

Public Hearing Minutes
Board of Zoning Appeals
5-26-2010

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, Daniel Aylor, Raymond Hines, Bob Moran, and Jeff Liller. Members not present were Skip Landis, Rodney Funkhouser, and Delray Wilkins. Interim Planner Dave Shields was present.

Guests for the evening were; Greg Greenwalt, Janet Aylor, Mykal & Dot Gruber, David Myers, and Lisa May.

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.

Grillo Public Hearing

After swearing in the speakers, Tom Stein then informed the public of the first public hearing, a variance request from Mr. Terry Grillo Sr. The variance request was in regards to Mr. Grillo wishing to construct a garage twenty-five (25) feet from the front right-of-way instead of forty (40) feet as proscribed in the Hardy County Zoning Ordinance.

First, Dave Shields passed out evidence items A-D for the board members to examine.

The Board members looked over the evidence submitted.

Next, Mr. Grillo gave his testimony as to the reason for the variance request. He stated the topography of the landscape of his parcel and additional costs to move his gas tank and trees for the garage to go back to the proscribed distance.

There were no other members of the public in favor or against Mr. Grillo's variance request.

Tom Stein then asked Dave Shields for the Planning Office report. Dave Shields informed the Board that the Planning Office had inspected the site and researched Mr. Grillo's request regarding zoning, finding no issue or conflict with the proposed construction of Mr. Grillo's garage and the residential neighborhood he resided in. Dave Shields commented to Mr. Grillo that, "If the Board of Zoning Appeals were to approve the variance request, the Planning Office would require from Mr. Grillo:

- 1) A completed Improvement Location Permit Application, including all required information.
- 2) That the parcel be kept in the same condition that it was preconstruction as it will be post-construction.
- 3) That Mr. Grillo stay in contact with the Planning Office in regards to the progress of the construction so a certificate of compliance can be issued to the applicant.”

Bob Moran inquired as to how many vehicles would be stored within the garage. Mr. Grillo responded that it would be 4 vehicles and space for him to work on them.

Tom Stein asked Dave Shields if the proposed construction conflicted with the power line right-of-way. Dave Shields replied that it would not.

Tom Stein then asked Dave Shields if Gretchen Acres restrictive covenants would allow Mr. Grillo to build a garage at the distance he is requesting. Dave Shields replied that Gretchen Acres did not have an active property owners association and that the restrictive covenants were very relaxed.

With no other comments or questions from the board, Raymond Hines made a motion to approve Mr. Grillo's Variance request with the conditions set forth by the Board and the Planning Office. The motion was seconded by Daniel Aylor. With no discussion on the motion a vote was taken. The motion passed unanimously.

Mr. Grillo was informed by Tom Stein that he would receive a letter of approval from the board and further instructions from the Planning Office.

Gruber Public Hearing

Tom Stein informed the public of the next public hearing, two variance requests, submitted by Mr. Mykal Gruber and Mr. David Myers. Tom Stein then informed the public as to the nature of the public hearing.

Dave Shields passed out evidence marked A-F.

The Board members examined the evidence submitted.

Tom Stein then asked Mr. Gruber to give his testimony. Mr. Gruber informed the Board that he and his son planned to move the mobile home to Mr. Myers parcel and attach it to the present singlewide manufactured home located there. Mr. Gruber informed the Board that the mobile home had been modified and updated.

Jeff Liller asked as to the septic and if it could withstand the addition of the second singlewide. Mr. Myers and Mr. Gruber stated that they were not sure of that fact.

Tom Stein inquired as to the wiring of the pre76 mobile home and if it were copper wiring through out. Mr. Gruber replied that he did not know if it were copper wire throughout.

With those two items unanswered, the consensus of the Board was that further investigation was required by Mr. Gruber and Mr. Myers to be presented for a final decision of approval or denial.

Thus, Daniel Aylor made a motion to table the decision in regards to Mr. Myer's and Mr. Gruber's variance requests for a period of 14 to 21 days until:

- 1) A determination by a qualified expert as to the type for existing electrical wiring of the proposed mobile home (i.e. aluminum or copper).
- 2) Allow the petitioner a realistic sense of cost to replacement if necessary of any wiring existing wiring.
- 3) Determination of existing septic system capacity for existing structure plus additional structure.

The motion was seconded by Jeff Liller. Dave Shields informed the Board that there was a conditional use permit request that could be scheduled within that time frame and both could be placed on the docket that evening. The consensus of the Board was that it was a fine idea. That being said, a vote was taken. The motion passed unanimously.

Tom Stein informed Mr. Gruber that he would receive a letter from the board.

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

The Public hearings closed at 8:00PM

Meeting Minutes
5-26-2010
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, Daniel Aylor, Raymond Hines, Bob Moran, and Jeff Liller. Members absent was Skip Landis, Rodney Funkhouser, and Delray Wilkins. Interim Planner Dave Shields were also present. The guest for the evening was Greg Greenwalt.

Tom Stein called the meeting to order at 8:10PM.

The first order of business was to read and approve the minutes of the August 6, 2009 meeting. There being no additions, corrections or objections, Daniel Aylor made a

motion to accept the minutes as read. The motion was seconded by Raymond Hines. The motion unanimously passed.

The Board then discussed the Moorefield Training Center.

Dave Shields then introduced an application from the South Branch Animal Hospital LLC, for a conditional use permit application. By the Zoning Ordinance, the public hearing has to be in the news paper for three weeks prior to the public hearing. Dave Shields asked if the 16th of June would be a date by which the Board members could attend the public hearing. In addition, Dave Shields asked if Mr. Gruber's and Mr. Myer's two variances could be continued on that date as well. The consensus of the Board was that the date would fit perfectly.

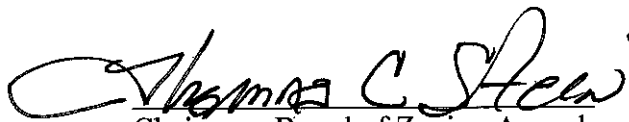
There was no now or old business.

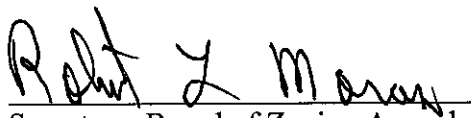
Ton Stein reminded the board of the next meeting on Wednesday, June 16, 2010.

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

The meeting adjourned at 9:40PM.

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 26, 2010. 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

Public Hearing Minutes
Board of Zoning Appeals
6-16-2010

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, Daniel Aylor, Bob Moran, and Rodney Funkhouser. Members not present were Skip Landis, Raymond Hines, and Delray Wilkins. Interim Planner Dave Shields was present.

Guests for the evening were; Greg Greenwalt, Bob Alcock, Mykal & Dot Gruber, Kirk Wilson, Renick Williams, and Robert Williams.

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.

Tom Stein then introduced the other members of the Board of Zoning Appeals.

Gruber/Myers Public Hearing

After swearing in the speakers, Tom Stein then informed the public of the first public hearing, a continuation of the tabled two variance requests From Mr. Mykal Gruber and Mr. David Myers. Tom Stein then informed the public as to the purpose of the continuation of the public hearing.

First, Dave Shields passed out evidence items for the board members to examine. Then Dave Shields gave a brief Planning Office report.

The Board members looked over the evidence submitted.

Next, Mr. Gruber gave his testimony as to the updated evidence presented. He then thanked the Board for their hard work.

There were no other members of the public in favor or against Mr. Gruber's variance requests.

The following recommendations were made by the board and Planning Office regarding Mr. Gruber and Mr. Myer's approval:

1) A completed Improvement Location Permit with all of the proper accompanying required permits shall be submitted with to the Planning Office.

2) A construction schedule for the approved combination of manufactured homes shall be drawn up to be presented to the Board of Zoning Appeals between Mr. Gruber and the Planning Office, to be complete on December 31, 2010, barring weather.

3) Mr. Myers parcel shall be kept free of remaining construction material or household garbage from moment construction commences to the end of construction and will be up kept as a model for the community.

4) Mr. Myers shall provide post construction photos of the finished home and property for the file and the Board.

5) The Planning Office shall inspect the finished construction so as it fits the evidence provided to the Board.

6) Upon completion of the above conditions and said are satisfactory to the Planning Office and the Board, a Certificate of Compliance shall be issued, and a copy filed.

With no other comments or questions from the board, Daniel Aylor made a motion to approve Mr. Gruber's and Mr. Myer's Variance requests with the conditions set forth by the Board and the Planning Office as stated above. The motion was seconded by Rodney Funkhouser. With no discussion on the motion a vote was taken. The motion passed unanimously.

Mr. Gruber was informed by Tom Stein that he would receive a letter of approval from the board and further instructions from the Planning Office.

South Branch Animal Hospital LLC Public Hearing

Tom Stein informed the public of the next public hearing, a conditional use permit request, submitted by Mr. Kirk Wilson, PE, representing South Branch Animal Hospital LLC. Tom Stein then informed the public as to the nature of the public hearing.

Tom Stein asked Mr. Wilson to speak to the Board regarding the proposed animal hospital. Mr. Wilson gave the Board a basic outline of the new facility and its functions. Mr. Wilson passed out an aerial photo with computer illustrations of where the proposed animal hospital may be located.

There were no members of the public in favor or against the applicant who spoke.

The board discussed the evidence submitted by Mr. Wilson and found the following evidence needed before a decision could be made.

1) A letter of agreement with a professional service for cremation services or removal of deceased animals on professional letterhead.

- 2) A letter of agreement with a professional service for pick-up and removal of medical waste.
- 3) A business plan.
- 4) A plan for water run-off and drainage plan.
- 5) A plan for noise regarding animal pens.

Thus, Daniel Aylor made a motion to table the decision in regards to South Branch Animal Hospital, Inc. The motion was seconded by Bob Moran. With no discussion on the motion a vote was taken. The motion passed unanimously.

Tom Stein informed Mr. Wilson that he would receive a letter from the board.

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

The Public hearings closed at 8:00PM

Meeting Minutes
6-16-2010
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, Daniel Aylor, Bob Moran, and Rodney Funkhouser. Members absent were Skip Landis, Jeff Liller, and Delray Wilkins. Interim Planner Dave Shields were also present. The guests for the evening were Greg Greenwalt and Bob Alcock.

Tom Stein called the meeting to order at 8:02PM.

The first order of business was to read and approve the minutes of the May 26, 2010 meeting. There being no additions, corrections or objections, Rodney Funkhouser made a motion to accept the minutes as read. The motion was seconded by Daniel Aylor. The motion unanimously passed.

The Board then discussed Tri-County Tools. Since there had not been any complaints for several months, the matter was put to rest.

Tom Stein opened the floor to Greg Greenwalt, who discussed outdoor animal pens. The Board took note of Mr. Greenwalt's information.

The Board then discussed zoning and their role regarding the zoning ordinance.

Dave Shields suggested that Pat Ford, Town Manager for Wardensville, could hold a class for the county Board of Zoning Appeals, teaching them their roles and the Planning Office Staff roles regarding zoning and public hearings. The Board consensus was that such education would be beneficial to the Board.

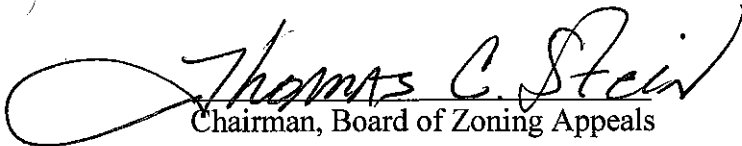
There was no new or old business.

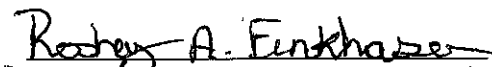
Ton Stein reminded the board of the next meeting on Wednesday, July 7, 2010.

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

The meeting adjourned at 9:10PM.

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 June 16, 2010. 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~~
Vice-Chair - BZA

Public Hearing Minutes
Board of Zoning Appeals
7-7-2010

A meeting of the Hardy County Board of Zoning Appeals was held in the Planning Office of the courthouse. Board members present were Tom Stein, Rodney Funkhouser, Skip Landes, Raymond Hines, and Daniel Aylor. Board members absent were Jeff Liller, Bob Moran, and Delray Wilkins. Dave Shields from the Planning Office was present. Guests for the evening were Lee Lehman, Greg Greenwalt, Kirk Wilson, David Workman, Renick Williams, Joann Wilkins, and Bob Alcock.

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

Tom Stein then introduced himself and the purpose of the public hearing. 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.

South Branch Animal Hospital LLC Public Hearing

Tom Stein then opened the floor to Kirk Wilson, representative for the applicant, and asked him to testify to the board as to the requests made by the board at the June 16, 2010 public hearing. Mr. Wilson presented an updated map as evidence to the board and explained evidence exhibits G, H, and I to the board. Mr. Wilson then informed the board that all medical waste will be removed from the proposed animal hospital by the same company that serves Grant Memorial Hospital. In addition, the issue of cremation of animals was addressed by a letter from a company who would provide services for a client's deceased pet of the facility.

Mr. Wilson then switched the testimony to the right-of-way issue. He informed the board that he had spoken to Charleston and that a right-of-way had been secured in conjunction with the WV State Trooper barracks. He then went back to his entered exhibit and explained that the entrance by the WV State Trooper Barracks is sound for both parties.

Next, Mr. Wilson explained that from the whole parcel purchased for the animal hospital, 1.1 acres would be for the building and facility grounds. He also informed the board that "4 PAWS" is a LLC name.

Skip Landis asked Dave Shields if there had been any comments from the public up to this time regarding the proposed animal hospital. Dave Shields replied that there had been no comments at all.

Next, the board inquired of Mr. Wilson as to the pharmacy and its security. Mr. Wilson replied that it would be very secure and safe from the public.

Then Kirk Wilson informed the board that a Designbuild firm would construct the proposed animal hospital. In addition, the proposed animal hospital would employ six new employees and a groomer.

With the end of Mr. Wilson's testimony, Tom Stein thanked Mr. Wilson for gathering all of the information that the board requested together for the public hearing. Tom Stein then asked the board if they had any questions for Mr. Wilson.

Skip Landis asked for a time line of construction. Kirk Wilson replied one year.

With no other questions from the board, Tom Stein opened the floor to the public.

Jo Ann Wilkins testified in favor of the applicant. She stated that she knew the applicant. In addition, Mrs. Wilkins informed the board that in the past, she had to travel long distances from the Moorefield area to have her pets treated. Now with the new proposed facility, her trips would be shorter and more convenient.

Next, Mr. David Workman addressed the board in favor of the proposed animal hospital. Mr. Workman stated that the proposed animal hospital would bring young people back into the county and help farm animals.

There were no other comments from the public.

Tom Stein then summed up the public hearing and the evidence submitted.

Rodney Funkhouser then made a motion to grant the conditional use permit based on mature deliberation and the evidence provided. The approval of the conditional use permit is based on the following conditions:

- 1) A completed Improvement Location Permit with all of the proper accompanying required permits shall be submitted with to the Planning Office and the Hardy County Zoning Ordinance shall be followed regarding the new animal hospital.

- 2) A construction schedule for the approved animal hospital shall be completed and presented to the Board of Zoning Appeals by the Planning Office regarding commencement to completion of construction.

- 3) All appropriate permits (copies) from federal and state agencies shall be submitted to the Planning office outside those required for the Improvement Location Permit.

- 4) The submitted evidence regarding disposal of medical waste, deceased animals, noise, and business plan shall be followed by South Branch Animal Hospital LLC.

- 5) The Planning Office shall inspect the finished construction for compliance with the evidence and testimony.

6) A one (1) +/- year time limit of construction from issue of the Improvement Location permit to completion of construction.

7) Upon completion of the above conditions and above said are satisfactory to the Planning Office and the Board, a Certificate of Compliance shall be issued, and a copy filed in the Planning Office.

The motion was seconded by Daniel Aylor. With no discussion on the motion a vote was taken. The motion passed unanimously.

Dave Shields informed Mr. Wilson that an approval letter will be prepared and sent to him and the applicants.

With nothing further on the agenda for the public hearing, Tom Stein closed the hearing at 7:45PM.

Meeting Minutes **7-7-2010**

A scheduled meeting of the Board of Zoning Appeals was held in the Planning Office of the courthouse. Board members present were Tom Stein, Rodney Funkhouser, Skip Landes, Raymond Hines, and Daniel Aylor. Board members absent were Jeff Liller, Bob Moran, and Delray Wilkins. Dave Shields from the Planning Office was present. The guest for the evening was Bob Alcock.

The first item on the agenda was to read and approve the minutes from the June 16, 2010 meeting. There being no additions, corrections, or additions, Daniel Aylor made a motion to approve the minutes as read. Rodney made a second on the motion. With no discussion on the motion a vote was taken. The motion passed unanimously.


Next, Dave Shields informed the Board that there would be two educational classes in August, on the 10th and the 24th from 3PM until 5PM with supper afterwards at Ponderosa. Pat Ford would be leading the class, updating the board as to their roles according to WV Code 8A and the Hardy County Zoning Ordinance.

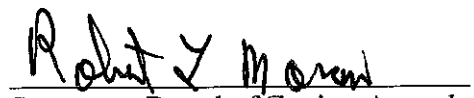
There was no other new or old business.

With no other business on the agenda, Daniel Aylor made a motion to adjourn the meeting. The motion was seconded by Bob Moran. With no discussion on the motion a vote was taken. The motion passed unanimously.

The meeting adjourned at 8:20PM.

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 July 7, 2010. 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