

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

Variance Request

Name of Applicant: _____

Address:

Phone number/ Fax:

Email:

Description of Variance Request:

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

- H. Procedures for a Zoning Variance Request
 - a. A request for a variance from the terms of this Ordinance shall be filed with the Board on forms prescribed by the Planning Office. The variance request shall specify the reason for the variance. The variance request, or application, shall include a list of the property owners' names and addresses abutting the affected area, as of record in the office of the Hardy County Assessor, including across streets and alleys. 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 person.

- b. The Planning Office will conduct a formal review of the request. As for the formal review process, the Planning Office will notify appropriate agencies and officials and request summaries of reviews. The Planning Office will endeavor to complete its review within fifteen (15) calendar days.
- c. The Planning Office will publish, in a local newspaper of general circulation, a legal advertisement describing the variance request. The legal advertisement will appear (30) days prior to the scheduled public hearing before the Board. The prepared envelopes submitted by the applicant notifying the property owners abutting the affected property, including cross alleys, and the president of the homeowners association of an affected subdivision, 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. The Board of Zoning Appeals shall grant a variance to the zoning ordinance if the request meets the following:
 1. It will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents;
 2. Arises from special conditions or attributes which pertain to the property for which a variance is sought and which were created by the person seeking the variance;
 3. Would eliminate an unnecessary hardship and permit a reasonable use of the land; and
 4. Will allow the intent of the zoning ordinance to be observed and substantial justice done.
- f. If the Board decides to deny the variance request, the petitioner will be formally notified by mail by the Planning Office, of the right to appeal the decision to Hardy County Circuit Court within thirty (30) days.

