



CITY OF NITRO
Building Department
PO BOX 308
NITRO, WV 25143
(304) 755-0703

BOARD OF ZONING APPEALS
PETITION FOR VARIANCE OR SPECIAL EXCEPTION

Pursuant to the Zoning Ordinance, any request for a Variance or Special Exception shall first be submitted by petition to the Board of Zoning Appeals for a Public Hearing. The Board shall give full consideration to the scope and character of the request and verify compliance with the refundable application fee is required and must be submitted with this petition.

Owner / Applicant Information

Owner/Applicant _____ Telephone Number _____

Mailing Address: _____

Property Information

Property Address: _____

District: _____ Tax Map: _____ Parcel: _____

Deed Book: _____ Page: _____ Lot Square Footage or Acreage: _____

Zoning: _____ Land Use: _____

Nature of Proposed Action

Construction of Custom Single Family Dwelling: ___ Placement of Modular or Mobile Home: ___

Construction of Multi-Family Dwelling: ___ Remodeling or Addition: ___

Construction of Commercial Building: ___ Building Square Footage Variance: ___

Construction or Placement of Storage Building: ___ Lot Size or Set Back Variance: ___

Other-Please Explain: _____

Ownership of Property

IF YOU DO NOT OWN THE PROPERTY, THE OWNERS SIGNATURE OF CONSENT IS REQUIRED.

Do you own the property? Yes ___ No ___

Do you lease the property? Yes ___ No ___

Is your purchase of the property contingent upon approval of this request? Yes ___ No? ___

DEFINITIONS

Conditional Use: a use which because of special requirements or characteristics may be permitted in a Zoning district only after review by the Board of Zoning Appeals and upon issuance of a Conditional Use Permit are subject to the limitations and conditions specified in the Zoning Ordinance.

Special Exception: a use that would not be appropriate generally or without restriction throughout the zoning division or district, by which, if controlled as to the number, area, location, or relocation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning divisions or districts as a special exception in accordance with the zoning ordinance.

Variance: being a relaxation of the terms of the Zoning Ordinance where such variance will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship. As used in the Ordinance, a variance is authorized only for a deviation from the height, bulk, setback, parking or other dimensional requirements established. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of Non-Conformities in the Zoning division or district or adjoining zoning division or district.

This request is for a: Conditional Use _____ Special Exception _____ Variance _____

Please provide a detailed narrative of your plans for the property and the circumstances that require you to request a public hearing:

Have you notified the adjoining property owners of your intended actions? Yes _____ No _____

Adjacent Property Owners

In addition to a Class 1 Legal Advertisement published by the Board of Zoning Appeals, notice must be sent to all adjacent property owners. Notification shall be by certified mail from the applicant and must be received by the adjacent property owners a minimum of fifteen (15) days prior to the public hearing. Requirement to notify adjacent property owners will be fulfilled if the notification is mailed to the adjacent property owners' current addresses as listed with the County Assessor's Office. Adjacent property owners shall mean all persons, businesses, etc. whose property borders at any point the applicant's property, including any owners whose property would border the applicant's property but is separated from it by a street, alley, creek, or stream or other minor roadway or waterway. The locations of all property owners to be notified must be shown on a preliminary plat. The application shall provide the names and addresses of all adjacent property owners. All owners of property located within 300 feet must be listed below and designated on the preliminary plat.

MAP IDENTIFICATION

PROPERTY

MAILING

Tax Map, Parcel #

Owner

Address

USE ADDITIONAL SHEETS IF NECESSARY

If a conditional use, is this a request to operate a home occupation or professional office? _____

If yes, how many employees? _____ Hours of Operation? _____

If a home occupation or professional office, please provide a brief, detailed description of use _____

Please provide a brief, detailed description of the personal hardship that would occur if this request is denied _____

Is this a proposed residence? Yes _____ No _____ Dimension of lot, square footage: _____

Will the Usage be on Public Water? Yes _____ No _____ Public Sewer? Yes _____ No _____

Please provide a brief description of which type of Home you plan to locate on the subject property and the circumstances which require you to request a Conditional Use or Variance.

If this request is for Residential purposes and pertains to Manufactured Homes, Mobile Homes, or Modular Homes respectively. Please provide the following information.

Year: _____ Make: _____ Model: _____ Dimensions: _____

Is the residence referred to in this application the only one in the lot? Yes _____ No _____

If this request is for a Special Exception to have more than one single family dwelling per lot of record. Please explain

Please return completed form to:
 City of Nitro
 Board of Zoning Appeals
 PO Box 308(mailing address)
 20th St & 2nd Ave (physical address)
 Nitro, WV 25143

I CERTIFY BY MY SIGNATURE BELOW THAT:

1. All the information contained in this application is true and accurate to the best of my knowledge and belief.
2. Withholding information or submitting false information will result in the revocation of the permit, variance, or special exception.
3. A false application is considered a violation and will result in revocation of permit, variance, or special exception.
4. A decision to grant or deny a variance or special exception is solely the decision of the Board of Zoning Appeals.
5. I or any other party may appeal the decision of the Zoning Board of Appeals within 45 days of the date of the hearing at the expense of the appellant.
6. I will not begin or continue construction or placement of the structure until after the hearing.
7. My application, file and hearing are public information.
8. The Board of Zoning Appeals is required to charge a non-refundable fee of \$100.00 for Publication Costs.
9. No hearing can be conducted until the publishing of a Class 1 Legal advertisement at least 15 days prior to the scheduled date of the hearing.
10. I have requested, and have been provided, a copy of the appropriate sections of the Ordinance to which I am requesting a hearing to be granted.

Signature of applicant

Date Petition Completed & Signed

Date received by BZA

Signature of Owner for Consent (Required)

Date Signed

Date Received by BZA

FOR OFFICIAL USE ONLY