



City of
Salisbury
Jacob R. Day, Mayor

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

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

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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.

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MINUTES:

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



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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 large homes. Mr. Eure responded that there are similar lots 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.



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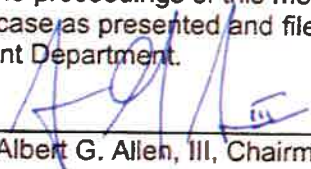
Mr. Jester questioned if the Salisbury Historic District Commission had approved the fence request. Mr. Eure responded in the affirmative, noting that the Historic approval was obtained on Wednesday, October 28, 2020. He added that Attachment #3 shows what the fence would look like. Mr. Jester questioned 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.

ADJOURNMENT

With no further business, the meeting was adjourned at 6:24 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 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