

**Board of Zoning Appeals
City of Martinsburg
232 N. Queen Street
June 05, 2012
Regular Meeting Minutes
6:30 pm**

With a quorum present, Vice-Chairperson Casabona 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, Bill Blackburn, Donald Anderson, Kevin Knowles, and alternate member April King. Not present was Matthew Coffey. Also in attendance were City Planner Tracy Smith, Legal Counsel Kin Sayre and Planning Secretary Windy Miller.

APPROVAL OF May 01, 2012 MEETING MINUTES.

The minutes were approved as presented by unanimous consent.

Alternate Boardmember April King was appointed to be a voting member.

OLD BUSINESS

None

UNFINISHED BUSINESS

None

NEW BUSINESS

1. CASE # V 12-033. 429 West Martin Street. Public Hearing. Application requesting a variance from Sections 420 "Lot Area, Yard and Building Requirements" and 430.4 "Schedule of Off-Street Parking Requirements" to use structure as a two-unit residential dwelling ("Duplex"). Edward Robinson, Appellant.

Edward Robinson, 1400 Virginia Avenue, presented the request to continue using the structure as a two-unit dwelling, just as he purchased it.

Vice- Chairperson Casabona asks City Planner Tracy Smith for staff report.

Ms. Smith stated that as far as she can tell, the building has always been used as two-units, and the only reason there is no written knowledge of this is because family members had previously lived there before and in that situation, it does not require an owner to register the property as a rental. It has been used as a commercial / residential structure as far back as the 1950's; the upstairs unit being used as a residential unit and the downstairs unit was used as a store. Mr. Edwards was once a tenant in the unit and since the previous owners passing Mr. Robinson has purchased the house. Ms. Smith went on to say that, staff feels there will be no additional impact on the neighborhood and has no problem with the request as an approval will allow compliance with rental regulations and building codes.

The public hearing was opened at 6:37 pm. As no one came forward to speak for or against the request, the public hearing was closed at 6:37 pm

Discussions included but were not limited to how long the structure has been used as two-units, why the property was never registered, and when the property was purchased.

Boardmember Blackburn made the motion to approve the request to use the structure as a two-unit residence. Boardmember Knowles seconded the motion, which was followed by a unanimous vote of "aye." Motion carried.

2. CASE # SE 12-037. 904 North Queen Street. 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 enclosing an existing porch for use as a "sunroom" that extends into the minimum side-yard setback and for relief from section 422.6 "Projections into Yard Spaces." John E. Meyers & Son LLC., Appellant.

Judith Koepsell, 904 N. Queen Street presented the request to convert the existing screened porch to a sunroom, the existing open double-decker porch needs to be replaced because it is rotten and she would like to enclose both porches and install windows. There is only a problem with the south side of the lot; there is only a six and a half feet between the two properties.

Vice-Chairperson Casabona asked City Planner Tracy Smith for staff report.

Ms. Smith stated that staff has no concerns with the request and the Building Inspector is satisfied that it will meet all codes. The request is to enclose a porch in a side-yard that extends into the set-back only three and a half feet. Ms. Smith went on to say that, because the structure is used as a residential dwelling in a commercial district the RUB guidelines have to be followed, even though the property is zoned BC.

The public hearing was opened at 6:47 pm. As no one came forward for or against the request, the public hearing was closed at 6:47 pm.

Boardmember Knowles made the motion in CASE # SE 12-037. 904 North Queen Street. 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 enclosing an existing porch for use as a "sunroom" that extends into the minimum side-yard setback and for relief from section 422.6 "Projections into Yard Spaces. to approve the application as presented. Boardmember Blackburn seconded the motion, which was followed by a unanimous vote of "aye." Motion carried.

3. CASE # SE 12-042. 605 Winchester Avenue. Public Hearing. Application requesting a special exception according to the requirements of Section 652.3 "Medical or Philanthropic Institutions" to use structure located at 605 Winchester Avenue for the "Success Through Empowerment" program. The Children's Home Society, Appellant.

Deb Barthlow, 22 Executive Way Hedgesville WV 25427, presented the request to operate a teen pregnancy prevention program. Ms. Barthlow went on to say the program would offer a structured afterschool program for children who are going into the seventh grade. The program will start at 3:00 pm with parents picking their children up by 5:30 pm. The program already has one van to use for transportation and is in the process of getting another so there would be no problem with children being left behind. No child will be allowed to walk home, if the child does not have a ride they will be transported by program staff.

Vice- Chairperson Casabona asked Ms. Smith for staff report.

Ms. Smith stated that staff has no concerns with the request, she went on to say that if the request was from a private entity making money the use would be allowed without BZA approval, but because of the appellant being of a philanthropic institution the Board must also be satisfied that they are reputable.

Discussions included but were not limited to the structure of the program, what the program offers, who will provide transportation, number of participants, hours of operation and how the children are selected for the program.

The public hearing was opened at 6:59 pm. As no one came forward to speak for or against the request, the public hearing was closed at 6:59 pm.

Boardmember Anderson made the motion in CASE # SE 12-042. 605 Winchester Avenue. Application requesting a special exception according to the requirements of Section 652.3 "Medical or Philanthropic Institutions" to use structure located at 605 Winchester Avenue for the "Success Through Empowerment" program, to approve the application as presented. Boardmember Knowles seconded the motion which was followed by a unanimous vote of "aye." Motion carried.

DISCUSSION

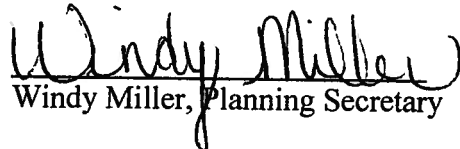
None

ADJOURNMENT

The meeting was adjourned at 7:17 pm by unanimous consent.



Matthew Coffey, Chairperson



Windy Miller, Planning Secretary

