

Appeal No. _____

Date Filed _____

**APPEAL FROM THE DECISION OF THE CITY PLANNER
UNDER THE ZONING ORDINANCE**

TO: The Board of Adjustments (Zoning Appeals), City Hall, Martinsburg, WV

An appeal is hereby taken from the decision of the Building Inspector, copy of which is attached, and application is hereby made for an order, reversing said decision or authorizing an exception to the requirements of the Zoning Ordinance, under the discretionary power vested in your Board, so as to permit the:

Construction of: _____
Extension _____
Alteration _____
Conversion _____
Use _____

Attention: Please note that for a Variance, you must provide a Location Map showing the location of all buildings on lot and proposed. If you don't have one, provide a sketch on the graph attached to this application.

In accordance with the application and plans filed with the Building Inspector, and as herein below described:

Premises designated as _____ St./Ave. and distant _____ feet North, South, East, West
of the corner formed by the intersection of _____ St./Ave and _____ St./Ave.

Appellant Name _____ Address _____

Owner Name _____ Address _____

Appellant Phone _____ Owner Phone _____

Size of Lot _____ ft. front X _____ ft. deep (or if irregular, **appellant** must provide plat)

DESCRIPTION OF ALL BUILDINGS AND USES ON SAID LOT

Description	Existing		Proposed	
	ft. front and	ft. deep	ft. front and	ft. deep
Size of Building				
Height	ft.	stories	ft.	stories
Character of Construction	Frame Brick	Slow burning Fire proof	Frame Brick	Slow burning Fire proof
For how many families? (If used as dwelling.)	Use (of each floor):			
Are porches enclosed? Yes or No				
Construction Date:				

Has there been any previous appeal to this Board on these premises? _____ Zoned as _____

Attached hereto and made a part of this application, is submitted all papers required on the sheet of instructions furnished me. I hereby depose and say that all the above information and the accompanying statements and drawings are correct and true.

Sworn to me, this _____ day of _____, 20____.

(Notary)

(Appellant's signature)

STATEMENT OF APPELLANT

(A statement of facts in support of the appeal may be made in the space below.)

TO: THE BOARD OF ADJUSTMENT (ZONING APPEALS):

Referring to the application on attached sheet, I submit the following reasons in favor of granting the permit:

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
Berkely 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
(Appellant's name)
his behalf.

Sworn to me, this _____ day of
_____, 20____.

(Notary)

(Appellant's signature)

**CITY OF MARTINSBURG
BOARD OF ZONING APPEALS**

DATA SHEET/STAFF REPORT

Compiled from the Record Prior to the Public Hearing

LOCATION:

TAX MAP & PARCEL:

APPEAL NUMBER:

DATE FILED:

HEARING DATE:

PURPOSE OF APPEAL:

NAME OF APPELLANT:

NAME AND ADDRESS OF OWNER:

SIZE OF LOT:

DESCRIPTION OF EXISTING BUILDING OR USE:

DESCRIPTION OF PROPOSED USE:

REPORT OF BUILDING INSPECTOR

DECISION: REFERRED TO BOARD OF ZONING APPEALS

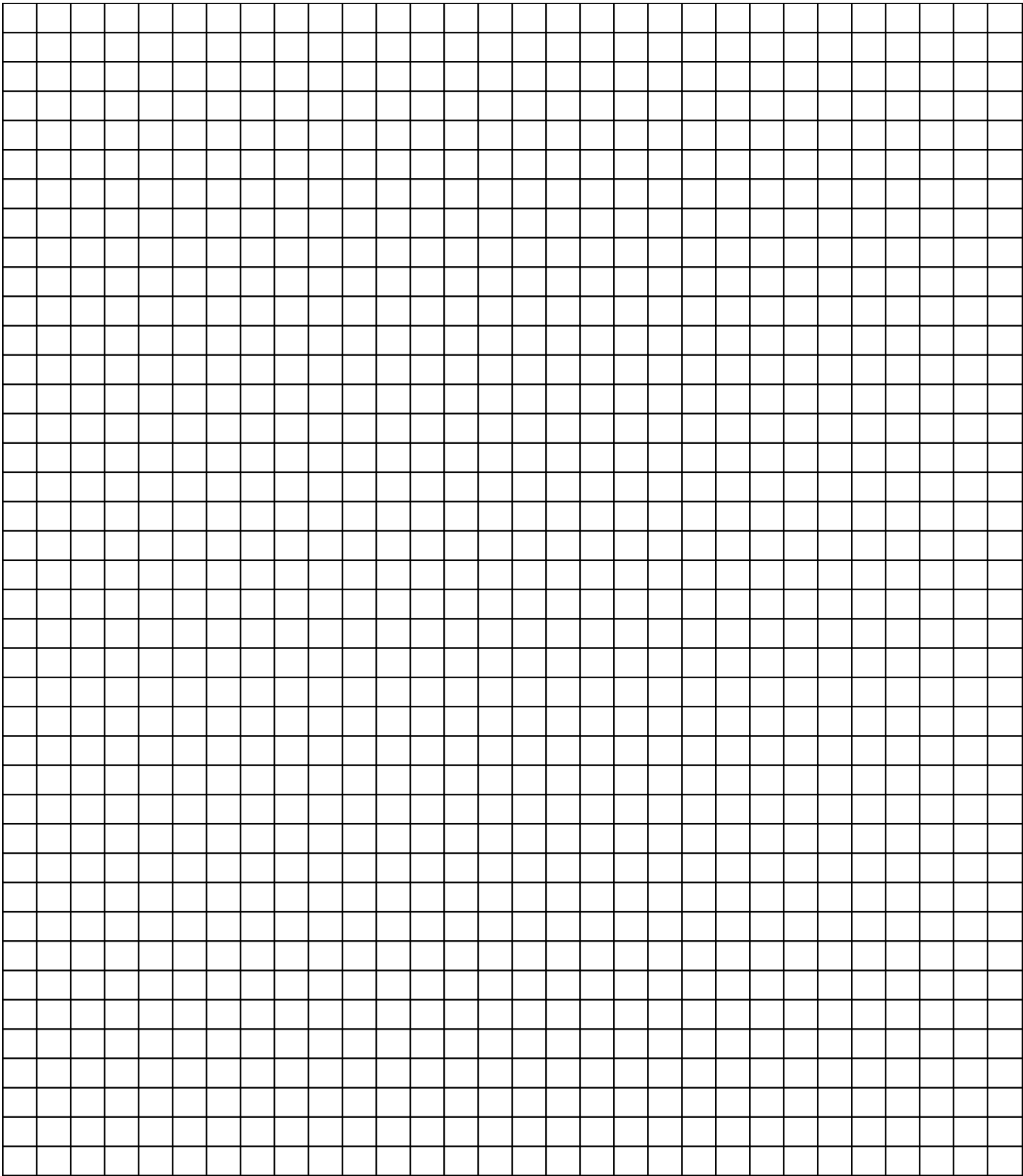
USE DISTRICT:

HEIGHT DISTRICT:

AREA DISTRICT:

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 2008**

January 2008 – March 2009

MEETING DATE (6:30 PM)	APPLICATION DEADLINE (3PM)	TO THE JOURNAL (5PM)	POSTING & / or PUBLICATION DATE	MEETING DATE (6:30 PM)
01-08-08	11-20-07	11-30-07	12-07-07	01-08-08
02-05-08	12-18-07	12-28-07	01-04-08	02-05-08
03-04-08	01-14-08	01-25-08	02-01-08	03-04-08
04-08-08	02-15-08	02-29-08	03-07-08	04-08-08
05-06-08	03-17-08	03-28-08	04-04-08	05-06-08
06-03-08	04-16-08	04-25-08	05-02-08	06-03-08
07-01-08	05-13-08	05-23-08	05-30-08	07-01-08
08-05-08	06-19-08	06-27-08	07-03-08	08-05-08
09-02-08	07-18-08	07-25-08	08-01-08	09-02-08
10-07-08	08-22-08	08-29-08	09-05-08	10-07-08
11-18-08	09-30-08	10-14-08	10-21-08	11-18-08
12-02-08	10-10-08	10-24-08	10-31-08	12-02-08
01-06-09	11-13-08	11-26-08	12-05-08	01-06-09
02-03-09	12-10-08	12-24-08	01-02-09	02-03-09
03-03-09	01-12-09	01-23-09	01-30-09	03-03-09

Section 903. Conditions for Granting an Appeal

903.1 Special Exception: The Board of Zoning Appeals shall not grant a special exception unless and until:

903.11 A written application for a special exception is submitted indicating the sections of this ordinance under which the special exception is sought and stating the grounds on which it is requested;

903.12 A public hearing has been held; and

903.13 The Board determines that the special exception requested meets the general and specific conditions outlined in Article VI.

903.2 Variance: The Board of Zoning Appeals shall not grant a variance unless and until the following conditions are satisfied:

903.21 A written application for a variance is submitted demonstrating all of the following points:

- (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 this 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; and
- (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.

903.22 A public hearing has been held:

903.23 The Board of Appeals shall make findings that the requirements of Section 903.21 have been met by the applicant for a variance.