

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, May 28, 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 - GTM
Board Member	Dean Everett	Present
City Recorder	Randy Sanders	Present
Zoning Enforcement Officer	Vincent Smith	Present
City Attorney	Thomas O’Neill	Present - GTM

Guests: Matthew & Melissa Wood, RE: C.3; Pat Jack, RE: C.2; Mark Harper & David Strawn, RE: C.1; Gerald & Kay Arey.

***City of Buckhannon Zoning Board of Appeals
Meeting Notice for Wednesday, May 28, 2025, at 5:30 pm in Council Chambers***

Agenda - A Public Hearing of the Buckhannon Zoning Board of Appeals will be held on Monday, May 28, 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 Vote RE: Appeal 152 Randolph Street-Construct a 50’x 80’ Fellowship Hall-Rear Yard Requirement**
 - C.2 Vote RE: Appeal 133 Pocahontas Street-Construct a Two-Story 5’x 20’ Addition-Side Yards Requirement**
 - C.3 Vote RE: Appeal 188 Pocahontas Street-Placement of a 4’ Fence on City of Buckhannon Right of Way**
- D. Adjournment**

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- 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 guest(s) to introduce themselves.
- C. Strategic Issues for Discussion and/or Vote** – Without objection, the Chair moved C.3 *Vote RE: Appeal 188 Pocahontas Street-Placement of a 4’ Fence on City of Buckhannon Right of Way* to the table for action.

C.3 Vote RE: Appeal 188 Pocahontas Street-Placement of a 4’ Fence on City of Buckhannon Right of Way - *Overview: Matthew Wood has filed with the Zoning Board of Appeals an appeal regarding the placement of a 4’ Fence on the City of Buckhannon right-of-way located at 188 Pocahontas Street in the City of Buckhannon. He has been denied a permit since the application fails to meet Zoning Ordinance 244, Section 605, which states in part, "Fences, hedges or other plantings, structures or walls, shall not be located on any lot so as to encroach upon any street, alley or sidewalk right of way, and on corner lots, shall not in any event be located closer than five feet (5') to the corner points of the sight triangle in order to facilitate vision across such corner lot by motorists and*

pedestrians. Any such fences, hedges, or other plantings, structures, or walls violating the provisions hereof may be removed without liability for damages by direction of the City Council. Fences shall not be built with, or composed of, dangerous material such as barbed wire or so as to be electrified. Height of fences shall be restricted to a maximum height of six feet (6') on rear property lines and side property lines behind the setback requirement set forth in Section 609, otherwise, fences shall be restricted to a maximum height of four feet (4')."

Publication of the legal advertisements and notification to the area residents regarding the Notice of Public Hearing for a Zoning Variance have been fulfilled.

Chairperson Jeran recognized Matthew & Melissa Wood and introduced City Attorney Tom O'Neill for opening remarks. Mr. O'Neill requested clarification of the details from Matthew and Melissa Wood, as well as City Zoning Officer Vincent Smith. Once each party had given their comments, Mr. O'Neill informed all parties that the City of Buckhannon Zoning Board of Appeals had no jurisdiction for a matter such as this. The City alleges that Mr. and Mrs. Wood's newly constructed fence extends onto City-owned property. The City's stance, as explained by the City Attorney, is that the burden of proof rests with the property owners to prove otherwise. Even with this explanation, a lengthy discussion took place. At one point, the property owners noted that the cost of the fence was nearly \$7,000.00, despite the permit application indicating a \$3,500.00 fence project.



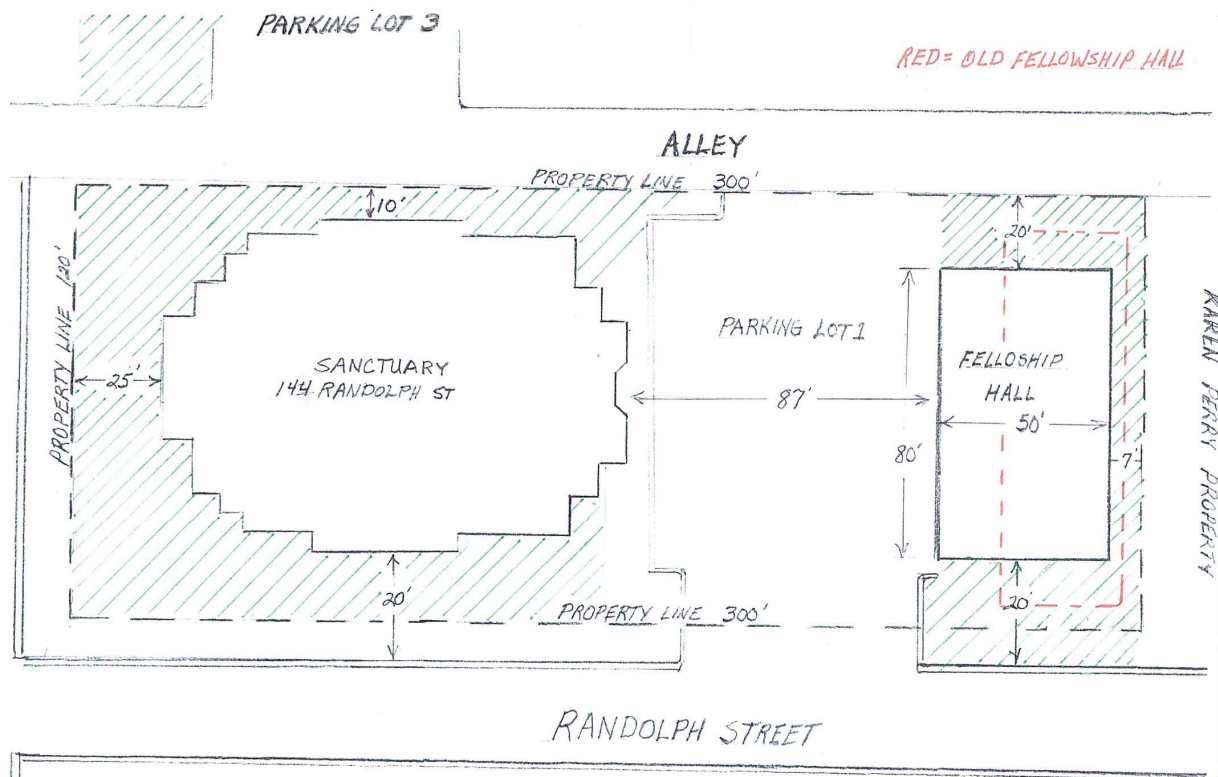
Reese/Feola motioned to dismiss the 188 Pocahontas Street-Placement of a 4' Fence on City of Buckhannon Right of Way appeal, as the Buckhannon Zoning Board of Appeals has no authority over the matter. The Motion carried.

At this point in the meeting, Chairperson Jeran asked the Board to introduce themselves, which they did.

C.1 Vote RE: Appeal 152 Randolph Street-Construct a 50'x 80' Fellowship Hall-Rear Yard Requirement – Overview: *The South Buckhannon Mission Church has filed with the Zoning Board of Appeals an appeal to construct a 50'x 80' Fellowship Hall located at 152 Randolph Street in the City of Buckhannon. South Buckhannon Mission Church has been denied a permit since the application fails to meet Zoning Ordinance 244, Section 502C-6a, which states in part, "Rear yard requirement-principal-forty feet (40')."*

Publication of the legal advertisements and notification to the area residents regarding the Notice of Public Hearing for a Zoning Variance have been fulfilled.

Attendee Mark Harper provided an overview of the appeal, which led into a discussion with the Board, with comments from Zoning Enforcement Officer Vincent Smith. A review of all documentation provided also took place by the Board members. It was noted that there were no persons in attendance to speak for or against the appeal.



Everett/Reese motioned to approve the appeal and grant the requested variance regarding the 152 Randolph Street construction of a 50'x 80' Fellowship Hall, noting the rear yard will be 20 feet to the property line rather than the standard minimum of 40 feet. The motion carried.

C.2 Vote RE: Appeal 133 Pocahontas Street-Construct a Two-Story 5'x 20' Addition-Side Yards Requirement – Overview: Patrick Jack has filed with the Zoning Board of Appeals an appeal to construct a two-story, 5' x 20' addition on the existing foundation located at 133 Pocahontas Street in the City of Buckhannon. He 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 be not be less than five feet (5").

Publication of the legal advertisements and notification to the area residents regarding the Notice of Public Hearing for a Zoning Variance have been fulfilled.

Attendee Pat Jack provided an overview of the appeal, which led into a discussion with the Board, with comments from Zoning Enforcement Officer Vincent Smith. A review of all documentation provided also took place by the Board members. It was noted that there were no persons in attendance to speak for or against the appeal.

Everett/Feola motioned to approve the appeal and grant the requested variance regarding the 133 Pocahontas Street to construct a two-story 5'x 20' addition, recognizing the side yard will be only 3 feet from the property line. The motion carried.

D. Adjournment

Chairperson Jeran declared the meeting adjourned at 6:26 PM.

Chairperson Virginia Jeran

City Recorder Randall H. Sanders