

**PUTNAM COUNTY BOARD OF ZONING APPEALS  
PUTNAM COUNTY COURTHOUSE, ROOM 221  
Thursday, March 21, 2024  
SPECIAL MEETING**

**MINUTES**

The Putnam County Board of Zoning Appeals held a special meeting on Thursday, March 21, 2024, at 6:45 p.m. in the Putnam County Courthouse, Room 221.

Meeting called to order by at 6:45 p.m. followed by the Pledge of Allegiance.

Roll call was taken and a quorum present.

Regular members present: Tony Hodge, Robert Stonestreet, Jared Tully

Members absent: Jessie Parker Jr., Mike Steorts

Court Reporter present: Luanne Jividen

Staff present included: David Coll, Melissa Sargent, Denise May

Others present who signed: Emily Watson, Charles Tabor, Kimberly Mason, Elizabeth M. Kerns & Jeffrey S. Kerns, John & Kim Taylor, Barbara & Steve Christo, Mary Huff, Lisa Raines, Lisa & Clarence Pruitt, Tom & Trudy Giesey, Paul Smith, Matt Shelton, Jimmy Parker, Sam Chaber

*Election of Officers: for the 2024 year – Tony Hodge made a motion to move to bottom of Agenda, seconded by Robert Stonestreet. Motion carried.*

***Current Officers:***

**President:** Jared Tully  
**Vice-President:** Robert Stonestreet  
**Secretary:** Tony Hodge

**MINUTES**

The minutes of December 4, 2023, were reviewed. A motion was made by Tony Hodge and seconded by Robert Stonestreet to approve the minutes. The motion carried.

**CITIZEN CONCERNS**

There were no citizens concerns.

### ***Disclosure of Conflict***

No board member disclosed a conflict of interest.

### ***Public Hearing***

Jared Tully opened the public hearing for BZA-Variance Request 2024-01. Staff presented the Summary document.

**BZA VAR 2024-01:** Parker Brothers Properties, LLC has submitted a Zoning Variance application for parcel 18 of tax map 224. Two variances are requested—One from Article 600.05A and one from Article 1200.02E of the zoning ordinance.

- This zoning Article 600.05A requires the minimum secondary front setback to be 10 feet. The applicant proposes 8.48 feet instead of 10 feet.
- This Article 1200.02E requires no parking in the front setback. The applicant proposes two parking spaces in a front setback.

***Applicant comments:*** Matt Shelton- New River Engineers representing- Parker Brothers Properties.

Mr. Shelton stated he would like to clear up a few things that were being discussed on the access coming off Dawn Heights, which is a DOH road, Dawn Heights right of way is 40 feet from the back side of our property throughout the rest of the subdivision & additionally 12 1/2 feet wide from the back of our property to Teays Valley Road. Mr. Shelton stated the applicant had been in contact to purchase the right of way from DOH they advised us that will not be allowed, that is why we are requesting the variances. Mr. Shelton stated they had been in talks with the DOH regarding the right of way to access our property from Teays Valley Road, they recommended access off Dawn Heights. Mr. Shelton stated the intended use for the building would be an Embroidery Shop, and to move our office here from Charleston, New River Engineers, we have approximately 10 employees and not a lot of traffic comes in and out of our office, stated that time line to start would be a few months, trailer to be sold, house will be torn down, will still need to apply for permits & final site plans. Mr. Shelton stated that if variance isn't approved, they more than likely will not be able to build on the site.

***Public comments:***

- Elizabeth Kerns- 135 Dawn Heights, Scott Depot, WV 25560  
Mrs. Kerns stated that she lives at the top of the road, only 1 car can enter or exit the subdivision at a time. Exhibit 1- papers showing when state road took over maintenance of road, concerned with the school pickup and drop off if they use our access, it will create more traffic. Mrs. Kerns stated the last time DOH did anything to their road was back in 2016, also concerned with the 40 houses this is our only way to get in and out of our road, then stated that Scott Teay's Elementary School speed zone sign is right past our entrance, in the morning and evenings everyone is saying

traffic, traffic, traffic. Mrs. Kerns stated we can't stop the building, but we do wish not to have them use our access to get into their parking lot from our residential road. Mrs. Kerns stated this is going to be more of a hindrance to us getting in & out of our entrance.

- Charles Tabor- 107 Dawn Heights, Scott Depot, WV 25560  
Mr. Tabor stated he wanted to reiterate what Mrs. Kerns said, with the variances that puts the parking where our kids catch the bus and are dropped off. Mr. Tabor stated that they live in a family neighborhood, kids riding bikes up and down the street, biggest concern is the safety of the children, this will create more traffic, could be 10 more cars each day, right where kids get on and off the bus, what about the overflow of parking? Mr. Tabor stated this will be in the street where our kids are going to get picked up off the bus.
- Kimberly Mason- 136 Dawn Heights, Scott Depot, WV 25560  
Mrs. Mason stated that she wanted clarification, I understand we are only addressing the two variances as they are requesting. Mrs. Mason stated she doesn't understand why a business would access through Dawn Heights Road and not Teays Valley Road like all the surrounding businesses. Stated this is all residential property, no sidewalks. Mrs. Mason stated this is where people park to have their kids picked up off the bus, it's just unsafe for the kids to be standing on the corner, also stated she is just confused on the whole entrance, Mrs. Mason stated they were to be put on a maintenance schedule for the road, but hasn't been done, just more traffic and damage to the road. Mrs. Mason stated that at the Dawn Heights entrance sign is where the kids stand to be picked up, stated it's really frustrating to come experience this, we just found out about last week, stated I know it meets the criteria if there weren't a variance we wouldn't have known this could have been constructed but its frustrating. Mrs. Mason believes if you allow the variances, there are so many that have issues with it. Mrs. Mason stated that this is right were the bus stop is, if you Exhibit B- (Attachment) the kids get picked up and dropped off right at the sign- Dawn Heights.
- Trudy Giesey- 121 Dawn Heights, Scott Depot, WV 25560  
Mrs. Giesey stated that she has two issues to reiterate what most people have already said so far about the traffic, main concerns are the children which has been addresses and my second concern is emergency vehicles cannot access our road, she stated she had personally in the past year had 3 instances where I almost died, if there is more traffic parked along the road they will not be able to get in, and with new business that will be 10 more cars where will everyone park?
- Paul Smith- 103 Dawn Heights, Scott Depot, WV 25560  
Mr. Smith stated I'm the one who's going to be really affected, I live right across the street from the property, on the other side. Mr. Smith stated he will more or less be looking at the building but that doesn't bother him, I don't care if they build a 10 story high but they are going to take my parking spaces, which means I only have the 2 for my house, and if anyone comes to visit they will have no place to park, they will be taking all up at the parking spaces so that is going to shut me off from that. Mr. Smith stated if I ever go to sell my house, I only have 2 parking spaces. Mr. Smith stated that his house is tm 224B, p 102 on ATTACHMENT D of the Summary. Mr. Smith stated his main problem is with the parking, he is retired, watches the kids walking up to the bus stop they

are at the very end of the highway, waiting to catch the bus in the road, it's very dangerous, if you have other cars coming in that really don't belong as far as living in there, you have more chance of somebody getting hurt so that is a worry, Mr. Smith stated that he does park on the road on Dawn Heights stated we all park on same side of the road, Attachment D, that is my white truck.

- Kim Taylor- 104 Dawn Heights, Scott Depot, WV 25560  
Mrs. Taylor stated that she was the original house in the neighborhood, stated watched people come and go all the way down the road, watched it grow, when we moved in, I had a 7-month-old baby girl, now I have 7 grandchildren, Mrs. Taylor stated she doesn't really understand all this but just worry about the safety of the children, when I was younger and had my babies, I would but myself in the middle of the road because we all are telling you guys about you can't get in and out at the same time, can't have someone sitting on Dawn Heights to turn and someone come in to turn, stated she has caused a lot of break squealing in my time. Mrs. Taylor stated that as far as Homeowners Association we never had one, we didn't go to somebody's house and have coffee & talk about it, I will have been there 45 years in October. Mrs. Taylor stated that this would take away from our little Community, its moms, dads, kids and puppy dogs, its bicycles, drones, my feelings are if put this in and this is just mine you know that turns into a strip mall. Mrs. Taylor stated they were the first ones there to watch it all grow, from what I understand they will have a family business, 10 parking spots, I hope you know that we will deal with whatever the good Lord happens to give us to deal with.
- Steve Christo- 102 Dawn Heights, Scott Depot, WV 25560  
Mr. Christo stated that he wanted to speak regarding Section 1500 drainage & water there has been no mention of that so far, the slope on the property goes east & south so which kind of comes back towards my property. Mr. Chaber, I don't know if he has spoken yet, but his property goes to the east side of this property, Mr. Chaber has a garage apartment and the property basically drops off, so not sure how they are going to control the water? Mr. Christo stated we don't want it coming towards Dawn Heights, Dawn Heights has had flooding before over the years. Mr. Christo to speak section 1200 – parking, we don't know how many employees are going to be there and the number employees can change, this company can move out then someone else moves in it could become a call center and they could have 30 employees, Mr. Christo stated you just can't control those types of things by a variance, my over all thought is that the lot is just too small for what they want to do. Mr. Christo stated that he does agree that they should enter thru Dawn Heights, sorry but in & out thru Teays Valley Road that was granted when Route 35 came into Teays Valley and those commercial properties on the south side were all much wider and deeper, this property where the barber shop was is just a small property. Mr. Christo stated that he agrees with safety of the children.
- Barbara Christo- 102 Dawn Heights, Scott Depot, WV 25560  
Mrs. Christo- stated that she is the first residential building when you come into Dawn Heights on the left so the water or whatever if there are problems will be ours, but that isn't really what I want to impress upon you gentlemen that we are a subdivision, we only have 1 way in and 1 way out. Mrs. Christo stated we have children skateboarding, skating, and playing in the water puddles,

all that stuff, just really concerned about the traffic and them at the bus stop. Mrs. Christo stated about a month ago a kid was getting off the bus in the road there was a grate missing, long story short he fell in the hole, it had been gone, so I'm just more worried about the children than the building or anything well also that parking because of where I live, I hope that you reconsider that we are a subdivision & we have children & grandchildren are very concerned about the bus stop at the end of the street, isn't anywhere else the bus can stop. Mrs. Christo stated that she has lived there 43 years, just friends with everybody, we all look out for each other.

- Mary Huff- 131 Dawn heights, Scott Depot, WV 25560  
Mrs. Huff stated that most everyone has already touched on the safety of the children, another issue is not enough room for police, fire truck or ambulance, sometimes they must back down the street, with parking, and added traffic this could soon be a bigger issue, Mrs. Huff stated that she has lived here for 27 years, I have raised my kids here, I took over walking out in the street to protect our children, at our house we raised 3 sons at 1 point we had 5 cars, looked like a small used car lot for our family.
- Sam Chaber-6270 Teays Valley Road, Scott Depot. WV 25560  
Mr. Chaber stated that he doesn't live in Dawn Heights, but he does advocate for them, Mr. Chaber stated he has property on each side parallel with his property, has a garage apartment that he rents out that floods even though there is grass there, water just runs to my garage and my crawl space in my house which I have sump pumps in both places, which isn't the big issue, Mr. Chaber stated the big issue is the families that live in Dawn Heights concerning when the bus stops there I watch because I have a shop Sam's hair design across the street on Teays Valley Road & Anna's Alterations next to me. Mr. Chaber stated the property is low, what is why the rain comes down on my property. Mr. Chaber stated that when I see the buses in the morning and evenings in the afternoon between 2-4 between the Elementary and the High Schools stopping there some go to Dawn Heights, some to Rose Hill don't need anymore traffic it's a residential area, gentlemen I again support new business in the valley, I purchased it 40 years ago my house and turned into a hair salon, my top priority is to maximize property use & parking. Mr. Chaber stated the entrance to Dawn Heights to allow parking on Teays Valley Road frontage, cause of employees and so forth, but the most important thing you guys need to consider is the safety for the families and their kids, I think this meeting should take place at Barry's Barbershop parking lot so you can have a visual many people can read maps, but you need to see the proposal, be there are 7:00 in the morning and 2:00-4:00 in the afternoon, have been a lot of close calls, a couple of times have been a car run into various signs which is on the entrance of the stop sign at Dawn Heights, Mr. Chaber stated people had hit Barry's barber shop. Mr. Chaber stated you must react fast in the heavily traveled road, people don't follow the speed limit most of the time, safety is the top priority. Mr. Chaber stated that he has been there since 1986, so if you all can address that and take care of it more power to you, we will welcome him to the community, you all really need to see the proposal it's good on the map, but you have got to be there and see that traffic. Mr. Chaber stated this is a heavily traveled road, the number priority is safety.

Jared Tully closed the public hearing.

***Deliberation and Action***

Discussion ensued with a question answer session.

***Motion to Adopt Factual Record & Finding of Facts***

A motion was made by Robert Stonestreet and seconded by Tony Hodge to adopt as its Factual Records the staff summary report as well as testimony given by witnesses and staff and exhibits. All in favor with a 2-0 yes votes, Robert Stonestreet & Tony Hodge. The motion carried.

***Findings of Fact in Support of Decision for the Variance Requests-Article 1200.02E Parking***

The Board of Zoning Appeals made the following Findings of Fact regarding the specific criteria set forth in the Zoning Ordinance.

1. The variance will not adversely affect the public health, safety, welfare, or the rights of adjacent property owners or residents. *Robert Stonestreet believes the answer is “no” that it might just be inconvenient to the applicant.*
2. The variances arise from special conditions or attributes which pertain to the property for which a variance is sought, and which were not created by the person seeking the variance. *Robert Stonestreet believes the answer is “no” for reasons stated above that they could do without the 2 spots.*
3. The variance would eliminate unnecessary hardship and permit a reasonable use of the land. *Robert Stonestreet believes the answer is “no” the applicant through it’s expert stated they could live without the 2 parking spaces.*
4. The variance will allow the intent of the zoning ordinance to be observed and substantial justice done. *Robert Stonestreet believes the answer is “no” for reasons that were discussed above.*

***Motion for Board of Zoning Appeals Action***

Motion was made by Robert Stonestreet and seconded by Tony Hodge to **deny** the application (to allow two parking spaces in front setback) for the reasons presented above. All in favor with 2-0 yes votes, Robert Stonestreet & Tony Hodge to **deny** additional parking. Motion carried.

***Findings of Fact in Support of Decision for the Variance Requests-Article 600.05A- Setbacks***

The Board of Zoning Appeals made the following Findings of Fact regarding the specific criteria set forth in the Zoning Ordinance.

1. The variance will not adversely affect the public health, safety, welfare, or the rights of adjacent property owners or residents. *Jared Tully believes the answer is "yes" Mr. Tully stated the variance itself is not affecting the public health safety, welfare.*
2. The variances arise from special conditions or attributes which pertain to the property for which a variance is sought, and which were not created by the person seeking the variance. *Robert Stonestreet believes the answer is "yes" Mr. Stonestreet stated for reasons discussed they need the extra space to be able to build. Motion carried.*
3. The variance would eliminate unnecessary hardship and permit a reasonable use of the land. *Robert Stonestreet believes the answer is "yes" the applicant wouldn't be able to build their building & do business the way they want. Motion carried.*
4. The variance will allow the intent of the zoning ordinance to be observed and substantial justice done. *Robert Stonestreet believes the answer is "yes" for reasons to create a buffer for the road, & not building right on the street. Motion carried.*

***Motion for Board of Zoning Appeals Action***

Motion was made by Robert Stonestreet and seconded by Jared Tully to **approve** the application of (setback of 8.48 ft not 10 ft ) for the reasons presented Summary document and Findings of Facts & members statements. All in favor with 2-1 yes vote, Jared Tully & Robert Stonestreet, no- Tony Hodge. Motion carried.

***Motion to Approve Orders and Authorize President to Execute Order***

Motion was made by Jared Tully and seconded by Robert Stonestreet to prepare 2 new orders & authorize the president to sign. 2 to 1 yes vote, Jared Tully & Robert Stonestreet, no- vote Tony Hodge. Motion carried.

- BZA VAR 2024-01 WHEREAS, Parker Brothers Properties, LLC requested **a variance to allow two parking spaces in a front setback**. Property located at 6250 Teays Valley Road in Scott Depot, WV (TM 224, P 18); THEREFORE, the aforementioned Application is hereby **denied**. The Findings of Fact contained on the record are hereby APODTEED and INCORPORATED BY REFERENCE.  
IT IS SO ORDERED on 21<sup>ST</sup> DAY OF March 2024  
ENTERED THIS 27<sup>TH</sup> DAY OF March 2024
- BZA VAR 2024-01 WHEREAS, Parker Brothers Properties, LLC requested **a variance to reduce the minimum setback of 10 feet to 8.48 feet**. Property located at 6250 Teays Valley Road in Scott Depot, WV (TM 224,P 18); THEREFORE, the aforementioned Application is hereby **approved**. The findings of Fact contained on the record are hereby ADOPEED and INCORPORATED BY THE REFERENCE.  
IT IS SO ORDERED on 21<sup>st</sup> day of March 2024  
ENTERED THIS 27<sup>TH</sup> DAY OF March 2024

**STAFF REPORT**

The next available meeting date is Thursday, April 11, 2024, at 6:30 pm. ( at this time no Agenda)  
Mr. Coll presented the Annual Report & Draft of the Comprehensive Plan 2024.

**UNFINISHED BUISNESS**

*Election of Officers: for the 2024 year*

*Current Officers:*

**President:** Jared Tully  
**Vice-President:** Robert Stonestreet  
**Secretary:** Tony Hodge

Motion was made by Jared Tully and seconded by Robert Stonestreet to keep same Slate of officers for 2024 as was 2023 as stated above. All in favor-yes, Motion carried.

**NEW BUSINESS**

There was no new business.

**ADJOURNMENT**

Motion was made and seconded to adjourn.

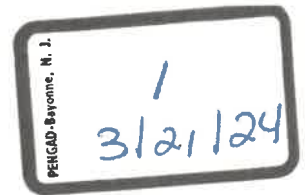
Respectfully submitted:  \_\_\_\_\_  
Secretary

Minutes were approved: 6/26/2024

Attested by:  \_\_\_\_\_  
Presiding Officer



STATE OF WEST VIRGINIA  
OFFICE OF THE GOVERNOR  
CHARLESTON 25305



CECIL H. UNDERWOOD  
GOVERNOR

December 20, 2000

Ms. Elizabeth Kerns  
135 Dawn Heights  
Scott Depot, West Virginia 25560

Dear Ms. Kerns:

I am pleased to advise you that Dawn Heights (Route 959) has become part of the state highway system under the Home Access Roads Program, which I successfully proposed as law during the 1998 session of the Legislature. The Home Access Roads Program is intended to achieve my goal of providing maximum benefits to the taxpayers of West Virginia.

My administration recognizes that many West Virginia taxpayers reside along "orphan" roads that have not been included in the state system and, as a result, are neglected and difficult to use. The Home Access Roads Program sets forth criteria that allow the Division of Highways to include selected "orphan" roads into the state highway system. Inclusion in the state system means the Division of Highways will be able to maintain these roads and provide greater service to the people of West Virginia.

Please direct any inquiries you have regarding maintenance of the road to Paul Lyttle, highway administrator in Putnam County, at 304 558-2023. A copy of the official West Virginia Division of Highways Commissioner's Order is enclosed.

I am pleased to have been able to work through the Division of Highways to address your important concerns.

Very sincerely,

Cecil H. Underwood

CHU:j

Enclosure

THE WEST VIRGINIA DEPARTMENT OF TRANSPORTATION  
DIVISION OF HIGHWAYS  
CHARLESTON, WEST VIRGINIA

ABSTRACT  
FROM  
THE RECORDS OF THE COMMISSIONER'S ORDERS  
DATED

December 13, 2000

In accordance with provisions of Chapter 17, Article 2A, Section 8, and Chapter 17, Article 2C, Sections 1 to 3 of the Official Code of West Virginia, 1931, as amended, the Commissioner upon recommendation of the District Administrator, and with the concurrence of the Director of the Planning and Research Division, and the Statewide Orphan Road Coordinator, hereby ORDERS the ADDITION to the Home Access Roads Program (HARP) of the following ORPHAN ROAD(S) in:

PUTNAM COUNTY, DISTRICT ONE

<u>NAME OF ROAD</u>	<u>LENGTH</u>	<u>HARP NUMBER TO BE ASSIGNED</u>
DAWN HEIGHTS (SUBDIVISION)	0.28	959

Entered this 13th day of December, 2000.

DISTRIBUTION

DD  
OM  
TDP  
DR  
TCP  
DT

DISTRICT  
ONE  
COUNTY  
COMMISSION



Samuel H. Beverage, P.E.  
Commissioner  
Division of Highways

STATE OF WEST VIRGINIA  
WEST VIRGINIA DEPARTMENT OF TRANSPORTATION  
DIVISION OF HIGHWAYS, to wit:

I, Juanita R. McLane, Administrative Secretary of the Division of Highways, do hereby certify that the foregoing is a true abstract from the Orders of the West Virginia Commissioner of Highways entered of record on the 13th day of December, 2000.

Given under my hand and seal of the Division of Highways this 13th day of December, 2000.



Division of Highways



WEST VIRGINIA DEPARTMENT OF TRANSPORTATION

**Division of Highways**

1900 Kanawha Boulevard East • Building Five • Room 110  
Charleston, West Virginia 25305-0430 • (304) 558-3505

D. Alan Reed, P.E.  
State Highway Engineer

Jimmy Wriston, P. E.  
Secretary of Transportation  
Commissioner of Highways

April 11, 2022

**MEMORANDUM**

**TO:** C&H Level  
Division Directors  
District Engineers/Managers

**FROM:** Jimmy D. Wriston, P.E. *JW*  
Secretary of Transportation/  
Commissioner of Highways

**THRU:** Rita Pauley *RP*  
Assistant Commissioner

D. Alan Reed, P.E. *DR*  
State Highway Engineer

Gregory L. Bailey, P.E. *GLB*  
Chief Engineer of Operations/Deputy State Highway Engineer

**SUBJECT:** DOH 5.18 Orphan/HARP Road

The Orphan/HARP Road Policy has been revised. The revisions are summarized in Section 6.0 Change Log.

Please carefully review, share, with appropriate staff, and implement the requirements contained therein immediately.

A copy of the policy can be found at -

<https://sites.google.com/wv.gov/dot/policies/section-v-highway-operations>

If you have any questions, please contact Jacob Bumgarner, P.E. at [Jacob.M.Bumgarner@wv.gov](mailto:Jacob.M.Bumgarner@wv.gov).



# West Virginia Division of Highways Policy: Orphan/HARP Road

*Issued by the Commissioner of Highways*

Policy No: DOH 5.18

4/11/2022

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## 1.0 PURPOSE

The purpose of this policy is to establish maintenance guidance for Orphan Roads as defined in W. Va. Code §17-2C and the Home Access Road Program the Division of Highways (DOH) enacted in response. From this point forward, DOH will refer to these roads as HARP roads. HARP roads are a set of roads acquired by the DOH between June 12, 1998 (90 days from March 14, 1998) the effective date of the act, and December 31, 2001, the ending date of the act pursuant to its sunset provision in W. Va. Code §17-2C-6. HARP roads are designated on highway maps and records by a road number 9xx/xx. HARP roads are a separate set of roads, tracked separately from other DOH sign system roads contained in the official Route Inventory Log (RIL).

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## 2.0 SCOPE

This policy applies to all HARP roads under the ownership and responsibility of the DOH. All HARP roads shall be maintained in accordance with this guidance using maintenance standards and procedures utilized on all other DOH systems that have similar road surfaces, drainage systems, bridges, etc.

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## 3.0 DEFINITIONS

- 3.1 **Agency:** Any authority, bureau, commission, or Division, or similar cabinet subpart of the Department of Transportation
- 3.2 **Agency Head:** Chief executive officer of any agency
- 3.3 **Core Maintenance:** Routinely scheduled maintenance activities as defined in the DOH Administrative Operation Policy Section V Chapter 15
- 3.4 **DM:** District Manager
- 3.5 **Maintenance:** Maintenance is an activity that has the primary purpose of maintaining the functionality of the road. The activity should be required to maintain the traffic volume capacity, strength, drainage characteristics, road surface, stability of the road, traffic control devices, guardrail, etc.
- 3.6 **Road:** The term road as used herein shall have the same meaning as defined by W. Va. Code §17-1-3 which provides "[t]he words or terms 'road', 'public road' or 'highway' shall be deemed to include, but shall not be limited to, the right-of-way, roadbed and all necessary culverts, sluices, drains, ditches, waterways, embankments, slopes, retaining walls, bridges, tunnels and viaducts necessary for the maintenance of travel, dispatch of freight and communication between individuals and communities.

# Policy: Orphan/HARP Road

## WEST VIRGINIA DIVISION OF HIGHWAYS

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- 3.7 **Upgrading of Road:** Road upgrades are activities that are performed primarily for the purpose of enhancing the functionality of the road.

### 4.0 POLICY

#### 4.1 ALLOWABLE HARP ROAD MAINTENANCE ACTIVITIES

W. Va. Code §17-2C-5 states that HARP Roads were admitted for the purposes of maintenance. This policy defines maintenance as any activity that has the primary purpose of maintaining the functionality of the road. The emphasis in this policy is the intent of the activity. Maintenance activities involve a variety of work types such as placing asphalt, placing concrete, placing pipe, mowing, ditching, placing road surface materials, placing stone, drainage structure maintenance, bridge maintenance and repairs, etc. This policy distinguishes activities that are performed as the most economical solution to achieve proper maintenance and maintain existing functionality versus similar activities performed to upgrade or improve the road's functionality.

#### 4.2 HARP ROAD MAINTENANCE SCHEDULES

HARP roads are scheduled for maintenance in accordance with Maintenance Manual based on the road surface type, traffic volume, etc. as any other County Road and will be included in the respective maintenance organization's Core Maintenance Plan. They shall be ditched, patched, mowed, stabilized and resurfaced in a manner that maintains the road functionality as described above. Additional work is permissible if the documented intent is to maintain the functionality of the road and ensure the long-term maintainability of the road.

Bridges and other drainage structures on HARP roads shall be maintained utilizing the same functionality test as described above. Consistent with this policy, the emphasis shall be on the intent of the activity. Additional work is permissible if the documented intent is to maintain the functionality of the bridge or structure and ensure the long-term maintainability of the bridge or structure.

#### 4.3 HARP ROAD ADDITIONAL MAINTENANCE ACTIVITY APPROVAL

If a maintenance organization determines that a HARP road requires work (above and beyond routine maintenance) which could be classified as an upgrade or improvement, but such work only helps to economically maintain the current functionality of the road, they shall prepare a written justification for the work. This justification shall be submitted to the DM for review. Should the DM approve the justification, a copy of it shall be kept in the County Organization's files and the District's road files, then the work may be scheduled and performed.

#### 4.4 HARP ROADS REQUIRING FUNCTIONAL UPGRADES

HARP roads that have evolved in a manner where the traffic volume, type of vehicles using the road, or other external usage issues have significantly altered the functionality of the road such that a major upgrade of the road is warranted, it shall be considered as a candidate to be converted to the County Road System. If the District determines that a HARP road usage has changed to warrant a major upgrade, the District shall prepare

# Policy: Orphan/HARP Road

## WEST VIRGINIA DIVISION OF HIGHWAYS

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Revised:

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and submit an OM-79 packet through the Planning Division to the Agency Head for further review and approval.

### 4.5 SRIC OPERATIONS

HARP roads will be included in each organizations' SRIC plan and will be prioritized and treated as dictated by road surface type, ADT, Bus Route, etc.

### 4.6 FUNDING

HARP roads are part of the State Road System. Funding to perform HARP road maintenance, upgrades or other needed work will be from the maintenance organizations annual plan or other funding sources if available.

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## 5.0 RELEVANT MATERIALS/DOCUMENTS

5.1 W. Va. Code §17-2C

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## 6.0 CHANGE LOG

April 11, 2022 –

- Added traffic control devices and guardrails to 3.5 "Maintenance" definition.
- Added 3.6 "Road" definition.
- Added section 4.5 "SRIC Operations".
- Updated format of policy.

**Policy: Orphan/HARP Road**  
**WEST VIRGINIA DIVISION OF HIGHWAYS**

Policy No: DOH 5.18

Issue Date: 04/11/2022

Revised:

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**Effective Date of Policy: 04/11/2022**

Approved by:



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Jimmy D. Wriston, P.E.  
Secretary of  
Transportation  
Commissioner of  
Highways



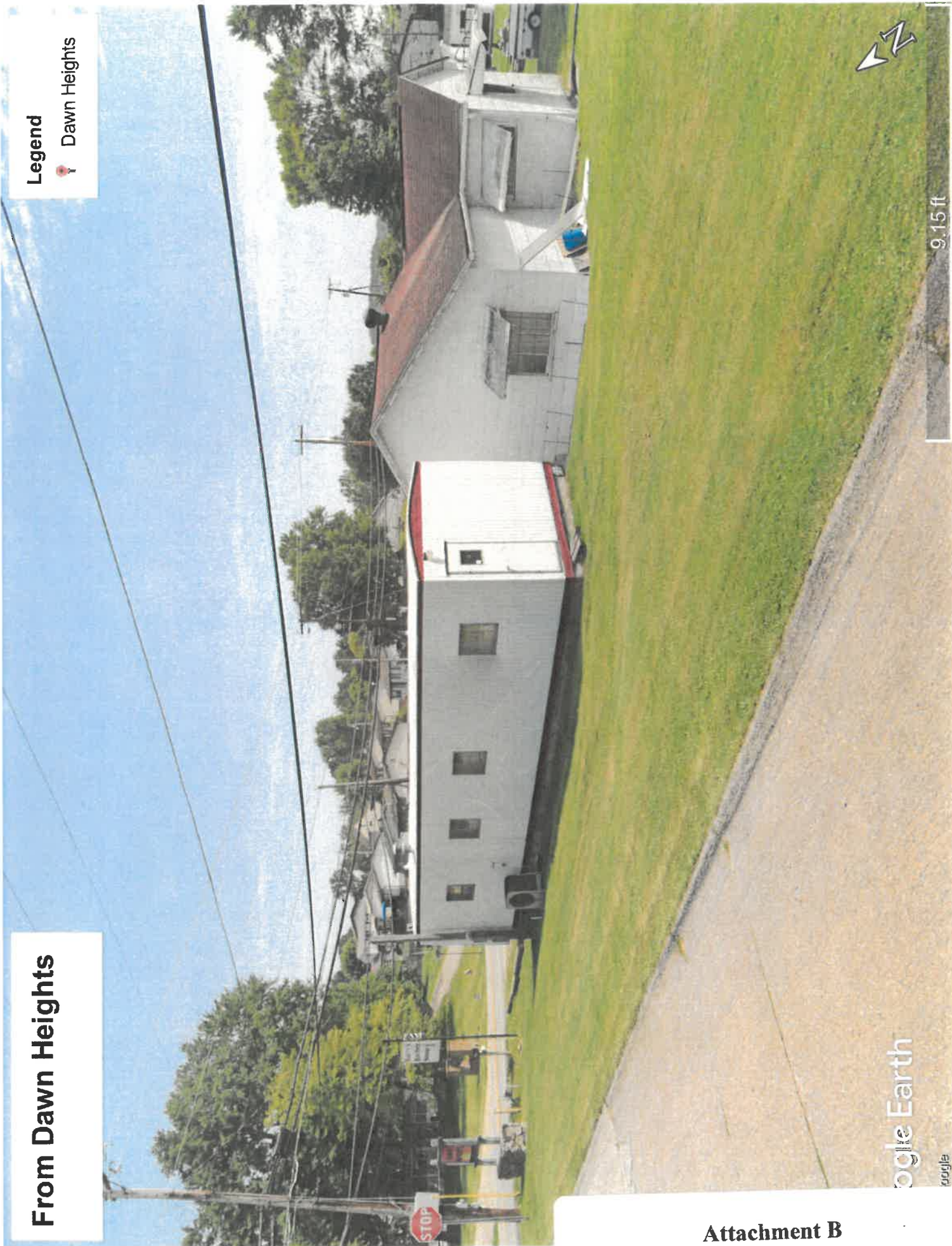
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Date

# From Dawn Heights

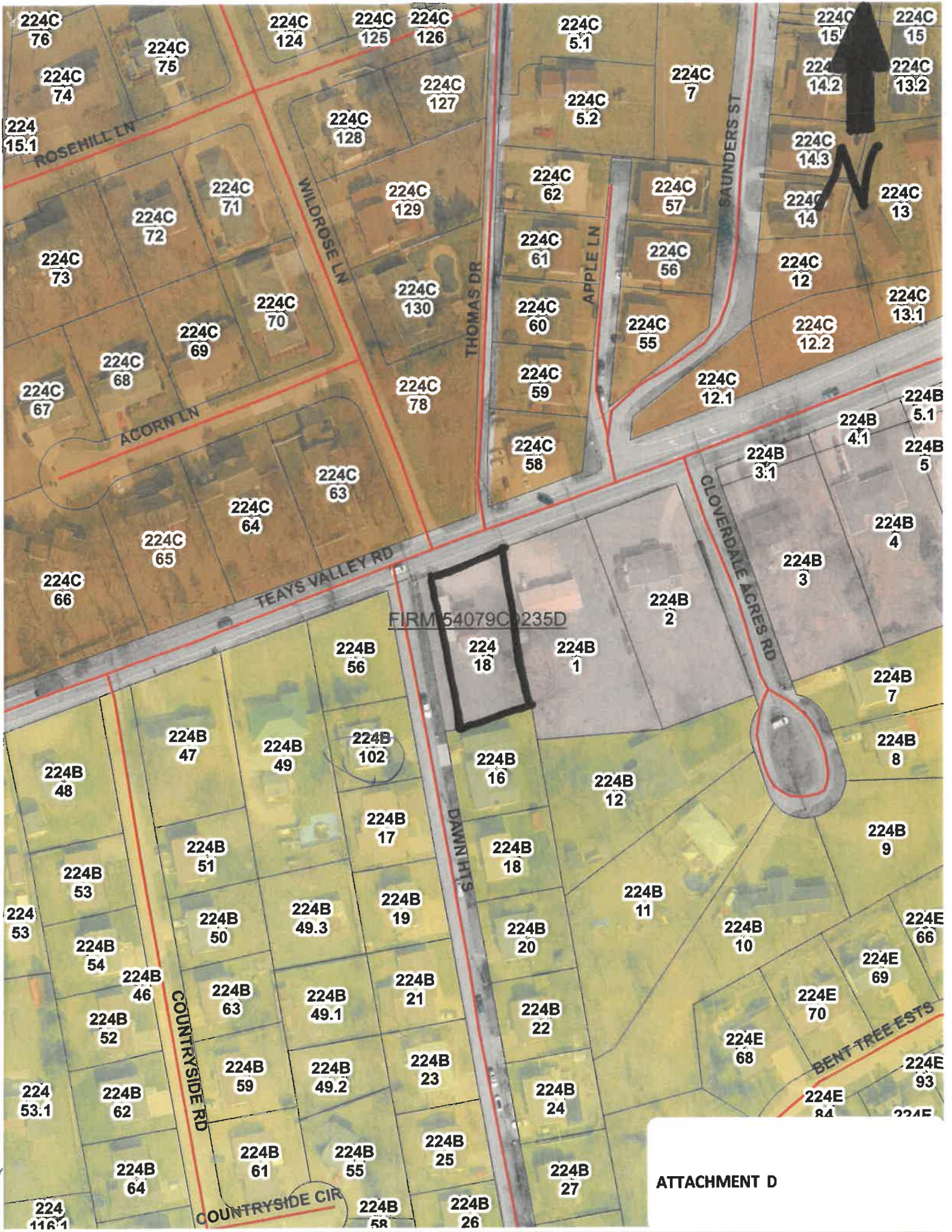
## Legend

 Dawn Heights



9.15 ft

Google Earth  
Google



ATTACHMENT D