



City of
Salisbury
John "Jack" R. Heath, Mayor

AGENDA

REGULAR MEETING

May 4, 2023

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

6:00 P.M. - Call to Order – Brian Soper

Board Members: Shawn Jester, William Hill, Maurice Ngwaba, Edward Torbert,
and Miya Horsey.

MINUTES – February 2, 2023.

ZONING PUBLIC HEARINGS:

Case #SA-23-334 **Cristo Vive Church – Enlargement of a Legal Nonconforming Use and a 0.7 ft. Front Yard Setback Variance and a 27.7 ft. Side Yard Setback Variance – 1308 Westchester Street – R-10 Residential District.**

HOUSING BOARD OF ADJUSTMENTS & APPEALS:

Case #CE-22-3347: **600 E. Church Street - Appeal of Condemnation Order**

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City of
Salisbury
John "Jack" R. Heath, Mayor

MINUTES

The Salisbury Board of Zoning Appeals met in regular session on February 2, 2023, in Room 301, Government Office Building at 6:00 p.m. with attendance as follows:

BOARD MEMBERS:

Darrell Walker, Chairman
Melissa Drew, Vice Chairman
Shawn Jester

CITY STAFF:

Brian Soper, City Planner
Beverly Tull, Recording Secretary
Laura Hay, City Solicitor

* * * * *

Mr. Walker, Chairman, called the meeting to order at 6:03 p.m.

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MINUTES:

Upon a motion by Mr. Jester, seconded by Mrs. Drew, and duly carried, the Board **APPROVED** the December 1, 2022 minutes as submitted.

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Mr. Soper administered the oath to anyone wishing to speak before the cases heard by the Salisbury Board of Zoning Appeals.



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Case #SA-23-041 Best Budd Multi Services, Inc. /Ylnaud S. Orneus. – 5 ft. and 1 ft. Side Yard Setback Variance – 1021 Margaret Street – R-8 Residential District.

Mr. Ylnaud "Sampson" Orneus came forward. Mr. Brian Soper presented and entered the Staff Report and all accompanying documentation into the record. He summarized the report explaining that the applicant requests permission to construct a single-family dwelling within the side yard setbacks on a property located at 1021 Margaret Street.

Mr. Orneus explained that he had been raised in Salisbury and had been investing in the Salisbury area for some time. This will be the first time that he has built a house. Mr. Orneus thought the lot was bigger when he purchased it and has contacted several builders who have confirmed that they can fit a home on the lot. He requested the variances be granted for the home to be constructed. There is room at the rear of the lot for the parking spaces that are required.

Mrs. Drew questioned Mr. Orneus if he had explored other house plans that would match the existing homes in the neighborhood. Mr. Orneus responded that the builders had suggested the two-story home. Mrs. Drew questioned Mr. Soper regarding the Staff Report noting that other house plans could have been explored. Mr. Soper noted the previously heard case on Druid Hill Avenue as having the same issues of a small lot and the type of house that would fit on the lot. Mrs. Drew questioned if a two-story home was consistent with the neighborhood. Mr. Soper responded in the affirmative, adding that any home in the neighborhood could expand with a second story addition.

Mr. Jester questioned Mr. Soper regarding the Staff Report's statement about this being a reasonable compromise. Mr. Soper responded that the Staff would be acceptable to the variances that are being requested to construct a home on the property due to the irregular shape and size of the lot. This lot was platted prior to the current Zoning Code.

Mr. Jester questioned Mr. Orneus on the location of the house placement on the lot. Mr. Orneus responded that the location of the house was done to make it align with the other properties in the neighborhood.

Mr. Jester questioned Mr. Orneus if he was agreeable to the Staff's recommendation. Mr. Orneus responded in the affirmative, adding that this home would not line up with 1019 Margaret Street.

There was extensive discussion among the Board members and Mr. Soper in regards to the lot and alley access. Mr. Soper noted for the record that Lot 145 was being referenced in the discussion and that Staff's recommendation matches the setbacks for Lot 145. He further noted that the alley will not be improved and that it was established prior to the Zoning Code being adopted.

Mrs. Drew questioned Mr. Soper if access to the alley way would be impeded. Mr. Soper responded that there is an existing apron to the alley and that the alley will be used to access the parking at the rear of the dwelling. Mrs. Drew stated that the installation of a fence along the property line would delineate Mr. Orneus' property. Mr. Soper noted again that there isn't an impact on the alley.

Mr. Walker questioned if there had been any concerns raised to Staff by the neighbors. Mr. Soper responded in the negative.

Mr. Jester mentioned that the Board had the ability to approve something other than what the Staff had recommended.

Mrs. Hay noted for the record that the neighbors were notified of this public hearing.

Mr. Soper noted for the record that Mr. Orneus would have to show two (2) parking spaces on the property when he applies for a building permit.

Mr. Walker questioned if Mr. Orneus owned other properties in the neighborhood or new any of the neighbors. Mr. Orneus responded in the negative.

Mrs. Drew moved the Staff Report into the record.

Upon a motion by Mrs. Drew, seconded by Mr. Jester, and duly carried the Board **APPROVED** the 5 ft. and 1 ft. Side Yard Setback Variance, based on Section V (c) of the Staff Report and subject to the following Conditions of Approval:



City of Salisbury

John "Jack" R. Heath, Mayor

CONDITIONS OF APPROVAL:

1. The dwelling shall be constructed with a 5 ft. setback from the south property line and a 9 ft. setback from the north property line, in order to increase privacy for both dwellings.
2. Two (2) parking spaces shall be provided on the property as required by the City's Zoning Code.

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Mr. Soper thanked the Board members for their service on the Board of Zoning Appeals and the City of Salisbury. He explained that this was the last meeting for the Board of Zoning Appeals and the new Board of Appeals would begin meeting next month.

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ADJOURNMENT

With no further business, the meeting was adjourned at 6:45 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



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STAFF REPORT

MEETING OF MAY 4, 2023

Case No. 202300334
Applicant: Cristo Vive Church
Property Owner: Potomac Council of Assembly of God
Location: 1306 – 1312 Westchester Street
State City Tax Map: #105
Parcel #681, Grid #7
Zoning: R-10 Residential District
Requests: Permission to enlarge a legal nonconforming structure and front yard setback variance of 9 in.

I. SUMMARY OF REQUEST:

The Applicant requests permission to construct 5,241 sq. ft. of additions to the existing nonconforming building. The building is nonconforming as it does not meet the minimum required rear yard setback of 75 ft. The front addition is proposed to have a front yard setback of 49 ft., 3 in. along Westchester Street. The Zoning Code requires a minimum front yard setback of 50 ft. Board approval to enlarge an existing nonconforming building and a 27.7 side yard and .7 inch front yard setback variance is requested.

II. ACCESS TO THE SITE AREA:

The property is located and has access on the west side of Westchester Street. **(Attachment 1)**

III. DESCRIPTION OF PROPERTY:

The site consists of a 52,685 sq. ft. (1.2 acre) lot that has been improved with the existing 3,028 sq. ft. building, which was constructed in 1969. **(Attachment 1)**

IV. DESCRIPTION OF SURROUNDING AREA/NEIGHBORHOOD:

The surrounding properties to the north and west are single family dwellings which are also in the R-10 Residential Zoning District. To the south is North Salisbury Elementary school, which is in the R-8 Residential district. The east is bordered by the U-Haul storage facility, which is located in both the General Commercial and R-10 Residential districts.

Department of Infrastructure & Development
125 N. Division St., #202 Salisbury, MD 21801
410-548-3170 (fax) 410-548-3107
www.salisbury.md

V. EVALUATION:

- (a) **Discussion:** The existing building is considered to be a legal nonconforming structure, as it was built in 1969, prior to the adoption of current Zoning Code standards, and does not meet minimum 75 ft. rear yard setback requirement, as it is 66.5 ft. setback from the rear property line. Section 17.16.040C of the Zoning Code states that a nonconforming structure may be enlarged by approval from the Board of Appeals.

The applicant proposes construction of three (3) additions: an approximate 4,200 sq. ft. sanctuary on the south side, a new entrance and vestibule on the north side, and a nursery on the east side. **(Attachments 2 & 3)** The north addition will comply with the required side and rear setback standards of 75 ft., but the south addition will not meet the minimum 75 ft. side yard setback requirement, as it is proposed to be 47.3' from the south property line. Additionally, the front addition is proposed to have a setback of 49.3' (approximately 9") from Westchester Street, whereas a minimum setback of 50 ft. is required. A side yard setback variance of 27.7' and a front yard setback variance of .7' will be necessary to construct the additions. **(Attachments 4 & 5)**

A paved parking area is proposed for the north and west sides of the site. A total of 63 parking spaces are required, but only 52 spaces will be provided on site. However, the Wicomico County Board of Education has entered into an agreement that will allow for the North Salisbury Elementary School parking to be shared with the church so that parking requirements will be met. **(Attachment 6)** This agreement is compliant with code standards. Two (2) of the three (3) proposed accessible parking spaces must be van accessible. Such spaces have an overall width of 16 ft. A minor revision to the site plan can achieve this requirement. Additionally, all landscaped islands are required to have a minimum width of 8 ft. Again, minor adjustments to the site plan will bring the parking area into full compliance. **(Attachments 4 & 5)**

- (b) **Impact:** The proposed enlargement of a legal nonconforming structure should not have a negative impact on surrounding properties. The proposed improvements should only enhance the neighborhood.
- (c) **Relationship to Criteria:** Section 17.236.020 of the Salisbury Municipal Code contains the criteria the Board should consider when approving Variances. Staff has noted how this request complies with the Variance criteria as follows:



City of
Salisbury
John "Jack" R. Heath, Mayor

- [1] Because of the particular physical surroundings, shape or topographical conditions of the specific structure or land involved, a practical difficulty or unnecessary hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.**

A hardship has not been demonstrated indicating why the existing front yard setback along Westchester Street should be reduced from 50 ft. to 49.3'. However, as the south property line is shared with a school, as opposed to a residential use, the request to reduce the setback along this property line is reasonable, as residential uses will not be impacted.

- [2] The conditions upon which an application for a variance is based are unique to the property for which the variance is sought and are not applicable, generally, to the property within the same zoning classification.**

The property is above average in size to other properties in the neighborhood. There are no unique features or characteristics.

- [3] The practical difficulty or unnecessary hardship is caused by this Title and has not been created by intentional action of any person presently having an interest in the property.**

Staff can find no hardship that has been caused by the standards of the City's Zoning Code regarding the setback requirements. However, the applicant has diminished the impact of the proposed sanctuary addition by placing it on the south side of the existing building, where the property line abuts the North Salisbury Elementary Property, as opposed to locating the addition closer to other property lines that adjoin residential uses. There does not appear to be a reason why the front addition cannot be modified to meet the required 50 ft. setback.

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

The granting of the requested variances should not be detrimental to the public health, security and general welfare of the neighborhood.

- [5] The granting of the variance is not based exclusively upon a desire to increase the value or income potential of the property.**

Although the granting of the setback variance request may increase the

value of the property once developed, the requested variance is strictly for the construction of a new sanctuary and satellite rooms for the church.

- [6] The variance will not be injurious to the use and enjoyment of other property in the immediate vicinity nor substantially diminish and impair property values in the neighborhood.**

The applicant has attempted to minimize any potential negative impacts on surrounding residential properties by placing the primary addition on the south side of the property.

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

The requested setback variances will not create any hazardous traffic conditions, negatively impact sight lines for motorists driving along Westchester Street, nor otherwise impact public safety.

- [8] The variance will not adversely affect transportation or unduly burden water, sewer, school, park, or other public facilities.**

The requested variances will have minimal impact on water, sewer, school, park or other public facilities. Staff does not believe this request will affect transportation facilities.

- [9] The granting of the variance will not adversely affect the implementation of the Comprehensive Plan for the City of Salisbury approved by the Planning Commission and the City Council or any other plan approved by the Planning Commission or City Council for development of the area in which the variance is requested.**

A church is permitted by special exception within the R-10 Residential Zoning District. However, as the church was constructed prior to the adoption of the City's current Zoning Code, a special exception was never granted, as it was not needed at that time. The church is a legal nonconforming use. Granting approval of this variance request will not have a significant impact on the City's Comprehensive Plan.

- [10] Within the intent and purpose of this Title, the variance, if granted, is the minimum necessary to afford relief. (To this end, the Board may permit a lesser variance than that applied for.)**

Staff supports the applicant's request to construct the sanctuary addition as submitted. The applicant has demonstrated the ability to minimize the impact on surrounding residential properties by placing the addition on the south side of the existing building, where the property line adjoins North Salisbury Elementary School. Staff believes that the setback variance requested for the nursery addition which faces Westchester Street is unnecessary. The addition can be constructed without encroaching closer to the street. However, the Board has the discretion to approve the requested variance or grant a lesser variance.

Additionally, Section 17.16.080 of the Zoning Code identifies the criteria for approval of enlarging a nonconforming structure when considering the following:

- [1] The intensity of the existing use relative to the district in which it is located, the scale of the change or enlargement in relation to the intensity of the use and whether it will have serious negative effects on the surrounding area, depreciating property values.**

Although the intensity of the use may increase, by an expected increase in attendance/membership, the proposed additions will have minimal effects on surrounding properties, as the major addition is situated away from neighboring residential properties.

- [2] Whether the change, alteration or enlargement is of benefit to or in the best interest of the community or surrounding area, such as providing additional employment or housing for the community or services to a neighborhood.**

The enlargement may have some impact on the surrounding area, as the church would be expected to serve some of the people who reside or work in the neighborhood.

- [3] Existing or possible traffic and parking problems and how they can be reduced or minimized.**

As previously mentioned, the proposed on-site parking coupled with the shared parking at North Salisbury Elementary is compliant with Zoning



Code standards. Minor changes will be required for the accessible parking spaces. Providing actual on-site parking may help to reduce parking along the street. Parking for at least three (3) bicycles is shown on the site plan, and is compliant with Zoning Code standards.

[4] Screening, buffering or architectural improvements which may make the use more compatible with the surrounding area.

Building elevations indicate that the proposed addition and remodel of the existing building will complement the existing building. A landscaping plan has not been provided, but the site will be expected to be provided with landscaping that is compliant with Zoning Code standards.

[5] Whether the change, alteration or enlargement will upgrade or improve the existing nonconforming use, such as change to a less-intensive use, change in operation, structural changes or redesign of the site relative to parking areas, entrances, exits, loading or unloading and traffic flow.

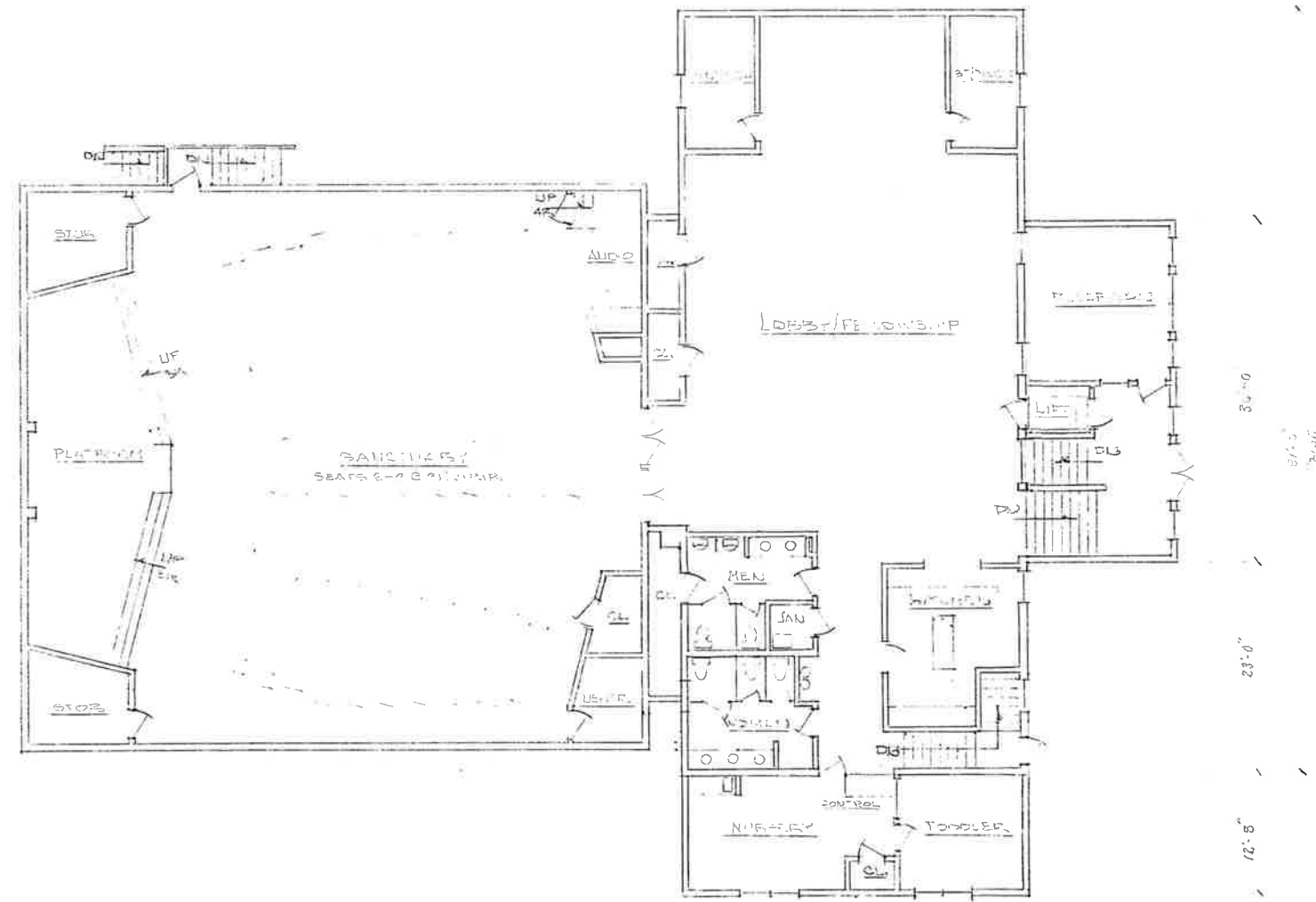
Again, the proposed enlargement and site improvements will enhance the appearance of the property. In addition, providing a paved parking area will also bring the property into compliance with parking standards, as currently no paved parking exists.

VI. RECOMMENDATION:

Based on the findings contained in this Staff Report, Staff recommends **Denial** of the requested .7 ft. front yard setback variance request. That particular addition and enlargement can still be constructed while maintaining the required minimum setback of 50 ft. from Westchester Street. However, **Approval** is recommended for the 27.7 side yard setback variance request. Impacts to neighboring residential properties is minimalized as the property adjoins the North Salisbury Elementary School property. Staff also supports the applicant's request to enlarge a legal nonconforming structure, as the improvements to the property will also bring the property into compliance with parking standards. **Approval** of the applicant's request to enlarge a legal nonconforming structure is recommended with the following conditions:

1. The addition may meet but not encroach any closer to Westchester Street than the existing front yard setback.
2. Landscaped islands shall have a minimum 8 ft. width.
3. Provide at least two (2) van accessible parking spaces.





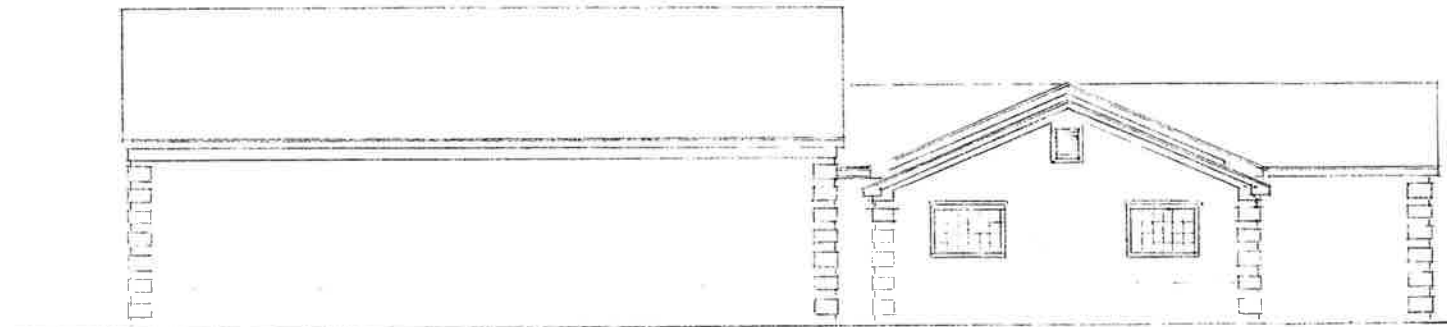
FIRST FLOOR PLAN
SCALE: 1/8" = 1'-0"

This drawing is a copyrighted instrument of service and as such is and shall remain the property of the Architect. Reproduction, publication, or any other usage without written permission of the Architect, is a violation of the law. The Contractor shall verify all dimensions and existing conditions onsite before proceeding with any phase of the work. No dimensions shall be scaled from these documents. Any discrepancies must be reported to the Architect immediately. This drawing and all other documents issued with regard to this contract shall be read in conjunction with one another.

The Houseman Group
ARCHITECTURE • PLANNING • INTERIORS
160 Saddle Creek Circle
Roswell, GA, 30076
Tel: 404.231.5405
Fax: 404.282.1301

PROJECT:
Proposed Additions and Alterations for
Cristo Vive Assembly of God
Salisbury Maryland

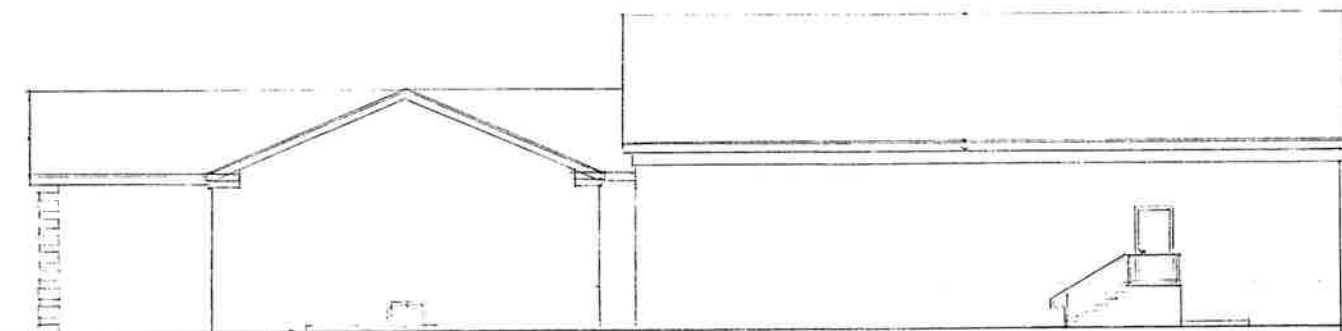
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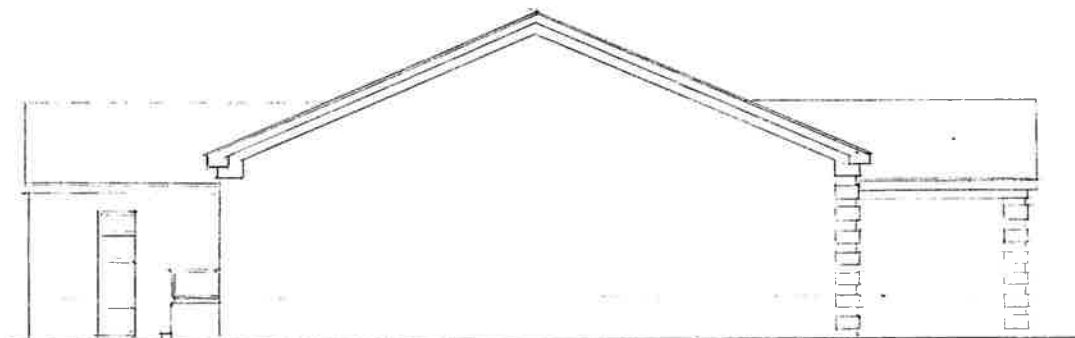
FRONT ELEVATION
SCALE 1/8" = 1'-0"



RIGHT SIDE ELEVATION
SCALE 1/8" = 1'-0"



REAR ELEVATION
SCALE 1/8" = 1'-0"



LEFT SIDE ELEVATION
SCALE 1/8" = 1'-0"

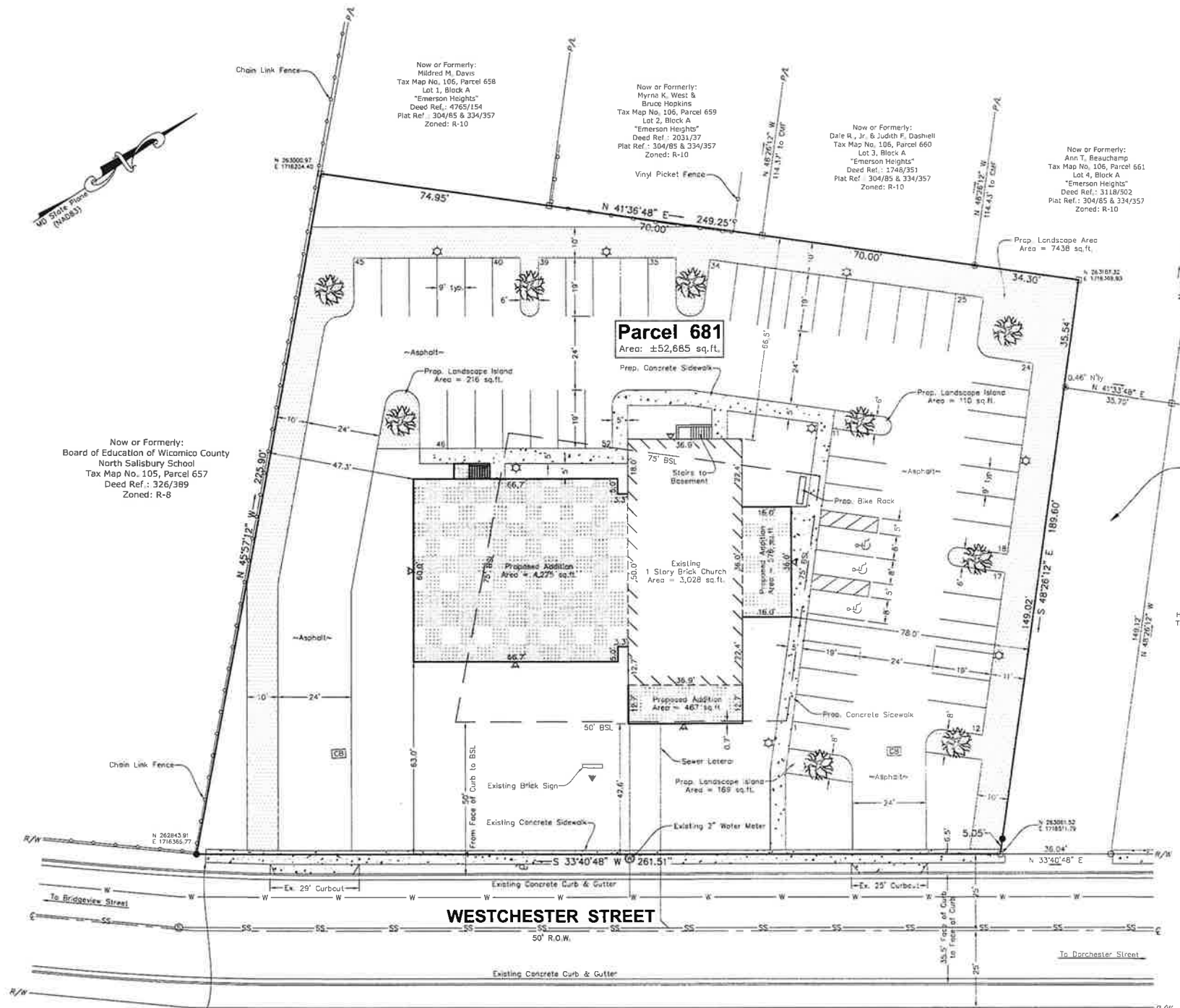
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**The
Hauseman
Group**
ARCHITECTURE • PLANNING • INTERIORS
360 Saddle Creek Circle
Roswell, GA 30075

PROJECT:
Proposed Additions and Alterations for
Cristo Vive Asser
Savannah

COMM
DATE
DWN

Attachment 3



Now or Formerly:
Mildred M. Davis
Tax Map No. 105, Parcel 658
Lot 1, Block A
"Emerson Heights"
Deed Ref.: 4765/154
Plat Ref.: 304/85 & 334/357
Zoned: R-10

Now or Formerly:
Myrno K. West &
Bruce Hopkins
Tax Map No. 105, Parcel 659
Lot 2, Block A
"Emerson Heights"
Deed Ref.: 2031/37
Plat Ref.: 304/85 & 334/357
Zoned: R-10

Now or Formerly:
Dale R., Jr. & Judith F. Dashiell
Tax Map No. 105, Parcel 660
Lot 3, Block A
"Emerson Heights"
Deed Ref.: 2748/351
Plat Ref.: 304/85 & 334/357
Zoned: R-10

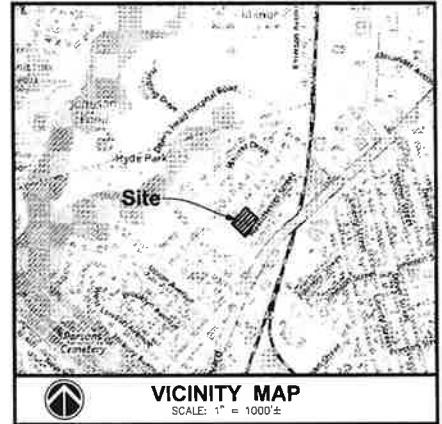
Now or Formerly:
Ann T. Beauchamp
Tax Map No. 105, Parcel 661
Lot 4, Block A
"Emerson Heights"
Deed Ref.: 3118/502
Plat Ref.: 304/85 & 334/357
Zoned: R-10

Now or Formerly:
Kristol Breon-More Cannon
Tax Map No. 105, Parcel 662
Lot 5, Block A
"Emerson Heights"
Deed Ref.: 4651/14
Plat Ref.: 304/85
Zoned: R-10

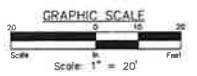
Now or Formerly:
Board of Education of Wicomico County
North Salisbury School
Tax Map No. 105, Parcel 657
Deed Ref.: 376/389
Zoned: R-B

Now or Formerly:
Harry, Jr. & Virginia L. Lloyd
Tax Map No. 105, Parcel 680
Part of Lot 10, Block A
"Emerson Heights"
Deed Ref.: 3775/398
Plat Ref.: 304/85
Zoned: R-10

Now or Formerly:
Harry, Jr. & Virginia L. Lloyd
Tax Map No. 105, Parcel 680
Lot 11, Block A
"Emerson Heights"
Deed Ref.: 3775/398
Plat Ref.: 304/85
Zoned: R-10



- SITE NOTES**
- OWNER:
Potomac Council of Assembly of God
c/o First Assembly of God
P.O. Box 2913
Salisbury, MD 21801
 - Tax Map No. 105, Grid 7, Parcel 681
 - Deed Ref.: 657/535
 - Plat Ref.: JWTS 304/85, JWTS 334/357 & JBM 17/471
 - Site Address: 1306 Westchester Street
Salisbury, MD 21801
 - Zoned: R-10
 - Setbacks: Front = 50'
Side = 75'
Rear = 75'
 - The existing building is nonconforming to the setbacks and a variance will be requested for the addition.
 - Area = ±52,685 sq.ft. (±1,209 Acres)
 - By scaled map location and graphic plotting only, the subject property appears to lie entirely in Zone X (Areas determined to be outside the 0.2% annual chance floodplain) according to the Flood Insurance Rate Map for City of Salisbury, Wicomico County, MD, Community Panel No. 2444500114C, Effective Date August 17, 2015.
 - Based on the Maryland Environmental Resources and Land Information Network (MERLIN) this site does not lie within the Chesapeake Bay Critical Area and does not contain wetlands.
 - Coordinates are based on Maryland State Plane (NAD83).
 - Existing Impervious Area:
Building = 3440 sq.ft.
Shed = 143 sq.ft.
Concrete Pads & Walks = 1909 sq.ft.
Total Impervious Area = 5492 sq.ft.
Proposed Impervious Area = 13651 sq.ft. (26.5%)
 - Developed Impervious Area:
Building = 8296 sq.ft.
Concrete Pads & Walks = 1979 sq.ft.
Asphalt Pavement = 2137 sq.ft.
TOTAL = 12412 sq.ft. (60.0%)
Increase of = 17651 sq.ft. (33.5%)
 - Required Parking: 1 space per 4 seats
250 seats/4 = 63 spaces
 - Provided Parking:
49 Standard (9'x19')
3 Handicap
56 spaces provided off-site at school 500' away
85 TOTAL
 - Required Landscape Area = 21351 sq.ft. (10%) = 2135 sq.ft.
Provided Landscape Area = 7933 sq.ft.
 - All property line dimensions are from property corner to property corner. In places where existing monumentation does not correspond with the property corner a distance and direction from the property corner to the monument (example: 0.50' N1/2) has been added to the monument. Coordinates shown correspond to property corners.



LEGEND

R/W	RIGHT-OF-WAY LINE
E	CENTERLINE OF ROAD
P/L	PROPERTY LINE
□	CONCRETE MONUMENT FOUND
○	IRON ROD FOUND
●	IRON ROD w/ CAP SET
○	PROPERTY CORNER
⊙	WATER METER
⊕	UTILITY POLE
⊞	CATCH BASIN
⊗	SEWER MANHOLE
SS	SANITARY SEWER LINE
W	WATER MAIN
---	BUILDING SETBACK LINE
▨	CONCRETE PADS AND SIDEWALKS
▨	PROPOSED BUILDING ADDITION
▨	PROPOSED NO PARKING AREA
♿	PROPOSED HANDICAP SPACE
⊙	PROPOSED LANDSCAPE AREAS
⊙	PROPOSED SHADE TREE (9 TOTAL)
⊙	PROPOSED LIGHT POLE
⊙	PROPOSED GROUND LIGHT
⊙	PROPOSED WALL-MOUNTED LIGHT

SURVEYOR'S CERTIFICATION
I hereby certify that I have made a site plan/survey of the property shown for the purpose of locating the improvements thereon only and that they are as shown. This plat is not intended for use in establishing the property lines.

George E. Young, III
Professional Land Surveyor, MD No. 10854
Expiration Date: 04/07/2024

Date: 4/12/23



SITE PLAN
OF THE LANDS OF
POTOMAC COUNCIL OF ASSEMBLY OF GOD
LOTS 7-9 & PARTS OF 1-4 & 10
BLOCK A, "EMERSON HEIGHTS"
CITY OF SALISBURY
SALISBURY ELECTION DISTRICT
WICOMICO COUNTY, MARYLAND

GEORGE E. YOUNG, III, P.C.
DBA HAMPSHIRE, HAMPSHIRE & ANDREWS
720 E. College Avenue, Unit D
Salisbury, MD 21804
Ph: 410-742-4673
Email: hhaine@comcast.net

JOB NUMBER: SM-21031	SCALE: 1" = 20'
DRAWN BY: MPB	DATE: May 2022
COMPUTED BY: AVF	DATE: May 2022
CHECKED BY:	DATE:
DATE PLOTTED: 4/12/2023	SHEET NO.: 2 of 2

Re: Cristo Vive Church Potomac Assembly of God – Variance

City Project #22-024

PLANNING COMMENTS

1. Using the same numbering, provide a point-by-point response letter to the comments contained in this letter. The response letter, on standard letter size paper only, must accompany additional submittal(s) to this office. The response letter should also contain a description and reference to any changes and/or additions made other than those responding to our comments. The response letter, one set of plans and PDF files of each are to be delivered to DID, attention Development Coordinator; Jessica Crenshaw.
2. Please revise the agreement to identify also who is responsible for the maintenance of the off-site parking and details regarding using church as an emergency shelter if necessary. This information was mentioned but not stated on the agreement. Please be advised the joint parking use and agreement must be approved by the Board of Zoning Appeals and further recorded in the land records of Wicomico County. **Revised to include the responsibility of maintaining each parking lot will be that of the owner of the respective parcel.**
3. The setbacks for the building addition is (50' front, 75' side and rear. Please update the site data table to show this and note that the current building is nonconforming to the setbacks and that a variance will be requested for the addition. The Planning Division would support a variance in this case because the addition does not encroach any nearer to the surrounding residential properties. **Noted on site plan (Site Notes 7 & 8).**
4. The following comments were not specifically addressed with this resubmittal:
 - a. Lighting: Lighting shall be designed so as not to throw glare onto adjoining property. Please provide information on how this will be achieved. This comment was not addressed at 1st review. **Provided lighting will be in the form of light poles and wall packs where the intended light output will be directed towards the ground.**
5. The following comments are in regard to City code section 17.220.020. While not required to be shown for the Board of Zoning Appeal submittal, please acknowledge they will be addressed when submitted for Engineering review.

a. Show that each interior landscaped island will provide a shade tree at minimum. **Shown on Site Plan.**

b. No less than 10% of the parking lot shall be landscaped. **Currently 37% of the proposed parking lot has landscaping.**

6. Show the water and sewer lines on the existing and proposed site plan. **Shown on Existing Conditions and Site Plan.**

7. Show the existing meter size on the existing plan. **Shown on Existing Conditions Plan.**

**Cristo Vive Church
1306 Westchester Street
Salisbury, MD 21801**

**Wicomico County
North Salisbury School
1213 Emerson Avenue
Salisbury, MD 21801**

North Salisbury School agrees to allow the school parking lot to be used for overflow parking on Sundays. Cristo Vive Church agrees to allow their facilities to be used as emergency shelter if needed by the school.

Carlberto Cervera
Signature

Carlberto Cervera Pastor
Printed Name

Pastor
Title

9/29/22
Date

Kimberly D. Pinhey
Signature

KIMBERLY D. PINHEY
Printed Name

PRINCIPAL
Title

9/30/2022
Date

City of Salisbury

Board of Appeals

Meeting May 4, 2023

*City County Government Office Building
Convene 6:00 pm, Room 301*

Staff Findings

CASE NO: #CE-22-3347

APPLICANT: Taino Investments Group, LLC/Habacuc Petion

SUBJECT PROPERTY: 600 E. Church Street

REQUEST: Overturn the Housing Official's requirement to demolish the subject structure.

APPEAL SUBMITTED: 7/29/22

INVESTIGATING OFFICER(S): Ryan Hardesty, Code Enforcement Officer

DESCRIPTION OF PROPERTY: 4,032 sq. ft. lot, with 1,856 sq. ft. residential structure

APPLICABLE PORTIONS OF THE SALISBURY PROPERTY MAINTENANCE CODE:

Article VIII - Unsafe Structures and Equipment

15.24.280 General.

When a structure or equipment is found by the housing official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provision of this Code and declared a public nuisance.

- A. **Unsafe Structure.** An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is likely.
- B. **Unsafe Equipment.** Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public occupants of the premises or structure.
- C. **Structures Unfit for Human Occupancy.** A structure is unfit for human occupancy whenever the housing official finds that such structure is unsafe, unlawful or, is in disrepair or lacks required maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code.
- D. **Unlawful Structure.** An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.
- E. An unlawful structure which is ordered to be "vacated or condemned" shall in the case of a dwelling, be permanently reduced to the maximum occupancy allowed for the applicable conforming use, with no additional occupants permitted pursuant to the dwelling's status as a nonconforming use.

(Ord. 1974 (part), 2005; Ord. 1959 (part), 2005; Ord. 1665 Exh. A (part), 1997)

(Ord. No. 2313, 3-9-2015; Ord. No. 2360, 11-9-2015)

Article IX - Demolition

15.24.330 General.

The housing official shall order the owner of any premises upon which is located any structure which is so dilapidated, so out of repair as to be dangerous, that it has been designated unfit for human habitation, unsafe, unsanitary, has been condemned, and has not been put into proper repair after given sufficient notice to repair, to raze and remove the structure in its entirety. An order to repair may be satisfied by demolition.

(Ord. 2017 § 2 (part), 2006: Ord. 1974 (part), 2005: Ord. 1665 Exh. A (part), 1997)

(Ord. No. 2360, 11-9-2015)

SEQUENCE OF EVENTS:

- March 31, 2022 – Condemnation Order issued by Code Enforcement Officer Ryan Hardesty
- July 6, 2022 –Demolition order issued by Code Enforcement Officer Ryan Hardesty.
- July 29, 2022 – HBAA appeal submitted to HCDD

Prepared By;
Trish Warrington, Administrative Assistant
Housing & Community Development Department

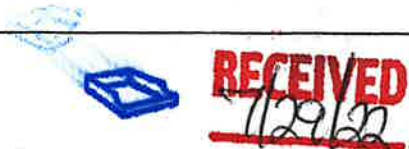
HOUSING BOARD OF ADJUSTMENTS AND APPEALS

207 W. Main St., Suite 102
SALISBURY, MARYLAND 21801

TO: Housing Board of Adjustments & Appeals

FROM: Director, Department of Neighborhood Services & Code Compliance

DATE:



In accordance with Article X, Sec. 15.24.390 of the City of Salisbury Property Maintenance Code, Ordinance No. 1665, I hereby request a hearing before the Salisbury Housing Board of Adjustments and Appeals to consider my appeal from the City's Building Official.

In making my appeal, the following information is hereby provided:

1. Appeal of Tanio Investment Group, LLC Print Name
Phone # 443-365-0874
Address 423 Decatur Ave Salisbury Md 21804
Street City State Zip

The following names and addresses of all appellants who will participate in the appeal:

- A. Name Hebacauc Petion Phone # _____
Address 423 Decatur Ave. Salisbury, Md. 21804
- B. Name Andrel Pointdujourn Phone # 443-365-0874
Address 31 Charles Street, Salisbury, Md. 21804
- C. Attorney Representing Applicant:
Name Dale E. Watson Phone # 410-546-4684
Address 906 Eastern Shore, Drive, Salisbury Maryland 21804

2. The following is a brief statement setting forth my legal interest and of the other appellants in the building or the land involved in the notice and order dated 7/6/22; relative to the premises located at 600 E Church St. Salisbury, Maryland 21804
Tanio Investment Group LLC is a Maryland
LLC that owns title to the Real Estate and
Improvements

3. The following is a brief statement in ordinary and concise language of the specific order or action protested, together with any material facts claimed to support the contentions of the appellant.

and Ref Code 15-24.350

Code Section 15.24.330 that asserts that the structure is dilapidated, soot of repair or to be dangerous etc. A order of repair can be satisfied by Demolition. Said applicant would like to repair the structure to make it habitable. (See attached letter)

4. The following is a brief statement in ordinary and concise language of the relief being sought, and the reasons why it is claimed the protested order or action should be reversed, modified, or otherwise set aside.

Appellants are requesting that the order be reversed and the manufacturer to restore the structure to livable status. Appellant would like to work with city officials to make this happen.

5. The following are signatures of all parties named as appellants, and their official mailing address and phone number:

Name Andreal Poynting Phone # 443-365-0874
Address 311 Charles Street, Salisbury, Md. 21804
Name Habecue Peters Phone # _____
Address 423 Pecatur, Salisbury, Md. 21804
Name _____ Phone # _____
Address _____

I, (we), hereby declare and certify under penalty of perjury that the above statements are true as stated herein.

Dale E. Watson, Attorney 2/20/22
Signature _____ Date _____
Gar Fund Investment Corp LLC



City of
Salisbury
Jacob R. Day, Mayor

Housing & Community Development Department
207 W. Main St., Suite 102 Salisbury, MD 21801
410-341-9550 (fax) 410-341-3682
www.salisbury.md

07/06/2022

Case Number: CE-22-3347

TANIO INVESTMENT GROUP LLC
423 DECATUR AVE
SALISBURY, MD 21804

RE: 600 E CHURCH ST, Salisbury, MD, 21804

Dear TANIO INVESTMENT GROUP LLC:

You are hereby notified that an inspection of the above referenced property indicates that you are in violation of the **City Property Maintenance Code** as noted below. A copy of this letter was posted at the referenced property on **07/06/2022**.

Municipal Code	Description	Resolutions
15.24.330	The housing or building official shall order the owner of any premises upon which is located any structure which is so dilapidated, so out of repair as to be dangerous, has been designated unfit for human habitation, unsafe, unsanitary, has been condemned, and has not been put into proper repair after given sufficient notice to repair, to raze and remove the structure in its entirety. An order to repair maybe satisfied by demolition. Reference City Code(s) 15.24.350	Demolish entire designated and/or referenced structure(s).

You are requested to correct the violation(s) listed above before **09/04/2022**. Failure to comply with this letter will cause the City to take appropriate action.

Any appeal of this decision may be made to the **Housing Board of Adjustments and Appeals**. A formal application is available upon request at the Housing & Community Development Department. This application shall be made **within twenty-one (21) days** from the date of this notice.

Failure to comply with this notice may result in a municipal infraction citation being issued. If a citation is issued, the fine will range from \$25.00 to \$1,000.00 depending on the type of violation. If the violation continues after a citation is issued, additional citations may be issued and the amount of the fine may increase. A \$100.00 re-inspection fee will be assessed if the violation continues after the above compliance date. If subsequent re-inspections are needed, the re-inspection fee may increase by \$100.00.

If you should have any questions, please call this office between 8:00 a.m. to 5:00 p.m., Monday through Friday at (410) 341-9550. Your cooperation is greatly appreciated.

Sincerely,
Ryan Hardesty
Code Enforcement Officer

Demo
Case**Case #CE-22-3347 Open**

Created on July 6, 2022 by Ryan Hardesty

Multi-Notice HTML --	Case Age 288 Days	Hours Logged 0.00 Hours	Case Initiation Proactive	Assigned to Ryan Hardesty
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5

[Case Notes](#)**Location** 600 E CHURCH ST, Salisbury, MD 21804**Street Address**

600 E CHURCH ST

City

Salisbury

State

MD

Zip

21804

APN

2305021057

Assessor's Address600 E CHURCH ST,
SALISBURY, MD 21804**SPD Beat**

G030

Zone 2

R5

Flagged?

No

Census Tract**Block Group****LowModPct****CDBG Eligible?**

No

CDBG Approved?

Yes

Owner Name

LEONARD JAMES R

Owner's Address327 PENN STREET,
SALISBURY, MD 21801**Owner's Mailing Address**327 PENN STREET,
SALISBURY, MD 21801**Abatement Activities****Case Created** Jul 06, 2022

Created by Ryan Hardesty

Multi-Notice HTML -- Jul 06, 2022

Verification Inspection Completed on Jul 06, 2022 by Ryan Hardesty

Inspection Note

Demo order issued. 60 day compliance date.

Follow-up Inspection 1

Due on Sep 04, 2023 | Assigned to Ryan Hardesty | Modified on Apr 03, 2023 by Ryan Hardesty

Violations (1)

**15.24.330
Demolition
Order**

15.24.330 | Comply
By 30 days

The housing or building official shall order the owner of any premises upon which is located any structure which is so dilapidated, so out of repair as to be dangerous, has been designated unfit for human habitation, unsafe, unsanitary, has been condemned, and has not been put into proper repair after given sufficient notice to repair, to raze and remove the structure in its entirety. An order to repair maybe satisfied by demolition. Reference City Code(s) 15.24.350

Applied on
Jul 06, 2022 by
Ryan Hardesty

Comply by
Sep 04, 2022

Open, non-compliant

Contacts (1)

TAINO

INVESTMENT GROUP LLC 423 DECATUR
AVESALISBURY, MD
Property Owner

443-365-0874

Bill To Contact

Notes (5)

I served the resident agent (Habucuc Petion) with the Demo order at 225 N Division St on 7/7/22. I posted a public notice sign with the demo order on in the front yard 7/8/22.

Added on Jul 08, 2022 12:08 PM by Ryan Hardesty

Owner has filed an appeal.

Added on Sep 28, 2022 12:24 PM by Ryan Hardesty

Appeal still on hold due to no appeal board

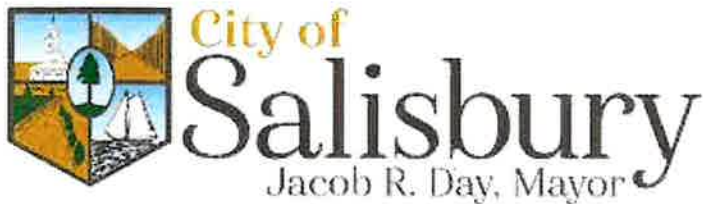
Added on Jan 10, 2023 01:10 PM by Ryan Hardesty

I spoke to the owner 3/27/23 and he is supposed to be applying for a demo permit at Chads office

Added on Mar 28, 2023 03:02 PM by Ryan Hardesty

Per Chad, Andrei came in today to get a demo permit. Andrei asked for 2 years to do the work and Chad called me to see if that was ok. Mike said 6 months. If work is not done in that time frame then we will take it down.

Added on Apr 03, 2023 03:21 PM by Ryan Hardesty



Housing & Community Development Department
 207 W. Main St., Suite 102 Salisbury, MD 21801
 410-341-9550 (fax) 410-341-3682
 www.salisbury.md

03/31/2022

Case Number: CE-22-1139

TANIO INVESTMENT GROUP LLC
 423 DECATUR AVE
 SALISBURY, MD 21804

RE: 600 E CHURCH ST, Salisbury, MD, 21804

Dear TANIO INVESTMENT GROUP LLC:

You are hereby notified that an inspection of the above referenced property indicates that you are in violation of the **City Property Maintenance Code** as noted below. A copy of this letter was posted at the referenced property on **03/31/2022**.

Municipal Code	Description	Resolutions
15.24.280 A, B, C, D, E.	When a structure or equipment is found by the Housing Official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code and declared a public nuisance. A. Unsafe Structure. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is likely. B. Unsafe Equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public occupants of the premises or structure. C. Structures Unfit for Human Occupancy. A structure is unfit for human occupancy whenever the building official finds that such structure is unsafe, unlawful or, is in disrepair or lacks required maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code. D. Unlawful Structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law. E. An unlawful structure which is ordered to be "vacated or condemned" shall, in the appropriate zones, be permanently	Bring structure back into a lawful, fit and/or safe condition. Please contact D.I.D. at 410-548-3130 to obtain the proper building permits before starting repairs. Property condemned due to structure being in disrepair and unsafe. REGISTER PROPERTY AS VACANT BY 4/30/22. SUBMIT APPROVED REHAB PLAN TO HCDD BY 5/30/22.

Municipal Code	Description	Resolutions
	reduced to an occupancy of two unrelated persons, not including the children of either of them.	

You are requested to correct the violation(s) listed above before **04/30/2022**. Failure to comply with this letter will cause the City to take appropriate action.

Any appeal of this decision may be made to the **Housing Board of Adjustments and Appeals**. A formal application is available upon request at the Housing & Community Development Department. This application shall be made **within twenty-one (21) days** from the date of this notice.

Failure to comply with this notice may result in a municipal infraction citation being issued. If a citation is issued, the fine will range from \$25.00 to \$1,000.00 depending on the type of violation. If the violation continues after a citation is issued, additional citations may be issued and the amount of the fine may increase. A \$100.00 re-inspection fee will be assessed if the violation continues after the above compliance date. If subsequent re-inspections are needed, the re-inspection fee may increase by \$100.00.

If you should have any questions, please call this office between 8:00 a.m. to 5:00 p.m., Monday through Friday at (410) 341-9550. Your cooperation is greatly appreciated.

Sincerely,
 Ryan Hardesty
 Code Enforcement Officer

Condemn
Case

Case #CE-22-1139 Open

Created on March 31, 2022 by Ryan Hardesty

Multi-Notice HTML -- **Case Age** 385 Days **Hours Logged** 0.00 Hours **Case Initiation** Proactive **Assigned to** Ryan Hardesty

9

[Case Notes](#)

Location 600 E CHURCH ST, Salisbury, MD 21804

Street Address 600 E CHURCH ST	City Salisbury	State MD	
Zip 21804	APN 2305021057	Assessor's Address 600 E CHURCH ST, SALISBURY, MD 21804	
SPD Beat G030	Zone 2 old R5		
Flagged? No	Census Tract	Block Group	LowModPct
CDBG Eligible? No	CDBG Approved? Yes		
Owner Name LEONARD JAMES R	Owner's Address 327 PENN STREET, SALISBURY, MD 21801	Owner's Mailing Address 327 PENN STREET, SALISBURY, MD 21801	

Abatement Activities

Case Created Mar 31, 2022
Created by Ryan Hardesty

Multi-Notice HTML -- Mar 31, 2022
Verification Inspection Completed on Mar 31, 2022 by Ryan Hardesty

Inspection Note

condemned due to property being in disrepair and unsafe.

Follow-up Inspection 1

Due on Mar 31, 2023 | Assigned to Ryan Hardesty | Modified on Mar 28, 2023 by Ryan Hardesty

Violations (1)

15.24.280 A-E. 15.24.280 | Comply
Condemnation A, B, C, D, By 30
Order E. days

When a structure or equipment is found by the Housing Official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code and declared a public nuisance. A. Unsafe Structure. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is likely. B. Unsafe Equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public occupants of the premises or structure. C. Structures Unfit for Human Occupancy. A structure is unfit for human occupancy whenever the building official finds that such structure is unsafe, unlawful or, is in disrepair or lacks required maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code. D. Unlawful Structure. An unlawful

Applied on
Mar 31, 2022 by
Ryan Hardesty

Comply by
Apr 30, 2022

Open, non-compliant

structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law. E. An unlawful structure which is ordered to be "vacated or condemned" shall, in the appropriate zones, be permanently reduced to an occupancy of two unrelated persons, not including the children of either of them.

Contacts (1)

TAINO

INVESTMENT GROUP LLC 423 DECATUR AVESALISBURY, MD
Property Owner

443-365-0874

Bill To Contact

Notes (9)

29791

Added on Jun 24, 2022 03:38 PM by Amber Eure

I served the resident agent (Habacuc Petion) with the citations 7/8/22. He refused to sign so I wrote "refused to sign" on the citation and gave him the yellow copies.

Added on Jul 08, 2022 12:10 PM by Ryan Hardesty

Met with the property owner Andrel and his attorney. They would like to appeal the demo. Put in an appeal application.

Added on Aug 18, 2022 02:11 PM by Ryan Hardesty

sent to court

Added on Sep 13, 2022 09:33 AM by Amber Eure

Dan gave 30 day extension

Added on Nov 17, 2022 09:08 AM by Ryan Hardesty

12/1/22- Owner brought in a rehab plan

12/5/22- I spoke to the owner and told him that his rehab plan was not approved. He was upset and said he was

going down to the Building Dept to apply for a permit. Bev called down to our office and said the owner was down there trying to apply for a roof permit. They sent him to our office where Dan spoke with him and told him his Rehab plan did not meet our requirements and we were not going to let him have a building permit. The owner ended up taking the Rehab plan with him so I no longer have a copy.

Added on Dec 05, 2022 12:12 PM by Ryan Hardesty

went to court dismissed 4Z46710262
30 days to submit rehab plan for other citation changed fu date

Added on Jan 05, 2023 12:12 PM by Amber Eure

Paid citations fees

Added on Jan 18, 2023 03:05 PM by Amber Eure

Spoke to owner 3/27/23 and he is planning on getting a demo permit

Added on Mar 28, 2023 03:07 PM by Ryan Hardesty

Real Property Data Search ()

Search Result for WICOMICO COUNTY

[View Map](#)[View GroundRent Redemption](#)[View GroundRent Registration](#)**Special Tax Recapture: None****Account Identifier:** District - 05 Account Number - 021057**Owner Information**

Owner Name: TAINO INVESTMENTS GROUP LLC **Use:** RESIDENTIAL
Mailing Address: 423 DECATUR AVE **Principal Residence:** NO
 SALISBURY MD 21804- **Deed Reference:** /05062/ 00498

Location & Structure Information

Premises Address: 600 E CHURCH ST **Legal Description:** 4,032 SQFT
 SALISBURY 21801-0000 600 E CHURCH ST
 CITY OF SALIS

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0108	0008	1164	5130168.23	0000				2022	Plat Ref:

Town: SALISBURY

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1925	1,856 SF		4,032 SF	

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
2	NO	STANDARD UNIT	SIDING/	2	2 full		

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2022	07/01/2022	07/01/2023
Land:	7,500	7,500		
Improvements	41,800	69,600		
Total:	49,300	77,100	58,567	67,833
Preferential Land:	0	0		

Transfer Information

Seller: LEONARD JAMES R	Date: 03/21/2022	Price: \$49,300
Type: ARMS LENGTH IMPROVED	Deed1: /05062/ 00498	Deed2:
Seller: BUNN, ROBERT R & CATHERINE S	Date: 10/30/1984	Price: \$30,000
Type: ARMS LENGTH IMPROVED	Deed1: /01023/ 00378	Deed2:
Seller: SMITH, R CLYDE & BETTY E	Date: 03/31/1975	Price: \$19,000
Type: ARMS LENGTH IMPROVED	Deed1: /00835/ 00016	Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2022	07/01/2023
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00 0.00	0.00 0.00

Special Tax Recapture: None**Homestead Application Information****Homestead Application Status:** No Application**Homeowners' Tax Credit Application Information****Homeowners' Tax Credit Application Status:** No Application**Date:**