
MINUTES

The Salisbury Board of Zoning Appeals met in regular session on September 1, 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
Beverly Tull, Recording Secretary
Heather Konyar, City Solicitor

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Mrs. Konyar called the meeting to order at 6:02 p.m.

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MINUTES:

Upon a motion by Mr. Jester, seconded by Mrs. Drew, and duly carried, the minutes of the November 4, 2021 meeting were approved as submitted.

Upon a motion by Mr. Jester, seconded by Mrs. Drew, and duly carried, the minutes of the April 7, 2022 meeting were approved as submitted.

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Mrs. Konyar explained the public hearing procedure and requested Mr. Eure administer the oath. Mr. Eure requested anyone wishing to testify in any matters before the Board stand and be sworn, and administered the oath.

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Case # SA-20-773 Value Enterprises, LLC – 12-Month Extension of Time to Exercise the Approval for a 10 ft. Front Yard Setback Variance to Construct a Single Family Dwelling within the Required 25 ft. Front Yard Setback – 423 Druid Hill Avenue – R-10 Residential District.

Mr. Henry Eure presented the extension request.

Mr. Jester questioned if the Board was just approving the extension with the conditions from the original approval. Mr. Eure responded in the affirmative. Mr. Jester questioned if the Board could add conditions. Mrs. Konyar responded that in order to add more conditions, the Board would have to rehear the case. The request was for a 12-month extension to exercise the approval.

Mr. Brock Parker came forward as the engineer for the project. He explained that this is a corner lot with setback issues. The variance was granted to keep the home in line with the neighborhood. The owner has not picked out a house plan yet and the 12-month extension will allow him to pick the final house plan and the builder.

Mrs. Drew stated that lumber prices should not be an issue as prices have dropped. Mr. Parker responded that it would take about a year to exercise the variance and this should be the last time an extension is requested.

Mr. Jester stated that he believed there was a reasonable explanation for the request and agreed with the Staff on granting a 12-month extension.

Mrs. Konyar reminded the Board that they would need to adopt the Findings of Fact in the Staff memo along with the motion to approve the extension.

Upon a motion by Mr. Jester, seconded by Mrs. Drew, and duly carried the Board **APPROVED** the 12-month extension of time to exercise the approval of a 10 ft. front yard setback variance to construct a single family dwelling within the required 25 ft. front yard setback at property located at 423 Druid Hill Avenue.

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Case # SA-22-725 Maurice Ngwaba, PhD, AID, on behalf of The Great Commission of Jesus – Enlarge a Legal Nonconforming Structure by Constructing a 4,050 sq. ft. Addition to the Building – 234 Lake Street – General Commercial District.

Mr. Maurice Ngwaba and Mr. Angliche Petion 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 construct a 4,050 sq. ft. addition to the existing nonconforming building. The building is nonconforming, as it does not meet the minimum required front yard setback of 25 ft. from Burton Street. Board approval to enlarge an existing nonconforming building is requested.

Mr. Ngwaba thanked Mr. Eure and the Staff for working on this. Members of the Church have worked hard to raise the funds needed to enlarge the existing building.

Mrs. Drew questioned Mr. Eure about the FEMA regulations. Mr. Eure responded that they would have to comply with the FEMA standards and have it inspected for verification. Mr. Eure added that this was in a flood zone where it would have to be elevated one (1) foot above flood level.

Upon a motion by Mrs. Drew, seconded by Mr. Jester, and duly carried the Board **APPROVED** the Enlargement of a Legal Nonconforming Use at 234 Lake Street, based on the criteria listed in the Staff Report, particularly the criteria listed in Section 17.232.020B, and subject to the following Conditions of Approval:

CONDITIONS:

1. Provide an "Agreement to Submit an Elevation Certificate" form prior to development and an "Elevation Certificate" prior to occupancy to in comply with FEMA regulations for development within the flood plain.
2. Subject to further review and approval by the Salisbury Department of Infrastructure and Development and the Salisbury Fire Department.

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Case # SA-22-872 Daniel Moreno-Holt/Design Matters, LLC, on behalf of G and Bros. Roofing – Enlarge a Nonconforming Structure located within the 10 ft. Side Yard Setback – 109 Clark Street – Office Service Highway #1 District.

Mr. Daniel Moreno and Ms. Melissa Molina 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 construct an addition to the existing building, which is nonconforming as it does not meet the minimum required side yard setback of 10 ft. Board approval to enlarge an existing nonconforming building is requested.

Mr. Jester questioned what business occupied this address. Mr. Moreno responded that a roofing contractor occupied this lot. He explained that the front expansion was for a showroom and the rear expansion is for offices. Mr. Jester questioned the open lot. Mr. Eure responded that the open lot was under the same ownership.

Mr. Jester questioned Mr. Eure about the landscaping plan. Mr. Eure responded that if the landscaping plan were not complied with, they would have to come back. The landscaping plan could be added as a condition of approval.

Mrs. Drew questioned if there would be any trucks doing deliveries to the site. Ms. Molina responded that the enlargement is for office use only. Mr. Moreno added that the warehouse is in Fruitland.

Mrs. Drew questioned if there was any opportunity to get rid of the exterior stairs. Mr. Eure responded that the stairs were recently constructed and are allowed to extend into the setback.

Upon a motion by Mr. Jester, seconded by Mrs. Drew, and duly carried the Board **APPROVED** the enlargement of the nonconforming structure located within the 10 ft. Side Yard Setback at 109 Clark Street, based on the criteria listed in the Staff Report, particularly the criteria listed in Section 17.232.020B, and subject to the following Conditions of Approval:

CONDITIONS:

1. Provide a minimum of three (3) bicycle parking/storage spaces.
2. Landscaping shall be required at the ends of the parking rows, including one (1) tree at each end.
3. Subject to further review and approval by the Salisbury Department of Infrastructure and Development and the Salisbury Fire Department.

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Case # SA-22-727 Ayres, Jenkins, Gordy & Almand, P.A., on behalf of Snowfield, LLC – Special Exception to Utilize the Entire Property for Residential use to Construct 195 Residential Units – Northeast Corner of Toadvine Road and Snow Hill Road – R-8 Residential and General Commercial District.

Mr. Mark Cropper, Mr. Brock Parker, and Mr. Jason Malone 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 construct a 195 unit residential subdivision to be known as the Village at Snowfield. The site is located within the R-8A Residential and General Commercial zoning districts. A special exception is being requested to construct residential units in the General Commercial district pursuant to Zoning Code standards.

Mr. Cropper had several witnesses and requested that they confirm the City's Staff Report. Mr. Parker and Mr. Malone confirmed the Staff Report.

Mr. Cropper explained that this process avoids the developer from having to have the property rezoned. This is a consistent use for the neighborhood as the property will be completely residential.

Mr. Parker stated that they are working on the stormwater management and it will be 10 months to a year when shovels are ready to go in the ground. He added that they are working with the developer of Summersgate on the road.

Mr. Jester questioned the last time that 195 units were built at one time in Salisbury. Mr. Eure responded that he could not give an exact time frame but this many units have been seen in other forms.

Mr. Jester questioned when the roundabout would be constructed. Mr. Parker responded that they are working with SHA on the roundabout. Robins Avenue will be signalized. The roundabout will slow traffic coming off the bypass. The Traffic Group has been hired to complete the traffic study.

Mr. Jester questioned if there had been any public comments. Mr. Eure responded that the office had received a few phone calls, with one (1) person being in favor and one (1) being against; however, there are no interested parties present at this meeting. He added that all property owners within a 200 ft. buffer were notified of the meeting. Mr. Parker added that the full plan was public at the Planning Commission meeting. Mr. Jester questioned if the residents of Sandy Acres Drive were included in the 200 ft. buffer. Mr. Eure responded in the negative.

Upon a motion by Mr. Jester, seconded by Mrs. Drew, and duly carried the Board **APPROVED** the Special Exception to utilize the entire property for residential use to construct 195 residential units on the property located at the northeast corner of Toadvine Road and Snow Hill Road, based on the criteria listed in the Staff Report, particularly the criteria listed in Section 17.232.020B, and subject to the following Condition of Approval:



City of
Salisbury
Jacob R. Day, Mayor

CONDITIONS:

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

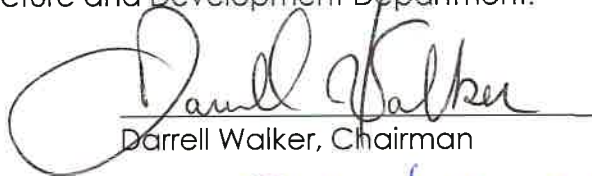
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ADJOURNMENT

With no further business, the meeting was adjourned at 7:08 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.


Darrell Walker, Chairman


Richard Baldwin, Secretary to the Board


Beverly R. Tull, Recording Secretary