

**MARTINSBURG BOARD OF ZONING APPEALS**  
**April 01, 2014 6:30pm**  
**232 N. Queen Street**  
**J. Oakley Seibert Council Chambers**  
**Regular Meeting Minutes**

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With a quorum present, Chairman 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: Mary Dulyea, Bill Blackburn, Frank Bradley and Bridgett Cohee. Also in attendance were City Planner Tracy Smith, Legal Counsel Kin Sayre and Planning Secretary Linda Fitzgerald.

**APPROVAL OF February 04, 2014 MEETING MINUTES**

The minutes were approved by unanimous consent.

**OLD BUSINESS**

None

**UNFINISHED BUSINESS**

None

**NEW BUSINESS**

1. **CASE V14-007. 1000 Foxcroft Avenue. Public Hearing.** Application requesting a variance from section 430.4 "Schedule of Off-Street Parking Requirements" for a proposed expansion of an existing convenient store. Gordon, Appellant.

Jason Gerhart with Gordon, after being sworn in by Legal Counsel, introduced himself and gave an overview of the request. He stated they are requesting a variance from parking since it was decided to upgrade the entire convenient store due to maintenance work required to replace the gas lines. He went on to say there will be additional cooler space, storage areas, food preparation area and ADA restrooms. He stated the lot is odd-shaped and the existing parking ratio that is there is less than the current requirement. He stated the layout is included in the application and the site plan has been prepared for 17 parking spaces.

City Planner, Tracy Smith provided a staff report and a stated this location has been grandfathered and was annexed as it is. She stated the enlargements are primarily for ADA reasons and that is to bring the store up to modern design standards and building code requirements. She added the construction plans are on hold pending variance approval.

Boardmember Cohee asked if the employees will have required parking spaces. Mr. Gerhart replied the amount of staff will not be increased and there will not be any designated employee parking spaces. He went on to say the employees will most likely park in the parallel spaces on northern side if the spaces are available.

Ms. Smith concurred the operations will remain the same, but with an increase in available parking and a more modern and compliant store.

Boardmember Bradley asked if the 17 spaces will include the eight spaces at the pumps. Mr. Gerhart replied no and the eight spaces will be in addition. Ms. Smith added the zoning ordinance does not allow pump space to be counted as space.


Chairman Casabona opened the Public Hearing at 6:38 pm; as no one came forward to speak for or against this request, the Public Hearing was closed at 6:38 pm.

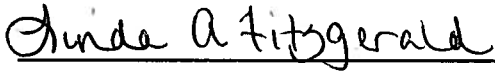
Chairman Casabona outlined the special conditions for the variance and read MZO section 903.21. All Boardmembers agreed the application will not interfere with the special conditions.

Boardmember Bradley made the motion to approve the application requesting a variance from section 430.4 "Schedule of Off-Street Parking Requirements" for a proposed expansion of an existing convenient store. The motion was seconded by Boardmember Dulyea and followed by a unanimous roll call vote of "aye". Motion carried.

**DISCUSSION:** Next scheduled meeting: May 06, 2014

**ADJOURNMENT:** The meeting was adjourned at approximately 6:44 pm by unanimous consent.

  
Brenda Casabona, Chairperson

  
Linda A. Fitzgerald, Planning Secretary