

MARTINSBURG BOARD OF ZONING APPEALS
October 1, 2013, 6:30pm
232 N. Queen Street
J. Oakley Seibert Council Chambers
Regular Meeting Minutes

9H

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 Board members were present: Brenda Casabona, April King, Mary Dulyea, Bill Blackburn, and Frank Bradley. Not present were Matthew Coffey and Bridget Cohee. Also in attendance was City Planner Tracy Smith.

APPROVAL OF August 6, 2013 MEETING MINUTES.

The minutes were approved by unanimous consent.

OLD BUSINESS

None

UNFINISHED BUSINESS

None

NEW BUSINESS

1. CASE # V13-047. 713 Buxton Street. Public Hearing. requesting a variance from parking requirements in accordance with Sections 430.4 "Schedule of Off-Street Parking Requirements," and 430.62 "Joint Use of Parking Areas," and from Section 440 "Signs". Immanuel's House, appellant.

Leonard Wrona, P.E., member of Immanuel's House provided a brief overview of the plans and potential programs to be offered by this Church once open. Mr. Wrona noted the church plans to purchase the property and offer daily Worship and Ministering programs in conjunction with meals for the homeless and day programs. He went on to state that the church has obtained cross-parking agreements from Serv-Pro, located directly across the street and from St. Luke's United Methodist Church on New York Avenue. Mr. Wrona noted that the church intends for two volunteers "on-shift" at any one time and that they foresee the majority of those they serve will most likely not drive a car; they intend to be a community church.

Chairperson Casabona asked for a staff report. City Planner Tracy Smith responded noting that this application is for relief from the required number of off-street parking spaces. Ms. Smith confirmed that the applicant has obtained cross-parking approvals totaling eight (8) spaces and, noted that with the four (4) previously used on-site to the left of the structure, this request is for relief from one (1) parking space. She stated that the Fire Marshal has set a maximum occupancy at forty-nine (49) people and that Immanuel's House has been working with the Fire Department and the Building Inspector's office for approximately two (2) years looking for a suitable building for their ministry. The applicant understands the occupancy and kitchen limits; that they cannot cook food on a stove but may provide soup and sandwiches, raw foods, and meals cooked in a crockpot. It was mentioned that the applicant is also contemplating a potential cold weather shelter and that the fire marshal has set that occupancy to twenty (20). Ms. Smith asked the applicant to confirm their official church status for the Board and they did. Ms. Smith continued by stating that the property in question does, in fact, have the land area in the rear that could be converted into a traditional parking lot but that the

church would like to be able to use that area for traditional back yard uses and church functions and she concurred further stating that allowing the backyard to remain would preserve it in case the property use ever reverts to residential. It was noted that if the parking conditions create a nuisance, the Board does have the ability to have the applicant return for review or even revoke any approvals given tonight.

When Boardmembers asked about the relief from the minimum signage allowance, Ms. Smith pointed out that as the parcel is residentially zoned, the church can have a one square-foot non-illuminated plate as a sign, she suggested considering approving relief to allow a twenty square-foot as that number has been approved on previous requests and will still remain in-scale with the structure. Church members present agreed this would meet their needs.

Chairperson Casabona opened the public hearing at 6:47pm. As no one came forward to speak for or against this request, the public hearing was closed at 6:48pm.

After discussions on the requirements for a cross-parking agreement, the use and programs offered by the church and the fact that this use cannot be reviewed and that this application is solely for off-street parking relief, the adequate amount of street parking, all points in Section 903.2 noting other small community churches in that district with no off-street parking spaces and the Board's preference to retain a residential parcel's backyard space for the sake of neighborhood continuity and re-use, Boardmember Dulyea made the motion to approve the parking relief and allow a maximum signage size of twenty square-feet. Boardmember Blackburn seconded the motion that was followed by a unanimous roll-call vote of "aye." Motion carried.

DISCUSSION:

None

ADJOURNMENT

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

Brenda Casabona, Chairperson


Tracy A. Smith, City Planner