



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

## **AGENDA**

**Regular Meeting**

**March 5, 2020**

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, and Shawn Jester.

**MINUTES** – February 6, 2020

### **PUBLIC HEARINGS:**

**Case #SA-20-133 Maurice Ngwaba, PhD, AIA, on behalf of The Great Commission of Jesus, - Enlargement of a Legal Nonconforming Structure with Construction of a 4,500 sq. ft. addition to a building and a 5.1 ft. Front Yard Setback Variance – 234 Lake Street – General Commercial District.**

**Case #SA-20-134 Unity Christian Fellowship – 3 ft. 6 inch Setback Variance to Erect a 64 sq. ft. Freestanding Sign Within the Required 15 ft. Setback – 124 Wilson Street – General Commercial District.**

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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.

\* \* \* \* \*

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.

**#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.

#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.

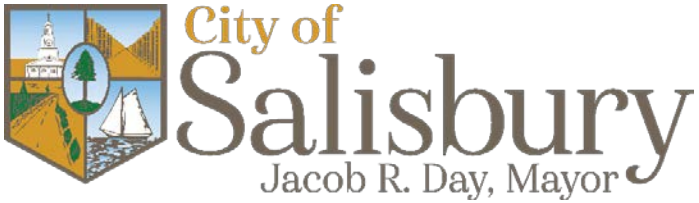
Mr. Soper questioned the existing use. Mr. Gilkerson responded that the building is currently vacant. Prior to the era of mini storage facilities, this building housed a moving company. The building housed wooden storage crates and when someone moved, their belongings could be stored in the crates at 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.



\* \* \* \* \*

**ADJOURNMENT**

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

\* \* \* \* \*

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.

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Albert G. Allen, III, Chairman

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Amanda Pollack, Secretary to the Board

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Beverly R. Tull, Recording Secretary

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## STAFF REPORT

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### MEETING OF MARCH 5, 2020

**Case No.** 202000133  
**Applicant:** Maurice Ngwaba, Ph.D., AIA  
**Property Owner:** Great Commission of Jesus, Inc.  
**Location:** 234 Lake Street  
State City Tax Map: #106  
Parcel #1599, Grid #11  
**Zoning:** General Commercial District  
**Requests:** Permission to enlarge a legal nonconforming structure and front yard setback variance of 4 ft., 6 in.

#### I. SUMMARY OF REQUEST:

The Applicant requests permission to construct a 4,500 sq. ft. addition to the existing nonconforming building. The building is nonconforming as it does not meet the minimum required front yard setback of 25 ft. from Burton Street. The addition is proposed to have a front yard setback of 20 ft., 6 in. along Burton Street. The Zoning Code requires a minimum front yard setback of 25 ft. Board approval to enlarge an existing nonconforming building and a 4 ft., 6 in. front yard setback variance is requested. **(Attachment 1)**

#### II. ACCESS TO THE SITE AREA:

The property is located at the southwest corner of Lake and Burton Streets. Access to the property is available from both streets. **(Attachment 2)**

#### III. DESCRIPTION OF PROPERTY:

The site consists of three (3) lots totaling 42,029 sq. ft. The primary lot, 234 Lake Street, has been improved with an existing 2,500 +/- sq. ft. block building, which was constructed in 1940. The remaining two (2) parcels are unimproved. The site is located within the flood plain according to FEMA's Flood Insurance Rate Map. **(Attachments 3 & 4)**





**IV. DESCRIPTION OF SURROUNDING AREA/NEIGHBORHOOD:**

The surrounding properties are primarily light industrial type uses, such as automobile repair services and warehouses for storage. Other nearby uses include retail sales and residential uses.

**V. EVALUATION:**

- (a) **Discussion:** The existing building is considered to be a legal nonconforming structure, as it was built in 1940, prior to the adoption of current Zoning Code standards, and does not meet minimum setback requirements along Burton Street, as it has a 22.9 ft. setback from Burton Street at its closest point. A minimum setback of 25 ft. is required. Section 17.16.040C of the Zoning Code states that a nonconforming structure may be enlarged by approval from the Board of Zoning Appeals.

The Applicant proposes construction of a 4,500 sq. ft., one story addition that will extend eastward along Burton Street. The addition will be for a new church sanctuary. **(Attachments 5 - 7)** The proposed addition will have a 20.5 ft. setback from Burton Street. A front yard setback variance of 4.5 ft. will be necessary to construct the addition.

Automobile parking is compliant with code standards, with the exception that two (2) van accessible spaces need to be provided. Such spaces have an overall width of 16 ft. This can be accomplished by increasing the width of the access aisle that serves the two (2) accessible spaces to 8 ft. The individual accessible space shown on the site plan must be increased to 13 ft. wide. Additionally, a minimum of four (4) bicycle spaces are required to be provided, according to Section 17.196.060 of the Zoning Code.

- (b) **Impact:** The proposed enlargement of a legal nonconforming structure should not have a negative impact on surrounding properties. The proposed improvements should only enhance the neighborhood.
- (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.**

A hardship has not been demonstrated indicating why the existing front yard setback along Burton Street should be reduced from 22.3 ft. to 20.5 ft.

- [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.**

The three (3) combined lots are average in size and road frontage to other lots in the neighborhood.

- [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 can find no hardship that has been caused by the standards of the City's Zoning Code. The proposed addition could be shifted to the south.

- [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 request may increase the value of the property once developed, the requested variance is strictly for the construction of a new sanctuary for the church.

- [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 setback will not be detrimental to other properties and will not adversely impact nearby property values.

- [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 variance will not create any hazardous traffic conditions, negatively impact sight lines for motorists driving along Burton Street, nor otherwise impact public safety.

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

The requested variance will have minimal impact on water, sewer, school, park or other public facilities. Staff does not believe this request 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.**

A church is an inherently permitted use within the General Commercial Zoning District. Granting approval of this variance request will not have a significant impact on the City's Comprehensive 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 setback variance requested is unnecessary. The addition can be constructed without encroaching closer to Burton Avenue. However, the Board has the discretion to approve the requested variance or grant a lesser variance.

Additionally, Section 17.16.080 of the Zoning Code identifies the criteria for approval of enlarging a nonconforming structure when considering the following:

- [1] The intensity of the existing use relative to the district in which it is located, the scale of the change or enlargement in relation to the intensity of the use and whether it will have serious negative effects on the surrounding area, depreciating property values.**



The proposed addition will have minimal effects on surrounding properties. The improvements to the property will only enhance the neighborhood.

- [2] Whether the change, alteration or enlargement is of benefit to or in the best interest of the community or surrounding area, such as providing additional employment or housing for the community or services to a neighborhood.**

The enlargement will have some impact on the surrounding area, as the church would be expected to serve some of the people who reside or work in the neighborhood.

- [3] Existing or possible traffic and parking problems and how they can be reduced or minimized.**

As previously mentioned, parking is compliant with Zoning Code standards. Minor changes will be required for the accessible parking spaces.

- [4] Screening, buffering or architectural improvements which may make the use more compatible with the surrounding area.**

Building elevations indicate that the proposed addition and remodel of the existing building will enhance the appearance of the property and neighborhood. A landscaping plan has not been provided, but the site will be expected to be provided with landscaping that is compliant with Zoning Code standards.

- [5] Whether the change, alteration or enlargement will upgrade or improve the existing nonconforming use, such as change to a less-intensive use, change in operation, structural changes or redesign of the site relative to parking areas, entrances, exits, loading or unloading and traffic flow.**

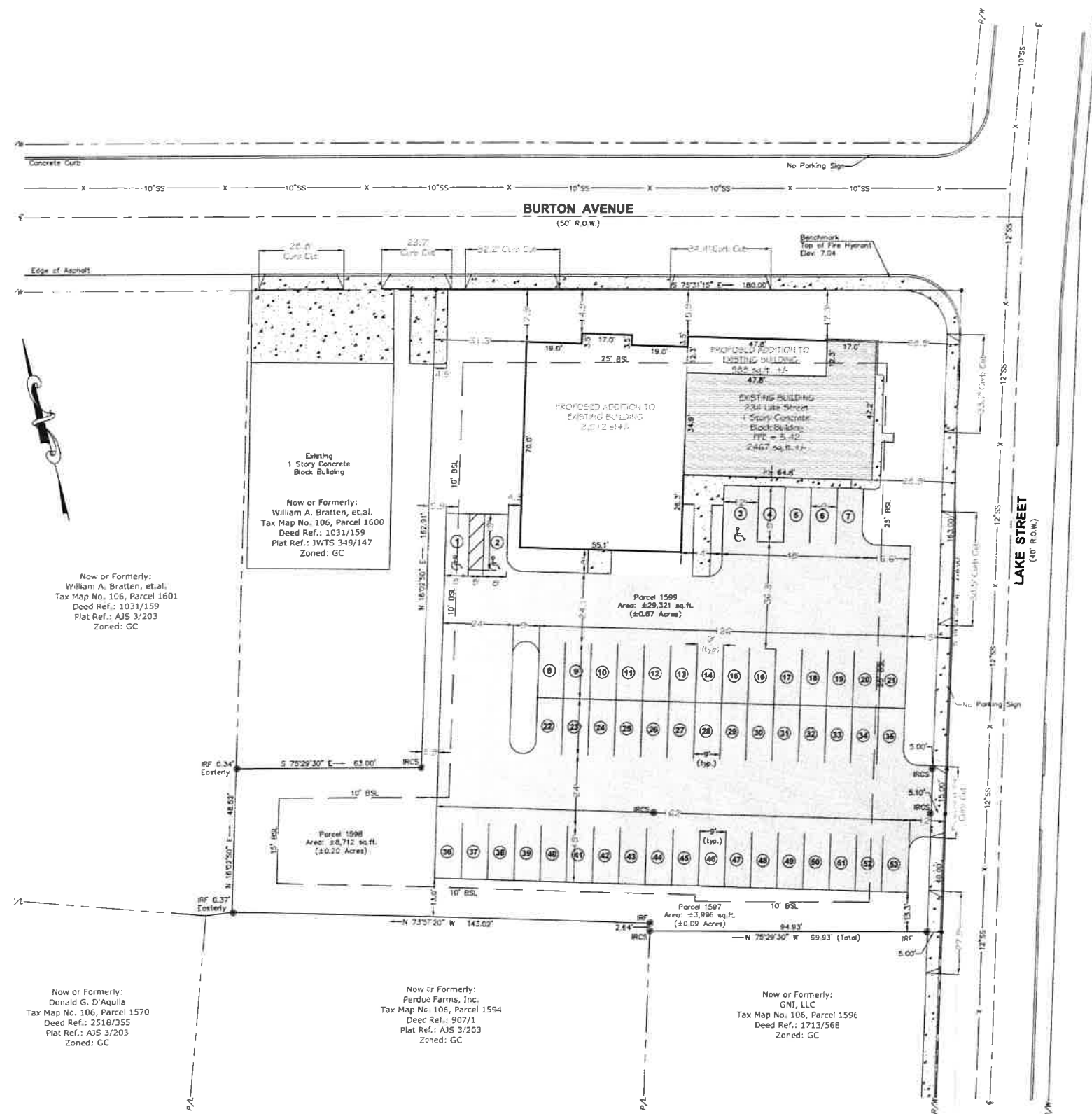
Again, the proposed enlargement will improve the appearance of the property. In addition, providing a paved parking area will also bring the property into compliance with parking standards, as currently no paved parking exists.



**VI. RECOMMENDATION:**

Based on the findings contained in this Staff Report, Staff recommends **Denial** of the requested 4.5 ft. front yard setback variance request. The addition and enlargement can still be constructed while maintaining the existing setback of 22.9 ft. from Burton Street. Staff supports the applicant's request to enlarge a legal nonconforming structure, as the improvements to the property will also serve as an improvement to the neighborhood. **Approval** of the applicant's request to enlarge a legal nonconforming structure is recommended with the following conditions:

1. The three (3) parcels shall be resubdivided/consolidated into one (1) parcel.
2. The addition may meet but not encroach any closer to Burton Street than the existing front yard setback.
3. Provide an "Agreement to Submit an Elevation Certificate" form prior to development and an "Elevation Certificate" prior to occupancy to in comply with FEMA regulations for development within the flood plain.
4. Provide a minimum of four (4) bicycle parking/storage spaces.
5. Subject to further review and approval by the Salisbury Department of Infrastructure and Development and the Salisbury Fire Department.



APPROVED:  
CITY OF SALISBURY  
DEPARTMENT OF INFRASTRUCTURE  
AND DEVELOPMENT

City Project #  
Utility Contract #

Amanda H. Falick, P.E., DIRECTOR

DATE

"I/We certify that this improvement construction plan is submitted with my/our full knowledge and consent and is in accordance with my/our desires as owner/owners."

DATE

JAN 03 2020

OWNER  
Church of Great Commission of Jesus  
Angeline Peton  
234 Lake Street  
Salisbury, MD 21801  
410-251-9730

DATE

"Professional Certification. I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland, License No. 17077, Expiration Date 12/31/2024."

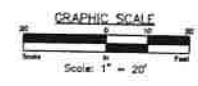
DATE

JAN 03 2020



# **SITE NOTES**

- OWNER:  
Great Commission of Jesus, Inc.  
473 Decatur Avenue  
Salisbury, MD 21804
- Tax Map No. 106, Grid 11, Parcels 1597, 1598 & 1599
- Deed Ref.: 3048/156
- Plat Ref.: JWS 349/147, AJS 3/203
- Site Address (Parcel 1597 & 1598): 234 Lake Street, Salisbury, MD 21801
- Site Address (Parcel 1599): 234 Lake Street, Salisbury, MD 21801
- Zoning: General Commercial
- Setbacks: Front = 25'  
Side = 10', not less than 20' total in any combination  
Rear = 15'
- Maximum Building Height = 50'
- By scaled map location and graphic plotting only, the subject property appears to be entirely in Zone AE (Elev. 6.0') according to the Flood Insurance Rate Map for Worcester County, MD, Community Panel No. 240402021E, Effective Date August 17, 2015.
- Area of Parcel 1597: ±3,365 sq. ft. (±0.09 Acres)  
Area of Parcel 1598: ±8,712 sq. ft. (±0.20 Acres)  
Area of Parcel 1599: ±29,321 sq. ft. (±0.67 Acres)  
TOTAL: ±41,398 sq. ft. (±0.96 Acres)
- This site lies entirely within the Chesapeake Bay Critical Area (CBA).
- There are no wetlands located on this site per the Marine website.
- Existing Impervious Area:  
Building: ±2,467 sq. ft.  
Concrete Pads & Walks: ±1,511 sq. ft.  
Gravel Parking Areas: ±10,581 sq. ft.  
Asphalt Pavement: ±18 sq. ft.  
TOTAL: ±14,588 sq. ft. (34%)
- Proposed Impervious Area:  
Building: ±6,867 sq. ft.  
Concrete Pads & Walks: ±1,814 sq. ft.  
Asphalt Pavement: ±16,341 sq. ft.  
TOTAL: ±25,022 sq. ft. (60%)  
Increase of: ±10,434 sq. ft. (25%)
- Required Parking: 1 space per 4 seats
- Proposed Parking:  
50 Standard (9x19)  
3 Handicap  
TOTAL = 53



**LEGEND**

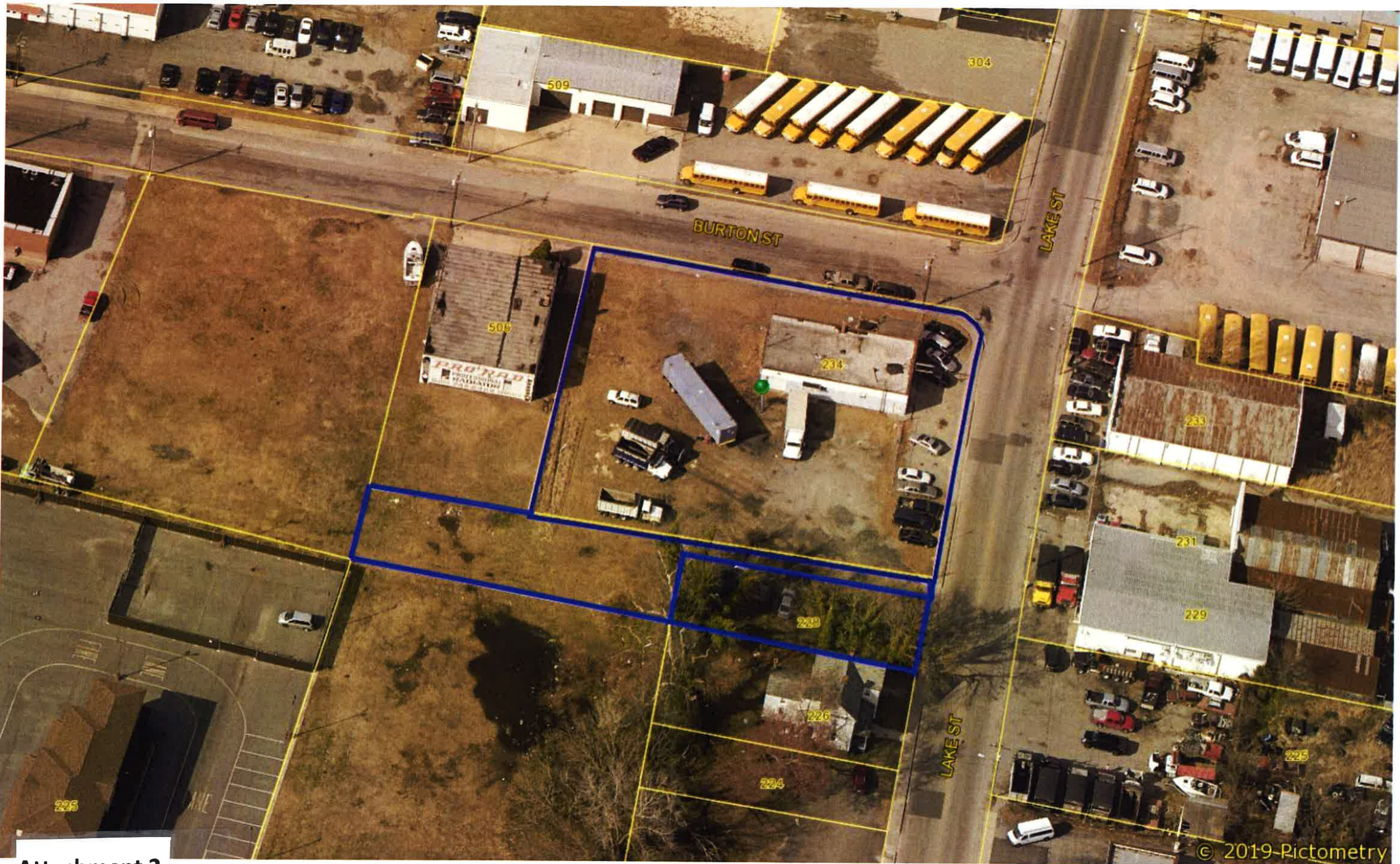
R/W	Right-of-Way Line
CL	Centerline of Road
BSL	Building Setback Line
P/L	Property Line
IRCS	Iron Rod w/ Cap Found
IRF	Iron Rod Found
IRCS	Iron Rod w/ Cap Set
U	Unmarked Property Corner
---	Building Setbacks
- - -	Existing Contours
UT	Utility Pole
GW	Guy Wire
OL	Overhead Utility Lines
LP	Light Pole
WM	Water Meter
FH	Fire Hydrant
WV	Water Valve
SSMH	Sanitary Sewer Manhole
SDMH	Storm Drain Manhole
CB/I	Catch Basins/Inlets
GV	Gos Valve
M	Manhole
HP	Handicap Parking Space
CP	Concrete Pads & Sidewalks
SG	Stone/Gravel Areas
PA	Proposed Asphalt Pavement
NP	No Parking Areas

**SITE PLAN**  
**FOR**  
**GREAT COMMISSION OF JESUS, INC.**  
**OF**  
**TAX MAP NO. 106, GRID 11**  
**PARCELS 1597, 1598 & 1599**  
**CITY OF SALISBURY**  
**SALISBURY ELECTION DISTRICT**  
**WICOMICO COUNTY, MARYLAND**

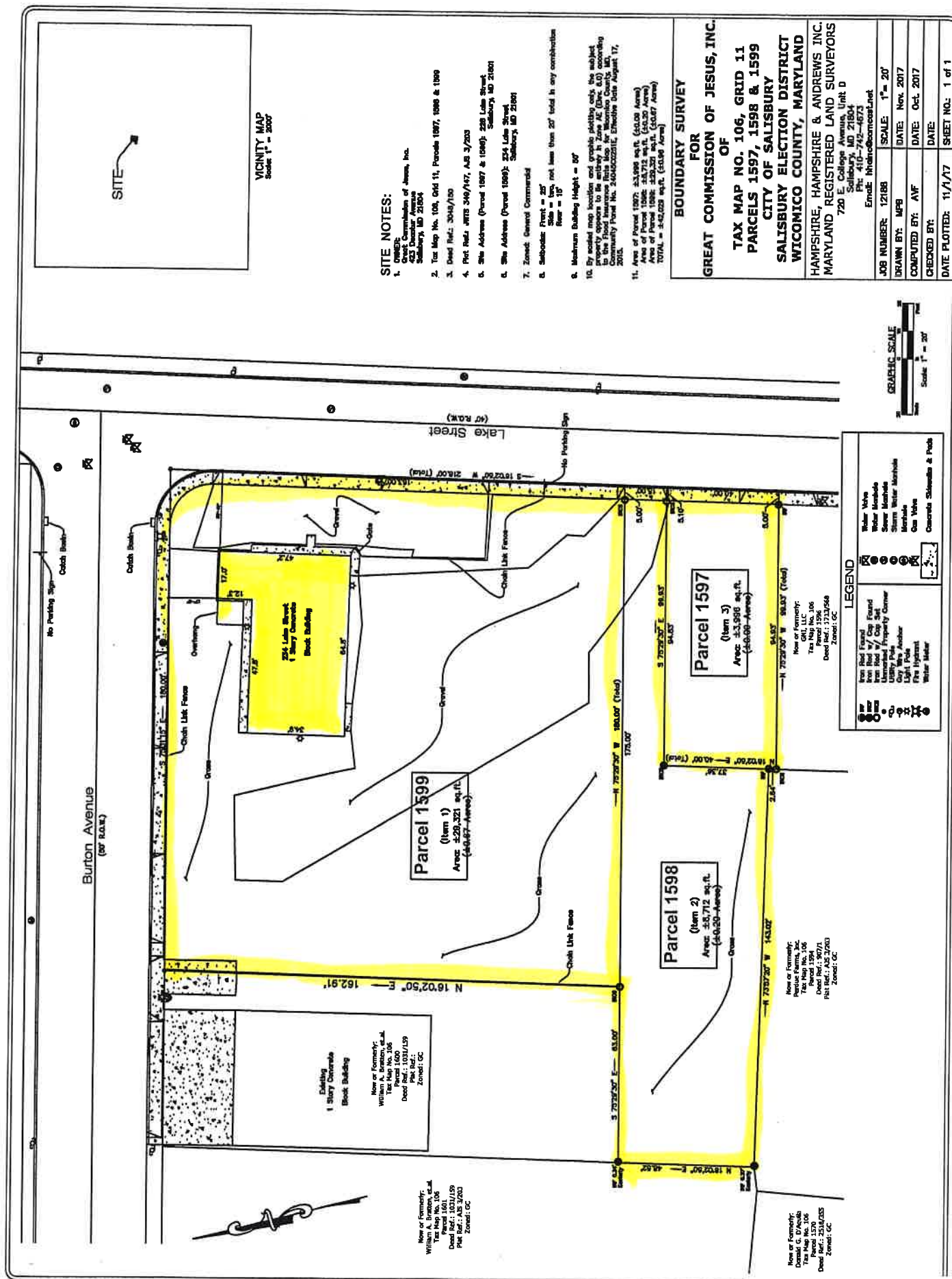
HAMPSHIRE, HAMPSHIRE & ANDREWS  
MARYLAND REGISTERED LAND SURVEYORS  
720 E. College Avenue, Unit D  
Salisbury, MD 21804  
Ph: 410-742-4673  
Email: hhainc@comcast.net

JOB NUMBER: SM-19028	SCALE: 1" = 20'
DRAWN BY: MPB	DATE: Jan 3 2020
COMPUTED BY:	DATE:
CHECKED BY:	DATE:







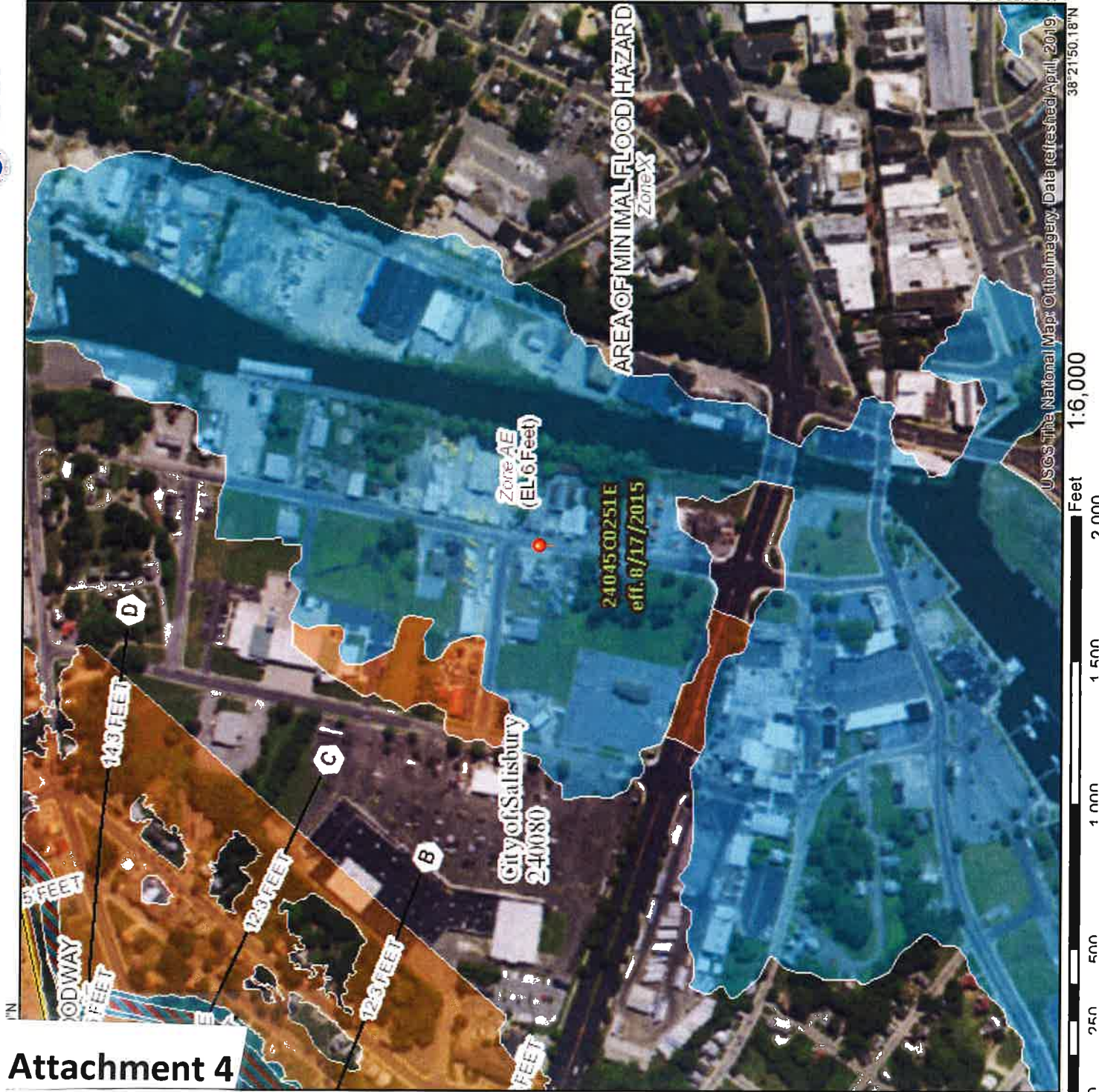




# National Flood Hazard Layer FIRMette



## Attachment 4



### Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

**SPECIAL FLOOD HAZARD AREAS**

- Without Base Flood Elevation (BFE) Zone A, V, A99
- With BFE or Depth Zone AE, AO, AH, VE, AR
- Regulatory Floodway

**OTHER AREAS OF FLOOD HAZARD**

- 0.2% Annual Chance Flood Hazard, Area of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone
- Future Conditions 1% Annual Chance Flood Hazard Zone X
- Area with Reduced Flood Risk due to Levee, See Notes, Zone X
- Area with Flood Risk due to Levee Zone C

**OTHER AREAS**

- Area of Minimal Flood Hazard Zone X
- Effective LOMRs
- Area of Undetermined Flood Hazard Zone

**GENERAL STRUCTURES**

- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

**OTHER FEATURES**

- Cross Sections with 1% Annual Chance Water Surface Elevation
- Coastal Transect
- Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

**MAP PANELS**

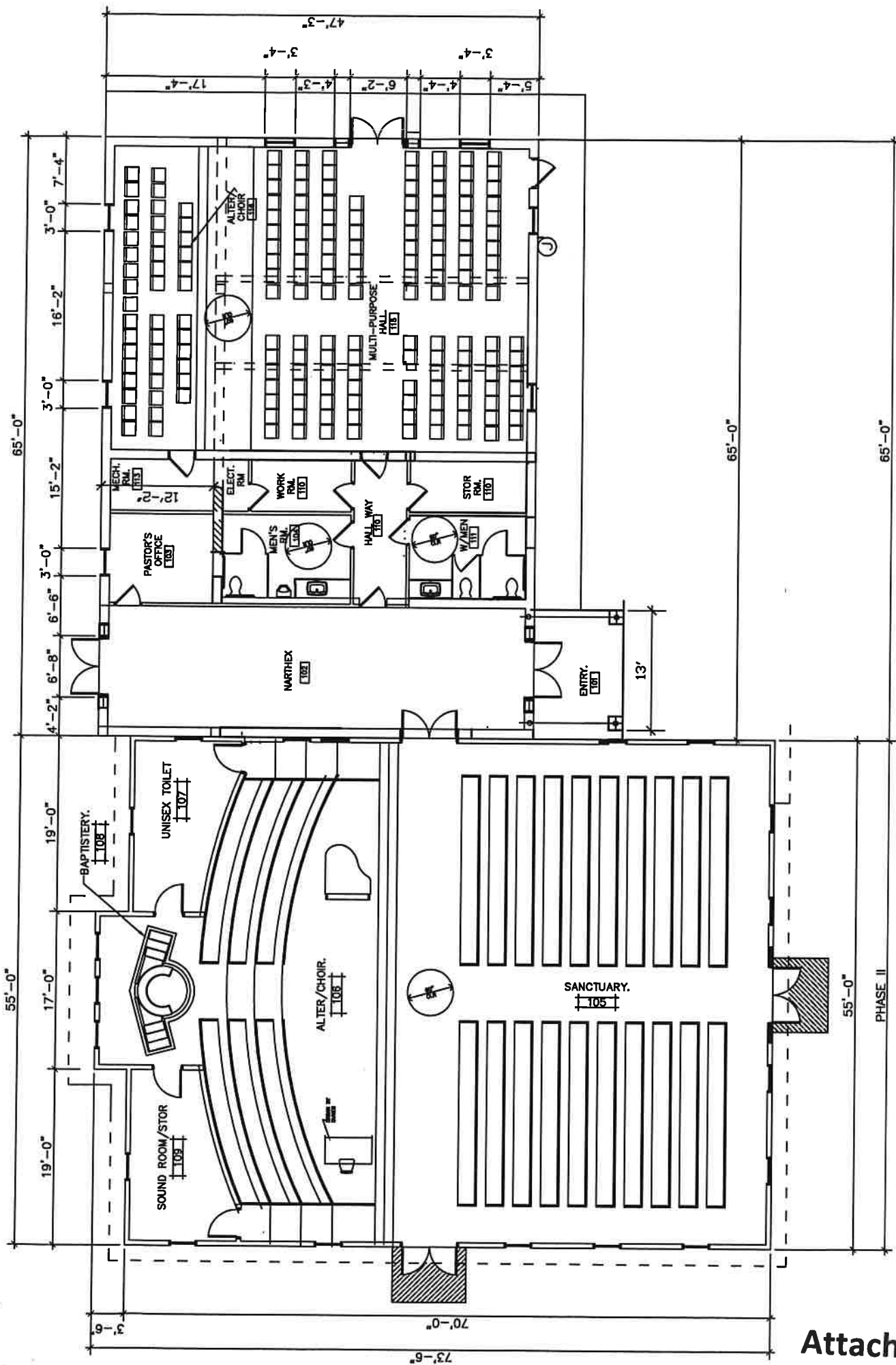
- Digital Data Available
- No Digital Data Available
- Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 2/26/2020 at 9:51:57 AM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

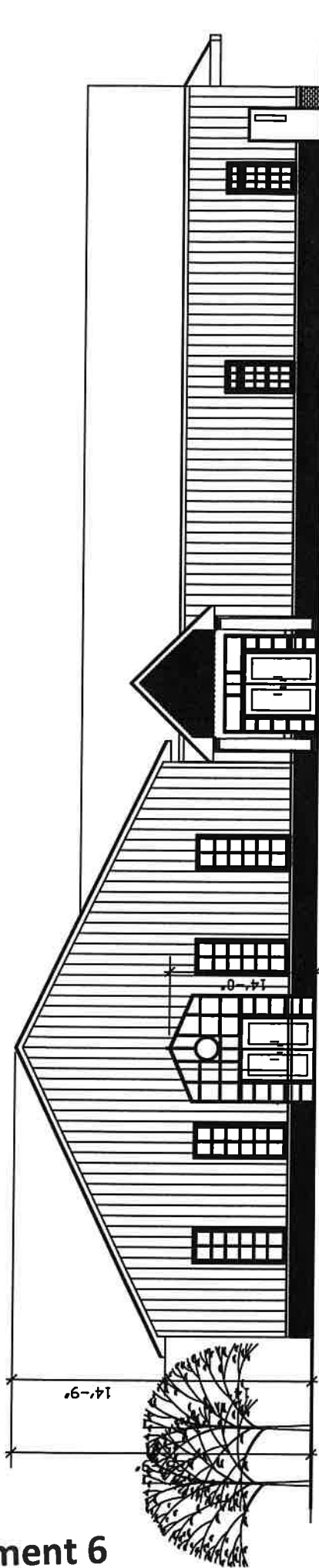
This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.



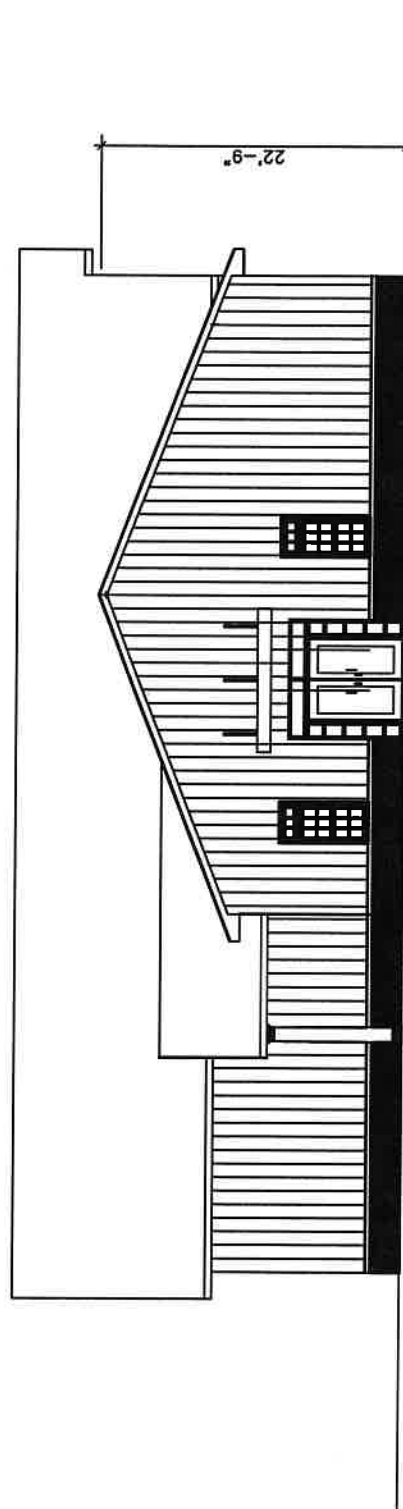
**PHASE I**  
 EXIST. AREA 2,485 S.F.  
 NEW ADDITION 588 S.F.  
 TOTAL AREA 3,073 S.F.  
 MULTI-PURPOSE  
 CAPACITY: 184

**PHASE II**  
 NEW AREA 3,910 S.F.  
 SANCTUARY CAP. 200  
 CHORUS 80  
 TOTAL 280

**1 FLOOR PLAN**  
 A-4 1/8" = 1'-0"

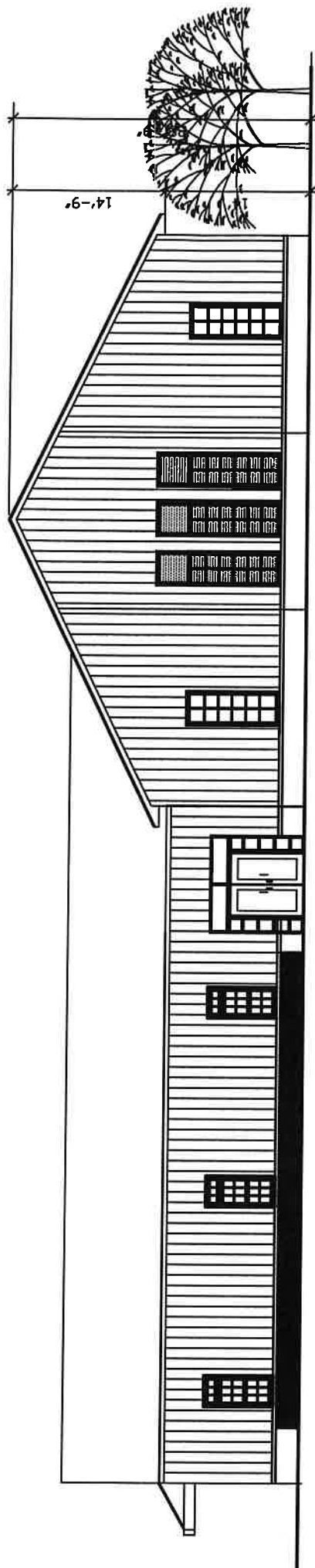


2 LEFT SIDE ELEV.  
A-5 1/8" = 1'-0"

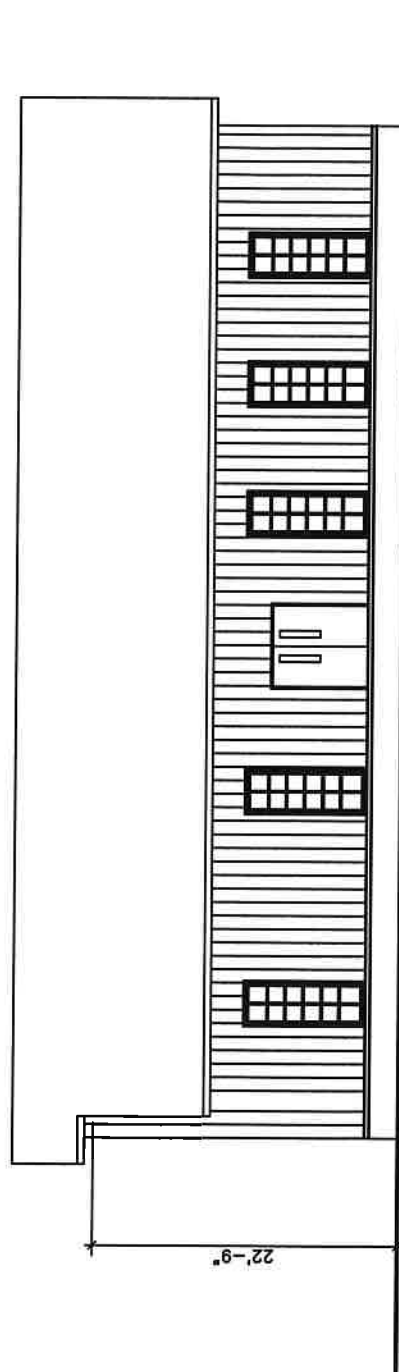


1 LAKE STREET ELEV.  
A-5 1/8" = 1'-0"





1 BURTON STREET ELEV.  
A-6 1/8" = 1'-0"



2 REAR SIDE ELEV.  
A-6 1/8" = 1'-0"



## **STAFF REPORT**

### **MEETING OF MARCH 5, 2020**

**Case No.** 202000134  
**Applicant:** Unity Christian Fellowship of Salisbury  
**Property Owner:** Unity Christian Fellowship of Salisbury  
**Location:** 124 Wilson Street  
**Tax Map:** #104  
**Grid #15, Parcel #601**  
**Zoning:** General Commercial District  
**Request:** Sign Setback Variance

#### **I. SUMMARY OF REQUEST:**

The applicants proposes to repurpose the existing freestanding sign which is located within the required minimum 15 ft. setback.

#### **II. ACCESS TO THE SITE AREA:**

The site has frontage and access on the southern side of Wilson Street. **(Attachment 1)**

#### **III. DESCRIPTION OF PROPERTY:**

This site is an interior lot totaling 10,582 square feet in area. The property was improved in 1968 with the existing one story building that is approximately 5,400 square feet in size.

#### **IV. DESCRIPTION OF SURROUNDING AREA/NEIGHBORHOOD:**

Surrounding properties are a mixture of single family residences, commercial and light industrial uses and churches. Zoning districts in the neighborhood include General Commercial, Neighborhood Business, R-8 and R-10 Residential, and Office and Service Residential districts. **(Attachment 2)**

#### **V. EVALUATION:**

- (a) **Discussion:** The applicants wishes to reuse an existing freestanding sign that faces Wilson Street. This one-sided sign is approximately 63 sq. ft. in area (4.54 ft. x 14 ft.), and has a setback of 11.5 ft. from Wilson Street. A minimum setback of 15 ft. is required for freestanding signs in the General Commercial District. The

applicants propose to reface the sign with the church's service hours.  
(Attachments 3 & 4)

(b) **Impact:** Staff believes the proposed repurposed sign will have minimal impact on neighboring properties. The existing building, as well as other buildings along Wilson Street are also nonconforming in setback, leaving little room to place a freestanding sign at the proper setback on any improved property. In addition, Wilson Street is a lightly traveled street with little traffic.

(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 existing building is only 15 ft. from the curb, and covers about 1/2 to 2/3 of the entire lot. The remainder of the property is paved for parking. There is no location on the property to place a sign at the required setback.

[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.**

The property was developed in 1968, which was prior to the adoption of the City's current Zoning Code. Again, there is no suitable location to place a sign due to the building's proximity to Wilson Street.

[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 that the practical difficulty was created by the adoption of a new Zoning Code in 1983, which was after the property was improved.

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



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

The granting of the requested variance should not be detrimental to the public health, security and general welfare of the neighborhood. The proposed sign will meet size and height standards, and will maintain the same setback.

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

The variance request is based merely on the property owner's desire to reuse the existing sign. If a new sign were to be erected, a similar variance request would be submitted based on existing conditions.

- [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.**

Reusing the existing sign will not be detrimental to other properties and will not adversely impact nearby property values.

- [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 sign variance will not create any hazardous traffic conditions, nor otherwise impact public safety.

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

The requested variance will have no impact on water, sewer, school, park or other public facilities. Staff does not believe this request 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 sign variance request will not have an impact on the City's Comprehensive Plan.





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- [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 sign setback variance requested is the minimum necessary to afford relief from the Code requirements. However, the Board has the discretion to approve the requested variance or grant a lesser variance.

**VI. STAFF COMMENTS:**

As pointed out earlier, the applicants wish to repurpose an existing nonconforming sign to advertise the church's service times. Due to the location of the existing building, which is only 15 ft. from Wilson Street, and the remainder of the property being utilized for parking, there is no suitable location to place a sign at the required 15 ft. setback.

**VII. RECOMMENDATION:**

Based on criteria for approval as outlined in Section V (c) of the Staff Report, **Approval** of the variance request as submitted is recommended to use the existing freestanding sign for Unity Christian Fellowship Church.

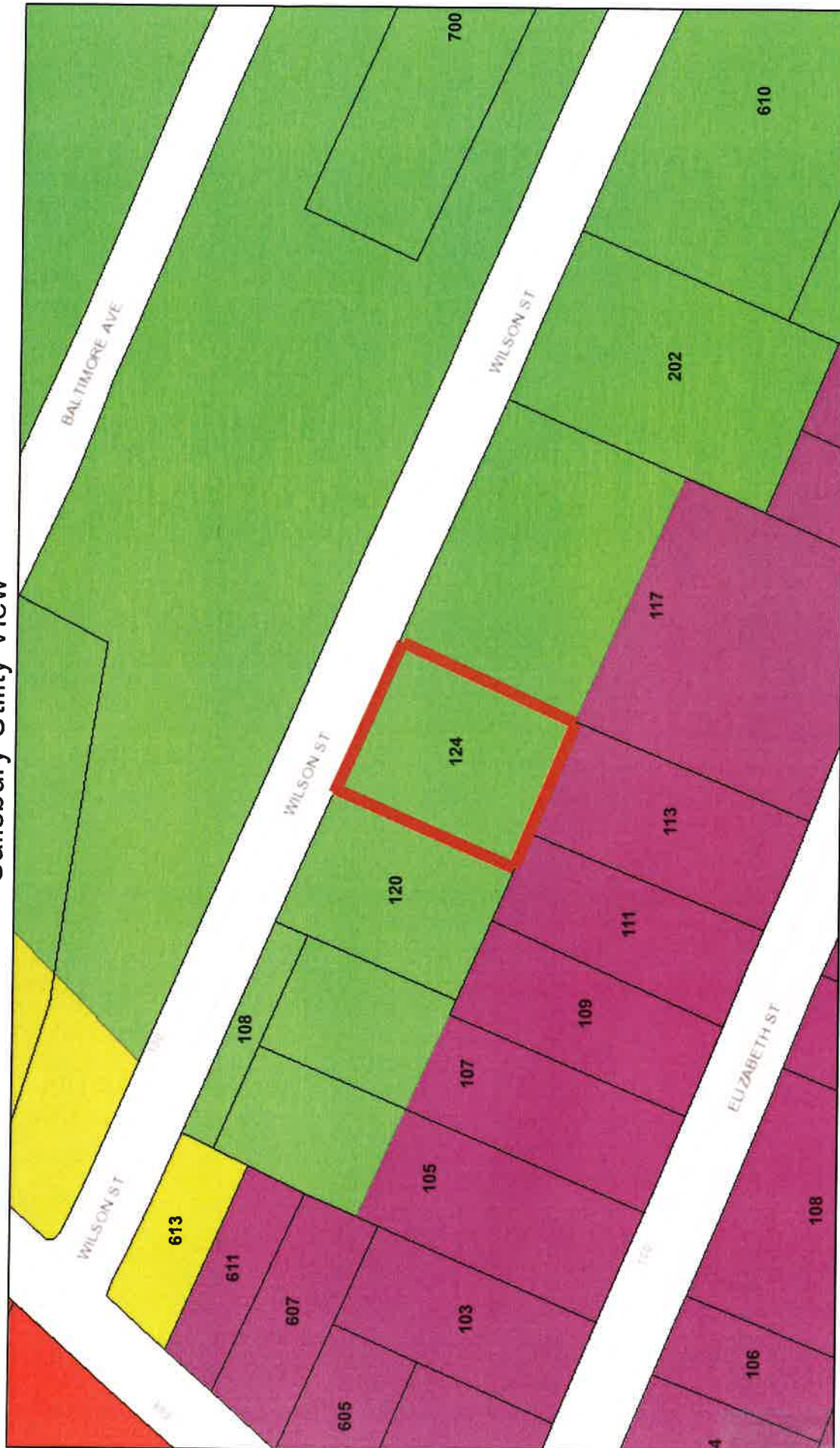
COORDINATOR: Henry Eure, Project Manager







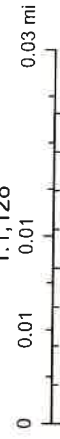
# Salisbury Utility View



2/26/2020 2:16:24 PM

- Salisbury Zoning
  - General Commercial
  - Central Business District
  - College and University
  - Conservation
  - Hospital
  - Ind Park

1:1,128



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

Building 124 Wilson

Sign { 14 ft long  
4.54 ft high  
9 in thick

Sign  
14 feet

41 in.  
5 1/2 ft  
3 1/2 ft

8 feet

4.5 ft

15 feet

Side walk

7 feet

Wilson Street

