



City of Elkins

Board of Zoning Appeals

April 2, 2026

4:00 PM

Phil Gainer Community Center

142 Robert E. Lee Ave. Ext.

AGENDA

1. **Call to Order and Roll Call**
2. **Public Comment**
3. **Minutes**
 - a. Proposed minutes for the meeting of October 23, 2025
4. **Reports**
5. **New Business**
 - a. Election of officers for 2026
 - b. Training Scenario Review: Variance Standards and Self-Created Hardship in Fairmont/Saunder Case
6. **Announcements**
7. **Adjournment**



CITY OF ELKINS AGENDA ITEM REPORT

Meeting Date:	April 2, 2026
Section:	Minutes
Category:	Action Item
Agenda Item Name:	Proposed minutes for the meeting of October 23, 2025
Recommended By:	City Clerk
Summary:	Minutes proposed for the referenced meeting
Fiscal Impact:	n/a
Recommendation:	Consider for approval
Attachments:	1. board of zoning appeals - 2025_10_23 - minutes_proposed

BOARD OF ZONING APPEALS MEETING MINUTES

*216 Fourth Street
October 23, 2025
2:30 p.m.*

Present were Members: D. Turner (Chair), C. Norton (Vice Chair), L. Douglas, C. Friddle, and D. Parker (alternate).

Also present were: S. Stokes (City Clerk and Recording Secretary) and G. Roberts (City Attorney).

Members V. White and C. Schuler (alternate) were absent.

MINUTES

Friddle **MOVED APPROVAL OF THE MINUTES OF THE MEETING OF MAY 22, 2025.** The motion carried.

Friddle **MOVED APPROVAL OF THE MINUTES OF BZA HEARING 2025-01 (AUGUST 28, 2025).** The motion carried.

NEW BUSINESS

The Board reviewed BZA Hearing 2025-01. No substantive changes to Board rules were proposed.

The Board received training on the rules and duties pertaining to this body.

The meeting adjourned at 3:25 p.m.

Name & Title

Signature



CITY OF ELKINS AGENDA ITEM REPORT

Meeting Date:	April 2, 2026
Section:	New Business
Category:	Action Item
Agenda Item Name:	Election of officers for 2026
Recommended By:	City Clerk
Summary:	<p>§ 152.025 POWERS AND DUTIES OF THE BOARD OF ZONING APPEALS. § 152.025 POWERS AND DUTIES OF THE BOARD OF ZONING APPEALS.</p> <p>At the first regular meeting each year, the Board of Zoning Appeals shall elect a chairperson and vice chairperson from its members. The vice chairperson shall have the power and authority to act as chairperson during the absence or disability of the chairperson.</p> <p>Note: there are no term limits on serving chairperson or vice chairperson.</p>
Fiscal Impact:	n/a
Recommendation:	Offer nominations and vote to elect a chairperson and a vice chairperson
Attachments:	None



CITY OF ELKINS AGENDA ITEM REPORT

Meeting Date:	April 2, 2026
Section:	New Business
Category:	Presentation
Agenda Item Name:	Training Scenario Review: Variance Standards and Self-Created Hardship in Fairmont/Saunder Case
Recommended By:	City Clerk
Summary:	<p>The Board will review a Board of Zoning Appeals case from another jurisdiction involving an appeal of a denied variance request for a garage constructed without permits and in violation of setback requirements. The variance was denied based on a finding that the hardship was self-created and that the property lacked the unique conditions required to justify a variance.</p> <p>This scenario is provided as a training exercise to reinforce the standards governing variances, with particular emphasis on self-created hardship and the requirement that a variance arise from conditions unique to the property.</p>
Fiscal Impact:	n/a
Recommendation:	Review and discuss training materials
Attachments:	<ol style="list-style-type: none"> 1. BZA Saunders matter training overview - 2026_03_23 2. City of Fairmont - Saunders appeal - June Fairmont BZA - annotated

Elkins Board of Zoning Appeals

Training Scenario: After-the-Fact Variance Request

Scenario Summary

A property owner constructed a garage without required permits and in violation of setback requirements, then applied for a variance to legalize the structure.

The request was denied because the hardship was self-created, the property lacked unique physical conditions, and the structure could have been built in compliance. The applicant appealed that denial.

Key Legal Standard (W. Va. Code §8A-7-11)

A variance is a deviation from the minimum standards of the zoning ordinance. It:

- Cannot permit a use that is otherwise prohibited
- Cannot change the zoning classification

The Board shall grant a variance only if it finds that the variance:

- Will not adversely affect the public health, safety, or welfare, or the rights of adjacent property owners or residents
- Arises from special conditions or attributes which pertain to the property and were not created by the applicant
- Would eliminate an unnecessary hardship and permit a reasonable use of the land
- Will allow the intent of the zoning ordinance to be observed and substantial justice done

Key Lessons for Board Members

Variations are not a remedy for violations

An after-the-fact request does not justify relief if the statutory criteria are not met.

Hardship must arise from the property

The statute requires “special conditions or attributes” of the land itself, not personal preference or convenience.

Self-created hardship requires denial

If the applicant created the condition, the statutory test is not satisfied.

Reasonable use is the standard

The question is not whether the applicant's preferred project can proceed, but whether the property can be reasonably used without the variance.

Neighbor support is not determinative

The Board must make the required statutory findings regardless of public opinion.

Apply all criteria, not just one

All four statutory findings must be satisfied in order to grant a variance.

Questions to Guide Deliberation

- What is the claimed hardship, and what property condition creates it?
- Was that condition created by the applicant?
- Can the property be reasonably used without the variance?
- Would granting the variance still observe the intent of the ordinance?
- Would it adversely affect neighboring properties or the public?

Bottom Line

Under West Virginia law, a variance may be granted only when all required findings are met. If the hardship is self-created or not tied to the property, the Board should deny the request.



Introduction

James Saunders is appealing a decision made by the zoning administrator, Shae Strait, that petition BZA 24-05 for a setback Variance for an unauthorized new construction of a garage at 4 Freeland Street did not meet the minimum requirements under city and state code to obtain a Variance. The zoning administrator denied the variance request on grounds that the property did not have unique circumstances pertaining to the property and the circumstances were of the petitioners making.

Existing Conditions

This property is located at 4 Freeland Street. The property is zoned Neighborhood Residential. There is also General Residential and Main Corridor Commercial zoning nearby. Most nearby land uses are single-family dwellings with some commercial uses along nearby Route 250 / Fairmont Avenue.

The dwelling at this property sits very close to the Freeland Street right-of-way, as do most nearby houses. According to assessor data, this house was built in 1881. Staff approximates that the front porch nearly touches the property line, and the front wall of the house sits no more than 8-10 feet from the front property line. This measurement is based on city mapping data. A map of the property can be found as an attachment.

There is a gravel driveway to the right of the house and it also appears that the area in front of the porch has gravel on either side of the sidewalk and up to the street.

This property has a large rear yard. There is another additional accessory structure located in the rear yard. Neighboring properties with very similarly sized homes and lots with similar topography have accessory structures, including garages. All other

accessory structures on this street are located in rear yards.



Figure 1 – Photo taken on 9/1/2024 by Steve Boyce

Background

Steve Boyce, a Code Enforcement Official for the City of Fairmont, on 9/1/2023 delivered notice of “working without required building or electrical permit(s)” to James Saunders stating that the building must be approved by the Planning & Development Department, that he must apply and be approved, or remove the building. Figure 1 in this report was taken at the time of the violation showing the location the building was placed and clearly show that the building has a full-size garage door. The building as placed was in violation of Zoning Code Article 2.3.3.A.i.b. which states that garages must be set back twenty (20) feet from the property line the garage doors face.

Saunders came to City Hall and filled out a Zoning Permit Application on 9/1/2023, claiming that the structure was an “out building” that was 10 x 20 feet. The application was denied by Planning and Development Department Director Shae Strait, on the grounds that Saunders did not provide the



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PREPARED 6/6/2024

distance the building was set back from his property line.


Saunders then took no further action to get the necessary permitting to bring the building into compliance and was issued a notice to appear in court in regard to the violation. The case was heard in Municipal Court on March 28th, 2024.

One decision of court was that Saunders would apply for the proper permitting to bring the building into compliance. He filled out a Building Permit Application on 4/11/2024, where he stated that the building was an unattached 12 x 20 foot wooden garage, which will have electric run from the house for a garage door opener. This application also cited a contractor involved called Optimum Contracting, which does not have a city business license. This application was also denied by Planning Director Shae Strait, because it once again did not meet the setback requirements of Section 2.3.3.A.i.b. of the Zoning Code.

Saunders had intentionally understated the building size in the original permit from September 1, 2023 in order to not require a Building Permit and review by the Building Official. Saunders also misrepresented the original project claiming it was just a storage shed and not a garage. In the latest permit, Saunders admitted it was a garage for storing vehicles within.

Then on 5/13/2024, Saunders submitted an application for a Variance with the Board of Zoning Appeals. The request stated that he put a 12 x 20 foot garage beside his house, that it is behind the front of his house, that the neighbors have no problem with it, that he has no problem seeing to back out of the garage, and that it is 16 feet from the property line to the "road". This is not measured from the edge of the right-of-way /

property line as outlined in the zoning code. The variance request includes affidavits signed by neighbors saying they have no problem with the garage. The entire application can be found as an attachment to this report. This variance request was denied by Planning Director Shae Strait, on the grounds that the request did not meet the minimum requirements for a variance. The code is written as follows:

- A. The City of Fairmont Board of Zoning Appeals may grant a variance to the Zoning Ordinance if it finds that the variance:
 - i. Will not adversely affect the public health, safety or welfare or the rights of adjacent property owners, residents or the neighborhood;
 - ii. Arises from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance;
 - iii. Would eliminate an unnecessary  hardship and permit a reasonable use of the land;
 - iv. Will allow the intent of the Zoning Ordinance to be observed and substantial justice done; and
 - v. Is the minimum variance that will accomplish this purpose.

Staff Comments

This appeal case has a long history based on the primary issue that the homeowner had a garage placed without first applying for or receiving any permitting. Had the applicant applied for a permit first, which is the recommended course of action, he would have been advised from the start that the building must be set back twenty feet from the front property line.



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The applicant states that the minimum variance requested is 4 feet, which is incorrect. As calculated by staff using available mapping resources, the building sits approximately 9 feet from the front property line, and approximately 19 feet from the edge of the roadway, which it should be noted that these are not the same thing. The Zoning Code requirements in Section 2.3.3.A.i.b. state that garage doors must be located twenty (20) feet from the property line which they face.

It is the opinion of staff that there is no reason that this building could not have been moved when the initial code violation was issued for working without a permit. The applicant was made aware as soon as possible of the setback requirement. The applicant then proceeded to perform additional work after the notice of working without a permit was issued including running electric to the garage, finishing the gravel driveway, painting the wooden floor for parking vehicles, and more.

The variance request claims that the ground slopes up in the rear yard in an inhibitive manner and prevents the garage from being moved back any farther than it currently sits. Photos taken of the site by staff show that this is not true; it is a very gentle slope if significant at all, with the anticipated slope being approximately 5% (10 feet of rise across a total of 177 linear feet of distance between 10 foot contour lines of the WV Flood Plain map). Figure 2 also shows the surrounding topography, indicated by yellow lines, from which we can infer that this property does not have a significant slope.

The applicant actually has another accessory structure, a storage shed, located in the rear yard which does not appear to have required moving significant amounts of dirt to install. It should also be noted that staff found no record of a building or

zoning permit for this accessory structure. It is unknown when this building was constructed (See Figure 3).

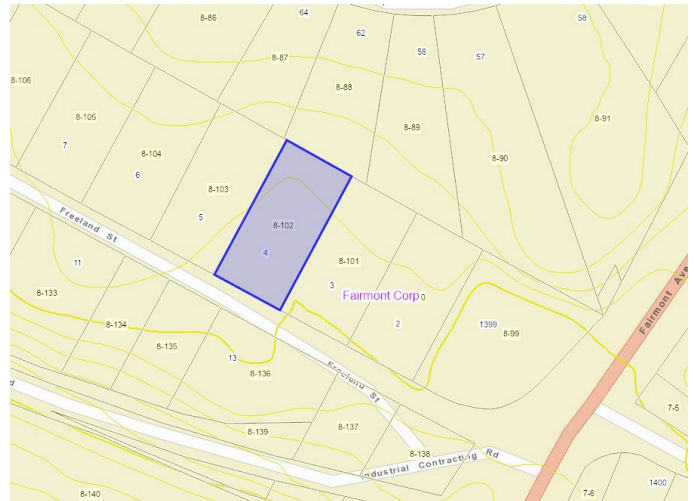


Figure 2 – Screenshot of nearby topography from WV Property Viewer



Figure 3 - Screenshot of Google Street View Showing Other Accessory Structure



Figure 4 - Screenshot of Google Street View of Gravel Driveway Area Before Unauthorized Garage was Placed



Comprehensive Plan

The Comprehensive Plan makes no mention of changing the setback requirements, nor does it advocate for variances such as this to the Zoning Code.

Board Actions

The Board of Zonings Appeals may reverse, affirm or modify the order, requirement, decision or determination appealed from so long as the action of the Board taken on appeal is consistent with the rules, regulations and requirements of the zoning code.

The decision is that:

James Saunders, petitioner, *did not meet the minimum requirements* under City of Fairmont and State of West Virginia code, particularly that a variance must “arise from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance”.



Staff Recommendation

Staff recommends that the Board of Zoning Appeals Affirm the decision made by Planning Director Shae Strait as it pertains to the denial of a variance.

Findings of Fact


1. James Saunders is the petitioner and owner of the property
2. The property is zoned Neighborhood Residential
3. The use is a Single-Family Dwelling Detached
4. The property is addressed 4 Freeland St
5. The property is identified as Tax District 3, Map 8, Parcel 102
6. The parcel is approximately 0.26 acres
7. The property contains a single-family dwelling that is approximately 1200 SF

8. According to property records the principal dwelling was constructed in approximately 1881
9. The property also contains an accessory structure, a shed, located in the rear yard, for which staff did not find record of a building or zoning permit; this structure does not appear to have required substantial and unreasonable earthwork for its installation
10. The original violation issued by Code Enforcement is for working without proper permitting issued on September 1, 2023
11. The original Zoning Permit request for a 10 foot by 20 foot storage shed was denied on October 23, 2023 after Saunders failed to provide, in writing, all information necessary to have the permit reviewed and potentially approved; the application was originally submitted on September 1, 2023 after the Notice of working without a permit was issued
12. The garage that was built without proper permitting is in violation of setback requirements found in Section 2.3.3.A.i.b. of the Arises Zoning Code conditions or attributes which pertain to the
13. A meeting was held on October 23, 2023 with City Staff and James Saunders in an attempt to resolve the issue; Saunders refused to make any changes
14. On October 24, 2023, a summons to municipal court was requested by the Code Enforcement official, Mr. Steve Boyce, who was in charge of the case
15. The initial court hearing took place on March 28, 2024
16. Further work was completed during the stop work order, such as installing electricity, completing the gravel driveway, painting the interior floors, and installing steps on the eastern side of the building
17. The average grade between contour lines on the WV Flood Plain Map is 5%



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18. The building is larger than initially stated in 2023, which impacts which permits and codes that apply to the structure; the actual building size was disclosed after the March 2024 court appearance
19. A new building permit was applied for on April 11, 2024, which was denied by Shae Strait because the structure did not meet setback requirements as stated above
20. The variance petition and subsequent appeal of denial of a variance petition was filed on May 13, 2024

21. The appeal is that 4 Freeland Street does have significant topographic challenges in the rear yard which are prohibitive for the placement of accessory buildings in that yard space and that  the decision of the Planning and Development Department Director, Shae Strait, to deny the request was erroneous to the facts of the property and its topography.

Attachments

Please see the attached application and zoning map.



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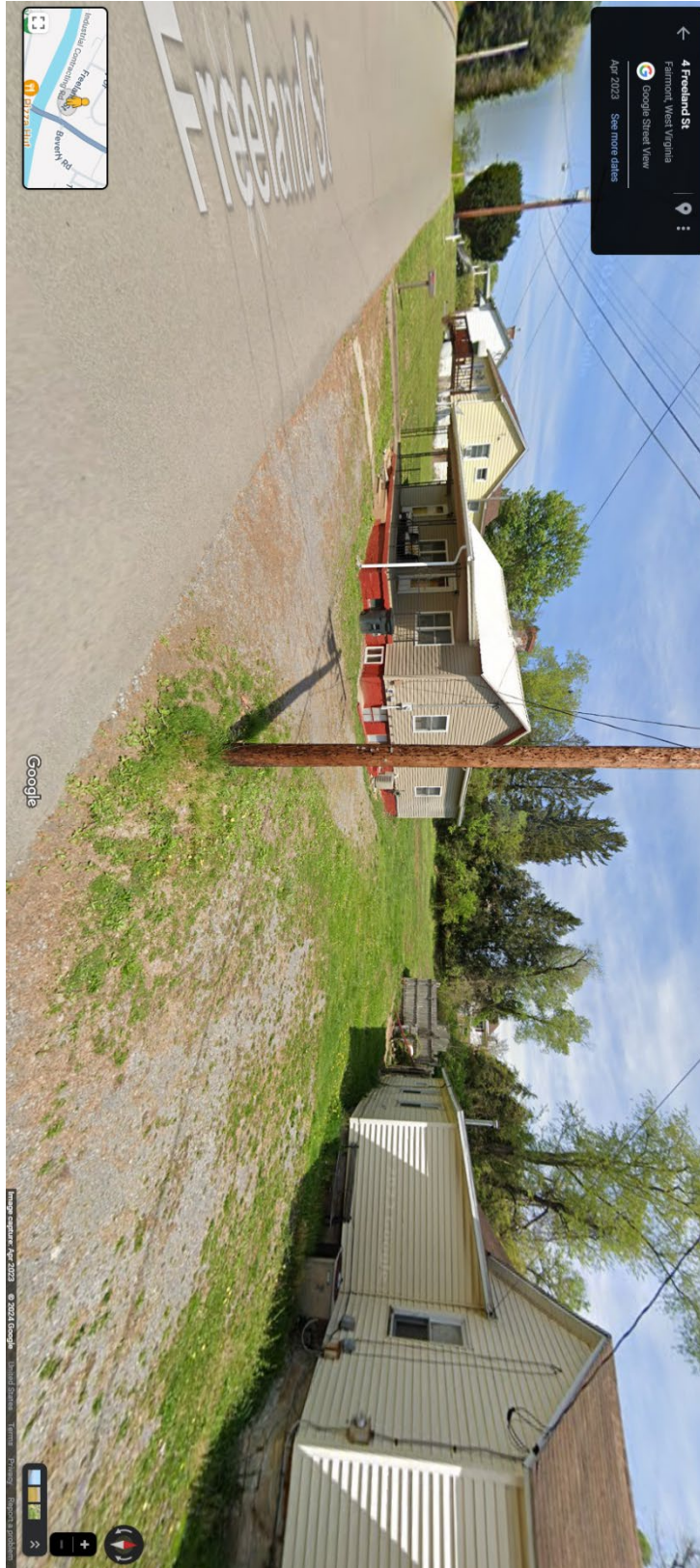


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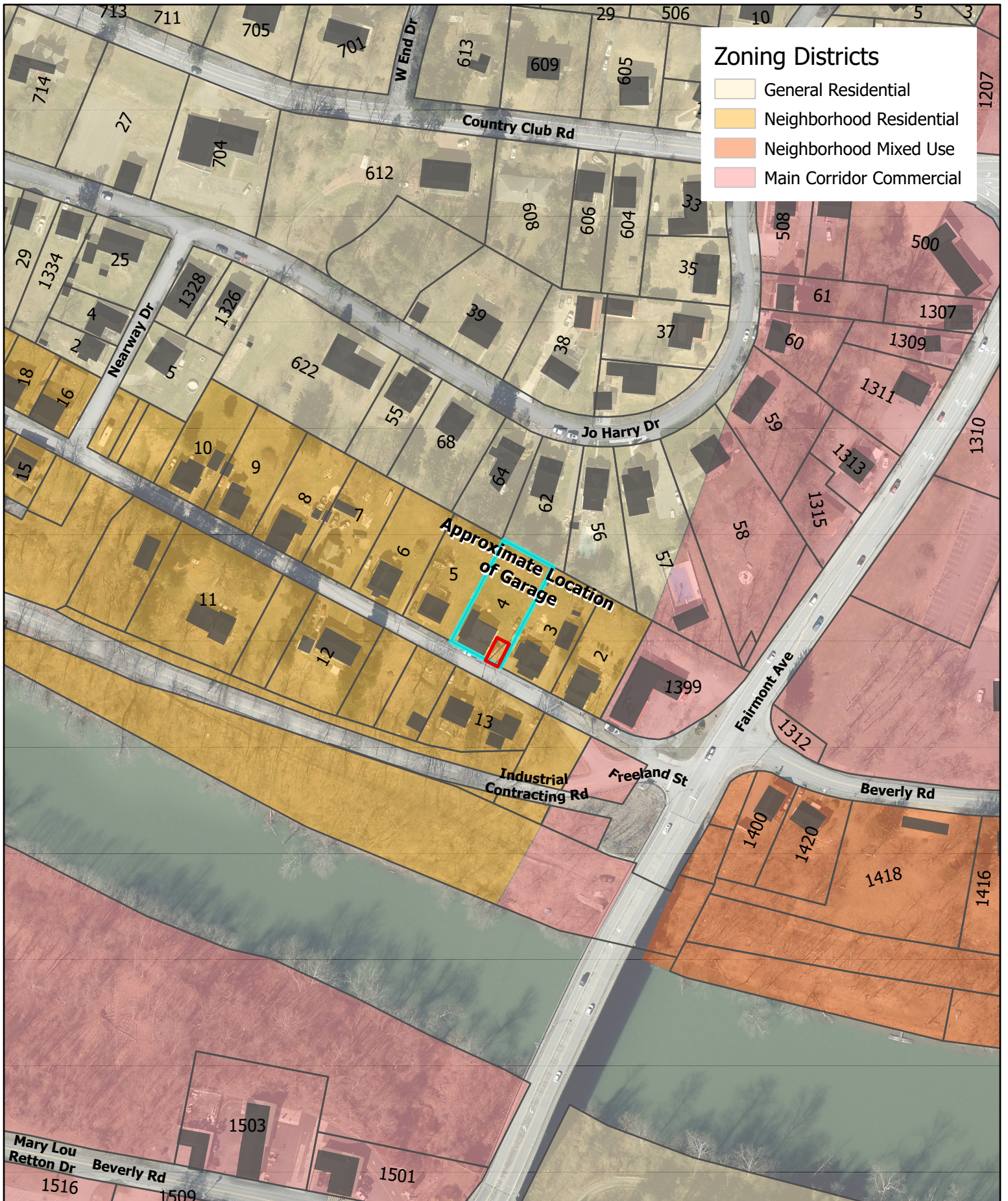




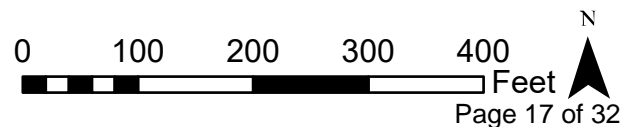
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**BZA 24-06 - Appeal
Denial of Variance
4 Freeland St**





**APPEAL OF DECISION APPLICATION FORM
BOARD OF ZONING APPEALS**

Planning & Development Department
200 Jackson St., Fairmont WV 26554
Phone (304) 366-6212, Ext 333

Office Use	Date Received <u>5/13/2024</u>	Complete <u>X</u>	Fee Paid <u>X check</u>
	Petition No. <u>24-06</u>	Hearing Date <u>6/6/2024</u>	

I. APPLICANT

APPLICANT'S NAME James Saunders
 ADDRESS 4 FREELAND ST
 CITY FAIRMONT STATE WV ZIP 26554
 PHONE 304-365-2170 EMAIL pastorj.saunders@gmail.com
 INTEREST IN PROPERTY Variance for garage

II. PROPERTY INFORMATION

PROPERTY ADDRESS 4 FREELAND ST
 GENERAL LOCATION Gory South Towards mall - RT before crossing Watson Br.
 LEGAL DESCRIPTION ATTACHED ON PLAT
 PROPERTY TAX MAP AND PARCEL NO. Dist. 3, Map 8, Parcel 102
 PROPERTY SIZE (acres) 0.26 acres PROPERTY FRONTAGE (feet) 75ft
 EXISTING ZONING Neighborhood Res. ZONING OF ADJACENT PROPERTY NR, GR
 CURRENT USE Single family home

III. REQUEST DETAIL

APPEAL OF ACTION BY James Saunders DATE OF ACTION 5-13-24
 (attach a copy of the decision on which the appeal is being requested.)

IV. SIGNATURES (This application form must be signed by both the applicant and legal owner of the property.)

The undersigned deposes that the foregoing statements and answers and accompanied information are true and correct.

SIGNATURE OF APPLICANT
James Saunders James Saunders
 (Print/type name of applicant)
 Date 5-13-24

SIGNATURE OF LEGAL OWNER
James Saunders
 (Print/type name of legal owner)
 Date 5-13-24



DENIED

APPLICATION FORM
BOARD OF ZONING APPEALS-VARIANCE

Planning & Zoning Department
200 Jackson St., Fairmont WV 26554
Phone (304) 366-6211, Ext 333

Office Use
Date Received 5/13/2024 Complete X
Petition Number 24-05 Hearing Date

I. APPLICANT

APPLICANT'S NAME James Saunders
ADDRESS 4 FREELAND ST
CITY FAIRMONT STATE WV ZIP 26554
PHONE 304-365-2170 FAX

II. PROPERTY INFORMATION

PROPERTY ADDRESS 4 FREELAND ST
GENERAL LOCATION Turn RT Before Crossing, Watson Bridge/31 House on RT
LEGAL DESCRIPTION [] ATTACHED [] ON PLAT
PROPERTY TAX MAP AND PARCEL NO.

III. NARRATIVE-Please describe the nature and extent of your variance request(s).

I put a 12x20 Amish Garage beside the house.
It is behind the front of the house/NEIGHBORS
Have no problem with it. It has enough room for
me to see both ways from getting out of it.
It is 16' from property line to the road.

IV. ATTEST

I hereby certify that I am the owner of record of the named property, or that this application is authorized by the owner of record and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. The granting of the variance does not presume to give authority to violate or cancel the provisions of any other federal, state, or local law regulating construction or the performance of construction. I certify that the information submitted herein and attached hereto is true and accurate and understand that if found otherwise may result in the denial of this request or subsequent revocation of any and all related approvals. The undersigned has the power to authorize and does hereby authorize City of Fairmont representatives on official business to enter the subject property as necessary to process the application and enforce related approvals and conditions.

James Saunders
SIGNATURE OF APPLICANT/AGENT
Date 4-15-24

James Saunders
(Print/type name of applicant/agent)

*You or a representative MUST be present at the scheduled hearing to present the request and answer questions. Failure to appear at the hearing will result in your request being tabled.



RECEIVED

**APPLICATION FORM
BOARD OF ZONING APPEALS—VARIANCE**

Planning & Zoning Department
200 Jackson St., Fairmont WV 26554
Phone (304) 366-6211, Ext 333

VI. SUPPLEMENTAL INFORMATION

Depending on the type of variance requested and the scale and scope of the development proposal, supplemental information may be needed to assist the Board of Zoning Appeals in rendering a variance decision. Staff will check the appropriate boxes below that must be addressed.

Land Use Characteristics (complete only those that apply)

- Residential
- Single-Family Dwelling
- Townhouse Dwelling
- Two-Family Dwelling
- Multi-Family Dwelling

Non-Residential or Mixed-Use (please explain)

Office Use Only: Zoning Code Primary Use Classification(s):

Structure Characteristics (complete only those that apply)

Total number of buildings: 1 Gross floor area of each building: 12x20/240 sq ft
 Estimated number of employees (max shift, typical): _____
 No. of dwelling units: _____ No. of bedrooms: _____

Additional structure-related details:
Amish Garage Building

If Applicable:

Current Setbacks: Front Yard 16' Side RT- 5'5" / LF- 7'9" Back _____
 Desired Setbacks: Front 16' Side 5'5" / 7'9" Back _____

Site Plan— A scaled site plan may be required to assist the Board in rendering a variance decision. The following features must be represented, as required by Staff.

- Location, shape, exterior dimensions and number of stories of each building on the site.
- Standard yard setbacks for the applicable zoning district.
- Location, grade and dimensions of paved surfaces and all abutting streets.
- Existing and proposed contours at an interval of at least two(2) feet.
- Complete traffic circulation plan showing dimensions, entrance/exit drives, planters and similar improvements.
- Location of landscaped areas (to be detailed on landscape plan), fences, walls and other screen required.

Elevation or Floor Plans—A scaled set of building plans may be required to assist the Board in rendering a variance decision.

- All dimensions and relevant area calculations shall be shown, such as height, blank wall widths, transparency percentage, or build-out percentage.



**APPLICATION FORM
BOARD OF ZONING APPEALS—VARIANCE**

Planning & Zoning Department
200 Jackson St., Fairmont WV 26554
Phone (304) 366-6211, Ext 333

VII. Findings of Fact

The Board of Zoning Appeals may grant a variance request only if each of the following "Findings of Fact" criteria is determined to be in the positive. Applicants must give their own responses to the following criteria statements.

1. It will not adversely effect the public health, safety, welfare or the rights of adjacent property owners, residents or the neighborhood, because:

ALL NEIGHBORS NEAR Building HAVE SIGNED PAPERS VERIFYING they have no problem with Building's PAPERS have been notarized. (Please see attached Affidavit from neighbors)

2. It arises from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance, because:

The backyard has a slope going up away from home I did not irrigate the slope. For the building to fully meet the set back requirements significant excavating would need to be conducted. This may then require new drainage systems to protect both me and my neighbor from flooding as well as retaining walls and other installations

3. It would eliminate an unnecessary hardship and permit a reasonable use of the land, because:

See above answers. It would present a hardship plus create potentially unstable ground and flooding issues from both me and my neighbor's yard if I move back I have to slope the yard. I would also incur significant financial expense.

4. It will allow the intent of the Zoning Ordinance to be observed and substantial justice done, because:

Any intent of the zoning ordinance to allow safe travel on the street prevent any unnecessary traffic increases, maintain integrity of the road on any sidewalks cause any unsafe, blockage of view, disturbing any natural flow of water can all be achieved with permitting the ~~attainment~~ variance.

5. It is the minimum variance that will accomplish this purpose, because:

The minimum variance that is requested is 4 feet!

James Saunders
SIGNATURE OF APPLICANT

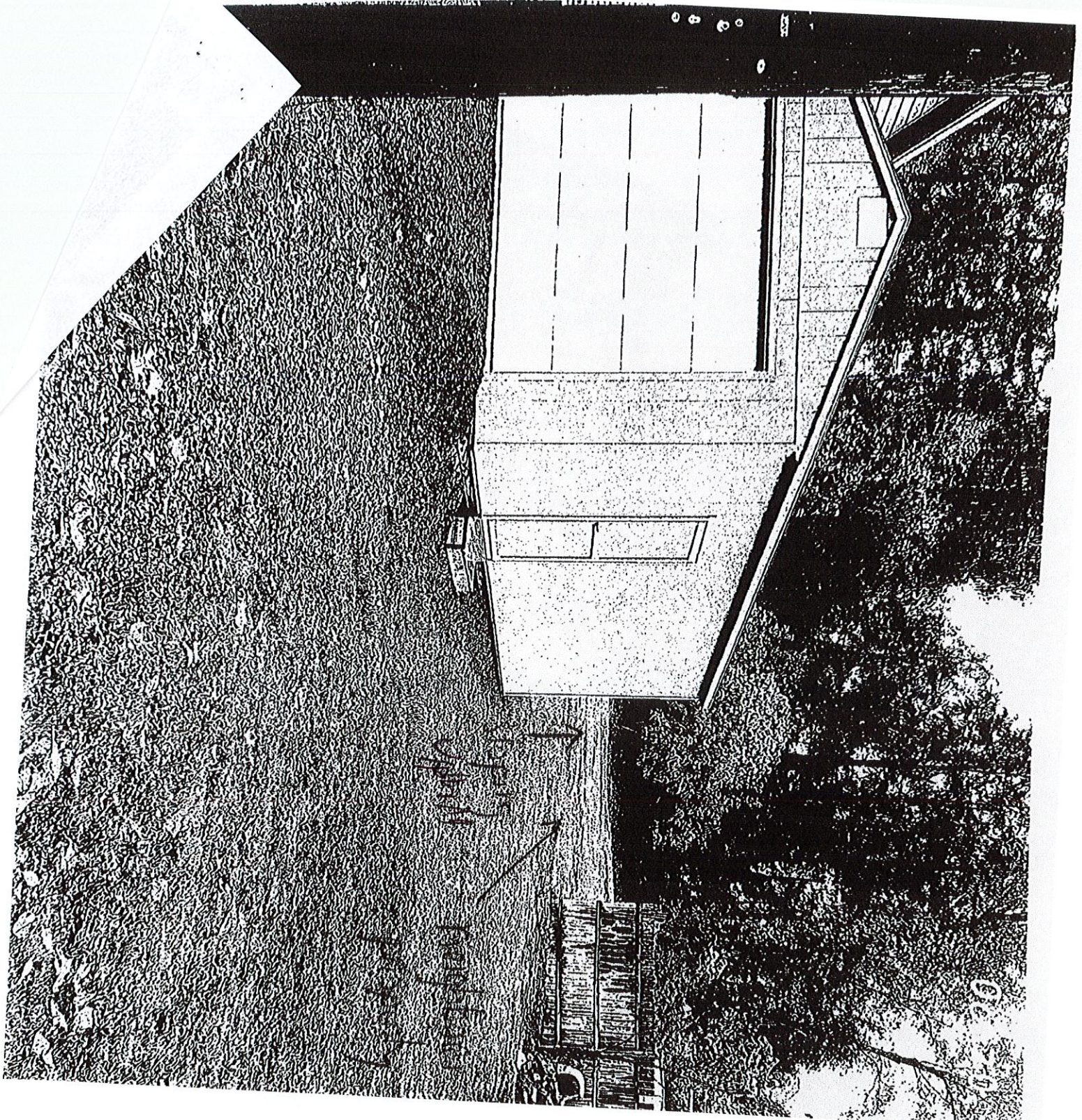
James Saunders
(Print/type name of applicant)

Date 4/15/24

James Saunders
SIGNATURE OF LEGAL OWNER

James Saunders
(Print/type name of legal owner)

Date 4-15-24





2' from front of house



16'5"

Property Line



CITY OF FAIRMONT

CITY/COUNTY COMPLEX
 P.O. Box 1428
 Fairmont, West Virginia 26555-1428
 (304) 366-6212
 (304) 366-0228 FAX

OFFICIAL NOTICE

DATE: 9/1/2023

OWNERS NAME OR LESSEE: _____ PROPERTY ADDRESS: 4 Freedom

VIOLATION(S)

- WORKING WITHOUT REQUIRED BUILDING OR ELECTRICAL PERMIT(S) ORDINANCE NO. 1694
- VIOLATION(S) OF PLANNING & ZONING ORDINANCE NO. 1639
- STOP WORK ORDER
- OCCUPANCY OF AN UNREGISTERED RENTAL UNIT ORDINANCE NO. 1503
- VIOLATION OF BUILDING OR PROPERTY MAINTENANCE ORDINANCE NO. 1694
- VIOLATION OF OTHER CITY CODE(S)
- STORAGE OF SOLID WASTE; PLACEMENT AND TYPES OF CONTAINERS; AND DISPOSAL. GARBAGE MUST BE STORED IN APPROVED CONTAINERS, CONTAINERS MUST BE STORED IN THE SIDE YARD WITHOUT BEING VISIBLE FROM THE FRONT YARD OR IN THE REAR YARD AND PLACED AT CURBSIDE NO EARLIER THAN DUSK ON THE DAY PRIOR TO COLLECTION AND MUST BE REMOVED BY DUSK ON THE DAY OF COLLECTION ORDINANCE NO. 1163

The building must be approved by planning & zoning you must apply & be approved of before the building

YOU ARE HEREBY DIRECTED UNDER THE ENFORCEMENT PROVISIONS OF THE APPLICABLE ORDINANCE TO CORRECT THIS VIOLATION(S) WITHIN 1 DAY(S) OF RECEIPT OF THIS NOTICE. FAILURE TO COMPLY WITH THIS NOTICE MAY RESULT IN A SUMMONS AND COMPLAINT BEING ISSUED FOR YOU COMPELLING YOU TO APPEAR BEFORE THE MUNICIPAL COURT AND IF CONVICTED YOU MAY FACE A FINE UP TO \$500 PLUS COURT COST OF \$137. ANY NOTICE ISSUED PURSUANT TO BUILDING, ZONING, OR PROPERTY MAINTENANCE CODE IS SUBJECT TO APPEAL. CONTACT THE BUILDING INSPECTION OFFICE FOR PROCEDURE.

NOTICE RECEIVED BY: _____
 SIGNATURE OF INSPECTOR: SPB

POSTED: 9/1/2023
 304-366-6212 EXT _____

2015 INTERNATIONAL PROPERTY MAINTENANCE CODE

IPMC-302.1	SANITATION	IPMC-304.7	ROOFS & DRAINAGE
IPMC-302.2	GRADING & DRAINAGE	IPMC-304.9	OVERHANG EXTENSIONS
IPMC-302.3	SIDEWALKS & DRIVEWAYS	IPMC-304.10	STAIRWAYS DECKS PORCHES & BALCONIES
IPMC-302.4	WEEDS/GRASS- MAXIMUM HEIGHT OF 10 INCHES	IPMC-304.11	CHIMNEYS & TOWERS
IPMC-302.5	RODENT HARBORAGE	IPMC-304.12	HANDRAILS & GUARDS
IPMC-302.6	EXHAUST VENTS	IPMC-304.13	WINDOW SKYLIGHT & DOOR FRAMES
IPMC-302.7	ACCESSORY STRUCTURES	IPMC-304.13.1	GLAZING
IPMC-302.8	MOTOR VEHICLES	IPMC-308.1	ACCUMULATION OF RUBBISH OR GARBAGE
IPMC-302.9	DEFACEMENT OF PROPERTY	IPMC-308.2	DISPOSAL OF RUBBISH
IPMC-303.1	SWIMMING POOLS	IPMC-308.2.1	RUBBISH STORAGE FACILITIES
IPMC-304.1	GENERAL	IPMC-308.2.2	REFRIGERATORS
IPMC-304.2	PROTECTIVE TREATMENT	IPMC-308.3	DISPOSAL OF GARBAGE
IPMC-304.3	PREMISES IDENTIFICATION	IPMC-308.3.2	CONTAINERS



ZONING PERMIT APPLICATION

Applicant ~~did~~ failed to complete the application. No setbacks in writing.

DENIED

Planning & Development Department
200 Jackson St., Fairmont WV 26554
Phone (304) 366-6212, Ext 333

Department Use Only
Date Received 9/1/23
Complete No
Zoning District NR
Permit No.
Fee Paid
Building Permit Required Instead (Y/N)
Approved Denied
Initials ADS
Date 10/23/23

I. APPLICANT

APPLICANT'S NAME James Saunders
ADDRESS 4 Freeland ST
CITY Fairmont STATE WV ZIP 26554
PHONE 304-365-2170 EMAIL pastorjsaunders@gmail.com
INTEREST IN PROPERTY Owner
IF NOT THE OWNER—OWNER'S NAME
ADDRESS
CITY STATE ZIP
PHONE EMAIL

II. PROPERTY INFORMATION

PROPERTY ADDRESS 4 Freeland ST
GENERAL LOCATION (IF NO ADDRESS)
PROPERTY TAX MAP AND PARCEL NO. (IF NO ADDRESS)
CURRENT PRINCIPAL USE (check one): [X] Single-Family Dwelling [] Duplex [] Multi-family
[] Commercial—Please Describe:
[] Mixed-Use (Residential & Commercial) - Please Describe:

III. CONTRACTOR INFORMATION (IF APPLICABLE)

CONTRACTOR'S NAME (BUSINESS OR INDIVIDUAL) N/A
CITY LICENSE NUMBER
ADDRESS
CITY STATE ZIP
PHONE EMAIL

IV. IMPROVEMENT INFORMATION (PLEASE CHOOSE ALL THAT APPLY)

[] Fence [X] Accessory Structure (Ex. tool shed under 200SF) [] Sidewalk [] Driveway
[] Porch / Stoop / Deck (attached to structure) [] Patio (ground based) [] Retaining Wall
[] Other: 10x20
TOTAL COST 4600.00
DESCRIPTION OUT Building

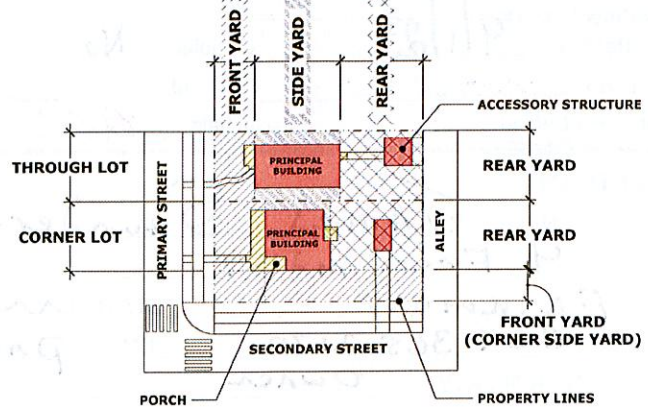


ZONING PERMIT APPLICATION

Planning & Development Department
 200 Jackson St., Fairmont WV 26554
 Phone (304) 366-6212, Ext 333

V. IMPROVEMENT LOCATION(S) (SEE GRAPHIC FOR REFERENCE)

- Front Yard
- Side Yard
- Rear Yard
- Vacant Lot (Please check with Planning staff before considering improvements)



VI. GUIDANCE BEFORE SUBMISSION

1. A site sketch of improvements must be submitted with all zoning permits. **Site sketch must include:** Length, width, and height for all proposed improvements; distance from property lines; relation to principal structure (ex. Single-family dwelling); type of fence(s).
2. No accessory structures may be located in the front yard except for approved fences, sidewalks, driveways, flag poles, benches, bird baths, or similar structures approved by the Planner.
3. All accessory structures, excluding fences, must be at minimum 5 feet from all property lines.
4. Front yard parking may have limitations. Please see the Supplemental Regulations for your zoning district and Site Standards for Parking and Landscaping.
5. Any accessory structure that is 200SF or larger requires a building permit.

VII. SITE SKETCH (REQUIRED; MAY BE COMPLETED ON AN ATTACHED DOCUMENT)

VIII. SIGNATURES (THIS APPLICATION FORM MUST BE SIGNED BY BOTH THE APPLICANT AND LEGAL OWNER OF THE PROPERTY.)

The undersigned deposes that the foregoing statements and answers and accompanied information are true and correct.

James Sanders

 SIGNATURE OF APPLICANT
 James Sanders

 PRINTED NAME
 9-1-23

 DATE

 SIGNATURE OF LEGAL OWNER

 PRINTED NAME

 DATE

Updated: Tuesday, July 19, 2022

WV Flood Map



This map is not the official regulatory FIRM or DFIRM. Its purpose is to assist with determining potential flood risk for the selected location.

H I G H R I S K		Regulatory Floodway	● Flood Info Location Map created on 9/1/2023 User Notes Flood Hazard Area Location is NOT WITHIN any identified flood hazard area. Unmapped flood hazard areas may be present. Flood Zone Out of Flood Zone Stream Watershed (HUC8) West Fork (5020002) Flood Height Flood Height 6a N/A Water Depth Elevation 955.6 ft (Source: FEMA 2018-20) (NAVD88) Community & ID City of Fairmont (ID: 540099) FEMA Map & Date 54049C0208D; Effective Date: 6/19/2012 Location (lat, long) (39.467150, -80.158732) (WGS84) Parcel ID 24-03-0008-0102-0000 E-911 Address 4 FREELAND ST, Fairmont, WV, 26554
		1-Percent-Annual-Chance Flood Hazard Area With Base Flood Elevation (BFE)	
		1-Percent-Annual-Chance Flood Hazard Area Without BFE (may have Advisory Flood Heights)	
		1-Percent-Annual-Chance Future Conditions (High Risk Advisory Flood Zones)	
	Download the Full Legend for all flood tool symbols https://www.mapwv.gov/flood/map/docs/wv_flood_tool_legend.pdf		
Disclaimer: The online map is for use in administering the National Flood Insurance Program. It does not necessarily identify all areas subject to flooding, particularly from local drainage sources of small size. Refer to the official Flood Insurance Study (FIS) for detailed flood elevation data in flood profiles and data tables. WV Flood Tool (https://www.MapWV.gov/flood) is supported by FEMA, WV NFIP Office, and WV GIS Technical Center.			

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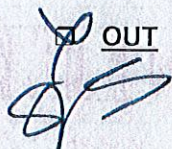
PERMIT

THE CITY OF FAIRMONT, WV BUILDING PERMIT APPLICATION

TODAY'S DATE 4-11-24

PERMIT# 02024

ADDRESS OF WORK →	
PROPERTY OWNERS INFO	Name: <u>Rev James Saunders</u>
	Mailing Address: <u>4 FREELAND ST</u>
	City/State/Zip: <u>FAIRMONT WV 26554</u>
	Phone Number(s): <u>304-365-2170</u>

TYPE OF BUILDING PROJECT	PROPOSED USE	FLOOD PLAIN	PLANNING & ZONING
<input checked="" type="checkbox"/> New Building <u>-Garage</u> <input type="checkbox"/> Addition <input type="checkbox"/> Remodel <input type="checkbox"/> Repair <input type="checkbox"/> Foundation <input checked="" type="checkbox"/> Electrical <input type="checkbox"/> Mechanical / (HVAC) <input type="checkbox"/> Plumbing <input type="checkbox"/> Roof	<input checked="" type="checkbox"/> Residential <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> One Family <input type="checkbox"/> Two or More Family <input type="checkbox"/> Hotel/Motel/Dormitory <input type="checkbox"/> Other	<input type="checkbox"/> IN <input checked="" type="checkbox"/> OUT 	<input type="checkbox"/> New Construction / Addition <input type="checkbox"/> Fence <input type="checkbox"/> Carport / Accessory structure <input type="checkbox"/> Parking
		OFFICE USE ONLY	(Must be signed off by Planning Dept.)

TOTAL COST OF IMPROVEMENT (MUST INCLUDE ALL MATERIALS AND LABOR)	Building	\$ <u>3,821.00</u>	CONTRACTOR(S) / BUSINESS NAME	
	Electrical	\$ <u>50.00</u>		<u>Optimum Contractry</u>
	Plumbing	\$		<u>WV060123</u>
	Mechanical (HVAC)	\$		
	Other	\$		
	TOTAL COST	\$ <u>3,871.00</u>		

CONTRACTOR INFORMATION	<input checked="" type="checkbox"/> Check HERE if Property Owner is performing the work <u>Electrical</u>		DESCRIPTION OF WORK TO BE DONE: <u>PLACE AN OUTSIDE</u> <u>UNATTACHED 12x20 WOODEN</u> <u>GARAGE BESIDE THE HOUSE</u> <u>AND WIRE A GARAGE DOOR</u> <u>OPEN TO IT.</u>
	General Contractor	WV LICENSE# _____	
	Electrical	<input type="checkbox"/> Journeyman# _____	
		<input type="checkbox"/> Master# _____	
	Mechanical/HVAC	<input type="checkbox"/> HVAC TECH# _____	
	Plumbing	<input type="checkbox"/> Journeyman# _____	
<input type="checkbox"/> Master# _____			
Other			

ALL APPLICANTS

ASBESTOS/LEAD ABATEMENT AND REMOVAL STATEMENT - As owner or Authorized Agent of the owner, I understand the State of West Virginia has laws regulating the inspection and abatement of asbestos and lead containing materials, and that I am responsible for the abatement of such material prior to remodeling, demolition, or the removal of roofing materials as per state law.

ELECTRICAL PERMIT STATEMENT - As Owner or Authorized Agent of the owner, I understand that Allegheny Power has rules and regulations governing meter and service drop attachment locations, and that I will meet with an Allegheny Power Representative for these locations prior to an inspection from the City of Fairmont if applicable.

POOL/SPA/HOT TUB STATEMENT - As owner or Authorized Agent of the owner, I understand receipt of the ICC (International Code Council) Code requirements (also part of the WV State Building Code), for the general installation of swimming pools, spas and hot tubs, and I agree to install, construct, alter, or modify said swimming pool/spa/hot tub, in accordance with said Code.

I hereby certify that the work is authorized by the owner of record, and that I have been authorized by the owner to make this application as his/her authorized agent, and we agree to conform to all applicable laws of this jurisdiction, and all information is true.

James L. Sanders
Signature of Applicant

4-11-24
Date

Approved By

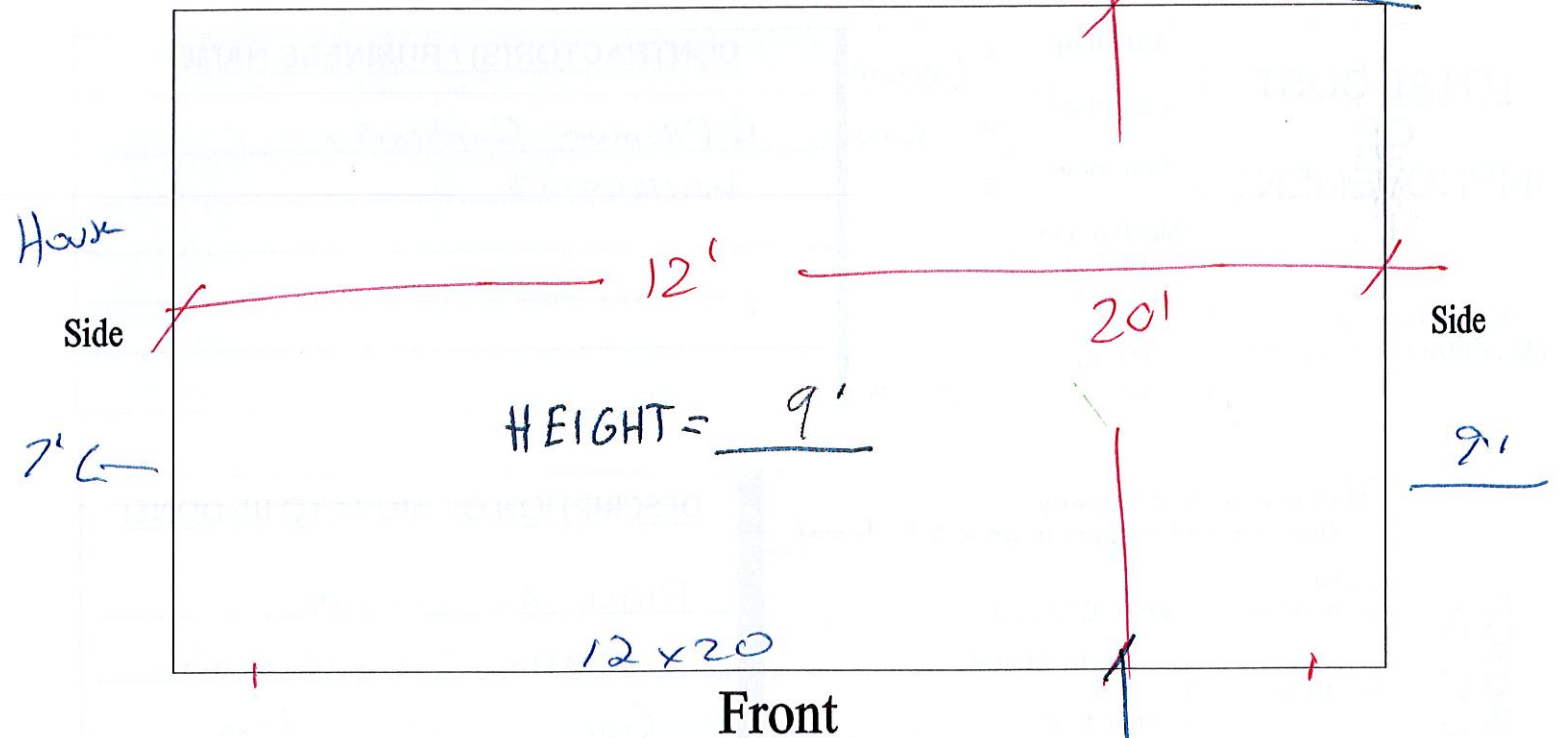
Date

DENIED *AS*

Planning Dept.

Date

Does not meet Section 2.3.3.A.i, b or Section 3.4.3.2.A of the zoning code. Back front yard setback is not accurate.



**Please provide any plans or drawings that will be helpful in approving this building permit.

Before digging or otherwise disturbing the earth, call 1-800-245-4848 to notify any buried facility owners, a free service. "It's the law in West Virginia."

Done !!

WWW.FAIRMONTWV.GOV

A 17' 6"



James Saunders <pastorjsaunders@gmail.com>

Custom Order Confirmation

JDM Structures <no-reply@jdmstructures.com>

Tue, Aug 15 at 11:58 AM

Reply-To: JDM Structures <no-reply@jdmstructures.com>

To: <pastorjsaunders@gmail.com>, <morgantown@jdmstructures.com>

Order Confirmation



Order Number: CU-ORD-5000002525

Customer Info

James Saunders
4 Freeland Street
Fairmont WV 26554
937-952-8369 pastorjsaunders@gmail.com

Billing Info

James Saunders
4 Freeland Street
Fairmont WV 26554

item no.	description	quantity	unit price	total price
PYMT-CUSTSHED	STOCK SHED	1	\$3,821.00	\$3,821.00
			Subtotal	\$3,821.00
			Tax - 7.000%	\$0.00
			Total	\$3,821.00

JAMES L SAUNDERS
PH. 304-366-9613
4 FREELAND ST.
FAIRMONT, WV 26554-3534

69-339/515

134

Date 8-31-23



Pay to the Order of

Optimum Contracting \$ 800.00
Eight Hundred ⁰³/₁₀₀ Dollars



TRUIST

Memo _____

James L. Saunders

⑆01503394149001341944300134

LOOK FOR MAINTENANCE FEATURES INCLUDING THE SECURITY SQUARE AND HEAT-REACTIVE INK. DETAILS ON BACK.

y

16320 1251 04479-051502913- HCB

6025-1445

CHECK HERE FOR MOBILE OR REMOTE DEPOSIT ONLY
AT _____
NAME OF FINANCIAL INSTITUTION _____ DATE _____
INSTITUTION'S SWIFT CODE (FOR INTERNATIONAL USE)

Deposit 2202336