



Agenda

Huntington Board of Zoning Appeals
Tuesday, February 18, 2025 - 5:30pm

1. Call to Order
2. Roll Call
3. Approval of the January 2025 Minutes
4. Approval of the January 2025 Orders
 - BZA 24-34
5. Old Petitions

BZA 25-01

Petitioner/Property Owner: Amaya Collins and Caleb Holbrook, 4641 Bradley Rd., Huntington, WV 25704

Property Location: 4641 Bradley Rd., Huntington, WV 25704

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

6. Announcements/Discussion
7. Adjournment

Minutes
City of Huntington Board of Zoning Appeals
January 21, 2025

A meeting of the City of Huntington Board of Zoning Appeals was held on January 21, 2025 at 5:30 p.m. in the City Hall Council Chambers. *Ms. Proctor* called the meeting to order and *Mr. Curry* confirmed a quorum was present.

Members Present: Jacqueline Proctor, Dan Earl, Steven Yates, Gina Browning and Sharon Frazier

Members Absent: Sarah Loftus and Sherry Houck

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

Ms. Proctor opened the floor for Chair and Vice Chair nominations.

Mr. Yates motioned to nominate *Ms. Proctor* for Chair. *Ms. Browning* seconded the nomination.

Ms. Proctor was elected Chair by unanimous voice vote.

Ms. Proctor motioned to nominate *Mr. Earl* for Vice Chair. *Mr. Yates* seconded the nomination.

Mr. Earl was elected Vice Chair by unanimous voice vote.

Mr. Yates motioned to approve December 2024 Minutes. *Mr. Earl* seconded motion.

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

December 2024 Minutes were approved with a vote 5 Yes to 0 No.

Mr. Yates motioned to approve December 2024 Orders. *Mr. Earl* seconded motion.

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

December 2024 Orders were approved with a vote 5 Yes to 0 No.

BZA 24-34

Petitioner/Property Owner: Lily's Place, 1320 7th Ave. Huntington, WV 25701

Property Location: 1439-1441 7th Ave.

Issue: A petition for a variance to eliminate or drastically reduce the parking requirement for a multi-family residence.

Mr. Curry read the Staff Report.

Ms. Misty Musser, Director of Operations for Lily's Place 1320 7th Ave., explained to be in compliance with their governing body, they must have a small office on site. The only way they have found to

accommodate this requirement is to put a small building behind the primary structure located on 1439-1441 7th Ave. After initiating contact with the City to put the building in the back, they found out that parking was required due to the residential zoning. Ms. Musser then explained the required staff on site would be one permanent staff and up to two other staff come from other facilities for meetings. She explained that none of their clients have vehicles since the inception of Lily's Place and none of the current clients have driver's licenses.

Mr. Yates asked Ms. Musser if the site plan dated 1/9/2025 was the most current plan. Ms. Musser confirmed.

Ms. Proctor asked if *Mr. Earl* had any comments. *Mr. Earl* stated that this is what they were asking for from the previous hearing in term of location and number of parking spaces.

Ms. Proctor mentioned the measurements of the property lines along with the proposed office building, and parking spaces were incorrect by approximately eight inches. *Ms. Proctor* reiterated that the alley behind the property must be accessible and that parking is required by code to have one-and-a-half parking spaces per two-bedroom apartment. *Ms. Proctor* asked Ms. Musser to confirm if the residents are presumed to not own a vehicle during their stay. Ms. Musser stated there is a small chance, but they do not foresee that occurring based on their residents since the NAS Center opened and having taken care of over 400 to 600 parents.

Ms. Jodi Maiolo, 1320 7th Ave., stated that women in their program are not allowed to have vehicles.

Mr. Yates stated that from the previous hearing the petitioner was able to provide a reasonable number of parking spaces. *Mr. Earl*, *Ms. Browning*, and *Ms. Frazier* agreed. *Ms. Proctor* reminded the members that if Lily's Place sells the property in the future, if granted, the variance would transfer to the next owner. Ms. Petruso confirmed.

Mr. Yates asked if they could include a condition that the variance could expire if Lily's Place did ever sell the property. Ms. Hernandez stated that enforcement would be difficult, but if the accessory structure is permanent than they are stuck with limited real estate for parking. *Mr. Yates* asked if the petitioner could have a structure on the property and Ms. Petruso confirmed. *Mr. Yates* questioned if the sale of the property would affect the parking. Ms. Petruso stated that the initial twelve parking spaces was due to the required parking of residents and staff, however, if the building were to operate alone, it would only be required to have nine parking spaces to meet code.

Ms. Proctor asked Ms. Musser if they would consider changing the location of the proposed position of the office building to ensure parking spaces are more accessible. Ms. Musser stated that the building would not be a permanent fixture and that the unloading of the structure would cost more if they positioned it perpendicular to the updated plans. *Ms. Proctor* mentioned that not having the structure permanently fixed would be an issue. Ms. Petruso stated that Building Inspectors would have to review the plans.

Mr. Yates motioned to approve BZA 24-34 with the requirement that there is a minimum of six (6) parking spaces and the space be organized in a way that allows for adequate egress and ingress of the property to insure safety of the tenants. *Ms. Frazier* seconded the motion.

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

BZA 24-34 was approved with a vote 5 Yes to 0 No.

BZA 25-01

Petitioner/Property Owner: Amaya Collins and Caleb Holbrook, 4641 Bradley Rd., Huntington, WV 25704

Property Location: 4641 Bradley Rd., Huntington, WV 25704

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

Mr. Curry read the Staff Report.

Caleb Holbrook, 4641 Bradley Rd., explained that they bought the house and wanted to add the addition due to space. He stated that the contractor he hired said he did not need a building permit because of the location in Wayne County.

Ms. Proctor asked how Mr. Holbrook discovered he needed a building permit. Mr. Holbrook stated a waterline broke on his property, and when the City inspector was onsite, they saw the addition and put a stop work order on it.

Ms. Frazier asked for clarification on the advice received from the general contractor. Mr. Holbrook confirmed that the advice from the contractor was due to the belief that he was not in the City.

Ms. Proctor asked Mr. Holbrook if the addition was still viable due to the recent weather. Mr. Holbrook said the general contractor did not mention the viability as the addition is still in the early stages.

Mr. Earl commented that there is no opposition present and asked for confirmation that the staff still recommended a denial of the petition. Ms. Petruso confirmed. *Ms. Proctor* asked Staff if there were any letters of opposition or support. Ms. Petruso stated Mr. Holbrook brought in six (6) signed support letters from surrounding properties, but there had been no way to authenticate to them.

Ms. Frazier asked for clarification on between the lot lines and setback differences between the 4600 and 4700 block. Ms. Petruso explained the lot lines and setback differences and clarified that the petitioner was reducing the setback to two (2) feet.

Ms. Proctor asked Mr. Holbrook if he could provide contact information for the signed consent letters. Mr. Holbrook stated he would be able to provide them at a later time.

Mr. Earl asked if there were any renderings of the addition. Mr. Holbrook explained how the building would look in comparison the principal structure. *Ms. Proctor* asked Mr. Holbrook if the contractor has provided any plans and asked for them be provided. Mr. Holbrook said they have plans and will provide them.

Ms. Browning asked if the addition could be made wider instead of longer to avoid the large decrease in the setback. *Mr. Holbrook* stated that the gas meter is located on the front of the house and prevents the addition from being wider.

Mr. Yates made a motion to move 25-01 to next month's meeting. *Ms. Browning* seconded.

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

BZA 25-01 was moved to the February meeting so the petitioner can return with building plans and consent letter contact information with a vote 5 Yes to 0 No.

Good and Welfare

Ms. Proctor adjourned the meeting at 6:22 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 24-34

Petitioner/Property Owner: Lily's Place, 1320 7th Ave., Huntington, WV 25701
Subject Property: 1439-1441 7th Ave.

In re: A petition for a variance to eliminate or drastically reduce the parking requirement for a multi-family residence.

Individual Speaking on Behalf of Petition: Misty Musser, Director of Operations, Lily's Place, 1320 7th Ave., Huntington, WV 25701

Other Interested Parties: Jodi Maiolo, Lily's Place, 1320 7th Ave., Huntington, WV 2570

ORDER

On January 21, 2025, Ms. Musser appeared before the City of Huntington Board of Zoning Appeals to request a petition for a variance to eliminate or drastically reduce the parking requirements for a multi-family residence. Other citizens were permitted to voice their positions as well, per the practice of this Board, and one citizen provided testimony for the petition.

FINDINGS OF FACT

After reviewing all documentary evidence submitted and hearing testimony at the January 21, 2025 meeting, the Board finds as follows:

1. Lily's Place Inc. is the owner and petitioner.
2. The subject property is a 6-unit apartment building, all of which are two bedroom.
3. The petitioner uses the subject location for treatment of pregnant and parenting mothers recovering from addiction.
4. Residents are not permitted to have cars during their stay.
5. The petitioner is required by their governing body to have an office on site of the facility.
6. The current office occupies one of the rental units.
7. The petitioner is proposing the addition of a 12' x 36' office/storage unit in the rear of an existing apartment building in the parking lot, perpendicular to 15th Street.
8. The petitioner proposes reducing the parking to 6 spaces to allow space for the office/storage unit.
9. This property is located within the R-5 Multi-family Residential District.
10. Specifically, the rear of the lot is adjacent to an alley and is completely fenced with a gate for ingress and egress, which is located on 15th Street.
11. The property is a corner lot, with 7th Avenue to the north, 15th Street to the east, and a public alley to the south. Limited street parking is available in the area.
12. The property is approximately 6,000 square feet.

13. The future land use maps of Plan2025 and Plan2035 designate this area as Light Industrial and Commercial.

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-5 district is to accommodate, in central locations convenient to services and City institutions, higher density multi-family housing consisting of three or more units.” City of Huntington Ordinance §1325.01. Multi-family dwelling units require 1.5 vehicle parking spaces per 2 bedroom unit. City of Huntington Ordinance §1343.03 (Table 1343.A). Offices require 1 per 400 square feet of floor area or 0.8 vehicle parking spaces per full time equivalent employee (at max shift, typical), whichever is greater. City of Huntington Ordinance §1343.03 (Table 1343.A).

We do not believe that a reduction in the maximum amount of parking required will adversely affect the public health, safety, or welfare, or the rights of the adjacent property owners or residents because, so long as the residents are not allowed to bring cars, there will be no competition for street parking with the surrounding uses. We are concerned, however, that the proposed location of the building may negatively impact the residents of the building by blocking their ingress/egress from the rear of the building. We do believe the concern can be mitigated if the office is oriented perpendicular to the way it was proposed.

The special condition of the property is that is bounded on three sides by right-of-way, constricting Petitioner’s options, but with limit lawful parking available. Permitting the reduction, with some restrictions, will eliminate the hardship and provide a reasonable use of the land. Since the intent of the parking ordinance is to provide adequate parking without having to rely on street parking, in this instance, the intent of the zoning ordinance will be satisfied, since the residents cannot have their own cars on the property. It is pertinent, however, that should this property cease to be used in the manner proposed, that the parking be restored to the 9 spaces required by code.

Therefore, it is our opinion that a variance with the requirement of a minimum of six (6) vehicle parking spaces and that the spaces be organized in a way that allows for adequate ingress and egress of the property to insure the safety of the tenants is appropriate for this location.

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 24-34 for a **Variance** with the requirement of a minimum of six (6) vehicle parking spaces and that the space be organized in a way that allows for adequate ingress and egress of the property to insure the safety of the tenants. Any changes that deviate from what has been approved and do not meet the zoning regulation must come back before the Board of Zoning Appeals 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: _____
Jaqueline Proctor, Chair Stephanie Petruso, Senior Planner

Updated Staff Report: A petition for a variance to decrease the front yard setback requirement in an R-2 Residential District.

Legal Ad

BZA 25-01

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

Petitioner/Property Owner: Amaya Collins and Caleb Holbrook, 4641 Bradley Rd., Huntington, WV 25704

Introduction

Amaya Collins and Caleb Holbrook are petitioning for a variance to decrease the front yard setback requirement for the residence at 4641 Bradley Rd.

Existing Conditions / Background

The current structure is a single family residence owned and occupied by Amaya Collins and Caleb Holbrook. The current structure is 700 square feet. Additionally, the owner has already started work on the addition in the front yard, but was stopped by a code enforcement officer. The applicant was under the impression that since they resided in Wayne County, they were not subject to obtaining a building permit through the City.

Proposed Conditions

If approved, the variance would allow the petitioner to construct a 168 square-foot additional living space on the front of the current structure.

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 *1321.02* in the R-2 district, the front yard requirement for a structure is a prevailing setback. Per *1315.06.B*, the prevailing front yard setback line is the mean front yard line of all principal buildings along a block face located in the same zone. However, a few exceptions are available that must be determined by the Planner. The recommended setback for a residential use only structure is a minimum setback of 20% of the lot depth and a maximum setback of 30% of the lot depth.

Pictures



View of petitioned property looking southeast from the intersection of Bradley Road and Elm Street.



View of petitioned property looking west on Bradley Road.



View of petitioned property looking southwest from Bradley Road.



View of the 4700 block from the petitioned property on Bradley Road.



View of petitioned property from neighboring property looking southwest from Bradley Road.

Staff Comments

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

- Medium density
- Smaller lots with grid streets where parking primarily enters from the alley
- Sidewalks throughout
- Residential density per acre increases near transitions
- Primarily single-family
- Commercial uses are sparse and with conditions
- New development is incremental and designed to infill into the prevailing architectural standards of the district

The minimum setback for a residence in an R-2 is 20% of the lot depth (14 feet) and maximum setback for a residence in an R-2 is 30% of the lot depth (21 feet). The current setback of the structure is 16.1 feet. The proposed addition would decrease the setback to 2.1 feet.

The prevailing setback for the 4600 block of Bradley Road is approximately 18 feet from the road, whereas the 4700 block of Bradley Road has an approximate setback of 6 feet.

The addition to the current structure would not exceed the lot coverage maximum or the building coverage maximum.

It should be noted that the residence is located on the corner of Bradley Road and Elm Street. The addition to the current structure would not create a traffic or road hazard to those turning onto Bradley Road.

Staff Recommendation:

Staff has reconsidered its previous position and recommends approval of the variance to decrease the front yard setback based on the visual comparison of the prevailing setbacks along both the 4600 and 4700 blocks of Bradley Road.

Summary / Findings of Fact

1. Amaya Collins and Caleb Holbrook are the property owners.
2. The petitioner is requesting a variance to decrease the front yard setback requirement in an R-2 Residential District.
3. The property is currently zoned R-2 Residential District.
4. Construction has already started, but was halted by the City.

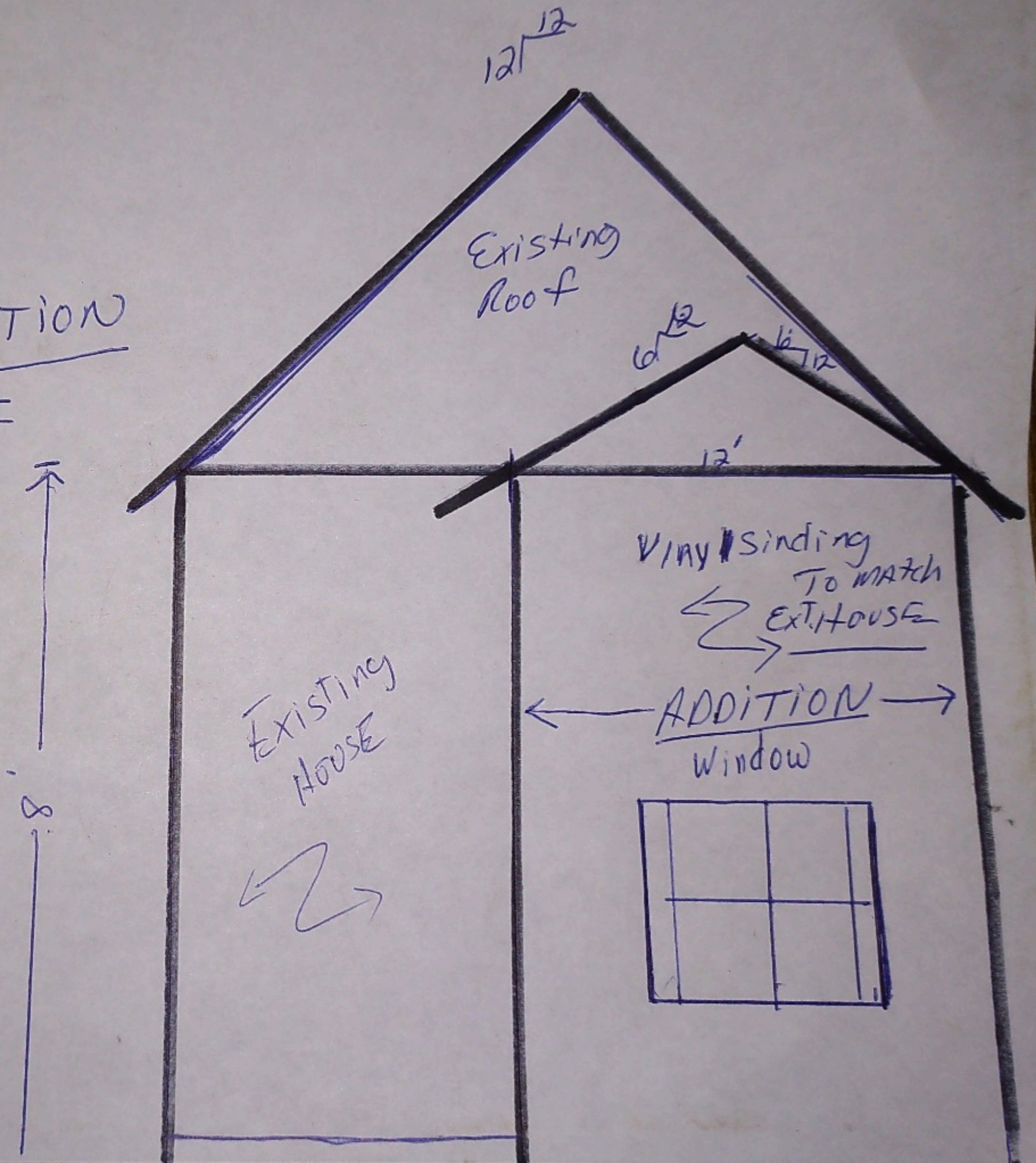
Attachments

- Plans as submitted by petitioner
- Application
- Aerial map
- Zoning map
- Future Land Use map

FRONT VIEW

12' x 14' ADDITION
SHINGLE ROOF

Wood SOFFIT
Wood FASCIA





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: Caleb Holbrook and Amaya Collins Phone: 304-939-5962
Mailing Address (city, state, zip): 4641 Bradley Rd. Huntington WV 25704
Email: caleb.holbrook@K12.WV.US
Property Owner (if applicable): same Phone: same
Mailing Address (city, state, zip): same

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

4641 Bradley Road Huntington WV 25704. Tax map: 5 Parcel: 50-06-5-26 Lot: 5-26

Variance request pursuant to:

Article 1321.02 and/or Figure _____ of the City of Huntington Zoning Ordinance.

Description of the variance being requested:

Addition of a 12x14 ft room on the front of the house.

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.

C. Holbrook Amaya Collins _____ 12/15/24
Signature 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:

none that we recognize as the property owners.

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):

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

We were under the perception we did not need a permit within Wayne County. Due to our mistake, construction has been started and is incomplete which can result in a possible waste of purchased materials and lack of pay to our contractor. We would also have to deconstruct what has been started. It would construct us from being able to prepare our home to expand our family in the future.

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

Aerial Map



4641 Bradley Rd

Wayne County Tax District 5, Map 5

Parcel 26

BZA 25-01

A petition for a variance to decrease the front yard setback requirement in an R-2 Residential District.



Zoning Map



4641 Bradley Rd

Wayne County Tax District 5, Map 5

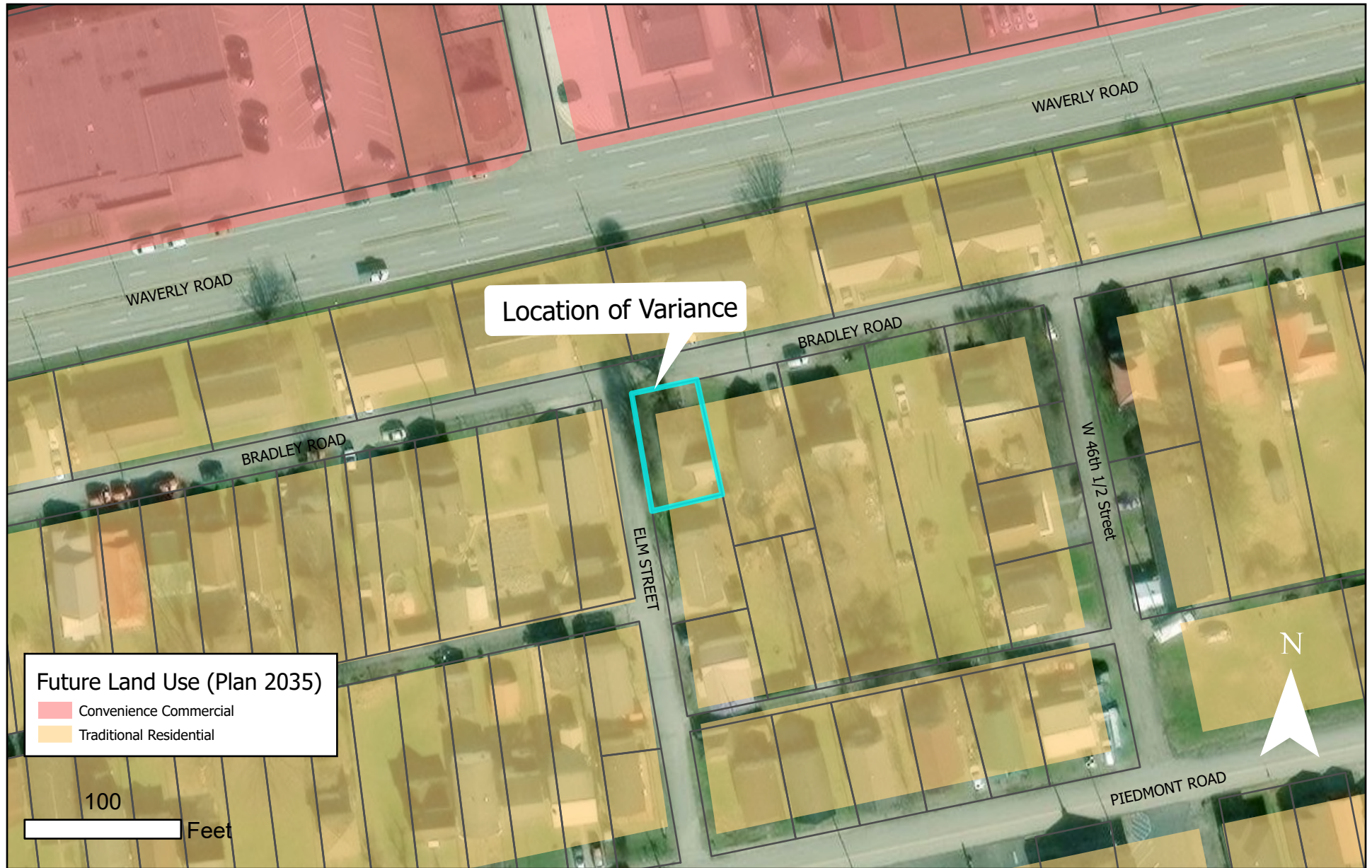
Parcel 26

BZA 25-01

A petition for a variance to decrease the front yard setback requirement in an R-2 Residential District.



Future Land Use Map



4641 Bradley Rd

Wayne County Tax District 5, Map 5

Parcel 26

BZA 25-01

A petition for a variance to decrease the front yard setback requirement in an R-2 Residential District.

