

**Board of Zoning Appeals
City of Martinsburg
232 N. Queen Street
September 04, 2012
Regular Meeting Minutes
6:30 pm**

11B

With a quorum present, Chairperson Coffey called the regular scheduled meeting of the City of Martinsburg Board of Zoning Appeals to order at 6:30 pm. The following Boardmembers were present: Brenda Casabona, Matthew Coffey, Bill Blackburn, and Frank Bradley. Not present was April King. Also in attendance were City Planner Tracy Smith, Legal Counsel Kin Sayre and Planning Secretary Windy Miller.

APPROVAL OF August 07, 2012 MEETING MINUTES.

The minutes were approved as presented by unanimous consent.

OLD BUSINESS

None

UNFINISHED BUSINESS

None

NEW BUSINESS

1. CASE # V 12-067. 1617 West King Street. Public Hearing. Application requesting a variance from Section 430.4 "Schedule of Off-Street Parking Requirements" for a proposed expansion of an existing convenience store. CoreStates Group, Appellant.

Legal Council Kin Sayre swore in applicant, Arron Bodenshatz.

Mr. Bodenshatz presented the request to expand the existing Sheetz store on West King Street with two (2) additions that would increase the building by 968 square-feet; it would not be changing the use or adding anything new. Mr. Bodenshatz stated the Sheetz Corporation is doing major remodels to their existing stores to provide ADA compliant restrooms, and making the facility more customer friendly. Mr. Bodenshatz went on to say that there are currently eighteen (18) parking spaces and because of the building location, size of the site and orientation of the building the proposed parking spaces would remain at eighteen (18).

Chairman Coffey asked City Planner Tracy Smith for staff report.

Ms. Smith stated that there is one (1) parking space needed for every one hundred and fifty (150) square-foot of floor area, making it necessary to have twenty seven (27) parking spaces. Ms. Smith went on to say that the store currently only has eighteen (18) spaces and after renovations the parking area would be redesigned and parking spaces would remain at eighteen(18) and the applicant is asking for relief from needing additional seven (7) spaces. Ms. Smith stated to the board that the requirements from section 903.21 criteria must be satisfied in order to have a Variance request granted, there must not be any other alternative solution to the problem.

The public hearing was opened at 6:56 pm. As no one came forward to speak for or against the request, the public hearing was closed at 6:56 pm.

The Board proceeded to evaluate the request for a Variance according to the four criteria found in MZO Section 903.21 and referenced within the official application (criteria generally include: existence of special existing conditions/ circumstances; ordinance deprives rights commonly enjoyed by others; special conditions/ circumstances are not a result of the applicant; granting a Variance does not confer special privilege otherwise denied to others). Discussions included, but were not limited to, if there are any plans to sell liquor in the store, parking ratios, existing and proposed parking spaces, future development of the property, why there is a need for additional space in the store, current layout of the property, any other alternatives to put in parking spaces, why it is necessary to have such large restrooms, employee parking, existing site having a certain aesthetic value to the layout of the property, why the green space could not be removed to put the additional parking spaces in, and storm water management issues if you would remove the green space.


Boardmember Blackburn made the motion to approve the application as presented with the condition that the number of spaces does not diminish from what is present. Boardmember Casabona seconded the motion, which was followed by a unanimous vote of "aye." Motion carried.

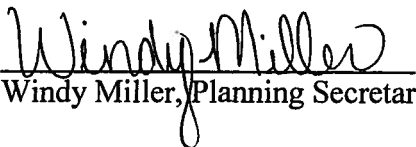
DISCUSSION

All Board members were notified of the October 02, 2012 meeting and stated they would be in attendance.

ADJOURNMENT

The meeting was adjourned at 7:21 pm by unanimous consent.


Matthew Coffey, Chairperson


Windy Miller, Planning Secretary