

**PUTNAM COUNTY BOARD OF ZONING APPEALS  
PUTNAM COUNTY COURTHOUSE, ROOM 202  
Thursday, October 11, 2007**

**MINUTES**

The Putnam County Board of Zoning Appeals held its regular monthly meeting on Thursday, October 11, 2007 at 7:00 p.m. in the Putnam County Courthouse, Room 202.

Steve Sluss, president, called the meeting to order.

Roll call was taken and a quorum was present.

Members present included: Tom Reishman, Al Ruebush, and Steve Sluss.

Members absent included: Patrick Donovan.

Staff present included: Sandy Mellert, Nicki Barnette, Melissa Sargent, and Linda Bess. Also present was Luanne Jividen, C.C.R.

Others present who signed in were: James and Robin Thornton, and Harold Summers.

**MINUTES**

The minutes of the July 12, 2007 meeting were reviewed. Motion was made by Al Ruebush and seconded by Steve Sluss to approve the minutes as presented. Motion carried unanimously.

The minutes of the September 18, 2007 special meeting were reviewed. Motion was made by Tom Reishman and seconded by Al Ruebush to approve the minutes as presented. Motion carried unanimously.

**PUBLIC HEARING PROCEDURE**

Steve Sluss gave a brief description of the rules for a public hearing.

**SPECIAL PERMIT REQUEST BY - River Cities Food Mart of Winfield**

***Disclosure of Conflict***

No board member disclosed a potential conflict of interest with the request by River Cities Food Mart of Winfield to allow the lease and storage of UHAUL vehicles and equipment (Automobile, Boats, and Recreational Vehicles, Sales & Service) on parcels 3 and 4 of tax map 184, located at the intersection of Routes WV34 and US35 in Winfield, which are zoned C-2, High Density Commercial.

***Public Hearing***

Steve Sluss opened the public hearing for the request by River Cities Food Mart of Winfield to allow the lease and storage of UHAUL vehicles and equipment (Automobile, Boats, and Recreational Vehicles, Sales & Service) on parcels 3 and 4 of tax map 184, located at the intersection of Routes WV34 and US35 in Winfield, which are zoned C-2, High Density Commercial.

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

A question and answer session followed.

Applicant comments:

C. Harold Summers, property owner, requested approval of the special permit.

There were no public comments.

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

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

Discussion ensued with a question and answer session. The following facts were determined during deliberation:

1. the use is compatible with high density zoning,
2. no objections were voiced by surrounding property owners,
3. the use would not be detrimental to surrounding property,
4. the leasee has not submitted an updated site plan showing parking of the leased vehicles outside the setback areas as requested three times by staff, and
5. the leasee was not present in order to answer questions.

Motion was made by Tom Reishman and seconded by Al Ruebush to table the request by River Cities Food Mart of Winfield to allow the lease and storage of UHAUL vehicles and equipment (Automobile, Boats, and Recreational Vehicles, Sales & Service) on parcels 3 and 4 of tax map 184, located at the intersection of Routes WV34 and US35 in Winfield, which are zoned C-2, High Density Commercial until the November 8, 2007 Board of Zoning Appeals meeting due to the fact that the requested updated site plan showing the leased vehicles being parked outside the setback areas has not been received by staff. Motion carried unanimously.

### **VARIANCE REQUEST BY - Robin Thornton**

#### ***Disclosure of Conflict***

No board member disclosed a potential conflict of interest with the request by Robin Thornton from *Article 1800.04 (H) Discontinuance of a Nonconforming Use of Structure or Land* in the *Zoning Ordinance for the Zoned Unincorporated Areas of Putnam County, WV* on tax map 213, parcel 7.7 located at 4320 State Route 34, Hurricane, which is zoned C-1, Suburban Commercial.

#### ***Public Hearing***

Steve Sluss opened the public hearing for the request by Robin Thornton from *Article 1800.04 (H) Discontinuance of a Nonconforming Use of Structure or Land* in the *Zoning Ordinance for the Zoned Unincorporated Areas of Putnam County, WV* on tax map 213, parcel 7.7 located at 4320 State Route 34, Hurricane, which is zoned C-1, Suburban Commercial.

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

A question and answer session followed.

Applicant comments:

Robin Thornton, applicant, requested approval of the variance and explained details of the foreclosure and bankruptcy process they had to implement in order to retain control of this property.

There were no public comments.

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

***Deliberation and Action***

Discussion ensued with a question and answer session. Facts determined during deliberation are as follows:

1. the Thornton's followed the law in regaining the property and did not retain the property until March 7, 2007,
2. the legal issue regarding the foreclosure and bankruptcy placed a unique hardship and circumstance on this request,
3. the variance requested is not a use variance,
4. granting this variance would be compatible to the intent of the zoning ordinance, and
5. granting this variance would not be detrimental to the surrounding properties.

Motion was made by Tom Reishman and seconded by Al Ruebush to approve the variance request by Robin Thornton from *Article 1800.04 (H) Discontinuance of a Nonconforming Use of Structure or Land* in the *Zoning Ordinance for the Zoned Unincorporated Areas of Putnam County, WV* on tax map 213, parcel 7.7 located at 4320 State Route 34, Hurricane, which is zoned C-1, Suburban Commercial and allow the one year grandfather status to extend from the date the owners retained custody of the property which was March 7, 2007. Motion carried unanimously.

**CITIZEN COMMENTS**

There were no citizen comments.

**STAFF REPORT**

Staff reported that there is an agenda for the November 8, 2007 meeting.

**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 7:50 p.m.

Respectfully submitted: \_\_\_\_\_  
Al Ruebush, Secretary

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

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