

MARTINSBURG BOARD OF ZONING APPEALS**April 2, 2013, 6:30pm****232 N. Queen Street****J. Oakley Seibert Council Chambers****Regular Meeting Minutes**

With a quorum present, 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, April King, and Frank Bradley. Not present was Matthew Coffey, Bridget Cohee, and Mary Dulyea. Also in attendance were City Planner Tracy Smith, and Legal Counsel Kin Sayre.

APPROVAL OF March 12, 2013 MEETING MINUTES.

The minutes were approved by unanimous consent after noted changes to the attendance list (replace Kin Sayre with Katherine Wilkes, remove "vice" for Chairperson Casabona's title).

OLD BUSINESS

None

UNFINISHED BUSINESS

None

NEW BUSINESS

- 1. CASE #V 13-018. 2500 Hospital Drive. Public Hearing.** Application requesting a Variance from Section 440.8 "Signs for Non-conforming Businesses" to enlarge the current size of the existing signs. WVUH-East City Hospital, Appellant.

David Marshall with WVUH-East presented this request to enlarge the existing signage allowance to accommodate the new name for the facility. Mr. Marshall provided copies of plans and computer generated photos showing the proposed area to be used.

City Planner, Tracy Smith confirmed the reason for the application is the current zoning for the hospital is RUA and a Variance is needed each time the signage area changes because of those requirements. She noted that the Board would need to run through the Variance criteria as laid out in Martinsburg Zoning Ordinance (MZO) section 903.21. It was also mentioned that the hospital is also applying for a map amendment that would make these applications unnecessary in the future.

Chairperson Casabona opened the public hearing at 6:36pm. As no one came forward to speak for or against this request, the public hearing was closed at 6:36pm.

The Board proceeded to evaluate the request for a Variance according to the four criteria found in the 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 the current zoning, the RUA allowance, the proposed increase for letter space, the proposed

locations, scale of structure to signage, and visibility. It was determined that the Board would not be conferring any special privileges and that the special conditions do not result from the actions of the applicant as the hospital location predates our current zoning ordinance.

Boardmember Bradley made the motion to approve this request. Boardmember King seconded the motion that was followed by a unanimous vote of "aye". Motion carried.

- 2. CASE #SE 13-019. 851-853 Wilson Street. Public Hearing.** Application requesting a Special Exception according to the requirements of Sections 560 "Table of Zoning District Uses," to use structure located at 851-853 Wilson Street as an automobile repair and service shop. Michael Hensley Appellant.

Michael Hensley presented this request to open an auto repair shop at this location. Mr. Hensley gave a brief overview of his business plan and practices. He noted that the primary storage of vehicles would be inside the structure and that it would just be him as sole mechanic at start-up. He went on to note that he hopes to get the car-wash up and running again also.

City Planner, Tracy Smith confirmed the zoning allows for this use with a Special Exception and that the previous tenant had the same use but had closed more than a year prior to this application. She mentioned that the applicant has had the fire marshal and building inspector look at the building and other than a few modifications to existing systems and possibly some drywall needed on the ceiling, the building looked good to open business.

Chairperson Casabona opened the public hearing at 6:43pm. As no one came forward to speak for, or against this request, the public hearing was closed at 6:43pm.

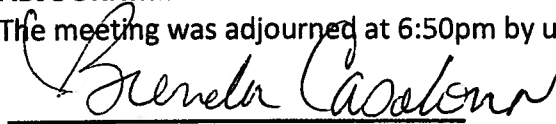
After discussions that included, but were not limited to, daily operations, noise, fumes, hours of operation, the neighboring residential area, the neighboring commercial area, the comprehensive plan, the applicant's business plan, and the previous tenant, Boardmember Bradley made the motion to approve the request. Boardmember King seconded the motion that was followed by a unanimous vote of "aye". Motion carried.

DISCUSSION

- Open Governmental Proceedings Act
Postponed until next month.

ADJOURNMENT

The meeting was adjourned at 6:50pm by unanimous consent.



Brenda Casabona, Chairperson



Tracy A. Smith, City Planner