



AGENDA

Regular Zoom Videoconference

December 3, 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, Brian Soper and Shawn Jester.

MINUTES – November 5, 2020.

PUBLIC HEARINGS:

Case #SA-20-1093 Emmanuel Wesleyan Church, represented by Selby Sign Company – 74.9 sq. ft. Wall Sign Variance to Erect Two (2) 124.9 sq. ft. Wall Signs on the Church – 217 Beaglin Park Drive – Light Business & Institutional District.

Join Zoom Meeting

<https://us02web.zoom.us/j/86969119363?pwd=cUQ4dXRPSUF5M210OWxDdmdNbTI0QT09>

Meeting ID: 869 6911 9363

Passcode: 969189

One tap mobile

+13017158592,,86969119363# US (Washington D.C)

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Meeting ID: 869 6911 9363

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Please note that you will be asked to consent to the meeting being recorded.



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MINUTES

The Salisbury Board of Zoning Appeals met in regular session on November 5, 2020, via Zoom 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

* * * * *

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

* * * * *

Mr. Allen explained that this meeting was being held via Zoom. He requested that each applicant introduce themselves and give their address for the record and that Mr. Eure would then administer the oath. Mr. Eure requested that anyone wishing to testify in the cases before the Salisbury Board of Zoning Appeals raise their right hands and he administered the oath. Mr. Allen explained the procedure for the public hearing.

* * * * *

MINUTES:

Upon a motion by Mr. Gilmore, seconded by Mr. Soper, and duly carried, the Board **APPROVED** the September 3, 2020 minutes as submitted.



* * * * *

Case #SA-20-986 C. David & Jennifer M. Gammel - 2 ft. Fence Height Variance to Erect an 8 ft. Tall Fence Within the Rear Yard – 102 W. William Street – R-8 Residential District.

Mr. David Gammel was present. Mr. Henry Eure presented and entered the Staff Report and all accompanying documentation into the record. He summarized the report explaining that the applicant is requesting permission to erect an 8 ft. tall fence within the rear yard of their property.

Mr. Allen questioned if the fence was currently 4 ft. in height. Mr. Eure responded in the affirmative. Mr. Allen questioned if the request was for an 8 ft. fence. Mr. Eure responded in the affirmative.

Mr. Gammel explained that there are three (3) properties that adjoin his backyard. One (1) property is a single family dwelling, one (1) property is a multi-family dwelling, and the other property is a group home. The view from his kitchen windows and living area show direct visibility into his residence from the rear yard. The group home holds large gatherings which doesn't give him any privacy in his rear yard, which is the reason for the requested 8 ft. fence.

Mr. Allen questioned Mr. Eure if the 6 ft. fence was allowed inherently. Mr. Eure responded in the affirmative. Mr. Allen questioned which house was the group home as shown on Attachment #1. Mr. Gammel responded that the back left corner of his rear yard would be the group home and that the cars shown on Attachment #1 are for the multi-family dwelling. Mr. Allen questioned if the entire rear yard would be fenced in. Mr. Gammel responded in the affirmative. Mr. Eure noted that the fence location is shown on Attachment #2.

Mr. Gilmore questioned if the large gatherings were typically held inside or outside. Mr. Gammel responded that the gatherings are currently held outside in the common area, assumingly due to COVID.

Mr. Soper questioned Mr. Gammel if he had considered planting any vegetation to provide a buffer. Mr. Gammel responded that they had just removed some dead trees and that they haven't been able to maintain any vegetation due to the rear yard being shaded. He added that he had not consulted with a landscaper about vegetation.

Mr. Allen questioned Mr. Eure if the houses being this close together were unique to this neighborhood. Mr. Eure responded that it depends on the area in town. There are lots similar in size to this lot but they don't have large houses on them. Mr. Allen questioned if the Staff's opinion was that this is not unique for the lot size and



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large homes. Mr. Eure responded that there are similar lot sizes and large homes throughout town. Mr. Allen questioned if the homes seem close together. Mr. Eure responded that the closeness of homes varies throughout town.

Mr. Jester questioned if the Salisbury Historic District Commission had approved the fence request. Mr. Eure responded in the affirmative, noting that the Historic approval was obtained on Wednesday, October 28, 2020. He added that Attachment #3 shows what the fence would look like. Mr. Jester questioned if the Historic District Commission approved the 6 ft. fence or the 8 ft. fence. Mr. Gammel responded that the Historic District Commission approved either height for the fence. Mr. Eure added that the Historic District Commission does not weigh in on zoning matters.

Mr. Jester made a motion to approved the 2 ft. fence height variance request as submitted, subject to the criteria listed in Section V (c) of the Staff Report. As there was no second to the motion, the motion failed and the request was denied.

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ADJOURNMENT

With no further business, the meeting was adjourned at 6:24 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 City of Salisbury Department of Infrastructure and Development Department.

Albert G. Allen, III, Chairman

Amanda Pollack, Secretary to the Board

Beverly R. Tull, Recording Secretary



STAFF REPORT

MEETING OF DECEMBER 3, 2020

Case No. 202001093
Applicant: Selby Sign Company for Emmanuel Wesleyan Church
Property Owner: Emmanuel Wesleyan Church
Location: 217 Beaglin Park Drive
Tax Map: #0038
Grid #0017, Parcel #2579
Zoning: Light Business & Institutional District
Request: Sign Area Variance

I. SUMMARY OF REQUEST:

The applicant, on behalf of Emmanuel Wesleyan Church, wishes to install wall signs on the southwest and southeast elevations of the church.

II. ACCESS TO THE SITE AREA:

The site has frontage along Rt. 50 and Beaglin Park Drive, and access from Dallas Drive. **(Attachment 1)**

III. DESCRIPTION OF PROPERTY:

This site is an interior lot totaling 6.47 acres in area, and has been improved with the existing church and accessory buildings. These buildings total 63,651 sq. ft. in area, according to the Maryland Department of Assessments and Taxation.

IV. DESCRIPTION OF SURROUNDING AREA/NEIGHBORHOOD:

Surrounding properties are a mixture of businesses and single-family residences. Properties within the City's corporate limits are also in the Light Business & Institutional Zoning District, while County properties are zoned R-8 Residential. Further to the east, along Dallas Drive, properties are located in the Planned Development District #1 (Robertson Farm), but are unimproved. **(Attachment 2)**



V. **EVALUATION:**

- (a) **Discussion:** The applicant proposes to install two (2) wall signs on the southwest and southeast elevations of Emmanuel Wesleyan Church. Each sign consists of a 6 ft. diameter blue and white logo, and "EMMANUEL" in 36" tall letters. The overall square footage of each sign is 124.9 sq. ft. Section 17.216.120A.3. of the City's Zoning Code indicates that wall signs are limited to a maximum area of 50 square feet per wall. A surface area variance of 74.9 sq. ft. is being sought for each sign. **(Attachments 3 & 4)**
- (b) **Impact:** Staff believes the proposed signs will have minimal impact on neighboring properties. However, there is considerable concern for the impact that will be caused by permitting signs that are 2 and ½ times larger than what is permitted by Code. A precedent would be set that could lead to other requests for signs that would be considerably larger than allowed for properties in the Light Business & Institutional zoning district.
- (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 church is approximately 150 ft. from the shoulder of eastbound Rt. 50, and 300 ft. from the centerline of westbound Rt. 50. However, having a large setback does not constitute a hardship. Most businesses located in this area of the Rt. 50 corridor have similar setbacks, and are in the same zoning district. These same locations typically have wall signs that are compliant with the zoning code standards. For comparison, the largest wall sign found in this zoning district is 100 sq. ft., for a building that is approximately 225 ft. from the shoulder of Rt. 50. This sign was approved by the Salisbury Planning Commission as part of a Comprehensive Development Plan. The Commission has the authority to waive standards when approving a Comprehensive Development Plan. (The City's Zoning Code indicates that a Comprehensive Development Plan, which includes a Sign Plan, be approved for all new development or redevelopment within the Light Business & Institutional Zoning District. The existing church was



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constructed prior to the property's annexation in 2003, and did not receive a Comprehensive Development Plan approval.)

- [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.**

This property has no unique qualities or values. Development of the site is typical of other properties in this area and within this zoning district.

- [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 there are no practical difficulties or hardships created by the City's Zoning Code. The intent of the Light Business and Institutional Zoning District is to serve as a buffer to neighboring residential properties. To that end, larger, commercial-type signage is not expected to be found within this district.

- [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. The proposed signs will face Rt. 50, and will not impact neighboring residential properties.

- [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 on the applicant's desire to gain additional exposure along Rt. 50.

- [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.**

Approving the requested variance will not have a negative effect on nearby properties.



- [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 should not create any hazardous traffic conditions, nor otherwise impact public safety. Other criteria will not be a negatively affect.

- [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.

- [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 area variance requested is excessive. The applicant has demonstrated that the code standards can be met, and the sign will still be readable from Rt. 50. **(Attachment)** However, the Board has the discretion to approve the requested variance or grant a lesser variance.

VI. STAFF COMMENTS:

There does not appear to be any indication or evidence of hardship that would warrant granting the requested variance. Although Staff is sympathetic to the applicant's desire for increased readability of the proposed signs, there is concern that granting such a large request would set a precedent that would lead to similar variance requests. As currently written, the Code allows for 50 sq. ft. of signage on each wall. Considering the number of



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walls the church has, it appears that the applicant has the ability to provide a sign that is both similar in both size and design to what is requested, while also being compliant with the City's Zoning Code standards.

VII. RECOMMENDATION:

Based on criteria for approval as outlined in Section V (c) of the Staff Report, Staff must unfortunately recommend **Denial** of the variance request to erect/install two 124.9 sq. ft. walls signs advertising Emmanuel Wesleyan Church.

COORDINATOR: Henry Eure, Project Manager



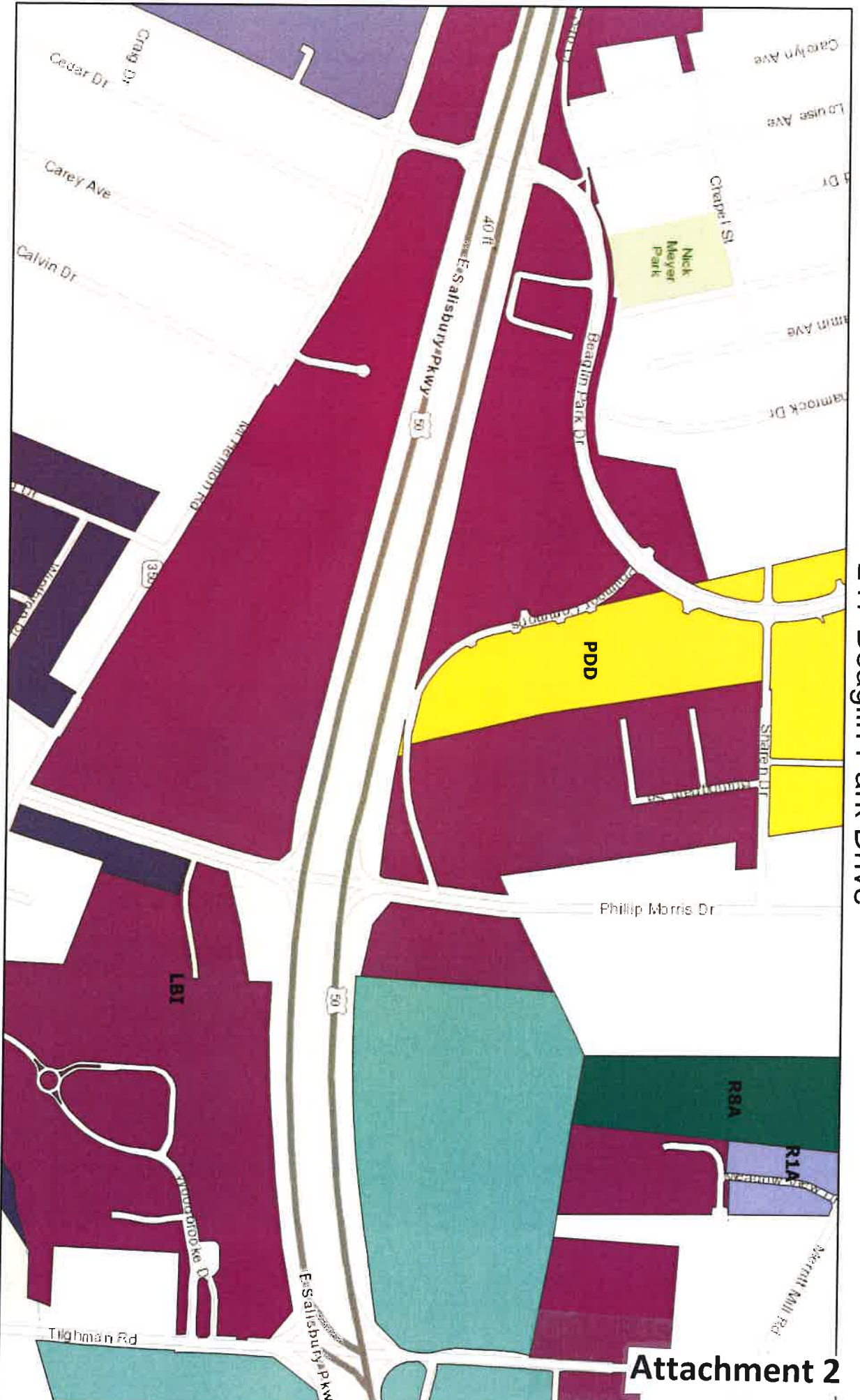
04/14/2020

Distance: 149.8 Feet

© All Pictometry

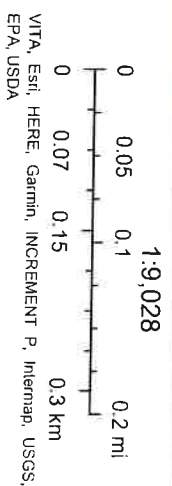
217 Beaglin Park Drive

Attachment 2

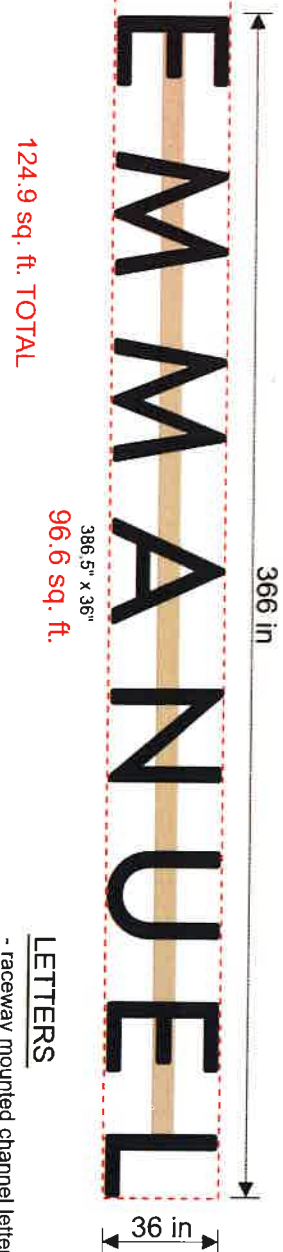


11/24/2020, 1:30:50 PM

- Zoning**
- PDD
 - PRD
 - LBI
 - R8A
 - R1A
 - RC



- LOGO**
- LED illuminated circle
 - SF mounted to wall
 - white plastic face, blue vinyl
 - black wrap, black case



- LETTERS**
- faceway mounted channel letters
 - white faces, with black day/night vinyl
 - black wrap, black returns
 - faceway painted to match building




SOUTHWEST ELEVATION



SOUTHEAST ELEVATION

QTY: 2

* PROPOSED NEW SF INTERNALLY-ILLUMINATED BUILDING SIGNAGE

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CLIENT Emmanuel Wesleyan Church	DESIGNER B Jeffra
LOCATION 217 Beglin park Salisbury, MD	DATE 07/21/2020
SCALE 3/8" = 1'	CLIENT APPROVAL
20-0330r6	



EMMANUEL

Attachment 4

- LED illuminated circle
- SF mounted to wall
- white plastic face, blue vinyl
- black wrap, black case

- raceway mounted channel letters
- white faces, with black day/night vinyl
- black wrap, black returns
- raceway painted to match building

QTY: 2 total



Allowed by code
50 Square
Feet



Asking for
larger size
79.1--see
attached



PLEASE REVIEW FINAL ARTWORK. Check all spelling, wording, numbers and symbols. All artwork must be represented in this printed artwork with very slightly from any vinyl or printed vinyl being used on the final product.
Drawing is for visual reference only. Any material listed is subject to change. Please check with the contractor for final construction and material details.
All changes must be noted and signed or initialed by the customer. Selby Sign Co. will not be held responsible for any changes since the artwork is approved.

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SCALE	DESIGNER		
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DATE	CLIENT APPROVAL		
09/23/20			
	20-033076A		