

No. 15-1223 – *Coffman et al v. Nicholas County Commission et al*

WORKMAN, J., concurring:

I concur in the majority’s affirm of the circuit court’s grant of summary judgment on behalf of respondents and agree that the annexation by minor boundary adjustment was proper. I write separately, however, to underscore that the crux of petitioners’ grievance appears to be, not with the annexation, but with the purported use of the subject property. Given the state of record, it would appear that petitioners have residual opportunities to challenge the use of the property, to whatever extent such issues are properly presented below and/or become ripe for adjudication.

As discussed by the majority, the subject property appears to not be properly zoned, as yet, for the operation of the “salvage yard” at issue. Moreover, the circuit court’s order did not address the issues of statutory exceptions to licensing requirements, the interplay of the City of Summersville ordinance, and public nuisance. These matters were held in abeyance and the only issue presented to this Court pertains to the annexation by minor boundary adjustment, which was made fully and finally appealable by the circuit court’s order. The circuit court’s order suggests that significant factual development remains as to matters not encompassed within this appeal and which appear to more squarely vindicate petitioners’ grievances.

Accordingly, for the reasons set forth hereinabove, I respectfully concur.