

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

A meeting of the Buckhannon Zoning Board of Appeals was held in Council Chambers at City Hall, 70 East Main on August 8, 2016 at 6:00 pm 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
Property Owner	Carrie & Craig Wallace	Present

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

Chairman Cowger explained the purpose of the meeting as:

Public Hearing for a permit denial by the Zoning Officer, Vince Smith regarding 35 Boggess Street was denied per Zoning Ordinance 244, Section 501C-3. For a 10x26' front porch addition. Mr. Smith explained the Ordinance and the reasoning for denial.

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

35 Boggess Street:

July 13, 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 15, 2016

Friday, July 22, 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 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:

July 13, 2016

NOTICE OF APPEAL TO ZONING BOARD OF APPEALS

Notice is hereby given that Carrie Short Wallace has filed with the Zoning Board of Appeals an appeal to construct a proposed 10'x 26' Covered Front Porch located at 35 Boggess Street in the City of Buckhannon. She has been denied a permit, since the application fails to meet Zoning Ordinance 244, Section 501 C3 which states in part, " Minimum front yard – Thirty-five feet (35').

A Public Hearing in connection with the petition shall be held at City Hall, 70 East Main Street on **Monday, August 8, 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

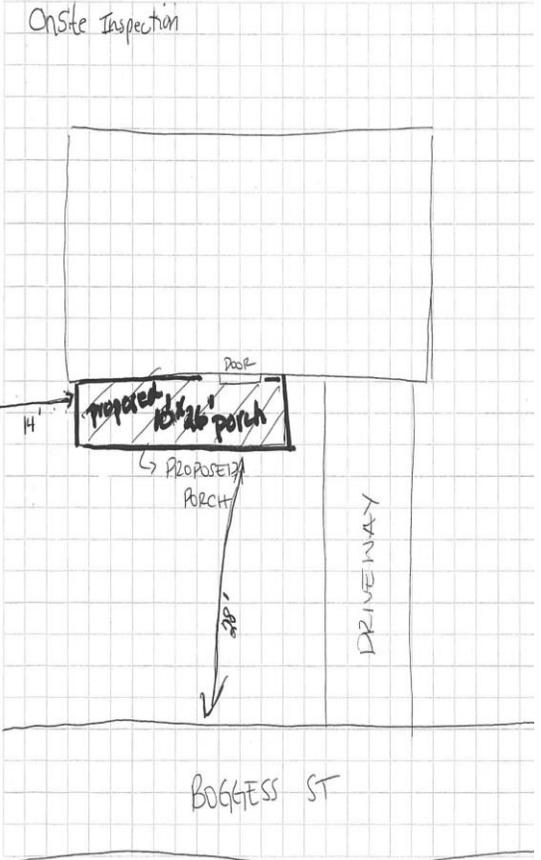
Zoning Permit Application
(304) 472-1651

Owner/Lessee Carrie Short Wallace	Phone 304-442-4521	Zoning Receipt 4727068	Date 7-11-16
Street Address 35 Boggess St.	City State Zip Buckhannon, WV 26201	Building Receipt	Date
Contractor Name Corey Rozell - Tradework	License No WV47761	Electrical Category (circle) [A] [B1] [B2] [B3]	Off Street Parking Spaces
Contractor Address WV048761	S.W. Lincoln St Buckhannon, WV 26201	Phone 304-517-7852	District/Map/Parcel

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

Improvement:	Proposed Use:	Estimated Value:	Permits Required:
<input type="checkbox"/> new building	<input type="checkbox"/> single family	Building \$	<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	<input type="checkbox"/> solid waste #
<input checked="" type="checkbox"/> other (identify) Kitchen remodel	<input checked="" type="checkbox"/> other (identify) 10x24 ft porch w/ shingles	\$42,000	<input type="checkbox"/> asbestos #
			<input type="checkbox"/> fire department #
			<input type="checkbox"/> elevation certificate #
			<input type="checkbox"/> state fire marshal approved



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 Carrie Y. Wallace	Address 35 Boggess St. Buckhannon, WV 26201	Date 7/11/16
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Approved by	Reason for denial
	Section 501 C-3
Zoning Officer	
Date	Initials _____ Date

May 2, 2016 K

City of Buckhannon
70 East Main Street
Buckhannon, WV 26201

Zoning Variance Application
(304) 472-1651

Owner/Lessee Carrie Short Wallace	Phone 4727132	Variance Receipt 71116	Date
Street Address 35 Boggess St	City State Zip Buckhannon WV 26201	Zoning District R1	Flood Zone
		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:

Minimum front yard Requirements (35')

Section 501 C-3

VARIANCE - List of Property Owners 35 Boggess Street

- 32 Boggess St
- 33 Boggess St
- 36 Boggess St
- 38 Boggess St
- 41 Boggess St
- 50 W Lincoln St

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 Carrie Y. Wallace	Address	Date
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July 13, 2016

Property Owner
38 Boggess Street
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 Carrie Short Wallace has filed with the Zoning Board of Appeals an appeal to construct a proposed 10'x 26' Covered Front Porch located at 35 Boggess Street in the City of Buckhannon. She has been denied a permit, since the application fails to meet Zoning Ordinance 244, Section 501 C3 which states in part, " Minimum front yard – Thirty-five feet (35').

A Public Hearing in connection with the petition shall be held at City Hall, 70 East Main Street on **Monday, August 8, 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

- Mr. Cowger recognized Craig and Carrie Wallace to discuss the appeal to the Board. The Board 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. Chairman Cowger asked if there were any objections received by correspondence. None being submitted, and with no objections,

After further discussion and upon,

Motion [Reddecliff/Walton] to Approve a zoning variance permit for the property at 35 Boggess Street.

Motion to approve variance was carried.

With no further business before the Zoning Board of Appeals the Board adjourned at 6:08 p.m.

Chairman Michael Cowger

City Recorder Richard Edwards