

**Board of Zoning Appeals
City of Martinsburg
232 N. Queen Street
August 07, 2012
Regular Meeting Minutes
6:30 pm**

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, April King and Frank Bradley. Also in attendance were City Planner Tracy Smith, Legal Counsel Catherine Wilkes and Planning Secretary Windy Miller.

APPROVAL OF July 10, 2012 MEETING MINUTES.

The minutes were approved as presented by unanimous consent.

OLD BUSINESS

None

UNFINISHED BUSINESS

None

NEW BUSINESS

1. **CASE # SE 12-055. 405 S. Illinois Avenue. Public Hearing.** Application requesting a special exception according to the requirements of Section 410.6 "Special Exception to expand a legally non-conforming structure for the purposes of enclosing an existing porch that extends into the minimum side-yard setback and relief from section 422.6 "Projections into Yard Spaces." John and Valerie Spataro, Appellant.

Legal Counsel Catherine Wilkes swore in John Spataro, applicant.

John Spataro, presented the request to enclose an existing porch to use the space as a den/playroom.

Chairperson Coffey asked City Planner Tracy Smith for staff report.

Ms. Smith stated that the request is for an existing house with an open porch to be enclosed, it would not change the footprint of the house. Ms. Smith went on to say that, the application meets all requirements and the Building Inspector is satisfied the enclosure would meet building code requirements.

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 6:34 pm.

Discussions included, but were not limited to, the distance from the neighboring property, use of the space, layout of the room, if there would be windows added, and if the room will have a door.

Boardmember Casabona made the motion in CASE # SE 12-055. 405 S. Illinois Avenue. Application requesting a special exception according to the requirements of Section 410.6 "Special Exception to expand a legally non-conforming structure for the purposes of enclosing an existing porch that extends into the minimum side-yard setback and 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.

2. CASE # SE 12-061. 206 E. King Street. Public Hearing. Application requesting a special exception according to the requirements of Sections 652.3 "Medical or Philanthropic Institutions" to use the structure as a "Pregnancy Crisis Center" and Table 560 "Table of Zoning Uses" to use a portion of the premises for Transitional Housing. My Father's House Inc., Appellant.

Legal Counsel Catherine Wilkes swore in Felicia Stevenson, appellant.

Felicia Stevenson, Executive Director of My Father's House, presented the request to use the location as a pregnancy crisis center and transitional housing to assist young mothers. Ms. Stevenson went on to explain how the program would run on a day-to-day basis and what services would be available. Ms. Stevenson gave the board a brief overview of the daily operations and presented the board with a packet containing the house rules and program expectations. The girls would meet with a case manager upon entering the program, and at that time a timeline and checklist would be created for the resident to follow. Ms. Stevenson stated that the program is intended to help young girls develop the life skills required to be a good mother and to be able to live independently as they leave the program. During the stay, residents are expected to be looking for employment, going to school, working or taking classes to further their education. The residents are required to attend weekly house meetings, bible study, counseling sessions, and any parenting classes offered at the "house" or City Hospital. Each resident is required to participate at least twenty-five (25) hours a week in community activities and programs within My Father's House, and all daily and weekly chores are expected to be done.

Craig Garrett, owner of the property located at 206 East King Street, explained to the board the layout of the building, where the fire exits are located and that there is a sprinkler system throughout the building. Mr. Garrett went on to say that, the building is over built for the proposed use.

The public hearing was opened at 7:05 pm.

Ms. Smith stated that there are letters of recommendation and read them into the record.

- The Daughters of Zion, Martinsburg WV, sends a letter encouraging approval for the program; their letter stated they are in favor of the request.
- St. Stephen Missionary Baptist Church, 633 Virginia Avenue, sends support to all staff and members of the organization and is in favor of the request.
- My Father's House, presented one hundred (100) signatures from the general public who are in favor of the program.

- Derek Stevenson, stated the program will have a great impact on the community, it would not only help those who are pregnant but would also offer preventive pregnancy plans. Mr. Stevenson is speaking in favor of the request.
- Vonda Bolden, Executive Administrator of My Father's House, spoke in favor of the request. Ms. Bolden went on to say that she will be one of the "house moms," and will be present daily to help.
- Anisia Curry, a current program participant, stated she had no place to go when she was taken into the program and is very happy with the results. She feels that many young girls could benefit from program, and is in favor of the request.
- Christinia Boyer, Vice- President of My Father's House, stated the program has a lot to offer and is in favor of the request.

As there was no one present to speak against the request, the public hearing was closed at 7:16 pm.

Chairman Coffey asked City Planner Tracy Smith for the staff report.

Ms. Smith stated that records indicate the building has always been used for a group home; its previous use was another non-profit agency offering transitional housing. Ms. Smith went on to say that the proposed use is suitable for the building. Ms. Smith read definitions from the zoning ordinance to the board for: Boardinghouse; Transitional Housing; Institution; and Group Home.

Discussions included, but were not limited to, what services would be offered, how the program would operate, the lay out of the building, previous uses of the building, why the program is needed in the community, parking, if staff would be paid or if they would be all volunteers, confirmation if the entity My Father's House exists as a non- profit incorporation, who the board of directors consists of and what they handle, what the duration of a persons stay might be, how the neighborhood would be affected and the differences between boarding house and transitional housing.

Boardmember Casabona made the motion in CASE # SE 12-061. 206 E. King Street. Application requesting a special exception according to the requirements of Sections 652.3 "Medical or Philanthropic Institutions" to use the structure as a "Pregnancy Crisis Center" and Table 560 "Table of Zoning Uses" to use a portion of the premises for Transitional Housing, to approve the application as presented with the stipulation that all fire, life and safety codes be to the City's satisfaction, and if the property becomes a nuisance it can be brought back to the Board for discussion. Boardmember Blackburn seconded the motion, which was followed by a unanimous vote of "aye." Motion carried.

DISCUSSION

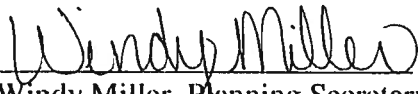
All Board members were notified of the September meeting and stated they would be in attendance.

ADJOURNMENT

The meeting was adjourned at 7:51pm by unanimous consent.



Matthew Coffey, Chairperson



Windy Miller, Planning Secretary