

# Corporation of Harpers Ferry

*"Listed on the National Registry of Historic Places"*

**1000 Washington Street • P.O. Box 217 • Harpers Ferry, West Virginia 25425**

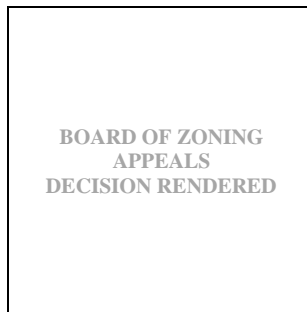
**304-535-2206 • Fax: 304-535-6520**

## REQUEST FOR HEARING BEFORE THE BOARD OF ZONING APPEALS

<b>Applicant</b>	Name _____ Mailing Address _____ City _____ State _____ Zip _____ E-Mail _____ Daytime Telephone _____ Evening Telephone _____	I hereby certify that (1) I am the owner or that I have the authority of the owner to make application, (2) I have read and understand the accompanying instructions, (3) the information given is correct and (4) all provisions of state and municipal laws and ordinances governing this application will be complied with, whether specified herein or not. I understand that (1) town staff may visit and photograph the subject property, (2) more supporting information may be requested and (3) this request, including all submitted documents and staff photos relating to this request, is public information and can be made available upon request.  _____ Signature of Applicant <span style="float: right;">Date _____</span>
<b>Owner</b>	Name _____ Mailing Address _____ City _____ State _____ Zip _____ E-Mail _____ Daytime Telephone _____ Evening Telephone _____	
<b>Property</b>	Street Address _____ Block and Lot Number(s) _____ Property Owner _____ Total Acreage/Lot Size _____ Existing Zoning <input type="checkbox"/> Residential District <input type="checkbox"/> Business District Are there buried utilities or easements on the property? <input type="checkbox"/> No <input type="checkbox"/> Yes (When a plat is required, please show all easements)	
<b>Hearing</b>	A hearing is requested for a: <input type="checkbox"/> Variance <input type="checkbox"/> Conditional Use <input type="checkbox"/> Appeal of Ruling <input type="checkbox"/> Demolition Review <input type="checkbox"/> Code Interpretation	<p style="text-align: center;"><b>IMPORTANT</b></p> If you are appealing a ruling or action from a decision-making body or official of the Town, please attach additional sheets with this application which state (1) the ruling or action you are appealing and (2) the basis for your appeal. The basis for your appeal should include the merits of the project and its unique standing with regard to state code and town ordinances.

**For Official Use Only**

Date Received _____	Fees Paid _____
Received By _____	Deposits Paid _____
Case Number _____	Receipt Number _____



# FEE SCHEDULE

For each hearing, the applicant shall pay:

Hearing fee <sup>§</sup> .....	\$25
Legal advertisement .....	\$25
Signboard refundable deposit.....	\$25

If the Board of Zoning Appeals determines that a subject matter expert is required, additional fees may apply. For projects greater than \$1.5 million, request Fee Schedule Addendum from Town Clerk.

<sup>§</sup>The hearing fee is waived for Code Interpretation.

# INSTRUCTIONS

A hearing before the BZA may be requested for:

**Variance** – Upon a finding of Unnecessary Hardship, a deviation from the minimum standards of the Zoning Ordinance, the Land Development Ordinance or the Subdivision Ordinance, as the case may be, that does not involve permitting land uses that, in the instance of the Zoning Ordinance, are otherwise prohibited in the zoning district, or involve changing the zoning classification of a Lot or parcel, or, in the instance of the Land Development Ordinance or the Subdivision Ordinance, involve changing those ordinances.

When requesting a variance, please be prepared to address the following:

1. Explain why granting the variance will NOT adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents?
2. In what way does this request arise from special conditions or attributes which pertain to the property for which a variance is sought and which were NOT created by the person seeking the variance?
3. How will granting this variance eliminate an unnecessary hardship and permit a reasonable use of the land?
4. How will granting this variance allow the intent of the ordinances to be observed and substantial justice to be done?

**Conditional Use** – A land use which because of special requirements or characteristics may be permitted in a particular zoning district only upon showing that such use in a specified location will comply with and conform to all the conditions and standards for the location or operation of such use as specified in the Zoning Ordinance and authorized by the Board of Zoning Appeals.

Applications for conditional use permits require the same plat and zoning documents that are required in permit applications. If your request for a conditional use is part of any activity that requires a project, sign or other formal municipal review and action, please include documents related to that activity once it has been considered by the relevant municipal board, commission or other entity. Further, please provide a letter or other document which details what you wish to do with your property from allowable uses listed in Part 13 of the town ordinances.

**Appeal of Ruling** – Request to reverse an order, requirement, decision or determination made by a Town officer, board or commission, or rule and regulation adopted pursuant to the Zoning Ordinance.

**Demolition Review** – A review by the Board of Zoning Appeals required prior to the removal of any Contributing Resource within the Historic District.

**Code Interpretation** – A request for interpretation of the zoning ordinances, including all appendices, by the Board of Zoning Appeals.

Please complete and return this form to Town Hall.

Please include a copy of your Zoning Compliance Permit or Sign Permit Application and Site Plan where applicable.

Please provide a site map of your lot and all abutting lots. The map shall indicate the dimensions of your lot and all existing or proposed structures drawn to scale. Block and lot number information is available on the sale map and zoning information is available on the official zoning map on display at Town Hall.

Within ten (10) days of receipt of an application for a hearing, the Board of Zoning Appeals shall set a date and time for the hearing and post notice. At least fifteen (15) days before the date set for the hearing on the appeal, the Town Clerk shall publish a notice of the date, time and place of the hearing as a Class I legal advertisement in the Spirit of Jefferson in compliance with the provisions of §3-59 of W. Va. Code at the expense of the applicant. A Notification of Hearing signboard, provided by the Town, shall be exhibited on the public right-of-way in front of the property for fifteen (15) days prior to the hearing. After the hearing, the applicant may return the signboard to Town Hall for a refund of the deposit.