

**Board of Zoning Appeals
City of Martinsburg
232 N. Queen Street
January 03, 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: Matthew Coffey, Brenda Casabona, Bill Blackburn, Donald Anderson and Kevin Knowles. Not present was Lane McIntosh. Also in attendance were City Planner Tracy Smith, Planning Secretary Windy Miller and Legal Counsel Julie Shank.

Boardmember Knowles made the motion to amend the agenda to include the election of officers. Boardmember Anderson seconded the motion, which was followed by a unanimous vote of "aye." Motion carried.

APPROVAL OF December 05, 2011 MEETING MINUTES.

The minutes were approved as presented by unanimous consent.

OLD BUSINESS

None

UNFINISHED BUSINESS

None

NEW BUSINESS

1. **CASE # SE 12-001. 234 West Martin Street. Public Hearing.** Application requesting a special exception according to the requirements of Section 652.3 "Medical or Philanthropic Institutions" to use structure t as a "Pregnancy Care Center". The Care Pregnancy Center of the Eastern Panhandle, appellat.

Carolyn Willis, Executive Director of The Care Pregnancy of the Easter Panhandle, presented the request to use the house located at 234 W. Martin Street. Ms. Willis gave a brief overview of what the center will be helping with: assist young families facing unplanned pregnancy; help with clothing, baby furniture, formula, food and maternity clothing for the expecting mothers. She went on to say that The Care Pregnancy Center has seen about sixteen- hundred clients in the past year.

Discussions included but were not limited to the number of people that will be working in the building on a day-to-day basis, the hours of operation, how the center will see clients by phone or by appointment, and the association to the Shenandoah Women Center.

Boardmember Casabona asked the applicant if their location would serve as a drop-off location for goods that they would be distributing. Rence Jones, Chairman of the Board for The Care Pregnancy Center, states that they have outgrown their current location and would like to give services to the community and provide for them the services the center has to offer. Charlotte Sherman, member of the board of directors with The Care Pregnancy Center, confirms that the donations are monitored closely and that the people donating items call before they drop-off.

The public hearing was opened at 6:44 pm. As no one came forward to speak for or against the request, the public hearing was closed at 6:44 pm.

Chairman Coffey asked City Planner Tracy Smith for staff report. Ms. Smith gave brief history of the property and stated staff is not adverse to this being used for this use, but would like the applicant to expand on the last statement about developing classes. Ms. Smith went on to say she is not sure the building is suitable for classrooms.

Ms. Sherman stated that the center is currently in the process of offering some parenting classes with the occupancy being up to eight people in each class. She went on to say the classes are small groups with hands on training with one-on-one instruction. Ms. Sherman stated that the center would like to expand the number of classes offered not the number of individuals in each class.

Boardmember Anderson made the motion to approve CASE # SE 12-001. 234 West Martin Street. Application requesting a special exception according to the requirements of Section 652.3 "Medical or Philanthropic Institutions" to use structure as a "Pregnancy Care Center". Boardmember Blackburn seconded the motion, which was followed by unanimous vote of "aye." Motion carried.

2. CASE # V 12-002. 234 West Martin Street. Public Hearing. Application requesting a variance from Section 430.4 "Schedule of Off-Street Parking Requirements" for a philanthropic institution. The Care Pregnancy Center of the Eastern Panhandle, appellant.

Chairman Coffey asked City Planner Tracy Smith for the parking requirements. Ms. Smith went on to say staff has no concerns with the parking and encourages the applicant to make a cross parking agreement with the church. If the classes provided by the center increase from the current once a month meeting, she recommends the request come back before the Board with a cross parking agreement with the church.

The public hearing was opened at 6:52 pm. As no one came forward to speak for or against the request, the public hearing was closed at 6:52 pm.

Boardmember Casabona made the motion in CASE # V 12-002. 234 West Martin Street. Public Hearing. Application requesting a variance from Section 430.4 "Schedule of Off-Street Parking Requirements" for a philanthropic institution, to grant relief from parking requirements for the current stated use. If the use is expanded, The Care Pregnancy Center would need to have a cross parking agreement and would need to come back before the board. Boardmember Knowles seconded the motion, which was followed by a unanimous vote of "aye." Motion carried.

3. CASE # SE 12-003. 710 Central Avenue. Public Hearing. Application requesting a special exception according to the requirements of Sections 560 "Table of Zoning District Uses" and 632.2 "Professional Offices" to use an existing structure for Home Occupation: Professional Office purposes. Tomi Morris, appellant.

Tomi Morris, 710 Central Avenue, presented the request to use her detached garage as a tax preparation office.

Chairman Coffey asked City Planner Tracy Smith for a staff report. Ms. Smith went on to give a brief summary of the request. Staff is in agreement that it would be better for the applicant to work out of her home, and to have the privacy she needs for her family, her medical needs and the individual

privacy for her tax clients. A couple of conditions would apply, it's understood that it's only for Ms. Morris's home occupation, and when or if the property is sold it would revert back to being used as a garage only the next property owner cannot set up a home based office without coming before the board.

The public hearing was opened at 7:06 pm. As no one came forward to speak for or against the request, the public hearing was closed at 7:06 pm.

Boardmember Casabona made the motion in CASE # SE 12-003. 710 Central Avenue. Application requesting a special exception according to the requirements of Sections 560 "Table of Zoning District Uses" and 632.2 "Professional Offices" to use an existing structure for Home Occupation: Professional Office purposes, to grant the request with the condition that the special exception applies to the property for the current owner only, that if the property is sold or rented to another party the special exception does not carry. Boardmember Blackburn seconded the motion, which was followed by a unanimous vote of "aye." Motion carried.

4. CASE # SE 12-004. 308 West Burke Street. Public Hearing. Application requesting a special exception according to the requirements of Sections 560 "Table of Zoning District Uses," and 632.2 "Professional Offices" to use structure for professional office purposes. Beck Matzuff Properties, LLC., appellant.

James Matzuff, and Berry Beck presented the request to use the building that they recently purchased as their law office, the office will house two (2) Lawyers and two (2) other staff members. Mr. Matzuff stated that the driveway has the space to hold three(3) vehicles, and with the law firm only having a total of four(4) employees didn't think parking was an issue.

Chairman Coffey asked City Planner Tracy Smith to give staff report. Ms. Smith stated that a special exception was made in 2006 for the exact same request as the applicants, circumstances have not changed since then, staff has no problems with the request. Ms. Smith stated that the required parking would be approximately three(3) spaces.

Discussions included but were not limited to the history of the property, the number of people that would occupy the building, and what the parking requirements would be.

The public hearing was opened at 7:21 pm. As no one came forward to speak for or against the request, the public hearing was closed at 7:21 pm.

Boardmember Knowles moved in CASE # SE 12-004. 308 West Burke Street. Application requesting a special exception according to the requirements of Sections 560 "Table of Zoning District Uses," and 632.2 "Professional Offices" to use structure for professional office purposes. Boardmember Anderson seconded the motion which was followed by a unanimous vote of "aye." Motion carried.

5. CASE # V 12-005. 308 West Burke Street. Public Hearing. Application requesting a variance from parking requirements in accordance with Section 430.4 "Schedule of Off Street Parking Requirements" and from Section 440 "Signs". Beck Matzuff Properties, LLC., appellant.

Chairman Coffey asked Ms. Smith for staff report. Ms. Smith stated that the applicant would like to see a sign in the dimensions of 5' x 4'.

Mr. Matzuff stated that the requested sign size is going to be slightly smaller than what they're asking for, but just wanted to make sure they are covered. Mr. Beck confirmed that he measured the sign location and estimates the size to be closer to a 2' x 3 1/2' size.

The public hearing was opened at 7:36 pm. As no one came forward to speak for or against the request, the public hearing was closed at 7:36 pm.

Boardmember Casabona made the motion in CASE # V 12-005. 308 West Burke Street. Application requesting a variance from parking requirements in accordance with Section 430.4 "Schedule of Off Street Parking Requirements" and from Section 440 "Signs", to approve the request and allow a sign the size being approximately the approximate size of the existing sign already on the building. Boardmember Knowles seconded the motion, which was followed by a unanimous vote of "aye." Motion carried.

DISCUSSION

Election of Officers

Boardmember Knowles moved to open nominations. Boardmember Blackburn seconded the motion, which was followed by a unanimous vote of "aye." Motion carried.

Boardmember Casabona nominated Boardmember Coffey for Chairman.

Boardmember Knowles voted to close the nominations. Boardmember Blackburn seconded the motion.

With a unanimous vote of "aye" Chairman Coffey was voted Chairman of the Board of Zoning Appeals.

Boardmember Knowles moved to open nominations. Boardmember Coffey seconded the motion, which was followed by a unanimous vote of "aye." Motion carried.

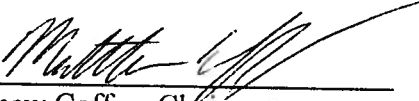
Boardmember Coffey nominated Boardmember Casabona for Vice-Chairman.

Boardmember Knowles moved to close nominations. Boardmember Blackburn seconded the motion.

With a unanimous vote of "aye," Boardmember Casabona was voted Vice Chairman of the Board of Zoning Appeals.

ADJOURNMENT

The meeting was adjourned at 7:41 pm by unanimous consent.


Matthew Coffey, Chairperson


Windy Miller, Planning Secretary