, this block is identified as being part of the Central Business District, both currently and on the future land use map. It currently is directly adjacent to a Neighborhood Commercial District to the west and south and, in the future land use map, it is directly adjacent to the Downtown Transition District to the west. Because of its location on a district border, it is no surprise that this block shares more characteristics with its neighboring district than its designated one, such as medium to high density development, development that is transitional between downtown core and neighborhood, and large residential buildings being repurposed for business use. *See* Plan2025 at p. 130. Additionally, most properties adjacent to US Route 60 are generally zoned C-2 Highway Commercial, which caters to vehicular traffic.

The petitioner would like to develop a shopping center in an area where the zoning code and development patterns do not accommodate each other. The juxtaposition of development patterns in this area is a special condition not of the petitioner’s making. The petitioner has come to the Board with a set of revised plans that attempts to better conform to existing development patterns and allow the intent of the zoning ordinance to be observed. Within these plans, there has been an abundance of greenspace and a green wall added. These additions have altered the character of this project making it more complimentary to the existing townscape. The green wall will give the illusion that the setback is closer to the prevailing setback for this block. The Board recognizes the maximum setback requirement is somewhat onerous because it does not conform to the existing streetscape in this area. The redesigned plans, which are more in the spirit of the neighborhood, will alleviate any adverse effect of a greater setback on the public health, safety, or welfare, or the rights of the adjacent property owners or residents.

## 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** this petition for a variance to exceed the maximum allotted front yard setback in the C-3 Central Business District. Any deviation from the plan as

presented, unless the deviation is in conformity with the current zoning ordinance, will require approval of this Board.

Within 30 days of this Order, any person aggrieved with this decision may appeal by filing a verified petition for a writ of certiorari with the circuit clerk of the county where the subject property is located.

The Clerk of the Board of Zoning appeals is directed to forward a true and correct copy of this entered Order to the petitioner and all known interested parties.

ENTERED

\_\_\_\_\_ Date

Chairperson: \_\_\_\_\_ Prepared by: \_\_\_\_\_  
Jaqueline Proctor, Chair Cade Williams, Planner II

**Staff Report:** A petition for a conditional use to permit towing services.

**Legal Ad**

**BZA 24-27**

*Issue:* A petition for a conditional use to permit towing services in the I-1 Light Industrial/Commercial District.

*Petitioner:* Brent Geer, 416 4<sup>th</sup> Ave., Huntington, WV.

*Property Owner:* Geer Brothers Body Shop Inc., 416 4<sup>th</sup> Ave., Huntington, WV.

**Introduction**

Mr. Geer is petitioning for a conditional use to allow towing services at Geer Brothers Body Shop Incorporated located at 413 3<sup>rd</sup> Avenue.

**Existing Conditions / Background**

Currently, Geer Brothers Body Shop is a body collision repair shop. This location is in proximity to the C-2 Highway Commercial District to the east and south and the C-3 Central Business District to the southeast. This property is in the vicinity of various uses including offices, residential structures, and commercial spaces. According to City records, this lot was rented to Professional Towing Services for towing services from 2012 to approximately 2022.

**Proposed Conditions**

If approved, the conditional use would allow the petitioner to offer third party towing services on their property.

**Conditional Use**

The Board must decide whether to grant a conditional use. In order to grant a conditional use, you 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.

**Zoning Ordinance**

Per *1320.04*, in the I-1 District, towing services are a conditional use.

**Pictures**



*View of petitioned property looking south from 3<sup>rd</sup> Avenue.*



*View of the southern side of the confluence of Veterans Memorial Boulevard and the off-ramp from the southbound side of West Virginia State Route 527. The petitioned property is to the south of the imaged roadway.*

### **Staff Comments**

Plan2025 designates this area as a Transition Commercial District, which is characterized by:

- Medium density development
- Limited off-street parking at times
- Medium sized lots
- Buffers residential areas and higher intensity commercial/industrial uses.

Staff recommends examining this petition holistically. This property is located off of U.S. Route 60 in an area with limited activity. In proximity to this property are abandoned buildings, a store, an office space, low intensity housing, and sporadic amounts of greenspace.

Traffic should be taken into consideration when evaluating this petition. There are motorists traveling on this section of 3<sup>rd</sup> Avenue from Ohio State Route 7/West Virginia State Route 527 and Veterans Memorial Boulevard. As motorists are meeting from an artery leading into the city and a bypass utilized to go around Downtown, this portion of 3<sup>rd</sup> Avenue experiences a considerable amount of traffic from motorists. But, there is a minimal

amount of traffic from pedestrians and it is possible to access the lot from the rear side by utilizing the alley. The alley is situated between 4<sup>th</sup> Street and West Virginia State Route 527.

Nonetheless, approving this conditional use would allow an empty lot to be utilized. This lot has been previously used by towing companies to drop off damaged vehicles to be repaired. Keyburn's Towing was operating in this space as of 2011, Nicely's Towing took operations over as of 2019. As there has not been any operation of towing services in over a year on this property, permitting this conditional use would restore this activity. As this area is transitional, permitting towing services on this lot would enrich the diverse activity of this neighborhood. There would be no negative impact to surrounding properties and provisions will be taken to ensure the preservation of the public's health, safety, and welfare. Towing services would be an appropriate use on this property.

### **Summary**

1. Geer Brothers Body Shop is the owner.
2. Brent Geer is the petitioner.
3. The petitioner is requesting a conditional use to permit towing services.
4. The property is zoned in the I-1 Light Industrial/Commercial District.
5. The petitioner would like to resume towing services at this location.

### **Attachments**

- Aerial map
- Zoning map
- Future Land Use map
- Site Plans
- Application



# 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: Brent Geer Phone: 304-525-0778

Mailing Address (city, state, zip): 416 4th Avenue Huntington, WV 25701

Email: brentgbbs@aol.com

Property Owner (if applicable): \_\_\_\_\_ Phone: \_\_\_\_\_

Mailing Address (city, state, zip): \_\_\_\_\_

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

413 3rd Avenue Huntington, WV 25701 (Map 17, Parcel 0109 0000 0000, BLK 42 LT 7-8 Account No: 00033330)

### 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 1370.04 to allow the following:

Towing services in the I-2 District at this location.

### 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.

Brent Geer

Signature of Applicant

\_\_\_\_\_ Date

Brent Geer

Signature of Property Owner

\_\_\_\_\_ Date

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

For office use only	
Received:	Project Name:

RECEIVED BY PLANNING  
JUL 24 '24 PM3:32



## 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):

Make area look better because it's occupied and will be kept up.

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

Will positively effect the above mentioned because property will be occupied and will not be empty. This will keep loitering to a minimum and will look better.

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

Should not effect this at all. There was a towing business there in the past and is next to a body shop which is a body related business

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

Maintenance and upkeep will be the same as surrounding properties.

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

yes

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

yes



# 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 B

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

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

Article \_\_\_\_\_

Brief description of the requirement:

\_\_\_\_\_

How will the requirement be met:

\_\_\_\_\_

Article \_\_\_\_\_

Brief description of the requirement:

\_\_\_\_\_

How will the requirement be met:

\_\_\_\_\_

Article \_\_\_\_\_

Brief description of the requirement:

\_\_\_\_\_

How will the requirement be met:

\_\_\_\_\_

Article \_\_\_\_\_

Brief description of the requirement:

\_\_\_\_\_

How will the requirement be met:

\_\_\_\_\_

Article \_\_\_\_\_

Brief description of the requirement:

\_\_\_\_\_

How will the requirement be met:

\_\_\_\_\_

\_\_\_\_\_

# Cabell County Property Tax

For The State Of West Virginia



Cabell County Sheriff's Tax Office • PO Box 2114 • • Huntington, WV 25721  
(304) 526-8672

 [Pay your taxes online](#)



## Cabell County Real Property - Tax Year: 2023

**Ticket Number:** 0000038700

**Account Number:** 00033330

**District:** 07 - KYLE

**More Info:** [Details](#)

<b>Owner Name:</b> GEER BROTHERS BODY SHOP INC <b>In Care of:</b> <b>Address:</b> 416 4TH AVE * HUNTINGTON WV 257011317 <b>Lending Inst:</b>		<b>Property:</b> BLK 42 LT 7-8 413 3RD AVE	
		<b>Map:</b> 17 <b>Lot Size:</b> <b>Book:</b> 1119	<b>Parcel:</b> 0109 0000 0000 <b>Acreage:</b> <b>Page:</b> 483
<b>Tax Class:</b> 4	<b>Homestead Exemption:</b>	<b>Back Tax:</b>	<b>Exoneration:</b>
		<b>Prior Delinquents:</b>	<b>Special Disposition:</b>

**DUE: First Half: none due Second Half: none due Total Due: none due**

### ASSESSMENT:

Assessment	GROSS	NET	TAX (1/2 Year)
Land	25920	25920	
Building	49740	49740	
<b>Total</b>	<b>75660</b>	<b>75660</b>	<b>1281.38</b>

### PAYMENTS RECEIVED:

	First Half	Second Half
<b>Net</b>	<b>1281.38</b>	<b>1281.38</b>
<b>Discount</b>	<b>32.03</b>	<b>32.03</b>
<b>Interest</b>	<b>.00</b>	<b>.00</b>
<b>Total</b>	<b>1249.35</b>	<b>1249.35</b>
<b>Date</b>	<b>09/01/2023</b>	<b>09/01/2023</b>

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**Software Systems, Inc.**  
23 South University Avenue  
Morgantown, WV 26508

**Staff Report:** A petition for a variance from the required location of an accessory structure.

**Legal Ad  
BZA 24-28**

*Issue:* A petition for a variance from the required location of an accessory structure in the R-1 Single-family Residential District.

*Petitioner/Property Owner:* Melissa Beilstein, 1827 Washington Blvd., Huntington, WV.

**Introduction**

Ms. Beilstein is petitioning for a variance to allow a storage shed to be located in the front yard of her property.

**Existing Conditions / Background**

Ms. Beilstein had a pre-fabricated storage shed installed in her front yard to store her belongings. The structure was placed in her front yard as the topography of her lot prohibits construction in the side and rear yards.

**Proposed Conditions**

If approved, the variance would allow the petitioner to keep the shed in the front yard.

**Variance**

The Board must decide whether to grant a variance. In order to grant a variance, you 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;
4. And that the variance will allow the intent of the Zoning Ordinance to be observed and substantial justice done.

**Zoning Ordinance**

Per 1315.06.A.01, in the R-1 District, accessory structures may encroach upon required side and rear yards.

**Pictures**



View of the shed going east on Washington Boulevard.



*View of the shed looking in a southward direction from Washington Boulevard.*



*View of shed going west on Washington Boulevard.*

### **Staff Comments**

Plan2025 designates this area as a Hills Residential District, which is characterized by:

- Medium density development
- Sidewalks interspersed
- Small and medium sized lots
- Primarily single family housing

The City was made aware of the shed in the front yard in November 2023. The petitioner was notified the shed is in violation of the Zoning Ordinance and that a permit is required for the shed. Action was not made by the petitioner until this summer. Upon reviewing the location of the shed, it was

noted to the petitioner they would need a variance to keep the shed in the front yard.

Usually accessory structures like sheds are only permitted in the rear and side yards. However, the petitioner's side and rear yards cannot be developed as all of these areas are predominantly hillside. There is not enough developable land in the rear yard available for the petitioner to utilize.

A concern that may be raised pertains to the streetscape along this portion of Washington Boulevard. This area consists of single-family homes with no development in the front yards of residences besides mainly driveways and passageways to enter dwellings. A shed being placed in the front yard of this property could disrupt the perception of the character of this neighborhood. If this petition is approved, the Board can set a condition that the street view of the shed is screened with greenery. This condition would ensure neighborhood character is preserved while allowing the petitioner to keep their shed in the front yard.

§1315.06.A.01 requires accessory structures to be placed at least 3 feet from property lines. The shed is located at the northeastern corner of the petitioner's property and is at least 3 feet from the front yard and side yard lines. Additionally, the shed has been placed where motorists' line of sight will not be negatively impacted.

Overall, the petitioner would like to have a personal storage shed but cannot place the building in the rear or side yards due to the topography of her parcel. This is a special condition of the land not created by the petitioner and granting a variance would eliminate an unnecessary hardship. Approving this variance would allow the

intent of the Zoning Ordinance to be observed. As mentioned before, if the Board approves this petition a condition can be placed for the petitioner to screen the shed with greenery.

### **Summary**

1. Melissa Beilstein is the petitioner and owner.
2. The petitioner is requesting a variance to permit a shed to be located in the front yard.
3. The topography of the parcel prohibits the petitioner from putting the shed in the side or rear yards.
4. The property is zoned in the R-1 Single-family Residential District.

### **Attachments**

- Aerial map
- Zoning map
- Future Land Use map
- Site Plans
- Application



# 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: Melissa Beilstein Phone: 518-926-9552  
Mailing Address (city, state, zip): 1827 Washington Blvd, Huntington  
Email: Lissy beilstein @ gmail.com  
Property Owner (if applicable): Melissa Beilstein Phone: 518-926-9552  
Mailing Address (city, state, zip): 1827 Washington Blvd, Huntington

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

Shed was placed in my side yard

Variance request pursuant to:

Article 1315.06 (A) and/or Figure \_\_\_\_\_ of the City of Huntington Zoning Ordinance.

Description of the variance being requested:

I am requesting that I can leave my shed where it is. I was planning on putting some attractive shrubbery in front of it.

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, 9-17-2024 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.

Melissa L. Beilstein  
Signature

8-7-2024  
Date

For office use only	
Received:	Project Name:



# INSPECTIONS AND PERMITS DIVISION

City of Huntington  
Inspections and Permits  
P.O. Box 1659 | Huntington, WV 25717  
(304) 696-5540

## Building Permit Application

Instructions: Please complete the application and include the total cost of labor and materials. A \$20 application fee is included for all building permits. **Permits are valid for six (6) months.**

### APPLICANT INFORMATION

General  Property Owner  Lessee  Agent

Contractor Applicant Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Email: \_\_\_\_\_

### CONTRACTOR INFORMATION

Business Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
COH Contractor License #: \_\_\_\_\_ Email: \_\_\_\_\_  
Are subcontractors working on this project:  Yes  No

### PROPERTY INFORMATION

Property Owner: Melissa Beilstein Phone: 518-926-9552  
Property Address: 1827 Washington Blvd Email: lissybeilstein@gmail.com  
Rental Property:  Yes  No

### PERMIT INFORMATION

New Construction  Demolition **Residential:**  
 Renovation  Excavation  Single Family  Commercial  
 Addition / Alteration  Repair  Multi-family  Industrial

Total Cost of Labor and Materials: \$ 6400

### DESCRIPTION OF WORK

Electric  Plumbing  HVAC  Framing  Roofing  Other

Description of Work: Ohio River Sheds and Barns transports shed and sets it on property.  
Square footage of structure: 12 x 24 Square footage of site: Approx 30 x 30 maybe larger  
There is no construction or electrical work involved.

### OTHER PERMITS

Certificate of Occ  Sign  Right-of-way  Special privilege  Floodplain

**Article 1705.99 Providing false, incomplete, or misleading information on this application is subject to a \$500 fine.**

Building Permit Fee: \$ \_\_\_\_\_  
Application Fee: \$ 20.00  
Total: \$ 20.00

I acknowledge that the above information is true and correct to the best of my knowledge, and I agree to comply with all state, county, and city codes and ordinances.

Applicant Signature: Melissa Beilstein Date: 5-24-2024

# DEVELOPMENT SITE PLAN

Property Owner: Melissa Beilstein

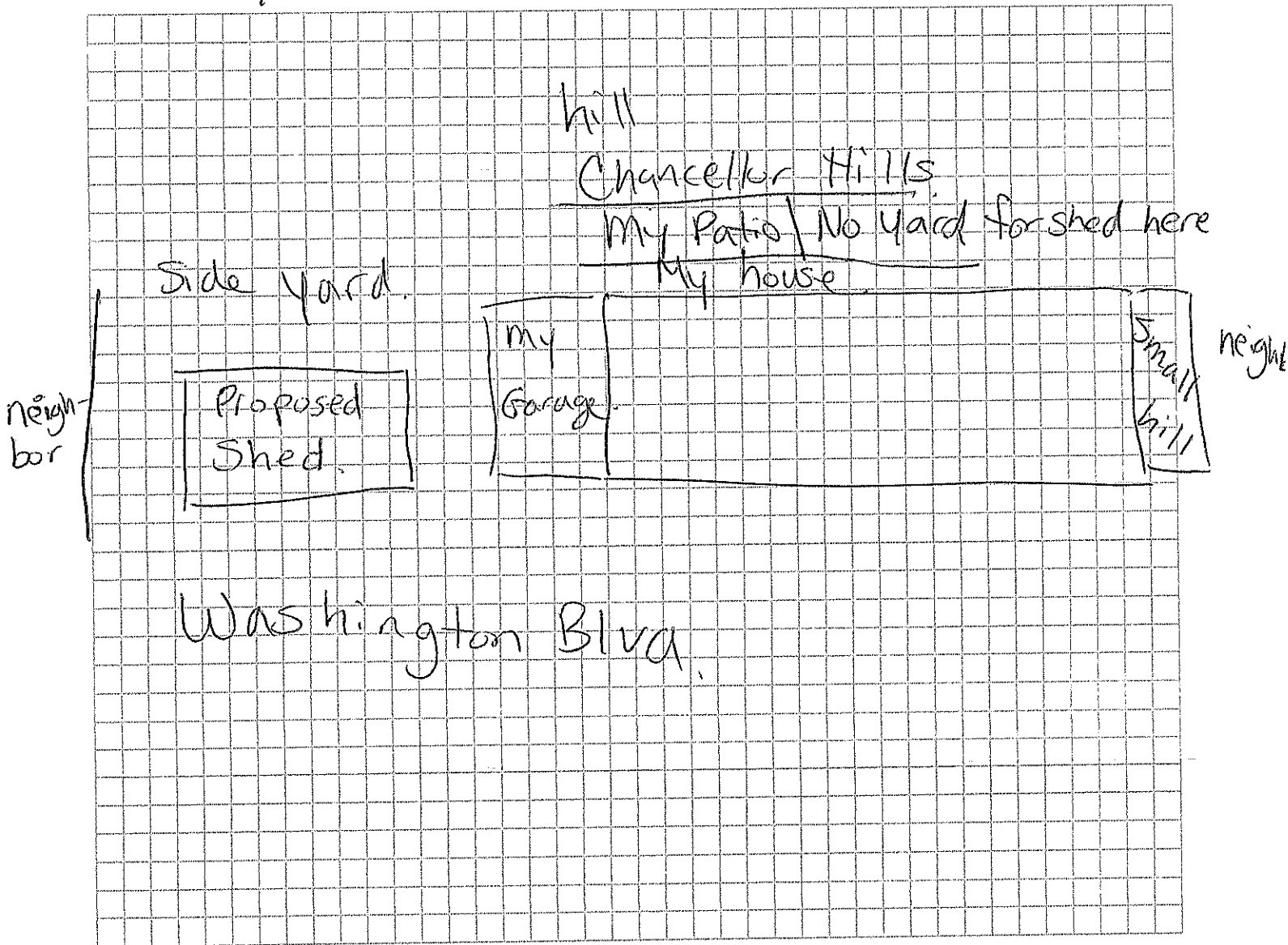
Site Address: 1821 Washington Blvd.

**Label and include:**

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

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

Signature: Melissa L. Beilstein



**For office use**

**Planning and Zoning Review**

- Approved
- Denied

**Public Works Review**

- Approved
- Denied

Reviewed by: \_\_\_\_\_

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

**Staff Report:** A petition for a variance from the required minimum ratio of 1:1 open to structural areas in the front yard of a parcel in the R-2 Single-family Residential District.

**Legal Ad  
BZA 24-29**

*Issue:* A petition for a variance from the required minimum ratio of 1:1 open to structural areas in the front yard of a parcel in the R-2 Single-family Residential District. The property is located at 2785 3<sup>rd</sup> Ave.

*Petitioner/Property Owner:* Jennifer Linn-McComas, 2785 3<sup>rd</sup> Ave., Huntington, WV

**Introduction**

Jennifer Linn-McComas is petitioning for a variance from the required minimum ratio of 1:1 open to structural areas in the front yard of her property. This property is located in a residential district where any fence in the front yard shall have a 1:1 ratio of open to structural areas and shall not exceed four feet in height.

**Existing Conditions / Background**

The property is owned by Jennifer Linn-McComas. Currently, she resides at this location. In the past she has had trespassers in her yard, as well as litter.

The petitioner has installed a fence around the entire yard. In the front yard, the fence is four feet in height but does not comply with the minimum 1:1 ratio open to structural areas. This fence was ticketed mid construction due to a compliance officer witnessing the construction without a zoning or building permit review. The fence was completed after notice was sent of non-compliance.

**Proposed Conditions**

The petitioner would like to keep the fence as completed, but has indicated that it will be painted black.

**Variance**

The Board must decide whether to grant a variance. In order to grant a variance, you 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.

**Zoning Ordinance**

Per Article 1341.19(C)(1)(a), in any residential district, “any fence located in the front yard or required front yard, whichever distance is greater, shall have a minimum ratio of 1:1 open to structural areas (such as picket fence or split rail fence) and shall not exceed four feet in height.”

## Pictures



July 2024 photo of 2785 3<sup>rd</sup> Ave from Google Maps Street View



View of 2785 3<sup>rd</sup> Ave. looking west to the front yard privacy fence. If permitted, the fence will be painted black.



View of privacy fencing looking south from across 3<sup>rd</sup> Avenue.

## Staff Comments

Plan2025 designates this area as a Traditional Residential District, which is characterized by:

- Medium density development

- Smaller lots with grid streets where parking primarily enters from the alley
- Sidewalks throughout
- Residential density per acre increases in areas near transitions
- Primarily single-family. Commercial uses are sparse and with conditions
- New development maintains single-family character

The open to structural requirement for fencing is instilled in the ordinance to preserve the character of neighborhoods. On the block of 3rd Avenue where her home is located, there are multiple large single-family homes, with only a couple with front yard fencing and none are a solid fence. The adjoining block, although zoned as C-2 Highway Commercial, consists of mostly single family homes, also without front yard fencing.

Even though the material she has used is permitted, it prohibits the character of his home to complement the streetscape that is filled with homes large open front yards. Overall, staff can agree the petitioner has a right to install a fence to protect himself, but the solidity is causing an obstruction to the view of the front of the house which changes the character of the neighborhood.

Overall, board members should give consideration to the impact on this development, setting a standard to alter the land use characteristics of the district, and how this will impact the neighborhood.

## Summary

Jennifer Linn-McComas is the owner and petitioner.

1. The petitioner is requesting a variance from the required minimum ratio of 1:1

open to structural areas in the front yard of a residential property.

2. The property is currently zoned in the R-2 Single-family Residential District.
3. The petitioner has installed a fence that does not comply with the 1:1 open to structural areas requirement in a front yard.

**Attachments**

- Aerial map
- Zoning map
- Future Land Use map
- Application



# PLANNING & ZONING

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

## Zoning Permit Application

Applicant Name: Jennifer Holland Linn-McComas ("Holly") Phone: 304-633-8734

Property Owner (if applicable): Same as above Phone: \_\_\_\_\_

General Contractor: Self Phone: \_\_\_\_\_ City License #: \_\_\_\_\_

Address, Parcel Number, or Property Description: 2785 3rd Ave Huntington, WV 25702

Type of Permit:

- Driveway / Parking Pad
- Enclosed Porch
- Deck / Porch / Stoop
- Carport
- Garage
- Fence, 6 feet or shorter
- Storage Building/Accessory building
- Other: \_\_\_\_\_

map/parcel 11 0217 0000 0000 (tax)  
ParcelID 05-11-217

<b>FOR OFFICE USE</b>
Received: _____
Staff Initials: _____
Permit Number: _____

Application Checklist:

- Site Plan (see requirements)
- Construction materials: wood, nails, concrete
- Cost of labor and materials: \$ labor self \$0, materials \$7,000.00

J. Holland  
Signature of Applicant

08/14/24  
Date

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

### FOR OFFICE USE ONLY

#### Planning

- Approved
- Denied

Conditions: \_\_\_\_\_

- Building Permit required
- Public Works approval required

Reviewed by: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_

#### Public Works

- Approved
- Denied

Conditions: \_\_\_\_\_

Reviewed by: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_



Certified Mail Return Receipt: 7018 3090 0000 2916 2170

July 30, 2024

Jennifer McComas  
2785 3<sup>rd</sup> Avenue  
Huntington, WV 25702

**RE: NOTICE OF COMPLIANCE ISSUE AT**

Location: 2785 3<sup>rd</sup> Avenue  
Zoning: R-2 Single-Family Residential  
Parcel ID: 05-11-217  
Case #: 2024-03

Dear Ms. McComas:

It has come to the attention of the City of Huntington Planning and Zoning office that a fence has been erected at 2785 3<sup>rd</sup> Avenue without a permit. This structure is not compliant with zoning or building codes and must be removed.

**§1341.19(C)** requires any fence located in the front yard to have minimum ration of 1:1 open to structural areas (such as picket or split rail fence) and shall not exceed four (4) feet in height.

**§1341.19(D)(5)** allows for a non-chain-link metal fence or a wooden fence to be added to the top of a wall but not exceed the height restrictions for the fence as if mounted at ground level.

An inspection of the site will take place within **10 business days** upon receipt of this letter. At that time, there should be no fence placed on top of the existing wall.

If you choose to modify the fence, please know that a Building Permit is **required** and a site plan must be submitted to the Planning office.

If you have any questions or concerns with regards to this letter, please call, 304.696.5540, ext. 2093 or email, [petrusos@huntingtonwv.gov](mailto:petrusos@huntingtonwv.gov).

Sincerely,

A handwritten signature in blue ink that reads "Stephanie Petruso". The signature is written in a cursive, flowing style.

Stephanie Petruso, CFM  
Senior Planner



# 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: Jennifer Holland Linn-McComas ("Holly") Phone: 304-633-8734  
Mailing Address (city, state, zip): 2785 3rd Ave Huntington, WV 25702  
Email: Linn3@marshall.edu  
Property Owner (if applicable): same as above Phone: \_\_\_\_\_  
Mailing Address (city, state, zip): \_\_\_\_\_

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

2785 3rd Ave Huntington, WV 25702 Map/Parcel 11 0217 0000 0000 (tax)  
Parcel ID 05-11-217

Variance request pursuant to:  
Article 1341.19 and/or Figure \_\_\_\_\_ of the City of Huntington Zoning Ordinance.

Description of the variance being requested:

The fence is wooden and not 1:1 ratio of open to structural area  
The fence is 4' in height-it sits back from the wall.

### 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 08/20/24 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.

J. Holly McComas  
Signature

08/14/24  
Date

For office use only	
Received:	Project Name:



## PLANNING & ZONING

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

### Variance of Zoning Regulations Application

#### ATTACHMENT A

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

1. Effect upon public health, safety, or general welfare, or the rights of adjacent property owners or residents:

This fence is to provide protection for our property and 7 children. We have had issues with trespassers as well as litter - including used needles being in our yard.

2. What is the special condition or attribute of the property for which the variance is sought (must not be created by the person seeking the variance):

The fence does not have 1:1 ratio of open to structure. This is to help prevent litter and needles being in our yard. Furthermore, this fence is not as easy to climb.

3. How an approval of the Variance would eliminate an unnecessary hardship and permit a reasonable use of the land:

The fence is already built, removing the fence prevent the needed protection of the property and family residing there.

4. How would an approval of the Variance allow for the intent of the Zoning Ordinance to be observed and substantial justice done:

Approval would allow this family to not only protect their home but also add to the curb appeal and value of the home.

## DEVELOPMENT SITE PLAN

Property Owner: Jennifer H. Linn McComas "Holly"

Site Address: 2785 3rd Ave Huntington, WV 25702

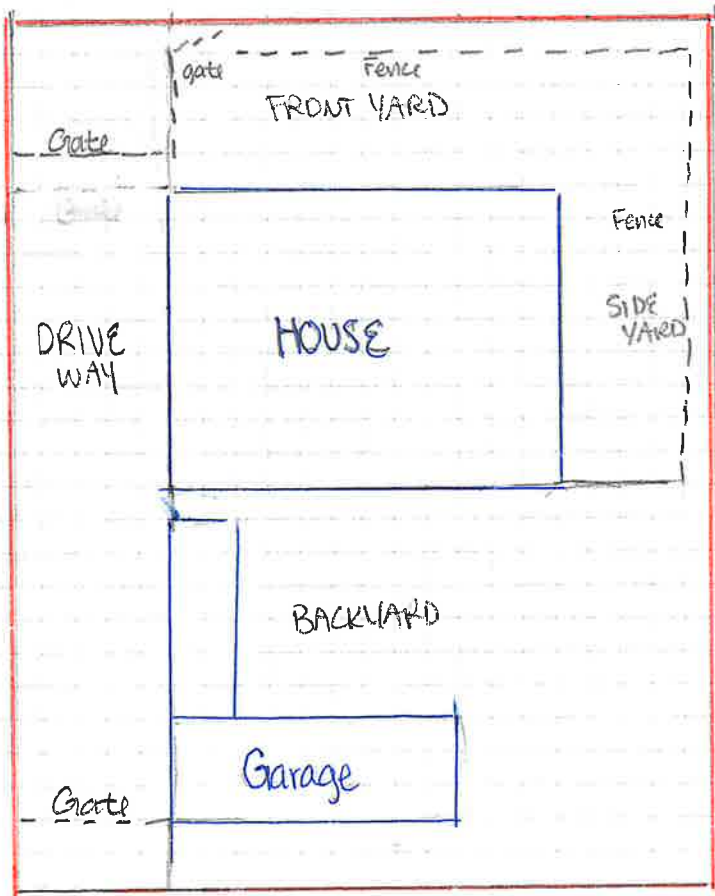
I, the undersigned, acknowledge this is a true and accurate representation of the proposed development to the best of my knowledge.

Signature: 

**Label and include:**

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

3RD AVE



28th Street

Fence is approx  
70' x 60'

Alley

Please use the Cabell or Wayne County GIS Maps to reference property lines:

Cabell County: <https://agdonline.maps.arcgis.com/apps/webappviewer/index.html?id=b7a855c356b64d94bbfae33e8585b636>

Wayne County: <https://agdonline.maps.arcgis.com/apps/webappviewer/index.html?id=4559a85477a0499295d07ab6f17656a6>

**For office use**

**Planning and Zoning Review**

- Approved  
 Denied

**Public Works Review**

- Approved  
 Denied

Reviewed by: \_\_\_\_\_

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

# Fence Color



**SHERWIN-WILLIAMS.**



SW 6258

**Tricorn Black**

Interior / Exterior

Location Number: 251-C1

## COORDINATING COLORS

SW 0050

**Classic Light Buff**

SW 9052

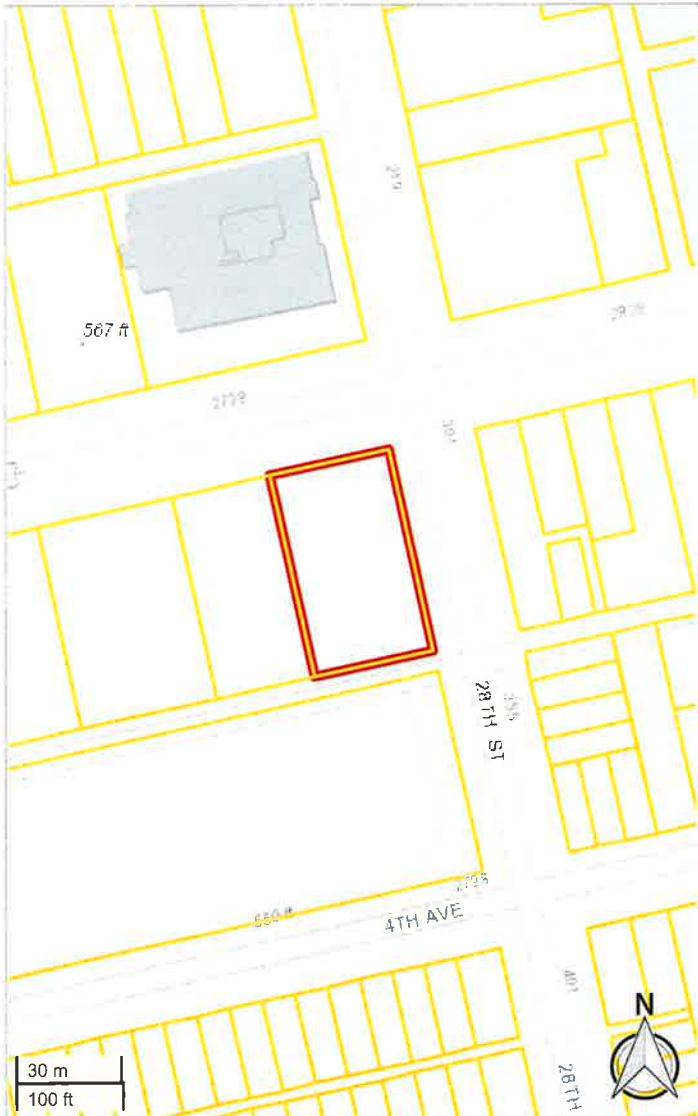
**Blithe Blue**

SW 6252

**Ice Cube**

## SIMILAR COLORS

## DETAILS



## Cabell County, WV

Cabell County online map access is provided as a public service, as is, as available and without warranties, expressed or implied. Content published on this website is for informational purposes only, and is not intended to constitute a legal record nor should it be substituted for the advice or services of a licensed professional. Parcel map information is prepared for the inventory of real property found within County jurisdiction and is compiled from recorded deeds, plats, and other public documents in accordance with W.V. Land Records Technical Specifications for Base, Cadastral and Digital Mapping Systems. Users are hereby notified that the aforementioned public record sources should be consulted for verification of information. With limited exception, data available on this website originates from Cabell County Land Records GIS and is maintained for the internal use of the County. The County of Cabell and the Website Provider disclaim all responsibility and legal liability for the content published on this website. The user agrees that Cabell County and its Assigns shall be held harmless from all actions, claims, damages or judgments arising out of the use of County data.



Irv Johnson  
 Assessor  
 750 Fifth Ave.  
 Huntington, WV 25701  
 (304) 526-8687

Date Printed: 8/15/2024

parid:	05 11021700000000
dist:	05
map:	11
parcel:	217
own1:	MCCOMAS JENNIFER LINN
own2:	
owneraddr:	2785 3RD AVE
situsaddr:	2785 85R 3RD AVE
cityname:	HUNTINGTON
statecode:	WV
legal1:	BLK 265 110 X 185
legal2:	2785-85R 3RD AVE
book:	1457
page:	675
aprland:	40800
aprldgd:	192200
aprtot:	233000
acres:	0.4700000000000003



Cabell County  
Assessor

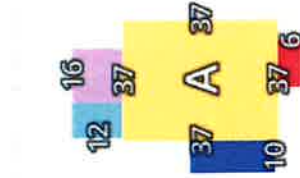
Parid: 05 11021700000000 - | - 5-11-217

Tax Year: 2024

# Property Record Card

Card: 1

<b>Situs Addr.:</b>	2785 85R 3RD AVE	<b>District:</b>	HUNTINGTON-GIDEON CORP	<b>Map:</b>	11
<b>Owner1:</b>	MCCOMAS JENNIFER LINN	<b>Owner2:</b>		<b>Owner Addr:</b>	2785 3RD AVE HUNTINGTON, WV 25702
<b>Deed Book/Page:</b>	1457/675	<b>Land Use:</b>	Residential 1 Family	<b>Acreage:</b>	0.47
<b>Appraised Blg Val:</b>	\$192,200.00	<b>Appraised Land Val:</b>	\$40,800.00	<b>Total Appraised Val:</b>	\$233,000.00
<b>Assessed Blg Val:</b>	\$115,320.00	<b>Assessed Land Val:</b>	\$24,480.00	<b>Total Assessed Val:</b>	\$139,800.00
<b>Year Built:</b>	1941	<b>Total Rooms:</b>	9	<b>SqFt:</b>	3204
<b>Bathrooms:</b>	2	<b>Half Baths:</b>	1	<b>Total Fixtures:</b>	10
<b>Basement Area:</b>	0	<b>Recroom Area:</b>	288	<b>Heat:</b>	Central A/C
<b>Tax Class:</b>	2	<b>Neighborhood:</b>	0111	<b>Fuel:</b>	Gas
<b>Legal Desc 1:</b>	BLK 265 110 X 185	<b>Legal Desc 2:</b>	2785-85R 3RD AVE	<b>Legal Desc 3:</b>	
<b>Sale Date:</b>	Mar 1st 2022	<b>Sale Price:</b>	\$230,000.00	<b>Sale Book/Page:</b>	1457/675
		<b>Bedrooms:</b>	4		



Part	Lower	First	Second	Third	Area
A					1369
B		OPEN FRAME PORCH			200
C		WOOD DECK			132
D		1 STY FRAME			192
E		OPEN FRAME PORCH	OPEN FRAME PORCH		84



ASSESSMENT DISTRICT 2 Bl. 265-3 Ave & 27 St. LEGAL DESCRIPTION

Huntington-Gideon Bl. 265-3 Ave & 27 St.

MAP NO.	PLOT NO.	LOT SIZE	ACREAGE	OWNER'S NAME	ADDRESS	DATE ACQUIRED	FED. TAX STAMPS	DEED BOOK	PAGE NO.
11	217	110' x 185'							
6				McComas Jennifer Linn		3/2/22	230000	1457	675
5				Price Family Trust	NO SWJ	10-26-99	0	1055	518
4				Moon, Eleanor Joann Price - Trust	Eleanor dec 31st 1988	03/27/98	WB	142	706
3				MOON, Eleanor J. Price				769	439
2				Price, Joyce E. & Moon, Eleanor J. P.	Surv	12-2-77		769	439
1				Price, Estella E.	2785-3 Avenue	see back			
					25702				

MAP CARDS - ROSE CITY PRESS, CHARLESTON, W. VA.



Parid: 05 11021700000000 -|- 5-11-217

Tax Year: 2024

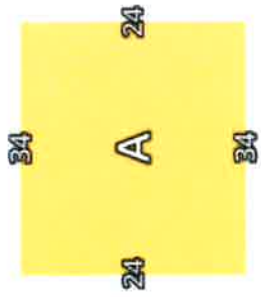
Property Record Card

**Situs Addr:** 2785 85R 3RD AVE  
**Owner1:** MCCOMAS JENNIFER LINN  
**Deed Book/Page:** 1457/675  
**Appraised Big Val:** \$192,200.00  
**Assessed Big Val:** \$115,320.00  
**Year Built:** 1942  
**Bathrooms:** 1  
**Basement Area:** 0  
**Tax Class:** 2  
**Legal Desc 1:** BLK 265 110 X 185  
**Sale Date:** Mar 1st 2022

**District:** HUNTINGTON-GIDEON CORP  
**Owner2:** Residential 1 Family  
**Land Use:**  
**Appraised Land Val:** \$40,800.00  
**Assessed Land Val:** \$24,480.00  
**Total Rooms:** 4  
**Half Baths:** 0  
**Recroom Area:** 0  
**Neighborhood:** 0111  
**Legal Desc 2:** 2785-85R 3RD AVE  
**Sale Price:** \$230,000.00

**Map:** 11  
**Owner Addr:** 2785 3RD AVE  
 HUNTINGTON, WV 25702  
**Acreage:** 0.47  
**Total Appraised Val:** \$233,000.00  
**Total Assessed Val:** \$139,800.00  
**SqFt:** 816  
**Total Fixtures:** 5  
**Heat:** Central A/C  
**Fuel:** Gas  
**Legal Desc 3:**  
**Sale Book/Page:** 1457/675

**Bedrooms:** 2



Part	Lower	First	Second	Third	Area
A					816



2 B/2/25 with down acc.

LEGAL DESCRIPTION

Bl. 265-3 Ave & 27 St.

Huntington-Gideon

MAP NO.	PLOT NO.	LOT SIZE	ACREAGE	OWNER'S NAME	ADDRESS	DATE ACQUIRED	FED. TAX STAMPS	DEED BOOK	PAGE NO.
11	217	110' x 185'							
6				McComas Jennifer Linn		3/2/22	230000	1457	675
5				Price Family Trust	NO SURV	10-26-99	0	1055	518
4				Moon, Eleanor Joann Price	Trust	03/27/98	WB	142	706
3				Moon, Eleanor J. Price				769	439
2				Price, Joyce E. & Moon, Eleanor J. P.	Surv	12-2-77		769	439
1				Price, Estella E.	2785-3 Avenue	see back			
					25702				

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

**RULES OF PROCEDURE**

**RULE 4. HEARINGS**

**D. EVIDENCE.**

3. In regards to written testimony and petitions of collected signatures, in its discretion, the Board may give such evidence limited consideration, however, the same shall be given greater weight if each signature is individually notarized.

Aug. 16, 2024

To Whom It May Concern:

Subject: Fence

My name is Susan Lucas and I reside in the Highlawn neighborhood for the last 25 yrs. I am writing in support of the fence that was installed at the home of Rob + Holly McComas residing 2785 Bird Ave. We have a large population of transients in our neighborhood and with that comes drug use and trespassing.

I recognize the need to take necessary measures to secure a home that has a young family and safety always comes first.

I fully support the fence installation and urge you to please take into account the necessity of the fence in securing a home.

Thank-you for your consideration,  
Susan H. Lucas

August 19, 2024

To Whom it May Concern,

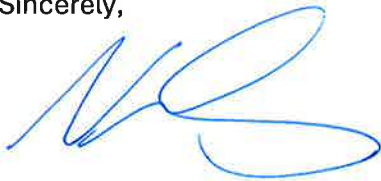
This letter is intended to express the importance of a fenced in yard in/ near the 2700 block of 3<sup>rd</sup> avenue.

It comes as no surprise to anyone living in or familiar with the City of Huntington that the homeless/ drug epidemic is on the rise. As a homeowner in the Highlawn area, I see it on a daily basis. We have NUMEROUS “backpackers” traveling through our streets and alleys at all times of the day and night. They often peak into your yard or porch, to see what they can “grab and go.”

There are also multiple posts in the various “Highlawn Watch Groups” on Facebook, and Ring Doorbell notifications of porch pirates, thieves stealing out of peoples yards.

In conclusion, a fenced in yard is a necessity in the Highlawn area, due to the uptick in “backpackers” traveling through.

Sincerely,



Neal Scaggs

2700 Block 3<sup>rd</sup> Avenue

Homeowner

To Whom It May Concern,

My name is James Slone, and I am the owner of Kustom Koatings and Bridge St. Properties in Huntington, WV. I am asking you to reconsider or make an exception to your zoning requirement for a fence that was built at Holly McComas's home. I have been a friend of Holly and her family for over 40 years. They are a great and all-around upstanding family. I even remember the day Holly was born.

Holly is a hard-working person and a wonderful adoptive mother to 7 children that were all victims of abuse and neglect due to their biological families being addicts. Two of the children were born with drugs in their system. As I'm sure anyone could see, it would absolutely take a special person to take on the responsibility of 7 children, each of which have different special needs.

The fence she had put up, unknowingly that she needed a permit, is not about the aesthetics of her home, it is about the safety and security of the children she has taken in as her own. I know personally, if I had the responsibility of raising 7 children it would be imperative that I have a fence around my house. While I understand the importance of zoning regulations, I feel the children are much safer and more secure playing outside with a fence.

I also feel that if the fence was not allowed at her current residence, she should have been made aware that she needed a permit when the fence was first started. Her house is on a major thoroughfare and had to be passed by many city officials daily. I strongly believe Holly would have gone through the proper channels to request an exception prior to building had she known this would be a problem. I feel that waiting to notify her until the fence was completed has created an unnecessary financial burden on her and her family.

I am asking you to reconsider the sanctions imposed on Holly for these reasons, most of which involve the safety and well-being of her children. Thank you for your time and consideration.

Sincerely,



James Slone

August 22, 2024

To: The Office of Zoning and Planning

Re: Rob and Holly McComas' front-facing fence  
2785 3<sup>rd</sup> Avenue, Huntington, WV 25702

Greetings,

I am writing on behalf of Rob and Holly McComas. It is my understanding that have built a fence around their front yard in an effort to prevent trespassers and drug users from entering their property. They have indicated to me that they have had problems with squatters and with finding used hypodermic needles on their property. It has come to my attention that the city of Huntington is demanding that the McComas's tear down their front fence citing that the fence is against city code requirements. I respectfully ask that the McComas's be allowed a code variance so that do not have to incur further expense in dismantling and rebuilding their front fence. Mr. and Mrs. McComas have done our city, as well as our state, a wonderful service in that they have fostered 12 children and have adopted seven children out of foster care. Their final adoption consisted of a sibling group of four. I can tell you from my own experience in being a foster parent that finding a family that is willing to take in four children at one time is next to impossible. They strive to ease the government's burden of caring for neglected kids, and they work hard to keep at-risk children safe. Couldn't the city show its appreciation by allowing them to keep a fence that will help to ensure the children's safety at home?

Thank you for your consideration,



Andrew Tilley, ALP  
Office Manager, Second Presbyterian Church  
Clerk of Session, Second Presbyterian Church

Meghan Salter

2955 Merrill Ave

Huntington, WV 25702

Dear Members of City Council,

I am writing in support for Holly Linn-McComas residing at address 2785 3<sup>rd</sup> Avenue. Mrs. McComas has a newly installed wooden fence in her front yard. The fence was built to address concerns that Mrs. Comas had regarding the safety of her residence and the safety of her children.

In the Highlawn Area, I have observed an increase in dangerous situations around 3<sup>rd</sup> and 5<sup>th</sup> Avenues. This area has become a hotspot for a rise in homelessness and drug use. These issues are creating an environment that is unsafe for residents, particularly children.

**The Primary Issues of Safety in the Highlawn Area:**

1. **Speed of Traffic:** 3<sup>rd</sup> and 5<sup>th</sup> Avenues are close to many residential properties. I have personally seen drivers, on many accounts, racing and driving above the posted speed limits. This endangers pedestrians and residents alike. The instillation of the fence acts as a crucial barrier for Mrs. McComas to shield her children from high-speed traffic.
2. **Homelessness:** the increase in individuals experiencing homelessness in the area has increased recently. At one point this year, Mrs. McComas had a vagrant break into her back property apartment. These conditions impact the well-being of individuals and pose safety concerns for nearby residents.
3. **Drug Use:** There has been a noticeable uptick in drug-related activities in the Highlawn area. This has resulted in hazardous conditions, including discarded needles and other drug paraphernalia. This creates a health risk for residents and contributes to the overall decline in neighborhood safety.

Considering these concerns, I respectfully request that Huntington City Council approve the installation of the fence at 2785 3<sup>rd</sup> Avenue. This measure would create a safer boundary between the residential area and the road, while also serving as a deterrent from break-ins, and drug use.

Thank you for your careful consideration of this matter.

Meghan Salter



**Staff Report:** Two petitions: a variance from the front yard setback and a variance to allow a parking area in the front yard.

**Legal Ad**

**BZA 24-30 & 24-31**

*Issue 1:* A petition for a variance from the front yard setback of a parcel in the C-1 Neighborhood Commercial District.

*Issue 2:* A petition for a variance to allow a parking area in the front yard in the C-1 Neighborhood Commercial District.

*Petitioner:* J.D. Maynard, AIA, DJM Architecture, 4333 Waverly Rd., Huntington, WV.

*Property Owner:* Muslim Association of Huntington Inc., 944 20<sup>th</sup> St., Huntington, WV.

**Introduction**

J.D. Maynard, AIA is petitioning for two variances. One is from the front yard setback of a parcel and the second is to allow a front yard parking area for a property in the C-1 Neighborhood Commercial District. The petitioned property is located at 944 20<sup>th</sup> St. also known as 2010 10<sup>th</sup> Ave.

**Existing Conditions / Background**

The property is currently owned by Muslim Association of Huntington Inc. The property consists of an already existing structure with an adjacent parking area. The parcel has front yards along Lincoln Avenue, 20<sup>th</sup> Street and 10<sup>th</sup> Avenue.

**Proposed Conditions**

The property owners propose to add to the currently existing structure. The new addition will align with the existing structure along 10<sup>th</sup> Avenue. Additionally, they would like to

expand the existing parking in the front yard of 10<sup>th</sup> Avenue and continue along the east side of the parcel running the length of the lot from 10<sup>th</sup> Avenue to Lincoln Avenue.

**Variance**

The Board must decide whether to grant a variance. In order to grant a variance, you 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.

**Zoning Ordinance**

Per Article 1327.02, the maximum front yard setback can be no more than 8 feet for commercial or mixed-use structures in a C-1 Neighborhood Commercial District.

§1327.03(B)(2)(iii) states off-street parking areas shall only be permitted in the side or rear yards.

## Pictures



*View of parcel looking northwest from 10<sup>th</sup> Avenue.*



*View of property from southeast corner of parcel.*



*View of back fence on northern lot line from Lincoln Avenue.*

## Staff Comments

Plan2025 designates this area as a Neighborhood Center District, which is characterized by:

- Medium density and small lots
- 1-3 story buildings to front of property line on residential main streets
- Little to no off-street parking
- Mixed commercial and residential uses
- Serves as a commercial hub for a neighborhood

### ***Issue 1: A petition for a variance from the front yard setback of a parcel in the C-1 Neighborhood Commercial District.***

Staff recognizes this parcel has three front yards. This petition pertains to the front yard on Lincoln Avenue. As proposed, the structure will sit fifteen (15) feet off of Lincoln Avenue rather than the requisite eight (8) feet.

As there are no prevailing setbacks along Lincoln Avenue and most of the adjoining lots face onto 10<sup>th</sup> Avenue, staff recommends approval of this variance.

### ***Issue 2: A petition for a variance to allow a parking area in the front yard in the C-1 Neighborhood Commercial District.***

There is an existing parking area in front of the existing structure on this parcel. Table 1343.A requires 1 parking space per 300 sq. ft. for religious use structures. As proposed, the addition will potentially triple the structure size requiring more parking. The extension of the current parking area will keep the parking off-street, allowing for the adjoining residential area to continue to have curbside parking at all times. Additionally, the proposed plan has a buffering green space

along the east side of the property, shielding the adjacent residential property.

Staff recommends approving the variance for a parking area in the front yard.

### **Summary**

1. J.D. Maynard, AIA is the petitioner.
2. Muslim Association of Huntington Inc. is the owner.
3. The petitioner is requesting to vary from the front yard setback of a parcel and to allow a front yard parking area.
4. The property is currently zoned as a C-1 Neighborhood Commercial District.
5. The property has three (3) front yards.
6. The property has an existing parking area in the front yard.

### **Attachments**

- Aerial map
- Zoning map
- Future Land Use map
- Site Plans
- Application



# 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:** J.D. Maynard, AIA, DJM Architecture Phone: (304)-429-2365

**Mailing Address (city, state, zip):** 4333 Waverly Road, Huntington, WV 25704

**Email:** jdmaynard@djmarchitecture.com

**Property Owner (if applicable):** Muslim Association of Huntington Phone: (561)-666-7783

**Mailing Address (city, state, zip):** 944 20th Street, Huntington, WV 25703

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

944 20th Street, Huntington, WV 25703, 05 32 222

**Variance request pursuant to:**

Article 1327.02 and/or Figure \_\_\_\_\_ of the City of Huntington Zoning Ordinance.

**Description of the variance being requested:**

The Owner is requesting to align the facility addition with the front of the existing mosque, which creates a front yard setback of more than 8'-0" on both 10th and Lincoln Avenues.

**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.*

Signature J.D. Maynard

Date 8/20/2024

For office use only	
Received:	Project Name:

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AUG 20 '24 PM3:25



## 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

#### ATTACHMENT A

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

1. Effect upon public health, safety, or general welfare, or the rights of adjacent property owners or residents:  
Requiring a 8'-0" maximum setback is not consistent with the existing residential neighborhood along 10th Avenue, so I believe requiring this would have a negative impact on the adjacent property owners. The new addition would block their view down the street and potentially isolate the street from 20th.
2. What is the special condition or attribute of the property for which the variance is sought (must not be created by the person seeking the variance):  
An existing parking lot is in the front yard of the property and the Owner is requesting to extend that parking lot and use the property in the same way they have for years. This request will only work if the addition is setback to align with the existing mosque.
3. How an approval of the Variance would eliminate an unnecessary hardship and permit a reasonable use of the land:  
Extending the existing parking lot will allow for the most efficient use of the space and creates one large parking lot, versus two seperate and detached areas. If the new addition is pushed close to 10th Avenue, the Owner feels like it will take away from the aesthetics and presence of the mosque.
4. How would an approval of the Variance allow for the intent of the Zoning Ordinance to be observed and substantial justice done:  
Allowing the addition to setback with the mosque will continue the existing setback established along 10th Avenue by the residential structures in the neighborhood.



# PLANNING & ZONING

City of Huntington  
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## Variance of Zoning Regulations Application

**Applicant Name:** J.D. Maynard, AIA, DJM Architecture Phone: (304)-429-2365

Mailing Address (city, state, zip): 4333 Waverly Road, Huntington, WV 25704

Email: jdmaynard@djmarchitecture.com

**Property Owner (if applicable):** Muslim Association of Huntington Phone: (561)-666-7783

Mailing Address (city, state, zip): 944 20th Street, Huntington, WV 25703

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

944 20th Street, Huntington, WV 25703, 05 32 222

### Variance request pursuant to:

Article 1327.03(B)(2)(iii) and/or Figure \_\_\_\_\_ of the City of Huntington Zoning Ordinance.

Description of the variance being requested:

The Owner is requesting a variance to construct a new parking lot in the front yard off 10th Avenue.

### 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.

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J. D. Maynard  
Signature

8/20/2024  
Date

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## PLANNING & ZONING

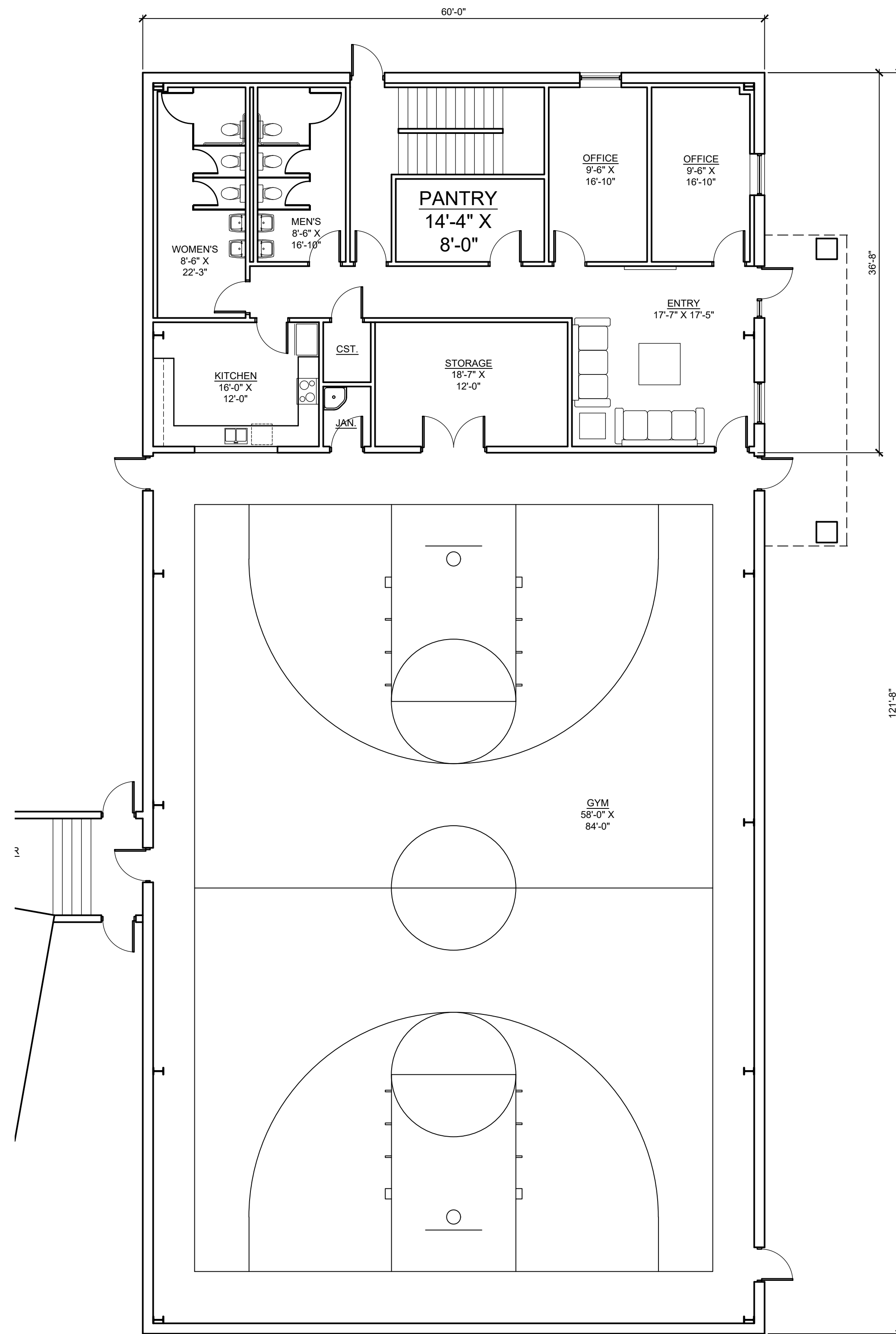
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### Variance of Zoning Regulations Application

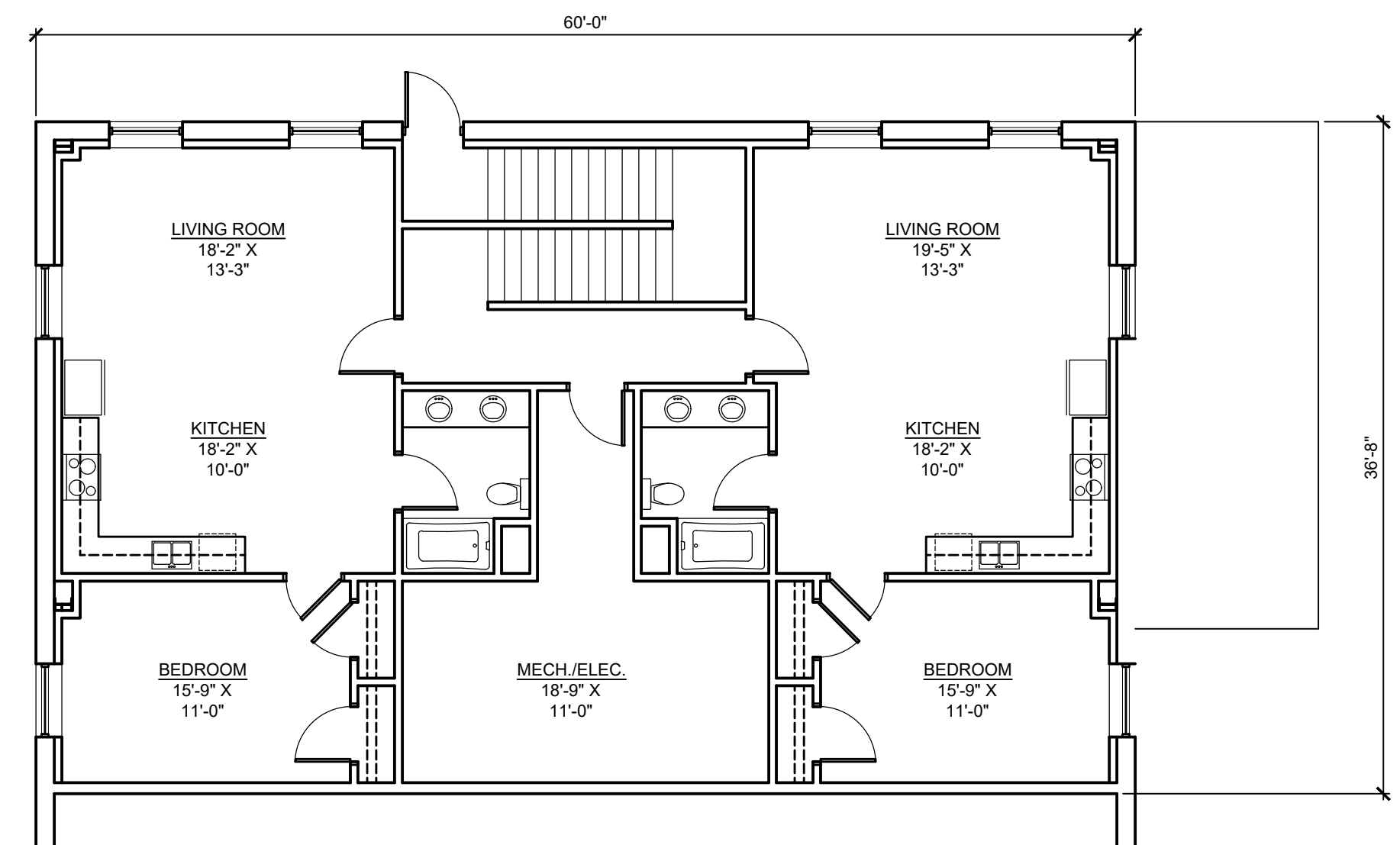
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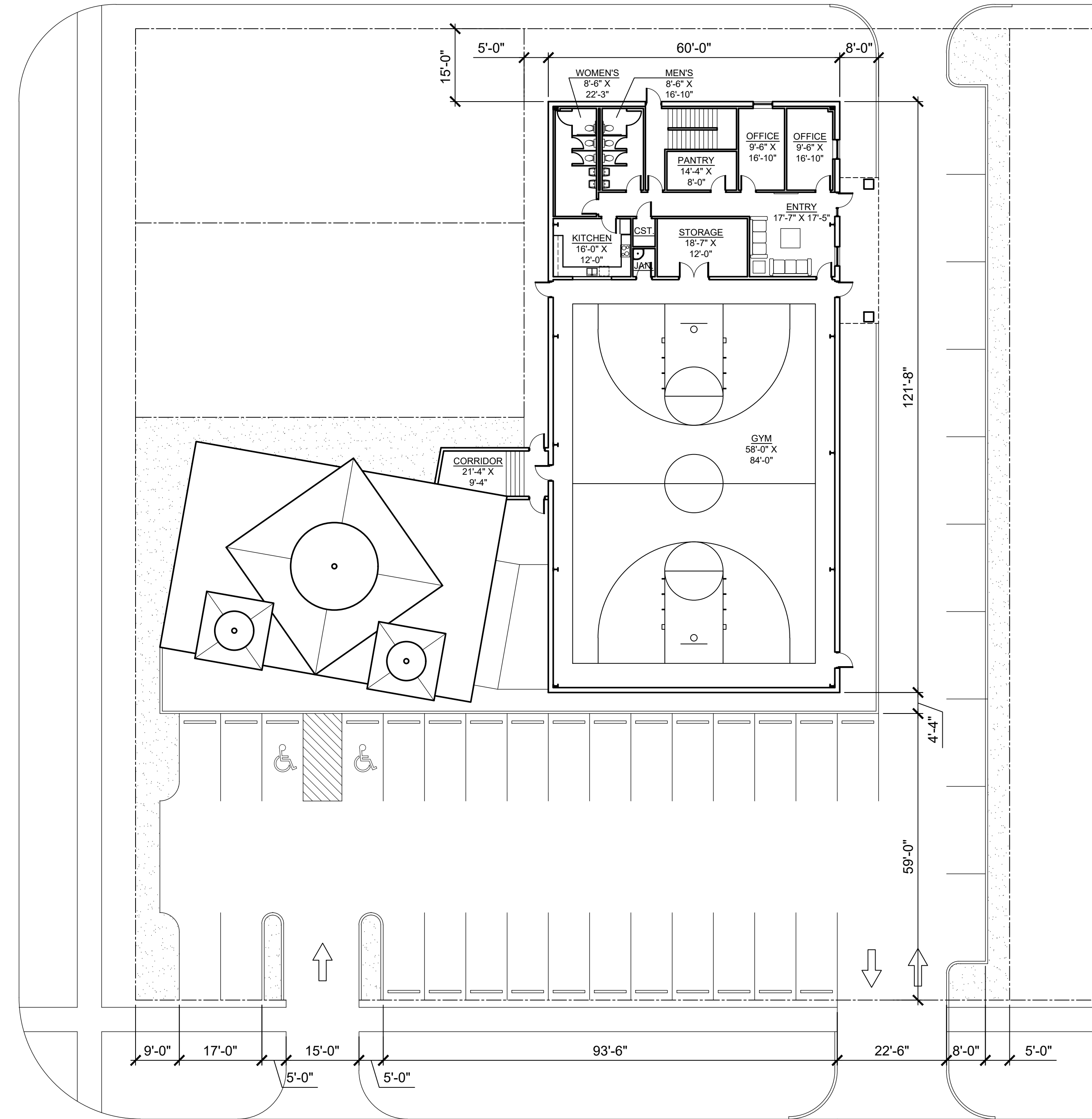
1. Effect upon public health, safety, or general welfare, or the rights of adjacent property owners or residents:  
The existing parking lot is in the front yard and entrance into the mosque. The Owner is requesting to extend the existing parking lot to the east in front of new facility addition. I believe this request is being consistent with the existing condition within the neighborhood.
2. What is the special condition or attribute of the property for which the variance is sought (must not be created by the person seeking the variance):  
An existing parking lot is in the front yard of the property and the Owner is requesting to extend that parking lot and use the property in the same way they have for years.
3. How an approval of the Variance would eliminate an unnecessary hardship and permit a reasonable use of the land:  
Extending the existing parking lot will allow for the most efficient use of the space and creates one large parking lot, versus two separate and detached areas.
4. How would an approval of the Variance allow for the intent of the Zoning Ordinance to be observed and substantial justice done:  
Allowing parking in the front of the new addition will preserve the existing setback established along 10th Avenue by the residential structures in the neighborhood.



1 FIRST FLOOR PLAN - OPTION #2  
A1 1/8" = 1'-0"



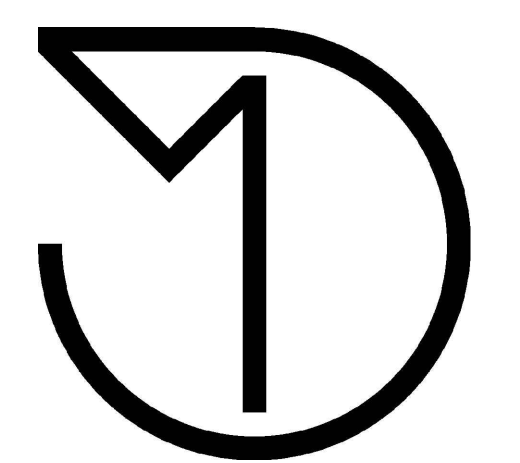
2 SECOND FLOOR PLAN - OPTION #2  
A1 1/8" = 1'-0"



3 SITE PLAN  
A1 1/16" = 1'-0"

	Commercial or Mixed-Use	Multi-family Dwellings	All Other Residential Use Only Structures
<b>Lot</b>			
Lot area (min)	2,500 SF	2,500 SF	
Lot width (min/max)	25' / 160'	25' / 160'	Article 1325.02
Lot coverage (max)	100%	90%	
Building coverage (max)	75%	75%	
<b>Setbacks</b>			
Front yard (min/max)	0' / 8'	6' / 18'	
Build-to percentage, front façade (min)	60%	60%	
Side yard if adjoining a residential district (min)	5'	5'	Article 1325.02
Side yard if not adjoining a residential district (min)	0'	0'	
Rear yard (min)	15'	15'	
<b>Building Height</b>			
Building height, principal uses (max)	3 stories / 45'	3 stories / 45'	
Building height, accessory buildings (max)	15'	15'	Article 1325.02
Finished ground floor height (min/max)	0'/2'	0'/4'	
<b>Transparency</b>			
Ground floor transparency, front façade (min)	50%	20%	
Ground floor transparency, corner side façade (min)	40%	20%	
Ground floor blank wall width, front façade (max)	10'	-	Article 1325.02
Ground floor blank wall width, corner side façade (max)	30'	-	
Upper floors transparency, front façade (min)	20%	20%	
Upper floors transparency, corner side façade (min)	20%	20%	

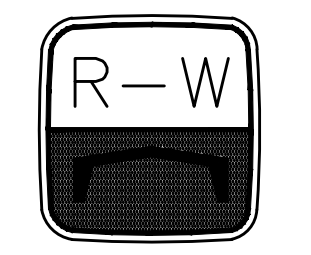
GENERAL NOTES



**DM architecture**  
4333 Waverly Road  
Huntington, WV 25704  
304-426-2365

REVISIONS

SEAL



**RIEDEL-WILKS**  
BUILDING STRUCTURES, INC.  
420 7th. AVENUE G.  
HUNTINGTON, W.V.  
PHONE (304) 523-5452  
FAX (304) 523-8789

PROJECT NAME  
NEW FELLOWSHIP HALL  
HUNTINGTON, WV

DRAWING TITLE  
FIRST & SECOND FLOOR PLANS  
SITE PLAN

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PROJECT NO. 2024-0403  
DATE 8/20/2024  
DWG. NO. A1