

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

A special meeting of the Buckhannon Planning Commission was held in Council Chambers at City Hall, 70 East Main Street on June 28, 2018 at 7:00 pm with the following in attendance:

Ann Livesay	Member/President	Present
Dale Shannon	Member/Vice President	Present
Amberle Jenkins	Assistant Recorder	Present
Mary Albaugh	Member/Council Rep	Present
Vincent Smith	Member/ Building Code Enforcement	Present
Christine Bennett	Member	Present
Michael McCauley	Member	Present
Catherine Cuppari	Member	Present
Pam Martin	Member	Present
Matt Kerner	Member	Present
Dean Everett	Member	Absent
Curtis Wilkerson	Member	Absent
Tom O'Neill	City Attorney	Absent

Notice & Meeting Agenda Posted 06/08/18

***City of Buckhannon Planning Commission – 7:00 pm in Council Chambers Meeting
Agenda for June 28, 2018***

A special meeting of the Buckhannon City Planning Commission will be held on June 28, 2018 at 7:00 p.m. The meeting will be held in the City Council Chambers at City Hall, 70 East Main Street, Buckhannon WV. This is an open meeting (per WV code § 6-9A-3) and all interested parties are welcome to attend.

- A. **Call to Order**
 - A.1 **Moment of Silence**
 - A.2 **Pledge to the Flag of the United States of America**
- B. **Recognized Guests**
- C. **Strategic Issues for Discussion and/or Vote**
 - C.1 **Request for the Consideration for Zoning Change of 52, 54, and 56 South Kanawha Street from R2 District to C1 District and Possible Recommendation to City Council or Scheduling the date of Public Hearing.**
- D. **Comments and Announcements**
- E. **Adjournment** POSTED 05/16/18 REVISED 06/08/18

May 16, 2018

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

Dear Sirs:

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

Wednesday, May 30, 2018
Wednesday, June 6, 2018

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 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 sent to you by US Mail and by email.

Thank you,

Amberle Jenkins
Director of Finance & Administration

Enclosure:

Notice of Special Meeting Buckhannon Planning Commission

The Buckhannon City Planning Commission will hold a special meeting on **Thursday, June 28, 2018 at 7:00 pm** in the City Council Chambers at City Hall, 70 East Main Street, Buckhannon WV 26201. The purpose of the meeting is to discuss the consideration for zoning change of 52, 54, and 56 South Kanawha Street from R2 District to C1 District.

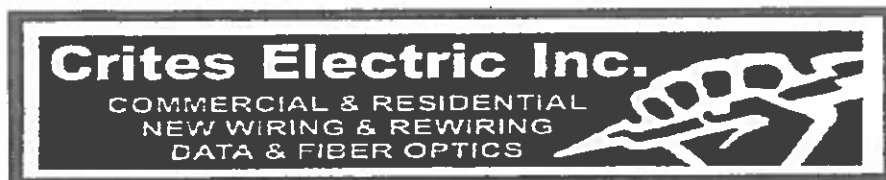
This is an open meeting (per WV code § 6-9A-3) and all interested parties are welcome to attend.

POSTED 05.16.18

The meeting was called to order by President Ann Livesay followed by a moment of silence and pledge to the flag.

The purpose of the special meeting is to discuss the consideration for zoning change of 52, 54, and 56 South Kanawha Street from R2 District to C1 District.

Vincent Smith explained that Rusty Crites (Crites Electric Inc.) wishes to tear the house down at the corner of Kanawha Street & Lincoln Street and build a garage to be used for his business located directly across the street. The two other property owners are agreeable to this. Mr. Crites plans to put up a fence between this property and Mr. Sauerwein's property. Mr. Smith commented the zoning change from R2 to C1 would also eliminate any issues the 3 property owners may have in non-compliance of R2 zoning.



April 30, 2018

Hello,

My name is Russell Crites, owner of Crites Electric located at 50 South Kanawha Street. I am writing to request a change to 52 and 52 1/2 South Kanawha Street from R to C1 zoning. I know that both 54 and 56 South Kanawha Street is on board with this change.

If granted, I will need a permit to remove the existing white house that is now on the site of 52 South Kanawha Street. The house would be removed this year after a garage is built on this site. I would also like to ask that we make this one parcel as I own both.

Thank you for looking into this matter and for taking care of this for us.

Sincerely,



Russell Crites

From: Laura Rusmisell <lrusmisell@gmail.com>
Date: April 30, 2018 at 11:37:35 AM EDT
To: vincent.smith@buckhannonwv.org
Subject: Fwd: Freedom of Information request and zoning changes

April 30, 2018

City recorder and Zoning Board:

Pursuant to the West Virginia Freedom of Information Act, I am requesting the following public records maintained by the City Recorder Office of the City of Buckhannon:

I have been contacted by the Buckhannon Zoning Officer about the issues brought up in correspondence between Chris and Annette Sauerwein and City hall where my Real Estate office at 56 S. Kanawha St. is mentioned as possibly being in violation of set back rules in the city ordinances. Mr. Smith and I have determined I am not in violation of these ordinances as I am grandfathered in.

I would like to have copies of all correspondence from the Sauerweins relating to this matter.

Mr. Smith and I discussed the possibility of re-zoning my property, Mr. and Mrs. Sauerwein's and the house owned by Crites Electric. I am perfectly fine with this zoning change if it will help resolve issues between neighbors here! I am putting this in writing and on the record.

Thanks so much, all my contact info. is below.

Let me know how much I owe for any copies made.

Sincerely,

Laura Rusmisell- Broker

Coldwell Banker Armstrong Davis Realty
58 S. Kanawha Street
Buckhannon, WV 26201

Chris and Annette Sauerwein

54 S. Kanawha St.
Buckhannon, WV 26201

May 4, 2018

Vincent Smith
City of Buckhannon

RE: Zoning Change Request

Dear Mr. Smith,

We are writing to request that our property's zoning designation at 54 S. Kanawha Street, be changed from R2 to C1. We are also requesting that the zoning of both properties on either side be revised and/or clarified in accordance with their current usage (C1).

My wife and I believe that since our property is sandwiched by two commercially used properties, and is located on a major thoroughfare adjacent to other commercially zoned properties - that the highest and best use of our plot should be consistent with allowing light commercial activity like our neighbors on either side.

When we purchased our home in 2010 with the intent of renovating it over the long term, we were under the impression that our home was already commercially zoned since it had been previously used conjunctively as business and a residence for many years prior, and as we found out later, was already taxed at a higher commercial rate (which we paid).

We recognize that an improvement in the collective zoning situation with our commercial neighbors, will legally and financially allow all of us to invest in maintenance and property improvements that will eliminate the chances of further blight and allow practical long-term usage in a beneficial manner.

As it stands now, there is little hope of me and my wife recouping any of our investment because as a residentially zoned property in a commercial setting, it is of poor market value restricted as a single family home.

My wife and I would very much like to continue to invest our time and resources wisely in the further restoration of our home (which we believe has historic value) - in a thoughtful and aesthetic manner that will benefit the value of the adjoining properties, and also the neighborhood appearance along Rt. 20 entering the downtown area.

We are at the point that further investment in our property is not practical, and we would face considerable financial loss if fair zoning changes aren't made.

We are thrilled that Mr. Crites does has a plan to improve his vacant property and we believe a zoning revision will allow that to happen with as little conflict as possible.

Thank you for your efforts in facilitating an equitable solution for all involved.

Sincerely yours,



Chris and Annette Sauerwein

Motion Kerner/Albaugh to recommend that City Council consider changing the zoning of the three properties located at 52, 54 and 56 South Kanawha Street from R-2 General Residential District to C-1 Central Commercial Business District. Motion carried.

There being no further business to be transacted, motion Albaugh/Bennett to adjourn at 7:05 p.m. Motion carried.

Chairman Ann Livesay

Assistant Recorder Amberle Jenkins

