

Minutes
Board of Zoning Appeals
2-10-2011

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, Jeff Liller, Bob Moran, and Daniel Aylor. Board members absent were Raymond Hines and Delray Wilkins. Lee Lehman, President of the Planning Commission filled in for the Planning Office Staff that evening. The guest for the evening was Greg Greenwalt.

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

The agenda consisted of a presentation of the Comprehensive Plan to the Board by Lee Lehman. The Board then replied with comments and questions for Lee Lehman. Lee Lehman informed the board that the comments would be presented to the Planning Commission.


There was no other new 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 8:00PM.

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 and public hearing held on February 10, 2011. 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

Minutes
Board of Zoning Appeals
5-17-2011

A meeting and public hearing of the Hardy County Board of Zoning Appeals was held in the Planning Office of the courthouse. Board members present were Tom Stein, Raymond Hines, Rodney Funkhouser, Jeff Liller, Bob Moran, and Daniel Aylor. Board members absent were Delray Wilkins. Assistant Planner Dave Shields was present. The guests for the evening were Greg Greenwalt, Lee Lehman, Martha Crider, Cory and Brandy Gilchrist, Jeremy Funk and Bob Alcock.

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

First, Tom Stein introduced himself and the purpose for this evenings meeting. He informed the public that the Board of Zoning Appeals would first hold their business meeting then transition into the public hearing.

The next item on the agenda was to read and approve the minutes from the February 10, 2011 meeting. There being no additions, corrections, or additions, Daniel Aylor made a motion to approve the minutes as read. Rodney Funkhouser made a second on the motion. With no discussion on the motion a vote was taken. The motion passed unanimously.

There was no other new business.

With no other business on the agenda, Tom stein concluded the business meeting and opened the public hearing.

Tom Stein gave introductions and the purpose of the public hearing and use of the zone.

The applicants were sworn in.

Martha Crider, the applicant, gave her testimony to the board, explaining the need for expansion of the animal shelter. Ms. Crider illustrated to the board that the animal shelter was for large animals (cows, goats, horses, lamas, sheep...etc.) and that she had access to one-hundred and ten acres to care for the animals. Ms. Crider enlightened the board as to her methods of training the animals to be companions to humans, not competition animals. In addition, Ms. Crider, briefed the board as to the animal recuperation process, feeding the animals, and housing, with may include the addition of two additional buildings on her property.

Rodney Funkhouser asked Ms. Crider what was her maximum capacity for animals she could care for. Ms. Crider replied that it would be about twenty-five to thirty.

Jeremy Funk then spoke in favor of the applicant.

Cory Gilcrist then spoke in favor of the applicant.

There were no comments from the public against the applicant.

The board then opened the floor for the Planning Office report. Dave Shields Gave the report. The Planning Office set the following requirements on the applicant.

“If the Board of Zoning Appeals approved the conditional use permit request. The Planning Office shall require the following from the applicant:

- 1) That the applicant maintain their facility to the highest standards to protect and encourage the recovery of the animals the y are caring for.
- 2) An Improvement Location Permit application filed with the Planning Office with all required materials and zoning requirements met.
- 3) That the applicant keep in constant contact with the Planning Office as to the progress of the expansion of the animal rescue facility and that the applicant comply with all requirements of the Board of Zoning Appeals so a certificate of compliance may be issued.”

With no other comments from the board members, Rodney Funkhouser made a motion to approve the conditional use permit with the Planning Office stipulations included. The motion was seconded by Raymond Hines. With no discussion on the motion, a vote was taken. The motion passed. Jeff Liller Abstained.

Tom Stein called for a five minute break.

Upon being called back from the break, Tom Stein asked Dave Shields for updates on approved projects through the board in the county.

Dave Shields familiarized the board as to the final inspection of David Myers home. Then Dave Shields apprised the board as to the progress of the South Branch Animal Hospital.

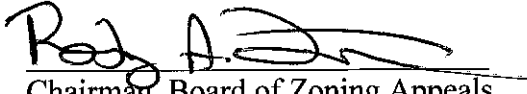
The board then discussed holding a meeting in July for election of officers for the 2012 fiscal year. The board agreed to hold a meeting on July 21, 2011 at 7PM in the Planning Office.

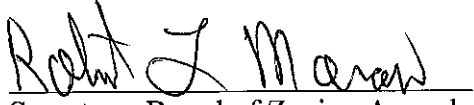
There was no other business for the board to discuss.

With no other business to discuss, Raymond Hines 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 passed.

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 and public hearing held on May 17, 2011. 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

Minutes
Board of Zoning Appeals
9-8-2011

A meeting and public hearing of the Hardy County Board of Zoning Appeals was held in the Planning Office of the courthouse. Board members present were Tom Stein, Raymond Hines, Rodney Funkhouser, Jeff Liller, Bob Moran, and Daniel Aylor. Board members absent were Delray Wilkins and Skip Landes. Assistant Planner Dave Shields was present. The guests for the evening were Greg Greenwalt, Lee Lehman, William Bean, Renick Williams, and Janet Aylor.

Rodney Funkhouser called the meeting to order at 7:05 PM.

Rodney Funkhouser then introduced himself and the purpose for this evening public hearing and meeting. Next Rodney Funkhouser read the public hearing notice to the Board and the public

The applicant's representative, Mr. William Bean, Esquire, was sworn in.

Mr. William Bean, Esquire, representing the applicant, United Propane Gas, gave testimony to the board. Mr. Bean informed the Board that the purpose of the Conditional Use Permit Application; a proposed gas storage and retail facility in an industrial zone. In addition, Mr. William Bean, Esquire, briefed the board as to fact that the applicants would follow all Federal, State, and County regulations required.

Raymond Hines asked if the gas would be trucked into the county or brought in by rail. Mr Bean replied that he did not know, but would follow up with that information to the Planning Office.

Tom Stein asked if there would be adequate parking for employees. Mr Bean replied in the affirmative.

Tom Stein inquired as to the size of the gas storage tank. Mr Bean replied that it would be 30,000 gallons.

There were no comments from the public in favor or against the applicant.

The board then opened the floor for the Planning Office report. The Planning Office Staff reported positively for the applicant. In addition, the Planning Office proposed the following requirements on the applicant to the board.

"If the Board of Zoning Appeals approved the conditional use permit request. The Planning Office shall require the following from the applicant:

1) Copies of all Federal and State permits are to be filed in the Planning Office in addition to a plat indicating the layout of the facility and copies of technical plans of each of the improvements to the parcel.

2) As per Article III, Section 6 of the Hardy County Zoning Ordinance, the approved conditional facility shall have a 300 foot boundary/setback from the WVDOH parcel adjacent to Fish Pond Road. The Other boundary/setbacks shall be fifty (50) feet within the Industrial Zone.

3) As per Article IV, Section 4 of the Hardy County Zoning Ordinance;

1. All "C" and "I" District users shall provide parking facilities off the road or street, outside of the public right-of-way, and not more than three hundred (300) feet distant from an entrance to said establishment of one (1) parking space of not less than two hundred (200) square feet for each one hundred fifty (150) square feet of area of the first floor of said establishment which it serves.

2. All "I" District users shall provide adequate parking facilities off the road or street and outside of the public right-of-way for vehicles delivering to, unloading, loading or taking away from said user, goods, materials, supplies, or wastes in connection with said business or use.

3. All "I" Districts users shall provide parking facilities off the road or street outside of the public right-of-way, not more than three hundred (300) feet distant from an entrance or gate to said establishment of one (1) parking space of not less than two hundred (200) square feet for each person for fifty (50) percent of the number of workers on the maximum shift.

4) The travel way in the newly formed parcel shall be a width of no less than eighteen (18) feet in width with two (2) foot shoulders on either side; not including drainage. The travel surface shall conform to the Hardy County Subdivision Ordinance.

5) The parcel shall have a high security fence.

6) The parcel shall be screened by use of bushes and trees to obscure the new facility and dampen and sound.

7) All wetland shall be preserved.

8) Before any improvements are constructed, Improvement Location Permits shall be required for each of the improvements, which shall be applied for in the Planning Office.

9) The applicant shall be required to remain in contact with the planning Office as to the progress of the improvements on the new parcel.

10) Upon completion of the improvements and before commencement of operations, a final inspection shall take place by the Planning Office Staff. Upon satisfactory report from the Planning Office to the Board, a letter of Compliance and Occupancy shall be issued by the Planning Office to the applicant.

With no other comments from the board members, Daniel Aylor made a motion to approve the conditional use permit with the Planning Office stipulations included. The motion was seconded by Bob Moran. Rodney Funkhouser requested stronger stipulations regarding security of the facility. Tom Stein requested that language regarding employee parking be added. With no further discussion, a vote was taken on the amended motion. The motion unanimously passed.

Dave Shields informed the applicant that a letter of approval would be sent to the applicants.

Rodney Funkhouser then concluded the public hearing.

Rodney Funkhouser called for a five minute break.

Upon being called back from the break, Rodney Funkhouser called the regular meeting to order.

The first order of business was to elect the officers of the Board for the fiscal 2012 year.

Daniel Aylor made a motion to nominate all of the current officers to the same positions for the fiscal 2012 year. The motion was seconded by Raymond Hines. The nominated officers: Tom Stein- Chair, Rodney Funkhouser- Vice-Chair, and Bob Moran- Secretary, humbly accepted the nominations. With no further discussion on the motion, a vote was taken. The motion unanimously passed.

The next item on the agenda was to read and approve the 5-7-2011 minutes. With no additions, corrections, or objections, Jeff Liller made a motion to accept the minutes as read. The motion was seconded by Daniel Aylor. With no discussion on the motion, a vote was taken. The motion unanimously passed.

Next, Daniel Aylor inquired as to Circle C. Farm and Mr. Martha C. Crider. After research performed, Mr. Aylor believed that due to agricultural nature of the parcel and the nonprofit status of Ms. Crider, that her public hearing fee should be refunded. After mature discussion on the matter, the consensus of the Board was in favor of a refund for her. Assistant Planner Dave Shields agreed after evidence provided and mature discussion and stated that he would speak with County Clerk Gregg Ely regarding the matter.

The Board next discussed the bounds by which they may impose requirements on applicants for Conditional Use Permits. The Board requested the Planning Office to deliver to them all relevant codes regarding

Dave Shields familiarized the board as to the final inspection of David Myers home. Then Dave Shields apprised the board final inspection of the South Branch Animal Hospital. Dave Shields also informed the board as to the October 17th Comprehensive Plan public hearing and the hiring of a new county planner.


There was no other business for the board to discuss.

With no other business to discuss, Daniel Aylor made a motion to adjourn the meeting. The motion was seconded by Tom Stein. With no discussion on the motion a vote was taken. The motion passed.

The meeting adjourned at 8:35PM.

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 September 8, 2011. 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