



Agenda

Huntington Board of Zoning Appeals
Tuesday, January 21, 2024 - 5:30pm

1. Call to Order
2. Roll Call
3. Election of Chair and Vice Chair
4. Approval of the December 2024 Minutes
5. Approval of the December 2024 Orders
 - BZA 24-33
6. Old Petitions

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 for the required off-street parking for a multi-family residence in an R-5 Multi-Family Residential District.

7. New 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.

8. Announcements/Discussion
9. Adjournment

Minutes
City of Huntington Board of Zoning Appeals
December 17, 2024

A meeting of the City of Huntington Board of Zoning Appeals was held on December 17, 2024 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, Sara Loftus and Sharon Frazier

Members Absent: Gina Browning and Steven Yates

Staff Present: Steve Curry, Planner II
Ericka Hernandez, Assistant City Attorney
Stephanie Petruso, Senior Planner

Mr. Earl motioned to approve October 2024 Minutes. *Ms. Loftus* seconded motion.

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

October 2024 Minutes were approved with a vote 3 Yes to 0 No.

Ms. Loftus motioned to approve October 2024 Orders. *Mr. Earl* seconded motion.

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

October 2024 Orders were approved with a vote 3 Yes to 0 No.

BZA 24-33

Petitioner: Ahmadd Jay, 1695 9th Ave., Huntington, WV 25703

Property Owner: Ronnie Lee and Patricia Ann Callender, P.O. Box 11177, Charleston, WV 25339

Property Location: 1695 9th Ave.

Issue: A petition for a conditional use for the redevelopment of a closed school, public building, community center or Church.

Ms. Petruso read the Staff Report.

Mr. Ahmadd Jay, 1695 9th Ave., explained that he was looking to open a funeral home on 9th Avenue. He has operated funeral homes for the past 20 years in Florida. *Mr. Jay* went to college in the area but was unable to purchase a structure in Huntington until now.

Ms. Proctor asked about work that had been done on the structure. *Mr. Jay* explained that he has put a new roof on the building and cleaned the structure out; commenting that he believed the repairs were due to normal wear and tear on the building as it had been vacant for some time.

Ms. Proctor explained the reason for her question and her hope that the improvements had not been significant before the petition had been ruled on by the Board of Zoning Appeals. *Mr. Jay* explained that he had believed that the structure was zoned for a funeral home and that he would be able to move forward.

Ms. Loftus asked if Mr. Jay had all of the other permits and licenses needed to open the business. Mr. Jay responded that he did, although the state board would need to inspect the premises after he receives approval from the City.

Mr. Earl commented on the recommendations raised in the staff report and asked if Mr. Jay would have any issues with complying with the limits on the exterior of the structure and signage. Mr. Jay said that he would not have any issue.

Ms. Proctor asked if the community knew of Mr. Jay's intentions to open a funeral home. Mr. Jay commented that he had spoken to the Church next door.

Mr. Earl motioned to approve BZA 24-33 with the conditions recommended by staff. *Ms. Loftus* seconded the motion.

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

BZA 24-33 was approved with a vote 3 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 for the required off-street parking for a multi-family residence in an R-5 Multi-Family Residential District.

Ms. Petruso read the Staff Report.

Olivia Meade, representing Lily's Place, 1320 7th Ave., explained that the property on 7th Avenue is a residential treatment center. She went on to explain that the residents have restrictions that would make having a vehicle while residing there very unlikely. *Ms. Meade* went on to explain that the reduction of the parking requirement was to allow for an accessory structure to be placed on the property that would be the required office for the center and allow for the current office to be opened back up as another residence. She commented on the fact that the rear fence was not installed on their property and that the placement of the fence will be corrected.

Mr. Earl asked how many parking spaces are currently on the property, how many are required, and how many will be there if the petition is approved. *Ms. Petruso* responded that as the current parking spaces are not lined, staff is not sure how many are there currently; per code, there is a total requirement of 12 parking spaces; and depending on the decision of the Board the parking could be eliminated completely or drastically reduced. *Ms. Petruso* stated that Staff requests at least 3 spaces for the staff.

Ms. Hernandez informed the Board that by the dimensions of the current available parking area, the property should have approximately 18 spaces, if using the narrowest spaces defined by code. *Ms. Proctor* commented that she does not see how that could be possible, but would be open to, without the accessory structure, 12 spaces would be possible.

Ms. Loftus asked if there were visitors to the property. *Ms. Meade* responded that there were not visitors due to policy, which is a very strict residential treatment program.

Mr. Earl asked if *Ms. Meade* could commit to a certain number of parking spaces.

Ms. Loftus and *Mr. Earl* discussed the site plan offered by Lily’s Place with their petition.

Ms. Proctor and *Mr. Earl* discussed the parking requirement outlined in code. *Mr. Earl* reiterated that he did not understand why there is not a specific number to the reduction in parking spaces being asked for by the petitioner.

Ms. Proctor asked *Ms. Hernandez* about how to allow the petitioner to have the opportunity to work out the issues with the Planning staff and then return to the Board of Zoning Appeals for a decision. *Ms. Hernandez* responded that the petition could be laid over to January, allowing the petitioner to come back with a site plan that answers the questions being put for the by *Mr. Earl*. She also said if the petition was voted down at the current meeting, the petitioner would be unable to bring the issue before the Board in the same form for a year.

Mr. Earl asked what would occur if the Board approved the petition and Lily’s Place was to sell the property. *Ms. Hernandez* responded that the buyer would get the benefit of the Board’s decision of the minimum parking number.

Mr. Earl asked *Ms. Meade* if there were significant consequences if the petition was delayed for a month. *Ms. Meade* said that at this point they were not moving the office, so the delay would not be an issue.

Mr. Earl made a motion to pass the petition to the next meeting and give the petitioner time to work with staff to make a more decisive determination of parking. *Ms. Loftus* seconded.

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

BZA 24-34 was moved to January so petitioner can return with a more specific plan with a vote 3 Yes to 0 No.

Good and Welfare

Ms. Sharon Frazier was introduced as the new alternate member of the Board.

Ms. Proctor adjourned the meeting at 6:12 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 24-33

Petitioner: Ahmadd Jay, 1695 9th Ave., Huntington, WV 25703

Property Owner: Ronnie Lee and Patricia Ann Callender, P.O. Box 11177, Charleston, WV
25339

Subject Property: 1695 9th Ave.

In re: A petition for a conditional use to redevelop a closed school, public building, community center or Church.

Individual Speaking on Behalf of Petition: Ahmadd Jay, 1695 9th Ave., Huntington, WV 25703

Other Interested Parties: None

ORDER

On December 17, 2024, Mr. Jay appeared before the City of Huntington Board of Zoning Appeals to request approval for a conditional use to redevelop a closed school, public building, community center or Church. Other citizens were permitted to voice their positions as well, per the practice of this Board, and no citizens provided testimony.

FINDINGS OF FACT

After reviewing all documentary evidence submitted and hearing testimony at the December 17, 2024 meeting, the Board finds as follows:

1. Ahmadd Jay is the petitioner.
2. Ronnie Lee and Patricia Ann Callender are the property owners.
3. Petitioner has a purchase agreement to acquire the property.
4. The property at 1695 9th Avenue was historically used as a funeral home and became a legal nonconforming use after the adoption of the current zoning ordinance.
5. This property has not been used as a funeral home for approximately 15 years.
6. Petitioner would like to re-establish a funeral home at this location.
7. The interior of the building was programmed and used in a manner that would likely make adaptive reuse challenging.
8. The height and footprint of the building is similar to the other buildings in the immediate area.
9. Two churches are located on the same block.
10. This property is located within the R-4 Two-family Residential District.
11. The future land use map of Plan2025 designates this area as Traditional Residential.

STANDARD OF REVIEW

When considering a **Conditional Use Permit**, the Board must consider:

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

CONCLUSIONS OF LAW

“The purpose of the R-4 district is to establish and provide areas for primarily single-family residential land use at moderate densities of no more than two units per lot. These areas are to be developed compatible and respectful of the scale, texture and quality of existing housing and related uses.” City of Huntington Ordinance §1323.01. Redevelopment of a closed school, public building, community center or Church, is to provide options for redevelopment of community and public structures that are surrounded by residential structures and within residential zones that will prevent them from becoming abandoned and dilapidated and adversely impacting the built environment and quality of life within the immediate area. City of Huntington Ordinance §1341.51. Reused public buildings face many restrictions intended to protect the surrounding community, such as the redevelopment must either serve the community or be imperceptible to the residential properties nearby, the historic character and the development standards of the area must be preserved, the size of the structure cannot increase, and signage must be minimal, among other requirements.

The property at 1695 9th Avenue was occupied and used as a funeral home before the current zoning code was enacted. Accordingly, when occupied, the funeral home was considered a pre-existing, nonconforming legal use. It has not functioned or been occupied as a funeral home for the past 15 years and funeral homes are not permitted in a R-4 Two-family Residential District. Since the interior of the building was programmed and used as a funeral home, adaptive reuse as anything else would be challenging. The restrictions built into the redevelopment of a closed will help protect the use and enjoyment of other properties in the immediate vicinity. Due to the small size of the building, the effect on traffic congestion should be no different than the churches in the immediate vicinity. We do not expect this use to have a negative impact on the public health, safety, morals, and general welfare.

Therefore, it is our opinion that a conditional use to redevelop a closed school, public building, community center or Church 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 24-33 for a **Conditional Use**.

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

Staff Report: A petition for a variance for the required off-street parking for a multi-family residence in an R-5 Multi-Family Residential District.

Legal Ad

BZA 24-34

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

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

Property Location: 1439-1441 7th Ave.

Introduction

Lily’s Place is petitioning for a reduction to the minimum off-street parking requirement for a six (6) unit apartment building.

Existing Conditions

The lot currently features a six (6) unit apartment building and has been owned by Lily’s Place since October 2023. The building serves as a treatment facility for pregnant and parenting mothers recovering from addiction. One of the apartments is currently being used as the office for the building.

Proposed Conditions

The petitioner is proposing a 12 ft. x 36 ft. office/storage building to be constructed in the rear of the lot where off-street parking currently exists.

The new office will replace the current office which occupies one of the apartments. The petitioner plans to restore the apartment to a livable condition for additional tenants.

Variance

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

1. The requested variance will not adversely affect the public health, safety, or welfare, or the rights of the adjacent property owners or residents;
2. That the variance arises from special conditions or attributes which pertain to the property for which a variance is sought. Such special conditions may not be created by the person seeking the variance;
3. That the variance would eliminate an unnecessary hardship and permit a reasonable use of the land;
4. And that the variance will allow the intent of the Zoning Ordinance to be observed and substantial justice done.

Photos



View of the North side of the apartment building from the northeast corner of 7th Avenue and 15th Street.



View of the rear of the building from the east side of 15th street. Automobiles in this picture are parked in the right-of-way.



View of the rear of the property from the east side of 15th street.

Zoning Ordinance

Per *Table 1343.A*, the required number of off-street parking for multi-family dwellings is one and a half (1.5) per two (2) bedroom unit. Additionally, offices require 1 parking space per 400 sq. ft. of floor area or 0.8 spaces per full time equivalent employee (at max shift typical), whichever is greater.

Comprehensive Plan

The Future Land Use Map in Plan2025 designates this area as Light Industrial and Commercial. This district provides a lower intensity industrial district that allows creative reuse of industrial sites that can

complement certain residential areas. This district is characterized by:

- Medium sized lots near railroads or riverfronts
- Industrial properties that are close to residential uses
- Allows for a mix of light industrial, commercial and residential uses
- Industry surveyed to see if properties are underutilized
- Transition large industry to smaller industrial uses if viable

Staff Comments

In their application, the petitioner has stated that the residents of the property do not have vehicles of their own nor do many of them possess a valid driver's license.

Petitioner has also stated to Staff that during daytime business hours there will be three staff people on site creating a need for at least three (3) parking spaces.

The petitioner's site plan currently shows a fence that extends beyond their lot line by approximately 10 ft. By bringing the fence line back into compliance, the backyard is approximately 48 ft. deep by 60 ft. wide. That would allow, with the addition of the accessory structure placed about 7 ft. from the rear of the apartment buildings, an 11 ft. wide one-way drive aisle and 3 45 degree parking stalls.

This would accommodate parking requirements for the current staff, but would not allow for potential future parking for additional staff or the residents.

Staff Recommendation

The Staff is *neutral* in its recommendation.

Update

New site plan is attached before attachments for your convenience.

Summary / Findings of Fact

1. Lily's Place Inc. is the Owner and Petitioner.
2. The petitioner is proposing an office / storage unit in the rear of an existing apartment building.
3. §1343 requires one and a half (1.5) spaces per two (2) bedroom unit.
4. §1343 requires 1 parking space per 400 sq. ft. of floor area or 0.8 spaces per full time equivalent employee (at max shift typical), whichever is greater.
5. The proposal would allow for several existing parking spaces to be removed in favor on the new office.
6. The property is zoned R-5 Multi-Family Residential district.
7. The property is approximately 6,000 square feet.

Attachments

- January Site Plan
- Application
- Site Plan
- Aerial map
- Zoning map
- Future Land Use map

DEVELOPMENT SITE PLAN

Property Owner: Lily's Place

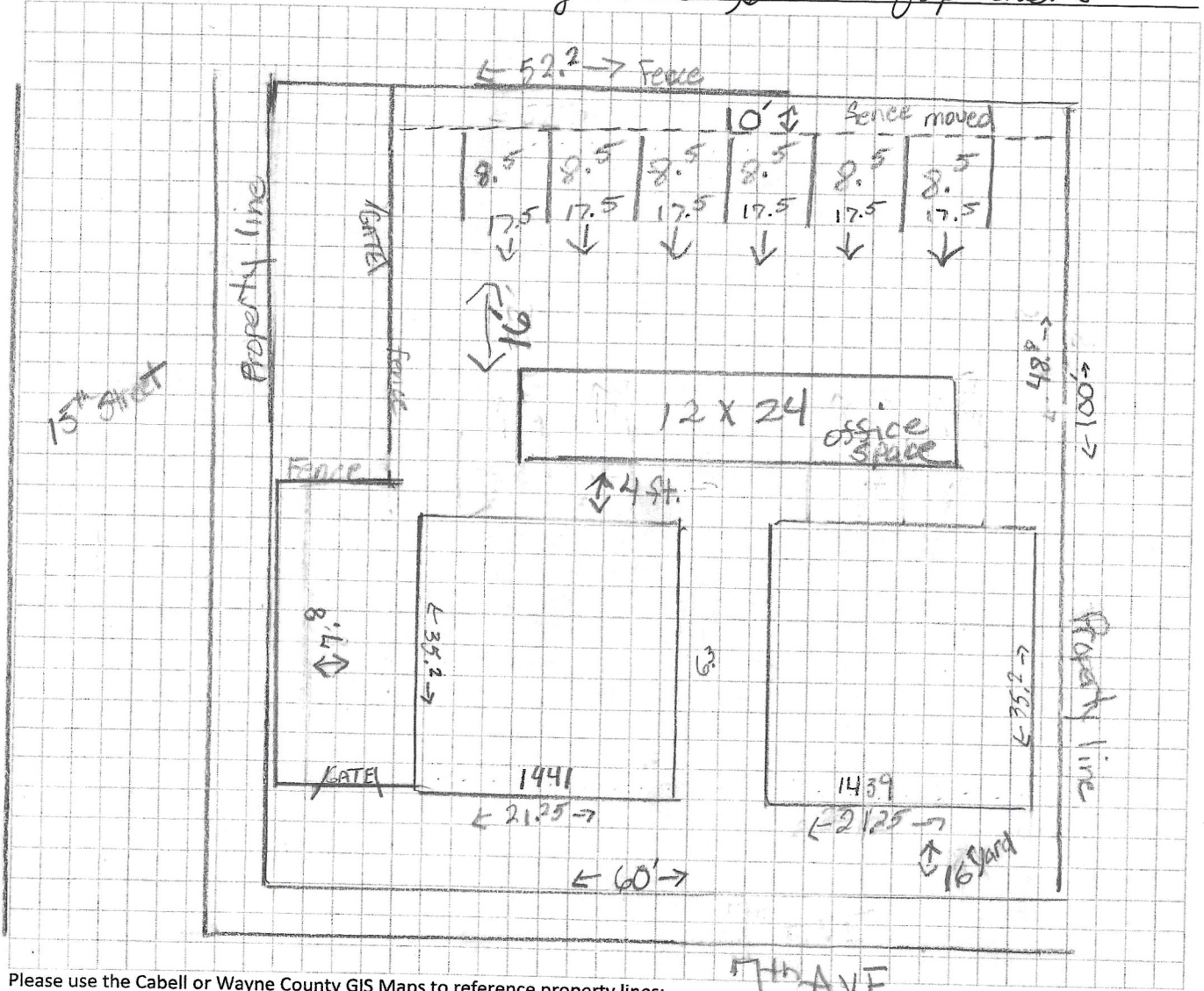
Site Address: 1439/1441

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

Label and include:

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

Signature: Misty Mura Director of Operations



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

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

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

For office use

Planning and Zoning Review

- Approved
- Denied

Public Works Review

- Approved
- Denied

Reviewed by: _____

Date: _____



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: Lily's Place Phone: 304-523-5459

Mailing Address (city, state, zip): 1320 7th Ave, Huntington, WV 25701

Email: olivia@lilysplace.org

Property Owner (if applicable): Lily's Place Phone: 304-523-5459

Mailing Address (city, state, zip): 1320 7th Ave, Huntington, WV 25701

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

1441 7th Avenue, Huntington, WV 25701

Variance request pursuant to:

Article 1343 and/or Figure A of the City of Huntington Zoning Ordinance.

Description of the variance being requested:

Lily's Place is requesting a variance to the required parking for the group residential facility per Table 1343.A (Section 1343.03) of the Huntington Zoning Ordinance. The table requires 1.5 parking spaces per each two bedroom unit. Our program is a treatment facility, not apartments, and none of our patients will have vehicles.

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 11/19 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.

Olivia Meale
Signature

11/18/2024
Date

For office use only	
Received:	Project Name:

Variance of Zoning Regulations Application
Lily's Place

ATTACHMENT A

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

This variance will have no immediate effect on the rights of adjacent property owners or residents. We are requesting a variance related to parking behind the facility, which is currently gated and only accessible to Lily's Place staff members or authorized personnel.

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):

We have a limited amount of space on this property and are required to have an office structure per our grant funding and program guidelines. The placing of an office building will be removing a few parking spaces. In addition, the residents of this facility (Lily's Place patients who are enrolled in treatment) will never need a parking space in correlation with their apartment. They do not have vehicles and even if they did, they are not permitted to drive during their time in our program.

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

Approval of this variance would relieve the unnecessary barrier of required parking for a group residential facility. Our facility is not an apartment complex or residence; it is a treatment facility for parenting and pregnant women in recovery. These women do live at the facility; however, they do not have vehicles. Most of them do not even have a valid license. We need to move a mobile office building on the property, and in doing so, we will be removing a few parking spaces. We need the variance approved to allow us to remove these spaces.

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

Approval of this variance would eliminate the hardship we face in need to remove parking spaces to place an approved office building on the property. We are not asking to remove all parking, but for the number of spaces we must have available (per the Huntington Zoning Ordinance) to be amended to reflect the nature of our facility.



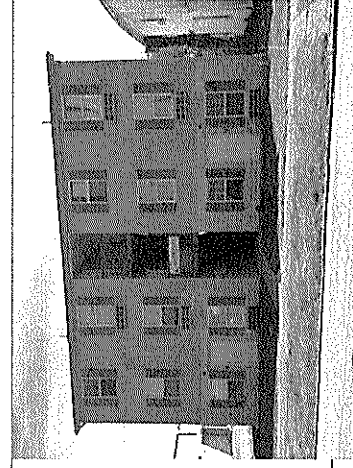
Parid: 05 30021300000000 - | - 5-30-213

Tax Year: 2024

Property Record Card

Card: 1

Situs Addr.:	1439 7TH AVE	District:	HUNTINGTON-GIDEON CORP	Map:	30
Owner1:	NCP SIGMA LLC	Owner2:		Owner Addr:	P O BOX 2 HUNTINGTON, WV 25706
Deed Book/Page:	1475/319	Land Use:	Apartments Garden (1-3 stories)	Acreage:	0.07
Appraised Blg Val:	\$68,200.00	Appraised Land Val:	\$9,000.00	Total Appraised Val:	\$77,200.00
Assessed Blg Val:	\$40,920.00	Assessed Land Val:	\$5,400.00	Total Assessed Val:	\$46,320.00
Year Built:		Total Rooms:		SqFt:	2205
Bathrooms:		Half Baths:		Total Fixtures:	
Basement Area:		Recroom Area:		Heat:	
Tax Class:	4	Neighborhood:	101C	Fuel:	
Legal Desc 1:	BLK 162 PT LT 7	Legal Desc 2:	1439 7TH AVE	Legal Desc 3:	
Sale Date:	Oct 29th 2023	Sale Price:	\$200,000.00	Sale Book/Page:	1492/549



ASSESSMENT DISTRICT

LEGAL DESCRIPTION

GIDEON

BL 162 - Lot pt 7- 7AVE

MAP NO.

PLOT NO.

LOT SIZE

ACREAGE

30

213

30' X 100'

	OWNER'S NAME	ADDRESS	DATE ACQUIRED	FED. TAX STAMPS	DEED BOOK	PAGE NO.
11						
10						
9						
8						
7						
6						
5						
4						
3						
2	Lily's Place Inc	1439-7 AVE	10/30/23	200000	1492	549

DEVELOPMENT SITE PLAN

Property Owner: Lily's Place

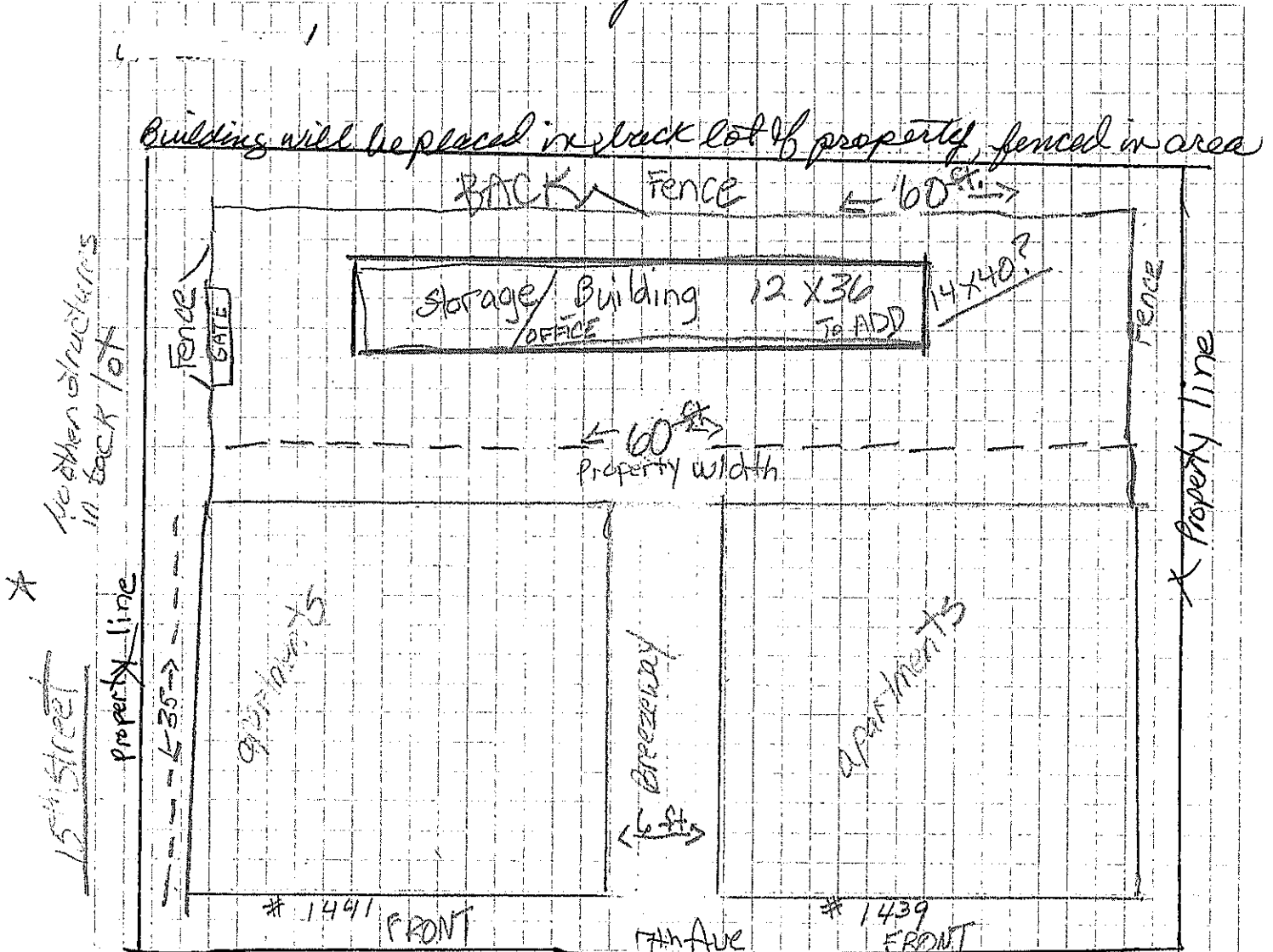
Site Address: 1439 7th Ave

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

Label and include:

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

Signature: Misty Musser



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

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

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

For office use

Planning and Zoning Review

- Approved
- Denied

Public Works Review

- Approved
- Denied

*back lot
30 X 100*

Reviewed by: _____

Date: _____



PLANNING & ZONING

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

Zoning Permit Application

Applicant Name: Lily's Place Phone: 304-523-5459

Property Owner (if applicable): _____ Phone: _____

General Contractor: none Phone: _____ City License #: _____

Address, Parcel Number, or Property Description: 1439, 1441 7th Avenue

Type of Permit:

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

FOR OFFICE USE

Received: _____
 Staff Initials: _____
 Permit Number: _____

Application Checklist:

- Site Plan (see requirements)
- Construction materials: one complete unit, wood
- Cost of labor and materials: \$ _____

Misty Musser
Signature of Applicant

12-10-2024
Date

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

FOR OFFICE USE ONLY

Planning

- ___ Approved
- ___ Denied

Conditions: _____

- ___ Building Permit required
- ___ Public Works approval required

Reviewed by: _____ Title: _____ Date: _____

Public Works

- ___ Approved
- ___ Denied

Conditions: _____

Reviewed by: _____ Title: _____ Date: _____

DEVELOPMENT SITE PLAN

Property Owner: Lily's Place

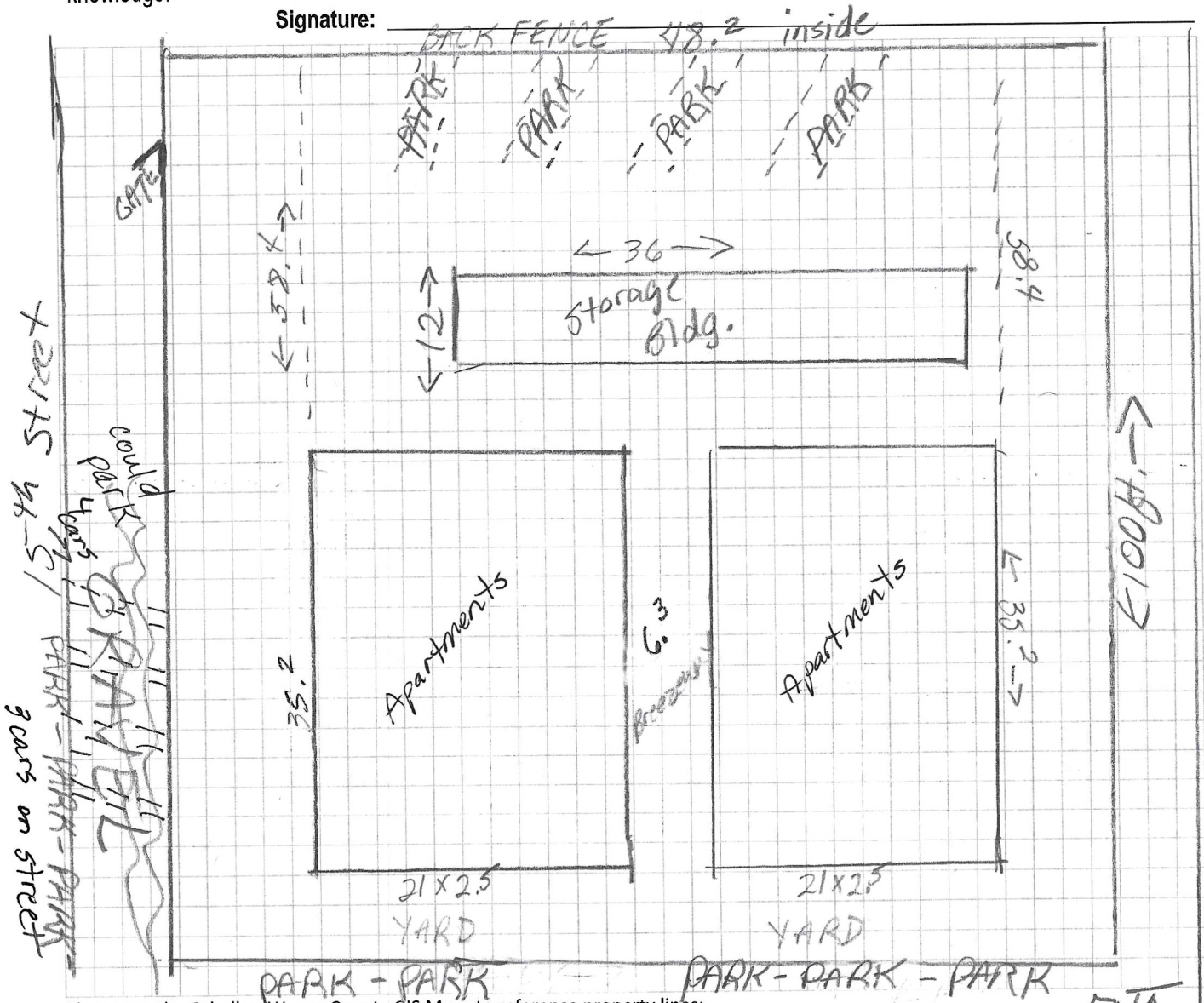
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Signature: _____



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

For office use

Planning and Zoning Review

- Approved
- Denied

Public Works Review

- Approved
- Denied

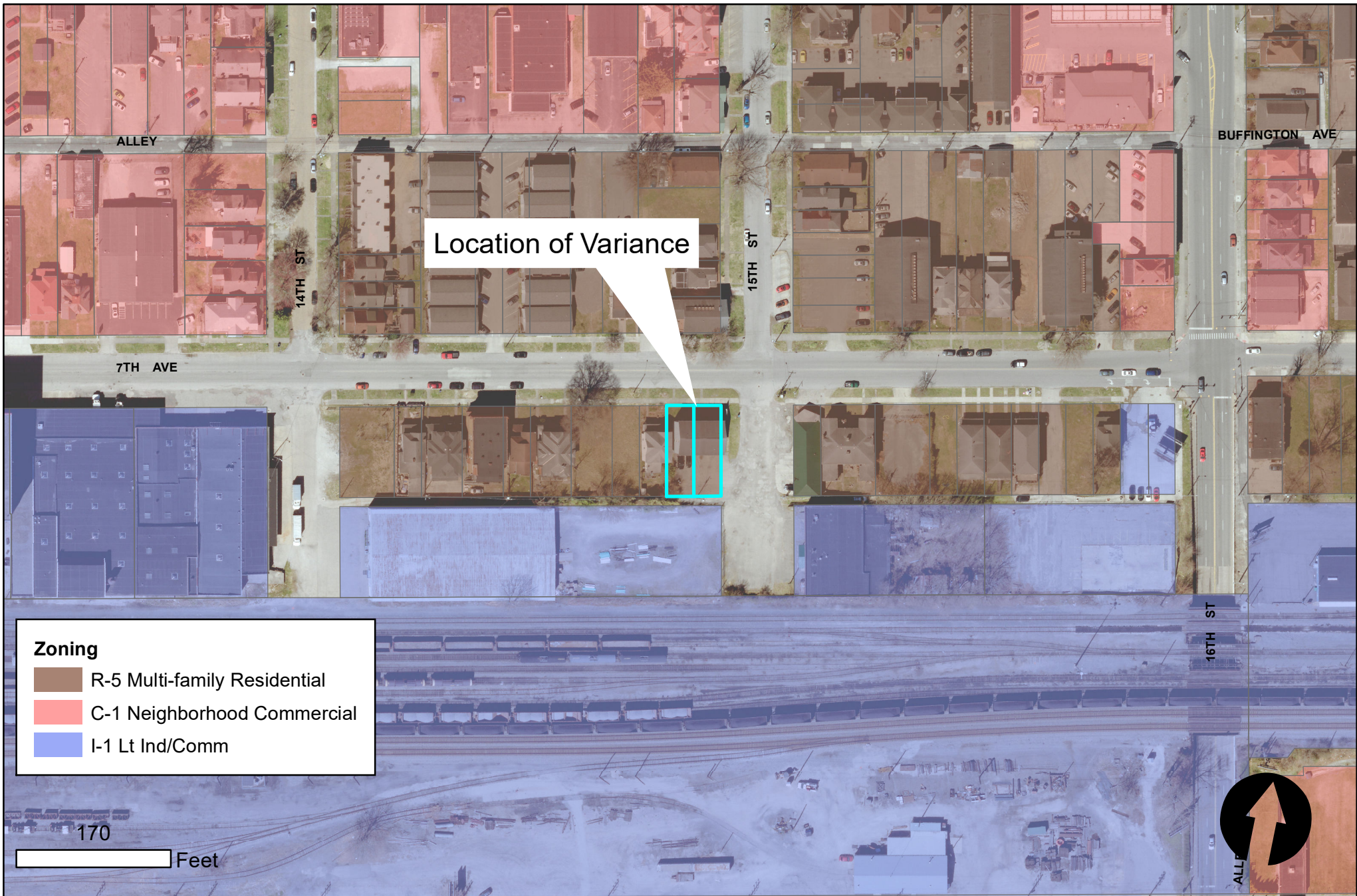
Reviewed by: _____

Date: _____



1439 7th Ave.
Cabell County Tax District 5, Map 30
Parcel 213
BZA 24-34
A petition for a variance to the required parking requirement for a multi-family residence in an R-5 Multi-family District.

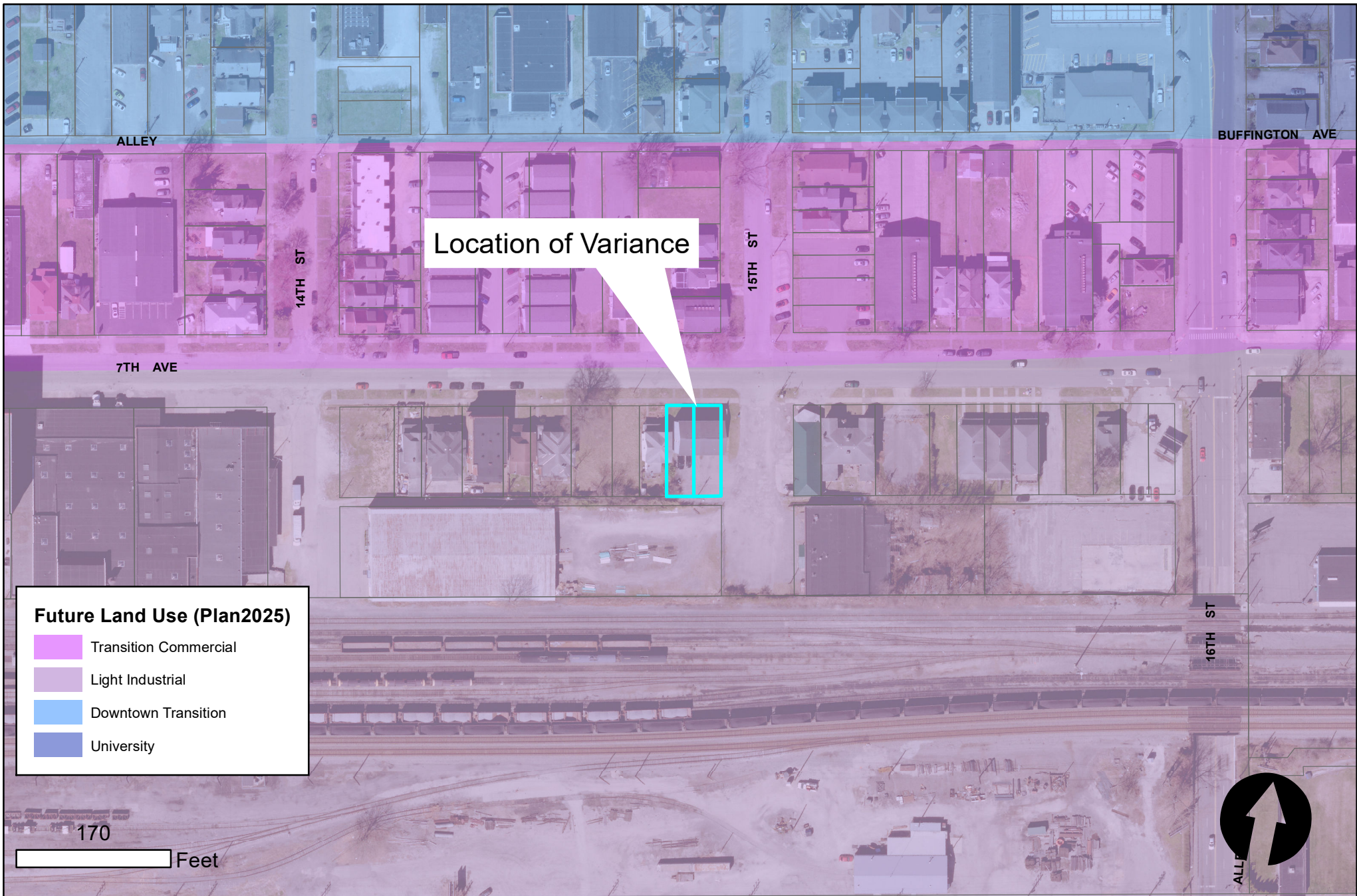




1439 7th Ave.
Cabell County Tax District 5, Map 30
Parcel 213
BZA 24-34

A petition for a variance to the required parking requirement for a multi-family residence in an R-5 Multi-family District.





Future Land Use (Plan2025)

- Transition Commercial
- Light Industrial
- Downtown Transition
- University

1439 7th Ave.
 Cabell County Tax District 5, Map 30
 Parcel 213
 BZA 24-34

A petition for a variance to the required parking requirement for a multi-family residence in an R-5 Multi-family District.



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 south from the intersection 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 minimum 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. Also, Staff recognizes the applicant was performing this work under the impression they did not need City approval due to their location, therefore, the applicant did not come to the City for a permit until after the construction process had started

The lot lines for the 4600 block of Bradley Road are setback approximately 18 feet from the road, whereas the 4700 block of Bradley Road has lot lines that are setback approximately 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 current 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.

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

- 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

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.

Caleb Holbrook Amaya Collins _____ 12/15/24
Signature Date

For office use only	
Received:	Project Name:



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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 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:



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.





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.





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Wayne County Tax District 5, Map 5
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