



# THE City OF Martinsburg

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

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

## BOARD OF ZONING APPEALS SPECIAL EXCEPTION 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.

<b>APPELLANT INFORMATION</b> - OWNER'S AFFIDAVIT (page 3) MUST BE SUBMITTED WITH APPLICATION.	
Contact Name:	
Firm/Company:	
Address:	
Phone:	email:
<b>OWNER INFORMATION</b>	
Name:	
Firm/Company:	
Address:	
Phone:	email:
<b>PROJECT INFORMATION</b>	
Project Location: (Street Address)	Tax Map / Parcel
Project Classification: (residential, commercial, etc.)	Special Exception Type(s): (New Use, Change of Use, Change of non-conforming use, 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 Special Exception(s) requested:

Ordinance Requirement:	Special Exception Request
Ordinance Requirement:	Special Exception Request
Ordinance Requirement:	Special Exception Request

<b>SPECIAL EXCEPTION FEES</b> (Residential/Commercial)	\$400
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**NOTE: A decision of the Board granting a Special exception 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 Special Exception if approved.

Appellant Signature \_\_\_\_\_ Owner Signature \_\_\_\_\_

**Appellant: Read below then use the blank space on Page three to support your request.**

**Considerations for granting a Special Exception include, but are not limited to the following:**

1. The location and size of the use, the nature and intensity of the operations involved in or conducted in connection with it, the size of the site in relation to it, and the location of the site with respect to streets giving access to it, are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
2. The location, nature and height of buildings, walls, and fences, and the nature and extent of the landscaping on the site are such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings.
3. Operations in connection with any special use will not be more objectionable to nearby properties by reason of noise, fumes, vibration, or other characteristics, than would be the operations of any permitted use not requiring a special permit.
4. Parking areas will be of adequate size for the particular use, properly located and suitable screened from adjoining residential uses, and the entrance and exit drives shall be laid out so as to achieve maximum safety.
5. Public utility service (electricity, sewerage, storm drainage and water) will be adequate to service the proposed use and will have suitable access thereto, and the proposal will not overburden existing facilities; or, any onsite water supply, sewage treatment, or storm drainage disposal system will be adequate to service the proposed use.

**In the case of Nonconforming Uses:** A nonconforming use is use which legally exists at the time of adoption or amendment of this Ordinance but that does not comply with the regulations of the district in which it is located. Such a nonconforming use may consist of a nonconforming use of land, a nonconforming use of structure, or a nonconforming use of land and structure. Nonconforming uses shall be subject to the following provisions:

If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may as a **Special Exception** be changed to another nonconforming use, provided that the Board of Appeals, either by general rule or making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. Once changed to a use considered more appropriate, the use of a structure or structure and premises shall not thereafter be changed to a use considered less appropriate. In permitting such change, the Board of Appeals may require appropriate conditions and safeguards in accord with the provisions of this Ordinance.

**Special Exception to Enlarge a Nonconforming Use or Structure:** In any district, the Board of Appeals may permit the expansion or continuation of a nonconforming use or structure if the Board determines that, owing to the nature of the use or structure, or the location and arrangement of the property, such expansion or continuation will not be detrimental to the surrounding development. The Board may establish limits to the permitted expansion or continuation and require special condition appropriate.

**STATEMENT OF APPELLANT**

**TO: THE BOARD OF ZONING APPEALS**

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

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\_\_.

\_\_\_\_\_  
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

(1<sup>st</sup>) 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 \_\_\_\_\_,

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

(3<sup>rd</sup>) that he hereby authorizes \_\_\_\_\_ to make said application in his behalf.  
(Appellant's Name)

Sworn to me, this \_\_\_\_\_ day of  
\_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
(notary)

\_\_\_\_\_  
(Owner's signature)

**CITY OF MARTINSBURG  
BOARD OF ZONING APPEALS**

**STAFF REPORT**

Compiled from the Record Prior to the Public Hearing

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**LOCATION (Incl. Tax Map & Parcel):**

**APPEAL NUMBER:**

**DATE FILED:**

**HEARING DATE:**

**NAME OF APPELLANT:**

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**PURPOSE OF APPEAL:**

**DESCRIPTION OF EXISTING BUILDING OR USE:**

**DESCRIPTION OF PROPOSED USE:**

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**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 2016

**SPECIAL EXCEPTIONS & VARIANCE APPLICATIONS**  
**January 2016-March 2017**

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