

**PUTNAM COUNTY
BOARD OF ZONING APPEALS
PUTNAM COUNTY COURTHOUSE, ROOM 202
Thursday, May 17, 2007**

MINUTES

The Putnam County Board of Zoning Appeals held its regular monthly meeting on Thursday, May 17, 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, and Linda Bess. Also present was Luanne Jividen, C.C.R.

Others present who signed in were: Dean Robinson, Eric Robinson, Dave Riggs, Tony Jordan, Genieive Jordan, Charles Halstead, and Dennis Crede.

MINUTES

The minutes of the March 8, 2007 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.

VARIANCE REQUEST 2007-03 BY Charles W. Halstead, Jr.

Disclosure of Conflict

No board member disclosed a potential conflict of interest with the Variance request by Charles W. Halstead, Jr. to allow for an Elderly and Disabled Housing Opportunity (EDHO) unit to exceed 30% of the floor space of the existing living area of the primary residence as required in Article 1700.03(f) located at 2409 Oak Street, Hurricane (tax map 230C parcels 171, 191, and 211).

Public Hearing

Steve Sluss opened the public hearing for the Variance request by Charles W. Halstead, Jr. to allow for an Elderly and Disabled Housing Opportunity (EDHO) unit to exceed 30% of the floor space of the existing living area of the primary residence as required in Article 1700.03(f) located at 2409 Oak Street, Hurricane (tax map 230C parcels 171, 191, and 211).

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:

Mr. Halstead requested approval of the variance and stated that he has requested this variance in order to move his elderly parents onto his property to care for them. He also, stated that he will special order a manufactured home in dimensions as close to compliance as possible.

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 variance criteria worksheet was reviewed and it was determined that all conditions were met in order to approve the variance.

Facts determined during deliberation:

1. approval will have no negative impact on the neighborhood,
2. Mr. Halstead will comply with all other county regulations,
3. Mr. Halstead will special order a manufactured home in dimensions as close to compliance as possible, and
4. approval should be contingent on consolidation of the 3 lots.

Motion was made by Tom Reishman and seconded by Al Ruebush to approve the Variance request by Charles W. Halstead, Jr. to allow for an Elderly and Disabled Housing Opportunity (EDHO) unit to exceed 30% of the floor space of the existing living area of the primary residence as required in Article 1700.03(f) located at 2409 Oak Street, Hurricane (tax map 230C parcels 171, 191, and 211) based on the above determined facts. Motion carried unanimously.

SPECIAL PERMIT REQUEST BY Andrew J. Erwin

Disclosure of Conflict

No board member disclosed a potential conflict of interest with the Special Permit request by Andrew J. Erwin to sell 4th of July sparklers and novelties in a C-1, Suburban Commercial District from June 30th to July 5th, 2007 at 3554 Teays Valley Road, Hurricane (tax map 222 parcel 20.11).

Public Hearing

Steve Sluss opened the public hearing for the Special Permit request by Andrew J. Erwin to sell 4th of July sparklers and novelties in a C-1, Suburban Commercial District from June 30th to July 5th, 2007 at 3554 Teays Valley Road, Hurricane (tax map 222 parcel 20.11).

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.

There were no applicant comments.

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 conditions were discussed during deliberation:

1. that "no smoking" signs are posted on all walls of the establishment,
2. that two fire extinguishers are located on the premises at all times,
3. there will be no parking allowed on WV Route 34, nor the grassy area adjacent to the premises, and
4. parking only allowed in the adjacent paved parking lots.

Motion was made by Al Ruebush and seconded by Tom Reishman to approve the Special Permit request by Andrew J. Erwin to sell 4th of July sparklers and novelties in a C-1, Suburban Commercial District from June 30th to July 5th, 2007 at 3554 Teays Valley Road, Hurricane (tax map 222 parcel 20.11) with the conditions stated above. Motion carried unanimously.

VARIANCE REQUEST BY Harold Dean Robinson

Disclosure of Conflict

No board member disclosed a potential conflict of interest with the Variance request by Harold Dean Robinson to construct a 32 sq. ft. monument sign to advertise a legal nonconforming use located at 5 Jordan Addition, Scott Depot (tax map 223 parcel 107).

Public Hearing

Steve Sluss opened the public hearing for the Variance request by Harold Dean Robinson to construct a 32 sq. ft. monument sign to advertise a legal nonconforming use located at 5 Jordan Addition, Scott Depot (tax map 223 parcel 107).

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:

Mr. Dean Robinson requested approval of the variance request and stated that he started construction on good faith after receiving the approved permit.

Public comments:

Andrew Jordan, adjacent resident, stated that the sign is located in a 30' right-of-way and presented documents, copies of which are attached and made a part of these minutes, regarding the 30' right-of-way. He requested denial of the variance.

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 variance criteria worksheet was reviewed and it was determined that all conditions were met in order to approve the variance.

Facts determined during deliberation were:

1. the placement of the sign will not be detrimental to the surrounding property as long as the sign is placed outside the right-of-way,
2. the placement of the sign will not be detrimental to the surrounding properties as long as the sign is placed outside the setback areas,
3. a survey plat should be submitted which shows the exact location of the sign and that it is located outside the setback areas and the right-of-way,
4. actions by both the Office of Planning and Infrastructure and Dean Robinson were based on good faith that the information submitted to the Office of Planning and Infrastructure was correct and conditions on the approved sign permit were valid, and
5. Mr Robinson incurred expenses and built the sign as approved.

Mr. Robinson stated that he would move the sign if necessary and submit a survey that confirms the location of the sign.

Motion was made by Al Ruebush and seconded by Tom Reishman to approve the Variance request by Harold Dean Robinson to construct a 32 sq. ft. monument sign to advertise a legal nonconforming use located at 5 Jordan Addition, Scott Depot (tax map 223 parcel 107) with the following conditions 1) the sign be placed outside the right-of-way and outside the setback areas and 2) a proper survey plat be submitted confirming that the location of the sign is outside the right-of-way and the setback areas. Motion carried unanimously.

CITIZEN COMMENTS

There were no citizen comments.

STAFF REPORT

A special meeting is scheduled for June 21, 2007, due to the fact that the regular meeting for June 14, 2007 will not have a quorum.

Regional Intergovernmental Council will be rescheduling the planning training session recently canceled.

OLD BUSINESS

There was no old business to discuss.

NEW BUSINESS

There was no new business to discuss.

ADJOURNMENT

There being no further business, motion was made and seconded to adjourn. The meeting was adjourned at 8:05 p.m.

Respectfully submitted: _____
Al Ruebush, Secretary

Minutes were approved: _____

Attested by: _____
Presiding Officer