

**Board of Zoning Appeals
City of Martinsburg
232 N. Queen Street
October 11, 2011
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: Brenda Casabona, Bill Blackburn, Donald Anderson. Not present were Jim Castleman, Lane McIntosh and alternate Kevin Knowles. Also in attendance were City Planner Tracy Smith, Planning Secretary Windy Miller and Legal Counsel Kin Sayre.

APPROVAL OF August 02, 2011 MEETING MINUTES.

The minutes were approved, as presented, by unanimous consent.

OLD BUSINESS

None

UNFINISHED BUSINESS

None

NEW BUSINESS

1. CASE # V 11-044. 219-225 E. Liberty Street. Public Hearing. Application requesting a Variance from parking requirements in accordance with Section 430.4 "Schedule of Off-Street Parking Requirements". Valley Properties of Hagerstown, appellant.

Ted Weaver, property manager for Valley Properties of Hagerstown and their Martinsburg office located at 819 N. Queen Street, presented the request for a variance from off-street parking requirements on four recently constructed dwelling units that are situated on three parcels of land. Mr. Weaver stated they have a "situation" in meeting the off-street parking requirements of the Martinsburg Zoning Ordinance (MZO). He provided a brief history of the property including the planning for the current structures as well as a history of the previous structures. Mr. Weaver referenced his meetings with the City Planner before the building process began. He stated that off-street parking was not, to his knowledge, mentioned at that time but it was raised later during a period of time when he was not working for the company. Mr. Weaver went on to state his belief of a hardship situation because of the topography of two of the lots where the land behind the structures drops off significantly. He proposed three options: 1) a full variance approval allowing the 122-foot of roadside frontage be adequate for the three spaces required; 2) a recorded deed of easement be approved to allow all parking for all units (four parking spaces) be allowed on a single property, on 220 E. Liberty Street and; 3) a variance from parking space locations to allow parking in the front yard, however, Mr. Weaver did note that he would rather not choose this option.

Chairman Coffey asked City Planner Tracy Smith for her staff report. Ms. Smith summarized the situation and the need for this request. After clarifying the requirements of the MZO's off-street parking schedule (one off-street parking space per dwelling unit) and reading the "Legislative Intent", Ms. Smith stated her opinion that individual off-street parking can still be developed for 219 and 221 E. Liberty Street with little difficulty. She went on to confirm Mr. Weaver's concern regarding topography behind 223 and 225 E. Liberty Street and continued by noting that it would be difficult to

develop driveways into the rear of those units. Ms. Smith reminded the Board that they need to be satisfied that the request for a Variance meets the criteria set forth in MZO Section 903.21 and asked that each be discussed individually.

The Public Hearing was opened at 7:24pm. As no one came forward to speak for or against this request, the public hearing was closed at 7:24pm.

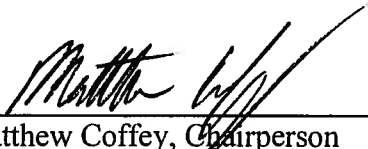
After discussions that included: the above mentioned options; subsequent issues, problems, safety concerns, and benefits of each option; land topography; availability of street frontage; necessary language for easement agreements, ramifications and enforcement of said agreements; maintenance issues; current joint ownership; the intent of the Zoning Ordinance; the history of the previous structures and the fact there were no off-street parking areas at that time; the fact that only one house on E. Liberty Street has off-street parking; the miscommunication between developer and permitting; the impact and potential negative ramifications of a shared parking area particularly with concerns of human nature, ease and habits; the impact and potential negative ramifications of allowing front yard parking; the possibility of installing sidewalks and steps to the road for on-street parking access; the compatibility of the existing neighborhood and parking that would be consistent; existing site conditions and necessary improvements in need of attention; the "temporary Use and Occupancy" status and; the criteria set forth in MZO Section 903.21 as applied to each dwelling unit, Boardmember Blackburn made the motion to grant a variance from the requirements of the MZO for 223 and 225 E. Liberty Street with the stipulation that sidewalks are built from door to sidewalk for each unit. And that for units 219 and 221 [E. Liberty Street], that the parking area be extended in the rear with an easement extended across 221 to allow 219 to have on-site parking in the rear, and for 221 to have on-site parking in the rear. The motion was seconded by Boardmember Casabona and followed by a unanimous roll-call vote of "aye." Motion approved.

DISCUSSION

None

ADJOURNMENT

The meeting was adjourned at 8:11pm by unanimous consent.



Matthew Coffey, Chairperson



Tracy A. Smith, City Planner