For Official Use Only	
BZA Case #:	
Hearing Date:	
Ad Date:	
Amount Paid:	$
Date Paid:	

THE City OF Martinsburg

Planning Department ∗ 232 N. Queen Street ∗ Martinsburg, WV 25401 ∗ 304.264.2131

BOARD OF ZONING APPEALS
VARIANCE APPLICATION

Please legibly print or type the following application in its entirety. Incomplete applications will not be accepted. Submit this application, any supporting information and appropriate fees by 3 pm of the application deadline date.

APPELLANT INFORMATION- OWNER'S AFFIDAVIT (page 3) MUST BE SUBMITTED WITH APPLICATION.	
Contact Name:	
Firm/Company:	
Address:	
Phone:	email:
OWNER INFORMATION	
Name:	
Firm/Company:	
Address:	
Phone:	email:
PROJECT INFORMATION	
Project Location: (Street Address)	Tax Map / Parcel
Project Classification: *(residential/commercial/etc.)*	Variance Type(s): *(setbacks, parking, lot size, etc.)*
Current Zoning:	Current Use:

All correspondence will be sent to the applicant. If the owner also wishes to receive a copy, please check box: ❑

In the area below, specify the ordinance requirements(s) and the variance(s) requested:

Ordinance Requirement: (i.e. setback or parking requirement, etc.)	Variance Request (i.e. proposed setback or parking)
Ordinance Requirement: (i.e. setback or parking requirement, etc.)	Variance Request (i.e. proposed setback or parking)
Ordinance Requirement: (i.e. setback or parking requirement, etc.)	Variance Request (i.e. proposed setback or parking)
VARIANCE FEES (Residential/Commercial)	$400

NOTE: A decision of the Board granting a Variance shall be valid for a period of one (1) year, unless a building permit for such construction or alteration is obtained within this period and proceeds to completion in accordance with the terms of the decision.

☐ I have read this statement and understand the time limits of my Variance if approved.

Appellant Signature_____ Owner Signature_____

STATEMENT OF APPELLANT

TO: THE BOARD OF ZONING APPEALS

Referring to the application for Variance(s), I submit the following factual statements to support the required conditions for granting the Variance(s):

JUSTIFICATION FOR VARIANCE
Section 903.21 requires that a written application for a Variance be submitted demonstrating all of the following points. Applicant must provide their own responses to all of the following criteria statements. Section 903.2 states that "The Board of Zoning Appeals shall not grant a Variance unless and until the following conditions are satisfied:"   *(Please respond to each condition statement in the area provided - use additional paper if necessary.)*
(a) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same district.
(b) That literal interpretation of the provisions of the ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.
(c) That the special conditions and circumstances do not result from the actions of the applicant.
(d) That granting the Variance will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same zone. No nonconforming use of neighboring lands, structures, or buildings in the same zone, and no permitted use of lands, structures, or buildings in other zones shall be considered grounds for the issuance of a Variance.

I hereby attest that the information provided on and attached to this application is complete and correct.

_____ _____

Signature of Appellant/Date Notary: Sworn to me this _____day of 20__.

Please use the space provided below to supply any additional information not included on Page two:

_____

Signature of Appellant

AFFIDAVIT OF OWNERSHIP (To be used if the Appellant is not the Owner.)

STATE OF WEST VIRGINIA,
COUNTY OF BERKELEY, as: _____being duly sworn deposes
(Owner's name)

And says that he resides at_____in the City and State of _____, and

(1st) that he is the owner of all that certain lot, place or parcel of land situated, lying and being in the County of

Berkeley aforesaid and known and designated as _____,

(2nd) that the statement of fact contained in the annexed application are true, and

(3rd) that he hereby authorizes _____to make said application in his behalf.
(Appellant's Name)

Sworn to me, this _____ day of

_____, 20___. _____
(Owner's signature)

_____
(Notary)

This graph has been provided for Variance appellants only. Please sketch out the location of your property, including all buildings already on lot and proposed. Use the blocks to represent footage.

CITY OF MARTINSBURG
BOARD OF ZONING APPEALS

STAFF REPORT
Compiled from the Record Prior to the Public Hearing

LOCATION (Incl. Tax Map & Parcel):
APPEAL NUMBER:
DATE FILED:
HEARING DATE:
NAME OF APPELLANT:

PURPOSE OF APPEAL:

DESCRIPTION OF EXISTING BUILDING OR USE:

DESCRIPTION OF PROPOSED USE:

USE DISTRICT:
HEIGHT DISTRICT:
AREA DISTRICT:
SIZE OF LOT:
EXISTING LOT COVERAGE:
EXISTING OFF-STREET PARKING SPACES:

PRIOR CASES:

STAFF REPORT:

ORDINANCE 2004-21

AN ORDINANCE TO AMEND AND/OR ESTABLISH ZONING FEES AND BUILDING PERMIT FEES FOR THE CITY OF MARTINSBURG

Be it Ordained that pursuant to Section 802 Schedule of Fees and Charges of the Martinsburg Zoning Ordinance, the following fees shall be amended and/or established for the City of Martinsburg:

ZONING FEES

Site Plan (Commercial/Industrial plans, Residential Subdivision plans)

Less than 1 acre	—	$400
1 or more acres	—	$400 + $100 per acre

PLANNED DEVELOPMENT DISTRICTS

Preliminary Concept Plan	—	$800 + $50 per acre
Preliminary Concept Plan Amendments (assessed on changed areas)	—	$400 + $25 per acre
Final Plan	—	$800 + $50 per acre
Final Plan Amendments (assessed on changed areas)	—	$400 + $25 per acre

Storm Water Management (design review) (deposit)— $500

Subdivision

Sketch plat	—	$50
Preliminary plat over 50 lots	—	$800 + $100 per lot
Preliminary plat from 3 to 50 lots	—	$400 + $100 per lot
Preliminary plat less than 3 lots	—	$200
Final plat	—	$50 per lot
Corrective plat	—	$25 per lot

Map Amendment	—	$500
Text Amendment	—	$500
Variance	—	$400
Special Exception	—	$400
Special Exception (nonconforming use change)	—	$600
Special Exception (flood plain)	—	$600
Administrative Appeal	—	$600

Wireless Facility

New tower	—	$5,000
Co-locate	—	$2,000
Escrow Account	—	$8,500

CITY OF MARTINSBURG

BOARD OF ZONING APPEALS

APPLICATION and MEETING DATES for 2012-2013

SPECIAL EXCEPTIONS & VARIANCE APPLICATIONS

January 2013-Dec.2013

MEETING DATE (6:30PM)		APPLICATION DEADLINE (3PM)	TO THE JOURNAL (5PM)	POSTING & / or PUBLICATION DATE	MEETING DATE (6:30PM)
01-08-13		11-19-12	11-29-12	12-07-12	**01-08-13**
02-05-13		12-19-12	12-27-12	01-04-12	**02-05-13**
03-05-13		01-23-13	01-30-13	02-03-13	**03-05-13**
04-02-13		02-14-13	02-22-13	03-01-13	**04-02-13**
05-07-13		03-21-13	03-29-13	04-05-13	**05-07-13**
06-04-13		04-18-13	04-26-13	05-03-13	**06-04-13**
07-02-13		05-15-13	05-23-13	05-31-13	**07-02-13**
08-06-13		06-20-13	06-28-13	07-05-13	**08-06-13**
09-03-13		07-18-13	07-26-13	08-02-13	**09-03-13**
10-01-13		08-15-13	08-23-13	08-30-13	**10-01-13**
11-05-13		09-19-13	09-27-13	10-04-13	**11-05-13**
12-03-13		10-17-13	10-25-13	11-01-13	**12-03-13**