

Meeting Minutes

1-15-2009

A regular meeting of the Board of Zoning Appeals was held in the Planning Office of the Courthouse. Board members present were Tom Stein, Bob Moran, Rodney Funkhouser, Daniel Aylor, Raymond Hines Jr, and Skip Landes. Board members absent were Delray Wilkins and Jeff Liller. Planner Tom Widder was also present.

Tom Stein called the meeting to order at 7PM. The first order of business was to read and approve the minutes from the November 6, 2008 meeting. There being no additions, corrections or objections, Bob Moran made a motion to accept the minutes as read. There being no discussion on the motion, a vote was taken. The motion passed unanimously.

The next item on the agenda was to elect the officers for the 2009 calendar year. Tom Widder informed the board that the positions are chairman, vice chairman, and secretary.

Daniel Aylor made a motion to nominate Tom Stein for chairman, Rodney Funkhouser for vice chairman, and Bob Moran as secretary for the 2009 calendar year as officers of the Board of Zoning Appeals. Skip Landes made a second on the motion.

Tom Stein accepted the nomination.

Rodney Funkhouser accepted the nomination.

Bob Moran accepted the nomination.

With no further nominations or discussion on the motion, a vote was taken. The motion passed unanimously.

Next, the board went over old business. The board discussed in length general zoning issues.

With nothing further on the agenda, a motion was made to adjourn the meeting. The motion was seconded. There being no discussion on the motion, a vote was taken. The motion passed unanimously.

The meeting adjourned at 8:00PM.

These minutes represent a summary of the subjects discussed and the actions taken by the members of the Hardy County Board of Zoning Appeals for the meeting held on January 15, 2009. The meeting and proceedings were

electronically recorded. In the event there may be discrepancies or contradictions between the written minutes and the audio recording, the audio recording shall take precedence.

Chairman, Board of Zoning Appeals

Secretary, Board of Zoning Appeals

Meeting Minutes
4-9-2009

A meeting of the Hardy County Board of Zoning Appeals was held in the Planning Office of the courthouse. Board members present were Rodney Funkhouser, Raymond Hines, Jeff Liller, Bob Moran, and Skip Landis. Board members not present were Tom Stein, Daniel Aylor, and Delray Wilkins. Planner Tom Widder was also present.

The present board members came to the consensus not to hold a meeting.

Tom Widder introduced an application to reverse an administrative decision, applied by Joyce Davis. The board members came to the consensus to hold the public hearing for the application on Thursday, May 28th at 7PM in the Planning Office.

No signatures needed.

Public Hearing Minutes
Board of Zoning Appeals
5-28-2009

Two public hearings of the Hardy County Board of Zoning Appeals were held in the Planning Office of the Courthouse. Board members present were Tom Stein, Rodney Funkhouser, Daniel Aylor, Raymond Hines, Bob Moran, Jeff Liller, and Delray Wilkins. Members not present were Skip Landis. Planner Tom Widder and Assistant Planner Dave Shields were also present.

Guests for the evening were; Stanley Moyer, Greg Greenwalt, Dave Dolan, Carter Lewis, Daniel Michaels, Janet Aylor, Steve Dave, Greg Riggelman, Robert Williams, Renick Williams, Steve Davis, and Kirk Wilson.

Tom Stein called the public hearing to order at 7:00PM.

Tom Stein then introduced himself and the purpose of the two public hearings. He stated that anyone who desired to speak had to have their name on the sign-in sheet.

Tom Stein then swore in any of the public who desired to speak that evening.

Davis Public Hearing

After swearing in the speakers, Tom Stein then informed the public of the first public hearing, an appeal by Joyce and Jeff Davis for reversal of an administrative decision. Tom Stein then read from the legal notice which was published in the newspaper prior to the public hearing.

Next, Planner Tom Widder gave a report from the Planning Office on the history of the application, denial, and events leading up to the public hearing. Tom Widder informed the board and the public of the evidence provided within the case folder and contribution Mr. and Mrs. Davis made to the file.

Tom Widder asked Joyce Davis if the manufactured home was given to them. Joyce Davis replied affirmative.

Tom Widder informed the board and the public that Mr. Wratford was permitting them to live on the parcel. Tom added that the current living arrangement of living that Mr. and Mrs. Davis have will end shortly.

Tom Widder added that none of the public came into the office to register complaints in regards to the Davis file.

Next, Mrs. Joyce Davis came and spoke before the board and the public. She presented additional photos as evidence. She introduced herself to the board and the public. In her testimony, Joyce stated that she and her family would not have any other place to live,

they were on a fixed income, they are working hard on the manufactured home and parcel, and that they wanted to call this place home. Ending her testimony, she thanked the board and returned to her seat.

Tom Stein asked if any other members of the public wished to speak in favor of the applicants. There being no comments, Tom Stein asked if there was anyone from the public who wished to speak against the Davis application. There were no comments from the public.

Tom Stein then opened up questions for the board. He started with an inquiry as to the year the Zoning Ordinance states as the cut-off date for placement of manufactured homes on a parcel. Tom Widder replied that the year 1976 was the year when the national safety standards were issued for manufactured homes through HUD. Tom Widder added that the Zoning Ordinance requirements are only applicable to newly applied placement of manufactured homes on parcels.

Tom Stein then asked if this would have been an issue before zoning was enacted. Tom Widder replied no.

Tom Stein asked when the date of manufacture was discovered by the Planning Office. Tom Widder replied that it was in the application phase for an Improvement Location Permit. Tom Widder added that the manufacture date is in the fuse box in the manufactured home and asked Dave Shields to confirm. Dave Shields replied in the affirmative.

Tom Stein then asked if the Planning Office staff performed a safety inspection of the manufactured home while on site. Tom Widder replied no. Tom Stein then asked if such an inspection were within the realm of the Planning Office staff duties. Tom Widder replied that it was not. Tom Stein also asked if the county had a building inspector. Tom Widder replied that the county did not.

Kirk Wilson then commented to the 1976 standards was in regards to the wiring, which was aluminum before that year. He then stated that the moving of one manufactured home, built before 1976, from one part of the county to another, would not increase nor decrease the safety levels to the county. Kirk Wilson went further to recommend that a licensed electrician be hired to check the wiring and that this application was within the bounds of the board to reverse the decision of the Planning Office.

Tom Widder added that the wiring in the manufactured home was replaced with copper wiring.

Dave Shields then gave a brief synopsis of his inspection of the manufactured home, citing improved yard work and indoor flooring and walls.

With no other comments from the public, Tom Stein summarized the process of the public hearing.

There being no further discussion from the board, Daniel Aylor made a motion to reverse the decision of the Planning Office to deny the Improvement Location Permit based on the application, testimony provided, and mature deliberation of the board. The motion was seconded by Rodney Funkhouser. With no discussion on the motion a vote was taken. The motion passed unanimously.

Tom Widder informed Mr. and Mrs. Davis that paperwork would be coming to them regarding the reversal decision by the board and an Improvement Location Permit issued.

Moorefield Training Center INC. Public Hearing

Tom Stein informed the public of the next public hearing, a conditional use permit, submitted by the Moorefield Training Center Inc. Tom Stein then read from the legal notice which was published in the newspaper prior to the public hearing.

The speaker for the applicants was Kirk Wilson of L&W Enterprises. First, Kirk Wilson introduced the other three team members of the project in addition to himself, Dave Dolan, Carter Lewis, and Daniel Michaels, stating their credentials in addition to his own.

The applicants then presented a PowerPoint presentation to the board and the public in regards to the facility and its function. (Please see recording and PowerPoint presentation on record in Planning Office).

Next, Planner Tom Widder gave the Planning Office report. He stated that he had seen an overview of the facility from the unfinished section of Corridor H. Tom Widder stated that at this time there was little to nothing there on the parcel. Additionally, Tom Widder pointed out geographical features on the map to help the board identify the surroundings.

Dave Shields asked Kirk Wilson if there was an old farm house on the property. Kirk Wilson answered in the affirmative. Kirk Wilson also confirmed that one person rents a home on Mr. William's property.

Steve Dave then inquired about the funding for the project. Mr. Lewis replied that all of the funding was covered except for the dining hall and the dormitory. Mr. Carter also stated that until the dining hall and the dormitory was built, any food and lodging would be in the community.

Tom Widder provided a map from Google Earth to the board as additional evidence.

Tom Widder also informed the board and the public that Kirk Wilson and Carter Lewis had been in contact with the Health Department.

Rodney Funkhouser inquired about the package sewage plant. Kirk Wilson replied as to the standards of the plant and the septic field.

Greg Greenwalt asked as to the time windows for firing and days of the week. Kirk Wilson replied that the hours were 7AM to 4PM and 6 days a week. Dave Dolan added that if there were firing on Sunday, it would be after 1PM. Dave Dolan also commented that Sundays would typically be used for training that did not require firing, like first aid. Tom Wider asked about firing ranges and sound. Kirk Wilson replied that the woods and side burns would absorb the sound. Kirk Wilson also added that there would also be occasional dawn and dusk firing for shooters who need training in that time frame.

Tom Widder inquired as to the driving course and sound. Dave Dolan replied that the vehicles would be driven during the day and at normal speeds.

Tom Widder also asked about the security of the facility. Dave Dolan replied that they would have security, including the buried bunker. In regards to the bunker, Dave Dolan stated that MTC will have the necessary ATF and WV State Fire Marshal permits.

Tom Widder then inquired about the driving lots. Kirk Wilson replied that there would be fences and gates.

Tom Stein inquired about the number of students, if there may be more or less than 80 students at certain times. Dave Dolan replied that, yes, there would be more or less at certain times.

Tom Stein then asked how large the property was. Kirk Wilson replied that the property was 730 acres.

Tom Stein then asked what the largest caliber round used in training would be used. Dave Dolan replied that .45 caliber would be the largest.

Tom Stein asked for clarification of the Sunday shooting and the nongovernment contract groups who would take training courses. Dave Dolan replied that these were security forces for construction corporations who work overseas and high profile individuals. In addition, Dave Dolan informed the board and the public that there is a deficit of training facilities. Dave Dolan then stated that 90% of those trained at the MTC would be government and 10% private nongovernment contract groups.

Dave Shields asked if defensive grenades would be used in the squad tactics training. Dave Dolan replied no.

Dave Shields asked if the MTC would coordinate with the OEM center and the Sheriff's department in regards to informing them of helicopter evacuation training. Dave Dolan replied that they would.

Dave Shields then asked if the training facility would use heavy armored vehicles in their training. Dave Dolan replied that several of the civilian vehicles were armored and that they did train with Hum-V vehicles.

Tom Widder and Dave Shields then illustrated the basics of a conditional use permit to the Board of Zoning Appeals.

With no further questions, Tom Stein gave a synopsis of agricultural use pertaining to the application.

With no further discussion, Daniel Aylor made a motion to approve the conditional use application based on the application, Planning Office report, testimony given at the public hearing, and mature deliberation of the board. The motion was seconded by Bob Moran. With no discussion on the motion a vote was taken. The motion unanimously passed.

Tom Widder informed the applicants that they would receive written confirmation of approval from the Planning Office.

With nothing further on the agenda, Tom Stein closed the public hearings.

The Public hearings closed at 8:30PM

Meeting Minutes
5-28-2009
Board of Zoning Appeals

A regular meeting of the board of zoning appeals was held after the public hearing. Board members present were Tom Stein, Rodney Funkhouser, Daniel Aylor, Raymond Hines, Bob Moran, Jeff Liller, and Delray Wilkins. Members absent were Skip Landis. Planner Tom Widder and Assistant Planner Dave Shields were also present.

Tom Stein called the meeting to order at 8:45PM.

The first order of business was to read and approve the minutes of the April 9th meeting. Tom Stein remarked that Raymond Hines needed to be added to the roster of members present. With no other additions, corrections, or objections, Jeff Liller made a motion to accept the minutes as read. Rodney Funkhouser made a second on the motion. With no discussion on the motion a vote was taken. The motion unanimously passed.

Tom Widder then gave the board an update on Tri-County Tool Rentals. The board then discussed Tri-County Tool Rentals and its improvements.

Tom Widder then updated the board on the hearing held on the proposed subdivision ordinance.

Tom Stein then spoke about unspoiled view sheds as one of the major reasons that attract people to Hardy County.

Tom Stein reminded the board of the next meeting on Thursday, August 6, 2009.

With no further business, Daniel Aylor made a motion to adjourn the meeting. The motion was seconded by Delray Wilkins. With no discussion on the motion a vote was taken. The motion unanimously passed.

The meeting adjourned at 9:05PM.

These minutes represent a summary of the subjects discussed and the actions taken by the members of the Hardy County Board of Zoning Appeals for the meeting and public hearing held on May 28, 2009. The meeting and proceedings were electronically recorded. In the event there may be discrepancies or contradictions between the written minutes and the audio recording, the audio recording shall take precedence.



Thomas C. Stewart
Chairman, Board of Zoning Appeals



Daniel L. Aylor
Secretary, Board of Zoning Appeals

Hardy County Board Of Zoning Appeals
Meeting Minutes
8-6-2009

A regular meeting of the Board of Zoning Appeals was held in the Planning Office of the courthouse. Board members present were Tom Stein, Raymond Hines, and Daniel Aylor. Board members absent were Rodney Funkhouser, Bob Moran, Skip Landis, Jeff Liller, and Delray Wilkins. Planner Tom Widder and Assistant Planner Dave Shields were also present.

Tom Stein called the meeting to order at 7:05PM.

The first order of business was to read and approve the minutes from the May 28th meeting. There being no additions, corrections, or objections, Raymond Hines made a motion to accept the minutes as read. Daniel Aylor made a second on the motion. With no discussion on the motion a vote was taken. The motion passed.

Next on the agenda was a Planning Office report from Tom Widder. Tom Widder gave an update on the Planning Office for the 2009 fiscal year. He also gave a report on permits and exemptions approved. Tom Widder then gave thumbnail descriptions of the PATH and TRAIL projects and cell tower projects in the county.

Tom Widder then updated the board as to the ordinance work being done in the county including the new floodplain ordinance to be revised in September, the revised subdivision ordinance to come into effect on September 1st 2009 with the new FIRM maps, and continued work with the comprehensive plan by the Planning Commission in conjunction with Pat Ford.

There was no new or old business for the board to conduct.

Dave Shields reminded the board that the next meeting of the board is to be on November 5th.

With nothing further on the agenda, Daniel Aylor made a motion to adjourn the meeting. The motion was seconded by Raymond Hines. With no discussion on the motion a vote was taken. The motion passed.

The meeting adjourned at 7:20PM.

These minutes represent a summary of the subjects discussed and the actions taken by the members of the Hardy County Board of Zoning Appeals for the meeting and public hearing held on August 6, 2009. The meeting and proceedings were electronically recorded. In the event there may be discrepancies or contradictions between the written minutes and the audio recording, the audio recording shall take precedence.

Thomas C. Steil
Chairman, Board of Zoning Appeals

Robert L. Moran
Secretary, Board of Zoning Appeals