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
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 Transect:	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)
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VARIANCE FEES (Residential/Commercial)	$400	

Note: If the Board cannot make all required findings, no Variance shall be granted. However, if circumstances change sufficiently that the necessary findings might be met in the future, the Board may rehear a similar application.

☐ 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 1.11.E, 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. The Board of Zoning Appeals shall grant the Variance sought if it finds that the Variance: *(Please respond to each condition statement in the area provided - use additional paper if necessary.)*
(a) Will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents;
(b) Arises from special conditions or attributes which pertain to the property for which a variance is sought, and which were not created by the person seeking the variance;
(c) Would eliminate an unnecessary hardship and permit a reasonable use of the land; and
(d) Will allow the intent of the zoning ordinance to be observed and substantial justice done.

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____.

Nonconforming Lots (Section 5.09):

A Nonconforming Lot is a lot that was subdivided before adoption, or amendment, of the Zoning Ordinance and which, after adoption or amendment of the Zoning Ordinance, does not meet the requirements of the district in which it is located. Notwithstanding limitations imposed by other provisions of this Ordinance, in any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single Lot of record at the effective date of adoption or amendment of this Ordinance. Such Lot must be in separate ownership and not of continuous frontage with other vacant lots in the same ownership. Where possible, contiguous parcels under common ownership shall be re-platted to create conforming Lots. This provision shall apply even though such Lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements (other than those applying to area or width, or both), of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Board of Zoning Appeals.

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:

ZONING DISTRICT:
TRANSECT:
SIZE OF LOT:
EXISTING LOT COVERAGE:
EXISTING OFF-STREET PARKING SPACES:

PRIOR CASES:

STAFF REPORT:

ZONING FEES
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)

Less than 2 acres	—	$1,500
More than 2 acres	—	$2,000 + $150 per additional acre

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 2025

The applicant, or a representative thereof, is expected to attend the meeting at which their case will be heard in order to answer any questions Board members may have.

SPECIAL EXCEPTIONS & VARIANCE APPLICATIONS
January 2025 - December 2025

MEETING DATE (6:30PM)	APPLICATION DEADLINE (3PM)	TO THE JOURNAL (12PM)	POSTING & / or PUBLICATION DATE
1/7/2025	11/27/2024	12/4/2024	12/9/2024
2/4/2025	1/3/2025	1/8/2025	1/13/2025
3/4/2025	1/31/2025	2/5/2025	2/10/2025
4/1/2025	2/28/2025	3/5/2025	3/10/2025
5/6/2025	4/4/2025	4/9/2025	4/14/2025
6/3/2025	5/2/2025	5/7/2025	5/12/2025
7/1/2025	5/23/2025	5/28/2025	6/2/2025
8/5/2025	6/27/2025	7/2/2025	7/7/2025
9/2/2025	7/25/2025	7/30/2025	8/4/2025
10/7/2025	8/29/2025	9/3/2025	9/8/2025
11/4/2025	9/26/2025	10/1/2025	10/6/2025
12/9/2025	10/24/2025	10/29/2025	11/3/2025

Revised 11/22/24