

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

A special meeting of the Buckhannon City Planning Commission was held in Council Chambers at City Hall, 70 East Main, on Monday, May 20, 2024, at 6:30 pm with the following in attendance (GTM is for GoToMeeting):

Susan Aloï	President (Chair)	Present
Kelley Tierney	Vice-President	Present
Randy Sanders	City Recorder	Present
CJ Rylands	Member/Council Rep	Absent
Vincent Smith	Member/Building Code Enforcement	Present
Curtis Wilkerson	Member	Present
Virginia Croaff	Member	Present
Tom Lynch	Member	Present
Steve Nanners	Member	Absent
My Buckhannon	Monica Zalaznik	Present
Record Delta	Noah Jeffries	Present

Guests: Dante Centotanti – WDTV; Mayor Robbie Skinner; Nancy & Fred Shobe; Isabella Myers; Gini Jeran; Dr. Timothy Reese; Don Nestor; Kim Narkevic; Allen Hamner; Jane Reddecliff; Brandy Reger; Judith M. Griffin; Sandra Kraynok; Al Tucker; Edward G. Kraynor; Lydia Sherrin – GTM; Emmy Msaitif; Dave Ward; Megan & Schyler Smith - GTM

***City of Buckhannon Planning Commission – Meeting Agenda
Monday, May 20, 2024, at 6:30 pm at City Hall in Council Chambers***

***Notice of Meeting
City of Buckhannon Planning Commission***

*The Buckhannon City Planning Commission will hold a special meeting on **Monday, May 20, 2024 at 6:30 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 request for the consideration to Amend Zoning Ordinance No. 244, Section 501 R-1, Single Family Residential District, the Permitted Uses to include Airbnb Rentals and possible recommendation to the City Council or to schedule the date of a Planning Commission public hearing, furthermore; such other matters will appear on the posted agenda. 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 to Amend Zoning Ordinance No. 244, Section 501 R-1, Single Family Residential District, the Permitted Uses to include Airbnb Rentals and Possible Recommendation to the City Council or Scheduling the date of a Planning Commission Public Hearing

D. Comments and Announcements

E. Adjournment

Posted 04/22/2024

A. Call to Order –

A.1 Moment of Silence - The President of the Planning Commission, Dr. Susan Aloï, called the meeting to order and asked the commission members to introduce themselves to the attendees. She provided an overview of the purpose of the meeting and then invited the attendees to participate in a Moment of Silence.

A.2 Pledge to the Flag of the United States of America – Vincent Smith led the group in the Pledge to the Flag of the United States of America.

President Aloï provided some additional context for the meeting and spoke of the duties of the Planning Commission. Tonight’s meeting will focus on the request for the consideration to amend Zoning Ordinance No. 244, Section 501 R-1, Single Family Residential District for the permitted uses to include Airbnb rentals and a possible recommendation to the City Council, or the scheduling of a date for a Planning Commission Public Hearing.

B. Recognized Guests – President Aloï then recognized the following: Megan & Schyler Smith, the residents requesting the change to the ordinance who provided their reasoning for the request.

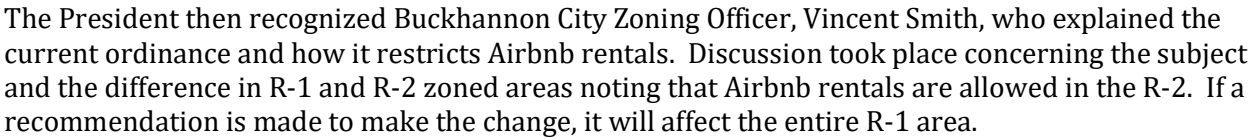
Dear City Council of Buckhannon,

My name is Megan Smith and my husband Schyler and I are writing in regard to turning our cabin into an Airbnb located at 382 Beech St. We understand that our property is zoned R-1, Single Family Residential District and that this is posing a problem. Although this is zoned R-1 we feel that this could be a great asset to the city of Buckhannon. Between Weslyn College with parents in town to help their kids move in and out and come for graduation, Strawberry Festival, BBQ Bash, Dicken's Faire & Festival and other attractions we feel that an in town Airbnb could be of real benefit to the community. In a West Virginia Public Broadcasting article for Martinsburg, WV talking about their local AirBnBs it was commented that for every \$100 spent on an Airbnb \$100 is spent in the community. It also said, "As West Virginia becomes renowned for its outdoor tourism sports, short-term vacation rentals like Airbnbs and Vrbos are increasingly in demand." On Beech Street there are only 4 other homes besides ours. One of our neighbors has a rental right now and before that it was a yoga studio. We dead end the street and have 5 acres of land surrounding us. Our cabin is a 1800's WV log cabin, we would hate to see no activity in it and let it deteriorate away. By being able to rent out the cabin on this platform would allow us to keep it in good repair. It is only a 1 bedroom cabin which would minimize foot traffic in and out. Here are some pictures of the cabin and the land surrounding it as well as a parcel view. The cabin parcel is highlighted in yellow and our other parcels are highlighted in red. We understand that we would need to register with the state as an bnb since it falls under motel and hotel tax laws. Thank you for taking the time to consider this. You're welcome to come out and take a look at it if you would like.

Sincerely, Megan Smith

Parcel 3-10-9.1





A. THE FOLLOWING BUILDINGS AND USES SHALL BE PERMITTED IN R-1, SINGLE FAMILY RESIDENTIAL DISTRICT:

1. *Single family detached dwelling houses, but not including mobile or trailer homes as defined in Article II. Each dwelling house shall be occupied by not more than one (1) family, and no more than two (2) roomers or boarders, provided that additional adequate off-street parking shall be made available for the vehicles of any such roomers or boarders, and provided further that off-street parking shall be made available in any case where the residents of a particular R-1 dwelling house cumulatively own, possess or use more than one (1) motor vehicle, and in such event then one (1) off-street parking space shall be provided by the resident or homeowner for each vehicle in excess of one (1) vehicle, however, in no case shall any R-1 residence be permitted to have fewer than two (2) off-street parking spaces.*

2. *Parks, playgrounds and other recreational uses of strictly a non-commercial nature.*

1. Private garages and parking spaces for the occupants of the premises and their guests.
2. Any other accessory use customarily incidental to or necessary to the enjoyment of the principal residential structure (i.e., including, but not being limited to, home gardening and greenhouses – without sale of products, swimming pools of both above and below the ground nature for use by the occupants of the premises and their non-paying guests, dog houses, playhouses, treehouses, and utility buildings for housing tools and equipment, etc.).
3. Signs as follows:
 - a. Public street or road signs at a height of not less than seven feet (7') above the top level of the curb, with or without reflective surface.
 - b. Signs designating the occupant's name, and/or house number provided that they are attached to the surface of the dwelling or to a lamp or light post and provided further that the letters and numbers are not in excess of four inches (4") in height, and provided further in the even that any sign is attached to a lamp or light post, such lamp or

light post shall be located at a minimum distance of five feet (5') from the boundary of the residence lot and the street right of way if no sidewalk exists, and a minimum of five feet (5') from the inside edge of the walkway if such a walkway exists. Such signs may have a reflective surface, but may not be illuminated.

c. Signs advertising the sale, rental or development of property, provided, that any such sign advertising the sale, rental or development of any property zoned R-1 shall not exceed six square feet (6') in area.

C. LOTS AND USES IN R-1, SINGLE FAMILY RESIDENTIAL DISTRICT, SHALL HAVE AT LEAST THE FOLLOWING MINIMUM LOT AND YARD REQUIREMENTS:

1. Minimum lot area – 9,000 square feet

a. One (1) utility only – 15,000 square feet, or the greater square footage amount as may be required by the rules and regulations of the West Virginia Department of Health, Public Service Commission or other state agency.

b. No utilities – 20,000 square feet, or the greater square footage amount as may be required by the rules and regulations of the West Virginia Department of Health, Public Service Commission or other state agency.

2. Minimum lot width – Eighty-five feet (85').

a. One (1) utility only – Eighty-five feet (85').

b. No utilities – One hundred feet (100').

3. Minimum front yard – Thirty-five feet (35').

a. One (1) utility only – Thirty-five feet (35').

b. No utilities – Fifty feet (50').

4. Notwithstanding anything herein contained to the contrary, any lot shown upon a plat appearing of record in the Office of the Clerk of the County Commission of Upshur County, West Virginia, on or before December 31, 1972, shall be required to have only a minimum lot area of 5,000 square feet, a minimum lot width of fifty feet (50') and a minimum front yard of thirty-five feet (35') provided that two (2) or more utilities service said lot.

5. Side yards – Twenty-four feet (24'), total; Ten feet (10'), minimum per side.

a. Any lot platted prior to the enactment of these Standards which is less than seventy-five feet (75') wide may reduce the two (2) side yards by nine inches (9") for each foot of difference to a total width of not less than sixteen feet (16'). Under such circumstances, the width of the narrower of the two (2) side yards shall be not less than seven feet (7').

b. Street side on corner lot – fifteen feet (15').

c. Accessory uses to the rear of principal structures.

(1) Interior lot line – Five feet (5').

(2) Street or alley side of corner lot – Twenty-five feet (25').

6. Rear yards

a. Principal – forty feet (40').

b. Accessory – five feet (5').

7. Maximum building height – two and one-half (2 ½) stories or thirty feet (30'). Accessory structures no exceed the height of any principal structure.

8. Maximum lot coverage.

a. Principal use – Thirty percent (30%) of total lot area.

b. Accessory use – Forty percent (40%) of rear yard area.

D. LOTS AND USES IN R-1, SINGLE FAMILY RESIDENTIAL DISTRICT, SHALL HAVE AT LEAST THE FOLLOWING MINIMUM OFF-STREET PARKING REQUIREMENTS:

1. Two (2) spaces per dwelling unit, including garages and/or driveways.

2. Public playgrounds or parks – as approved or designated by the Council of the City of Buckhannon.

3. Also see Section 501.A.1 of these Standards.

President Alois then opened the floor for comments from the public. The following attendees spoke; all spoke against the request for the consideration to amend Zoning Ordinance No. 244, Section 501 R-1, Single Family Residential District for the permitted uses to include Airbnb rentals and possible recommendation to the City Council for the scheduling of a date for a Planning Commission Public Hearing.

Nancy Shobe (speaking on behalf of herself and husband Fred Shobe);
Gini Jeran;
Dr. Tim Reese;
Don Nestor;
Kim Narkevic;
Allen Hamner;
Al Tucker;
Sandy Kraynok

President Aloï provided context on the subject and allowed Megan and Schyler Smith to speak again. They assured the attendees that they were not trying to upset other residents but to create an income source from the cabin on their property.

Board member Wilkerson spoke of the benefits and popularity of Airbnb rentals. He also suggested that the owners consider a long-term rental solution could be considered. Commission member Tierney asked about parking requirements. Zoning Officer Smith explained parking must be provided for the occupants and guests. Commission member Lynch asked the attendees how they feel about long-term rentals. Mrs. Shobe noted that she and her husband had no issue with long-term rentals. No one else mentioned having a problem with long-term rentals.

C. Strategic Issues for Discussion and/or Vote– President Aloï brought C.1 to the floor for action.

C.1 Request for the Consideration to Amend Zoning Ordinance No. 244, Section 501 R-1, Single Family Residential District, the Permitted Uses to include Airbnb Rentals and Possible Recommendation to the City Council or scheduling the date of a Planning Commission Public Hearing.

Wilkerson/ Tierney motioned to recommend to City Council to deny the request to Amend Zoning Ordinance No. 244, Section 501 R-1, Single Family Residential District, the Permitted Uses to include Airbnb Rentals. Motion carried unanimously.

D. Comments and Announcements – None

E. Adjournment

At 7:19 pm, Wilkerson motioned to adjourn the meeting.

Commission President Susan Aloï _____

City Recorder Randall H. Sanders _____