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**MINUTES**

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The Salisbury Board of Zoning Appeals met in regular session on February 6, 2020, in Room 301, Government Office Building at 6:00 p.m. with attendance as follows:

**BOARD MEMBERS:**

Albert G. Allen, III, Chairman  
Jordan Gilmore, Vice Chairman  
Shawn Jester  
Brian Soper

**CITY STAFF:**

Henry Eure, Project Manager  
Beverly Tull, Recording Secretary

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Mr. Allen, Chairman, called the meeting to order at 6:00 p.m.

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**MINUTES:**

Upon a motion by Mr. Gilmore, seconded by Mr. Soper, and duly carried, the Board **APPROVED** the November 7, 2019 minutes 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. Allen explained the procedure for the public hearing.

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**#SA-20-044**

**First Move Properties, LLC – Special Exception to Increase Density for a Proposed Six-Story Apartment Building to be located at 144 E. Main Street – Central Business District.**

Mr. Nick Simpson, Mr. Jeff Harman, Mr. TJ Maloney, and Mr. Michael Sullivan 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 construct a new six-story apartment building. Board approval of a Special Exception for the density is requested.

Mr. Sullivan noted that they had no issues with the Staff Report and recommendation and were asking for no changes. He did request a clarification on the requirement of the lot consolidation and requested that it be done after construction due to the financing requirements. Mr. Eure advised that the lot consolidation could be done after the construction was complete. He recommended it be done within one (1) year after construction was completed. Mr. Maloney added that the lots would have to be consolidated for final financing.

Mr. Soper questioned what the area between Main Street and Market Street would be used for. Mr. Harman responded that it would be an open plaza area. Mr. Soper questioned if the Chamber of Commerce used all of the parking that was on site. Mr. Simpson responded in the affirmative. Mr. Soper questioned if there was any intention to build on those parking spaces. Mr. Simpson responded in the negative, explaining that the parking spaces would be maintained for the residents with larger vehicles that may not fit in the parking garage. There was extensive discussion on whether the parcel on Market Street should be included in the consolidation to which it was determined that it would not be part of the consolidation and wasn't pertinent to the request.

Mr. Allen questioned if the water upgrades were included in the current infrastructure. Mr. Simpson responded that the new infrastructure on Main Street will not be disturbed and that negotiations are taking place with the City of Salisbury to hold off paving Baptist Street until services are run to this development.

Mr. Allen questioned when they would receive their final approval from the Planning Commission. Mr. Harman responded that they are waiting on some approvals from the Department of Infrastructure and Development. Once those approvals are received, final Planning Commission approval can be obtained. The target month for Planning Commission would be in March.

Mr. Gilmore questioned how this new development would enhance the Downtown Historic District. Mr. Eure responded that the developer had received approval from the Historic District Commission and this development will be a new part of history. Mr. Simpson added that the development should bring more people into Downtown Salisbury to enjoy the historic district area. He added that the building will be an enhancement to the corner of E. Main Street and Baptist Street.

Mr. Soper questioned if the Critical Area Commission had been notified. Mr. Eure responded in the affirmative. Mr. Soper questioned if the Critical Area Commission had any comments about this development. Mr. Eure responded that the Staff had not received any comments.

Upon a motion by Mr. Soper, seconded by Mr. Gilmore, and duly carried, the Board **APPROVED** the Special Exception requested on 144 E. Main Street to increase the density to 53 units per acre, based on the criteria listed in the Staff Report, particularly the criteria listed in Section 17.232.020B, and subject to the following Condition of Approval:

**CONDITION:**

1. Obtain a Final Certificate of Design and Site Plan Approval from the Salisbury Planning Commission prior to construction.
2. Obtain final approvals from the Salisbury Historic District Commission.
3. Obtain a Chesapeake Bay Critical Area Certificate of Compliance prior to any disturbance of land within the Critical Area.
4. Consolidate the properties located at 130, 132, and 144 East Main Street into one (1) parcel prior to the final Certificate of Occupancy being issued.

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**#SA-20-043**

**Opportunity Street, LLC – Special Exception and a Variance to Operate an Indoor Recreational Facility – 705 N. Division Street – Neighborhood Business and General Commercial District.**

Mr. Joey Gilkerson 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 repurpose an existing one-story, 8,500 sq. ft. warehouse into a baseball/softball training academy. Board approval of a Special Exception and Variance is requested to permit the use.

Mr. Soper questioned the existing use. Mr. Gilkerson responded that the building is currently vacant. Prior to the era of mini storage facilities, this building housed a moving company. The building housed wooden storage crates and when someone moved, their belongings could be stored in the crates at the building until they were ready to move into a new place. Mr. Soper questioned if there would be any outside activities. Mr. Gilkerson responded in the negative, explaining that the building would be used for off-season training. Mr. Soper questioned if there would be any exterior improvements to the building. Mr. Gilkerson responded in the negative.

Upon a motion by Mr. Gilmore, seconded by Mr. Soper, and duly carried, the Board **APPROVED** the Special Exception request to operate an indoor recreational establishment at 705 N. Division Street, based on the criteria listed in the Staff Report, particularly the criteria listed in Section 17.232.020B, and subject to the following Condition of Approval:

**CONDITION:**

1. Provide a minimum of 20 identified parking spaces, including one (1) van accessible space.

Upon a motion by Mr. Gilmore, seconded by Mr. Soper, and duly carried, the Board **APPROVED** the Variance request to operate an indoor recreational establishment at 705 N. Division Street, based on the criteria listed in the Staff Report, particularly the criteria listed in Section 17.232.020B, and the Condition of Approval as listed above with the Special Exception.



City of  
**Salisbury**  
Jacob R. Day, Mayor

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**ADJOURNMENT**

With no further business, the meeting was adjourned at 6:45 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.

Albert G. Allen, III, Chairman

Amanda Pollack, Secretary to the Board

Beverly R. Tull, Recording Secretary