



Board of Zoning Appeals Process

1. Application
 - a. Applications for Appeals, Variances and Special Permits are sent before the Board of Zoning Appeals (BZA)
 - b. Applications can be turned in the Planning office (City Hall Room 2) or emailed to: straits@huntingtonwv.gov or crawfordp@huntingtonwv.gov
 - c. All applications must be submitted to the Planner at least four (4) weeks prior to the next Board of Zoning Appeals meeting (Third Tuesday of the month)
 - d. Application forms are available from the Planner. In addition to the application(s), a detailed site plan drawn to scale with the direction of North located at the top of the drawing must be submitted by the applicant
 - e. Please include for **each** petition a fee of One Hundred Sixty Dollars (\$160.00).
2. Notice and Service Process
 - a. Notice of all hearings before the Board will be published no later than Fifteen (15) days prior to the hearing as a Class I Legal Advertisement
 - b. The Planning Staff will provide notice to all property owners within a Four Hundred (400) foot radius no later than Fifteen (15) days before the hearing
3. Hearing
 - a. Regularly scheduled hearings will commence on the Third Tuesday of the month at 5:30 p.m.
 - b. The hearings will be held in the City Council Chambers and it will be recorded and documented
 - c. It is the petitioner's responsibility to attend (or send a representative) to the scheduled meeting to present and to answer any questions regarding the request.
4. Decision
 - a. The Board may approve, deny or approve with conditions petitions that come before the BZA. When reviewing an appeal of an order, requirement or decision of an administrative official, the BZA may reverse or affirm, wholly or partly or modify the requirement.
 - b. Planning staff will send a letter to the applicant confirming the decision of the Board

For any other questions, please contact the Office of Planning:

City Hall Room 2

(304) 696-4438

Shae Strait, Planner; straits@huntingtonwv.gov

Penlyn Crawford, Planning Technician, crawfordp@huntingtonwv.gov

BOARD OF ZONING APPEALS
STANDARDS OF ANALYSIS AND MEETING PROCEDURE

Standards of Analysis. Where applicable, the standard of analysis will be read into the record during the meeting.

- A. For a **Variance**: As required by West Virginia Code §8A-7-11(b) and City Code §1361.01, before granting a variance, the Board must find
1. That the requested variance will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents. In determining this, the Board must find that such variance will **not**:
 - a. Alter the land use characteristics of the district;
 - b. Impair the adequate supply of light and air to adjacent property;
 - c. Increase the hazard from fire, flood and other dangers of said property;
 - d. Diminish the marketable value of adjacent lands and buildings;
 - e. Increase the congestion in the Streets;
 - f. Otherwise impair the public health, safety, convenience, comfort or general welfare;
 2. That the variance arises from special conditions or attributes which pertain to the property for which a variance is sought. Such special conditions may not be created by the person seeking the variance;
 3. That the variance would eliminate an unnecessary hardship and permit a reasonable use of the land; and
 4. That the variance will allow the intent of the zoning ordinance to be observed and substantial justice done.
- B. For a **Conditional Use (Special Permit)**: In making its decision regarding Conditional Uses, City Code §1359.01 requires that the Board shall consider the following:
1. The effect upon the Comprehensive Plan;
 2. Public health, safety, morals, and general welfare;
 3. Potential injury to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.
 4. The effect upon the normal and orderly development and improvement of surrounding property for uses already permitted in the district;
 5. Adequate provisions for utilities, access roads, drainage, and other necessary facilities; and
 6. Adequate ingress and egress so designed to minimize traffic congestion in the public street.

MEETING PROCEDURE. The Order of Business at regular meetings shall be substantially as follows:

1. Roll call.
2. Approval of the minutes from the previous hearing.
3. Approval of the Orders from the previous hearing.
4. Hearing of Cases.
 - a. Oral statement of record by Board staff.
 - b. Presentation of Petitioner's case including questioning by Board.
 - c. Public comment by any attendees in support of Petitioner's case including questioning by Board.
 - d. Presentation of Objector's case, if any, including questioning by Board.
 - e. Public comment by any attendees in opposition of Petitioner's case including questioning by Board.
 - f. Close of public comment.
 - g. Open discussion by Board.
 - h. Motion(s) on case and decision by majority vote.
5. Announcements and/or discussion.
6. Adjournment.

APPEAL OF BOARD OF ZONING APPEAL DECISION. Every decision of the Board of Zoning Appeals is subject to review by certiorari, for the decision to be reviewed by the Circuit Court of Cabell or Wayne County (1361.M)