



Agenda
Huntington Board of Zoning Appeals
Tuesday, April 15, 2025 - 5:30pm

1. Call to Order
2. Roll Call
3. Approval of the March 2025 Minutes
4. Approval of the March 2025 Orders
 - BZA 25-02
 - BZA 25-03
 - BZA 25-04
5. New Petitions

BZA 25-05

Petitioner/Property Owner: Walter Cadle, 151 B St., Ceredo, WV 25507

Property Location: 801 Washington Ave., Huntington, WV 25704

Issue: A petition for a variance to operate a Smoke Shop/Tobacco Store within 1,500 feet of an existing smoke shop/tobacco store, day care center, or school.

BZA 25-06

Petitioner: Ted Rodriguez, 2777 Guyan Ave., Huntington, WV 25702

Property Owner: Richard Thompson, 3615 Piedmont Rd., Huntington, WV 25704

Property Location: 1421 Jefferson Ave., Huntington, WV 25704

Issue: A petition for a conditional use to operate an Auto Service Station and Repair Shop in a C-1 Neighborhood Commercial District.

BZA 25-07

Petitioner: Raynes & Company LLC, PO Box 438, Eleanor, WV 25070

Property Owner: Coalfield Development, 2923 Park Ave., Huntington, WV

Property Location: 819 Vernon St., Huntington, WV 2704

Issue: A petition for a conditional use to permit open space in the form of a rain garden in an R-2 Single-family Residential District.

6. Announcements/Discussion
7. Adjournment

**Minutes
City of Huntington Board of Zoning Appeals
March 18, 2025**

A meeting of the City of Huntington Board of Zoning Appeals was held on March 18, 2025 at 5:30 p.m. in the City Hall Council Chambers. *Ms. Proctor* called the meeting to order and *Ms. Kohrs* confirmed a quorum was present.

Members Present: Jacqueline Proctor, Steven Yates, Gina Browning, Sharon Frazier and Sara Loftus

Members Absent: Sherry Houck and Dan Earl

Staff Present: Kenzie Kohrs, Planning Technician
Katie Parsons, Planning Technician
Ericka Hernandez, Assistant City Attorney
Stephanie Petruso, Senior Planner

Mr. Yates motioned to approve February 2025 Minutes. *Ms. Frazier* seconded.

BZA Roll Call: *Ms. Loftus*, Yes; *Mr. Yates*, Yes; *Ms. Browning*, Yes; *Ms. Frazier*, Yes; *Ms. Proctor*, Yes.

February 2025 Minutes were approved with a vote 5 Yes to 0 No.

Mr. Yates motioned to approve February 2025 Orders. *Ms. Loftus* seconded.

BZA Roll Call: *Ms. Browning*, Yes; *Mr. Yates*, Yes; *Ms. Loftus*, Yes; *Ms. Frazier*, Yes; *Ms. Proctor*, Yes.

February 2025 Orders were approved with a vote 5 Yes to 0 No.

BZA 25-02

Petitioner/Property Owner: Josh Brunetti, 117 Jackson St., Huntington, WV 25705

Property Location: 117 Jackson St., Huntington, WV 25705

Issue: A petition for a variance to allow a carport in the front yard in an R-1 Residential District.

Ms. Parsons read the Staff Report.

Ms. Proctor asked Josh Brunetti, 117 Jackson St., why he brought the petition before the board. *Mr. Brunetti* responded that it was to prevent water from entering his basement.

Ms. Proctor inquired when *Mr. Brunetti* began construction on the structure. *Mr. Brunetti* stated he began shortly after Christmas.

Ms. Proctor asked how the petitioner became aware that he needed to come before the BZA. *Mr. Brunetti* stated that a neighbor complained to the Planning and Zoning office and he came into the office to apply for a variance.

Mr. Yates questioned *Mr. Brunetti* about the “tin” structure and the “wood” structure visible in the photos submitted with the staff report. *Mr. Brunetti* confirmed that the roof covered the wood structure.

Ms. Loftus asked if the structure could be much shorter than what was being presented. Mr. Brunetti said he would be agreeable to any length the BZA requested.

Ms. Frazier inquired about what the plans for the side of the structure were. Mr. Brunetti responded by saying he intended to close them in.

Ms. Proctor asked Mr. Brunetti to clarify if he intends to close the walls. Mr. Brunetti stated it was his intention to enclose the walls.

Mr. Patrick Fisher, 121 Jackson St., spoke in opposition to Mr. Brunetti's variance request.

Mr. Yates made a motion to approve BZA 25-02. *Ms. Browning* seconded.

BZA Roll Call: *Ms. Browning*, No; *Mr. Yates*, No; *Ms. Frazier*, No; *Ms. Loftus*, No; *Ms. Proctor*, No.

BZA 25-02 was denied with a vote 0 Yes and 5 No.

BZA 25-03

Petitioner/Property Owner: David and Kimberly Brinager, 103 Cedar St., Huntington, WV 25705

Property Location: 3832 Bradley Rd., Huntington, WV 25704

Issue: A petition for a variance to decrease the rear setback requirement in the B&O Right-of-Way Special Zoning District.

Ms. Kohrs read the Staff Report.

Ms. Proctor asked David Brinager, 103 Cedar St., why he was before the board. Mr. Brinager explained that he and his wife wished to be in the neighborhood and understood all the requirements of placing his modular home in the B&O Right-of-Way Special Zoning District.

Ms. Proctor asked about the reduction of the setback only being one foot less than what was required. Staff confirmed.

Mr. Yates motioned to approve BZA 25-03. *Ms. Frazier* seconded.

BZA Roll Call: *Ms. Browning*, Yes; *Ms. Loftus*, Yes; *Mr. Yates*, Yes; *Ms. Frazier*, Yes; *Ms. Proctor*, Yes.

BZA 25-03 was approved with a vote 5 Yes and 0 No.

BZA 25-04

Petitioner/Property Owner: Frank and Maria Riddel, 1323 13th St., Huntington, WV 25701

Property Location: 1323 13th St., Huntington, WV 25701

Issue: A petition for a variance to decrease the rear yard setback requirement in an R-2 Single-Family Residential District.

Ms. Kohrs read the Staff Report.

Ms. Proctor asked Maria Riddel, 1323 13th St., her reasoning for bringing the petition before the board. *Ms. Riddel* responded by stating she wishes to build an addition so she does not have to travel up and down the stairs in her home.

Ms. Proctor clarified with *Ms. Riddel* about the addition not connecting to the garage so that it does not become a part of the principal structure. *Ms. Riddel* confirmed she understood.

Ms. Loftus inquired about the difference in setback requirements for principal structures and accessory buildings. Staff provided ordinance details for *Ms. Loftus*.

Ms. Frazier motioned to approve BZA 25-04. *Ms. Browning* seconded.

BZA Roll Call: *Ms. Loftus*, Yes; *Mr. Yates*, Yes; *Ms. Frazier*, Yes; *Ms. Browning*, Yes; *Ms. Proctor*, Yes.

BZA 25-04 was approved with a vote 5 Yes and 0 No.

Good and Welfare

Ms. Proctor adjourned the meeting at 6:17 p.m.

Date approved: _____

Chairperson: _____ Prepared by: _____
Jacqueline Proctor, Chair Stephanie Petruso, Senior Planner

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

BZA 25-02

Petitioner/Property Owner: Josh Brunetti, 117 Jackson St., Huntington, WV 25705

Subject Property: The property is located at 117 Jackson St., Huntington, WV 25705

In re: A petition for a variance to allow a carport in the front yard in an R-1 Residential District.

Individual Speaking on Behalf of Petition: Josh Brunetti

Other Interested Parties: Patrick Fisher, 121 Jackson St., Huntington, WV 25705

ORDER

On March 18, 2025 Josh Brunetti appeared before the City of Huntington Board of Zoning Appeals to provide testimony related to BZA 25-02. Other citizens were permitted to voice their positions as well, per the practice of this Board, and Patrick Fisher appeared to voice his position.

FINDINGS OF FACT

After reviewing all evidence at the March 18, 2025 meeting and hearing testimony from Mr. Brunetti and Mr. Fisher, the Board finds as follows:

1. Mr. Brunetti is the petitioner and the property owner.
2. The property is zoned in an R-1 Residential District.
3. Petitioner is requesting a variance to allow for a carport to be built in the front yard.
4. The petitioner began constructing the carport before applying for a variance.
5. The carport is being built over the driveway that leads to an attached garage.
6. A portion of the garage is below ground level.
7. The carport as requested would extend 32 feet from the front wall of the house and be 11 feet in width.
8. The petitioner wants a variance to mitigate flooding issues in basement.
9. The petitioner also seeks to enclose the sides of the structure that is partially built.
10. Mr. Fisher, a neighboring property owner, spoke in opposition, stating that the carport blocks the view for drivers, making it a danger for children.

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 R-1 and R-2 districts is to establish and maintain areas where the use consists of largely single-family residential use at low densities. . . .” City of Huntington Ordinance §1321.02. According to §1315.06(A)(1)(b), “Carports must be located in the rear yard unless sites features such as topography or other barriers prevent access. In the event that a carport cannot be located in the rear yard, it may be located in the side yard.” Additionally, “The prevailing front yard setback line is the mean front yard line of all principal buildings along a block face and which are located in the same zone” City of Huntington Ordinance §1315.06(B). A carport is defined as “An open space for the storage of one or more vehicles in the same manner as a private garage, which may be covered by a roof supported by columns or posts except that one or more walls may be the walls of the main building to which the carport is an accessory building or extension.” *Id.* at §1315.02.

We are concerned that permitting this carport to be constructed as proposed would adversely affect the public health, safety, or welfare, or the rights of the adjacent property owners or residents because it has interfered with the visibility for vehicular travel on the street and created a danger for pedestrians and neighborhood residents. No evidence was presented that identified a special condition pertaining to the land that would prevent locating the carport in the side yard. We understand that Petitioner attributes flooding in his garage to the way the garage was constructed at the time the building was built; however the evidence presented did not convince us that the carport would have alleviated the condition.

Without being able to satisfy the elements for a variance, we are unable to grant it.

DECISION

WHEREFORE, based upon the findings of fact from the full testimony heard at the hearing and all other documentary evidence presented, the Board **DENIES** petition BZA 25-02 for a **Variance**. Any changes that deviate from what has been approved and does not meet the zoning regulation must come back before the BZA for approval.

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: _____
Jacqueline Proctor, Chair Katie Parsons, Planner I

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

BZA 25-03

Petitioner/Property Owner: David and Kimberley Brinager, 103 Cedar St., Huntington, WV 25705

Subject Property: This property is located at 3832 Bradley Rd., Huntington, WV, 25704.

In re: A petition for a variance to decrease the rear setback requirement in the B&O Right-of-Way Special Zoning District.

Individual Speaking on Behalf of Petition: David Brinager, 103 Cedar St., Huntington, WV 25705

Other Interested Parties: None

ORDER

On March 18, 2025, Mr. Brinager appeared before the City of Huntington Board of Zoning Appeals to provide testimony related to BZA 25-03. Other citizens were permitted to voice their positions as well, per the practice of this Board, and no individuals provided testimony.

FINDINGS OF FACT

After reviewing all evidence at the March 18, 2025 meeting and hearing testimony from Mr. Brinager, the Board finds as follows:

1. David and Kimberley Brinager are the property owners and petitioners.
2. The address of the property is 3832 Bradley Road.
3. The property is situated between Bradley Road and Waverly Road in the B&O Right-of-Way Special Zoning District.
4. The lot dimensions are 120 feet wide by 41 feet deep.
5. The rear yard setback in a B&O Right-of-Way Special Zoning District is 20% of the lot depth, 8 feet.
6. The petitioners seek to place a modular home on the subject parcel.
7. The dimensions of the proposed modular home are 60 feet in width and 26 feet in depth.
8. Petitioners request approval to reduce the rear lot setback from 8 feet to 7 feet.
9. There is only one other structure in the 3800 block of Bradley Road that does not meet the rear setback requirements, and is lawfully nonconforming.
10. The planned structure would not exceed the lot coverage maximum or the building coverage maximum.

STANDARD OF REVIEW

When hearing a **Variance**, the Board must consider:

1. The requested Variance will not adversely affect the public health, safety, or welfare, or the rights of the adjacent property owners or residents;

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 B&O Right-of-Way Special Zoning District is to recognize the unique development issues related to building construction and land use within the former B&O right-of-way in the Westmoreland area of the City of Huntington and to promote zoning restrictions which will allow property owners the maximum use of their property while protecting the interests of other property owners in the vicinity. City of Huntington Ordinance §1337.02. By virtue of development including public streets being well established by the time the B&O right-of-way was abandoned, the lots created by the former B&O right-of-way are by nature unusually shaped when compare to the vast majority of residential lots in the city, creating a special condition in regards to building dimension and lot setbacks, including the petitioners.

The minimum setback requirement for the rear yard is 20-percent of the lot depth. City of Huntington Ordinance §1337.02(G). In this case, 20-percent is roughly 8 feet. Since the variance requested is only a 1-foot reduction in set back and the planned structure would not exceed the lot coverage maximum or the building coverage maximum, the requested variance is unlikely to adversely affect the public health, safety, or welfare, or the rights of the adjacent property owners.

Additionally, the B&O right-of-way zoning district is very limited in the amount of uses permitted. Single family residential is one of only three uses permitted by right, City of Huntington Ordinance §1337.02, so we can safely assume that a single family is a desired use for lots in the B&O. We also recognize that buyers of manufactured homes are limited in the dimensions that are available since there is very little customization regarding dimensions. Therefore, we believe that permitting the variance would eliminate an unnecessary hardship and permit a reasonable use of the land and allow the proposed structure would allow the intent of the Zoning Ordinance to be observed and substantial justice done.

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** petition BZA 25-03 for a **Variance**. Any changes that deviate from what has been approved and does not meet the zoning regulation must come back before the BZA for approval. This decision is limited only to the variance requested and conditions specifically listed in this order. All zoning laws not addressed herein apply as stated in the Code of Ordinances.

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 Kenzie Kohrs, Planner I

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

BZA 25-04

Petitioner/Property Owner: Frank and Carmen Riddel, 1323 13th St. Huntington, WV 25701

Subject Property: This property is located at 1323 13th St., Huntington, WV, 25701.

In re: A petition for a variance to decrease the rear yard setback requirement in an R-2 Single-Family Residential District.

Individual Speaking on Behalf of Petition: Carmen Riddel, 1323 13th St. Huntington, WV 25701

Other Interested Parties: None

ORDER

On March 18, 2025, Carmen Riddel appeared before the City of Huntington Board of Zoning Appeals to provide testimony related to BZA 25-04. Other citizens were permitted to voice their positions as well, per the practice of this Board, and no individuals provided testimony.

FINDINGS OF FACT

After reviewing all evidence at the March 18, 2025 meeting and hearing testimony from Ms. Riddel, the Board finds as follows:

1. Frank and Carmen Riddel are the property owners.
2. Petitioners seek a variance from the rear yard setback requirement.
3. The purpose of the variance is to allow Petitioners to add living space to their house in order to better accommodate them in their later years.
4. The property is within the R-2 Residential District.
5. The total lot size is $\pm 3,200$ square feet.
6. The rear yard setback in an R-2 Residential District is 20 feet.
7. The current setback of the structure is 11 feet.
8. The proposed addition would be parallel to the garage, which reduces the setback to 0 feet.
9. The alley to the rear of the subject property is undeveloped.
10. The proposed addition and garage will not be attached to each other.

STANDARD OF REVIEW

When hearing a **Variance**, the Board must consider:

1. The requested Variance will not adversely affect the public health, safety, or welfare, or the rights of the adjacent property owners or residents;

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 R-2 zoning district is to designate areas designed to be compatible with “largely single-family residential use at low densities.” City of Huntington Ordinance §1321.01. The minimum lot area for the R-2 district is 4,800 square feet. *Id.* at §1321.02. The recommended rear yard setback for a residential use only structure is a minimum setback of 20 feet. *Id.* §1321.02.

The subject lot is 1,600 square feet smaller than the minimum lot size required by code for R-2, but, since the neighborhood was developed well before zoning laws were adopted, the lot is lawfully nonconforming. Since the lot is significantly smaller than what is contemplated by the code, this creates a special condition that makes strict adherence to the development requirements such as setbacks difficult. It is very reasonable to homeowners to seek to modify their homes to ensure their ability to live in it well into their later years; therefore, permitting the variance would permit a reasonable use of the land.

Since the alley is undeveloped and not used by vehicular traffic and since the other structures in the same block of 13th St. have accessory structures, such as garages and separate structures, which abut the rear lot line, decreasing the rear setback to approximately 0 feet is unlikely to adversely affect the public health, safety, or welfare, or the rights of the adjacent property owners. Permitting this variance to alter the setback requirement and allow the proposed structure would allow the intent of the Zoning Ordinance to be observed and substantial justice done.

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** petition BZA 25-04 for a **Variance**. Any changes that deviate from what has been approved and does not meet the zoning regulation must come back before the BZA for approval. This decision is limited only to the variance requested and conditions specifically listed in this order. All zoning laws not addressed herein apply as stated in the Code of Ordinances.

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 Kenzie Kohrs, Planner I

Staff Report: A petition for a variance to operate a Smoke Shop/Tobacco Store within 1,500 feet of an existing smoke shop/tobacco store, day care center, or school.

Legal Ad

BZA 25-06

Issue: A petition for a variance to operate a Smoke Shop/Tobacco Store within 1,500 feet of an existing smoke shop/tobacco store, day care center, or school.

Petitioner/Property Owner: Walter Cadle, 151 B St., Ceredo, WV 25507

Introduction

Walter Cadle is petitioning for a variance to operate a smoke shop/tobacco store at 801 Washington Ave.

Existing Conditions / Background

The structure was most recently used for Floors Galore, a retail sales and services store, in 2022. In years prior, it was also used for other businesses in areas such as business management and personal services. When the petitioner applied for the Certificate of Occupancy, they were denied due to the proximity to a day care center.

Proposed Conditions

If approved, the variance would allow the smoke shop/tobacco store to operate within 1,500 feet of a day care center.

Zoning Ordinance

Per Section 1341.55.A, it shall be unlawful to operate a smoke shop/tobacco store within 1,500 feet of an existing smoke shop/tobacco store, day care center, or school.

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.

Pictures



View of petitioned property looking south from Washington Ave.



View of petitioned property looking southeast from Washington Ave.



View of day care center within 1,500 feet of the proposed location for the smoke shop/tobacco store, looking east on 10th St W.



View of day care center within 1,500 feet of the proposed location for the smoke shop/tobacco store, looking southeast from the corner of 10th St. W and W 5th Ave.

Staff Comments

Plan2035 designates this area as Convenience Commercial, which is characterized by:

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

Per Section 1315.02, a smoke shop/tobacco store is defined as ‘Any business that sells at retail tobacco, tobacco products, vape products, e-cigarette devices, vape juice, e-cigarettes, e-cigarette liquids or tobacco paraphernalia; provided, however, that any grocery store, supermarket, convenience store or similar retail use that only sells conventional cigars, cigarettes, vape products, e-cigarettes or tobacco as less than 25% of retail sales shall not be defined as a “smoke shop and tobacco store”.’

Per Section 1341.55.B, distance shall be measured in a straight line, without regard to intervening structures, from the closest property line of the smoke shop/tobacco store to the closest property line of the other smoke shop/tobacco store, day care center, or school. The proposed location is within 1,500 feet of a day care center. The day care center is Sarah’s Heart Childcare and Preschool, located at 615 10th St W. Based on measurement tools on the Cabell County GIS website and WV Flood Tool website, from the nearest lot lines, the approximate distance is 1,238.6 feet.

Staff recommends the denial of the variance. This ordinance was enacted in June 2023 to add additional regulations to businesses that

operate as smoke shops/tobacco stores or sell smoke and tobacco products. There are no special conditions or attributes which pertain to the property for which a variance is required. This structure was previously used for businesses in differing industries, therefore, there is no hardship or inability to use the land or structure.

Summary / Findings of Fact

1. Walter Cadle is the petitioner and property owner.
2. The petitioner is requesting a variance to operate a smoke shop/tobacco store within 1,500 feet of a day care center.
3. The property is currently zoned as C-2 Highway Commercial District.
4. The day care center is 1,238.6 feet from the proposed location of the smoke shop/tobacco store.

Attachments

- Application
- Measurement map
- Smoke Shop/Tobacco Store map
- Aerial map
- Zoning map
- Future Land Use map



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: Walter Cadle **Phone:** 606-585-7817
Mailing Address (city, state, zip): 151 B st 973 Ceredo WV 25507
Email: jcadle23@yahoo.com
Property Owner (if applicable): Walter Cadle **Phone:** 606-585-7817
Mailing Address (city, state, zip): _____

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

801 Washigton Ave 25704 07-27-254

Variance request pursuant to:

Article ~~1345.02~~ and/or Figure _____ of the City of Huntington Zoning Ordinance.
1341.55

Description of the variance being requested:

To allow a business within less than 1500' of designated area. The business will be 1370' away.

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 3/18/2025 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, 4/15/2025. 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.

Walter Cadle
Signature

3-9-25
Date

For office use only	
Received: <u>3/11/2025</u>	Project Name: <u>BZA 25-05</u>



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:

A successful business would encourage business growth in the area. It will create job opportunities for local residents. It will generate more tax revenue for people of Huntington. The location will be convenient for commuters in and out of Huntington and also its local 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):

The property is 1370' from a day care which is less than the 1500' desired.

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

It will allow a business to form.

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

It will show the ordinance is fair and understanding by looking at each situation objectively.

2:24

5G

Cabell County GIS



Search All



106

WASHINGTON AVE

125

7-27-254

(15)

50

(16)

7-27-253

(15)

7-27-257

28

7-27-258

50

(13)

(12)

(11)

ALLEY

40ft

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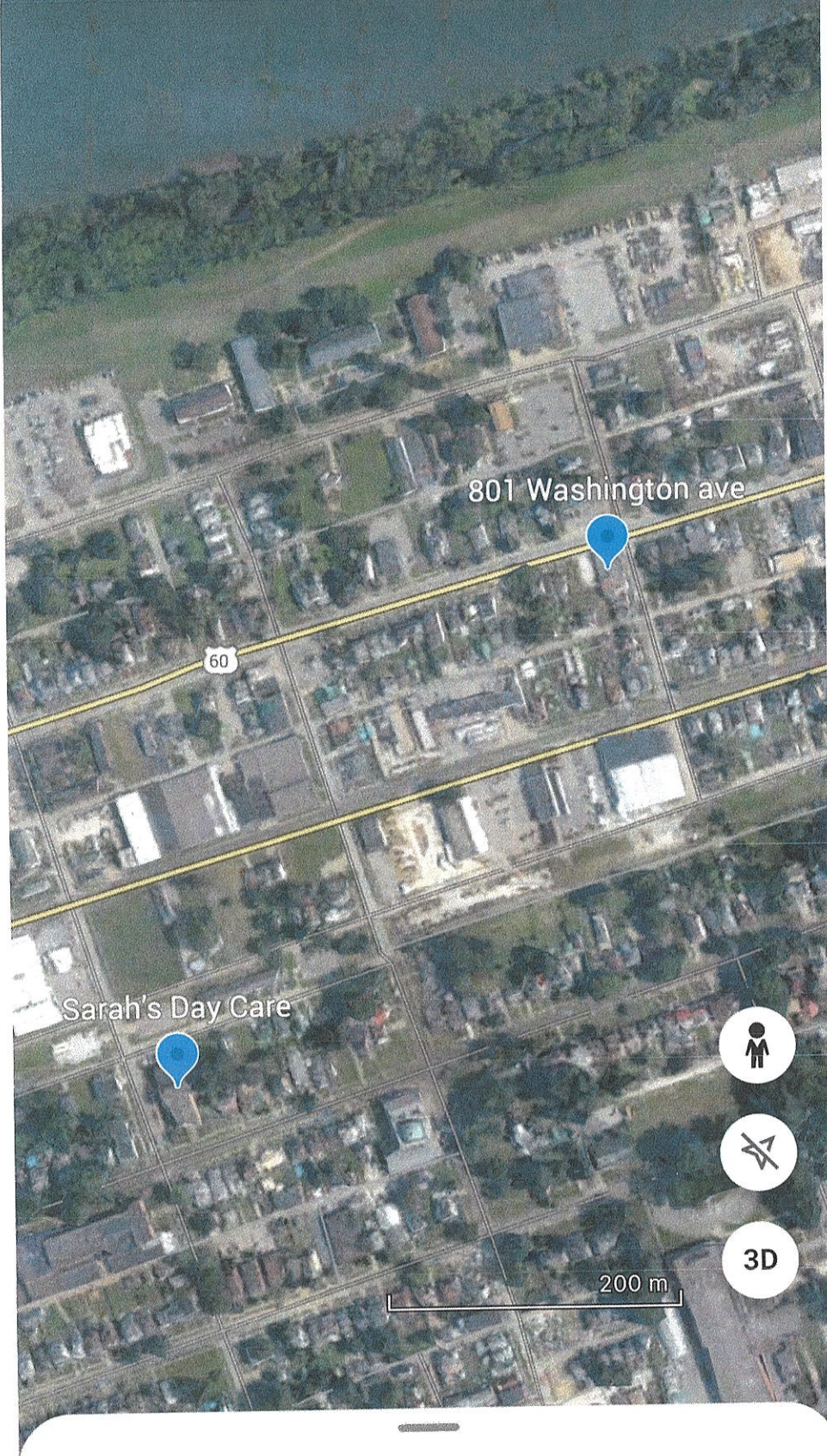
6:09

5G



801 Washington Ave, Huntingt

J



801 Washington ave

60

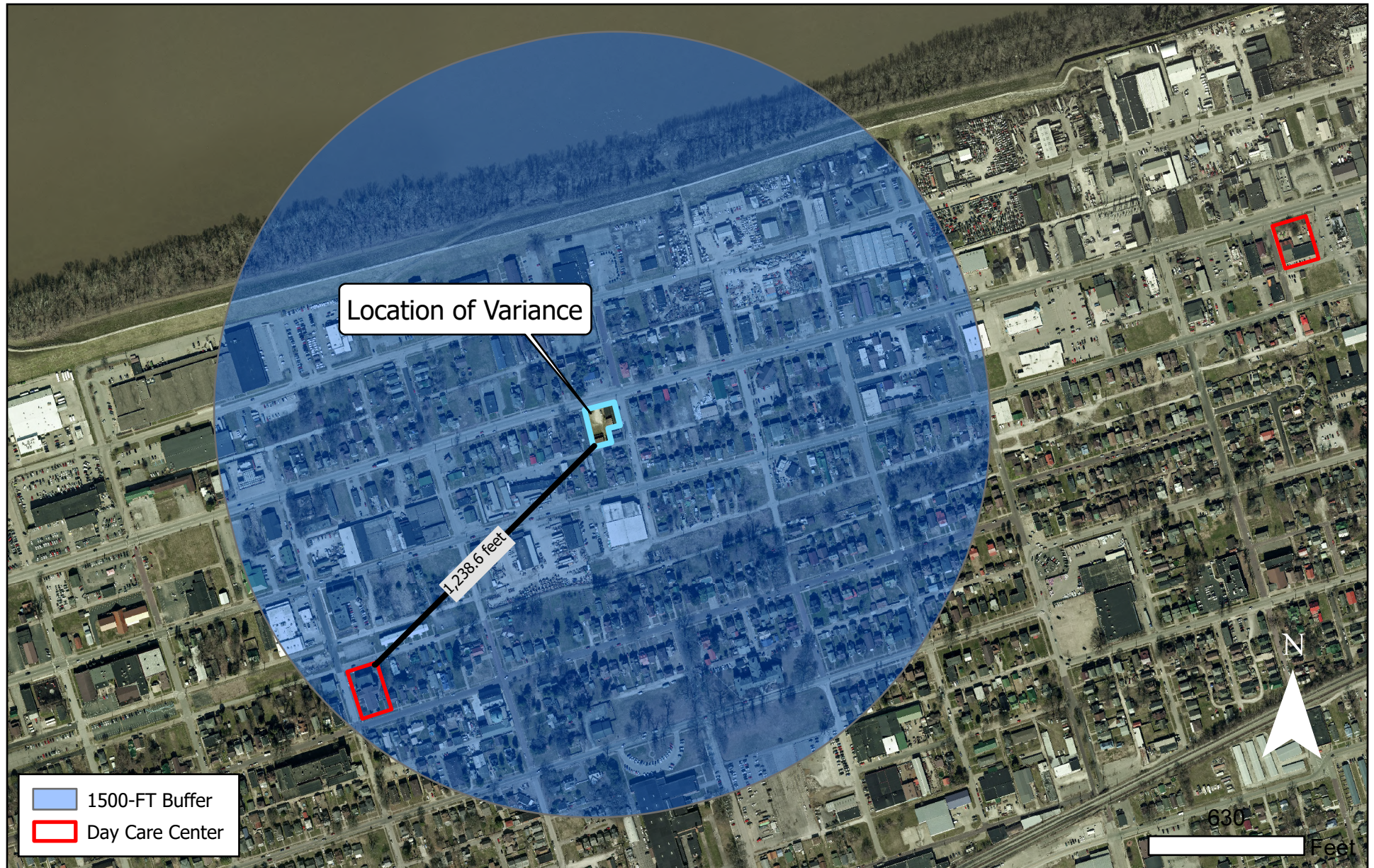
Sarah's Day Care



3D

200 m

Measurement Map

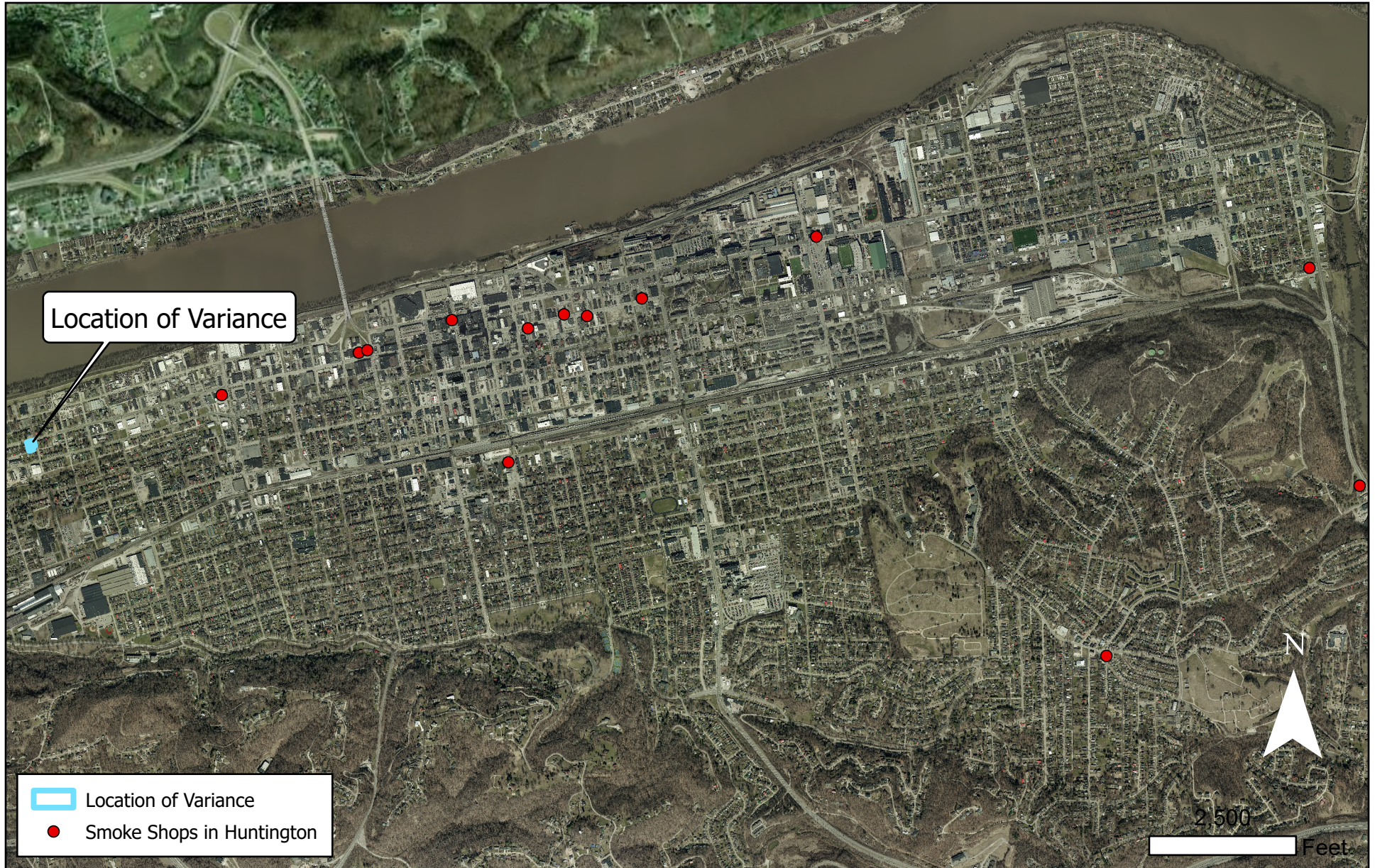


801 Washington Ave
Cabell County Tax District 7, Map 27
Parcel 254
BZA 25-05

A petition for a variance to operate a Smoke Shop/Tobacco Store within 1,500 feet of an existing smoke shop/tobacco store, day care center, or school.



Smoke Shop/Tobacco Store Map



801 Washington Ave
Cabell County Tax District 7, Map 27
Parcel 254
BZA 25-05

A petition for a variance to operate a Smoke Shop/Tobacco Store within 1,500 feet of an existing smoke shop/tobacco store, day care center, or school.



Aerial Map



801 Washington Ave

Cabell County Tax District 7, Map 27

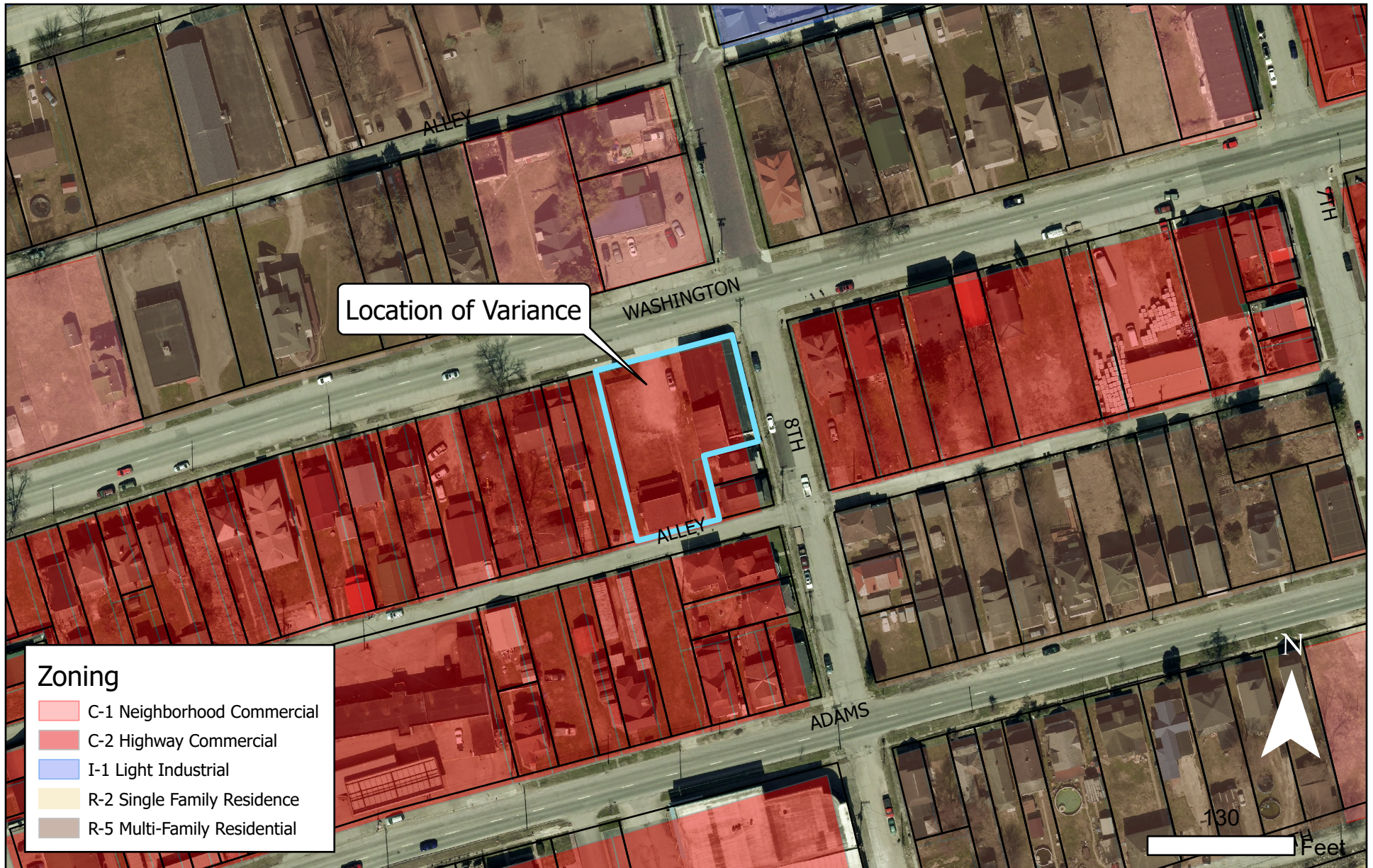
Parcel 254

BZA 25-05

A petition for a variance to operate a Smoke Shop/Tobacco Store within 1,500 feet of an existing smoke shop/tobacco store, day care center, or school.



Zoning Map



801 Washington Ave

Cabell County Tax District 7, Map 27

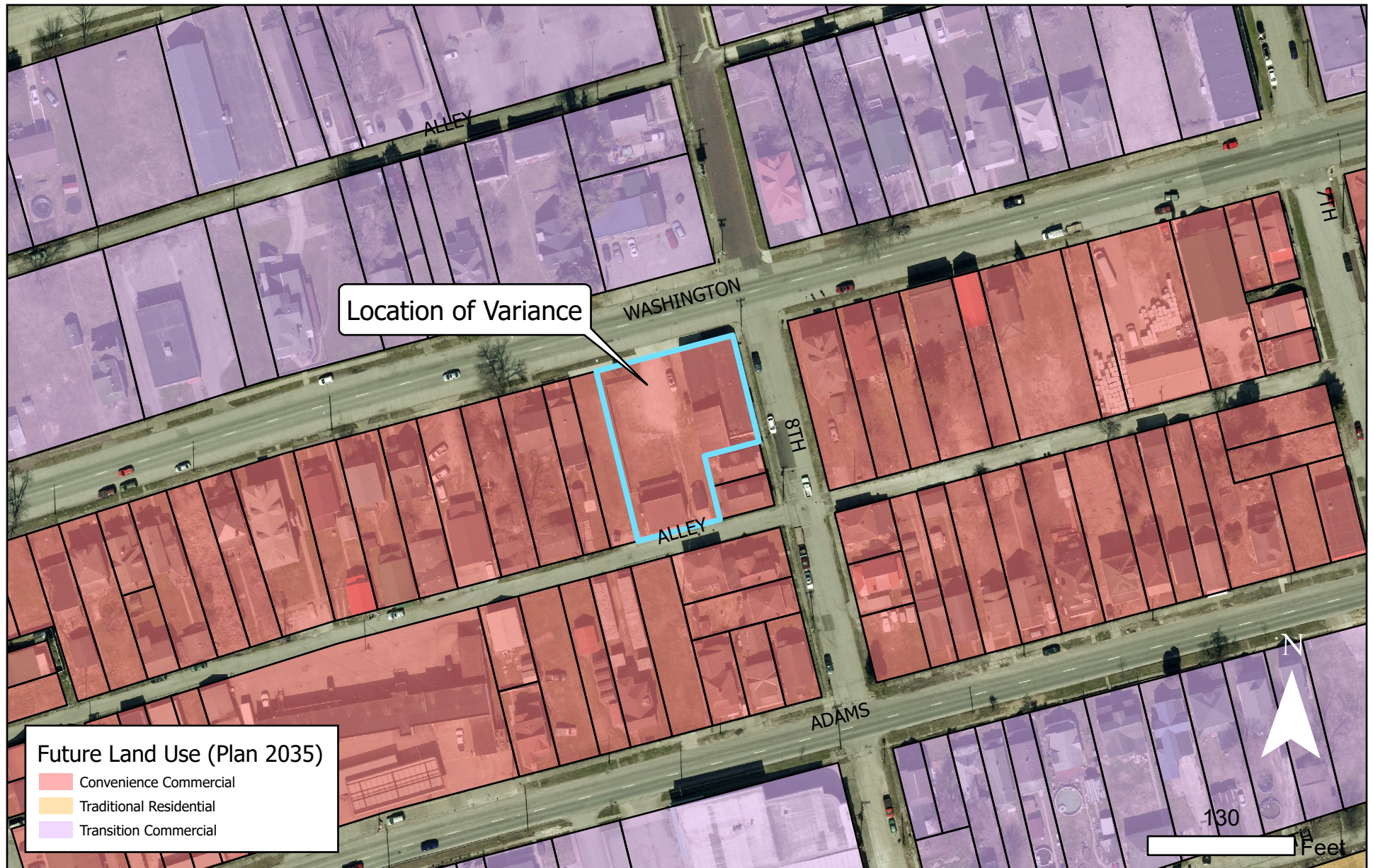
Parcel 254

BZA 25-05

A petition for a variance to operate a Smoke Shop/Tobacco Store within 1,500 feet of an existing smoke shop/tobacco store, day care center, or school.



Future Land Use Map



801 Washington Ave

Cabell County Tax District 7, Map 27

Parcel 254

BZA 25-05

A petition for a variance to operate a Smoke Shop/Tobacco Store within 1,500 feet of an existing smoke shop/tobacco store, day care center, or school.



Staff Report: A petition for a conditional use to operate an Auto Service Station and Repair Shop in a C-1 Neighborhood Commercial District.

Legal Ad

BZA 25-06

Issue: A petition for a conditional use to operate an Auto Service Station and Repair Shop in a C-1 Neighborhood Commercial District.

Petitioner: Ted Rodriguez, 2777 Guyan Ave., Huntington, WV 25702

Property Owner: Richard Thompson, 3615 Piedmont Rd., Huntington, WV 25704

Introduction

Ted Rodriguez is petitioning for a conditional use to operate an auto service station and repair shop at 1421 Jefferson Ave.

Existing Conditions / Background

The petitioner was operating the car wash and auto stereo sales business until a compliance officer was notified that the excess water was draining onto the main road. The petitioner was ordered to shut down operations and contact the Planning & Zoning office for further guidance.

The petitioner came to the Planning & Zoning office to file a Certificate of Occupancy, but was informed that a car wash is not permissible in a C-1 district and a conditional use permit would be required to operate the auto stereo sale portion of the business.

The petitioner was shut down a second time by a compliance officer and told to contact the Planning & Zoning Office. The petitioner then filed an application for a conditional use permit and was informed they could not operate the business in a C-1 zoning district until the public hearing and a City business license has been issued.

When the planners conducted a site visit, it was evident that the business was operating and it was reported to the compliance officer. The petitioner was then shut down for a third time.

Proposed Conditions

If approved, the conditional use would allow the petitioner to use the structure as an Auto Service Station and Repair Shop.

Zoning Ordinance

Per Section 1320.04, in the C-1 district, an Auto Service Station and Repair Shop is a conditional use.

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

1. Effect upon the Comprehensive Plan.
2. Public health, safety, morals, and general welfare.
3. Potential injury to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.
4. Effect upon the normal and orderly development and improvement of surrounding property for uses already permitted in the District.

5. Adequate provisions for utilities, access roads, drainage, and other necessary facilities.
6. Adequate ingress and egress so designed to minimize traffic congestion in the public street.

Pictures



View of petitioned property looking southwest from Jefferson Ave.



View of petitioned property looking southeast from Jefferson Ave.



View of the alley to the right of the petitioned property looking southeast from Jefferson Ave. with a sign posted stating "NO PARKING IN ALLEY."



View of recorded measurement of the length of the front area of the petitioned property from Jefferson Ave.

Staff Comments

Plan2035 designates this area as Neighborhood Center, which is characterized by:

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

An Auto Service Station and Repair Shop is defined as "any structure or premises used primarily for the servicing and repair of

motor vehicles. May include minor repair work – including not limited to, oil changes, replacement of tires, and replacement of batteries – and major repair work – including but not limited to motor replacement, body and fender repair, or spray painting.” The petitioner intends to sell and install auto stereos.

Auto Service Station and Repair Shops are permitted in C-2 and I-2 districts and conditionally permitted in C-1, C-3, and I-1 districts.

The current structure has been vacant and/or not used for business purposes that have been recorded with the City. Staff concludes that the sale of auto stereos would not negatively affect the public or adjacent properties and future developments as long as the petitioner were to follow Section 1341.11:

- A. All storage areas, pits, lifts and working areas shall be within a building. All lubrication, repair, painting, or similar activities shall be performed in an enclosed building, and no dismantled parts shall be placed outside.
- B. No junked motor vehicle or part thereof or no unregistered motor vehicle shall be permitted outside an enclosed service station, except that not more than six (6) motor vehicles may be located outside a building for a period not to exceed five (5) days for each vehicle, provided that the owners are awaiting the repair of the motor vehicle.
- C. The exterior display and parking of equipment or vehicles for rent or sale shall be permitted, provided that the area devoted to this purpose is in addition to the minimum lot size

required for a service station, the area devoted to this purpose does not exceed twenty (20%) percent of the total area of the entire site, the maximum sign area for a service station is not exceeded 126 and the location of the equipment or vehicles being rented or sold does not interfere with the required off-street parking requirements for the service station and does not interfere with the on-lot traffic circulation indicated on the approved land development plan.

- D. The storage and disposal of solid waste and recyclable materials, including used or discarded motor vehicle parts or equipment, and fluids, shall comply with all applicable Federal, State, and local requirements.
- E. Outdoor solid waste and recyclable storage areas shall be screened in accordance with Section 1347.07.

The parking requirements for an Auto Service Station is 1 per 400 square feet of floor area devoted to repair or service facilities, and 1 parking space for each employee (on maximum shift, typical). Plus 2 additional spaces for vehicle storage, awaiting repair (*Table 1343.A*). The petitioner stated there will only be one (1) employee at peak hours, therefore, one (1) parking space must be delegated for employee parking only. The approximate square footage of the structure intended for the business is 2,100 square feet, which required the business to have five (5) parking spaces. In addition to the employee and service station parking requirements, two (2) additional spaces must be available for vehicle storage. Overall, the petitioner would be required to have eight (8) parking spaces to align with the City code.

Per Section 1327.03.B.1, in a C-1 district, non-residential uses are offered a parking reduction if there is no curb-cut driveway in the Front Yard(s) of the property or can be waived if there is a public parking lot within 660 feet of the primary entrances for the structure. The property has a curb-cut or driveway in the front yard, therefore, does not qualify for the reduction. The proposed location's front entrance is not within 660 feet of a public parking lot, therefore, the parking requirements cannot be waived. The parking lots near The Wild Ramp, 555 14th St W, and Peddlers Mall, 800 14th St W, are not considered public parking lots open to the general public. The front of the structure has space as indicated in the pictures above, however, after measuring the length and width of the area, it does not legally meet the requirements to be considered a parking space. The length of the area is measured at 17 feet and 10 inches, but must be a minimum of 18 feet. On the left side of the structure, looking from Jefferson Ave, the width measured 11 feet. On the right side of the structure, looking from Jefferson Ave, the width measured 15 feet. If the conditional use is granted, the petitioner would need to request a variance for parking.

Staff recommends the denial of the conditional use to permit the petitioner to operate as an auto service station and repair shop. The area does not have adequate parking to meet the zoning code requirements and needs of the business, which would result in an additional variance petition to reduce parking.

Summary / Findings of Fact

1. Ted Rodriguez is the petitioner.
2. Richard Thompson is the property owner.

3. The petitioner is requesting a conditional use permit to operate an auto service station and repair shop in a C-1 district.
4. The property is currently zoned as C-1 Neighborhood Commercial District.

Attachments

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



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: Ted Rodriguez **Phone:** 740-819-1117
Mailing Address (city, state, zip): 2777 GUYAN AVE HUNTINGTON W.V 25702
Email: the spot retail LLC@gmail.com
Property Owner (if applicable): RICHARD THOMPSON **Phone:** _____
Mailing Address (city, state, zip): _____

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

1421 JEFFERSON AVE 14th HUNTINGTON W.V 25702

Description

Under the terms and conditions indicated in Article 1359 of the Zoning Ordinance, application is hereby made for a Conditional Use pursuant to Article 1320.04 to allow the following:

Auto Sales + Retail Shop in C-1

The following exhibits are to be attached and made part of this application:

- Site Plan of Real Estate involved (if applicable): **Drawn to Scale** with scale shown, the direction of North clearly indicated on the drawing, showing all boundary lines and placement of existing and/or proposed structures, and with all dimensions shown (setbacks, buildings, etc).
- Valid State or Federal Photo ID.
- Any and all documentation and evidence to support the request.
- Citizen letters to the Board (if applicable) must be notarized.
- 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 March 18th.
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, April 15th** at **5:30pm** in City Hall Council Chambers. It is my responsibility to attend (or send a representative/agent) to this meetings to present plans and to answer any questions regarding the request for a Conditional Use.

[Signature]
Signature of Applicant

3/11/25
Date

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:



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):

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

Bring in Business and public community

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

NO EFFECT

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

trying to conform to the use of the area

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

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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 1320.04

Brief description of the requirement:

Conditionally permitted in C-1

How will the requirement be met:

apply for conditional use permit

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:

Aerial Map

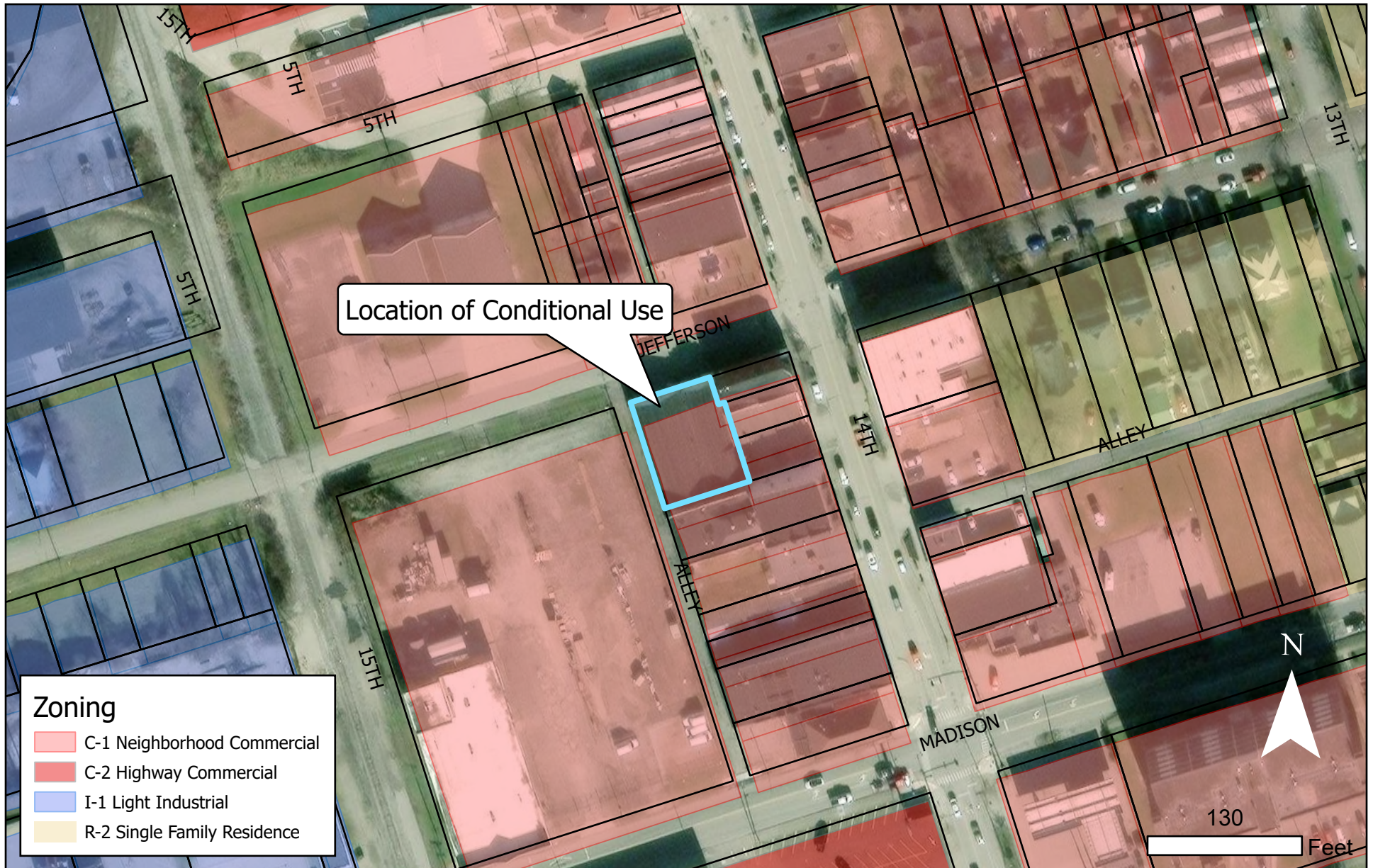


1421 Jefferson Ave
Cabell County Tax District 7, Map 41
Parcel 334
BZA 25-06

A petition for a conditional use to operate an Auto Service Station and Repair Shop in a C-1 Neighborhood Commercial District.



Zoning Map

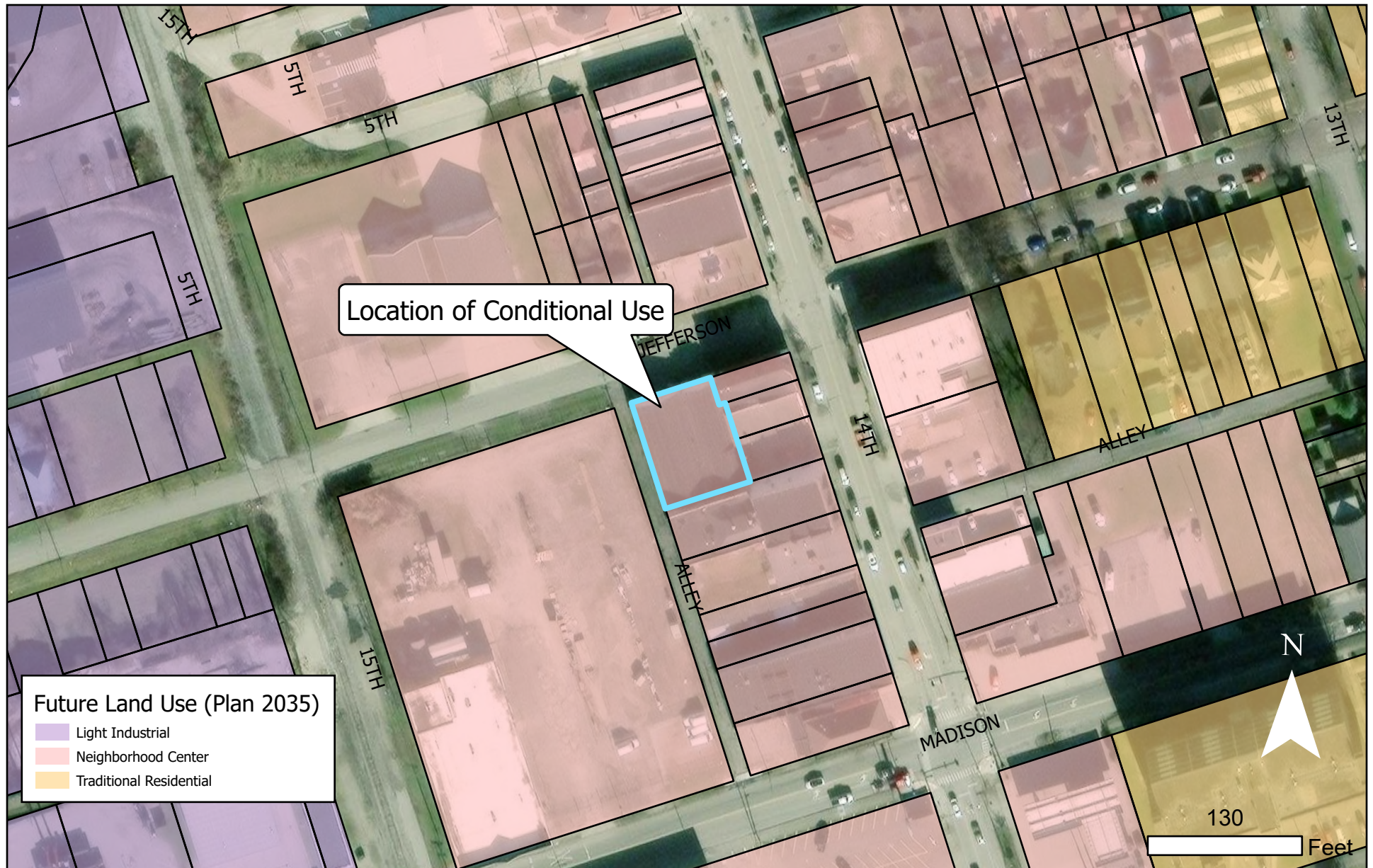


1421 Jefferson Ave
Cabell County Tax District 7, Map 41
Parcel 334
BZA 25-06

A petition for a conditional use to operate an Auto Service Station and Repair Shop in a C-1 Neighborhood Commercial District.



Future Land Use Map



1421 Jefferson Ave
Cabell County Tax District 7, Map 41
Parcel 334
BZA 25-06

A petition for a conditional use to operate an Auto Service Station and Repair Shop in a C-1 Neighborhood Commercial District.



Staff Report: A petition for a conditional use to permit open space in the form of a rain garden in an R-2 Single-family Residential District.

**Legal Ad
BZA 25-07**

Issue: A petition for a conditional use to permit open space in the form of a rain garden in an R-2 Single-family Residential District.

Petitioner: Raynes & Company, LLC, P.O. Box 438, Eleanor, WV 25070

Property Owner: Coalfield Development Corporation, 2923 Park Ave., Huntington, WV 25704

Property Location: Parcel 06-07-369, formerly known as 819 Vernon St., Huntington, WV 25704

Introduction

Raynes & Company LLC is petitioning to permit an open space where they will construct a rain garden in an R-2 District.

Existing Conditions / Background

The property has been a vacant lot for several years and has been under the ownership of Coalfield Development since 2018.

Proposed Conditions

If approved, the conditional use would permit the petitioner to develop a rain garden in an otherwise vacant lot.

Zoning Ordinance

Per 1320.04, in an R-2 Single-family Residential District “open space” is a conditional use.

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

1. Effect upon the Comprehensive Plan.
2. Public health, safety, morals, and general welfare.
3. Potential injury to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.
4. Effect upon the normal and orderly development and improvement of surrounding property for uses already permitted in the District.
5. Adequate provisions for utilities, access roads, drainage, and other necessary facilities.
6. Adequate ingress and egress so designed to minimize traffic congestion in the public street.

Pictures



View of petitioned property looking Northeast towards James River Road.



View of petitioned property looking Northwest towards Chase Street.



View of petitioned property from the rear looking Southwest towards Vernon Street.

Staff Comments

Plan2035 designates this area as Traditional Residential, which is characterized by:

- 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.
- Small 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.

According to §1315.02, and open space is defined as:

Any parcel of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space.

Staff does not foresee any negative impact on the surrounding area or community. Staff believes this would be an appropriate use of a conditional use for “open space” in an R-2 Single-family Residential District. The property sits diagonally from a public park. The proposed use of this parcel also aligns with the Future Land Use for this area, which supports developments of this nature in adjacent properties.

The open space the petitioner is proposing would be an aesthetically pleasing way to make use of a vacant lot. Staff recommends approval of the conditional use.

Summary / Findings of Fact

1. Raynes & Company LLC is the petitioner.
2. Coalfield Development Corporation is the property owner.
3. The petitioner is requesting a conditional use to permit an open space to create a rain garden.
4. The property is currently zoned an R-2 Single-family Residential District.

Attachments

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



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: Raynes + Company LLC Phone: 304-586-2535

Mailing Address (city, state, zip): PO Box 438, Eleanor, WV 25070

Email: tabitha.parsons@raynescompany.com

Property Owner (if applicable): Coalfield Development Phone: 304-501-4755

Mailing Address (city, state, zip): 2923 Park Ave, Huntington, WV 25704

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

1040 Vernon St, Huntington, WV 25704

Description

Under the terms and conditions indicated in Article 1359 of the Zoning Ordinance, application is hereby made for a Conditional Use pursuant to Article 1320.04 to allow the following:

Rerouting of sanitary sewer to beneath gravel. Removal of trees & landscaping. Installation of new landscaping

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.
- Citizen letters to the Board (if applicable) must be notarized.
- 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 March 18, 2025
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, April 15, 2025** at 5:30pm in City Hall Council Chambers. It is my responsibility to attend (or send a representative/agent) to this meetings to present plans and to answer any questions regarding the request for a Conditional Use.

Signature of Applicant:

Cassidy L Riley

Signature of Property Owner

Date

3-18-25
3/18/25

Date

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

For office use only	
Received:	Project Name:



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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):

No effect. Land is being relandscaped +
utilities rerouted as to improve appearance + usefulness.

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

No effect. Land is being relandscaped + utilities
rerouted as to improve appearance + usefulness.

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

No effect. Land is being relandscaped + utilities
rerouted as to improve appearance + usefulness

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

Upon completion improved area will become
a more eye-pleasing green space area that will
allow community members + employees of adjoining property
to enjoy the outdoors.

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

Yes. All utilities have been rerouted around greenspace
area to allow for better access + less disruption in the
future should utilities need repaired.

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

Yes. traffic will be rerouted during any road closures.
Although disruption should be minimal.

Aerial Map



819 Vernon St

Wayne County Tax District 6, Map 7

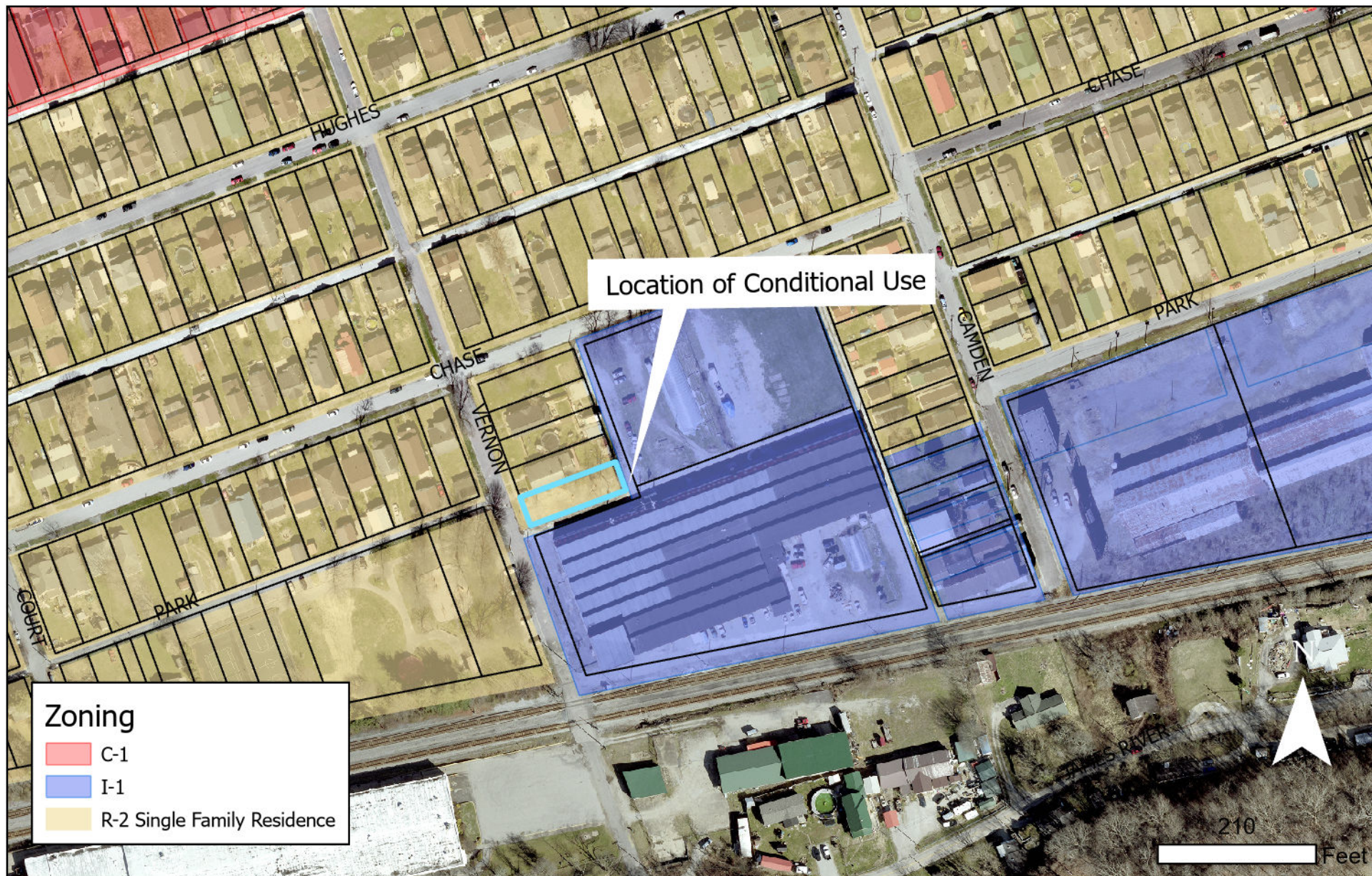
Parcel 369

BZA 25-07

A petition for a conditional use to permit open space in the form of a rain garden in an R-2 Residential District.



Zoning Map



819 Vernon St

Wayne County Tax District 6, Map 7

Parcel 369

BZA 25-07

A petition for a conditional use to permit open space in the form of a rain garden in an R-2 Residential District.



FLUM Map



819 Vernon St

Wayne County Tax District 6, Map 7

Parcel 369

BZA 25-07

A petition for a conditional use to permit open space in the form of a rain garden in an R-2 Residential District.

