

**MARTINSBURG BOARD OF ZONING APPEALS**

**August 4, 2015 6:30pm**

**232 N. Queen Street**

**J. Oakley Seibert Council Chambers**

**Regular Meeting Minutes**

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With a quorum present, Chairperson Dulyea 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, Bill Blackburn and Martin Bales. Absent were Bridget Cohee, Shelly Schoppert and Doreane Mosser. Also in attendance were City Planner Tracy Smith, Legal Counsel Catie Delligatti and Planning Secretary Holly Hartman.

**APPROVAL OF July 07, 2015 MEETING MINUTES**

The minutes were approved by unanimous consent.

**OLD BUSINESS**

None

**UNFINISHED BUSINESS**

None

**NEW BUSINESS**

- 1. CASE #SE 15-041. 646 S. Queen Street. Public Hearing.** Application requesting a Special Exception according to the requirements of Sections 560 "Table of Zoning District Uses," to use structure as an automobile repair and service shop. United Car Deals of WV Inc., Appellant.

After being sworn in by Legal Counsel, John Fanelli, of 724 Dominion Road, Gerrardstown, WV, and Sultan Mahmud, of 42837 Forest Spring Drive, Leesburg, VA, introduced themselves as the general manager and owner of United Car Deals. Mr. Fanelli provided additional information pertaining to their business plan, parking and proposed hours of operation which are Monday – Friday 8:00 am to 5:00 pm, Saturday 8:00 am to 2:00 pm and closed on Sunday.

Boardmember Blackburn inquired as to the owner of the wooded lot located behind the building shown in the aerial photo. Mr. Fanelli responded that a portion of that lot is railroad right-of-way and the rest of the lot belongs to them, and it is currently being cleaned up and improved.

City Planner, Tracy Smith, provided a staff report, stating that staff has no concerns as the application is very thorough. Ms. Smith reminded the board that this application is only for the auto repair portion of the facility. Ms. Smith also asked the appellant to move the cars on the lot behind the right of way line to protect potential customers from having to be in the road way.

Chairperson Dulyea opened the Public Hearing at 6:43 p.m. As no one came forward to speak for or against the case, public hearing was closed at 6:43 p.m.

Chairperson Dulyea 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.

Chairperson Dulyea 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.

Chairperson Dulyea 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.

Chairperson Dulyea 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.

Chairperson Dulyea 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 Casabona made the motion to approve the application requesting a Special Exception according to the requirements of Sections 560 "Table of Zoning District Uses," to use structure as an automobile repair and service shop. The motion was seconded by Boardmember Blackburn and followed by a unanimous vote of "aye". Motion approved.

#### **DISCUSSION**

None

#### **OTHER BUSINESS**

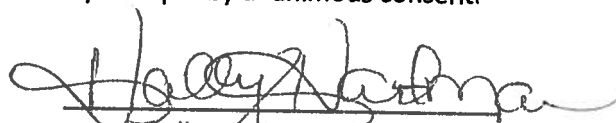
- Next scheduled meeting: September 1, 2015

#### **ADJOURNMENT**

The meeting was adjourned at approximately 6:49 pm by unanimous consent.

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Mary Dulyea, Chairperson



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Holly Hartman, Planning Secretary