



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

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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.



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:



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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