

**PUTNAM COUNTY BOARD OF ZONING APPEALS  
PUTNAM COUNTY COURTHOUSE, ROOM 202  
Thursday, October 12, 2017**

**MINUTES**

The Putnam County Board of Zoning Appeals held its regular meeting on Thursday, October 12, 2017 at 7:00 p.m. in the Putnam County Courthouse, Room 202.

Al Ruebush, vice-president, called the meeting to order at 7:00 p.m.

Roll call was taken followed by the Pledge of Allegiance.

Regular members present included: Tony Hodge, Al Ruebush, Patty Schiffour, and Jared Tully.

Alternate members present included: Robert Stonestreet.

Staff present included: Timothy Smith, Melissa Sargent, and Lisa Powell.

Others present who signed in were: Dean Smarr.

**REPLACING OFFICERS**

Due to the resignation of Steve Sluss, president, the following members were elected to serve through December 31, 2017:

Motion was made by Jared Tully and seconded by Patty Schiffour to nominate Al Ruebush as president. There were no further nominations. The motion carried unanimously.

Motion was made by Robert Stonestreet and seconded by Patty Schiffour to nominate Jared Tully as vice president. There were no further nominations. The motion carried unanimously.

Motion was made by Tony Hodge and seconded by Robert Stonestreet to nominate Patty Schiffour as secretary. There were no further nominations. The motion carried unanimously.

**MINUTES**

The minutes of the September 14, 2017 meeting were reviewed. Motion was made by Robert Stonestreet and seconded by Patty Schiffour to approve the minutes as presented. Motion passed unanimously.

**VARIANCE REQUEST**

***Disclosure of Conflict***

No board member disclosed a potential conflict of interest with the variance request by DVA Properties to forgo the Zoning Ordinance's screening requirement on the west side of their commercial development (All About Fun Inflatables). The site is located at 3453 Teays Valley Road, Hurricane, WV (tax map 221, parcel 64.4) and is zoned "C-1" Suburban Commercial District.

***Public Hearing***

Al Ruebush opened the public hearing for the special permit request by DVA Properties to forgo the Zoning Ordinance's screening requirement on the west side of their commercial development

(All About Fun Inflatables). The site is located at 3453 Teays Valley Road, Hurricane, WV (tax map 221, parcel 64.4) and is zoned “C-1” Suburban Commercial District.

Staff presented the Summary Worksheet, a copy of which is attached and made a part of these minutes.

A question and answer session followed.

Applicant comments: Dean Smarr stated that he had applied for the variance for the following reasons: 1) the potential future development of his property and the necessity of installing utilities lines along the western boundary where the screening is currently required; 2) the slope of the property and the existing wooded area of the abutting property; 3) the potential for the required trees/screening to interfere with existing power lines on the west side of his property.

Public comments: There were no comments.

### ***Deliberation and Action***

Discussion ensued with a question and answer session.

There being no further questions or comments, Al Ruebush closed the public hearing and reconvened the regular meeting.

### ***Motion for Board of Zoning Appeals Action***

Motion was made by Robert Stonestreet to approve the variance request as presented. The motion died from lack of a second.

Motion was made by Patty Schiffour and seconded by Jared Tully to deny the variance request as presented.

The motion passed 3 to 1.

### ***Findings of Fact in Support of Decision***

The Board of Zoning Appeals made the following Findings of Fact with regard to the specific criteria set forth in the Zoning Ordinance:

1. Will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents:
  - Yes – Criteria for approval was met and no facts were presented to support denial.
  - No – Potential future development on the property will affect the rights of adjoining property owners.
  
2. Arises 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:
  - Yes – Applicant did not expect the terrain to be designed the way it was by the engineer.
  - No – Conditions developed on the slope were created by the entity seeking the variance.

3. Would eliminate an unnecessary hardship and permit a reasonable use of the land:

- Yes – Variance would eliminate the hardship created by having to place trees where future sewer lines would be installed.
- No – Fencing could be installed instead of trees.
- No – The option of the escrow would allow for delaying the installation of trees until after the sewer lines were placed.

4. Will allow the intent of the zoning ordinance to be observed and substantial justice done:

- No – With the development of the parking lot, vegetation or fencing is necessary to screen sights, sounds, and smells associated with parking lots. The intent is to protect adjoining landowners from such potential nuisances and it is not a hardship to place an approved screen.

***Motion Approving Findings of Fact***

A motion to accept the above Findings of Fact was made by Tony Hodge and seconded by Jared Tully. The motion passed 3 to 1.

***Motion Approving Order***

A motion to approve the order for the variance request was made by Tony Hodge and seconded by Patty Schiffour. The motion passed 3 to 1.

**CITIZENS CONCERNS**

There were no concerns.

**STAFF REPORT**

Staff stated that a nominating committee must be formed to elect new officers for 2018. Al Ruebush appointed Jared Tully to form this committee.

**OLD BUSINESS**

There was no old business to discuss.

**NEW BUSINESS**

There was no further new business to discuss.

**ADJOURNMENT**

There being no further business, motion was made and seconded to adjourn. The meeting was adjourned at 8:00 p.m.

Respectfully submitted: \_\_\_\_\_  
Jared Tully, Secretary

Minutes were approved: \_\_\_\_\_

Attested by: \_\_\_\_\_  
Presiding Officer