

**STATE OF WEST VIRGINIA, COUNTY OF UPSHUR, CITY OF BUCKHANNON, TO WIT:**

A meeting of the Zoning Board of Appeals of the City of Buckhannon was held on July 25, 2016 at 6:00 p.m. at City Hall with the following in attendance:

Board Member	Michael Cowger	Present
Board Member	Jane Reddecliff	Present
Board Member	Marilyn Walton	Present
Board Member	Dennis Cortes	Present
Board Member	Timothy Reese	Present
Recorder	Richard Edwards	Present
Building Code Enforcement Officer	Vincent Smith	Present

**City of Buckhannon  
ZBA Meeting Attendance Record 7-25-16**

Name – Please write clearly	Street Address	Do you desire to address Council? Yes or No and if Yes, State Topic	
Gregory L. Kelley	146 Pocahontas Street Buckhannon, WV 26201	Y	N
E. Jill Kelley	146 Pocahontas St. Buckhannon, WV 26201	Y	N
John Brake	37 Marion St Buckhannon, WV 26201	Y	N
Patty Brake	"	Y	N
Chuck Smith	92 Justamore Ln. BUCK WV	Y	N
Dr. Timothy Reese	42 College Ave	Y	N
Jane Reddecliff	29 Lincoln Way	Y	N
Marilyn Walton	53 Meade St	Y	N

Noting that a quorum was present Chairman Cowger called the meeting to order at 6:00 pm.

The purpose of the meeting was advertised in the local newspaper and area residents were notified by mail as follows:

**37 Marion Street:**

Friday, June 24, 2016

Record Delta Newspaper  
P.O. Box 550  
Buckhannon, WV 26201

Dear Sirs:

Please publish the following notice as a Class II legal advertisements on the following dates:

**Friday, July 1, 2016**  
**Wednesday, July 6, 2016**

Following the publication of the attached legal advertisement, please forward your Publisher’s Certificate and Affidavit along with your Publisher’s statement to my office at City Hall.

Should you have any questions regarding this notice, please immediately contact my office at City Hall: (304-472-1651) or [amby.jenkins@buckhannonwv.org](mailto:amby.jenkins@buckhannonwv.org) Thank you for your assistance in this matter. This letter and attached legal advertisements have been faxed to your office and sent by US Postal Service.

Thank you,

Amberle Jenkins, Acting City Administrator

Enclosure:

Friday, June 24, 2016

NOTICE OF APPEAL TO ZONING BOARD OF APPEALS

Notice is hereby given that John Brake has filed with the Zoning Board of Appeals an appeal to construct a proposed 12'x 12' Addition located at 37 Marion Street in the City of Buckhannon. He has been denied a permit, since the application fails to meet Zoning Ordinance 244, Section 502C-3 which states in part, "Minimum front yard-Twenty-five feet (25')," and fails to meet Zoning Ordinance 244, Section 502C-5b which states in part, "Street side on corner lot-twelve feet (12')."

A Public Hearing in connection with the petition shall be held at City Hall, 70 East Main Street on **Monday, July 25, 2016 at 6:00 p.m. o'clock**, and all interested parties may appear and be heard.

Zoning Board of Appeals

City of Buckhannon  
70 East Main Street  
Buckhannon, WV 26201  
Zoning Permit Application  
(304) 472-1651

Identification	Owner/Lessee <b>John Brake</b>	Phone <b>304-194-1286</b>	Zoning Receipt <b>419236</b>	Date <b>6-6-16</b>
	Street Address <b>37 Marion St.</b>	City State Zip <b>Buckhannon WV 26201</b>	Zoning District <b>R2</b>	Flood Zone <b>NA</b>
	Contractor Name <b>First Class Construction</b>	License No <b>WV 020523</b>	Electrical Category (circle) <b>(A) [B1] (B2) (B3)</b>	Off Street Parking Spaces <b>0</b>
	Contractor Address <b>123 Fallingwood Circle</b>	Phone <b>304-642-7042</b>	District/Map/Parcel <b>7042</b>	Lot Size <b>0</b>

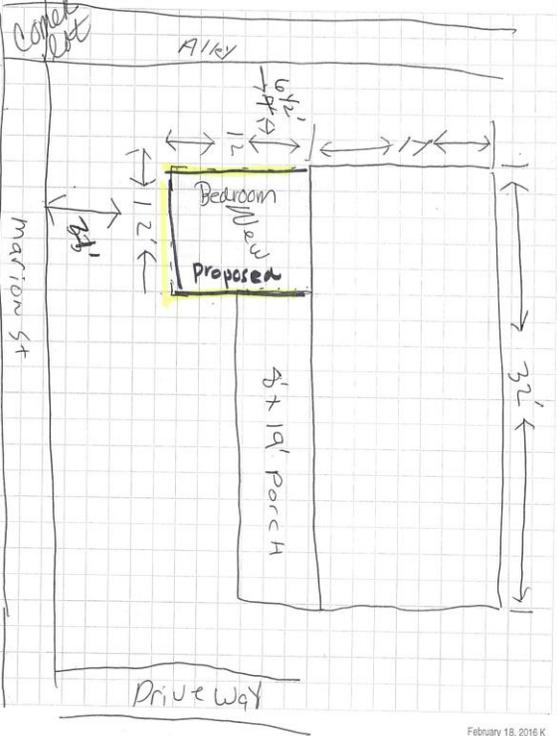
  

Improvement:	Proposed Use:	Estimated Value:	Permits Required:
<input type="checkbox"/> new building	<input checked="" type="checkbox"/> single family	Building \$ <b>14000.00</b>	<input checked="" type="checkbox"/> building #
<input type="checkbox"/> new addition	<input type="checkbox"/> multi-family	Electrical \$	<input type="checkbox"/> electrical #
<input type="checkbox"/> more than 500 sqft	<input type="checkbox"/> garage/carport	Plumbing \$	<input type="checkbox"/> water tap #
<input type="checkbox"/> replacement	<input type="checkbox"/> fence	Heating \$	<input type="checkbox"/> sanitary tap #
<input type="checkbox"/> razing	<input type="checkbox"/> hotel/motel	A/C \$	<input type="checkbox"/> storm sewer tap #
<input type="checkbox"/> relocation	<input type="checkbox"/> rental property	Other \$	<input type="checkbox"/> drainage permit #
<input type="checkbox"/> sign(s)	<input type="checkbox"/> commercial	Total Dollar Value \$ <b>14000.00</b>	<input type="checkbox"/> solid waste #
<input type="checkbox"/> other (identify) <b>12' x 12' Bedroom</b>	<input type="checkbox"/> other (identify)		<input type="checkbox"/> asbestos #
			<input type="checkbox"/> fire sprinkler tap #
* Commercial and Industrial property requires a full set of sealed plans be submitted to the WV State Fire Marshal's Office for code approval. Drainage permit required before any surface disturbance or construction activity is commenced. Failure to comply may delay permit approvals.			
<input type="checkbox"/> elevation certificate			
<input type="checkbox"/> state fire marshal approved			

Certification	I hereby certify that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as an authorized agent and as such agree to conform to all applicable laws of the City of Buckhannon and the State of West Virginia regarding this proposed project.		
	Signature <i>John Brake</i>	Address <b>123 Fallingwood Circle</b>	Date <b>June 5 2016</b>
Validation	Approved by	Reason for denial <b>Does not meet setback requirements as per zoning 244 Section 502.63 Front yard 25' will only have 21', 50dC5(b) side yard on corner lot 12' will only have 6 1/2'</b>	
	Date	Zoning Officer	Initials <b>VCS</b> Date <b>6/15/16</b>

Site Plan: In the space below prepare a diagram showing the lot dimensions, existing buildings, sidewalks and driveways. Clearly indicate the location, size, and height of the proposed structure(s) with distances to property lines in all directions. When required, show landscaping, parking spaces, surface water control, and/or sign locations. This site plan does not need to be drawn to scale but does need detail sufficient to support your application for a zoning permit. Failure to provide sufficient and accurate information may cause a delay in the processing of this application. If desired, a site plan may be furnished as an attachment to this application.

Please Note: This is an application for a zoning permit - it is NOT a building permit or an electrical permit. There will be a separate fee for and approval of those permits based upon the value of the work done and/or the number of circuits involved in the inspection process. There may also be fees due for razing which requires an asbestos inspection by a West Virginia State Certified Asbestos Inspector. Questions? Call City Hall 304-472-1651



City of Buckhannon  
70 East Main Street  
Buckhannon, WV 26201  
Zoning Variance Application  
(304) 472-1651

Identification	Owner/Lessee <b>John Brake</b>	Phone <b>941-286-4037</b>	Variance Receipt <b>421803</b>	Date <b>6-15-16</b>
	Street Address <b>37 Marion St</b>	City State Zip <b>Buckhannon</b>	Zoning District <b>R2</b>	Flood Zone <b>NA</b>
	District/Map/Parcel			

Instructions: An appeal for a variance from the City of Buckhannon Zoning Code requires the completion of this application within 90 days of the denial of your zoning request plus a fee of \$30. The fee is to offset the cost of legal advertisements, notification of area residents, and the processing of your appeal for a public hearing. Zoning appeals are typically scheduled on Tuesday evenings at 7pm in the Council Chambers at City Hall. The actual date of the hearing is determined by state law and you will be notified in writing of the scheduled hearing. You or someone representing you should appear at the hearing to explain your request and to be available for possible questions by the members of the Zoning Board of Appeals. Please understand that multiple appeals may be heard on the same evening. Typically the Zoning Board of Appeals reaches a decision at the meeting and you will be aware of the decision.

Reason for the request of a zoning variance:

**Does not meet setback requirements as per zoning 244 Section 502. Front yard 25' will only have 21', Side yard on corner lot 12' will only have 6 1/2'**

Certification	I hereby certify that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as an authorized agent and as such agree to conform to all applicable laws of the City of Buckhannon and the State of West Virginia regarding this proposed project.		
	Signature <i>John Brake</i>	Address <b>37 Marion St</b>	Date <b>6-15-16</b>

**VARIANCE – List of Property Owners 37 MARION STREET**

- 140 Pocahontas St
- 145 Pocahontas St
- 146 Pocahontas St
- PO Box 669
- 48 Boggess St
- 139 Camden Ave
- 141 Camden Ave
- 145 Camden Ave

June 28, 2016

Property Owner  
37 Marion St  
Buckhannon WV 26201

**NOTICE OF PUBLIC HEARING FOR A ZONING VARIANCE**

To Whom It May Concern:

The Zoning Board of Appeals is hereby notifying area property owners that John Brake has filed with the Zoning Board of Appeals an appeal to construct a proposed 12'x 12' Addition located at 37 Marion Street in the City of Buckhannon. He has been denied a permit, since the application fails to meet Zoning Ordinance 244, Section 502C-3 which states in part, "Minimum front yard-Twenty-five feet (25')," and fails to meet Zoning Ordinance 244, Section 502C-5b which states in part, "Street side on corner lot-twelve feet (12')."

A Public Hearing in connection with the petition shall be held at City Hall, 70 East Main Street on **Monday, July 25, 2016 at 6:00 p.m. o'clock**, and all interested parties may appear and be heard.

If you wish to comment or have questions regarding the proposed variance, you are welcome to attend the public hearing. Or, if desired, you may send a signed, written comment concerning this proposed variance to: Zoning Board of Appeals, Buckhannon City Hall, 70 East Main Street, Buckhannon, WV 26201, ATTN: Zoning Officer.

Further, any person aggrieved by any decision of the Zoning Board of Appeals may appeal, within thirty days to the Circuit Court of Upshur County as provided by the laws of the State of West Virginia. If you have questions concerning zoning requirements or the information presented in this notice, please contact City Hall.

Vincent Smith Building Code Enforcement Officer

Chairman Cowger explained the purpose of the meeting as:

Public Hearing for a permit denial by the Zoning Officer, Vincent Smith regarding 37 Marion Street. Permit was denied per Zoning Ordinance 244, Section 502C-3 & 502C-5b . Mr. Smith explained the Ordinance and the reasoning for denial.

Mr. Cowger recognized Mr. John Brake to discuss his appeal to the Board. Mr. Brake believes that this variance should be considered because of other variances in the neighborhood have been approved previously. Mrs. Walton and Mrs. Reddecliff discussed that this variance was appropriate.

After further discussion and upon,

**Motion [Reddecliff/Walton] to Approve the zoning variance application from John Brake of 37 Marion Street to construct a 12'x12' addition.**

**Motion to approve variance was carried.**

With no further business before the Zoning Board of Appeals the Board adjourned at 6:10pm

Mayor David McCauley \_\_\_\_\_

City Recorder Richard Edwards \_\_\_\_\_