

Agenda

Huntington Board of Zoning Appeals Tuesday, September 16, 2025 - 5:30pm

- 1. Call to Order
- 2. Roll Call
- 3. Approval of the August 2025 Minutes
- 4. Approval of the August 2025 Orders
 - BZA 25-17
 - BZA 25-18
- 5. New Petitions

BZA 25-20

Petitioner/Property Owner: Kevin Workman, 1005 Washington Ave., Apt. 6, Huntington, WV 25704

Property Location: 1005 Washington Ave., Huntington, WV 25704

Issue: A petition for a variance to increase the height of a fence in a C-2 Highway Commercial District.

BZA 25-21

Petitioner/Property Owner: Thomas Smith, 3962 Mount Union Rd., Huntington, WV 25701

Property Location: 1025 7th St., Huntington, WV 25701

Issue: A petition for a variance to reduce the setback required for a side yard in an R-5 Multi-

family Residential District.

- 5. Announcements/Discussion
- 6. Adjournment

Minutes City of Huntington Board of Zoning Appeals August 19, 2025

A meeting of the City of Huntington Board of Zoning Appeals was held on August 19, 2025 at 5:30 p.m. in the City Hall Council Chambers. *Mr. Earl* called the meeting to order and Ms. Roland confirmed a quorum was present.

Members Present: Steven Yates, Dan Earl and Matthew Smith

Members Absent: Gina Browning, Sara Loftus and Whitney Gesner

Staff Present: Kenzie Roland, Planner I

Sam Ransbottom, Assistant City Attorney

Mr. Earl asked if there were any objections to the July 2025 minutes, seeing none, the minutes were approved.

Mr. Earl asked if there were any objections to the orders from July 2025, seeing none, the minutes were approved.

BZA 25-17

Petitioner: Tacie Jones, 321 S Walnut St., Huntington, WV 25705

Property Owner: Mike Shilot, 115 S Walnut St., Huntington, WV 25705

Property Location: 111 S Walnut St., Huntington, WV 25705

Issue: A petition for a variance to increase the prevailing setback required in an R-1 Single-

Family Residential District.

Ms. Roland read the staff report.

Tacie Jones, 321 S Walnut St., spoke in regards to the petition. She stated that the rear portion of the lot is elevated and that there is significant water pooling in the front portion of the lot. Ms. Jones stated she does not wish to place the home on the front portion due to the moisture issues, and that she was curious if the home that previously sat on the front of the lot had ever sustained damage because of this.

Mr. Earl inquired if any professional sources were utilized to support Ms. Jones claims of a possible spring. Ms. Jones stated she had not had a study done, but has had several contractors state that her wish to build on the back part of the lot would be feasible.

Mr. Earl further inquired if Ms. Jones had any proof that the house that formerly sat on the front of the lot had in fact sustained moisture damage. Ms. Jones stated she did not.

Mr. Yates asked Ms. Jones if a contractor were to suggest site prep, if she would be willing to build in the front. Ms. Jones replied that due to the "tier" structure of the lot she would not be willing to build in the front.

Mr. Yates motioned to approve BZA 25-17. Mr. Smith seconded.

BZA Roll Call: Ms. Yates, Yes; Mr. Smith, Yes; Mr. Earl, Yes.

BZA 25-17 was approved with a vote 3 Yes to 0 No.

BZA 25-18

Petitioner: Covenant School, 2400 Johnstown Rd., Huntington, WV 25701

Property Owner: DirecTV Customer Services Inc., 1010 Pine St., St. Louis, MO, 63101

Property Location: 2300 5th St. Rd., Huntington, WV 25701

Issue: A petition to allow for a conditional use of a private school in a C-2 Highway Commercial

District.

Ms. Roland read the Staff Report.

Craig Hefner, 2400 Johnstown Rd., is the head of Covenant School and spoke in regards to the petition and stated that they wished to occupy the building located at 2300 5th St. Rd.

Mr. Yates motioned to approved BZA 25-18. Mr. Smith seconded.

BZA Roll Call: Mr. Yates, Yes; Mr. Smith, Yes; Mr. Earl, Yes.

BZA 25-18 was approved with a vote 3 Yes to 0 No.

Mr. Earl adjourned the meeting at 6:17 p.m.

Date approved:		_	
Chairperson:		Prepared by:	
1 —	Dan Earl, Acting Chair	_ 1	Katie Parsons, Planner I

City of Huntington Board of Zoning Appeals

September 16, 2025

Staff Report: A petition for a variance to increase the height of a fence in a C-2 Highway Commercial District.

Legal Ad BZA 25-20

Issue: A petition for a variance to increase the height of a fence in a C-2 Highway Commercial District.

Petitioner/Property Owner: Kevin Workman, 1005 Washington Ave., Apt. 6, Huntington, WV 25704

Property Location: 1005 Washington Ave., Huntington, WV 25704

Introduction

Mr. Workman is petitioning to allow for a variance to increase the height of a front yard fence from 4 ft. to 6 ft. in a C-2 Highway Commercial District.

Existing Conditions / Background

The property is located at the corner of Washington Avenue and 10th Street West. It is an apartment building that contains 16 units, and currently has a 6 ft. wooden privacy fence that extends from the rear of the building on Washington Avenue along the entire extent of the rear property line and connecting to the rear of the building next to the alleyway.

Proposed Conditions

If approved, the petitioner would construct a new portion of fence that is 6 ft. in height and constructed of black aluminum picket fence style paneling. It would extend from the stairs that are located at the midway point of the apartment building on Washington Avenue,

to the sidewalk, stopping at the corner of 10th Street West and Washington Avenue.

Zoning Ordinance

Per Section 1341.19(C)(2)(a), any fence located in the front yard shall not exceed four feet in height.

Per Figure 1315.E, corner lot example.



Variance

In making its decision, the Board of Zoning Appeals shall consider the following:

- 1. Whether the proposed variance would adversely affect the public health, safety, or general welfare;
- 2. Whether the proposed variance request arises from special conditions or attributes pertaining to the property and not created by the property owner;
- 3. Whether the proposed variance would eliminate an unnecessary hardship and permit a reasonable use of the land; and

4. Whether the proposed variance would allow the intent of the Zoning Ordinance to be observed and substantial justice be done?

Pictures



View of petitioned property from 10th St. W looking northeastern towards Washington Ave.



View of petitioned property from corner of Washington Ave and 10th St. W looking south.



View of petitioned property across Washington Ave looking southwest towards 10th St. W.

Comprehensive Plan

Plan2035 characterizes this area as Convenience Commercial. Characteristics of this area are categorized as:

- Low density and large lots.
- Commercial uses located along primarily state routes.
- Parking available on-site or in a shared lot.
- Larger-scale commercial and service for the region.

Staff Comments

The petitioner's property is a corner lot, and according to the figure located in the Zoning Ordinance, 1315.E, the portion of the lot along Washington Avenue and 10th Street West are both considered front yards. Therefore, he would need a variance to increase the height in a C-2 Highway Commercial District from 4 ft. to 6 ft.

Staff Recommendation

According to the petitioner's site plan, traffic from neither Washington Avenue nor 10th Street West would be obstructed by the construction of the proposed fence. Washington Avenue is a one way street with traffic heading westward, therefore, if an

individual was wishing to turn out onto Washington Avenue, they would be looking right off of 10th Street West and not left towards the fence. Staff recommends no as the petitioners request for a variance does not arise from a hardship of the land. If the Board of Zoning Appeals decides to grant the petitioner the variance that is requested, please do so under the condition that the order will not be entered until the petitioner has paid the Variance Application Fee.

Summary / Findings of Fact

- 1. Kevin Workman is the petitioner and the property owner.
- 2. The petitioner is requesting a variance to allow for a 6 ft. fence in the front yard.
- 3. The current zoning for the parcel is C-2 Highway Commercial.
- 4. Plan2035 designates this area as Convenience Commercial.

Attachments

- Application
- Site Plan
- Proposed Fence Material
- Aerial map
- Zoning map
- Future Land Use map



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: Kevin Michael Workman Phone: (304) 417-1801
Mailing Address (city, state, zip):1001 Washington Ave , Apt 6 Huntington ,WV 25704
Email: <u>kmichaelworkman@gmail.com</u>
Property Owner (if applicable): Kevin Michael Workman Phone: (304) 417- 1801
Mailing Address (city, state, zip):1001 Wahington Ave, APT 6 Huntington Wv 25704
Please list the Location (address) and Description (Tax Map Number, Parcel, and Lot,):
Variance request pursuant to:
Article 1341.c.2.a and/or Figure of the City of Huntington Zoning Ordinance.
Description of the variance being requested:
I respectfully request a variance from the current zoning regulations to allow for the installation of a six-foot aluminur fence on my property, located at 1001 Washington Avenue, Apartment 6. The purpose of the proposed fence is to enhance safety, privacy, and security for myself and other residents on the property.
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, etc.).
Valid State and Federal Photo ID.
 Any and all documentation and evidence to support the request.
Citizen letters to the Board (if applicable) must be notarized.
One hundred sixty dollars (\$160) non-refundable filing fee for each variance sought. All of the above documentation do the sixty of the same and the same a
All of the above documentation shall be submitted in full to the Planning and Zoning office by <u>Aug. 19th</u> 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.
/We, the undersigned, am/are aware that a public hearing by the Board of Zoning Appeals will be held on Tuesday, Sept. 16th. 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
7-23-2025
ignature Date
For office use only

Received:

Project Name:



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:
	The proposed fence is to ensure the safety of not only myself but, my other residents.
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 apartment with 16 units.
3.	How an approval of the Variance would eliminate an unnecessary hardship and permit a reasonable use of the land: Recently there have been multiple instances where individuals in active addiction have left
	behind hazardous materials like used needles. The fence will help ensure that this does not happen.
4.	How would an approval of the Variance allow for the intent of the Zoning Ordinance to be observed and substantial justice done: If granted permission I will install the fence, the fence will help myself and my other residents feel safer.



Side walk and chun to 10th sh west to beside the

Best Seller

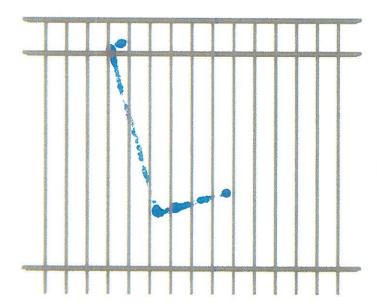


TuffBilt

Mitchell 5 ft. H x 6 ft. W Black Aluminum Pre-Assembled Flat Top Spaced Picket Fence Panel

Type of Fence that was be used

☆ ★ ★ ★ (40) ✓ Questions & Answers (41)

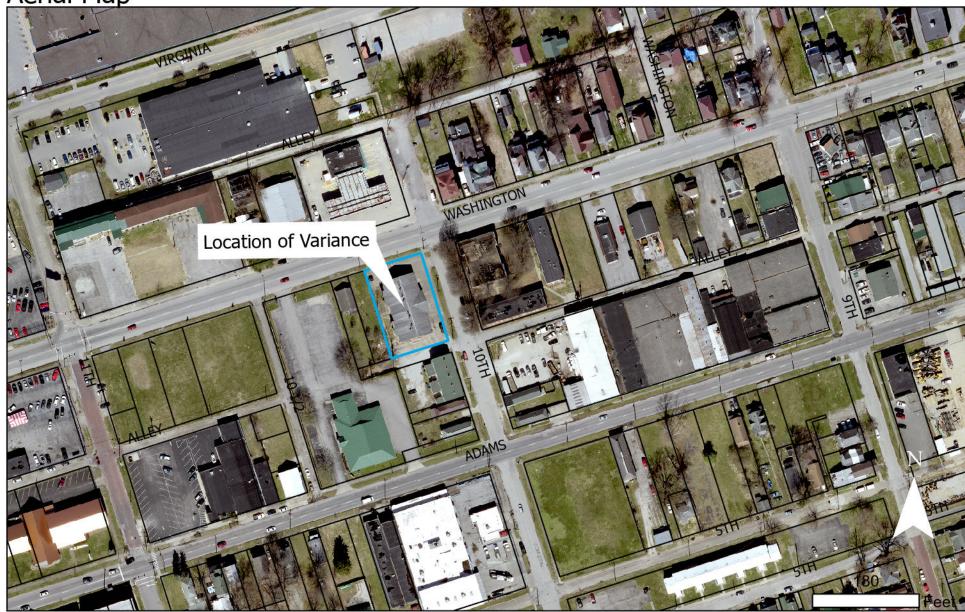


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Aerial Map



1005 Washington Ave. Cabell County Tax District 07, Map 26 Parcel 102 BZA 25-20

A petition for a variance to increase the height of a fence in a C-2 Highway Commercial District.



Zoning Map WASHINGTON Location of Variance Zoning C-1 Neighborhood Commercial C-2 Highway Commercial I-1 Lt Ind/Comm

1005 Washington Ave. Cabell County Tax District 07, Map 26 Parcel 102 BZA 25-20

R-2 Single-family Residential R-5 Multi-family Residential

A petition for a variance to increase the height of a fence in a C-2 Highway Commercial District.



Future Land Use Map WASHINGTON Location of Variance ADAMS Future Land Use (Plan 2035) Convenience Commercial Light Industrial Traditional Residential Transition Commercial

1005 Washington Ave. Cabell County Tax District 07, Map 26 Parcel 102 BZA 25-20

A petition for a variance to increase the height of a fence in a C-2 Highway Commercial District.



City of Huntington Board of Zoning Appeals

September 16, 2025

Staff Report: A petition for a variance to reduce the setback required for a side yard in an R-5 Multi-family Residential District.

Legal Ad BZA 25-21

Issue: A petition for a variance to reduce the setback required for a side yard in an R-5 Multi-family Residential District.

Petitioner/Property Owner: Thomas Smith, 3962 Mount Union Rd., Huntington, WV 25701

Property Location: 1025 7th St., Huntington, WV 25701

Introduction

The petitioner is requesting a variance to reduce the required side yard setback in an R-5 Multi-family Residential District for a Single Family Duplex from 4 ft. to 2.3 ft.

Existing Conditions / Background

The petitioned property is currently vacant, and has been since at least 2022. The property used to have a large single family home, with a driveway extending from 7th Street to the rear of the home. The parcel has never been altered and has a lot size of 36.6 ft. by 90 ft.

Proposed Conditions

The petitioner is requesting a variance to reduce the required side yard setback from 4 ft. to 2.3 ft. in order to build a Single Family Duplex on the petitioned property.

Zoning Ordinance

Per Section 1325.02, for a Single Family Duplex, the minimum side yard setback required is 4 ft.

Variance

In making its decision, the Board of Zoning Appeals shall consider the following:

- 1. Whether the proposed variance would adversely affect the public health, safety, or general welfare;
- 2. Whether the proposed variance request arises from special conditions or attributes pertaining to the property and not created by the property owner;
- 3. Whether the proposed variance would eliminate an unnecessary hardship and permit a reasonable use of the land; and
- 4. Whether the proposed variance would allow the intent of the Zoning Ordinance to be observed and substantial justice be done?

Comprehensive Plan

Plan2035 designates this area as Traditional Residential. Characteristics of this district include:

- A mix of housing types and uses interspersed throughout the primarily residential area.
- A medium density of single-family and two-family homes between 6 and 11 units per acre.
- Smaller lots with grid streets where parking primarily enters from the alley.
- Sidewalks throughout.

- Residential density per acre increases in areas near transitions or busier corridors.
- New development is incremental and designed to infill into the prevailing architectural standards of the district.
- Commercial uses are sparse and with conditions.

Pictures



View of petitioned property from 7th St. looking eastward from 7th St.



View of petitioned property from 7th *St. looking southeastern.*

Staff Comments

The petitioned property is only 36.6 ft. in width. The minimum lot size for an R-5 Multi-Family Residential District/Single Family Duplex is 40 ft. According to Section 1341.04(B)

"Use of existing Lots deficient in area or width. A Single-family Dwelling may be located on any Lot in any District in which Single-family Dwellings are permitted if the Lot was a single parcel in a single ownership or a single parcel separately described or included in a Deed which was or record in the Office of the Clerk of either Cabell or Wayne County, West Virginia, at the time of the passage of this Ordinance, even though the Lot does not have the minimum Lot Area specified for the district. Persons applying for a permit to develop a deficient lot must provide documentation as required by the Planning Director to prove such lot was in existence prior to the enactment of the City's Zoning Ordinance."

Therefore, the petitioner is not required to request a variance regarding the minimum lot size for this zone. Due to the nature of the lot, it would make sense as to why the petitioner would need to reduce the side yard setback on each side of the property.

The petitioner wishes to build a Single Family Duplex. According to the petitioner's site plan, he would meet all other required setbacks (front and rear). The plans for the duplex also depict each unit containing two bedrooms. This would also require the petitioner to provide a minimum of **TWO** off street parking spaces as required by Section 1343.A.

Staff Recommendation

The proposed variance does not adversely affect public health, safety or general welfare. The size of the lot creates a special condition for the petitioner to develop on the parcel, but would require a variance in some form to be able to adequately do so. This would eliminate an unnecessary hardship

and permit reasonable use of the land considering a fairly large home used to sit on the property. The petitioner is simply wanting to occupy a similar footprint as the previous home. Staff recommends granting the petitioner's request for a variance.

Summary / Findings of Fact

- 1. Thomas Smith is the petitioner and the property owner.
- 2. The petitioner is requesting a variance to reduce the side yard setback.
- 3. The current zoning for the parcel is R-5 Multi-family Residential District.
- 4. Plan2035 designates this area as Traditional Residential.

Attachments

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



City of Huntington

Planning & Zoning

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(304) 696-5540, option 3

planningdept@huntingtonwv.gov

For office use only

Received: 8/19/25

Project Name: BVA 25-

Variance of Zoning Regulations Application	021 (01 20 16
Applicant Name: Thomas Smith	Phone: 304-634-33.09
Mailing Address (city, state, zip): 3962 Mount Union RD, Huntin	yto-, WV 25701
Email: +smith 1019@yahoo.com	
Property Owner (if applicable):	Phone:
Mailing Address (city, state, zip):	
Please list the Location (address) and Description (Tax Map Number, Parcel, ar	nd Lot,):
1025 7th St Huntin to Wy 44 320.	
1025 7th St, Huntington, Wy 44, 320, Variance request pursuant to:	
Article 1325,62 and/or Figure of the City of Huntington Zonin	g Ordinance.
Description of the variance being requested:	
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duplex plane) to fit	
Tan requestly the setbacks on the left + right side to duplex planes to fit Reduce side yard asia for single finity duplex	
The following exhibits are to be attached and made part of this application:	
Site plan the property involved (if applicable); drawn to scale, showing	g all boundary lines and the placement of
existing and/or proposed structures, and with all dimensions shown (setbacks, buildings, etc.).
Valid State and Federal Photo ID.	
 Any and all documentation and evidence to support the request. 	
 Citizen letters to the Board (if applicable) must be notarized. 	
One hundred sixty dollars (\$160) non-refundable filing fee for each vi	ariance sought.
All of the above documentation shall be submitted in full to the Planning and	Zoning office by 81975 in order to be
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BZA.	
I/We, the undersigned, am/are aware that a public hearing by the Board of Zo	oning Appeals will be held on Tuesday,
MICE 125. 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.	
	119/25
Signature	Date
=10	



City of Huntington

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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:
	None. It would be just outside of the given varicage.
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): This lot is less than the standard 40' lot in Huntington so this let size and it is less than the standard 40' lot in Huntington so this let size and it is less than the standard 40' lot in Huntington so this let size and it is less than the standard 40' lot in Huntington so this let size and it is less than the standard 40' lot in Huntington so this let size and it is less than the standard 40' lot in Huntington so this let size and it is less than the standard 40' lot in Huntington so this let size and it is less than the standard 40' lot in Huntington so this let size and it is less than the standard 40' lot in t
	prevent me from brilding a reasonable sized duplex
3.	How an approval of the Variance would eliminate an unnecessary hardship and permit a reasonable use
	of the land: The west and all a consequently size of the other with two towards for
	of the land: The variance would allow a reasonably sized duplex with two townhomes to be situated on the property
4.	How would an approval of the Variance allow for the intent of the Zoning Ordinance to be observed and substantial justice done:
	It would allow me to bring new housing to Wentington and specifically the
	southsicle area.

DEVELOPMENT SITE PLAN

	• Property lines • Location of existing structures on the property • Location and dimension of proposed structure(s) a true and accurate representation of the proposed development to the best of my
knowledge. Signature:	
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	Propose) Duplex
	30
	32'
	PL 1
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Planning and Zoning Review ☐ Approved ☐ Denied	For office use Public Works Review Approved Denied
Reviewed by:	Date:

REVISIONS BY	Tetts* nbig xalqua	W.L. Martin Home Designs for Contact Information www.wimartinhomes.com	Date Scale 1/4" = 1'4" Drawn Job Sheet 1 Of 8 Sheets

GENERAL NOTES

DESIGN NOTIES

1. Floor: 40 lbs. Live load, 15 lbs. Dead load

2. Roof: 50 lbs. Live load, 20 lbs. Dead load

3. Soil beaning suparjoy-2000 Ps. Dead load

4. Live loads, Gard loads, swind loads, snow loads, lateral loads, exismic acting and any specialty loading conditions will used to be confirmed before construction and adjustments to plans made accordingly. Sey syout local building officials for verification of your specific load dria, assuing restrictions and after conditions.

CONCRETE AND FOUNDATIONS

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Worte same pumps as trequired.
Some sell conditions may require 1.12 inch concate retaining wall, verify with contractor or caginate.
Provide current windows and done a great allows.

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This plan can be adapted wyour foot-building codes and requirements, but so, it for the reponsibility of the purchess raddy chalefor of the grand the building code and requirements, but saids to the responsibility of the purchess raddy chalefor of the grand for the grand for the grand to th

MISC, NOTES

FRAMING

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1. Codurator to confirm the size, spouling and species of all famining and structurals.

2. Any structural of infuning members and indicated on the plan are to be sized by the contractor.

3. Double foor piects under all partitions walls, unless otherwise meet.

4. All angel ow with any 64 degree and special such structural of the contractor.

5. Provide calificate, eners shrighing and bening as required by design gamels.

6. Provide calificate, and size may veaty with local codes and conditions.

7. Ferming by-our and size may veaty with local codes and conditions.

8. Reof framing plan is for general layout only, do no use for rather count.

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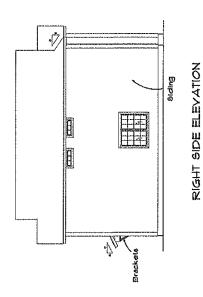
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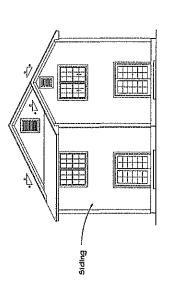
Althor decreases to this plan can be made by the builder. Please contract out druthing department for information price quotes if major changes are required.

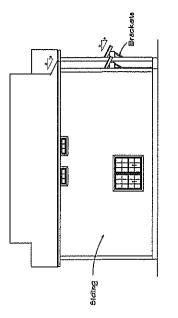
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FRONT ELEVATION

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REVIS	<u> </u>				W.L. Martin Home Designs	Date	Scale 1/ Drawn	dot.	Sheet 2	∞ 5



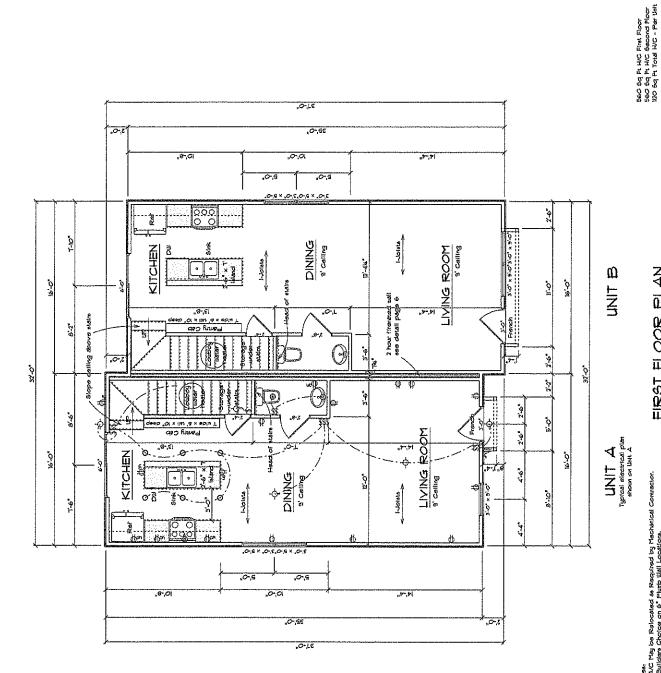




LEFT SIDE ELEYATION

REAR ELEYATION

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REVISIONS	Duplex Plan #24457	W.L. Martin Home Designs for Contact Information	icale 1/4" = 1"	st 8 she



FIRST FLOOR PLAN

2240 Sq Ft Total - For Triplex

Mainse.

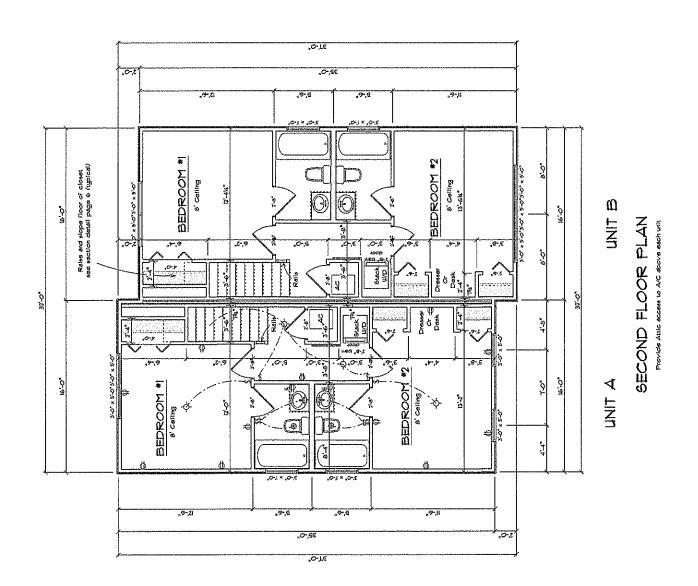
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2. Builders Chories on 6. Plute Wall Locations.

3. Co-ordinates Floor These Chee with Tebrahaid Contractor.

4. Provides Safety Glass where Receiving by Local Codes.

B B			www.wimartinhomes.com	ξq	TT	\$
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REVISIO			W.L. Martin Home Designs Duplex Plan #24457	Date Scale 1/4	Job Sheet 4	ō co



Aerial Map



1025 7th St. Cabell County Tax District 07, Map 44 Parcel 320 BZA 25-21

A petition for a variance to reduce the setback required for a side yard in an R-5 Multifamily Residential District.



Zoning Map

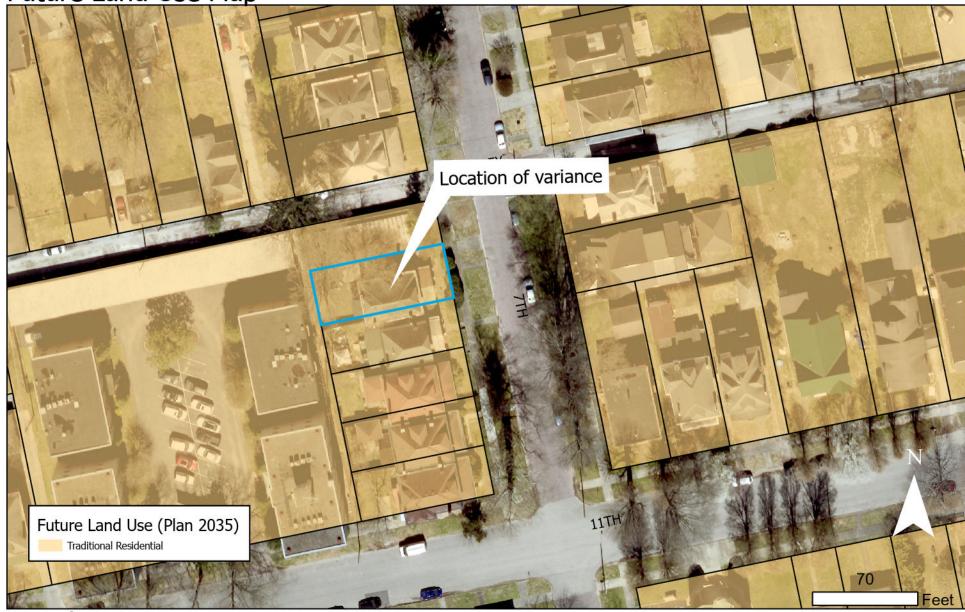


1025 7th St. Cabell County Tax District 07, Map 44 Parcel 320 BZA 25-21

A petition for a variance to reduce the setback required for a side yard in an R-5 Multifamily Residential District.



Future Land Use Map



1025 7th St.

Cabell County Tax District 07, Map 44

Parcel 320

BZA 25-21

A petition for a variance to reduce the setback required for a side yard in an R-5 Multifamily Residential District.

