



City of
Salisbury
Jacob R. Day, Mayor

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.

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 Amajjoyi, 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