

MARTINSBURG BOARD OF ZONING APPEALS
February 04, 2014 6:30pm
232 N. Queen Street
J. Oakley Seibert Council Chambers
Regular Meeting Minutes

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With a quorum present, Vice-Chairman Bradley called the regular scheduled meeting of the City of Martinsburg Board of Zoning Appeals to order at 6:30 pm. The following Board members were present: Mary Dulyea, Bill Blackburn and Frank Bradley. Also in attendance were City Planner Tracy Smith, Legal Counsel Kin Sayre and Planning Secretary Linda Fitzgerald.

APPROVAL OF January 04, 2014 MEETING MINUTES

The minutes were approved by unanimous consent.

OLD BUSINESS

None

UNFINISHED BUSINESS

None

NEW BUSINESS

1. **CASE SE-14-005. 122 Strine Avenue. Public Hearing.** Application requesting a special exception according to the requirements of Section 410.6 "Special Exception to Enlarge a Non-conforming Use or Structure" to expand a legally non-conforming structure for the purposes of constructing a deck. Roy and Jesse Ambush, Appellants.

Roy Ambush after being sworn in by Legal counsel, introduced himself and his wife Jesse Ambush, then presented this request stating they would like to build a deck to improve their home and community and to be able to enjoy an outside extension to their home.

Vice-Chairman Bradley opened the Public Hearing at 6:35 pm; as no one came forward to speak for or against this request, the Public Hearing was closed at 6:36 pm.

City Planner Tracy Smith provided a staff report and a stated this deck is in-line with the existing side of the house along the neighboring property; is in conformance; will not have a negative impact on the neighborhood; and does not impede visibility at the intersection for traffic.

Vice-Chairman Bradley outlined the conditions for the special exception and mentioned he could not find where the expansion is not in harmony or compliance. Vice-Chairman Bradley then read MZO section 702.32, 702.33 and 702.34 "General requirements for Granting a Special Exception". All Boardmembers agreed this deck is in compliance and harmony.

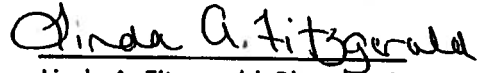
Boardmember Blackburn made the motion to approve the application requesting a special exception according to the requirements of Section 410.6 "Special Exception to Enlarge a Non-conforming Use or Structure" to expand a legally non-conforming structure for the purposes of constructing a deck of size 330 square-feet. The motion was seconded by Boardmember Dulyea and followed by a unanimous vote of "aye". Motion carried.

DISCUSSION: Next scheduled meeting: March 03, 2014

ADJOURNMENT: The meeting was adjourned at approximately 6:40 pm by unanimous consent.



Brenda Casabona, Chairperson



Linda A. Fitzgerald, Planning Secretary