

MARTINSBURG BOARD OF ZONING APPEALS
April 5, 2016 6:30pm
232 N. Queen Street
J. Oakley Seibert Council Chambers
Regular Meeting Minutes

With a quorum present, Chairperson Schoppert 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: Mary Dulyea, Brenda Casabona, Shelly Schoppert, Doreane Mosser, Martin Bales and Tom Johnson. Absent was: Bridget Cohee. Also in attendance were City Planner Tracy Smith, Legal Counsel Chris Peterson and Planning Secretary Holly Hartman.

It was determined that Boardmember Johnson would be a voting member during this meeting due to Boardmember Cohee's absence.

APPROVAL OF January 5, 2016 MEETING MINUTES

Boardmember Dulyea made the motion to approve the January 5, 2016 minutes. Boardmember Bales seconded the motion that was followed by a unanimous vote of "aye". Motion carried.

OLD BUSINESS

None

UNFINISHED BUSINESS

None

NEW BUSINESS

- 1. CASE # SE 16-018. 511 Cumberland Valley Place. Public Hearing.** Special Exception request to use existing structure for indoor self-storage facility. Niederhauser Limited Partnership, appellant.

After being sworn in by Legal Counsel, Carlos Niederhauser, 202 S. Princess Street, Shepherdstown, stated that he is a long time resident of the area, and that he buys residential and commercial properties, renovates them and either sells or rents the property. Mr. Niederhauser explained that he recently bought the old bread factory and he has had people interested in renting storage spaces and such, so he would like to broaden his options on what the property is able to be used for.

City Planner, Tracy Smith, provided a staff report, reading the definition of "self-storage" from the Zoning Ordinance. Ms. Smith asked Mr. Niederhauser for more information in regards to his duty guard and the amount of access they will have to the storage spaces. She advised that the requested use is allowed with a Special Exception and could also be brought back before the Board if the property becomes a nuisance due to the use.

Boardmember Casabona asked for the square footage of just the warehouse building. Mr. Niederhauser stated that the warehouse is approximately 70,000 square-feet which is separated into three large spaces, has a loading dock and an office space above the loading dock. Boardmember Casabona asked if he was asking permission to use the entire 70,000 square-feet as self-storage. Mr. Niederhauser stated he would like the option to do so. He further mentioned that there is a smaller portion of approximately 7,000 square-feet that has been requested to use as an event space, which he feels would be a benefit to the community.

Boardmember Casabona asked if the self-storage set up would be individual containers inside of the warehouse. Mr. Niederhauser replied yes, and said that if smaller space was needed he would accommodate that as well but it depends on the demand. Ms. Smith clarified that it would be self-storage units built to suit. Mr. Niederhauser agreed.

Boardmember Bales inquired about the event space. Mr. Niederhauser replied that the event space was located inside of the same building but is separate from the storage space area. Boardmember Casabona asked if there was a separate entrance to the event space area. Mr. Niederhauser stated there are several entrances to the property and a separate entrance to the event space specifically.

Boardmember Dulyea asked if the building was all one floor. Mr. Niederhauser answered there is a basement area with elevator access under the self-storage portion of the building. Ms. Smith asked if the Fire Marshal had been in the basement area. Mr. Niederhauser stated that the Fire Marshal had been down there which is why he is working on the sprinkler system. Ms. Smith asked which Fire Marshal he is working with. He replied that he is working with two of them, Gochenour from the County and our City Fire Marshal.

Chairperson Schoppert asked about the efficiency for the guard noted in the application. Mr. Niederhauser explained that it will be in a small area above the loading dock that used to be an office with a bathroom. He will have security cameras which all stream into the efficiency area for the guard to monitor. Chairperson Schoppert asked if the guard would be there 24/7. Mr. Niederhauser would like the guard to be there during the night, but wouldn't be necessary during daylight hours.

Boardmember Dulyea inquired as to how storage space renters would have access to the building. Mr. Niederhauser stated they could all have a master key to the main entrance or there are numerous other ways like a keypad with pin access. Ms. Smith explained specifically what the Zoning Ordinance required to be considered self-storage to Mr. Niederhauser, and he determined that himself or his employees will not have casual access to the individuals storage spaces, only to the building itself.

Boardmember Casabona asked what size units would be available. Mr. Niederhauser replied there would be a range of about 100 to 200 square-foot units. Ms. Smith reinforced to Mr. Niederhauser that the storage containers could not be placed anywhere outside of the building without a site plan from the Planning Commission, he agreed that he understood.

Ms. Smith asked if an approval was given, that it be contingent upon Building Inspector and Fire Marshal being satisfied as well.

Boardmember Dulyea asked if a duty guard was the only security. Mr. Niederhauser answered yes.

Boardmember Johnson asked for the location of the event center within the building because of parking area concerns, storm water management and the need to go before the Planning Commission. Mr. Niederhauser answered that it was on the south end near the shopping plaza. Ms. Smith explained what may cause a need to go before the Planning Commission and also that this evening was the first she had heard about the event center and would have to research the property to determine parking requirements and so forth. Also, that the only thing before the Board is the self-storage use, not the event center.

Boardmember Casabona asked how often the units would be accessed. Mr. Niederhauser replied that he is expecting to have less than fifty units which will not be accessed often as this is not a high traffic business. Boardmember Dulyea asked if it would be twenty-four hour access. Mr. Niederhauser answered that he wanted to do more research before making that determination.

Boardmember Mosser asked what size units would be available. Mr. Niederhauser responded that it could be anywhere from ten-by-ten units up to a few hundred square feet. Ms. Smith added that the units could be built to suit but that the specifics would be up to the Building Inspector and Fire Marshal.

Chairperson Schoppert opened the Public Hearing at 7:00 p.m. As no one came forward to speak for or against the case, public hearing was closed at 7:00 p.m.

Legal Counsel, Chris Peterson read aloud for discussion the special conditions for the Special Exception in the Martinsburg Zoning Ordinance (MZO) section of 702.31: The proposed use is in harmony with the purpose and intent of the Martinsburg Comprehensive Development Plan and of this zoning ordinance. There was general agreement for no concern.

Mr. Peterson read aloud for discussion the special conditions for the Special Exception in the Martinsburg Zoning Ordinance (MZO) section of 702.32: The location and size of the use, the nature and intensity of the operations involved in or conducted in connection with it, the size of the site in relation to it, and the location of the site with respect to streets giving access to it, are such that it will be in harmony with the appropriate and orderly development of the district in which it is located. There was general agreement for no concern.

Mr. Peterson read aloud for discussion the special conditions for the Special Exception in the Martinsburg Zoning Ordinance (MZO) section of 702.33: The location, nature and height of buildings, walls, and fences, and the nature and extent of the landscaping on the site are such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings. There was general agreement for no concern.

Mr. Peterson read aloud for discussion the special conditions for the Special Exception in the Martinsburg Zoning Ordinance (MZO) section of 702.34: Operations in connection with any special use will not be more objectionable to nearby properties by reason of noise, fumes, vibration, or other characteristics, than would be the operations of any permitted use not requiring a special permit. There was general agreement for no concern.

Mr. Peterson read aloud for discussion the special conditions for the Special Exception in the Martinsburg Zoning Ordinance (MZO) section of 702.35: Parking areas will be of adequate size for the particular use, properly located and suitable screened from adjoining residential uses, and the entrance and exit drives shall be laid out so as to achieve maximum safety. There was general agreement for no concern.

Mr. Peterson read aloud for discussion the special conditions for the Special Exception in the Martinsburg Zoning Ordinance (MZO) section of 702.36: Public utility service (electricity, sewerage, storm drainage and water) will be adequate to service the proposed use and will have suitable access thereto, and the proposal will not overburden existing facilities; or, any onsite water supply, sewage treatment, or storm drainage disposal system will be adequate to service the proposed use. There was general agreement for no concern.

All Boardmembers agreed the application has met the requirements for the Special Exception.

Boardmember Dulyea made the motion to approve the application requesting a Special Exception request to use existing structure for indoor self-storage facility contingent upon Fire Marshal and Building Inspector approval. The motion was seconded by Boardmember Casabona and followed by a unanimous vote of "aye". Motion approved.

2. CASE # V16-021. 1017 S. Queen Street. Public Hearing. Variance request for relief of off-street parking requirements and approval of cross parking agreement. Arkham 21, LLC., appellant.

After being sworn in by Legal Counsel, Thomas DeShong, Jr., 325 Hemlock Drive, McConnellsburg, PA, explained that he is the owner of Arkham 21 and he is requesting the parking Variance so he can open the back portion of the bar. Mr. DeShong stated that the back portion is a concrete patio with a bar, corn hole boards, restrooms, picnic tables and a DJ/entertainment area.

Chairperson Schoppert asked about the cross-parking agreement with the owner of Towers Restaurant. Mr. DeShong stated that the owner agreed to allow his business to use her portion of the parking area in exchange for cleaning, plowing etc. Boardmember Dulyea asked about any agreement with the motorcycle store next door. Ms. Smith stated that there was no previous agreement with the business and that the parking was more than sufficient for the requested use with the previous owner.

Boardmember Dulyea asked how much parking currently existed. Mr. DeShong answered that there are approximately eight to twelve spaces in front of each business and at least triple that in the lot behind Towers.

Chairperson Schoppert opened the Public Hearing at 7:08 p.m. As no one came forward to speak for or against the case, public hearing was closed at 7:08 p.m.

Ms. Smith provided a staff report, stating that the cross-parking agreement is essentially the same as the agreement with the previous owner. Noting that if the cross-parking agreement is accepted, then there is no need for the variance.

Boardmember Bales made the motion to accept the cross-parking agreement. The motion was seconded by Boardmember Casabona and followed by a unanimous vote of "aye". Motion approved.

DISCUSSION/ACTION ITEMS

None

OTHER BUSINESS

None

ADJOURNMENT

The meeting was adjourned at approximately 7:12 pm by unanimous consent.

Shelly Schoppert, Chairperson

Holly Hartman, Planning Secretary