

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

Conditional Use Permit Application

Name of Applicant: _____

Address:

Phone number/ Fax:

Email:

Description of Conditional Use :

Application Procedures as per the Hardy County Zoning Ordinance: Article 5, Section 11, letter C:

C. Application for Conditional Use Permit

1. An applicant requesting a conditional use will request pre-application conference with the Planning Office.
2. The Planning Office will conduct a preliminary review of the the request. The Planning Office will endeavor to complete its review within ten (10) working days and offer comment to the applicant.
3. The applicant will then file a formal and complete application for a conditional use with the Planning Office. The application shall include a list of the property owners' names and addresses

located within 250 feet of the affected area, as of record 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 of the homeowners association along with a stamped and addressed envelope for that member.

4. The Planning Office will conduct a formal review of the complete application. As for the formal review process, the Planning Office will notify appropriate agencies and request summaries of reviews. The Planning Office will endeavor to complete its review within fifteen (15) working days.
5. The Planning Office will publish a legal advertisement describing the request for a special permit use in a local newspaper of general circulation fifteen (15) days prior to the scheduled public hearing before the Planning Commission. The prepared envelopes notifying the property owners located within 250 feet of the affected property and the president of the homeowners association of an affected subdivision and submitted by the applicant will be mailed at the same time the legal advertisement is submitted to the newspaper for publication.
6. The Board of Zoning Appeals shall hold a duly scheduled public hearing to review the complete site plan and application for the special permit use request.
7. If the Board of Zoning Appeals grants the special permit use, the applicant receives approval and is formally notified by mail by the Planning Office.
8. If the conditional use is denied by the Board of Zoning Appeals, the applicant is formally notified in writing of the denial and the right to appeal to decision to the Hardy County Circuit Court within thirty (30) days.

D. Standards for Approval

1. The Board of Zoning Appeals may approve an application for a conditional use permit, subject to such reasonable conditions and restrictions as are directly related to and incidental to the proposed

conditional use permit, if it finds that the following general standards have been met:

- a. The proposed use is compatible with the goals of the adopted comprehensive plan.
- b. The proposed use shall be compatible with the appropriate and orderly development of the district, taking into consideration the location and size of the use, the nature and intensity of the operations involved in or conducted in connection with such use, the size in relation to the use, the assembly of persons in connection with such use, the size in relation to the use, and the location of the site with respect to streets giving access to the site.
- c. The proposed site development shall be such that the use will not hinder nor discourage the appropriate development and use of adjacent land and buildings, taking into consideration the location, nature and height of buildings, the location, nature and height of walls and fences, and the nature and extent of landscaping on the site.
- d. Neighborhood character and surrounding property values shall be reasonable safeguarded.
- e. Operations in connection with the use shall not be offensive, dangerous, destructive of property values and basic environmental characteristics, or detrimental to the public interest of the community. They shall not be more objectionable to nearby properties by reason of fumes, noise, vibration, flashing of or glare from lights, and similar nuisance conditions than the operations of any permitted use not requiring a conditional use permit in the district.
- f. The character and appearance of the proposed use, buildings, structures, and/or outdoor signs should be in general harmony or better, with the character and appearance of the surrounding neighborhood.

