

MARTINSBURG BOARD OF ZONING APPEALS

May 06, 2014 6:30pm

232 N. Queen Street

J. Oakley Seibert Council Chambers

Regular Meeting Minutes

With a quorum present, Chairperson Casabona called the regular scheduled meeting of the City of Martinsburg Board of Zoning Appeals to order at 6:33 pm. The following Boardmembers were present: Brenda Casabona, Mary Dulyea and Bill Blackburn. Also in attendance were City Planner Tracy Smith, Legal Counsel Kin Sayre and Planning Secretary Linda Fitzgerald.

APPROVAL OF April 01, 2014 MEETING MINUTES

The minutes were approved by unanimous consent.

OLD BUSINESS

None

UNFINISHED BUSINESS

None

NEW BUSINESS

1. **CASE SE 14-012. 109 N. Queen Street. Public Hearing.** Application requesting a special exception pursuant to Martinsburg Zoning Ordinance 7-0-78 Section 523.2 to regulate the sale of alcoholic beverages, and Section 624.2 "Multiple-Family Dwelling Units in Combination with Business Use". H.D. Boyd, Appellant.

Howard Boyd Jr., after being sworn in by Legal Counsel, introduced himself and gave a brief overview of the request. He stated he is opening a steak house and would like to put in a bar, which he had recently purchased from Al Capone's estate. He added the main focus will be food, not alcohol, but will have a waiting lounge for before or after dinner drinks. He went on to say there will be a piano player on the weekends, he will keep the original seating in the back of the restaurant, smaller booths along the sides, tables in the middle, and some high-top tables near the piano bar.

Chairperson Casabona asked what are his intentions for the upper floors and Mr. Boyd replied there are two apartments on the upper floor that are tenant occupied. The third upper floor is open space and he is unsure of his intentions at this time except to use it for storage space. He added he would eventually like to use it as a banquet room or an apartment.

Legal Counsel, Kin Sayre asked if the restaurant will be "private-club" or a "tavern" license, and Mr. Boyd replied that it will be "private-club", non-smoking and reiterated the main focus will be food not alcohol. He added there will be high end liquor served at the bar.

Boardmember Blackburn asked if the booths in the building are original, and Mr. Boyd replied yes, and they will require minimal refinishing.

City Planner, Tracy Smith, provided a staff report and stated staff is satisfied with Mr. Boyd's commitment to downtown and his intentions to have an upscale restaurant, but because there will be alcohol consumption in the restaurant, Mr. Boyd must comply with the ordinance and come before the BZA for approval. She went on to say he can have the banquet room by-right in the business district, but he has to comply with building codes for the dumbwaiter and ADA accessibility; the residential use for the 3rd unit,

(2nd floor) space is an option if it is not feasible under the regulations of the building and safety codes to be used as a private banquet facility. She then added Mr. Boyd understands he has one year after BZA approval to decide if he wants to use the space as residential.

Chairperson Casabona opened the Public Hearing at 6:42 pm; as no one came forward to speak for or against this request, the Public Hearing was closed at 6:42 pm.

There was discussion about the layout and square footage of the upper floors

Chairperson Casabona outlined the special conditions for the special exception and read MZO section 702.3. All Boardmembers agreed the application will not interfere with the special conditions.

Chairperson Casabona inquired about the hours of the restaurant and Mr. Boyd replied the restaurant will be open 6 days a week, with the potential of closing on Wednesday and serving brunch on Sunday.

Boardmember Blackburn made the motion to approve the application requesting a special exception pursuant to Martinsburg Zoning Ordinance 7-0-78 Section 523.2 to regulate the sale of alcoholic beverages, and Section 624.2 "Multiple-Family Dwelling Units in Combination with Business Use", the motion was seconded by Boardmember Dulyea and followed by a unanimous roll call vote of "aye". Motion carried.


Legal Counsel and City Planner informed Mr. Boyd about the process to get on the City Council's agenda, the 2nd Thursday in June, so he may get his ABC license reviewed for comment.

DISCUSSION: Next scheduled meeting: June 03, 2014.

ADJOURNMENT: The meeting was adjourned at approximately 6:53 pm by unanimous consent.



Brenda Casabona, Chairperson



Linda A. Fitzgerald, Planning Secretary