

**Board of Zoning Appeals  
City of Martinsburg  
232 N. Queen Street  
June 07, 2011  
Regular Meeting Minutes  
6:30 pm**

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With a quorum present, Vice-Chairman Casabona 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, Lane McIntosh, Bill Blackburn, Donald Anderson, and alternate Kevin Knowles. Not present were Matthew Coffey and alternate Jim Castleman. Also in attendance were City Planner Tracy Smith, Planning Secretary Windy Miller and Legal Counsel Kin Sayre.

Due to the absence of Chairman Coffey, Vice-Chair Casabona asked Boardmember Knowles to participate as a voting member.

**APPROVAL OF May 03, 2011 MEETING MINUTES.**

The minutes were approved as presented by unanimous consent.

**OLD BUSINESS**

None

**UNFINISHED BUSINESS**

None

**NEW BUSINESS**

**1. CASE # SE 11-016. 396-398 W. Race Street. Public Hearing.** Application requesting a Special Exception in accordance with Section 621 "One- and Two-Family Dwellings" for the purpose of residential use as a Single-Family Dwelling. Consuelo Newman, appellant.

Boardmember Blackburn made the motion to bring CASE # SE 11-016 from the table. Boardmember McIntosh seconded the motion, which was followed by a unanimous vote of "aye." Motion carried.

Legal Council Kin Sayre swore in Consuelo Newman, appellant.

Consuelo Newman, 396/398 West Race Street, Martinsburg West Virginia. After being placed under oath, Ms. Newman stated that she would like to get an exception to change the use from commercial to a residential use as a single-family dwelling. She went on to say that she would like to move into the house and use it for her primary residence.

City Planner Tracy Smith presented the Boardmembers with a staff report. Ms. Smith stated that the structure has been converted to a single-family residence. Since the building is not up to code for any use other than to be owner-occupied, Ms. Newman is to be the only person living there until the issues are corrected. Ms. Smith went on to say that once the building is brought up to code, Ms. Newman

then would be allowed to have up to four un-related people, including herself, living in the structure pending all appropriate inspectors and licensing etc. .

Ms. Smith asked the applicant to acknowledge that she understands the conditions that she has agreed to. Ms. Newman confirms that she does understand the conditions.

Vice-Chair Casabona asks about the property being previously approved. Ms. Smith confirmed that the property was previously approved as single-family use, but Ms. Newman continued to live on North Maple Avenue, and that the Special Exception that had been issued has expired.

Legal Council Kin Sayre stated that the request was not to re-zone, but to change the use.

Public Hearing was opened at 6:38 pm. As no one came forward, the public was closed at 6:38 pm.

Boardmember Knowles made the motion to accept Case # SE 11-016 396/398 West Race Street, application requesting special exception in accordance with section 621 "One- & Two-family Dwellings" for the purpose of residential use as a Single-Family Dwelling. Boardmember Anderson seconded the motion.

Boardmember Blackburn made the motion to amend the original motion, to include the special exception only if applied to current ownership; if the property were to be sold, the new owners would have to come back before the Board if they would choose [residential] use. Boardmember Anderson seconded the motion for the amendment, which was followed by a unanimous vote of "aye." Motion carried.

A Roll Call vote was taken for the motion [including amendment], which resulted in a unanimous vote of "aye." Motion carried.

**2. CASE # V 11-018. 2007 Professional Court. Public Hearing.** Application requesting a variance from the requirements of Section 522 "Service Business District" to install a free standing business sign. Thomas Meals, appellant.

Thomas J. Meals, 2007 Professional Court, Martinsburg West Virginia. Mr. Meals presented the request to install a freestanding sign that would not only help advertise for his business, but also help customers find the dental office easier. Discussions included, but were not limited to, size, location and other buildings in the same location having visible signage. The current signage is only visible from the dead end area of Professional Court. Mr. Meals went on to say, that the proposed sign would not be visible to the neighboring residential areas, and only seen by drivers going one direction on Tennessee Avenue.

Public hearing opened at 7:00 pm. As no one came forward, the public hearing closed at 7:00 pm.

Boardmembers discussed the Variance Criteria in Section 903.21 that states, "The Board of Zoning Appeals shall not grant a Variance unless and until the four conditions are satisfied." After discussions, the Board felt that all four conditions were satisfied and went on to make a motion.


Boardmember McIntosh moved in Case # V 11-018, to approve the application requesting a Variance from the requirements of Section 522 "Service Business District" to install a freestanding business sign. Boardmember Knowles seconded the motion, which was followed by a unanimous vote of "aye." Motion carried.

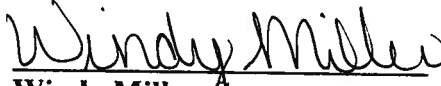
#### **DISCUSSION**

We currently have no cases on the agenda for July; therefore, the meeting for July 05, 2011 will be cancelled.

#### **ADJOURNMENT**

The meeting was adjourned at 7:12 pm by unanimous consent.

  
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Matthew Coffey, Chairperson

  
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Windy Miller, Secretary

