

**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 6th 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 6th 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 1st of this year.

Kevin McGuire with McGuire Realty Company, 1001 6th 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: 9/17/24

Chairperson: Jacqueline A. Proctor
Jacqueline Proctor, Chair

Prepared by: Cade Williams
Cade Williams, Planner II