

**HARDY COUNTY PLANNING COMMISSION**

204 WASHINGTON STREET

MOOREFIELD, WV 26836

Phone: 304-530-0257

[www.hardycounty.com](http://www.hardycounty.com)

Fax: 304-530-0258

\*click "Planning Comm"\*

**EFFECTIVE DATE- SEPTEMBER 1, 2009**

**APPLICATION FOR EXEMPT SUBDIVISION**

APPLICANT: \_\_\_\_\_

APPLICANT ADDRESS: \_\_\_\_\_  
\_\_\_\_\_

PHONE/ FAX: \_\_\_\_\_

EMAIL: \_\_\_\_\_

\_\_\_\_\_  
SIGNATURE OF APPLICANT

\_\_\_\_\_  
DATE

GRANTOR NAME: \_\_\_\_\_

GRANTOR'S ADDRESS: \_\_\_\_\_  
\_\_\_\_\_

PHONE/ FAX: \_\_\_\_\_

EMAIL: \_\_\_\_\_

GRANTEE'S NAME: \_\_\_\_\_

GRANTEE'S ADDRESS: \_\_\_\_\_  
\_\_\_\_\_

PHONE/ FAX: \_\_\_\_\_

EMAIL: \_\_\_\_\_

NAME OF REGISTERED SURVEYOR/ ATTORNEY: \_\_\_\_\_

ADDRESS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Revised 2/19/10

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DESCRIBE THE PROPERTY LOCATION INCLUDING NAME OR NUMBER OF  
AND DISTANCE TO STATE OR COUNTY ROADS \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

TAX DISTRICT \_\_\_\_\_ TAX MAP \_\_\_\_\_ PARCEL # \_\_\_\_\_

PREVIOUS MOST RECENT DEED BOOK # \_\_\_\_\_ PAGE # \_\_\_\_\_

ORIGINAL ACREAGE BEFORE THIS DIVISION \_\_\_\_\_

NUMBER OF NEW LOTS \_\_\_\_\_ LOT SIZE (S) \_\_\_\_\_

**EXEMPT CLASSIFICATION:** \_\_\_\_\_

- A. Cemetery lots.
- B. Lots approved before the September 1, 2009 Subdivision revised ordinance was enacted.
- C. Transferred by a Trustee under a Deed of Trust.
- D. Conveyance to a government entity or non-profit service organization and churches.
- E. Division among heirs by court order or by volunteer.
- F. Plat Correction.

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## **APPLICATION FOR EXEMPT SUBDIVISION**

### **Article 5: Exemptions**

The following shall be exempt from the provisions of this Ordinance following application, fees paid, and approval or denial by the Planning Commission or County Planner of exempt status. However, the following listed below are not exempt from provisions of any other Hardy County ordinance.

In addition , as a prerequisite to application, as stated in WV Code 39-1-16, "In case a proposed subdivision of any lot or parcel of land is abutting the municipality, it shall be the duty of the owner, or owners, or his or their agent, to submit a plat or plan of such subdivision to the council or commissioners of such municipality, showing the street and alley connections that such subdivision makes with such municipality, and furnishing full information for the purpose of determining whether the proposed subdivision will impede or prevent the further development and extension of such municipality where such subdivision is situate. Before any such subdivision is finally laid out, it shall have the approval of the council or commissioners of the municipality wherein the subdivision is situate, or upon which it abuts, and such approval and the date thereof shall be indicated on the plat or plan of such subdivision before the same is finally filed in the office of the clerk of the county court and the county assessor's office."

The Following shall be deemed as exemptions under this ordinance:

- A. The formation of cemetery lots.
- B. Subdivision or individual lots of which plats or deeds were recorded with the Clerk of the Hardy County Commission prior to the effective date of this Ordinance, provided such plats or deeds are of sufficient survey accuracy to permit the clear conveyance of lots by direct or deed reference without modification or addition.
- C. Real estate transferred by a Trustee under a Deed of Trust when the debt secured by said Deed of Trust is delinquent. This exemption shall also be received by the beneficiary under such a Deed of Trust, if the beneficiary purchases the subject real estate at a Trustee's sale. The exemption will not apply if the trustee subdivides the property prior to the sale.
- D. Conveyance to a governmental entity or to a non-profit or service organization or to a church to be used for church purposes. Living/ working quarters associated with religious enclaves, not in the same building as principal place as worship shall be considered a major subdivision under this ordinance and as such shall be subject to all applicable codes and ordinances.

Revised 2/19/10

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**APPLICATION FOR EXEMPT SUBDIVISION**

**Article 5: Exemptions continued**

- E. Division of real estate among heirs by court order or by volunteer, provided, Grantee must have a new deed drawn up as well as a plat prepared by a West Virginia licensed surveyor and must show the lot and right-of-way center line. Must be described by use of a plat and metes and bounds description. Such lots must be provided with a right-of-way not less than a width to provide a road of twenty two (22) feet, providing an eighteen (18) foot travel-way with two (2) foot shoulders. All heir transfers shall contain a statement on the plat and deed as follows: "This property has been subdivided through the heir transfer and shall not be further subdivided or reconveyed unless complying with all applicable Hardy County Ordinances." Prior to recording of said deed and plats, the grantee must make application to the Planning Office for an Heirs exemption and pay all applicable fees. After approval, the plat and deed shall be stamped Exempt by the Planning Office.

Applications for exemption shall be available in the Office of the County Planner and after completion, shall be filed in the Office of the County Planner. A plat prepared by a licensed surveyor showing the subdivision said to be exempted shall accompany the application for exemption when filed. Fees under Article 19 of this ordinance shall be paid in full before any approval or denial of exempt status is determined and the deed or plat is stamped exempt. The Planning Commission or County Planner shall render a decision on said applications within ten (10) working days after same are filed.

All approved subdivisions that fall under the aforesaid exemptions shall be stamped as "EXEMPT" by the County Planner.

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**APPLICATION FOR EXEMPT SUBDIVISION**

**EXEMPTION FEE SCHEDULE**

Formation of a cemetery	\$35.00
Deed of trust	\$35.00
Transfer to nonprofit or religious organization	\$35.00
Division among heirs	\$25.00+ \$25.00 per lot
Plat correction	\$35.00

\*\*\*\*\*

**STAFF USE ONLY**

FEE \$ \_\_\_\_\_ **Hardy County Subdivision Ordinance**

IF ADJACENT TO MUNICIPALITY, DATE APPROVED: \_\_\_\_\_

\_\_\_\_\_  
DATE RECEIVED

\_\_\_\_\_  
Planning Office Staff Member

\_\_\_\_\_  
DATE APPROVED

\_\_\_\_\_  
Planning Office Staff Member

\*\*\*\*\*

EXSD071709 Revised 2/19/10