



City of
Salisbury
Jacob R. Day, Mayor

MINUTES

The Salisbury Board of Zoning Appeals met in regular session on September 2, 2021, 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

CITY STAFF:

Henry Eure, Project Manager
Beverly Tull, Recording Secretary
Laura Hay, City Solicitor

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Mr. Allen, Chairman, called the meeting to order at 6:02 p.m.

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MINUTES:

Upon a motion by Mr. Jester, seconded by Mr. Gilmore, and duly carried, the Board **APPROVED** the July 1, 2021 minutes as submitted.

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Mr. Allen explained the public hearing procedure. He requested Mr. Eure to administer the oath to anyone wishing to speak before the cases heard by the Salisbury Board of Zoning Appeals. Mr. Eure administered the oath.

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Case # SA-21-756 Parker & Associates, Inc., on behalf of Amber Ridge, LLC – Two (2) 2 ft. Side Yard Setback Variances to Erect a Two-Story Single Family Dwelling within the 10 ft. Side Yard Setback – 712 Howard Street – R-5A Residential District.

Mr. Richard Barr 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 had requested permission to construct a single-family dwelling within both side yard setbacks on a property located at 712 Howard Street.

Mr. Allen questioned if the request was for a 2 ft. setback on both sides. Mr. Eure responded in the affirmative.

Mr. Gilmore questioned if the previous request hear for Howard Street had been greater than this request. Mr. Eure responded in the affirmative.

Mr. Allen questioned if this request was consistent with the prior request the Board heard and approved. Mr. Eure responded in the affirmative.

Mr. Barr apologized that Mr. Parker could not be present for the meeting. The request is to allow for a saleable house. If the variance is denied, the house would likely end up as a rental.

Mr. Jester questioned Mr. Eure regarding the privacy concerns mentioned in the Staff Report. Mr. Eure responded that privacy had been mentioned before in regards to the variance requests for Howard Street. The variance does not alleviate any of the privacy issues, but allows a home to be built on a narrow lot that will be saleable.

Mr. Allen questioned if the width of the lot was comparable to the last request that the Board reviewed and approved on Howard Street. Mr. Eure responded in the affirmative, explaining that the minimum lot size required today is 50 ft. and the lots in question on Howard Street are 40 ft.

Upon a motion by Mr. Gilmore, seconded by Mr. Jester, and duly carried the Board **APPROVED** two (2) side yard setback variances of 2 ft. each for the construction of a new single-family dwelling. The dwelling shall be no closer than 8 ft. from both side property lines.

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Case # SA-21-757 Fisher Architecture, LLC, on behalf of Riverside Investment Company, Inc. – Special Exception to Increase Density to 21.5 units per acre – 216 South Boulevard – R-5A Residential District.

Mr. Mark Reeves, Ms. Lori Reeves, and Ms. Heather Morrison 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 applicants were requesting permission to construct a 12-unit apartment building within the existing apartment complex. The existing complex is a legal nonconforming use, as it did not receive a Comprehensive Development Plan approval prior to construction. The proposed expansion will increase the density to 21.5 units per acre. A special exception is required to increase the density beyond 12 units per acre. Board approval to enlarge an existing nonconforming use and a special exception to increase density to 21.5 units per acre is requested.

Mr. Allen questioned if the increase in density from 17.2 to 21.5 was approximately 4.3 units per acre. Mr. Eure responded in the affirmative.

Ms. Morrison stated that they are proposing something in an underutilized courtyard as well as adding off-street parking. The proposal is for a 12-unit building. A civil engineer will be doing the engineering work, which will include meeting all requirements of open space. A pavilion, grilling station and picnic tables are proposed as part of the open space. The façade introduces some brick and vinyl siding to tie into the surrounding neighborhood.

Mr. Reeves explained that he has owned the property for 22 years and manages it himself. He does all the work to the units and Mrs. Reeves manages the renting of the units. There are currently 48 units on the property. Residing in the existing units are a variety of professionals from nurses to college professors. Mr. Reeves added that he and all of his children live in the city limits and have never had any issues with any of their properties.

Mr. Allen questioned if the property was at capacity. Mr. Reeves responded in the affirmative, adding that they never have any units available. Ms. Lori Reeves added that there is always a wait list for the units.

Mr. Reeves reiterated that he is a very involved landlord that manages and maintains all the units.

Mr. Allen questioned the current use of the green space. Mr. Reeves responded that the neighborhood kids who play football, people running their dogs and

a tenant who has planted a small garden, use the green space. After the new building is constructed, there will still be room for those types of activities in the open space.

Mrs. Sharon Lloyd, 301 Monticello Avenue, explained that her driveway faces the Boulevard Apartments and she listed the following concerns with the project:

- Too much congestion in the area
- Additional vehicular traffic
- Not enough parking
- More rentals in the neighborhood
- Depreciation of property values
- Emergency Services access to the property
- Flooding in the area due to increased impervious surface
- Aging water and sewer services
- Underground oil tanks on the property

Mr. Reeves explained that before he purchased Boulevard Apartments he had soil sampling done by Hynes and Associates. All buildings were converted from oil to gas and the oil tanks were removed. Additional soil testing was done after the tanks were removed. He added that he has been a great landlord and has made sure that his units are well kept and maintained. Mr. Reeves added that he has no plans to sell this property and plans for Ms. Lori Reeves to take over as the next generation.

Mr. Allen thanked Mrs. Lloyd for her comments. He questioned if there was a plan for parking. Ms. Morrison responded that they are only required to have 22 parking spaces and they are providing 38 parking spaces. The existing parking will not be removed. She added that they can request approval to go up to 30 units per acre in density but are not requesting that much of an increase.

Mr. Jester questioned Mr. Eure regarding Mrs. Lloyd's concern about public safety to the buildings and how the City determines if that is an issue. Ms. Morrison responded that there would be more perimeter access provided to the buildings with the construction of the new building. Mr. Eure explained that the Fire Department does a review as part of the building permit process.

Mr. Jester questioned Mr. Eure regarding his comment about the return to single-family homes. Mr. Eure responded that this would expand the housing market and provide an opportunity for single-family dwellings to revert to owner occupied, as there will be additional opportunities for rentals in this apartment building.



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Mr. Jester questioned the drainage in the area. Ms. Morrison responded that a civil engineer would handle all stormwater management for the site under the current regulations. Mr. Reeves discussed the existing stormwater management on the site.

Mr. Gilmore questioned Mr. Eure on the criteria to make the motion. Mr. Eure responded to base their motion on Section V(c) of the Staff Report. Mrs. Hay added that the motion should adopt the staff report as the findings of fact and then reference Section V(c) of the staff report.

Upon a motion by Mr. Gilmore, seconded by Mr. Jester, and duly carried the Board **APPROVED** the Enlargement of a Legal Nonconforming Use and an Increased Density to 21.5 units per acre, based on Section V (c) of the Staff Report and subject to the following Conditions of Approval:

CONDITIONS OF APPROVAL:

1. Obtain a Comprehensive Development Plan approval from the Salisbury-Wicomico Planning Commission in accordance with Section 17.180 of the Salisbury Zoning Code.
2. A minimum of 40% of the net project area shall be devoted to open space, as required by Section 17.168.040A.2 of the Zoning Code.
3. Subject to further review and approval by the Salisbury Department of Infrastructure and Development and the Salisbury Fire Department.

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ADJOURNMENT

With no further business, the meeting was adjourned at **7:51** 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