

AN ORDINANCE AMENDING AND REENATING ARTICLE 1791.11 REGARDING APPEALS TO THE BOARD OF ZONING APPEALS OF THE TOWN OF STAR CITY.

WHEREAS, AS AUTHORIZED BY WEST VIRGINIA CODE 8A-8-3, THE TOWN HAS ESTABLISHED A MUNICIPAL BOARD OF ZONING APPEALS; AND,

WHEREAS, AS AUTHORIZED BY WEST VIRGINIA CODE 8-12-5 (45), COUNCIL MAY ADOPT RULES FOR THE TRANSACTION OF TOWN BUSINESS.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF STAR CITY, THAT ARTICLE 1791.11 IS AMENDED AND REENACTED AS FOLLOWS:

1791.11 APPEALS.

(a) All appeals shall be heard by the Board of Zoning Appeals of the Town of Star City, hereafter referred to as the Board.

(b) Any person who feels aggrieved by any ruling or other official act of the Inspector may, prior to expiration of the time sequence order, petition the Board for a hearing and review of the ruling of the Inspector concerning any matter in issue in accordance with W.Va. Code 8A-8-10.

(c) The Board shall, upon receipt of the petition, hold a hearing within ~~fourteen days~~ forty-five days of receipt of said appeal petition. At the hearing the petitioner shall be given an opportunity to show cause why the notice or order should be modified or withdrawn.

(d) The Board shall have the power to affirm, modify or revoke the notice or order and may grant variances from the provisions of this article or from applicable rules and regulations issued pursuant thereto when the Board finds that there is practical difficulty or unnecessary hardship connected with the performance of any act required by this article and applicable rules and regulations pursuant thereto, that strict adherence to such provision would be arbitrary in the case at hand, and that such variance is in harmony with the general purpose of this article to secure the public health, safety and welfare. In no case shall the Board of Zoning Appeals act on a request for the modification of the application fee or grant relief from mandatory inspections.

(e) Should such hearing and review before the Board result in a decision adverse to the petitioner, the petitioner may appeal from the decision of the Board pursuant to W.Va. Code 8A-9-1, et seq. to the County Circuit Court, provided that such appeal shall be taken ~~within sixty days from the date of the final decision of the Board.~~ Passed 7-11-00.

~~(f) Should the Board find for the petitioner on an administrative appeal, the appeals fee shall be refunded to the petitioner. (Passed 7-11-00.~~

First Reading: April 2, 2024

Public Hearing/Second Reading: April 16, 2024


Mayor


Recorder