

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 September 12, 2018 at 5:00 pm with the following in attendance:

Board Member	Michael Cowger	Absent
Board Member	Virginia Jeran	Present
Board Member	Ann Livesay	Absent
Board Member	Mark DeFoe	Present
Board Member	Timothy Reese	Present
Assistant Recorder	Amberle Jenkins	Present
Building Code Enforcement Officer	Vincent Smith	Present
Director of Public Works	Jerry Arnold	Present
City Architect	Bryson VanNostrand	Present

Noting that a quorum was present Chairman Defoe called the meeting to order by a moment of silence and pledge to the US flag.

- **City of Buckhannon construct wall along Trader's Alley:**

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

August 16, 2018

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, August 22, 2018
Wednesday, August 29, 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 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:

August 16, 2018

NOTICE OF APPEAL TO ZONING BOARD OF APPEALS

Notice is hereby given that the City of Buckhannon has filed an appeal with the Zoning Board of Appeals to construct a twelve-foot (12') steel design concrete wall also to be used as art display located at 29 E Main Street-Trader's Alley in the City of Buckhannon.

A Public Hearing in connection with the petition shall be held by the Zoning Board of Appeals at City Hall, 70 East Main Street on Wednesday, **September 12, 2018 at 5:00 p.m. o'clock**, and all interested parties may appear and be heard.

Zoning Board of Appeals

VARIANCE – List of Property Owners 29 E. Main Street-Trader's Alley

- 41 E. Main Street
- 33 E. Main Street
- 22 E. Main Street
- 30 E. Main Street
- 23 E. Main Street
- 23C E. Main Street
- 34 Trader's Alley

August 16, 2018

41 E Main 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 that the City of Buckhannon has filed an appeal with the Zoning Board of Appeals to construct a twelve-foot (12') steel design concrete wall also to be used as art display located at 29 E Main Street-Trader's Alley in the City of Buckhannon.

A Public Hearing in connection with the petition shall be held at City Hall, 70 East Main Street on **Wednesday, September 12, 2018** 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

Housing Enforcement Officer-Smith explained the following request:

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

Identification	Owner/Lessee <i>Applicant</i>	Phone	Zoning Receipt	Date
	City of Buckhannon	472 1651	Building Receipt	Date
	Street Address 29 E Main St - (Traders Alley)		Zoning District C1	Flood Zone
	City/State/Zip Buckhannon WV 26201		Electrical Category (circle) [A] [B1] [B2] [B3]	Off Street Parking Spaces
	Contractor Name Self	License No.	District/Map/Parcel	Lot Size

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) 12' Steel Design Concrete Wall Art Display	<input type="checkbox"/> other (identify)			<input type="checkbox"/> asbestos	#		
<small>* 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.</small>				<input type="checkbox"/> fire sprinkler tap	#		
				<input type="checkbox"/> elevation certificate			
				<input type="checkbox"/> state fire marshal approved			
				<input type="checkbox"/> FEMA -appurtenant structures			

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	Address	Date

Validation	Approved by	Reason for denial <i>Section 605 - Height</i>
	 Zoning Officer	
Date		Initials _____ Date



City of Buckhannon
 70 East Main Street
 Buckhannon, WV 26201

Zoning Variance Application
 (304) 472-1651

Identification	Owner/Lessee	Applicant City of Buckhannon	Phone	472 1651	Variance Receipt	Date
	Street Address	29 E Main St - Traders Alley	Zoning District	C1	Flood Zone	
	City/State/Zip	Buckhannon WV 26201	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:
 To construct 12' Wall - Art Display - Traders Alley

Member Reese asked if any objections were made by nearby property owners? There were none.

Member Jeran asked why the height was needed? Director of Public Works Arnold explained that the existing wall was crumbling and unsafe. In order to match the aesthetics in the area and install a seating area, a higher wall was needed.

Motion Reese/Jeran to approve the variance submitted by the City of Buckhannon to install a 12' wall along Trader's Alley. Motion carried.

- **Bryson VanNostrand construct wall behind 29 E Main St-Trader's Alley:**

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

August 16, 2018

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

Dear Sirs:

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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:

August 16, 2018

NOTICE OF APPEAL TO ZONING BOARD OF APPEALS

Notice is hereby given that Bryson VanNostrand has filed an appeal with the Zoning Board of Appeals to construct a twelve-foot (12') fence also to be used as art display located at 29 E Main Street-Trader's Alley in the City of Buckhannon.

A Public Hearing in connection with the petition shall be held by the Zoning Board of Appeals, at City Hall, 70 East Main Street on **Wednesday, September 12, 2018 at 5:00 p.m. o'clock**, and all interested parties may appear and be heard.

Zoning Board of Appeals

VARIANCE – List of Property Owners 29 E. Main Street-Trader's Alley

- 41 E. Main Street
- 33 E. Main Street
- 22 E. Main Street
- 30 E. Main Street
- 23 E. Main Street
- 23C E. Main Street
- 34 Trader's Alley

August 16, 2018

41 E Main 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 that Bryson VanNostrand has filed an appeal with the Zoning Board of Appeals to construct a twelve-foot (12') fence also to be used as art display located at 29 E Main Street-Trader's Alley in the City of Buckhannon.

A Public Hearing in connection with the petition shall be held at City Hall, 70 East Main Street on **Wednesday, September 12, 2018 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

Chairman DeFoe called upon Mr. VanNostrand to explain. Mr. VanNostrand submitted pictures of the area and explained that a warehouse structure has been razed by him a few years ago, leaving an open area in the courtyard behind 29 E Main St. He is asking to place an ornamental, 12' wall. The wall would be used as an art display and the height is to ensure a secure area when events are held in the courtyard. The wall will be structurally sound with substantial footing. This was a concern of the city attorney.

Motion Jeran/Reese to approve the application submitted by Bryson VanNostrand to install an ornamental wall behind 29 E Main St-Trader's Alley. Motion carried.

City of Buckhannon
70 East Main Street
Buckhannon, WV 26201

Zoning Permit Application
(304) 472-1651

Identification	Owner/Lessee Bryson Van Nostrand	Phone 3044730525	Zoning Receipt 585939	Date 8/8/18
	Street Address 29 E Main St (Traders Alley)		Building Receipt	Date
	City/State/Zip Bkn WV 26201		Zoning District C1	Flood Zone
	Contractor Name Self	License No.	Electrical Category (circle) [A] [B1] [B2] [B3]	Off Street Parking Spaces
	Contractor Address	Phone	District/Map/Parcel	Lot Size

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 checked="" 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 type="checkbox"/> other (identify)	<input type="checkbox"/> other (identify)	500.00	<input type="checkbox"/> asbestos #
			<input type="checkbox"/> fire sprinkler tap #
			<input type="checkbox"/> elevation certificate
			<input type="checkbox"/> state fire marshal approved
			<input type="checkbox"/> FEMA -appurtenant structures

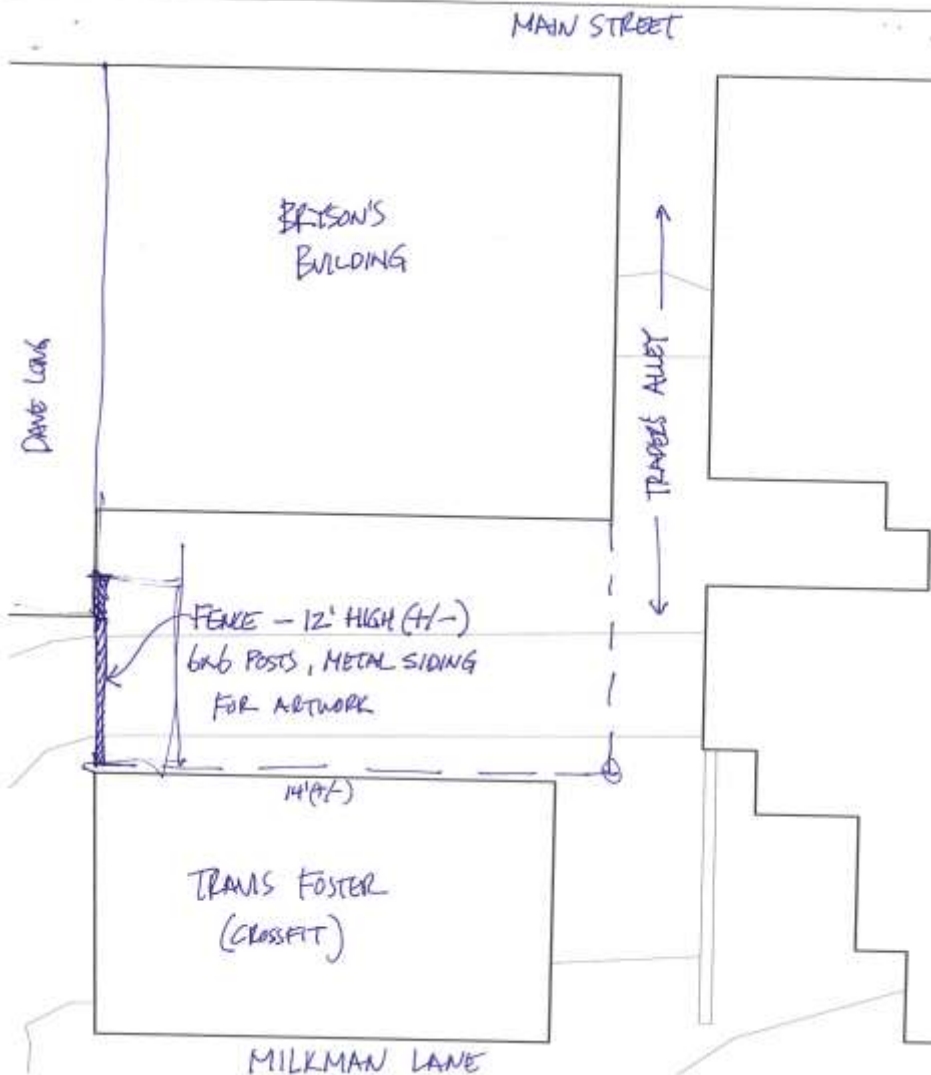
Commercial and industrial property requires a full set of sealed plans be submitted to the WV State Fire Marshal's Office for code approval. Drainage permit required before any surface disturbance or construction activity is commenced. Failure to comply may delay permit approvals.

6x6 Post-Metal 12' High - Art Display

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 [Signature]	Address	Date
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Validation	Approved	Reason for denial
	Date _____ Zoning Officer _____	Section 605 Height of Fence
	Date _____	Initials _____ Date _____



City of Buckhannon
 70 East Main Street
 Buckhannon, WV 26201

Zoning Variance Application
 (304) 472-1651


Identification	Owner/Lessee BRISON VAN NOSTRAND	Phone 304-473-0555	Variance Receipt 586491	Date 8-10-18
	Street Address 29 EAST MAIN, #4		Zoning District C1	Flood Zone
	City/State/Zip BUCKHANNON WV 26201		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:

**PERMISSION TO CONSTRUCT A WALL TALLER THAN 6 FEET.
 APPROXIMATE HEIGHT WILL BE 12 FEET.**

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.

Certification	Signature 	Address 29 E. MAIN ST. 26201	Date 8/10/2018
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There being no further business to be transacted, meeting adjourned at 5:23 p.m.

Chairman Mark DeFoe

Assistant Recorder Amberle Jenkins