

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 October 25, 2017 at 5:00 pm with the following in attendance:

Board Member	Michael Cowger	Present
Board Member	Jane Reddecliff	Present
Board Member	Richard Clemens	Present
Board Member	Mark DeFoe	Present
Board Member	Timothy Reese	Present
Assistant Recorder	Amberle Jenkins	Present
Building Code Enforcement Officer	Vincent Smith	Present

Guests: Ray and Shelia Sines.

Noting that a quorum was present Chairman Cowger called the meeting to order at 5pm.

9 Academy Street- Ray & Shelia Sines:

The following notice was published in the local newspaper and information was sent to area properties:

Monday, October 30, 2017

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:

Wednesday, September 27, 2017
Wednesday, October 4, 2017

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
Director of Finance & Administration

Enclosure:

September 22, 2017

NOTICE OF APPEAL TO ZONING BOARD OF APPEALS

Notice is hereby given that Ray Sines has filed with the Zoning Board of Appeals an appeal to construct a proposed 11'7" x 13'6" extension to existing carport to convert into a garage located at 9 Academy Street in the City of Buckhannon. He has been denied a permit, since the application fails to meet Zoning Ordinance 244, Section 501C-5a which states in part, "Side yards requirement- Twenty feet (20'), total; Seven feet (7'), minimum per side, because the lot is only Seventy feet (70') wide."

A Public Hearing in connection with the petition shall be held at City Hall, 70 East Main Street on **Wednesday, October 25, 2017 at 5:00 p.m.** o'clock, and all interested parties may appear and be heard.

Zoning Board of Appeals

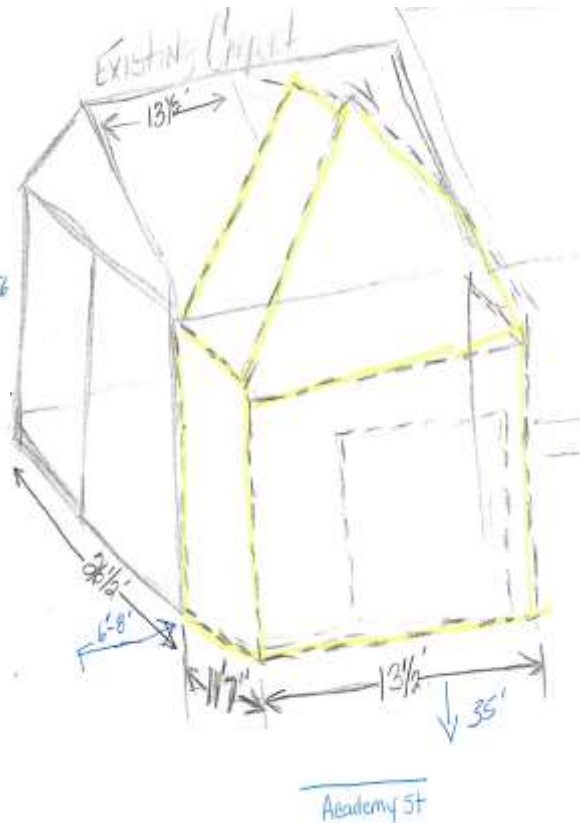
City of Buckhannon
70 East Main Street
Buckhannon, WV 26201

Zoning Permit Application
(304) 472-1651

Owner/Agent RAY SINES	Phone 304-266-7999	Zoning Receipt 516851	Date 9-11-07
Street Address 9 ACADEMY STREET		Permitting Receipt Date	
City/State/Zip Buckhannon WV 26201		Zoning District R1	Final Zone
Contractor Name Tom Peck	License No. WV007540	Electrical Category (check) <input type="checkbox"/> A <input type="checkbox"/> B1 <input type="checkbox"/> B2 <input type="checkbox"/> B3	Off Street Parking Spaces
Contractor Address 121 Randolph St.	Phone 304-613-2000	Decor/Map/Parcel	Lot Size 26x25x101x20x6

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/porch	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	AC \$	<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 \$ 16,000	<input type="checkbox"/> solid waste *
<input type="checkbox"/> other (identify)	<input type="checkbox"/> other (identify)		<input type="checkbox"/> asbestos *
Extension to Existing Carport to convert into a garage 10' x 14' 6"			<input type="checkbox"/> fire sprinkler tap *
Commercial and industrial property requires a full set of scaled 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 approval.			<input type="checkbox"/> elevation certificate
			<input type="checkbox"/> state fire marshal approved
			<input type="checkbox"/> FEMA - equipment structures

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 Ray Sines	Address 9 Academy Street	Phone 304-266-7999	Date 9-11-2007



City of Buckhannon
70 East Main Street
Buckhannon, WV 26201

Zoning Variance Application
(304) 472-1651

Owner/Agent Ray Sines	Phone 304-266-7999	Variance Receipt 516851	Date 9-11-07
Street Address 9 Academy Street		Zoning District R1	Final Zone
City/State/Zip Buckhannon WV 26201		Decor/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:

Existing Carport does not meet side yard set back requirements

See attached's

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 Ray Sines	Address 9 Academy Street	Phone 304-266-7999	Date 9-11-2007
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 Ray Sines	Address 9 Academy Street	Phone 304-266-7999	Date 9-11-2007
Validating Certification			
Zoning Officer		Date	
Initials		Date	

9 Academy St. (Sines)

The property is in R-1 zone and according to zoning ordinance 244 it must have a 20 ft side yard total because the lot is only 70 ft wide as stated in section 501c5a. The existing carport is between 6 and 8 ft from side property line and 10 ft is required. The proposed extension on the existing carport will have the same side yard and front yard will meet the 35 ft set back requirement.

VARIANCE – List of Property Owners 9 ACADEMY STREET

- **41 Leonard Street**
- **13 Academy Street**
- **11 Academy Street**
- **7 Academy Street**
- **5 Academy Street**

September 22, 2017

Resident
7 Academy 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 that Ray Sines has filed with the Zoning Board of Appeals an appeal to construct a proposed 11'7" x 13'6" extension to existing carport to convert into a garage located at 9 Academy Street in the City of Buckhannon. He has been denied a permit, since the application fails to meet Zoning Ordinance 244, Section 501C-5a which states in part, "Side yards requirement- Twenty feet (20'), total; Seven feet (7'), minimum per side, because the lot is only Seventy feet (70') wide."

A Public Hearing in connection with the petition shall be held at City Hall, 70 East Main Street on **Wednesday, October 25, 2017 at 5:00 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

No one appeared to object to the proposal.

One letter of support received:

October 24, 2017

To Whom It May Concern,

We are writing on behalf of Ray and Shelia Sines regarding their permit for expansion of their carport. As neighbors of the Sines, and residents of Academy Street, we see no reason that the Sines request for a permit be denied. They are considerate neighbors, and this expansion would in no way be problematic for the residents of our neighborhood.

As we are unable to attend this hearing, we hope that you will take our written statement into consideration. Should you have any questions about our stance on this matter please feel free to contact us at the following numbers: Chris Sappey (304) 460-9874 and/or Krista Sappey (304) 613-5244.

Sincerely,



Housing Enforcement Officer Smith explained that the extension to the existing carport does not extend any further on the sides, but the existing carport did not meet regulations.

Mr. and Mrs. Sines explained that the garage will be used for storage.

Board Members discussed the matter and consensus was that this is a further improvement to the property.

Motion Reddecliff/Clemens to approve the request to extend and convert carport into a garage at 9 Academy Street. Motion carried.

There being no further business to be transacted, meeting was adjourned at 5:10 pm.

Chairman Michael Cowger

Assistant Recorder Amberle Jenkins