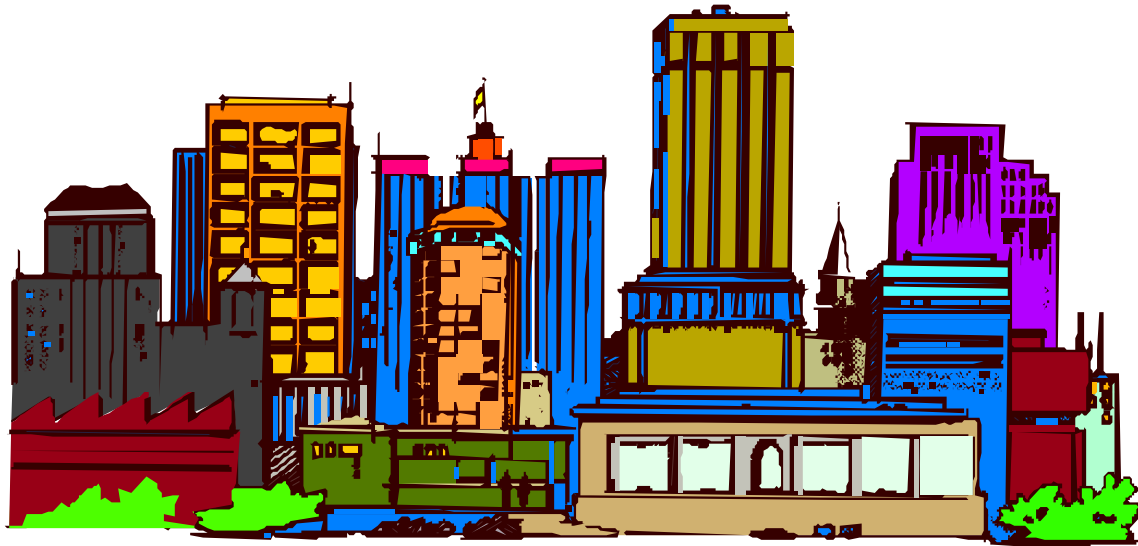


Board of Zoning Appeals



A Citizen's Guide

David Felinton, Mayor

Prepared by
Department of Development and Planning
Richard Dixon, Executive Director
P.O. Box 1659, Huntington, WV 25717-1659
Telephone: (304) 696-4438
TDD: (304) 696-5582
FAX: (304) 696-4465

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Board of Zoning Appeals

City of Huntington, WV

What is the Board of Zoning Appeals?

The Huntington Board of Zoning Appeals is a law-making body of five citizens appointed by the Mayor and confirmed by City Council to hear issues, which challenge the City zoning ordinance. The Zoning ordinance outlines specific regulations regarding land use within the City.

Who serves on the Board of Zoning Appeals?

The five members of the Board are volunteers and are City residents. Each member must have been a resident of the City for at least ten years and must not be a member of the Planning Commission nor hold any elected or appointed office within the City. The term of office on the Board is three years.

What does the Board do?

The Board of Zoning Appeals hears issues involving variances and administrative appeals to the City zoning ordinance. Each of these issues is described below.

Variance: a request to deviate from the zoning ordinance requirements for building setbacks, height, parking, etc. For example, an odd shaped lot on which the enforcement of normal setback requirements might preclude building a rectangular house might justify a variance. Financial hardships do **not** justify a variance.

Administrative Appeal: disagreement with a decision made by the Planning Director or Planning Commission in the enforcement of the zoning ordinance.

At the monthly hearings, the Board makes final decisions for both of these issues.

What does the Board consider when it makes a ruling?

When considering a **variance**, the Board examines the project to ensure that it will not:

- X Alter the land use characteristics of the district;
- X Impair the adequate supply of light and air to adjacent property;
- X Increase the hazard from fire, flood, and other dangers of the property;
- X Diminish the marketable value of adjacent land and buildings;

- X Increase congestion in the streets; and
- X Otherwise impair the public health, safety, convenience, comfort, or general welfare.

When considering an **Administrative Appeal**, the Board may reverse, affirm, or modify a decision made by any administrative official or Commission charged with the enforcement of the City zoning ordinance.

When does the Board of Zoning Appeals meet and how is an item placed on its agenda?

The Board of Zoning Appeals meets on the third Tuesday of every month at 5:30 p.m. in City Hall Council Chambers, 800 Fifth Avenue. In order to be placed on the agenda, **an application must be made prior to the filing deadline.** This date is available from the Planning staff. This deadline allows time for application review, advertisement, and neighbor notification. Since the application process differs for most issues, a preapplication appointment should be scheduled with the Planning Director. At the preapplication appointment, the applicant will be provided with necessary forms and information regarding site plan requirements and filing fees. All requirements must be complete by the 10th of the month so the preapplication appointment should be made well before that deadline. Preapplication appointments may be made by visiting the Department of Development and Planning, City Hall Room 14, or by calling 696-4438.

Once completed application materials are submitted, the issue will be advertised in a legal advertisement in the *Herald-Dispatch* 30 days prior to the hearing and letters will be mailed to notify surrounding property owners of the application and date of the meeting.

What happens at the monthly meeting?

At the Board meeting, each applicant is required to be present either in person or by a representative. All meetings are recorded and open to the public. The following procedure is standard in handling a case before the Board.

- X The applicant or representative is sworn in.
- X The applicant or representative is asked to step forward and state his/her name and address for the record.
- X The Chairman asks the applicant to explain what they are requesting and why the Board should approve the application.
- X Drawings, photographs, site plans, etc. are introduced.
- X The Board questions the applicant.
- X The Board Chairman asks for testimony from anyone

- wishing to speak in favor of the issue.
- X The Chairman asks for testimony from anyone wishing to speak in opposition to the issue.
 - X The Board then votes to approve or deny the applicant's request.
 - X Every decision of the Board may be appealed the Cabell County Circuit Court.

For more information about the Huntington Board of Zoning Appeals or to obtain an agenda for the upcoming meeting, call 696-4438.