



City of
Salisbury
Jacob R. Day, Mayor

MINUTES

The Salisbury Board of Zoning Appeals met in regular session on March 5, 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 (Absent)

CITY STAFF:

Henry Eure, Project Manager
Beverly Tull, Recording Secretary

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Mr. Allen, Chairman, called the meeting to order at 6:08 p.m.

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MINUTES:

Upon a motion by Mr. Jester, seconded by Mr. Gilmore, and duly carried, the Board **APPROVED** the February 6, 2020 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-20-133

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.

Mr. Maurice Ngwaba, Mr. Habucuc Petion, and Mr. Angliche Petion 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 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 inches 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-inch front yard setback variance is requested.

Mr. Allen questioned why the plans shown won't meet the required setbacks. Mr. Ngwaba thanked the Board for being there to hear the case, thanked the Mayor for our City, and thanked Mr. Eure and Mrs. Tull for their work on the Staff Report. He referenced all the criteria that had been presented in the Staff Report regarding the setback variance requirements. Because of the flood plain requirements, the building will have to be elevated. By moving the building to the south to meet the setback requirements, the required handicapped ramp would alter the parking lot configuration and hinder the parking requirements.

In regards to the conditions of approval, Mr. Gilmore questioned the reasoning for wanting the parcels consolidated into one (1) parcel. Mr. Eure responded that the three (3) parcels are being used as one (1) parcel, therefore they should be resubdivided into one (1) lot. Mr. Ngwaba noted that all three (3) parcels will be used for the addition.

Mr. Jester questioned if the requirement of the two (2) van accessible spaces needed to be included as a condition of approval. Mr. Eure responded that the Board could include it as a condition of approval but it is a Code requirement that will have to be met.

Upon a motion by Mr. Gilmore, seconded by Mr. Jester, and duly carried, the Board **APPROVED** the 2.1 ft. Front Yard Setback Variance for 234 Lake Street, based on the criteria listed in the Staff Report, particularly the criteria listed in Section 17.236.020.



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Upon a motion by Mr. Gilmore, seconded by Mr. Jester, and duly carried, the Board **APPROVED** the Enlargement of a Legal Nonconforming Use at 234 Lake Street, based on the criteria listed in the Staff Report, particularly the criteria listed in Section 17.232.020B, and subject to the following Conditions of Approval:

CONDITIONS:

1. The three (3) parcels shall be resubdivided/consolidated into one (1) parcel.
2. 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.
3. Provide a minimum of four (4) bicycle parking/storage spaces and two (2) van accessible spaces.
4. Subject to further review and approval by the Salisbury Department of Infrastructure and Development and the Salisbury Fire Department.

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#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.

Dr. Clarence Polk 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 the existing freestanding sign which is located within the required minimum 15 ft. setback.

Upon a motion by Mr. Jester, seconded by Mr. Gilmore, and duly carried, the Board **APPROVED** the 3 ft. 6-inch Setback Variance to Erect a 64 sq. ft. Freestanding Sign within the required 15 ft. setback, based on the criteria listed in the Staff Report, particularly the criteria listed in Section 17.232.020B.



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ADJOURNMENT

With no further business, the meeting was adjourned at 6:54p.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.

Albert G. Allen, III, Chairman

Amanda Pollack, Secretary to the Board

Beverly R. Tull, Recording Secretary