

**The Hardy County Board of Zoning Appeals  
204 Washington Street  
Moorefield, WV 26836  
(P) 305-530-0257 (F) 304-530-0258  
www.hardycounty.com**

**Appeal of Administrative Decision**

**Name of Applicant:** \_\_\_\_\_

**Address:**

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**Phone number/ Fax:**

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**Email:**

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**Description of Administrative Appeal:**

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**Application Procedures as per the Hardy County Zoning Ordinance: Article 6, Section 1, letter G:**

G. Filing Procedure for an appeal of an administrative decision:

- a. An appeal taken from any order, requirement, decision or determination made by the County Planner charged with the enforcement of this Ordinance shall be filed with the Board on forms prescribed by the Planning Office. The appeal shall specify the reasons for the appeal and shall be made within thirty (30) calendar days of the original action in question unless otherwise prescribed by the Board by general rule and regulation.
- b. The appeal, or application, shall include a list of property owners' names and addresses located within 250 feet of the affected area, as recorded in the office of the Hardy County Assessor. The subject

property also shall be included in the affected area. The applicant must also submit the tax map and parcel numbers for the list of properties along with a stamped and addressed envelope for each of the names and addresses of property owners in the affected area. If the list includes a lot within a subdivision, the applicant must submit the name of the president for the subdivision homeowners association along with a stamped and addressed envelope for that person.

- c. The Planning Office will publish a legal advertisement describing the request to appear in a local newspaper of general circulation thirty (30) calendar days prior to the scheduled public hearing before the Board. The prepared envelopes notifying the property owners located within 250 feet of the affected subdivision and submitted by the applicant will be mailed at the same time the legal advertisement is submitted to the newspaper for publication.
- d. The Board shall hold a duly scheduled public hearing on the appeal.
- e. If the Board decides to uphold the administrative decision, the appeal will stand as approved by the Board. The Planning Office will then formally notifies the petitioner in writing.

#### I. Public Hearing

- a. Before deciding any case filed with the Board, the Board shall hold a public hearing. At the hearing, any party may appear in person, by agent, or by attorney. The Board shall fix a reasonable time for the hearing and give public notice as follows:
  - 1. Publication in a general circulation newspaper of a Class I legal advertisement (one time) at least thirty (30) days prior to the date of the hearing and give public notice as follows:
    - 2. The posting notice of the public hearing for a variance request on the subject property.
    - 3. Mailing of notices of the hearing at least 15 days prior to the date of the hearing to those parties described below.
      - a. In case of an administrative appeal, notices will be mailed to those owners of record of property within the affected area and to other be affected by the action in question and to the president of the homeowners association of an affected subdivision.
      - b. In the case of an application for a variance, notices will be mailed to those owners of record of properties abutting the subject real estate, including across streets and alleys, and to the president of the homeowners association of an affected subdivision.
    - 4. Both the legal advertisements and the mailed notices discussed above shall include the time and place of the hearing and the action to be considered.

