



City of
Salisbury
Jacob R. Day, Mayor

AGENDA

REGULAR MEETING

April 7, 2022

Government Office Building
Route 50 & N. Division Street
Council Chambers, Room 301, Third Floor

6:00 P.M. - Call to Order –

Board Members: Shawn Jester, Melissa Drew, and Darrell Walker.

MINUTES – November 4, 2021.

ELECTION OF NEW CHAIR AND VICE CHAIR.

PUBLIC HEARINGS:

Case #SA-22-241 **1501-3 Sharen Drive LLC – Special Exception to Increase Density to 15.71 Units per Acre – Beaglin Park Drive (M-121; P-2582; Lots 12AA, 17AA, and 18AA) – PDD #1.**

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MINUTES

The Salisbury Board of Zoning Appeals met in regular session on November 4, 2021, via Zoom Videoconference at 6:00 p.m. with attendance as follows:

BOARD MEMBERS:

Albert G. Allen, III, Chairman
Shawn Jester
Kevin Utz

CITY STAFF:

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

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Mr. Allen, Chairman, called the meeting to order at 6:10 p.m.

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MINUTES:

Upon a motion by Mr. Jester, seconded by Mr. Utz, and duly carried, the Board **APPROVED** the October 12, 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 case heard by the Salisbury Board of Zoning Appeals. Mr. Eure administered the oath.



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Case # SA-21-1095 Amadeus De Sousa – 3 ft. Side Yard Setback Variance to Construct a 14 ft. x 24 ft. Accessory Structure – 128 Holland Avenue – R-8 Residential District.

Mr. Amadeus De Sousa 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 requested permission to retain a carport that was constructed within the side yard setback on the property located at 128 Holland Avenue. Board approval of a 3 ft. side yard setback is requested.

Mr. Allen noted that the Board had received two (2) emails in regards to this case that were part of the record.

Mr. De Sousa stated that he didn't believe that his carport was an issue for the neighbors. He explained that if the carport was moved 5 ft. from the fence that there wouldn't be enough room to store his vehicle. He discussed the building materials that were used to construct the carport. Mr. De Sousa explained that the garage in his backyard also has a 3 ft. setback. If the carport were to be smaller, it wouldn't cover his truck which has sustained damage from his neighbor's tree. He further argued the fire hazard issue that was part of the Staff Report by stating that if his house caught on fire and the wind was blowing, the neighbor's house would catch on fire too.

Mr. Allen questioned Mr. Eure if the email from Ms. Olga Zavala of 130 Holland Avenue was a neighbor. Mr. Eure responded in the affirmative. Mr. Allen questioned if the carport was in violation of the Building Code and the Zoning Code. Mr. Eure responded in the affirmative.

Mr. Allen questioned Mr. De Sousa if there were any unique factors that supported his request. Mr. De Sousa responded that he couldn't put a matching roof on the carport due to lack of room.

Mr. Jester questioned if there was anywhere else to park the truck. Mr. De Sousa stated that he could leave the truck outside but there was no other place to park it on his property. He also listed other things that were stored on his property.

Mr. Allen questioned Mr. De Sousa on why didn't obtain a building permit for the carport. Mr. De Sousa responded that he built it during the time of Covid and couldn't get the permit due to the pandemic.

Mr. Dominic Amajjioyi, 126 Holland Avenue, stated that he had no issue with the request and that the Board should grant the variance. He added that there was no space out in front of the property to put his vehicle.



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Another caller identified as K A on the Zoom meeting voiced their agreement with what had been said.

Upon a motion by Mr. Utz, seconded by Mr. Jester, and duly carried the Board **DENIED** the requested 3 ft. side yard setback variance, based on the criteria listed in Section V (c) of the Staff Report.

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ADJOURNMENT

With no further business, the meeting was adjourned at 6:34 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 APRIL 7, 2022

Case No. 202200241
Applicant: 1501-3 Sharen Drive, LLC
Property Owner: East Salisbury Land Investment, LLC
Location: NE Corner of Beaglin Park Drive & Sharen Drive
Map: #0121, Parcel #2582, Grids #0011 & 0005, Lots 12AA, 17AA & 18AA
Zoning: Planned Development District #1 (Robertson Farm)
Requests: Special exception request to increase density to 15.71 units per acre

I. SUMMARY OF REQUEST:

The Applicant requests permission to construct three (3) 3-story garden style apartment buildings on three (3) lots adjoining the existing Ocean Aisle Apartments. A total of 60 units are proposed on the three (3) lots. The proposed construction will have a combined density of 15.71 units per acre. A special exception is required to increase density beyond 12 units per acre. A special exception to increase density to 15.71 units per acre is requested.

II. ACCESS TO THE SITE:

The properties have frontage and access along Beaglin Park Drive. Frontage is also provided along Sharen Drive. **(Attachment 1)**

III. DESCRIPTION OF PROPERTY:

The site consists of three (3) lots that total 3.82 acres in area. All lots are unimproved.

IV. DESCRIPTION OF SURROUNDING AREA/NEIGHBORHOOD:

The adjoining property to the east is the existing Ocean Aisle apartment complex, which is also within the same zoning district, as are other properties bordering both the site and Beaglin Park Drive. To the south are the Island Club apartments, formerly Brittingham Square apartments, which falls within the City's Light Business and Institutional zoning



district. Further west, and to the north, the properties are located in Wicomico County's R-8 Residential zoning district and are a mixture of single-family dwellings, agricultural areas and a church.

V. EVALUATION:

- (a) **Discussion:** Section 17.168.040A. of the Zoning Code indicates that an apartment development may increase density up to 30 units per acre by special exception from the Board of Zoning Appeals. A density of 15.71 units per acre is proposed.

The applicant proposes to construct two (2) three-story, 24-unit apartment buildings and one (1) three-story, 12-unit building on the site. Each building's exterior materials will consist of a mixture of vinyl siding and brick veneer, and will be similar in style to the existing Ocean Aisle buildings. On-site parking for 146 vehicles is also proposed. **(Attachments 2 - 7)**

- (b) **Impact:** The proposed expansion of Ocean Aisle Apartments will help to contribute to the City's housing stock, which is currently in short supply. The proposed density increase will have a marginal effect on the surrounding properties and neighborhood, as when combined with the existing Ocean Aisle apartments (180 units on 15.2 acres), the density is reduced to approximately 12.6 units per acre; slightly over the inherently permitted 12 units per acre. (The proposed project is being calculated at the higher density rate, as it will remain a separate parcel from the existing Ocean Aisle.)

- (c) **Relationship to Criteria:**

Section 17.232.020B. of the Salisbury Municipal Code contains the criteria the Board should consider when approving special exceptions. Staff finds that this request complies with the Special Exception criteria as follows:

- [1] **The proposal will be consistent with the Metro Core Plan, the objectives of the Zoning Ordinance and any other applicable policy or plan adopted by the Planning Commission or City Council for development of the area affected.**

The site is located in the Planned Development District #1 zoning district, which inherently allows apartment buildings and projects, with a maximum density of 12 units per acre. Density may be increased up to 30 units per acre by special exception.



- [2] The location, size, design and operating characteristics under the proposal will have minimal adverse impact on the livability, value or appropriate development of abutting properties and the surrounding area.**

The proposed expansion will increase the housing market in the neighborhood and city. The slight increase in overall density will have minimal impact on nearby properties.

- [3] The design of the site and structures for the proposal will be as attractive as the nature of the use and its setting warrants.**

The proposed buildings are attractive, and will be similar in appearance to the existing apartment buildings. The project will be subject to the Planning Commission's review, as part of a Comprehensive Development Plan which will help to ensure attractiveness of the both the buildings and the site.

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

Staff does not find that the proposed use will have a negative effect on any of these items.

- [5] The proposal will not impair an adequate supply of light or air to adjacent property or overcrowd the land or create any undue concentration of population or substantially increase the congestion of the streets or create hazardous traffic conditions or increase the danger of fire or otherwise endanger the public safety.**

The proposed project should not have any negative effects on neighboring properties. The applicant has been required by the Salisbury Planning Commission's Preliminary Comprehensive Development Plan review on February 17, 2022 to provide both a traffic and parking study in order to minimize hazards.

- [6] The proposal will not adversely affect transportation or unduly burden water, sewer, school, park, stormwater management or other public facilities.**

The proposal should have minimal impacts on transportation, water, sewer, stormwater management or other public facilities. The project has been sent to the Wicomico County Board of Education for



comments, but Staff has not received a reply to date regarding the project.

- [7] The proposal will preserve or protect environmental or historical assets of particular interest to the community.**

The proposal will not impact environment or historical assets either negatively or positively.

- [8] The applicant has a bona fide intent and capability to develop and use the land as proposed and has no inappropriate purpose for submitting the proposal, such as to artificially alter property value for speculative purposes.**

The owner has in the past demonstrated an interest in maintaining the vitality, appearance and economic growth of Salisbury by investing in other residential properties and improving the appearance and value of the same.

Additionally, Section 17.168.040A. of the Salisbury Municipal Code contains the criteria the Board should consider when approving special exceptions for density increases. Staff finds that this request complies with the Special Exception criteria as follows:

- [1] The additional ten-foot setback required for each story above three is provided in any combination to provided distance and separation from lower profile residential development.**

The proposed buildings do not exceed three (3) stories, and meets the minimum building separation requirement of 30 ft.

- [2] Open space is increased to forty (40) percent of the net project area.**

The project contains approximately 47 percent open space.

- [3] Arrangement of buildings on the site can be designed to minimize the effects of shadows, interference with light and air and intrusion on privacy of adjoining residential yards.**

The proposed buildings will have no impact on neighboring properties. All buildings will be centrally located on the site, eliminating interference.

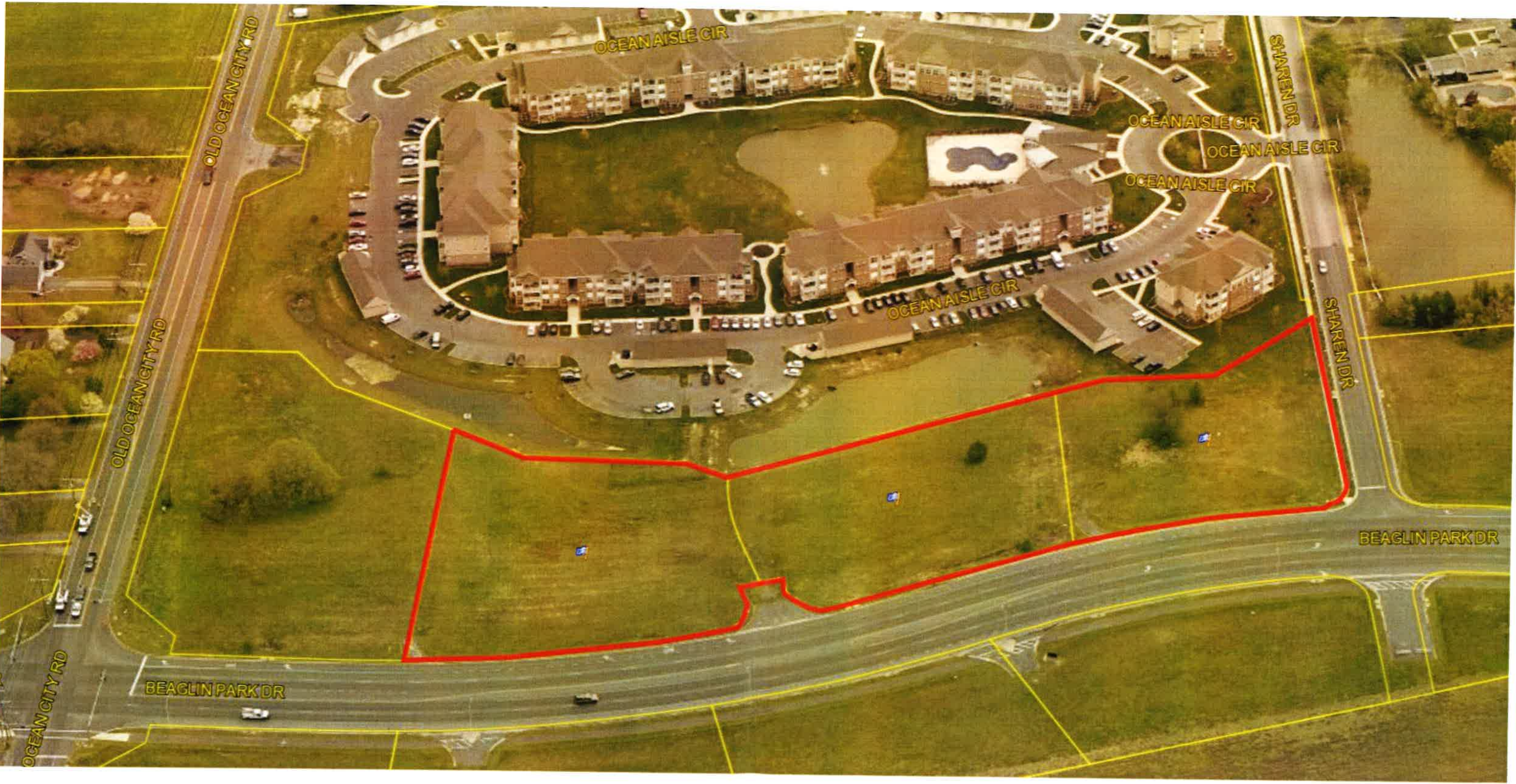
- [4] **Additional landscaping and screening is provided around parking areas, where the board deems necessary, and adjoining residential development.**

A Preliminary Landscaping Plan was approved by the Planning Commission. A Final Landscaping Plan will also be approved by the Commission prior to development.

VI. RECOMMENDATION:

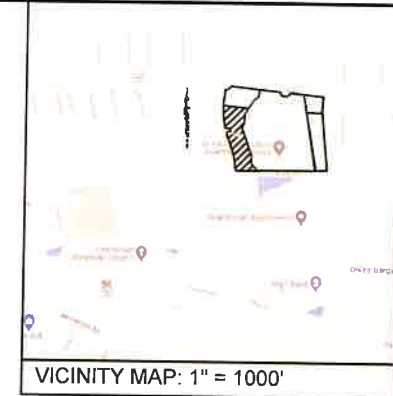
Based on the findings contained in this Staff Report, Staff recommends **Approval** of the applicant's request to increase density to 15.71 units per acre with the following conditions:

1. Obtain a Final Comprehensive Development Plan approval from the Salisbury-Wicomico Planning Commission in accordance with Section 17.180 of the Salisbury Zoning Code.
2. Consolidate all three (3) lots into one (1) lot.
3. Subject to further review and approval by the Salisbury Department of Infrastructure and Development and the Salisbury Fire Department.



OCEAN AISLE

PHASE 3 SPECIAL EXCEPTION PLAN



SHEET INDEX

- 1 - TITLE SHEET
- 2 - EXISTING CONDITIONS AND DEMO
- 3 - SITE PLAN
- A1-101 - FLOOR PLAN
- A1-201 - ELEVATIONS
- A2-102 - ELEVATIONS

- GENERAL NOTES**
- 1 THE PROPERTY SHOWN HEREON IS OWNED AND TO BE DEVELOPED BY 1501 SHARON DRIVE LLC, C/O BLAIR RUNNER, 218 EAST MAIN ST, SALISBURY, MD 21801, PHONE 410-742-8151.
 - 2 DEED REFERENCE: 2339/303
 - 3 PLAT REFERENCE: 16/975
 - 4 TAX MAP 121, GRID 5, PARCEL 2580, TAX MAP 121, GRID 11, PARCEL 2582
 - 5 TOTAL AREA OF PROPERTY THIS PHASE: 3.814 ACRES
 - 6 THE PRESENT ZONING OF THIS PROPERTY IS PDD #1 (ROBERTSON FARM)
 - 7 THIS PROPERTY IS SHOWN ON F.I.R.M. COMMUNITY PANEL #240078 02280 (PANEL 28 OF 65) DATED 9/28/84 AS BEING IN FLOOD ZONE C, AREA OF MINIMAL FLOODING.
 - 8 THE CURRENT WICOMED COUNTY WATER/SEWER PLAN SERVICE, CATEGORY W-1/S-1.
 - 9 THIS PROPERTY IS LOCATED WITHIN G.P.R. MANAGEMENT ZONE A.
 - 10 DEVELOPMENT SHOWN HEREON CONFORMS TO CITY OF SALISBURY ZONING REGULATIONS AND CONSTRUCTION SPECIFICATIONS.
 - 11 ALL FUTURE CONSTRUCTION SHALL CONFORM TO THE CITY OF SALISBURY CODE IN EFFECT AT THE TIME OF CONSTRUCTION.
 - 12 CITY PROPERTY MAP # 191.
 - 13 TRASH COLLECTION SHALL BE PRIVATE. WATER AND SEWER TO BE PUBLIC. (NOTE: THE INTERIOR SEWER MAINS ALONG "OLD OCEAN CIRCLE" ARE PRIVATE).
 - 14 ON SITE BENCHMARK WAS TRANSFERRED FROM THE FIRE HYDRANT "MT HERMON RD AND BEAGLIN PARK" ELEVATION 39.69.
 - 15 IN THE EVENT THAT AN ERROR, OVERSIGHT, OR OMISSION BY PARKER & ASSOCIATES IS DISCOVERED OR SHOULD HAVE REASONABLY BEEN DISCOVERED DURING THE COURSE OF CONSTRUCTION, CLIENTS OR CONTRACTORS SHALL PROVIDE PARKER AND ASSOCIATES AN IMMEDIATE NOTICE IN ORDER TO PROVIDE THE OPPORTUNITY TO IMPLEMENT AN ACCEPTABLE SOLUTION TO REMEDY OR MINIMIZE THE IMPACTS OF THE DISCOVERED ISSUE. IF IMMEDIATE NOTICE IS NOT PROVIDED BY CLIENT OR CONTRACTOR TO PARKER AND ASSOCIATES, THE CLIENT OR CONTRACTOR SHALL RELIEVE PARKER AND ASSOCIATES OF ANY LIABILITY THAT MAY ARISE FROM SAID ERROR, OVERSIGHT, OR OMISSION.
 - 16 THE CONTRACTOR SHALL IMMEDIATELY STOP WORK AND NOTIFY THE ENGINEER IF ANY DISCREPANCIES ARE DISCOVERED BETWEEN THE DRAWING AND EXISTING CONDITIONS. ERRORS OR OMISSIONS IN DRAWINGS OR LAYOUT SHALL BE TREATED AS A DISCREPANCY. ALL DISCREPANCIES SHALL BE RESOLVED PRIOR TO CONTINUATION.
 - 17 CONTRACTOR TO VERIFY ALL ELEVATIONS LISTED ON THE PLAN WITH A MINIMUM OF THREE BENCHMARKS THAT ARE ON THIS PROJECT'S UTILIZED DATUM PRIOR TO COMMENCING ANY CONSTRUCTION. IF ANY LOCATIONS OR ELEVATIONS OF BENCHMARKS, EXISTING FACILITIES, OR STRUCTURES DIFFER FROM THAT SHOWN HEREON, CONTRACTOR SHALL IMMEDIATELY NOTIFY ENGINEER AT 410-749-1023.

LAND USE SUMMARY

ZONE: PLANNED DEVELOPMENT DISTRICT #1 (ROBERTSON FARM)
 APARTMENTS PERMITTED INHERENTLY NEIGHBORHOOD BUSINESS DISTRICT
 APARTMENT DENSITY REQUIREMENTS FOR R SA DISTRICT = 12 UNITS/ACRE
 TOTAL NUMBER OF APARTMENT UNITS PHASES 1 & 2 = 180
 TOTAL NUMBER OF APARTMENT UNITS PHASE 3 (THIS PHASE) = 60
 TOTAL NUMBER OF APARTMENT UNITS = 240
 TOTAL AREA OF SITE PHASES 1, 2 & 3 = 18.814 ACRES
 TOTAL DENSITY OF PROJECT = 240 units / 18.814 acres = 12.75 units per acre
 ** DENSITY INCREASE WILL BE REQUIRED BY SPECIAL EXCEPTION APPROVAL FROM THE BOARD OF ZONING APPEALS PER SECTION 17.168.040
 NO PUBLIC ROADS CONTAINED WITHIN THIS PROJECT

MINIMUM REQUIREMENTS

ZONE PDD #1 (ROBERTSON FARM)
 GENERAL BUSINESS DISTRICT AS IT APPLIES TO APARTMENTS

Minimum Area of Lot = 25,000 sq. ft.
 Maximum Building Height = 40'
 Minimum Setbacks = 30' Front (From ROW line or Curbside whichever is greater), 30' Rear, 30' Side
 Minimum Space Between Buildings = 30' Space

No accessory building shall be located less than 25' from any Apartment Building or Property Line.
 An additional ten feet shall be provided for each story above three.

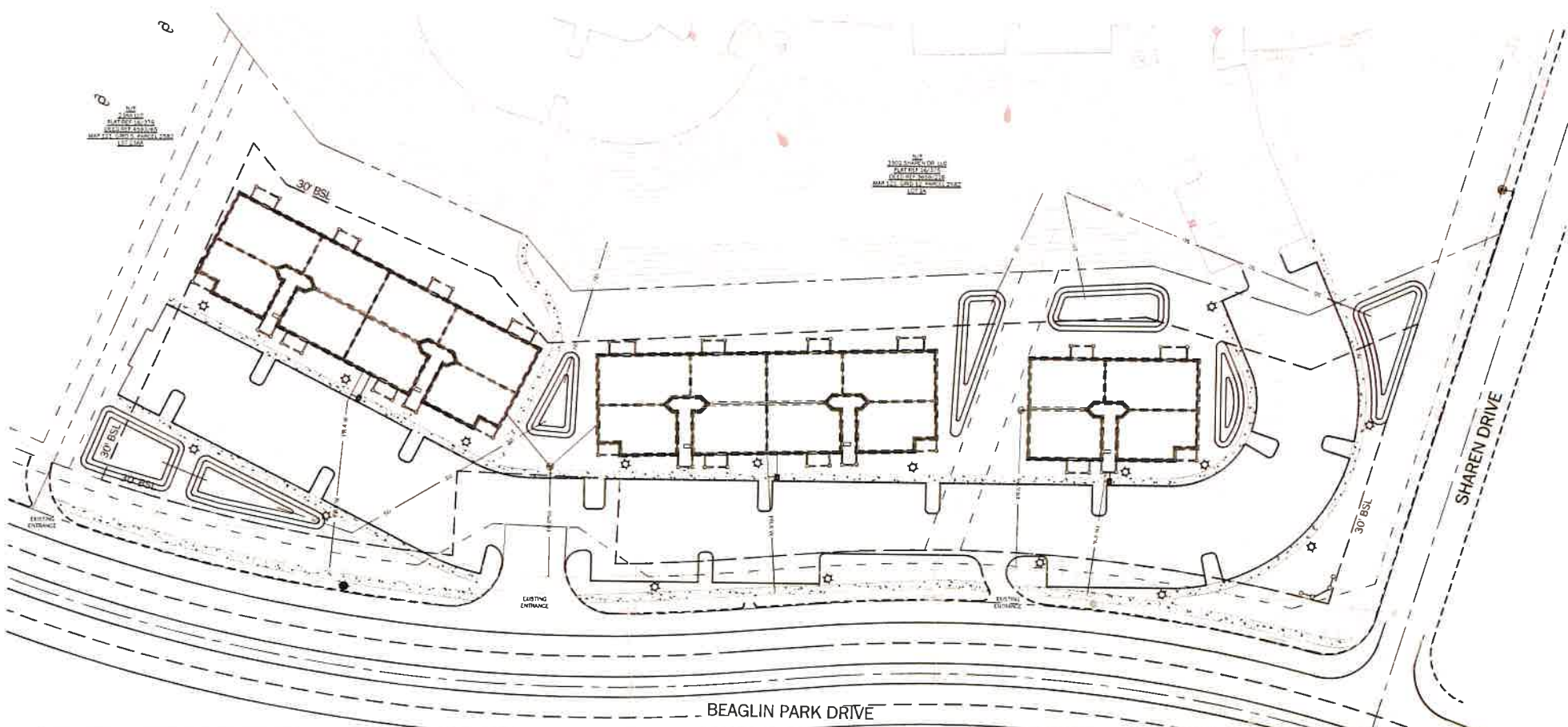
LAND COVERAGE DATA

TOTAL SITE AREA: PHASE 1 & 2: 15.00 ac + PHASE 3: 3.814 ac = 18.814 ac
 PHASE 1 & 2 IMPERVIOUS (BUILDINGS, SIDEWALKS, POOL, PADS) = 7.49 ac
 TOTAL OPEN SPACE = 7.51 ac
 PHASE 3, EXISTING IMPERVIOUS (SIDEWALKS, CURB PAVING) = 0.06 ac
 PROPOSED IMPERVIOUS (SIDEWALKS, CURB PAVING) = 1.207 ac
 (BUILDINGS) = 0.759 ac
 TOTAL IMPERVIOUS = 2.026 ac
 TOTAL OPEN SPACE = 1.788 ac
 TOTAL SITE IMPERVIOUS = 7.49 ac + 2.026 ac = 9.516 ac
 TOTAL OPEN SPACE = 7.51 ac + 1.788 ac = 9.298 ac (49.42%)

PARKING SUMMARY

PARKING REQUIRED = TOTAL UNITS X 1.5 SPACES PER UNIT
 PHASE 1 & 2 TOTAL REQUIRED PARKING = 180 UNITS X 1.5 = 270 SPACES
 PHASE 1 & 2 TOTAL SPACES PROVIDED = 454 SPACES
 PHASE 3
 PARKING REQUIRED = 60 UNITS X 1.5 = 90 SPACES
 PARKING PROVIDED = 146 SPACES
 TOTAL SITE = 454 + 146 = 600 TOTAL SPACES

ESTIMATED WATER & SEWER USAGE - PHASE 3
 (FROM DESIGN GUIDELINE FOR SEWERAGE FACILITIES)
 60 Three bedroom units = 180 people max
 Total maximum people for the phase = 180
 RESIDENTIAL: 60 GPD per person = 180 max + 60 GPD = 10,800 GPD
 TOTAL PROJECT USAGE = 10,800 GPD
 1 EDU = 250 GPD = 10,800/250 = 43.2 EDU's for project



LEGEND

- IRON ROD & CAP FOUND
- CONCRETE MONUMENT FOUND
- SEWER MANHOLE
- EXISTING FIRE HYDRANT
- PROPOSED FIRE HYDRANT
- PROPOSED WATER METER
- EXISTING INLET
- PROPOSED INLET
- PROPERTY LINE
- EXISTING CURB
- EXISTING SIDEWALK
- EXISTING EDGE OF PAVEMENT
- EXISTING SEWER MAIN
- EXISTING STORM DRAIN
- EXISTING WATER MAIN
- PROPOSED WATER LINE
- PROPOSED SEWER LINE
- PROPOSED STORM DRAIN
- PROPOSED CURB
- PROPOSED EDGE OF PAVEMENT
- PROPOSED PAVEMENT
- PROPOSED CONCRETE SIDEWALK

OWNER'S CERTIFICATION

I hereby certify that this improvement construction plan is being submitted with my full knowledge and consent and is in accordance with my desires as an owner of the subject property.

1501 Sharon Drive, LLC
 C/O Blair Runner
 218 East Main St, Salisbury, MD 21801
 Phone: 410-742-8151
 email: brunner@runner.com

PROFESSIONAL CERTIFICATION

HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME AND THAT I AM A DULY LICENSED CIVIL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND LICENSE NO. 217339, EXPIRATION DATE JULY 24, 2024 AND A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MARYLAND LICENSE NO. 21228, EXPIRATION DATE JANUARY 25, 2022.

BROCK E. BARTER, P.E., W.L.S.
 528 RIVERHIDE DRIVE
 SALISBURY, MARYLAND 21801
 PHONE: (410) 749-1327 FAX: (410) 749-1017
 EMAIL: BRB@BARTERANDASSOCIATES.COM

APPROVED
 CITY OF SALISBURY
 DEPARTMENT OF PUBLIC WORKS

City Project # _____
 Utility Contract # _____

Aminda H. Pullack, P.E., Acting Director
 DATE _____

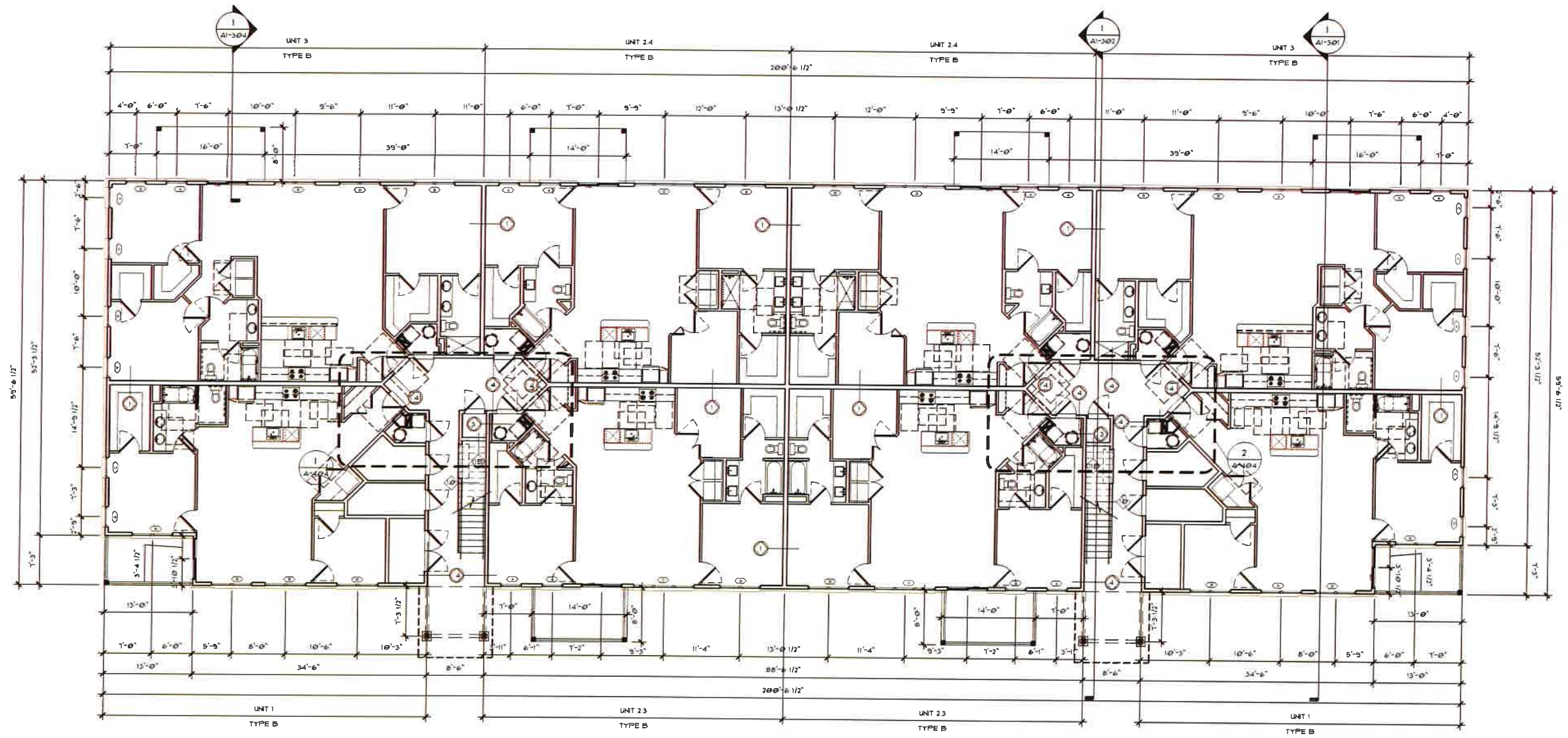
SPECIAL EXCEPTION PLAN

TITLE SHEET
 OCEAN AISLE - PHASE 3

1501 SHARON DRIVE, LLC
 C/O BLAIR RUNNER
 CITY OF SALISBURY, WICOMED COUNTY, MARYLAND



- NOTES:
1. ALL EXTERIOR WALLS TO BE WALL TYPE (U.O.)
 2. REFER TO A-4085 FOR WALL TAGS/ DOOR TAGS/ WINDOW TAGS



1 24 UNIT BUILDING: FIRST FLOOR PLAN
 SCALE 1/8" = 1'-0"

Professional Engineer
 License No. 19919932
 Expiration No. 06/22/2022

Professional Engineer
 License No. 19919932
 Expiration No. 06/22/2022

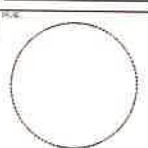
Professional Engineer
 License No. 19919932
 Expiration No. 06/22/2022

Professional Engineer
 License No. 19919932
 Expiration No. 06/22/2022

Professional Engineer
 License No. 19919932
 Expiration No. 06/22/2022

OCEAN AISLE
 BEAGLIN DRIVE
 SALISBURY, MARYLAND

SHEET INFO:
 FLOOR PLAN:
 FIRST FLOOR
 (24-UNIT BUILDING)



BLAKE & VAUGHAN ENGINEERING, INC.
 10000 Greenway Drive
 Baltimore, MD 21286
 410-528-1100
 www.bveng.com

MACINTOSH ENGINEERING
 10000 Greenway Drive
 Baltimore, MD 21286
 410-528-1100
 www.mace.com

PARKER AND ASSOCIATES
 10000 Greenway Drive
 Baltimore, MD 21286
 410-528-1100
 www.parkerand.com

Adaptive Group
 10000 Greenway Drive
 Baltimore, MD 21286
 410-528-1100
 www.adaptivegroup.com



24 UNIT BUILDING: FRONT ELEVATION
 SCALE: 1/8" = 1'-0"



OCEAN AISLE
 BEAGUN DRIVE
 SALISBURY, MARYLAND

SHEET INFO:

BUILDING ELEVATIONS

(24 UNIT BUILDING)

DATE	PROJECT
NO.	NO.
TITLE	

AI-201

