



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

MINUTES

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

BOARD MEMBERS:

Shawn Jester, Chair
William Hill
Maurice Ngwaba

Miya Horsey
D'Shawn Doughty

Edward Torbert (Present, did not sit for case)
Sandeep Gopalan, Vice Chair (Absent)

CITY STAFF:

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

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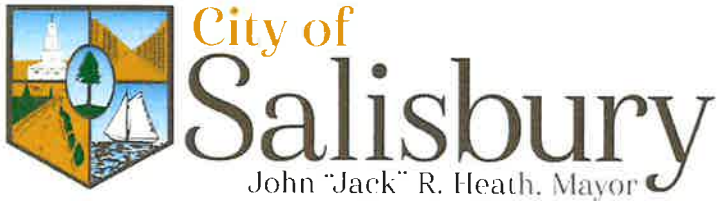
Mr. Jester, Chair, called the meeting to order at 6:03 p.m.

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MINUTES:

Upon a motion by Mr. Doughty, seconded by Mr. Ngwaba, and duly carried, the Board **APPROVED** the May 4, 2023 minutes with the amendment that Mr. Jester voted nay to the motion for Cristo Vive Church.

Mr. Hill and Ms. Horsey abstained from the vote.



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ADOPTION OF BOA RULES & PROCEDURES.

Upon a motion by Mr. Hill, seconded by Mr. Ngwaba, and duly carried, the Board adopted the Board of Appeals Rules and Procedures.

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

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Case #SA-23-618 Parker & Associates, Inc. on behalf of Salisbury 77 LLC – Special Exception to Increase Density to 22.85 units per acre – Mill Pond Village Phase III – General Commercial District.

Mr. Brock Parker came forward. Mr. Eure presented the Staff Report and all accompanying documentation into the record. Mr. Eure explained that the applicant requests permission to construct an eighty (80) unit apartment building on the existing lot. A Special Exception is requested to increase the density to 22.85 units per acre.

Mr. Parker expressed Mr. Markofsky's regrets that he could not attend the meeting. He explained that Mr. Markofsky has built several projects in Salisbury to include Mill Pond Village Apartments, Mill Pond Village Plaza, Addison Court Apartments, as well as several others. The proposed building is identical to the buildings in Addison Court Apartments, to include a four-story apartment building with elevators and enclosed hallways. Mr. Parker further explained that the removal of the property line might be problematic due to today's interest rates. The larger building is possible because the amenities for Mill Pond Apartments are already available on the other parcel. The Planning Commission at the May 2023 meeting granted Preliminary Comprehensive Development Plan approval for this project.

Mr. Jester moved the Staff Report and attachments into the record.

Mr. Ngwaba thanked Mr. Eure for the detailed Staff Report. He wanted to confirm that the density calculations were based on the individual parcel and all phases of the Mill Pond Village Apartment Complex. Mr. Eure verified the density calculations that were discussed in the Staff Report.



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Mr. Doughty questioned if there would be an access point from Mill Pond Lane. Mr. Parker responded that the Fire Department would like to see a second access from Jasmine Dive to the building but the discussion is still ongoing with the Department of Infrastructure and Development. Mr. Markofsky does not want a second entrance off Jasmine Drive.

Mr. Hill questioned Ms. Hay regarding the granting of the Special Exception and if the density becomes a use by right. Ms. Hay responded that the granting of the Special Exception allows the increased density for this parcel.

Mr. Jester questioned if the only reason that the lots have not been combined is due to financing. Mr. Parker responded in the affirmative. Mr. Jester questioned if the existing buildings in Mill Pond Apartments have elevators. Mr. Parker responded in the negative, explaining that the proposed building will mimic the buildings that were constructed at Addison Court. He added that both Mill Pond Apartments and Addison Court Apartments are currently 99-percent leased.

Upon a motion by Mr. Ngwaba, seconded by Mr. Torbert, and duly carried, the Board **APPROVED** the requested Special Exception to increase the density to 22.85 units per acre, based on Section V (c) of the Staff Report.

The Board vote was as follows:

D'Shawn Doughty	Aye
Maurice Ngwaba	Aye
William Hill	Aye
Miya Horsey	Aye
Shawn Jester	Aye

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Mr. Soper explained that there are currently no zoning cases for August.



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ADJOURNMENT

With no further business, the meeting was adjourned at 6:31 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.

Shawn Jester, Chairman

Richard Baldwin, Secretary to the Board

Beverly R. Tull, Recording Secretary