

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

A meeting of the Buckhannon Zoning Board of Appeals was held on Wednesday, January 13, 2025, at 5:30 pm in City Hall. The following were in attendance (GTM – GoToMeeting):

Board Member/Chair	Virginia “Gini” Jeran	Present
Board Member/Vice-Chair	Timothy Reese, OD	Present
Board Member	Natalie Feola	Present
Board Member	Corey Rozelle	Present
Board Member	Dean Everett	Present
City Recorder	Randy Sanders	Present
Zoning Enforcement Officer	Vincent Smith	Present
City Attorney	Thomas O’Neill	Absent

Guests: Robert Barbor

Notice & Meeting Agenda:

City of Buckhannon
NOTICE OF APPEAL TO ZONING BOARD OF APPEALS

Notice is hereby given that Robert J. Barbor has filed with the Zoning Board of Appeals an appeal to construct a 32’x 80’ Quadplex located on the rear lot of 117 Pocahontas Street in the City of Buckhannon. Mr. Barbor has been denied a permit, since the application fails to meet Zoning Ordinance 244, Section 502C-5a which states in part, “ Side yards requirement- Twenty feet (20’) total; Eight feet (8’) minimum per side. Any lot platted prior to the enactment of these Standards which is less than sixty feet (60’) wide may reduce the two (2) side yards by nine inches (9”) for each foot of difference to the total width not less than fourteen feet (14’). Under such circumstances, the width of the narrower of the two (2) side yards shall not be less than five feet (5’),” and Zoning Ordinance 244, Section 502C-6a which states in part, “Rear yard requirement-Principal- forty feet (40’).”

A Public Hearing of the Buckhannon Zoning Board of Appeals will be held on **Monday, January 13, 2025 at 5:30 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 may appear and be heard.

Zoning Board of Appeals

Publish Dates: 12/4/24, 12/11/24

City of Buckhannon Zoning Board of Appeals
Meeting Notice for Wednesday, January 13, 2025, at 5:30 pm in Council Chambers

Agenda - A Public Hearing of the Buckhannon Zoning Board of Appeals will be held on Monday, January 13, 2025, at 5:30 p.m. The meeting will be held in the City Council Chambers at City Hall, 70 East Main St., Buckhannon, WV. This is an open meeting (per WV code § 6-9A-3), and all interested parties may appear and be heard.

- 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 To Elect Chairman & Vice Chairman of the Zoning Board of Appeals for FY 2024/2025
 - C.2 Vote RE: Appeal Pocahontas Street-Construct a 32’x 80’ Quadplex-Side & Rear Yards Requirements

D. Adjournment

POSTED 12/02/2024

A. Call to Order:
A.1 & A.2: Chairperson Jeran called the meeting to order, asking for a Moment of Silence, followed by the Pledge to the Flag of the United States of America.

B. Recognized Guests - The Chair asked the Board and guest(s) to introduce themselves.

C. Strategic Issues for Discussion and/or Vote

C.1 To Elect Chairman & Vice Chairman of the Zoning Board of Appeals for FY 2024/2025

Chairperson Jeran opened the floor for nominations for the office of Chairman of the City of Buckhannon Zoning Board of Appeals for FY 2024/2025.

Reese/Everett motioned to elect Virginia Jeran, Chairman of the City of Buckhannon Zoning Board of Appeals, for FY 2024/2025. No other motions were made, so the nominations were closed. The motion carried unanimously.

Chairperson Jeran opened the floor for nominations for the office of Vice-Chairman of the City of Buckhannon Zoning Board of Appeals for FY 2024/2025.

Everett/Rozelle motioned to elect Timothy Reese, OD, Vice-Chairman of the City of Buckhannon Zoning Board of Appeals, for FY 2024/2025. No other motions were made, so the nominations were closed. The motion carried unanimously.

C.2 Vote RE: Appeal Pocahontas Street - Construct a 32'x 80' Quadplex-Side & Rear Yards

Requirements – The Chair noted the reason for this meeting was explained in the packet. The following was reviewed and discussed: Robert J. Barbor has filed with the Zoning Board of Appeals an appeal to construct a 32'x 80' Quadplex located on the rear lot of 117 Pocahontas Street in the City of Buckhannon. Mr. Barbor has been denied a permit since the application fails to meet Zoning Ordinance 244, Section 502C-5a, which states in part, “ Side yards requirement- Twenty feet (20') total; Eight feet (8') minimum per side. Any lot platted prior to the enactment of these Standards which is less than sixty feet (60') wide may reduce the two (2) side yards by nine inches (9”) for each foot of difference to the total width not less than fourteen feet (14'). Under such circumstances, the width of the narrower of the two (2) side yards shall not be less than five feet (5’),” and Zoning Ordinance 244, Section 502C-6a, which states in part, “Rear yard requirement- Principal- forty feet (40').”

Chairperson Jeran recognized Mr. Barbor and asked him to provide his reasons for the Board to consider approving a variance. This was followed by a Q&A with Mr. Barbor and the Board members. After the discussion, Chairperson Jeran opened the floor for a motion.

Reese/Everett motioned to grant the requested variance as presented. The motion carried unanimously.

Addressing - Jerry Arnold

City of Buckhannon
70 East Main Street
Buckhannon, WV 26201

Zoning Permit Application

(304) 472-1651

Identification	Owner/Lessee <u>Robert J Barbor</u>	Phone <u>304-617-3056</u>	Zoning Receipt # <u>1061687</u>	Date <u>10-16-24</u>
	Street Address <u>Pocahontas St</u>		Building Receipt	Date
	City State Zip <u>Buckhannon, WV 26201</u>		Zoning District <u>R2</u>	Flood Zone <u>NO</u>
	Contractor Name <u>Scott Hardy Hardy Construction</u>	License No <u>WV052711</u>	Electrical Category (circle) <u>[A]</u> [B1] [B2] [B3]	Off Street Parking Spaces <u>6</u> sp (15)
	Contractor Address <u>644 Oakwood St. Buckhannon, WV 26201</u>	Phone <u>304-642-5758</u>	District/Map/Parcel <u>31168</u>	Lot Size <u>57x120</u>
Improvement:		Proposed Use:		Estimated Value:
<input checked="" type="checkbox"/> new building		<input type="checkbox"/> single family		Building \$ <u>200K</u>
<input type="checkbox"/> new addition		<input checked="" type="checkbox"/> multi-family		Electrical \$ <u>22K</u>
<input type="checkbox"/> more than 500 sqft		<input type="checkbox"/> garage/carport		Plumbing \$ <u>26K</u>
<input type="checkbox"/> replacement		<input type="checkbox"/> fence		Heating \$ <u>13K</u>
<input type="checkbox"/> razing		<input type="checkbox"/> hotel/motel		A/C \$ <u>13K</u>
<input type="checkbox"/> relocation		<input type="checkbox"/> rental property		Other Labor \$ <u>126K</u>
<input type="checkbox"/> sign(s)		<input type="checkbox"/> commercial		Total Dollar Value \$ <u>400,000</u>
<input type="checkbox"/> other (identify) <u>Quadruplex (4 Aptx) 31' x 80'</u>		<input type="checkbox"/> other (identify) <u>1st floor (garage entry)</u>		
* 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.				
Type of Business/Description <u>4-Plex New Construction</u>				
City License Required _____				
Board of Barbers & Cosmetologists Electrical Compliance Inspection _____ www.wvbbc.org				
Permits Required: COMMERCIAL				
<input checked="" type="checkbox"/> Building #				
<input checked="" type="checkbox"/> Electrical #				
<input type="checkbox"/> Water Tap <u>4 meters</u>				
<input type="checkbox"/> Sanitary Tap #				
<input type="checkbox"/> Grease Tap #				
<input type="checkbox"/> Storm Sewer Tap # <u>not connecting runoff</u>				
<input type="checkbox"/> Drainage permit #				
<input type="checkbox"/> Asbestos #				
<input type="checkbox"/> Fire Sprinkler Tap #				
<input type="checkbox"/> State Fire Marshal #				
<input type="checkbox"/> Elevation Certificate #				
<input type="checkbox"/> FEMA -Appurtenant Structures				
<input checked="" type="checkbox"/> Trash Containment				
<input type="checkbox"/> Health Department				
<input type="checkbox"/> Backflow Prevention Ord 326				
<input type="checkbox"/> Other				
<input checked="" type="checkbox"/> Miss Utility Locate (811)				
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 <u>Robert J Barbor</u>	Address <u>92 Still Run Rd. Buckhannon, WV 26201</u>	Date <u>10/16/2024</u>	
Validation	Approved by	Reason for denial <u>Does not meet side yard (502.65a) and rear yard (502.66a) requirements.</u>		
	Date	Initials Date		

City of Buckhannon
70 East Main Street
Buckhannon, WV 26201

Zoning Variance Application

(304) 472-1651

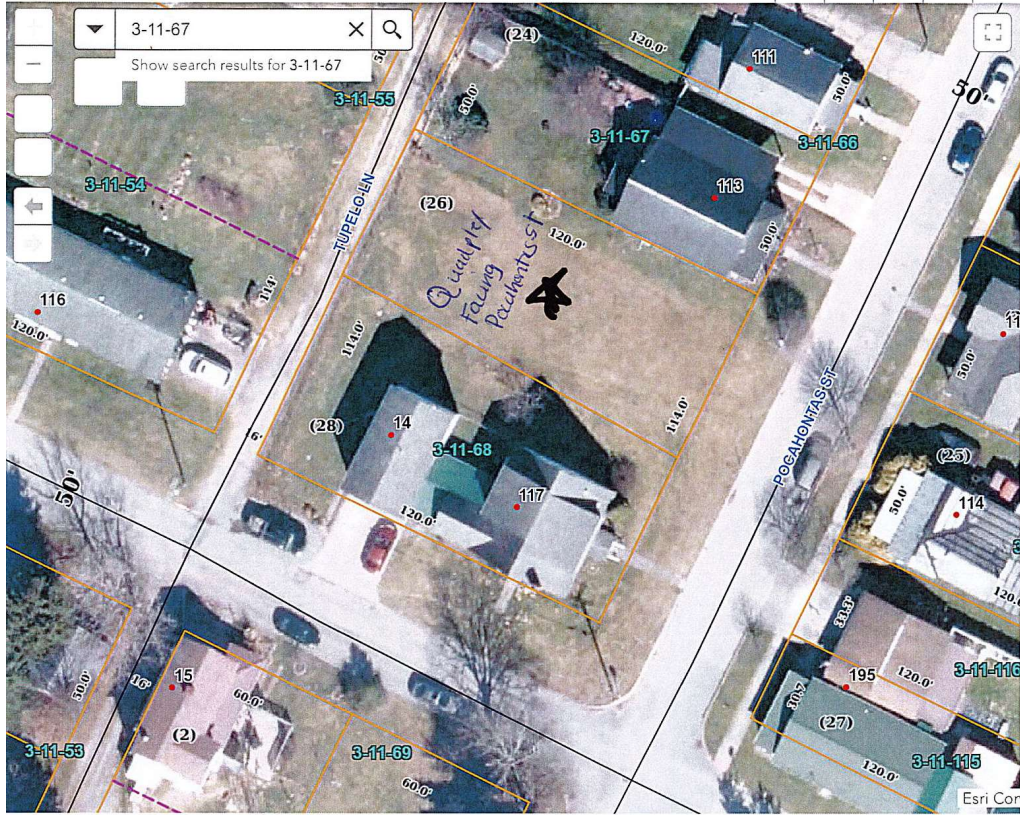
Identification	Owner/Lessee <u>Robert J Barbor</u>	Phone <u>304-617-3056</u>	Variance Receipt # <u>1061687</u>	Date <u>10-16-24</u>
	Street Address <u>Pocahontas St</u>		Zoning District <u>R2</u>	Flood Zone <u>NO</u>
	City State Zip <u>Buckhannon, WV 26201</u>		District/Map/Parcel <u>31168</u>	

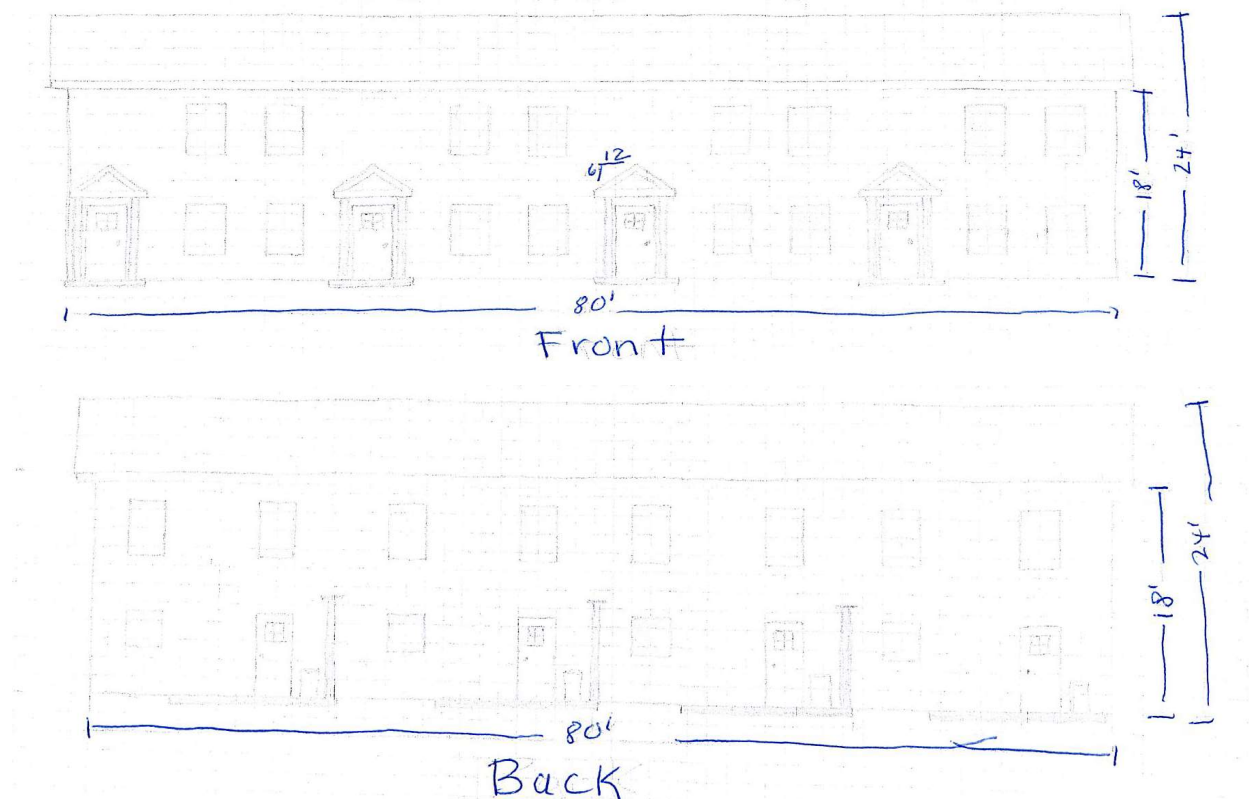
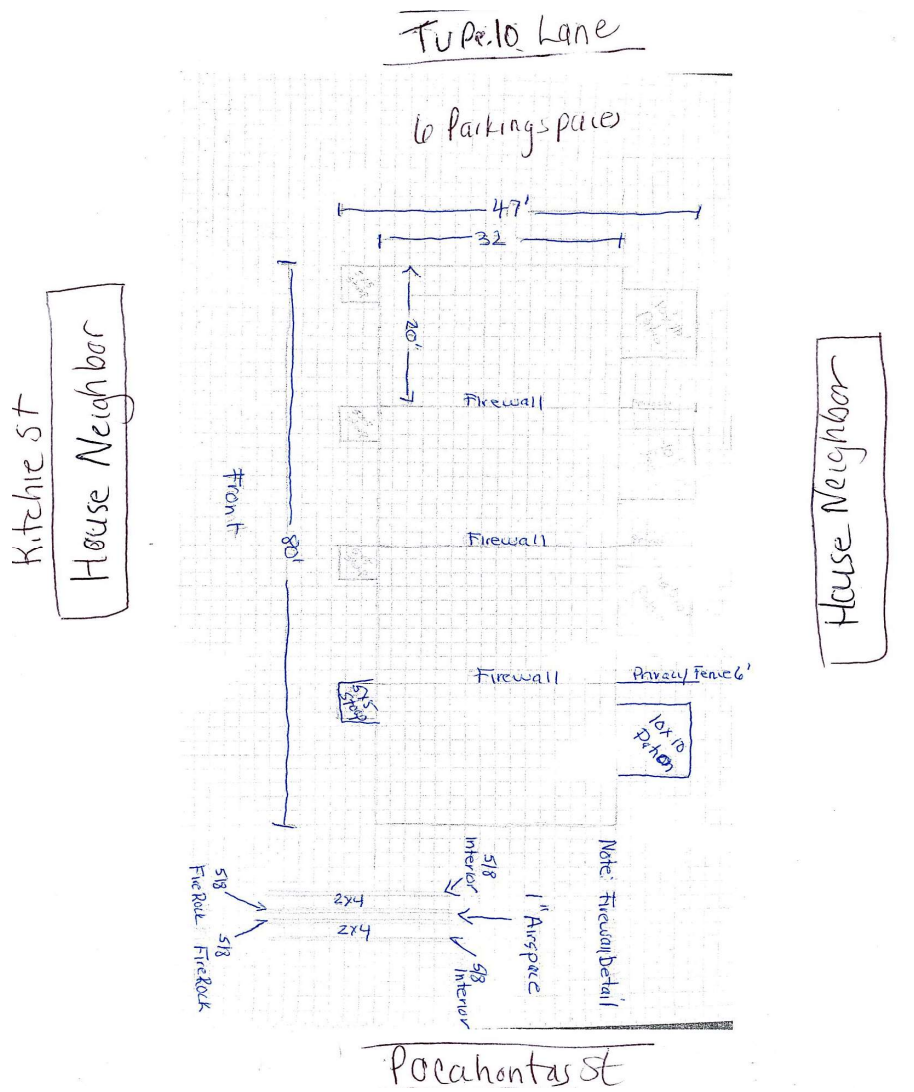
Instructions: An appeal for a variance from the City of Buckhannon Zoning Code requires the completion of this application within 90 days of the denial of your zoning request plus a fee of \$30. The fee is to offset the cost of legal advertisements, notification of area residents, and the processing of your appeal for a public hearing. Zoning appeals are held 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:

<u>Need an extra 10' in the backyard for new construction.</u>
<u>New building will align with existing garage on adjacent lot.</u>
<u>Footprint will be very similar to neighboring property.</u>

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 <u>Robert J Barbor</u>	Address <u>92 Still Run Rd. Buckhannon</u>	Date <u>10/16/24</u>





Notice of the Public Hearing for the Zoning Variance was sent to the area property owners:

VARIANCE – List of Property Owners Pocahontas Street

- 112 Fayette St
- 116 Fayette St
- 118 Fayette St
- 117 Pocahontas St

- 119 Pocahontas St
- 118 Pocahontas St
- 116 Pocahontas St
- 114 Pocahontas St
- 113 Pocahontas St
- 112 Pocahontas St
- 111 Pocahontas St
- 110 Pocahontas St
- 117 Ritchie Street

One comment was received from area property owner:

December 27, 2024

Zoning Board:

We have no real issues with the Zoning Board granting the appeal for Mr. Barbour to construct a Quadplex on his property as long as it doesn't impinge inappropriately on the adjacent properties involved.

Building ordinances are important to maintain fairness to all, but there should be reasonable allowances granted when necessary.

Living in the area, we see that on-street parking is becoming limited. We do have concern regarding parking for the additional minimum of 4 cars belonging to residents living in the Quadplex.

Does this planned construction application include space for off-street parking on this property?

That would be more of a concern rather than the new building being over the current zoning requirements.

Another zoning concern:

What progress and action is being taken to make residents abide by the existing ordinance 361.07, regarding abandoned vehicles, legally inoperative, parked in the yard surrounding a house?

This has been an on going situation over MANY years without any resolution.

It certainly detracts from the value of surrounding properties.

We like to think of ourselves as good neighbors and try not to cause hate and make enemies.

And I'm sure it would be a hardship and financial effort to either license or remove the vehicles or pay the fines, but if citizens do not abide by the rules, and city government is not enforcing those ordinances, then why have them?

Steve and Mary Alice Andrews

116 Pocahontas Street

304 472-9472

Addressing/Mapping Verification:

Zoning Officer Smith stated the addressing will be on the Pocahontas Street side due to the front of and rear yard setbacks. Also the sidewalk extension will be from the parking area to Pocahontas Street. The Public Works Director will assign the addressing for the quadplex.

D. Adjournment: Chairperson Jeran declared the meeting adjourned at 5:48 PM.

Chairperson Virginia Jeran

City Recorder Randall H. Sanders

IN RE: 117 POCAHONTAS STREET
BUCKHANNON, WEST VIRGINIA
ROBERT J. BARBOR

MEMORANDUM DECISION – VARIANCE RECEIPT No. 1061687

Factual Background

Legal Analysis

Conclusion

Entered this 28th day of January, 2025

ZONING BOARD OF APPEALS OF THE CITY OF BUCKHANNON

BY:

President