

MARTINSBURG BOARD OF ZONING APPEALS
November 7, 2017 6:30pm
232 N. Queen Street
J. Oakley Seibert Council Chambers
Regular Meeting Minutes

With a quorum present, Vice-Chairperson Casabona called the regular scheduled meeting of the City of Martinsburg Board of Zoning Appeals to order at 6:30 p.m. The following Boardmembers were present: Brenda Casabona, Mary Dulyea, Martin Bales, Doreane Mosser and Tom Johnson. Also in attendance were: City Engineer/Planning Director Kim Petrucci, City Planner Tracy Sherman, Legal Counsel Chris Peterson and Planning Secretary Holly Hartman.

APPROVAL OF August 1, 2017 MEETING MINUTES

Boardmember Bales made the motion to approve the August 1, 2017 minutes. The motion was seconded by Boardmember Johnson. Motion passed.

OLD BUSINESS

None

UNFINISHED BUSINESS

None

NEW BUSINESS

1. **Project # SE 17-00021. 110 W. Moler Avenue. Public Hearing.** Application requesting a special exception according to the requirements of Section 410.6 "Special Exception to Enlarge a Non-Conforming Use or Structure" to expand a legally non-conforming structure for the purposes of expanding an existing front porch. Andrew LaCara, appellant.

After being sworn in by Legal Counsel, Andrew LaCara, 110 W. Moler Avenue, stated that he is requesting permission to remove the existing concrete porch and build a new, larger front porch.

Ms. Sherman provided a staff report stating that the new porch will be in the side-yard setback. This request will be the applicant's one-time alteration and it meets City requirements. Ms. Sherman advised that the request falls under section 702.3.

Vice-Chairperson Casabona opened the Public Hearing at 6:36 p.m.

- Ms. Sherman read for the record, a letter in support of this request from the neighbor on the affected side of the property, Ms. Chera Rodriguez.

As no one came forward to speak for or against the request, the public hearing was closed at 6:37 p.m.

Vice-Chairperson Casabona read aloud for discussion the special conditions for the Special Exception in the Martinsburg Zoning Ordinance (MZO) section of 702.31: The proposed use is in harmony with the purpose and intent of the Martinsburg Comprehensive Development Plan and of this zoning ordinance. There was general agreement for no concern.

Vice-Chairperson Casabona read aloud for discussion the special conditions for the Special Exception in the Martinsburg Zoning Ordinance (MZO) section of 702.32: 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. There was general agreement for no concern.

Vice-Chairperson Casabona read aloud for discussion the special conditions for the Special Exception in the Martinsburg Zoning Ordinance (MZO) section of 702.33: 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. There was general agreement for no concern.

Vice-Chairperson Casabona read aloud for discussion the special conditions for the Special Exception in the Martinsburg Zoning Ordinance (MZO) section of 702.34: 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. There was general agreement for no concern.

Vice-Chairperson Casabona read aloud for discussion the special conditions for the Special Exception in the Martinsburg Zoning Ordinance (MZO) section of 702.35: 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. This condition is not applicable.

Vice-Chairperson Casabona read aloud for discussion the special conditions for the Special Exception in the Martinsburg Zoning Ordinance (MZO) section of 702.36: 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. This condition is not applicable.

All Boardmembers agreed the application has met the requirements for the Special Exception.

Boardmember Johnson made the motion to approve the application requesting a Special Exception according to the requirements of Section 410.6 "Special Exception to Enlarge a Non-Conforming Use or Structure" to expand a legally non-conforming structure for the purposes of expanding an existing front porch. Andrew LaCara, appellant. The motion was seconded by Boardmember Bales and followed by a unanimous roll call vote of "aye". Motion approved.

DISCUSSION/ACTION ITEMS

None

OTHER BUSINESS

None

ADJOURNMENT

The meeting was adjourned at 6:41 p.m.

Brenda Casabona, Vice-Chairperson

Holly Hartman, Planning Secretary