



City of  
**Salisbury**  
Jacob R. Day, Mayor

**AGENDA**

**REGULAR MEETING**

**December 1, 2022**

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

**6:00 P.M. -** Call to Order – Darrell Walker

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

**MINUTES** – October 6, 2022.

**PUBLIC HEARINGS:**

**Case #SA-22-1194** Fisher Architecture, LLC, on behalf of Riverside Investment Company, Inc. – Special Exception to Increase Density to 21 units per acre – 216 South Boulevard – R-5A Residential District.

**Staff Comments**

\* \* \* \* \*



# City of Salisbury

Jacob R. Day, Mayor

## **MINUTES**

The Salisbury Board of Zoning Appeals met in regular session on October 6, 2022, in Room 301, the Council Chambers, at 6:00 p.m. with attendance as follows:

### **BOARD MEMBERS:**

Darrell Walker, Chairman  
Melissa Drew  
Shawn Jester

### **CITY STAFF:**

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

\* \* \* \* \*

Mr. Walker called the meeting to order at 6:00 p.m.

\* \* \* \* \*

### **MINUTES:**

Upon a motion by Mr. Jester, seconded by Mrs. Drew, and duly carried, the minutes of the September 1, 2022 meeting were approved as submitted.

\* \* \* \* \*

Mr. Eure requested anyone wishing to testify in any matters before the Board stand and be sworn, and administered the oath.



\* \* \* \* \*

**Case # SA-22-1003 Anderson Fence Company, Inc. on behalf of Devreco, LLC – 2 ft. Fence Height Variance to Erect a 6 ft. Tall Fence Within the Required 50 ft. Front Yard Setback – 2120 Windsor Drive – Light Industrial District.**

Mr. Joey Gilkerson came forward. Mr. 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 erect a 6 ft. tall chain-link fence within the front yard setback.

Mr. Gilkerson stated that the Staff Report covers the request. He explained that they are trying to enter into a contract with Cube Smart at this location and a 6 ft. tall fence is a requirement of Cube Smart for the lease.

Mrs. Drew questioned if the building would have any changes made. Mr. Gilkerson responded that the only change would be the installation of new red garage doors. Mrs. Drew questioned the purpose of the fence. Mr. Gilkerson responded that the fence is for security and part of Cube Smart's standards. He added that there would be outdoor storage for boats and RV's. Mrs. Drew questioned if the outdoor space would be leased. Mr. Gilkerson responded in the affirmative. Mr. Eure added that a 4 ft. tall fence does not provide adequate security for the property as it can easily be scaled. Mrs. Drew questioned the 50 ft. setback requirement from residential properties. Mr. Eure responded that the 50 ft. setback from residential properties is not an issue in this location. There was further discussion about the Code requirements and debate about interpretation.

Mr. Jester questioned Mr. Gilkerson if the fence variance was denied, would it affect his use of the property. Mr. Gilkerson responded that it would end the deal with Cube Smart but not the use of the property. Mr. Eure added that if the fence was installed at the required 50 ft. setback that it would impede the vehicle navigation near the building.

Upon a motion by Mr. Jester, seconded by Mr. Walker, and duly carried, the Board **APPROVED** the 2 ft. Fence Height Variance to erect a 6 ft. tall fence within the required 50 ft. front yard setback based on the criteria in Section V(c) of the Staff Report, and subject to the following Condition of Approval:

**CONDITIONS:**

1. The entire fence shall be provided with privacy slats for screening, as required by the Zoning Code.



# City of Salisbury

Jacob R. Day, Mayor

**Vote: Mr. Walker – Aye  
Mrs. Drew – Nay  
Mr. Jester - Aye**

\* \* \* \* \*

## **ADJOURNMENT**

With no further business, the meeting was adjourned at 6:30 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.

\_\_\_\_\_  
Darrell Walker, Chairman

\_\_\_\_\_  
Richard Baldwin, Secretary to the Board

\_\_\_\_\_  
Beverly R. Tull, Recording Secretary



---

## STAFF REPORT

---

MEETING OF DECEMBER 2, 2022

**Case No.** 2022001194  
**Applicant:** Fisher Architecture for Riverside Investment Company, Inc.  
**Property Owner:** Riverside Investment Company, Inc.  
**Location:** 216 South Boulevard  
**Map:** #115, Parcel #572, Grid #7  
**Zoning:** R-5A Residential  
**Requests:** Special exception request to increase density to 21 units per acre

**I. SUMMARY OF REQUEST:**

The applicant requests permission to construct a 12-unit apartment building within the existing apartment complex. The proposed expansion will increase the density to 21.5 units per acre. A special exception is required to increase density beyond 12 units per acre. Board approval for a special exception to increase density to 21.5 units per acre is requested. **(Attachment 1)**

**II. ACCESS TO THE SITE:**

The property has frontage and access along South Boulevard. Frontage is also provided along Hanover Street, Monticello Avenue and Smith Street. **(Attachment 2)**

**III. DESCRIPTION OF PROPERTY:**

The site consists of an entire block that totals 2.79 acres, and has been improved with four (4) existing apartment buildings. The two-story buildings, which were constructed in 1949, each contain 12 units, and are symmetrical in style. Each building has frontage along one (1) street. **(Attachment 2)**

**IV. DESCRIPTION OF SURROUNDING AREA/NEIGHBORHOOD:**

The surrounding properties are primarily single-family dwellings. Other nearby uses include churches and commercial-type uses.



**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 21.5 units per acre is proposed.

The applicant proposes to construct a 16,392 sq. ft., three-story, 12-unit apartment building in the interior courtyard of the existing site. The building's exterior materials will consist of a mixture of siding and brick, whereas the existing buildings are brick throughout. Parking for 28 vehicles will also be provided on site, contrasting with the current configuration, where no on-site parking is provided. Currently, all residents must park along nearby streets. For an apartment building of this size, a total of 22 spaces would typically be required, according to Sections 17.168.050E.1.a. and 17.196.030 of the Zoning Code. In addition, two (2) van accessible parking spaces will be provided. **(Attachments 3 - 5)**

- (b) **Impact:** The proposed enlargement of a legal nonconforming use will have a slight impact on surrounding properties, as the overall density will increase. However, the impact should be minimized as some parking for the entire development will be provided where none exists currently, thereby potentially reducing the use of on-street parking.

- (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 R-5A Residential zoning district, which inherently allows apartments buildings, 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, potentially lending the opportunity to some single-family dwellings to return to owner occupied homes, as opposed to being rental units.

- [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 building is attractive by current standards, but is completely different architecturally from the existing apartment buildings. However, the building's materials and appearance were approved by the Salisbury/Wicomico Planning Commission on April 21, 2022, as part of a Comprehensive Development Plan for the project.

- [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.**

Although the height of the proposed building will cast some shadows on the neighboring apartment buildings, other negative impacts will be negligible. Traffic/parking should not be impacted, as residents will be provided with parking that currently is not available.

- [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.

- [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 and commercial 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 building does 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.**

Open space exceeds the minimum standard of forty (40) percent, as approximately fifty (50) percent of the project is devoted to 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.**

As the proposed additional building is located on the property's interior, any impacts regarding light and air will be on site. The buildings will maintain the minimum 30 ft. distancing as required by the Zoning Code.





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

A landscaping plan dated April 14, 2022 was approved by the Planning Commission as part of the Comprehensive Development Plan, and is compliant with landscaping requirements.

Furthermore, Section 17.168.040B. of the Zoning Code indicates that when determining whether an increase in height or density should be approved, the Board shall consider factors such as:

- [1] The topography of the site and whether it can be used to soften the impact of any increased building height in relation to the surrounding area.**

An increase in height is not being requested. The maximum building height within the R-5A zoning district is 40 ft. Plans indicate that the building height will be approximately 37 ft. (Building height is measured to the midpoint of the roof; not the roof peak, which in this instance is 42 ft. 7-inches.)

- [2] Existing and proposed streets and traffic patterns relative to the amount of traffic to be generated by increased density and whether it can easily be accommodated without being detrimental to surrounding residential area.**

There will be no changes to existing streets and traffic patterns. Additionally, there is no onsite parking provided for the existing buildings. The proposed plan indicates that six (6) additional spaces will be provided, which can be utilized by tenants of the existing units, reducing the need for on-street parking.

- [3] Whether the site is further separated from residential areas by streets or nonresidential uses or the site adjoins or is immediately across the street from a public pond, lake or park.**

The site covers the entire block, and is bordered by South Boulevard, Hanover Street, Monticello Avenue, and Smith Street.



- [4] **Provision of recreational facilities in relation to maximum density of people to be served.**

Outdoor grills and a pavilion are proposed to be provided, and a portion of the existing courtyard will be retained for recreational purposes.

- [5] **How the criteria have been used in designing the site to achieve the maximum results in integration of greater building height and density without harsh contrast in relation to surrounding development.**

All redevelopment is inward, reducing the impact on neighboring properties.

**VI. RECOMMENDATION:**

Based on the findings contained in this Staff Report, Staff recommends **Approval** of the applicant's request to increase the density to 21.5 units per acre with the following condition:

1. Subject to further review and approval by the Salisbury Department of Infrastructure and Development and the Salisbury Fire Department.



9/26/2022

Henry Eure, Zoning Administrator  
Board of Zoning Appeals  
125 N. division Street, Room 202  
Salisbury, Md 21801

Dear Mr. Eure,

This letter is in reference to the proposed Boulevard Apartments building to be located at 220 South Boulevard. This location currently has 48 apartment units spread throughout four two-story buildings. The proposed building would be a 12-unit apartment building placed within the existing courtyard with a new parking lot and access roads coming off of South Blvd. This new building will be 15,112 SF across three floors.

Our site is located in the R-5A residential District. According to Section 17.168.030 the permitted density in this zone would be 12 Units per Acre. The existing arrangement sits at 18 units per acre; our proposed building would bring the site density to 21 units per acre. We are requesting an increase in as allowed by section 17.168.040.

According to section 17.196.030 of the Salisbury Municipal Code Apartment developments require 1 ½ spaces for each dwelling unit. Section 17.168.050-E.1.a requires an additional twenty (20) percent of the total for guest parking. Our proposed 12-unit building would require 22 parking spaces; we are proposing a new parking layout that would add 28 new parking spaces for the property. This parking would also provide handicap-accessible parking for residents.

Section 17.196.020-H.2.a requires parking spaces to measure nine (9) feet wide by twenty (20) feet in length. Our site plan demonstrates the proposed parking spaces as nine (9) feet wide by nineteen (19) feet in length with an additional 5' of landscape overhang. We would like to request these alternative parking space dimensions in accordance with Section 17.196.020-H.2.b. Section 17.196.020-I.1.a requires a 24 ft aisle width for a Two-Way drive aisle, which has been provided as presented on the site plan.

Sincerely,

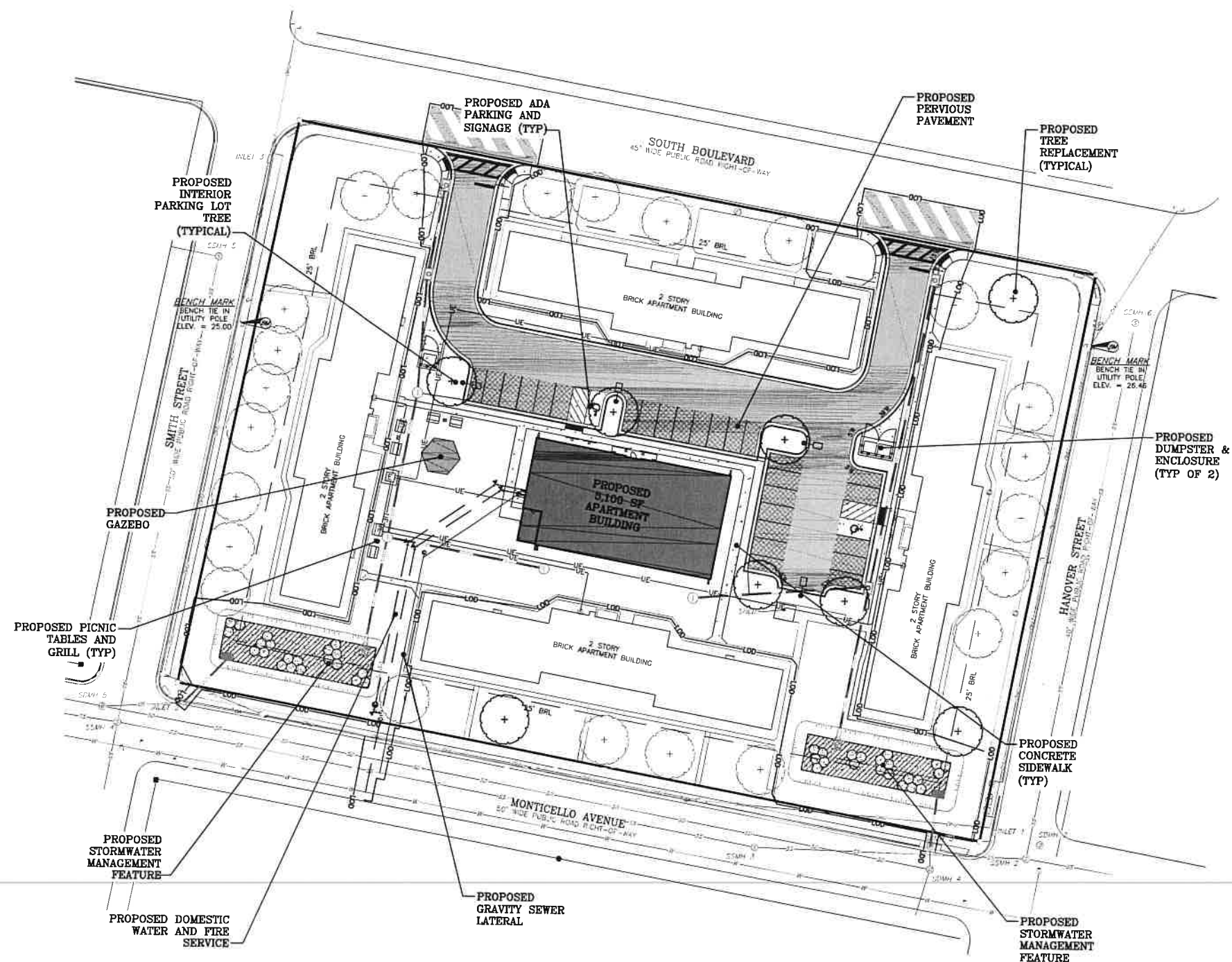
Keith P. Fisher AIA LEED AP  
Principal  
Fisher Architecture, LLC

542 Riverside Drive  
Salisbury, MD 21801  
(410) 742-0238 (office)  
(888) 879-7149 (fax)  
fisherarchitecture.com







[illegible]

**WARNING!!**  
THE LOCATIONS OF EXISTING UTILITIES AS SHOWN ON THIS PLAN ARE APPROXIMATE ONLY. THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF EXISTING UTILITIES PRIOR TO BEGINNING CONSTRUCTION. THE QUANTITIES SHOWN ON THIS PLAN ARE FOR INFORMATIONAL AND PERMITTING PURPOSES ONLY. THE CONTRACTOR SHALL VERIFY ALL QUANTITIES TO HIS OWN SATISFACTION PRIOR TO BEGINNING CONSTRUCTION.

THE CONTRACTOR SHALL TEST PIT AND LOCATE EXISTING UNDERGROUND UTILITIES PRIOR TO THE BEGINNING OF ANY WORK ON-SITE. THE CONTRACTOR SHALL NOTIFY DEPT. OF PUBLIC WORKS OF ANY POSSIBLE CONFLICT AND REQUEST THE RELOCATION OF THE EXISTING UNDERGROUND UTILITIES BEFORE BEGINNING ANY WORK ON-SITE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY RELOCATION EXPENSE.



Lane Engineering, LLC

Established 1986  
Civil Engineers • Land Planning • Land Surveyors



E-mail: [gerard@wec.com](mailto:gerard@wec.com)  
119 Bay St. Easton, MD 21601 (410) 822-8003  
15 Washington St. Cambridge, MD 21613 (410) 221-0818  
354 Farmington Ave. Centerville, MD 21037 (410) 358-2095

PROFESSIONAL CERTIFICATION: I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland, License No. 23152, Expiration Date: 7/6/2023.



## OVERALL CONTEXT PLAN

THE  
BOULEVARD APARTMENTS  
216 SOUTH BLVD

IN THE CITY OF SALISBURY  
WICOMICO COUNTY, MARYLAND  
TAX MAP 115, GRID 7, PARCEL 572

ISSUED/REVISED FOR:	DATE:	BY:
AGENCY: REVIEW 01	07/06/22	TWG

[illegible]

— 11 —

--	--

[illegible][illegible]

42

CITY PROJECT NO. \_\_\_\_\_

[illegible]

UTILITY CONTRACT NO. \_\_\_\_\_

ET No. C-101

LE: AS NOTED

100

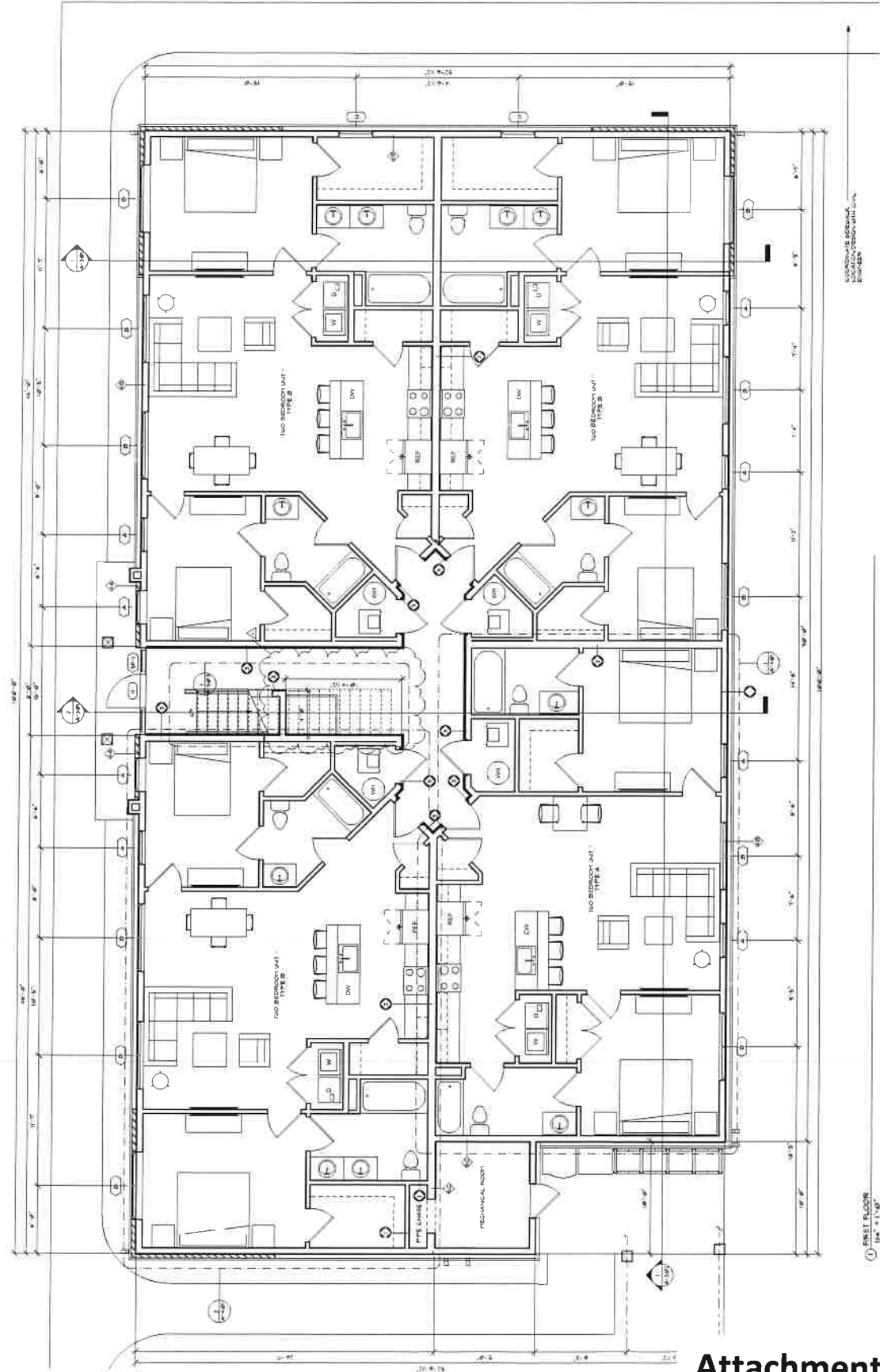
UNIT SUMMARY				
AMBA	PROJ	SEC-NO	THIRD	TOTAL
1. BENDROU TYPE A	109.3 P	1	0	1
2. BENDROU TYPE B	109.3 P	0	0	0
3. BENDROU TYPE C	109.3 P	0	3	3
4. BENDROU TYPE D	109.3 P	0	1	1
5. BENDROU TYPE E	109.3 P	4	1	5
TOTAL				11

**DESIGNATION**

- ALL UTILIZATION SHALL BE: HOUR RATED SHALL BE CONSIDERED AS CALL TYPE 2  
ALL CONCRETE SHALL BE: HOUR RATED  
REFER TO ENCLOSED UTILITY & APP 3 FOR DESCRIPTION, DETAILS AND CALL TYPE

0442204 17 00197-1

- REFER TO CIVIL DRAWINGS PLANS FOR FURTHER INFORMATION.  
REFER TO STRUCTURAL DECS FOR OVERLAP PLATE COORDINATE LOCATIONS.



UNIVERSITY OF CALIFORNIA, BERKELEY, CALIF. 94720-1380

① FIRST FLOOR  
116' x 110'



FISHER



10

1. **Author:** [Name]  
 2. **Title:** [Title]  
 3. **Journal:** [Journal]  
 4. **Volume:** [Volume]  
 5. **Issue:** [Issue]  
 6. **Page:** [Page]  
 7. **Year:** [Year]

2-6-22 SOUTH COULEVARD  
EALSBURY, MARYLAND

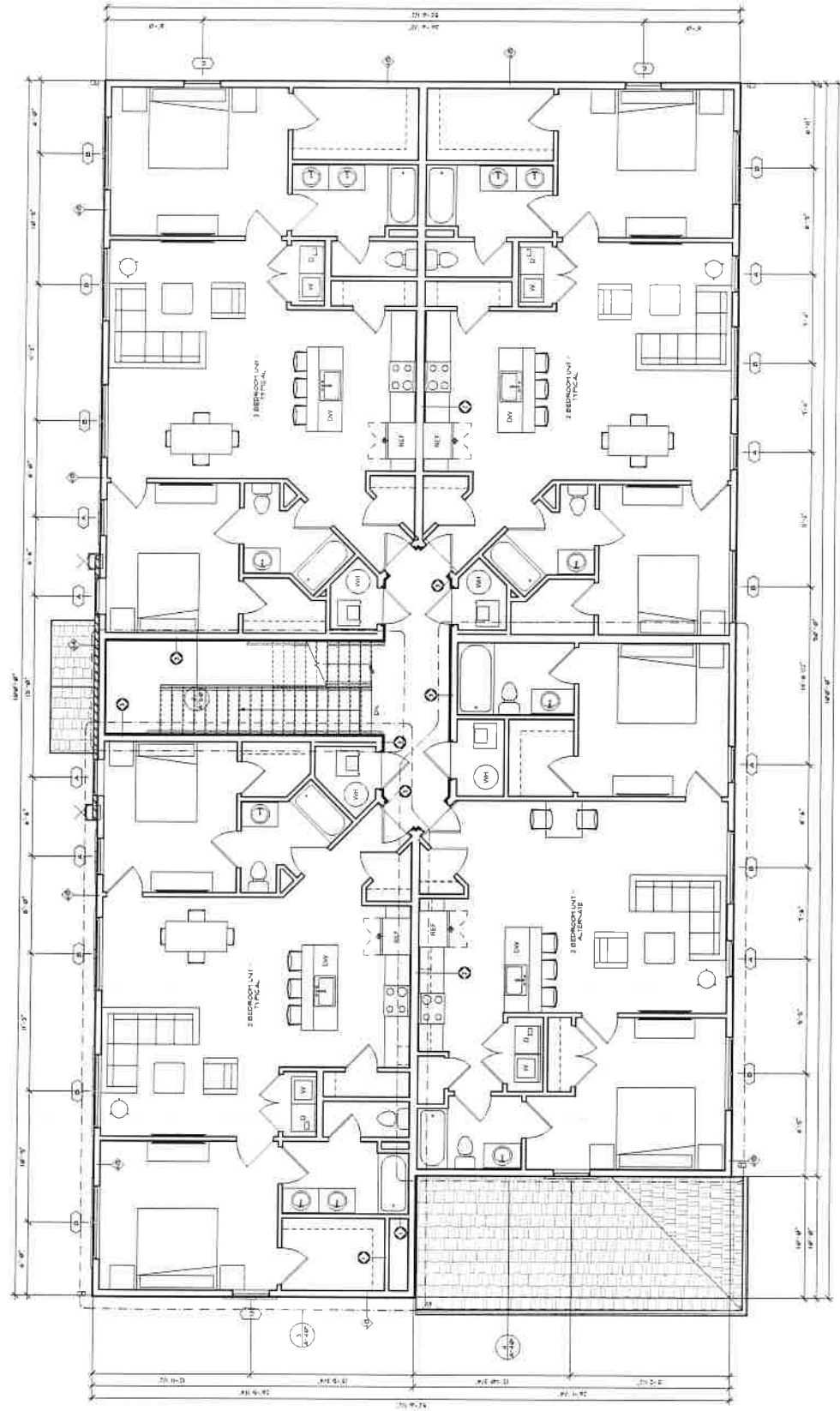
52-1-10000

## SECOND FLOOR PLANS

[illegible]

A-102

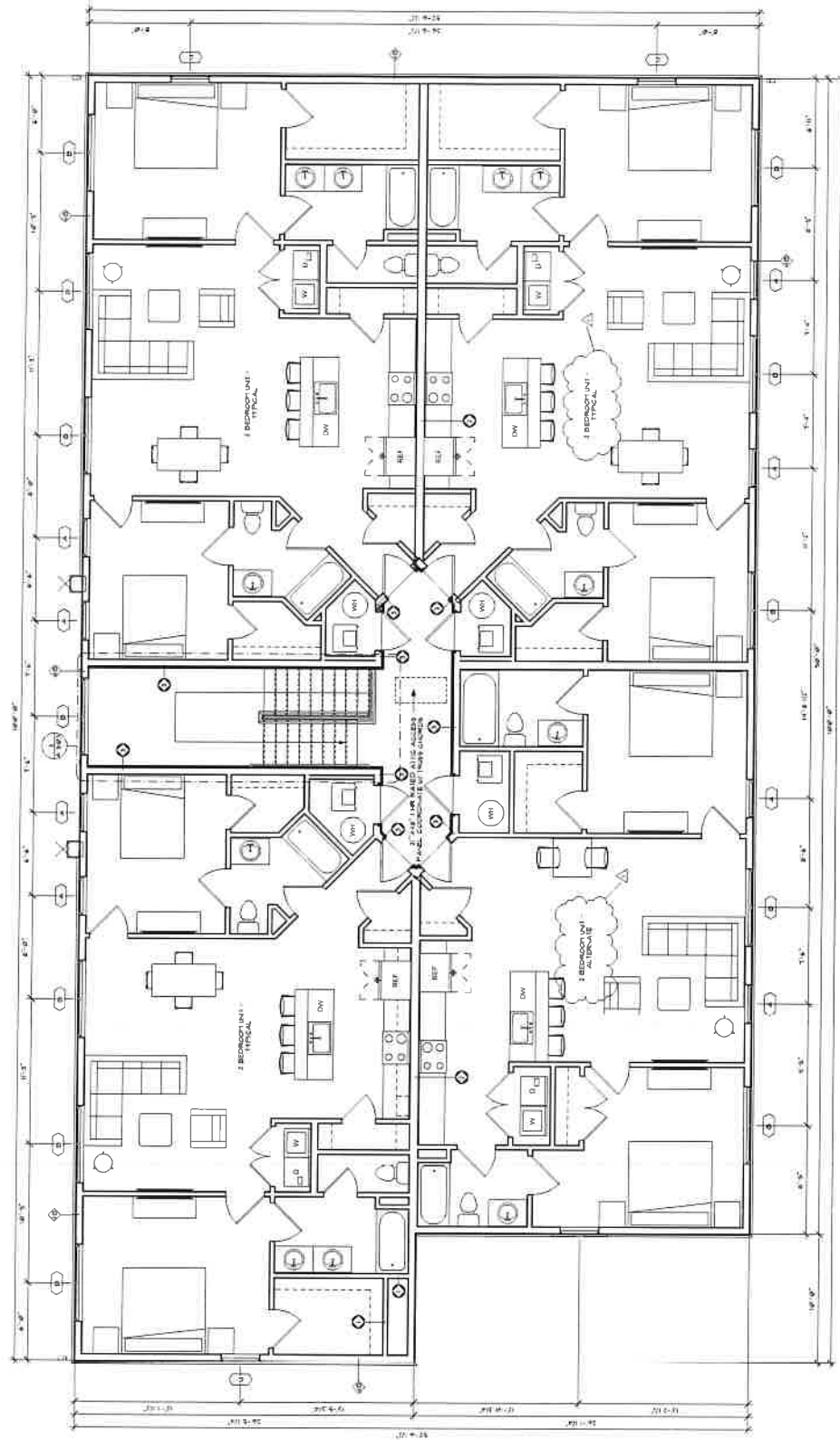
UNIT SUMMARY					
	WEEK	PERCENT	SECOND	THIRD	TOTAL
2 DEMONSTRATION TYPE A	11/15/82	1	0	0	1
2 DEMONSTRATION TYPE B	1/21/83	3	0	0	3
2 DEMONSTRATION TYPE C	1/27/83	3	3	3	9
2 DEMONSTRATION ALTERNATE	11/15/81	0	1	1	2
TOTAL		4	4	1	9



① SECOND FLOOR  
114' x 17'-2"



UNIT SUMMARY				
	AREA	PER	SECOND	1-HR
2 SECTION TYPE A	139.81	1	0	0
2 SECTION TYPE B	142.30	1	0	0
2 SECTION TYPE C	193.31	0	3	5
2 SECTION ALTERNATE	139.81	0	1	0
TOTAL		1	1	1

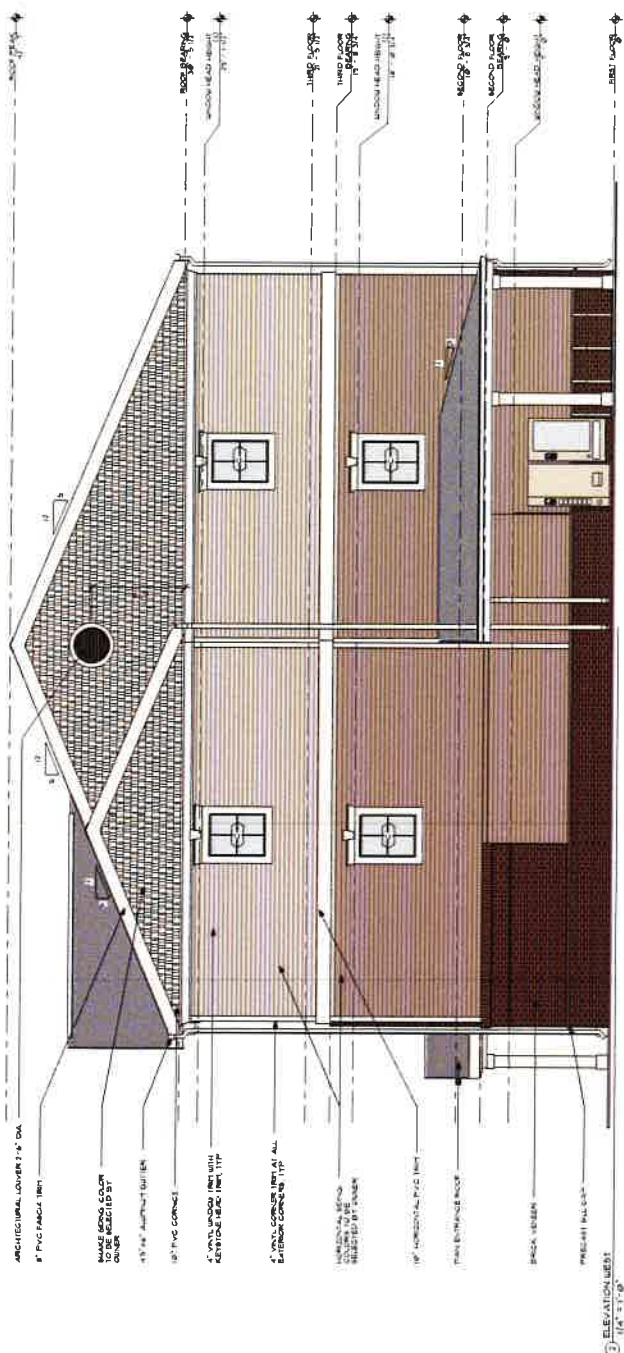
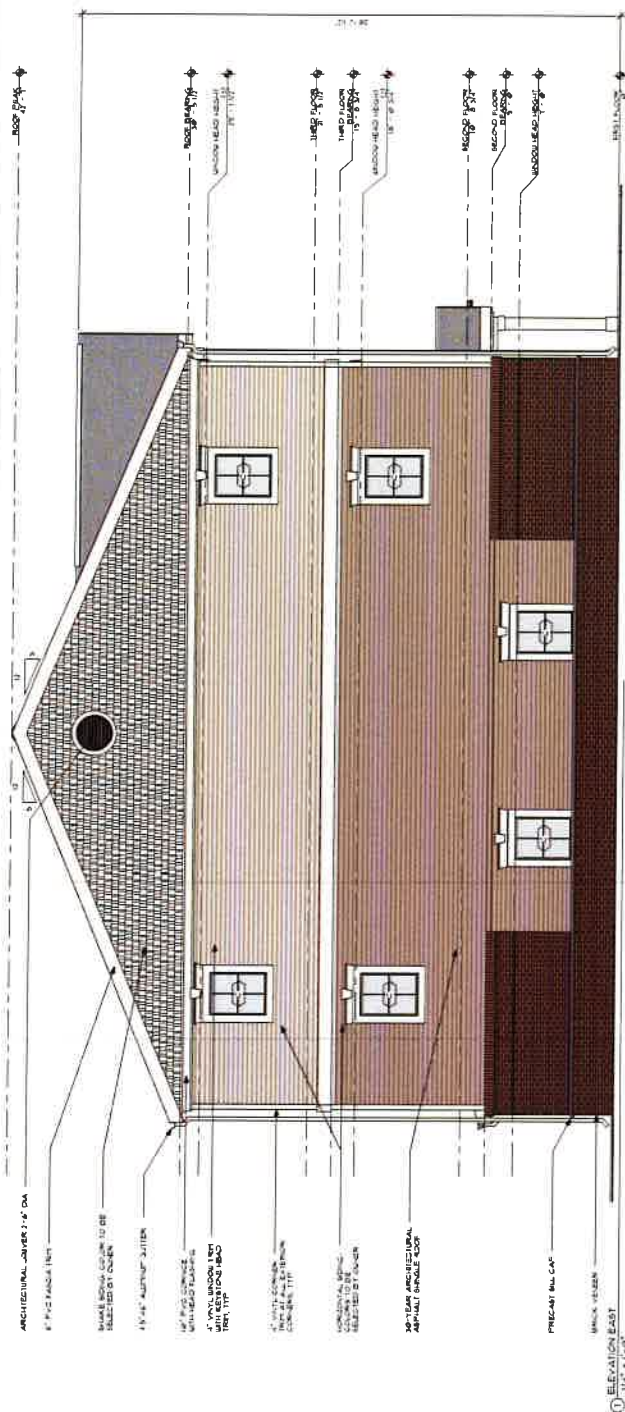


① -HARD FLOOR  
1'4" x 1'-0"











STATE OF MARYLAND  
DEPARTMENT OF GENERAL SERVICES  
DIVISION OF GENERAL INVESTIGATION  
1000 EIGHTH STREET, N.W.  
WASHINGTON, D.C. 20004  
FEDERAL BUREAU OF INVESTIGATION  
UNITED STATES DEPARTMENT OF JUSTICE  
WASHINGTON, D.C. 20535

STATE OF MARYLAND  
DEPARTMENT OF GENERAL SERVICES  
DIVISION OF GENERAL INVESTIGATION  
1000 EIGHTH STREET, N.W.  
WASHINGTON, D.C. 20004  
FEDERAL BUREAU OF INVESTIGATION  
UNITED STATES DEPARTMENT OF JUSTICE  
WASHINGTON, D.C. 20535

# BOULEVARD APARTMENTS

24-220 SOUTH BOULEVARD  
BALDORBY, MARYLAND

SHEET THREE

RENDERINGS

NO. 1	NO. 2	NO. 3	NO. 4	NO. 5	NO. 6	NO. 7	NO. 8	NO. 9	NO. 10	NO. 11	NO. 12	NO. 13	NO. 14	NO. 15	NO. 16	NO. 17	NO. 18	NO. 19	NO. 20	NO. 21	NO. 22	NO. 23	NO. 24	NO. 25	NO. 26	NO. 27	NO. 28	NO. 29	NO. 30	NO. 31	NO. 32	NO. 33	NO. 34	NO. 35	NO. 36	NO. 37	NO. 38	NO. 39	NO. 40	NO. 41	NO. 42	NO. 43	NO. 44	NO. 45	NO. 46	NO. 47	NO. 48	NO. 49	NO. 50	NO. 51	NO. 52	NO. 53	NO. 54	NO. 55	NO. 56	NO. 57	NO. 58	NO. 59	NO. 60	NO. 61	NO. 62	NO. 63	NO. 64	NO. 65	NO. 66	NO. 67	NO. 68	NO. 69	NO. 70	NO. 71	NO. 72	NO. 73	NO. 74	NO. 75	NO. 76	NO. 77	NO. 78	NO. 79	NO. 80	NO. 81	NO. 82	NO. 83	NO. 84	NO. 85	NO. 86	NO. 87	NO. 88	NO. 89	NO. 90	NO. 91	NO. 92	NO. 93	NO. 94	NO. 95	NO. 96	NO. 97	NO. 98	NO. 99	NO. 100
-------	-------	-------	-------	-------	-------	-------	-------	-------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	---------

A-80



VIEW FROM SOUTH BOULEVARD



NORTHEAST VIEW



SOUTHEAST VIEW