

# **Town of Bolivar, WV**

## **General Instructions for Construction and Permits**



*June, 2003*

## **Where to Go**

### **Town of Bolivar**

PO Box 37, Harpers Ferry, WV 25425

Phone: 304-535-2476

Office: Bolivar Community Center, Panama Street

E-mail: [towncouncil@bolivarwv.us](mailto:towncouncil@bolivarwv.us) or [bolivar@frontiernet.net](mailto:bolivar@frontiernet.net)

Website: <http://www.bolivarwv.us>

The Town Council meets the first Tuesday of every month at 7:30 P.M.

### **Bolivar Planning Commission**

Phone/fax: 304-535-3100

E-mail: [planning@bolivarwv.us](mailto:planning@bolivarwv.us)

Website: <http://planning.bolivarwv.us>

The Planning Commission meets the third Wednesday of every month at 8:00 p.m. at the Community Center. The office is open at 7:30 for information, forms, questions for the Zoning Administrator, and acceptance of applications.

#### **General Instructions -- Contents**

Where to go	1
What you need	2
Frequently Asked Questions	3
Standard Operating Procedures, Building	4-5
Building Permit Form	6-7
Preliminary Plan, Forms A, B, C and D	8-13
Final Plan, Instructions	14
Standard Operating Procedures, Demolition	15
Standard Operating Procedures, Variance	16
Request for Variance, Form	17-18
Soil, Water and Topographic Maps	19-21
Building Ordinance	22-31
Other Forms and Information	32-34

## What You Need

### If you are building:

#### An addition, outbuilding, deck/patio

Standard operating procedures for building (page 4-5)  
Building Permit Form (page 6-7)  
Copy of building ordinance (page 22-28)  
Request for variance, if needed (page 17-18)

#### A house on a **buildable lot** of less than 1/2 acre

Standard operating procedures for building (page 4-5)  
Building Permit Form (page 6-7)  
Preliminary Plan, Parts A, B, and C (page 8-13)  
Final Plan Instructions (page 14)  
Request for variance, if needed (page 17-18)

Note: A buildable lot is one that existed on the Tax Assessor's map in June, 2000, and is large enough to meet Bolivar's setback and other requirements. A copy of the map is available at the Town Office and online: <http://planning.bolivarwv.us>

#### A house or houses on a **buildable lot** of 1/2 acre or more

Standard operating procedures for building (page 4-5)  
Building Permit Form (page 6-7)  
Preliminary Plan, Parts A, B, C and D (page 8-13)  
Final Plan Instructions (page 14)  
Request for variance, if needed (page 17-18)

Note: If you are subdividing your property, you must request a variance.

### If you are tearing down a structure:

Standard operating procedure for demolition (page 15)  
Building Permit Form (page 6-7)

### If your project requires a variance:

Standard operating procedure, variance (page 16)  
Request for a variance (page 17-18)

## Frequently Asked Questions

**Why do I need a permit?** Permits allow the town of Bolivar to administer its building ordinance and its planning and zoning ordinance in a fair and equitable manner. Through the permitting process Bolivar promotes public health, safety, comfort and general welfare; secures appropriate land use; conserves and protects property and property values; and preserves the town for the benefit of its future residents.

**How long does it take?** At least 30 days, no longer than 60 days.

**What are the basic requirements?** You need a permit for a shed, deck, or other outbuilding if the structure is greater than 100 square feet. No more than 3 outbuildings are allowed per building lot. Any structure must conform to setbacks of 15 feet in front, 10 feet on each side, 15 feet in back.

**Where do I get a building permit application?** From the town clerk's office in the Bolivar Community Center. Or you can attend a Planning Commission Meeting the third Wednesday of each month in the Community Center. The Zoning Administrator is available at 7:30 p.m. to answer questions. The meeting starts at 8:00 p.m. Packets are also available at the Bolivar-Harpers Ferry Public Library and online at the Bolivar Planning Commission website: <http://planning.bolivarwv.us/>

**What are the fees?** The fees are a permit fee, a construction fee and an inspection fee.

**What is the permitting process?** Applications may be submitted by mail or in person. They will be accepted at a regularly scheduled meeting of the Bolivar Planning Commission. You may want to be present so Planning Commission members can ask questions for clarification if needed. Your application will be reported to the Bolivar Town Council and the Planning Commission will place completed applications on the agenda for the next regularly scheduled meeting. Your application may be approved at that time or the decision can be postponed 30 days while further investigation takes place.

**What needs to be inspected, and when?** 1. Setbacks of any deck or structure, including additions, outbuildings and new dwelling units. This inspection is done after the site has been prepared and before footers have been installed. 2. Footers and foundations of any deck or structure, including additions, outbuildings and new dwelling units. These are inspected when the forms have been built but before the footers or foundations have been poured. 3. Occupancy inspection occurs when the project has been completed, but before the structure is used or occupied.

**What licenses are needed?** If you are doing the work yourself you do not need a license. If you hire contractors to do the work, each contractor will need a Bolivar Business License and a State of West Virginia License. The Bolivar Business License application is on page 33. WV Tax Office Business Registration booklets are available from the Martinsburg Regional [Tax] Office, 119 N. Queen Street, 304-267-0022.

## Standard Operating Procedures Building Permit

- Complete your application as required.
- Questions regarding the application process can be directed to the Zoning Administrator on the third Wednesday of every month from 7:30 p.m. to 8:00 at the Planning Commission office prior to the regularly scheduled meeting. Completed applications including permit fees should be delivered to the Town Office; mailed to the BPC, P.O. Box 37 Harpers Ferry, WV 25425; or brought to a Bolivar Planning Commission meeting. Applications will be accepted at the regular BPC meeting, and then the clock starts running.
- Forms to be filled out include the following:
  1. Three (3) copies of the building permit application and other necessary forms.
  2. Three (3) copies of " Preliminary Plan" (page 8-13). Items A-B-C are needed for projects on 1/2 acre or less. Items A-B-C-D are needed for projects on land greater than 1/2 acre. Submit this form with the permit application
  3. "The Final Plan" (page 14). Three (3) copies of each of the following:
    - a. Copies of a drawing or surveyor's plat showing lot lines, delineation of conservation and open spaces areas and evidence of compliance with the Growth Preservation Ordinance (1317.04). Include total acreage of the tract with detailed supporting calculations. See explanation at page 13.
    - b. Description of building type(s) and location(s) on a site map.
    - c. Copies of the deed and easements to the property, and tax map lot number.
    - d. Copies of building plans drawn to scale of 1/4"= 1', submitted on standard 24"x36" paper, or see Zoning Administrator.
    - e. Evidence of compliance with the Bolivar Building Ordinance, attached, pages 22-30. Applicants must satisfy the density, setback, size, parking and other requirements of the ordinance. Note: Appendix A sets forth drainage, erosion and sediment control requirements. See town clerk or Planning Commission for a copy. See Ordinance (1715.04, 1715.05, 1715.06, and 1715.07) for height restrictions.
    - f. Permits from the Harpers Ferry/Bolivar Public Service District and Harpers Ferry Water Works.

*(continued on next page)*

*Procedures revised, June 2003*

*June, 2003*

**Standard Operating Procedures, Building Permit, continued**

- Upon receipt, applications will be reviewed by the Zoning Administrator who will present recommendations to the Bolivar Planning Commission. Results will be returned to the applicant by mail within 60 days.
- NOTE: Before construction begins, contractors must obtain a State of West Virginia business license and a Bolivar business license (fee \$15.00). See Frequently Asked Questions, page 3.

Regularly scheduled meetings of the Bolivar Planning Commission are held on the third Wednesday of every month at 8:00 p.m. at the Community Center.

**Bolivar Planning Commission  
CORPORATION OF BOLIVAR, WEST VIRGINIA  
PO Box 37, Harpers Ferry, WV 25425**

Date: \_\_\_\_\_

APPLICATION FOR:

\_\_\_\_ Building Permit    \_\_\_\_ Building Demolition Permit    \_\_\_\_ Use Permit<sup>1</sup>  
\_\_\_\_ Variance Request (see Variance Request Form)

I hereby make application for a permit for the following reason(s):  
\_\_\_\_\_  
\_\_\_\_\_

Location/Street, Block, Lot No.<sup>2</sup> \_\_\_\_\_

\_\_\_\_ Permit Fee \$10.00

Inspection Fees:    \_\_\_\_ Building, \$150.00    \_\_\_\_ Demolition, \$35.00    \_\_\_\_ Deck, \$35.00

Est. Cost of construction \$ \_\_\_\_\_    Construction Fee \$10/\$1,000 of cost: \$ \_\_\_\_\_

Total Fees: \$ \_\_\_\_\_

I will be responsible for all damages that occur on any property other than my own and agree to perform all work in strict accordance with the Building Ordinance, the Building Permit Ordinance and the Planning and Zoning Ordinance. All fees and Preliminary Plan Documents should accompany this form.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Contractor's Name

\_\_\_\_\_  
*Applicant Information:*

\_\_\_\_\_  
*Contractor Information:*

\_\_\_\_\_  
Name, please print or type

\_\_\_\_\_  
Name, please print or type

\_\_\_\_\_  
Street Address & P.O. Box

\_\_\_\_\_  
Street Address & P.O. Box

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
Home telephone

\_\_\_\_\_  
Home telephone

\_\_\_\_\_  
Business telephone

\_\_\_\_\_  
Business telephone

\_\_\_\_\_  
Fax & E-mail

\_\_\_\_\_  
Fax & E-mail

State License No. \_\_\_\_\_ Bolivar Business License No. \_\_\_\_\_  
(Contractor must have State of West Virginia and Bolivar Business licenses.)

*(continued on next page)*

<sup>1</sup> To change use from present one to a different one under the zoning ordinance. May require a variance.

<sup>2</sup> Refer to Land Use Map and Index

**Zoning Administrator Recommendations (approve, disapprove, state reasons):** \_\_\_\_\_

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**Planning Commission Recommendations (approve, disapprove, state reasons):** \_\_\_\_\_

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**Who Must File.** All persons, partnerships, corporations, joint ventures or other business entities for any extension, construction, sub-construction, enlargement or removal of any building as defined in the Building Ordinance and the Planning and Zoning Ordinance.

**When To File.** Before the commencement of any construction, enlargement, removal or use change of any building or structure.

**Application Forms.** Obtain copies of this and other forms from the Bolivar town office at the Community Center, at the Bolivar-Harpers Ferry Public Library, or download from the Bolivar Planning Commission website: <http://planning.bolivarwv.us/>

**Review and Approval Process.** The process is set forth in the Planning and Zoning Code and the Building Ordinance, as amended.

**Documentation.** See Building Ordinance and Planning and Zoning Ordinance

**Upon Completion of Construction.** Applicant shall furnish to the Zoning Administrator a final statement of costs; in the event costs shown on the final statement are in excess of those estimated on the application, applicant will be charged an additional fee based upon final costs.

**Notification.** The Zoning Administrator will furnish to applicant a copy of the application showing action of the Zoning Administrator and the Planning Commission and will issue the permit or set forth, in writing, the reasons why the permit will not be issued.

**Note:** Applicants must provide the Bolivar Planning Commission with three (3) copies of both:

- **Preliminary Plan**, pages 8-13, also included in the Building Ordinance, July, 2000, (Conceptual Preliminary Plan @ Sec. 1313.03) and
- **Final Plan**, page 14, also included in the Building Ordinance, July, 2000, @ Sec. 1313.05. All applicants must satisfy the density, setback, size, parking and other requirements (Article 1715) of the Bolivar Building Code, attached. Appendix A, available from the town clerk, sets forth required drainage, erosion and sediment control.

## **PRELIMINARY PLAN**

If your lot is **less than 1/2 acre** you only need to provide the following (Sec. 1313.04):

- A. Site Context Map, page 9
- B. Existing Resources and Site Analysis Map, page 10-11
- C. Preliminary Resource Impact and Conservation Plan, page 12

You will find explanations and the detailed requirements below

If your lot is **1/2 acre or more** you need to provide the following: (Sec. 1313.04):

- (a.) Site Context Map, page 9
- (b.) Existing Resources and Site Analysis Map, page 10-11
- (c.) Preliminary Resource Impact and Conservation Plan, page 12
- (d.) Preliminary Improvements Plan, page 13

You will find explanations and the detailed requirements below.

You may present your preliminary plan to the Zoning Administrator to determine if further information is necessary. The preliminary plan must include the date, name and address of the legal or equitable owner of the property and the name and address of the applicant if not the same party. Also furnish, along with the applicable permit fee, a copy of the deed and, if applicable, a sales contract.

What applicant will need:

- A copy of the appendices of the Bolivar Comprehensive Plan
- A copy of the Bolivar Zoning Ordinance
- A copy of the Bolivar Building Ordinance

The deed and any plot or site plans in applicant's possession or recorded in the office of the Jefferson County Clerk of Court

Note: All government maps and most of the data, except for onsite observations referred to, are attached, or available in the appendices to the Bolivar Comprehensive Plan.

**DOCUMENTS REQUIRED FOR CONCEPTUAL PRELIMINARY PLAN**  
**(Explanations and requirements)**

A. Site Context Map:

Include on your Site Context Map:

1. Topography of the site (USGS maps, page 19-21)
2. Site observations - are any of these on or adjacent to (within 300 feet) your property?
  - 1. stream valleys
  - 2. wetland complexes
  - 3. woodlands over one-half acre in area
  - 4. ridge lines
  - 5. public roads and trails
  - 6. utility easements and rights-of-way
  - 7. public land
  - 8. land protected under conservation easements.

Note that Nos. 1 and 2 are shown on maps of U. S. Fish & Wildlife Service or the USDA Natural Resource Conservation Center, attached.

B. Existing Resources and Site Analysis Map - include existing conditions within 500 feet of the site

1. Draw site boundaries on the map (data is also available from applicant's deed or survey).
2. Identify topography on the map at a sufficient scale to determine contour intervals as determined by the Zoning Administrator.

3. Locate and delineate ponds, streams, ditches, drains and natural drainage swales, flood plains (if any) and wetlands on the map. Are any of these on or adjacent to (within 300 feet) your property?

- 9. ponds
- 10. streams
- 11. ditches
- 12. drains
- 13. natural drainage swales
- 14. flood plains
- 15. Wetlands

4. Describe vegetative cover conditions on the property according to general cover type. Are any of these on or adjacent to (within 300 feet) your property?

- 16. hedgerow
- 17. woodland and wetland
- 18. trees with a caliper in excess of 15 inches
- 19. line of existing trees and woodlands

Identify on the map and describe the actual canopy line of existing trees.

5. Describe the soil series, types and phases, and map if necessary.

Source: U.S. Department of Agriculture, Natural Resources Conservation Service in the published soil survey for the county, and accompanying data published for each soil relating to its suitability for construction.

6. Identify on the map ridge lines and watershed boundaries

7. Describe geologic formations on the proposed building lot. Are any of these on or adjacent to (within 300 feet) your property?

- 20. rock outcroppings
- 21. cliffs
- 22. sinkholes
- 23. fault lines
- 24. slopes more than 25 degrees

8. List all existing manmade features. Are any of these on or adjacent to (within 300 feet) your property?

- 25. streets
- 26. driveways
- 27. farm roads
- 28. buildings
- 29. foundations
- 30. walls
- 31. wells
- 32. drainage fields
- 33. dumps
- 34. utilities
- 35. fire hydrants
- 36. storm and sanitary sewers

9. Locate and list significant archeological sites or structures. Are any of these on or adjacent to (within 300 feet) your property?

10. Locate trails that have been in public use. Are any of these on or adjacent to (within 300 feet) your property?

- 37. pedestrian
- 38. equestrian
- 39. Bicycle
- 40. Other

11. Describe all easements and other encumbrances of the property that are or have been filed of record with the Jefferson County Recorder's Office and show them on the plan.

12. Include the total acreage of the tract. Locate and list all boundary markers.

### C. Preliminary Resource Impact and Conservation Plan

List all proposed improvements, including but not necessarily limited to:

- 41. grading
- 42. cuts & fills
- 43. streets (describe paving section to be installed)
- 44. public byways and community corridors
- 45. buildings
- 46. utilities
- 47. storm water detention facilities
- 48. other

Unless waived by the Planning Commission, use the Existing Resources and Site Analysis Map (B above) as a base map to map impact areas according to the following categories:

- a. Primary impact areas (i.e. areas directly impacted by the proposed site)
- b. Secondary impact areas (i.e. areas in proximity to primary areas that may be impacted)
- c. Designated protected areas either to be included in a proposed community corridor or an equivalent designation such as dedication of a neighborhood park, open space or public byway site.

**D. Preliminary Improvements Plan.** (For projects of 1/2 acre or more.)

Working with information taken from the above lists the owner/builder will make an initial determination of what improvements need to be made on the property.

Include site features indicated in the Existing Resources and Site Analysis Map (B above) and describe your preliminary plan for improvements, if any, for:

- Land resources, trails, significant natural features including topography, areas of steep slope, wetlands, swales, rock outcroppings, vegetation, existing utilities and other site feature indicated in the Existing Resources and Site Analysis Map.
- Existing and approximate proposed lot lines, easements, rights of way and the like; (see ordinance for complete list);
- Accurate location of streets, right of ways, if applicable (see ordinance for complete list);
- Accurate location of proposed swales, drainage, easements and storm water and other such facilities;
- Conceptual layout of proposed connection to sewage systems including expected percentage of usage of present capacity (see ordinance for complete list);
- Conceptual layout of proposed connection and water distribution facilities, including fire hydrants and expected percentage of usage of present capacity (see ordinance for complete list);
- Actual limit of disturbance of trees;
- Approximate location of playground, parks, community corridors and the like (see ordinance for complete list);
- Approximate location of proposed shade trees and existing vegetation to be retained;
- Exact locations of existing utility easements and approximate locations of proposed utility easements, if any;
- Approximate layout of all proposed sanitary and storm sewers and location of inlets, culverts and any proposed connections with existing facilities;
- Drawings of proposed street, if any (see ordinance for complete list)
- Growth and Preservation (1317.04) This applies to lands of 1/2 acre or more and reflects the survey of the people of Bolivar regarding use of land for parks, recreation and open space. The town has an interest in areas which are not buildable and/or are adjacent to parks, community corridors, paper streets, or open spaces (Conservation Areas, Class A, 1317.01) The Zoning Administrator can help determine if this applies to your project and will assist you in making calculations.

## **THE FINAL PLAN**

Within thirty (30) days or less, after final submission of the Conceptual Preliminary Plan by the owner/builder, the Zoning Administrator shall review the preliminary documents required for the Conceptual Preliminary Plan, determine their sufficiency and tentatively approve or disapprove the Conceptual Preliminary Plan.

For the Final Plan the owner/builder will then submit along with the final Conceptual Plan the following:

- ❑ a drawing of the lot lines.
- ❑ delineation of conservation and open space areas.
- ❑ evidence of compliance with the Growth and Preservation Ordinance.
- ❑ description of building types and sites on the map with
- ❑ building plans submitted on standard 24" x 36" (no less than 1/4" per 1') drawings including plan view and two elevations (including foundation).
- ❑ evidence of compliance with the Bolivar Building Ordinance.
- ❑ total acreage of the tract, plus Adjusted Tract Acreage with detailed supporting calculations.

For final approval the Zoning Administrator shall, within fifteen (15) days or less after submission of same, recommend approval or disapproval of the final plan to the Planning Commission which shall approve or disapprove the final plan within fifteen (15) days or less of submission of the documents from the Zoning Administrator.

## **Standard Operating Procedures Demolition Permit**

Provide the following information in writing with Permit Application:

1. Describe means and methods of demolition.
2. Provide protection plan of adjacent properties and buildings
3. Indicate days and times of demolition activity
4. Identify site where debris will be taken

Please note the following MUST be followed:

Absent good cause shown, demolition projects require movement monitors.

Provide planned travel route by debris hauling vehicles.

If blasting is required, blasting contractor must follow Occupational Safety Hazard Administration (OSHA) guidelines as described in OSHA handbook 1910. Absent good cause shown, blast surveys are required.

If any fuel tanks, asbestos, or lead (including pipes) are encountered U.S. Environmental Protection Agency(EPA) and the Bolivar Planning Commission must be notified in writing immediately. Zoning Administrator must be notified and will contact the necessary agencies. All work shall cease until the situation has been assessed by any and all federal, state and local agencies.

Notify Jefferson County Fire Department if burning materials.

*Regularly scheduled meetings of the Bolivar Planning Commission are held the third Wednesday of every month at 7:30P.M. at the Bolivar Community Center.*

## **Standard Operating Procedures Variance**

See Standard Operating Procedures for Building Permit then:

1. Submit Variance Request and Permit Application to Bolivar Planning Commission (BPC)
2. Notify neighbors and all persons having easements, including scenic easements
3. BPC will have a public meeting with neighbors and easement holders
4. BPC will have a public meeting on question of variance.  
Open public hearing:
  - a. Zoning Administrator Comments
  - b. Applicant Comments
  - c. Public CommentsClose Public Hearing
5. BPC Discussion
6. Zoning Administrator makes recommendations and BPC votes
7. Applicant can, thereafter, appeal to Zoning Board of Appeals if BPC disapproves the application
8. If Zoning Board of Appeals upholds decision of BPC then applicant can appeal to the Jefferson County Circuit Court

**REQUEST FOR VARIANCE**

Attach to Building Permit Application

Case Number: \_\_\_\_\_

**Property Description**

Deed Book Number: \_\_\_\_\_ Page Number: \_\_\_\_\_

Tax District: \_\_\_\_\_ Tax Map Number: \_\_\_\_\_ Parcel Number: \_\_\_\_\_

**Current Zoning (circle one)** See Zoning ordinance Pages 12 -17  
Business and Commercial: B1 B2  
Residential: R1 R2 R3 R4 R5

Current Permitted, Conditional or Non-conforming Use: \_\_\_\_\_

Desired Use: \_\_\_\_\_

To justify your variance request, please address the following items in writing on the back:

1. The request is not contrary to the public interest.
2. A literal enforcement of this Ordinance will result in unnecessary hardship.
3. The request is not the result of a self-imposed hardship.
4. The spirit of this Ordinance will be observed and substantial justice done.

\_\_\_\_\_  
Signature of Property Owner \_\_\_\_\_ Date

For official use only:

Date of Public hearing:

Advertising dates:

Posting Requirements:

\_\_\_\_\_  
Zoning Administrator \_\_\_\_\_ President \_\_\_\_\_ Secretary

Justification of Variance Request: \_\_\_\_\_

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Public Comment: \_\_\_\_\_

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Planning Commission Recommendations (approve, disapprove, state reasons): \_\_\_\_\_

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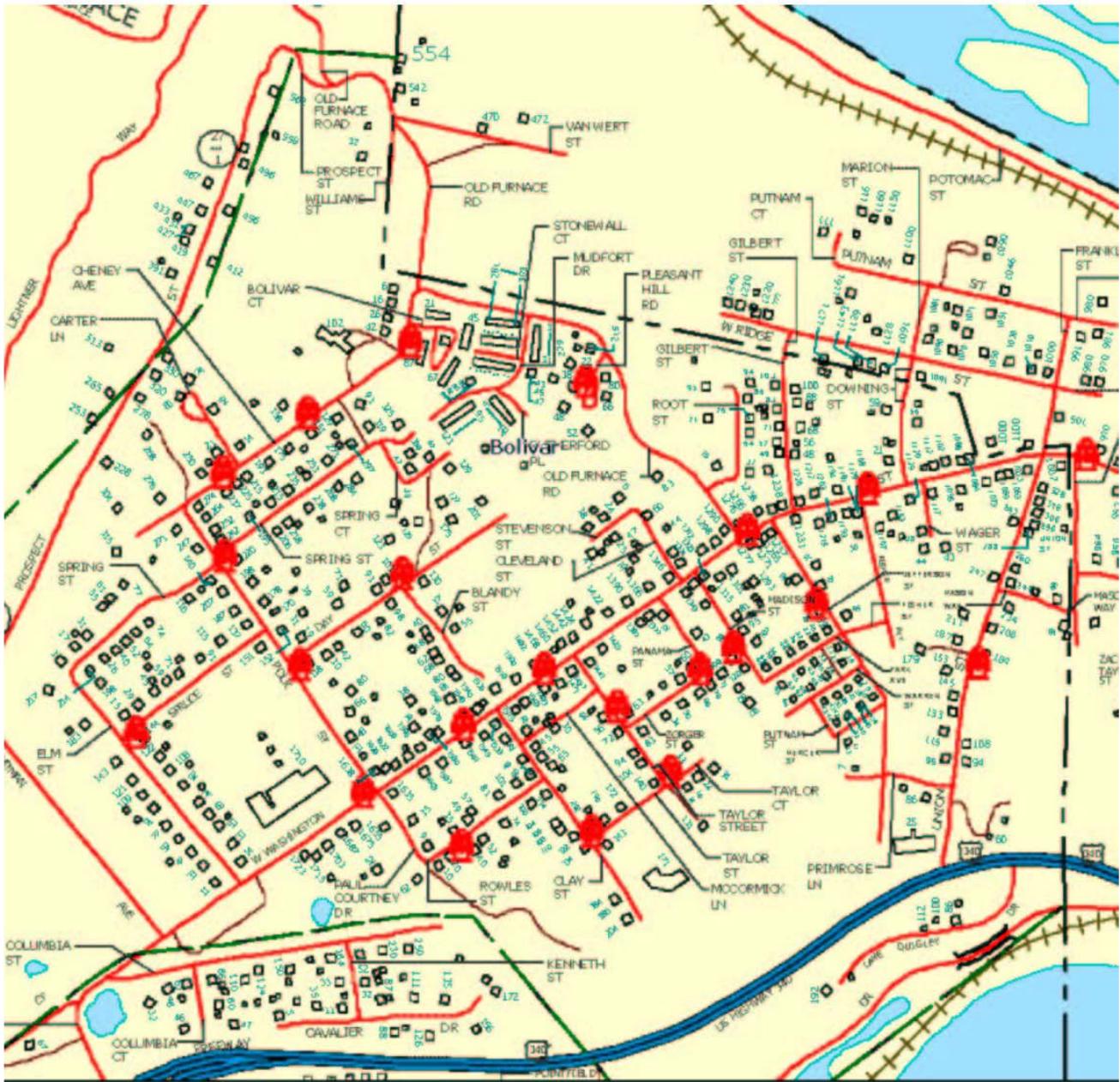
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Available at town office.

Water Map



SCALE 1 : 9,857



Topographic Map



SCALE 1 : 9,857



**CODIFIED ORDINANCES OF BOLIVAR  
PART SEVENTEEN - BUILDING AND HOUSING CODE**

**Art. 1711. West Virginia State Building Code.**

**Art. 1715. Permits and Fees.**



**1711.02 DEFINITIONS.**

(a) "Building Code" includes all aspects of safe building construction and mechanical operations and all safety aspects related thereto.

(b) "Fire Marshal" means the West Virginia State Fire Marshal and/or his designated representatives.

(c) "State Building Code" means the entire contents of this article and the referenced national codes.

(d) "BOCA" refers to the Building Officials & Code Administrators International, 4051 Flossmoor Road, Country Club Hills, Illinois, 60477-5795.

(e) "CABO" refers to the Council of American Building Officials, 5203 Leesburg Pike, Suite 708, Falls Church, Virginia, 22041.

**1711.03 CONFLICT.**

Whenever there arises a conflict between the State Fire Code and the State Building Code, the State Fire Code shall take precedence.

Whenever there arises a conflict between the BOCA National Plumbing Code portion of the State Building Code and the rules of the State Board of Health, the rules of the Board of Health shall take precedence.

Whenever there arises a conflict between the State Building Code and statutory laws of the State of West Virginia, the West Virginia State Code shall take precedence.

**ARTICLE 1715  
Permits and Fees**

- |                |  |                |  |
|----------------|--|----------------|--|
| <b>1715.01</b> | <b>Building and use permits.</b>   | <b>1715.07</b> | <b>Renovations, remodeling and additions.</b>    |
| <b>1715.02</b> | <b>Demolition permits.</b>   | <b>1715.08</b> | <b>Application review.</b>                       |
| <b>1715.03</b> | <b>Application for permits.</b>  | <b>1715.09</b> | <b>Permit display, time limits and renewals.</b> |
| <b>1715.04</b> | <b>New construction of a single family or one two-family duplex structure on a single existing lot.</b>  | <b>1715.10</b> | <b>Vested rights.</b>                            |
| <b>1715.05</b> | <b>New construction of multi-family dwelling units.</b>  | <b>1715.11</b> | <b>Permit fees.</b>                              |
| <b>1715.06</b> | <b>New construction of out buildings and structures (garages, sheds, warehouses, barns, swimming pools, and detached porches and gazebos).</b> | <b>1715.99</b> | <b>Penalty.</b>                                  |

**CROSS REFERENCES**

- Permits for construction and alteration - see W. Va. Code 8-12-14
- Municipal inspection - see W. Va. Code 8-12-15

**1715.01 BUILDING AND USE PERMITS.**

From and after the effective date of this section, no person, firm, partnership or corporation shall, within the Town of Bolivar, erect or construct, or commence the erection or construction of, or alter the exterior of an existing building, by addition or use of any building or land for any use which was not in existence on the effective date of this section, without first obtaining a building and/or use permit(s) in accordance with the provisions and procedures set forth in this article. Where a building is planned and the use is changed, two or more permits are required.  
(Ord. 7-15-87.)

**1715.02 DEMOLITION PERMITS.**

From and after the effective date of this section, no person, firm, partnership or corporation shall, within the Town of Bolivar, demolish any house or major building without first obtaining a demolition permit in accordance with the provisions and procedures set forth in this section. Major building is defined as any garage, shed, barn, house, store, commercial building or other structure exceeding sixty-four square feet in area. This section specifically excludes dog houses and privies and buildings to be replaced by another building of equal or larger size where a building or use permit is required.

(Ord. 7-15-87.)

**1715.03 APPLICATION FOR PERMITS.**

Application for a permit for building use, alteration (addition) or demolition shall be made to the Zoning Administrator of the Bolivar Planning Commission on forms prescribed by the Planning Commission and the Zoning Ordinance and accompanied by permit fee(s), effective as of the date of this section as follows:

- (a) Demolition Permit. See Appendix B on file with the Zoning Administrator. A plan for demolition must accompany the application for a permit and an inspection will be made to assure conformance with the application plan and to assure that the applicant is in compliance with the Zoning Ordinance and this Building Ordinance.
- (b) Use Permit. See Appendix B.
- (c) All applications for permits shall be accompanied by proof that drainage and erosion controls, as specified in Appendix A on file with the Zoning Administrator, are complied with.
- (d) All applicants must agree to a minimum of three inspections by the Zoning Administrator to assure that the applicant is in compliance with the Zoning Ordinance and this Building Ordinance.
- (e) All permanent structures shall require a permit. Any structure under 100 square feet does not require a permit but must conform to density requirements. See Appendix B.
- (f) Decks shall require a permit, conform to setback requirements and one inspection for setback conformance and to assure that the applicant is in compliance with the Zoning Ordinance and this Building Ordinance. See Appendix B.
- (g) Costs of processing and filing permits shall be established by the Planning Commission on an annual basis and shall be added to the filing fee.  
(Ord. 7-20-00.)

**1715.04 NEW CONSTRUCTION OF A SINGLE FAMILY OR ONE TWO-FAMILY DUPLEX STRUCTURE ON A SINGLE EXISTING LOT.**

- (a) Definition. See Planning and Zoning Ordinance.
- (b) Setbacks. Setbacks of main structures and out buildings will be fifteen feet front and fifteen feet back. The setbacks on the sides will be ten feet each.
- (c) Size. Each unit size will be a minimum of 800 square feet.

(d) Parking. Each single family residential dwelling will be provided with a minimum of three off the street parking spaces. Duplex (two family) dwellings will be provided with six off the street parking spaces. Townhouses will provide parking spaces with a minimum of three per residential unit. The parking spaces must show adequate access for parking and turning without endangering people, vehicles or structures.

(e) Height. Outbuildings and structures shall not exceed two stories in height at street level and, occasionally, three stories from below because of hillside terrain.

(f) Water and Sewer. Each new construction unit must have written proof of access of water and sewer service from Harpers Ferry Water Works and Harpers Ferry-Bolivar Public Service District.

(g) Documentation Requirements. Permit applications under this section must be accompanied by:

- (1) Permit applications under this section must be accompanied by specifications and drawings and plot plans of all items listed in (a), (b), (c), (h) and (i), and in conformance with the Planning and Zoning Ordinance with building and floor plans drawn to scale as set forth in the Planning and Zoning Ordinance.
- (2) Water and sewer access documentation.
- (3) All documents and specifications of any kind are required to follow, in specific detail, the requirements of the Zoning Ordinance as well as the requirements of this Building Ordinance as of the date of this amendment (7-20-00).

(h) Density. As of the date of this section (7-20-00), units will be limited to one unit per one-half acre for half acre or more lots and lands provided that other requirements of this Building Ordinance and the Zoning Ordinance are met. For lots and lands of less than one-half acre units will be limited to one unit per lot or land, provided, however, that the unit and any accessory buildings, among others without limitation, shall comply with the requirements of this Building Ordinance and the Zoning Ordinance and Comprehensive Plan.  
(Ord. 7-15-87; Ord. 9-18-90; Ord. 7-20-00.)

(i) Site Definition. In addition to the requirements of the Planning and Zoning Ordinance, for any multiple unit, aka multi-family dwelling, project, the plot, road access, play areas, open space areas, parking layout, access for fire trucks, garbage trucks and delivery trucks and topography site location will be a requirement for permit(s) application.

(j) Road Access and Traffic. Each new construction project must furnish documentation showing road access, amount of traffic that can reasonably be expected to be generated by project, serviceability of existing roads for project, and traffic flow. This includes services by Fire Department, garbage pick up, mail delivery, and other light and heavy delivery and moving vehicles. When it is determined by the Town Council that existing roads are not adequate for traffic amount and pattern or width, the permit applicant must post bond and bear the expense of construction of new or up-grading of existing access roads.

(k) Documentation Requirements. Permit applications under this section must be accompanied by specifications and drawings and plot plans of all items listed in (b), (c), (h) and (i) above, and in conformance with the Planning and Zoning Ordinance with building and floor plans drawn to scale as set forth in the Planning and Zoning Ordinance.

**1715.05 NEW CONSTRUCTION OF MULTI-FAMILY DWELLING UNITS.**

(a) Definition. See Planning and Zoning Ordinance.

(b) Density. As of the date of this amendment (7-20-00), units will be limited to one unit per one-half acre for half acre or more lots and lands provided that other requirements of this Building Ordinance and the Planning and Zoning Ordinance are met. For lots and lands of less than one-half acre, units will be limited to one unit per lot or land provided, however, that the unit and any accessory buildings, among others without limitation, shall comply with the requirements of this Building Ordinance and the Planning and Zoning Ordinance and Comprehensive Plan.

(c) Size. Each unit size will be a minimum of 800 square feet.

(d) Setbacks. Setbacks of main structure and out buildings will be 15 feet front and 15 feet back. Side setbacks will be 10 feet at each end of main structure or out building.

(e) Site Definition. In addition to the requirements of the Planning and Zoning Ordinance, for any multiple unit, aka multi-family dwelling, project, the plot, road access, play areas, open space areas, parking layout, access for fire trucks, garbage trucks and delivery trucks and topography site location will be a requirement for permit(s) application.

(f) Parking. Multi-family dwellings will be provided with three parking spaces per dwelling unit. Townhouses will provide parking spaces with a minimum of three per dwelling unit. The parking spaces must show adequate access for parking and turning without endangering people, vehicles or structures.

(g) Height. Outbuildings and structures shall not exceed two stories in height at street level and, occasionally, three stories from below because of hillside terrain.

(h) Water and Sewer. Each new construction project must have written proof of access of water and sewer service from Harpers Ferry Water Works and Harpers Ferry-Bolivar Public Service District.

(i) Road Access and Traffic. Each new construction project must furnish documentation showing road access, amount of traffic that can reasonably be expected to be generated by project, serviceability of existing roads for project, and traffic flow. This includes services by Fire Department, garbage pick up, mail delivery, and other light and heavy delivery and moving vehicles. When it is determined by the Town Council that existing roads are not adequate for traffic amount and pattern or width, the permit applicant must post bond and bear the expense of construction of new or up-grading of existing access roads.

(j) Documentation Requirements. Permit applications under this section must be accompanied by specifications and drawings and plot plans of all items listed in (b) through (e) above, and in conformance with the Planning and Zoning Ordinance with building and floor plans drawn to scale as set forth in the Planning and Zoning Ordinance.  
(Ord. 7-15-87; Ord. 9-18-90; Ord. 7-20-00.)

**1715.06 NEW CONSTRUCTION OF OUT BUILDINGS AND STRUCTURES**

**(garages, sheds, warehouses, barns, swimming pools and detached porches and gazebos).**

(a) Setbacks. Setbacks of out buildings will be fifteen feet front and fifteen feet back. The setbacks on the sides will be ten feet each.

(b) Height. Outbuildings and structures shall not exceed two stories in height at street level and, occasionally, three stories from below because of hillside terrain.

(c) Parking. Not applicable unless use permit is involved in which case the Planning and Zoning Ordinance and Building Ordinance will be applied.

(d) Documentation Requirements. Permit applications under this section must be accompanied by specifications and drawings and plot plans of all items listed in (a) through (c) above, and in conformance with the Planning and Zoning Ordinance with building and floor plans drawn to scale as set forth in the Planning and Zoning Ordinance.

(e) Density. Limitation on number of accessory or out buildings is three per living unit. (Ord. 7-20-00.)

**1715.07 RENOVATIONS, REMODELING AND ADDITIONS.**

(a) Permit Requirements. A permit is required for any addition to an existing building as stated in Section 1715.01 above. Permits are not required for normal maintenance such as painting or roof replacement; for interior remodeling; or for exterior remodeling which does not change the size or configuration of a structure.

(b) Setbacks. Setbacks of main structures and out buildings will be fifteen feet front and fifteen feet back. The setbacks on the side will be ten feet each or in line with structures or additions in existence at the time of the passage of this amending section (7-20-00).

(c) Height. All business, residential and commercial buildings shall not exceed two stories in height, at street level, and, occasionally, three stories from below because of hillside terrain.

(d) Water and Sewer. Each new construction unit must have written proof of access of water and sewer service from Harpers Ferry Water Works and Harpers Ferry-Bolivar Public Service District if this service has not been previously provided to the main structure.

(e) Documentation Requirements. Permit applications under this section must be accompanied by specifications and drawings and plot plans of all items listed in (a) through (d) above, and in conformance with the Planning and Zoning Ordinance with building and floor plans drawn to scale as set forth in the Planning and Zoning Ordinance.  
(Ord. 7-15-87; Ord. 9-18-90; Ord. 7-20-00.)

**1715.08 APPLICATION REVIEW.**

All applications for permit shall be received by the Zoning Administrator and shall follow the procedures as set forth in the Planning and Zoning Ordinance.  
(Ord. 7-20-00.)

**1715.09 PERMIT DISPLAY, TIME LIMITS AND RENEWALS.**

(a) Display of Permits. Permits must be displayed in a conspicuous place upon the premises during prosecution or existence of the work or use change authorized herein. A permit has a time limitation of one year and may be renewed by submission of application fee and review as set forth above.

(b) Expiration of Permits Issued Before July 14, 1987.

\_\_\_\_\_ (1) Construction under all permits outstanding at the time of the effective date of this section (July 14, 1987) and/or issued under the terms of the previous ordinance which this section amended as of the date of July 14, 1987, shall be commenced within 90 days of the effective date of this amendment or submission of application for a new permit and review, under this section as amended shall be required.

(2) Such construction shall be completed within one year of the effective date of this amendment or submission of application for a new permit and review, under this section, as amended, shall be required.

(Ord. 9-18-90.)

**1715.10 VESTED RIGHTS.**

No person, firm, partnership or corporation shall acquire any vested right to construct or alter any building by virtue of money spent or work done prior to obtaining a building permit required by the terms of this article, and shall not acquire any vested right to use any building or land for any purpose where such use is begun without first obtaining a use permit required by the terms of this article. (Ord. 7-15-87.)

**1715.11 PERMIT FEES.**

- |                      |                                    |
|----------------------|------------------------------------|
| (a) Permit fee       | \$10.00                            |
| (b) Inspection fee   | 150.00                             |
| (c) Construction fee | 10.00/\$1,000 cost of construction |
| (d) Deck inspection  | 35.00                              |
| (e) Demolition fee   | 35.00                              |

(Ord. 7-20-00.)

**1715.99 PENALTY.**

Any person or persons, firm, partnership or corporation violating any provision of this article shall be fined not more than one hundred dollars (\$100.00) for each offense. Each day for which there is a failure or refusal to comply with this article may constitute a separate and distinct offense. (Ord. 7-15-87.)

Manufactured Home Definition:

5. The definition of the term “manufactured home” provided in W. Va. Code § 21-9-2(j) (1992) (Repl. Vol. 1996) refers to mobile homes built after the enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974.

j) “Manufactured home” means a structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width and forty feet or more in length or, when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certificate which complies with the applicable federal standards. Calculations used to determine the number of square feet will be based on the structures exterior dimensions measured at the largest horizontal projections when erected on site.

(k) “Purchaser” means the first person purchasing a manufactured home in good faith for purposes other than resale.

[1988, c. 70; 1992, c. 101; 2002, c. 188.]

Editors Notes. The National Manufactured Housing Construction and Safety Standards Act of 1974 is codified generally at 42 USCS §§ 5401 et seq.

“Manufactured home.” The term “manufactured home” refers to mobile homes built after the enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974. Carr v. Michael Motors, Inc., 210 W. Va. 240, 557 S.E.2d 294 (2001).

## Regulations Regarding Signs

1323.03

PLANNING AND ZONING CODE

34

Signs: A name, identification, description, display, illustration or device which is affixed or represented directly or indirectly upon a building, structure or land and which directs attention to a product, place, activity, person, institution, or business. On and after the enactment of this Ordinance, signs in Commercial [B 1 & B2] districts shall be no larger than twenty four (24) square feet in size; signs in residential [R] districts shall be no larger than three (3) square feet in size. Both residential and commercial signs shall be professionally rendered, with a limit of one sign per building. No neon, flashing or backlit signs are permitted in the Town of Bolivar.

- (a) Sign, Business: Shall mean a sign which directs attention to a business or profession or to a commodity, service, or entertainment sold or offered upon the premises where the sign is located.
- (b) Sign, Freestanding: A sign supported by a permanent structure, other than a building, that is affixed to the earth and placed on the same parcel of land on which the business or service advertised by the sign is located.
- (c) Sign, Outdoor Advertising: Shall mean a sign structure which directs attention to a business, commodity, service or entertainment not necessarily conducted, sold, or offered upon the premises where such sign is located. These types of signs are not permitted in the Town of Bolivar.

**State and Federal Requirements, ADVISORY NOTES**

The following is a short list of Federal and State requirements which, among others, the builder may be expected or required to meet. Copies of these regulations may be obtained from the Bolivar-Harpers Ferry Public Library or the Shepherd College Library.

1. Wetlands protections, if you are within 3 miles of wetlands. See the water map on page 20. Requirements of the following, without limitation, must be met:

- U. S. Fish and Wildlife Service
- National Park Service
- U.S. Army Corps of Engineers

2. Storm water management near park lands and sensitive wetlands

- U.S. Army Corps of Engineers

3. Drainage and runoff that affects water quality must be calculated. See these regulations:

- Shenandoah River/Potomac River/ Chesapeake Bay Watershed
- WV Dept of Environmental Protection and U.S. EPA
- Commerce Department (commercial fisheries)
- Chesapeake Bay Watershed Commission
- State of Virginia
- State of Maryland

4. There must be zero impact on park lands

- See Section 4(f) (1) (2) of the USDOT Act

Wherever federal moneys are negatively impacted or where there are federal or state properties, parks, roads or historic byways that affect the historical environment:

- See Section 106, Historic Preservation Act of 1966 (periodically updated)
- West Virginia State Regulations

5. Water quality

- DNR (Department of Natural Resources)
- DEP (Department of Environmental Protection)
- U.S. Corp of Engineers
- Runoff - increased runoff into highway structures
- WVDOT (Department of Transportation)
- Access to state highway - driveways
- WVDOH (Department of Highways)

Each builder/owner is responsible for contacting the appropriate Federal or State agencies to determine if the prospective building project qualifies for agency inspection.