

CITY OF WESTOVER

BOARD OF ZONING APPEALS
VARIANCE APPLICATION
REVISED 2009

CITY OF WESTOVER
BOARD OF ZONING APPEALS

To all applicants for Variances:

This instruction sheet has been prepared by the Westover Board of Zoning Appeals for the benefit of applicants and protestors alike. Its purpose is to assist those seeking variances in providing necessary information to the Board of Zoning Appeals before it can properly act on applications or protests.

Four Findings of Fact by the Board are necessary before a variance may be granted. In order for the Board to make such findings, **complete** and **accurate** information must be supplied by the applicant. These Findings of Fact are based on the following questions:

1. What is unusual and different about your property or its intended use as it relates to other properties in your vicinity under the same zoning rules which make it difficult or impossible for you to comply with the zoning regulation?
2. Are there several others in your area doing what you want to do with your property? (Please list what properties, their owners' names and addresses, and what is done on the property.)
3. If you are allowed to do what you ask, will others in the same area be able to say they are injured in any manner by what you propose to do? (Traffic increase, congestion, no parking, blocking fire, and police departments, etc.)
4. Will your proposed use devalue the property of others in the same area? Why? Will it cause more congestion in the streets? Why not?

NOTICE: *Answers to the above questions must be answered in person at the public hearing of the Board of Zoning Appeals together with whatever additional evidence the petitioner thinks is important.*

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RULES OF PROCEDURE

1. The regular meeting of the Board of Zoning Appeals will be held on the _____ of every other month at _____
2. A meeting of the Board of Zoning Appeals will be called to order with a quorum present. (A quorum being three members)
3. The person requesting a variance will be recognized by the chair.
4. The person will be given five (5) minutes to present the reason for requesting a variance. At the end of (4) minutes, the secretary will indicate the lapsed time, and at the end of five (5) minutes, the secretary will stand.
5. The members of the Board may raise questions for clarification/
6. After all testimony has been heard, the person requesting the variance may have additional three (3) minutes to summarize the request before the Board.
7. Members of the public may ask questions or present their point of view for a maximum of three (3) minutes.
8. After all testimony has been heard, the members of the Board will consider all aspects of the case. Deliberation will be made in a public forum. The Chair of the Board of Zoning Appeals will announce the result. The vote will be entered into the minutes of the meeting by the secretary showing the affirmative and/or negative votes.
9. The decision of the Board of Zoning Appeals of this variance is final. However, if a party is adversely affected by the ruling of the Board of Zoning Appeals, they may ask for the Board to reconsider its ruling, if within ten (10) days of the ruling, the aggrieved party submits in writing its basis for appeal. The Board will consider the request within ten (10) days of receipt of the appeal and inform the party of the Board's ruling. If the petition is granted, the written notice will be given to the residents within 150 ft. and the matter will be taken up at the next Board meeting. In any event, the Aggrieves may appeal directly to the Circuit Court of Monongalia County.

CITY OF WESTOVER
BOARD OF ZONING APPEALS

All applicants must include the following: (Please check use as check list)

- A plot plan drawn to scale on a plain sheet of paper not larger than legal size (8 ½" x 14") showing all measurements on lot or lots.
- A complete set of floor plans and/or other drawings that will show any/all work to be performed by the applicant.
- Plot plan must show how the building or addition is to be located on the property. All existing buildings or structures must also be shown on the plot plan.
- All distances (setbacks) from property line to buildings shall be included on the drawing.
- An area plan drawn to scale on a plain sheet of paper not larger than legal size (8 ½" x 14") showing all lots within 150 ft. radius of the property being considered on the appeals petition.
- A complete list of property owners' names and mailing addresses within 150 ft. radius of the property in question.
- A building inspector's report completed, dated, and signed. The report will reflect the inspectors reason(s) for refusing to issue a building permit to the applicant and will list all applicable articles of the "Zoning Ordinance of Westover" thereby affected.
- The applicant shall further post a bond in the amount of \$300.00 to cover the cost off the notification to property owners.
- The applicant shall identify any special or unusual conditions that apply to the property including, but not limited to whether the property is undermined; does it contain any underground tanks (septic, gasoline, etc.); does it lie in a Federal Emergency Management Agency (FEMA) designated flood plain, etc.

CITY OF WESTOVER
BOARD OF ZONING APPEALS

PROPERTY OWNER LIST

NOTICE: Notice of Hearing is sent to all property owners within 150 ft radius of the property being considered for a change in zone, appeal, variance, or a conditional use. Please supply the **NAMES** and **MAILING ADDRESSES** of the latest owners of the following properties as they appear on the rolls of the Monongalia County Tax Records.

| MAP NUMBER | PARCEL NUMBER | RECORD OWNER | MAILING ADDRESS |
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CITY OF WESTOVER
BOARD OF ZONING APPEALS

BUILDING INSPECTOR'S REPORT
(Completed by Building Inspector)

REQUEST FOR: _____ ZONE: _____

DATE: _____ OWNER: _____

LOCATION: _____

| | | |
|------------------------------|-------|----------|
| GROUND AREA | _____ | ACTUAL |
| | _____ | REQUIRED |
| MINIMUM LOT WIDTH | _____ | ACTUAL |
| | _____ | REQUIRED |
| MAXIMUM HEIGHT | _____ | ACTUAL |
| | _____ | REQUIRED |
| MINIMUM FRONT YARD | _____ | ACTUAL |
| | _____ | REQUIRED |
| MINIMUM SIDE YARD | _____ | ACTUAL |
| | _____ | REQUIRED |
| MINIMUM REAR YARD | _____ | ACTUAL |
| | _____ | REQUIRED |
| MINIMUM GROUND FLOOR AREA | _____ | ACTUAL |
| | _____ | REQUIRED |
| MAXIMUM LOT COVERAGE | _____ | ACTUAL |
| | _____ | REQUIRED |

CITY OF WESTOVER
BOARD OF ZONING APPEALS

BUILDING INSPECTOR'S REPORT
(Completed by Building Inspector)

OFF STREET PARKING

ACTUAL

REQUIRED

REMARKS:

DATE: _____ SIGNATURE: _____

* **NOTICE:** The Building Inspector may attach additional information

CITY OF WESTOVER
BOARD OF ZONING APPEALS

VARIANCE APPLICATION
(Completed by B. Z. A.)

PETITIONER NAME: _____

PETITIONER MAILING ADDRESS: _____

OWNER NAME: _____ SITE: _____

ZONING DISTRICT: _____

VARIANCE REQUESTED:

CONDITIONS IMPOSED BY BOARD:

Dear Applicant:

Following a public hearing on your application for a variance, the Board of Zoning Appeals determined the following:

Your application for a variance from the criteria of the zoning ordinance was _____ DENIED _____ APPROVED by the Board of Zoning Appeals. In coming to this decision the Board made the following Findings of Fact:

1. There _____ ARE _____ ARE NOT exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply generally to other property or class of use in the same vicinity and district, in that

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2. That such variance _____ IS _____ IS NOT necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and district, but which is denied to the property in question, in that

3. The granting of such variance _____ WILL _____ WILL NOT be materially detrimental to the public welfare or injurious to the property or improvements in such vicinity and district in which the property is located, in that

4. The granting of such variance _____ WILL _____ WILL NOT alter the land use characteristics of the vicinity and district, diminish the marketable value of adjacent land and improvements or increase the congestion in the public streets, in that

5. That the Zoning Ordinance _____ DOES _____ DOES NOT delegate the authority to the Board of Zoning Appeals to consider this requested variance.

The Board of Zoning Appeals decision may be appealed to the Circuit Court within thirty (30) days. For approved variances, construction within said thirty (30) days is at the petitioner's own risk, and a building permit shall be posted on the site.

Chairman, Board of Zoning Appeals

Date of Action