

AGENDA

Regular Meeting

March 7, 2019

Government Office Building
Route 50 & N. Division Street
Council Chambers, Room 301, Third Floor

6:00 P.M. - Call to Order – Gil Allen

Board Members: Gil Allen, Jordan Gilmore, Alex Paciga, Brian Soper and Shawn Jester.

MINUTES – February 7, 2019

PUBLIC HEARINGS:

#SA-19-142 **Habitat for Humanity – Variance Requests for Property located at 504 Tangier Street – 2.5 ft. Front Setback and 7.5 ft. Rear Setback Variance in the R-5 Residential District.**

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MINUTES

The Salisbury Board of Zoning Appeals met in regular session on February 7, 2019, in Room 301, Government Office Building at 6:00 p.m. with attendance as follows:

BOARD MEMBERS:

Albert G. Allen, III, Chairman (Absent)
Jordan Gilmore, Vice Chairman
Shawn Jester
Brian Soper
Alex Paciga

CITY STAFF:

Henry Eure, Project Manager
Beverly Tull, Recording Secretary

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Mr. Allen, Chairman, called the meeting to order at 6:01 p.m.

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MINUTES:

Upon a motion by Mr. Jester, seconded by Mr. Soper, and duly carried, the Board **APPROVED** the minutes of the January 3, 2019 meeting as submitted.

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Mr. Eure requested that anyone wishing to testify in the case before the Salisbury Board of Zoning Appeals stand and be sworn in. Mr. Eure administered the oath. Mr. Gilmore explained the procedure for the public hearing.

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#SA-19-001 Coastal Compliance Solutions, LLC on behalf of WBOC, Inc. - Special Exception to install a solar field located on Map 103, Parcel 2367, on Pine Way in the R-8 Residential District.

Mr. Chris McCabe, Mr. John Custis, Ms. Laura Baker, and Mr. Brandon Caprarola came forward. Mr. Henry Eure presented and entered the Staff Report and all accompanying documentation into the record. He summarized the report explaining that the applicant proposes to install a .96 megawatt solar farm to serve WBOC. A Special Exception is requested to operate the solar farm.

Mr. Custis had Mr. McCabe confirm his knowledge about permitting solar farms and the criteria listed for the Special Exception from the Staff Report.

Mr. Custis questioned Mr. Caprarola regarding the solar panels that were being proposed. Mr. Caprarola confirmed the anti-glare panels would be used and plantings would be done.

Mr. Custis deferred comments to Mrs. Baker from WBOC. She discussed that WBOC was extremely excited about the project and how sustainability was important to them.

Mr. Custis requested that the Board grant the requested Special Exception without any conditions of approval.

Mr. Soper questioned the estimated capacity of the solar farm. Mr. Caprarola responded that it was a 908 kw solar farm. Mr. Soper questioned if there was any outreach to the neighboring property owners. Mr. Eure explained that Staff had posted the property and sent notices to all property owners within the 200 ft. buffer range as required by Code. Mr. Soper questioned the height of the plantings for screening and if the City would require a maintenance agreement. Mr. McCabe responded that the plantings would be part of the Forest Conservation Easement which will be recorded. Mr. Caprarola stated that there is an existing buffer in place. Mr. Eure added that the minimum height for the plantings is 4-6 ft. depending upon planting material.

Mr. Gilmore questioned when WBOC acquired the parcel. Mrs. Baker responded that WBOC had owned the property for several years.

Mr. Jester complimented them on their presentation to the Board. He questioned if they had reached out to any of the neighbors about this project. Mrs. Baker responded in the negative. Mr. Jester questioned if WBOC had received any complaints about the project. Mrs. Baker responded in the negative. Mr. Eure added

that Staff had received one (1) phone call in reference to the case but the neighbor was in favor of the request.

Mr. Soper questioned if irrigation would be installed for the plantings. Mr. McCabe responded that they would be using gator bags in the Spring to keep the plantings irrigated.

Upon a motion by Mr. Soper, seconded by Mr. Jester, and duly carried, the Board **APPROVED** the requested Special Exception for installation of a solar farm on the referenced property for WBOC, based on Section V(c) of the Staff Report and the testimony presented at the meeting.

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ADJOURNMENT

With no further business, the meeting was adjourned at 6:25 p.m.

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This is a summary of the proceedings of this meeting. Detailed information is in the permanent files of each case as presented and filed in the Salisbury-Wicomico County Department of Planning, Zoning and Community Development.

Jordan Gilmore, Vice Chairman

Amanda Pollack, Secretary to the Board

Beverly R. Tull, Recording Secretary



STAFF REPORT

MEETING OF MARCH 7, 2019

Case No. 201900142
Applicant: Habitat for Humanity of Wicomico County, Inc.
Property Owner: Habitat for Humanity of Wicomico County, Inc.
Location: 504 Tangier Street
State City Tax Map: #104
Parcel #1850, Grid #7
Zoning: R-5 Residential District
Requests: Front yard setback variance of 2.86 ft. and rear yard setback variance of 7.54 ft. to construct a single family dwelling.

I. SUMMARY OF REQUEST:

The Applicant requests permission to construct a 30 ft. x 41 ft. single-family dwelling. The dwelling is proposed to have a front yard setback of 12.46 ft., and a rear yard setback of 22.46 ft. The Zoning Code allows for a 15.32 ft. front yard setback and requires a 30 ft. rear yard setback. Board approval of a 2.86 ft. front yard variance and 7.54 ft. rear yard setback variance is requested. **(Attachments 1 & 2)**

II. ACCESS TO THE SITE AREA:

The property is located on the south side of Tangier Street, near the intersection of Tangier and Lake Streets. **(Attachment 3)**

III. DESCRIPTION OF PROPERTY:

This property consists of 4,680 sq. ft. of land area. The site is currently unimproved, but was previously improved with a two-story single family dwelling, which was demolished in 2017.

IV. DESCRIPTION OF SURROUNDING AREA/NEIGHBORHOOD:

The surrounding area is developed primarily with residential uses. **(Attachment 4)**



V. EVALUATION:

- (a) **Discussion:** The Applicant proposes construction of a 30 ft. x 41 ft. one story, single-family dwelling with a 12.46 ft. front yard and 22.46 ft. rear yard setback. **(Attachments 5 & 6)** Section 17.156.060B. of the Zoning Code indicates that a minimum front yard setback of 25 ft. and a 30 ft. rear yard setback be provided. However, Section 17.04.180A. of the Zoning Code states that the depth of the front yard may be decreased to the approximate average depth of buildings located within 200 ft. on the same side of the street. This reduces the required front yard setback to 15.32 ft. The proposed 12.46 ft. setback will give the home a similar setback to other dwellings located on the south side of Tangier Street. Board approval of a 2.86 ft. front yard and 7.54 ft. rear yard setback variances are requested.

This lot, with a depth of only 65 ft., is smaller than most of the lots in the area, although there are a few lots that are similar in size. The lot is a legal nonconforming lot as it does not meet the minimum lot area requirements of 5,000 sq. ft. (4,680 sq. ft.). Due to the shallowness of the lot, the depth of the building envelope is restricted to approximately 19 ft., leaving little room to construct a dwelling.

- (b) **Impact:** Staff does not believe the setback variance requests will have any adverse impact on the surrounding area. Other buildings along Tangier Street and in the neighborhood have similar front yard setbacks.
- (c) **Relationship to Criteria:** Section 17.236.020 of the Salisbury Municipal Code contains the criteria the Board should consider when approving Variances. Staff has noted how this request complies with the Variance criteria as follows:

- [1] **Because of the particular physical surroundings, shape or topographical conditions of the specific structure or land involved, a practical difficulty or unnecessary hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.**

The lot in question is smaller than most of the lots in the area, reducing the building envelope to an area that severely restricts construction.

- [2] **The conditions upon which an application for a variance is based are unique to the property for which the variance is sought and are not**

applicable, generally, to the property within the same zoning classification.

There are a number of larger properties in the area but overall, the sizes of properties in this Zoning District vary greatly. However, this particular property falls on the smaller side of the spectrum.

- [3] The practical difficulty or unnecessary hardship is caused by this Title and has not been created by intentional action of any person presently having an interest in the property.**

Staff believes the practical difficulty is created by the setback standards that are often difficult to meet with existing lots of record that do not meet minimum area requirements.

- [4] The granting of the variance will not be detrimental to or endanger the public health, security, or general welfare or morals.**

The granting of the requested variance should not be detrimental to the public health, security and general welfare of the neighborhood.

- [5] The granting of the variance is not based exclusively upon a desire to increase the value or income potential of the property.**

Although the granting of the setback variance requests will increase the value of the property once developed, the requested variances permits reasonable construction of a modest single family dwelling.

- [6] The variance will not be injurious to the use and enjoyment of other property in the immediate vicinity nor substantially diminish and impair property values in the neighborhood.**

The proposed front and rear setbacks will not be detrimental to other properties and will not adversely impact nearby property values. Other properties in the neighborhood have dwellings with comparable setbacks.

- [7] The granting of the variance will not impair an adequate supply of light and air to adjacent property or overcrowd the land or create an undue concentration of population or substantially increase any congestion of**

the streets or create hazardous traffic conditions or increase the danger of fire or otherwise endanger the public safety.

The requested setback variances will not create any hazardous traffic conditions or undue concentration of population. While granting of the variance will create smaller front and rear yard for the proposed home, similar reduced front and rear yards exist throughout the neighborhood.

- [8] The variance will not adversely affect transportation or unduly burden water, sewer, school, park, or other public facilities.**

The requested variances will have no impact on water, sewer, school, park or other public facilities. Staff does not believe these requests will affect transportation facilities.

- [9] The granting of the variance will not adversely affect the implementation of the Comprehensive Plan for the City of Salisbury approved by the Planning Commission and the City Council or any other plan approved by the Planning Commission or City Council for development of the area in which the variance is requested.**

The Salisbury Comprehensive Plan adopted by the Salisbury City Council designates this area for residential development, as shown on the adopted Land Use Map. This request will not have a significant impact on the Plan.

- [10] Within the intent and purpose of this Title, the variance, if granted, is the minimum necessary to afford relief. (To this end, the Board may permit a lesser variance than that applied for.)**

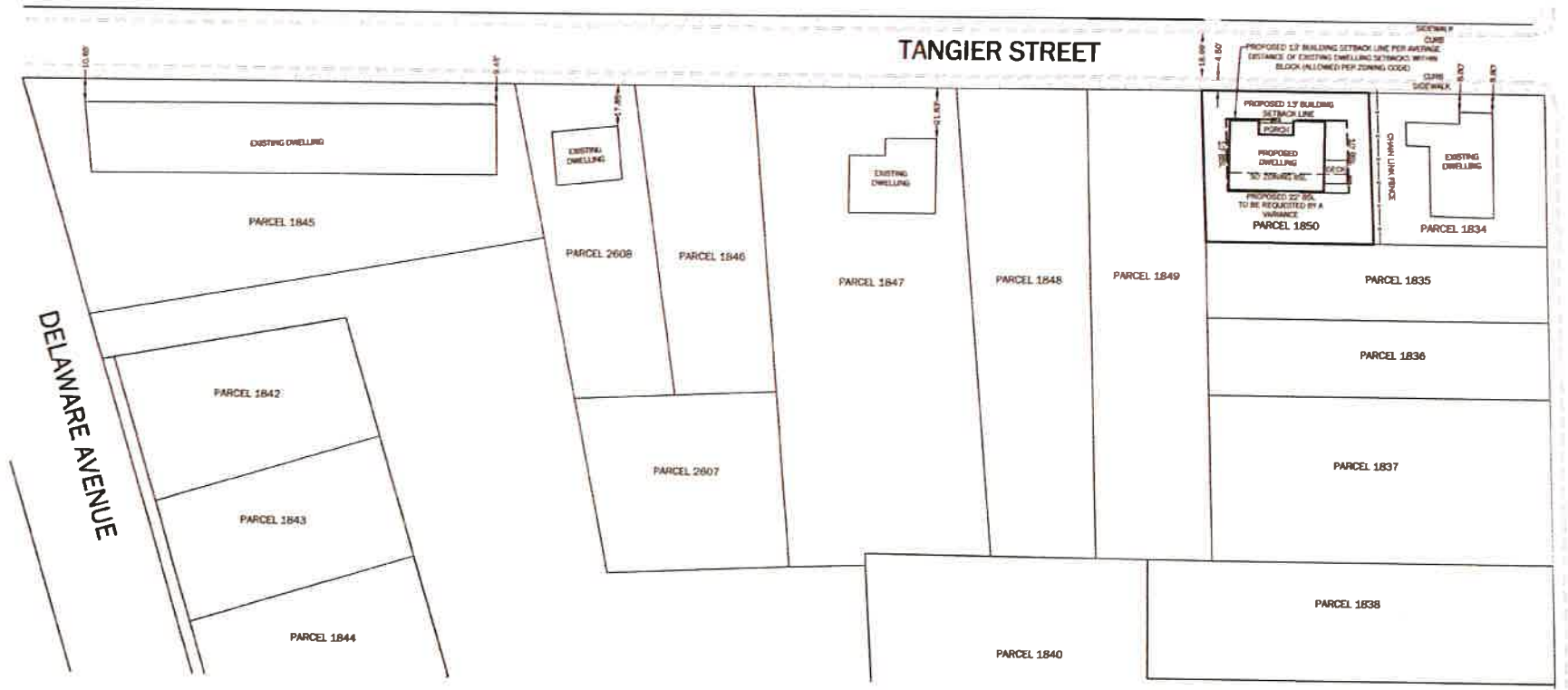
Staff believes that the variances requested are the minimum necessary to afford relief from the Code requirements. However, the Board has the discretion to grant a lesser variance.

VI. RECOMMENDATION:

Based on the findings contained in this Staff Report, Staff recommends **Approval** of a 3 ft. front yard and 8 ft. rear yard setback variances instead of the requested 2.86 ft. front yard setback and 7.54 ft. rear yard setback variances for the proposed single family dwelling. As this is a small property for little room for error, Staff suggests increasing the variances to ensure that the structure will be compliant upon completion of construction.

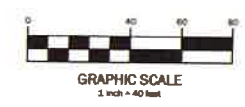


VICINITY MAP
NOT TO SCALE



GENERAL NOTES

- 1) THE PROPERTY SHOWN HEREON IS CURRENTLY OWNED BY: HABITAT FOR HUMANITY OF WICOMICO COUNTY INC 908 WEST ISABELLA STREET SALISBURY, MARYLAND 21801 TELEPHONE: (410) 749-6325
- 2) DEED REFERENCE: 4011/17
- 3) PLAT REFERENCE: 13582 & 65-16
- 4) THE PRESENT ZONING OF THE PROPERTY IS: R-6



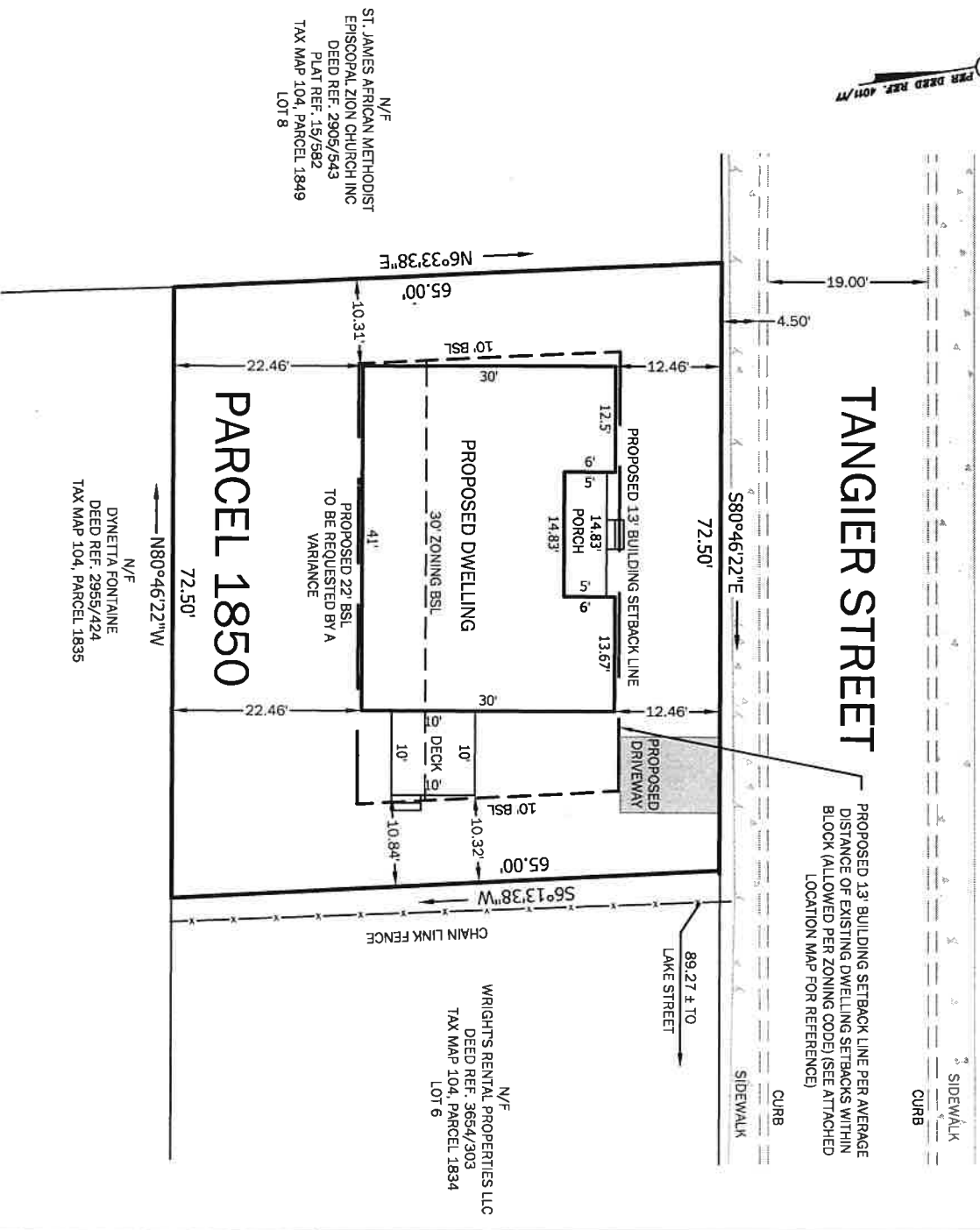
REVISIONS	
DATE	BY

BLOCK LOCATION MAP TANGIER STREET			
LOCATION SALISBURY ELECTION DISTRICT, WICOMICO COUNTY, MARYLAND			
SCALE 1" = 40'	DATE 01/03/2019	TAX MAP 104	PARCEL 1850
JOB NO. L8358	DRAWN BY CPS		

SURVEYING FORESTRY

CIVIL ENGINEERING INC. SITE PLANNING

THIS PLAT NOT FOR RECORDATION



NOTES:
 BOUNDARY LINES AS SHOWN HEREON ARE PER DEED REFERENCE 4011/17. THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND IS SUBJECT TO ANY ENCUMBRANCES, RESTRICTIONS, EASEMENTS AND/OR RIGHT OF WAY THAT MAY BE REVEALED BY A THOROUGH TITLE SEARCH.
 13' FRONT SETBACK LINE DERIVED FROM THE AVERAGE OF EXISTING NEIGHBORING BUILDING SETBACKS FROM BACK OF SIDEWALK.

PROFESSIONAL CERTIFICATION. I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MARYLAND LICENSE NUMBER 21264, RENEWAL DATE JULY 4, 2019.

I, HEREBY CERTIFY THAT THE PROPOSED DWELLING DIMENSIONS AND CURRENT PLACEMENT ARE CORRECT AND I HEREBY AUTHORIZE ALL FIELD WORK TO BE PERFORMED.

RONALD D. SHUPE _____ DATE _____

 SIGNATURE _____ DATE _____

TITLE		SURVEYING	
VARIANCE PLAT 504 TANGIER STREET		PARKER FORESTRY	
FOR: HABITAT FOR HUMANITY OF WICOMICO COUNTY INC.			
LOCATION			
SALISBURY ELECTION DISTRICT, WICOMICO COUNTY, MARYLAND			
SCALE	DATE	TAX MAP	PARCEL
1" = 20"	12/14/2018	104	1850
JOB NO.	DRAWN BY	PARCEL	
L8358_PROPOSED	CPS	1850	

CIVIL ENGINEERING

SITE

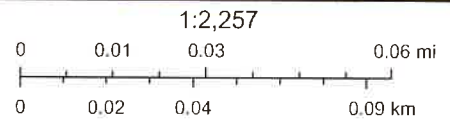


Salisbury Utility View

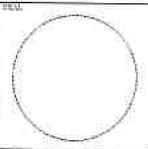


2/28/2019 2:19:10 PM

- Zoning
- I
 - C
 - CBD
 - CU
 - GC
 - H
 - IP
 - LBI
 - LI
 - MNR



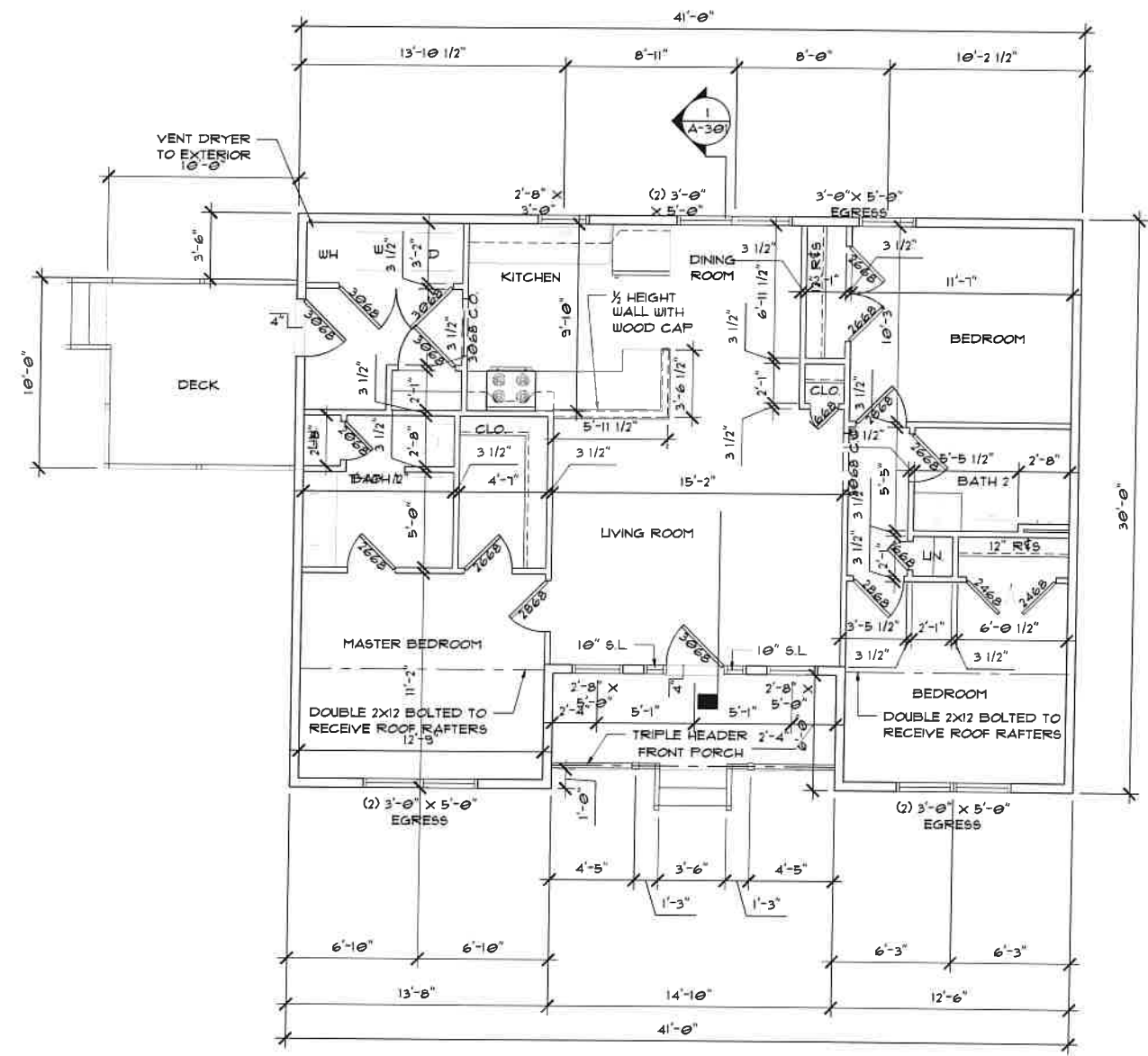
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



FISHER ARCHITECTURE
 1000 Annapolis Lane
 1000 Annapolis Lane
 Annapolis, MD 21403
 410.261.1000

Professional Information
 License No. 0013975
 Registration No. 09-01-0005

Project Information
 Project Name: HABITAT FOR HUMANITY ZICKAFOOSE RESIDENCE
 Project No.: 200 NAYLOR ST. - PARCEL 1080
 Location: SALISBURY, MARYLAND 21804

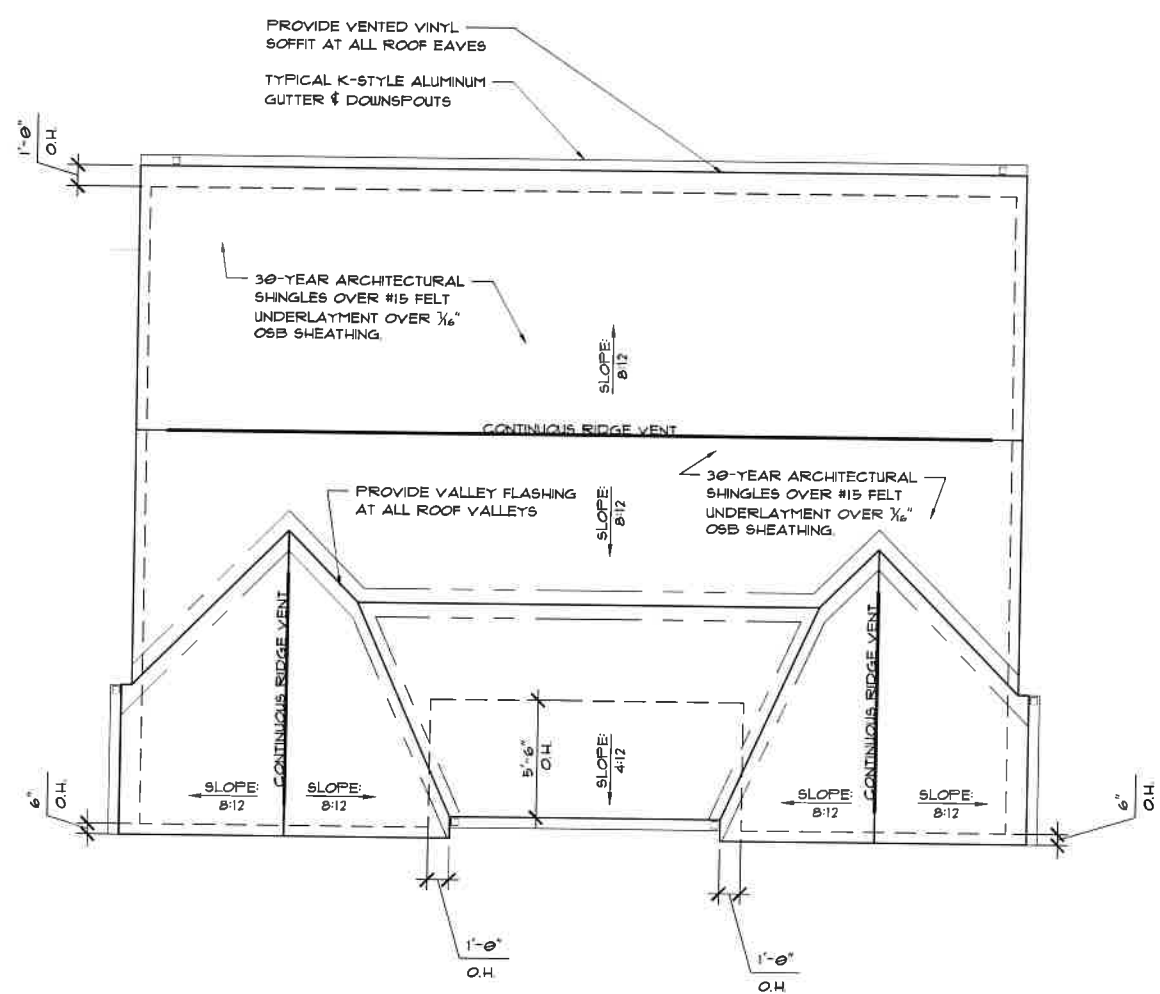


1 FLOOR PLAN

SCALE 1/8"=1'-0"

FLOOR AREA: 1,141 S.F.

WINDOW NOTE: ALL WINDOW DESIGNATIONS ARE IN REFERENCE TO UNITED WINDOW MODELS



2 ROOF PLAN

SCALE 1/8"=1'-0"

SHEET INFO:
 FLOOR PLAN &
 ROOF PLAN

NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMITTING	10/1/2010
2	ISSUED FOR CONSTRUCTION	10/1/2010
3	ISSUED FOR CORRECTIONS	10/1/2010
4	ISSUED FOR CORRECTIONS	10/1/2010
5	ISSUED FOR CORRECTIONS	10/1/2010
6	ISSUED FOR CORRECTIONS	10/1/2010
7	ISSUED FOR CORRECTIONS	10/1/2010
8	ISSUED FOR CORRECTIONS	10/1/2010
9	ISSUED FOR CORRECTIONS	10/1/2010
10	ISSUED FOR CORRECTIONS	10/1/2010

A-101

