



MINUTES

The Salisbury Board of Appeals met in regular session on April 4, 2024, in Room 301, Government Office Building at 6:00 p.m. with attendance as follows:

BOARD MEMBERS:

Shawn Jester, Chair
Sandeep Gopalan, Vice Chair
Edward Torbert
William Hill
Maurice Ngwaba

CITY STAFF:

Henry Eure, Senior Planner
Beverly Tull, Recording Secretary
Laura Ryan, City Solicitor

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Mr. Jester called the meeting to order at 6:00 p.m.

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MINUTES:

Upon a motion by Mr. Hill, seconded by Mr. Torbert, and duly carried, the Board **APPROVED** the minutes of the December 7, 2023 meeting. Upon a motion by Mr. Hill, seconded by Mr. Ngwaba, and duly carried, the Board **APPROVED** the minutes of the January 4, 2024 meeting. Due to lack of a quorum, the Board postponed the minutes of the February 1, 2024 minutes until the next meeting.

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

Case #202400342 – William Gray, on behalf of Onal Koksa Can – Special Exception to Operate an Outdoor Storage Yard at 423-425 E. Vine Street – General Commercial District.

Mr. William Gray and Mr. Omar Bayer came forward. Mr. Eure presented the Staff Report and all accompanying documentation into the record. Mr. Eure explained that the applicant requested to utilize the rear of the property for outdoor storage. Board approval of a special exception for an outdoor storage yard is requested.

Mr. Jester moved the Staff Report into the record.

Mr. Gray stated that the property has a fence on three (3) sides and that he would cover the neighbor's fence along the back to be in compliance with the requirements of the Code.

Mr. Torbert questioned how long the temporary storage would be. Mr. Gray responded that the vehicles would be on the lot for roughly 30 days, based on the insurance company. Mr. Torbert questioned if there was access to the fenced in area, specifically for the Fire Department. Mr. Gray responded that the vehicles would be spaced out and the EV vehicles have special regulations that must be met. He added that his son would be living next door.

Mr. Hill questioned what was located to the rear of the property. Mr. Gray responded that Caliber Collision is located directly behind the property.

Mr. Jester questioned Mr. Gray if he was agreeable to the screening condition in the Staff Report. Mr. Gray responded in the affirmative.

Mr. Ngwaba questioned the location of the gate to the property. Mr. Gray demonstrated the location on the map in the Staff Report.

Upon a motion by Mr. Gopalan, seconded by Mr. Ngwaba, and duly carried, the Board **APPROVED** the Special Exception to operate an outdoor storage yard at 423-425 E. Vine Street, based on the criteria listed in the Staff Report, particularly the criteria listed in Section V(c), and subject to the following Condition of Approval:

CONDITION:

1. Provide screening at the rear of the property as required by the Salisbury Zoning Code.



The Board vote was as follows:

Edward Torbert	Aye
Sandeep Gopalan	Aye
Maurice Ngwaba	Aye
William Hill	Aye
Shawn Jester	Aye

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DISCUSSION – SALISBURY BOARD OF APPEALS HANDBOOK AMENDMENTS.

Mrs. Ryan discussed that proposed amendments to the Salisbury Board of Appeals Handbook. She specifically pointed out the added language about the Pretrial Rules. These amendments must be voted on by the Board at a future meeting and then sent to the City Council to be adopted. There is no deadline to have the updated Handbook adopted.

Mr. Ngwaba questioned Mrs. Ryan regarding the pretrial changes. Mrs. Ryan explained that there are many procedures in the Code that should more appropriately live in the Board of Appeals Handbook.

Mr. Hill noted that the Board has been operating without these changes and questioned if something had triggered the proposed changes. Mrs. Ryan responded that it had always been the intention to update the Handbook once the Board had some cases under its belt. She added that it's customary for Board's to have pretrial rules, which gives the Board and the public time to review the material.

Mr. Eure discussed the submission requirements, explaining that the application must submit 30 days before the meeting. He added that it is rare to receive information from the public in advance of the meeting.

Mr. Hill stated that he was concerned about creating a solution for a problem that doesn't exist expect on rare occasions.

Mr. Gopalan questioned if the Staff requested the time limit. Mr. Eure responded in the negative. Mr. Gopalan stated that the intent of the Board is to encourage public input.

Mrs. Ryan reiterated that the language came from the original Handbook and Code.

Mr. Gopalan questioned why the mandate was being imposed since there is nothing in the Code. Mr. Jester stated that the past Code did say that materials should be submitted 10 days before the meeting, but it wasn't enforced. Mrs. Ryan responded that the changes to the Handbook are for rules to be more specific for the Board. She added that both the Board and the City Council have to adopt the changes to the Handbook.



Mr. Ngwaba stated that the Board is here for the public input and the changes don't bode well. Mrs. Ryan responded that the Board can adopt what they want and make the changes to the proposed amendments to the Handbook.

Mr. Torbert questioned if pretrial rules were normal in other Boards in the City of Salisbury. Mrs. Ryan responded that pretrial rules are normal. He questioned if other jurisdictions have pretrial rules. Mrs. Ryan responded in the affirmative, adding that the Board can change the timeline.

Mr. Eure administered the oath to anyone wishing to speak on this matter.

Mrs. Carolyn Wohlgemuth, 1118 Granbys Run, spoke against the changes to the Handbook as they will limit public comment and participation.

Mr. Bob Taylor, N. Park Drive, voiced his concerns about the changes to the Handbook and requested that the meeting packages be made available earlier than a week before the meeting.

Ms. Holly Worthington stated that she supported the other comments that had been made against the suggested changes to the Handbook.

Mr. Torbert left the meeting.

Mrs. Nancy Roisum, 209 Beaverdam Drive, stated that she opposed the changes to the Handbook.

Mr. Jester closed the public comment portion and noted for the record that all comments that were sent to the Staff had been received by the Board members.

Mr. Hill stated that he was not convinced that the requested changes are needed. The applicants should submit ten (10) days before the hearing and the public should not have to meet those requirements. He added that he had never served on a Board that voted on their own rules. Mrs. Ryan responded that the statute that governs the Board of Appeals states that the Board must adopt the rules and the Code states that the Board and the City Council must adopt the Handbook. Mr. Hill suggested changes to the pretrial rules.

Mr. Gopalan stated that the 10 day rule seems too restrictive and stated that 7 days would be okay. He explained that the applicants come to the Board because they have been denied and are asking the Board for help. He suggested striking the entire pretrial section of the Code because the Board is already functioning without it.

Mr. Ngwaba reiterated that the Board should stay with what currently is in place.

Mr. Hill made a motion to strike the 10 day requirement. There was no second and the motion failed.



City of Salisbury

Mr. Gopalan made a motion to strike Section C – pretrial rules – from the Handbook. Mr. Ngwaba seconded the motion.

The Board vote was as follows:

Sandeep Gopalan	Aye
Maurice Ngwaba	Aye
William Hill	Aye
Shawn Jester	Nay

Mr. Gopalan made a motion to accept the Handbook with the amendments made and Section C now being Order of Business. Mr. Hill seconded the motion.

The Board vote was as follows:

Sandeep Gopalan	Aye
Maurice Ngwaba	Aye
William Hill	Aye
Shawn Jester	Aye

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ADJOURNMENT

With no further business, the meeting was adjourned at 7:20 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, Chair

John W. Tull, Secretary to the Board

Beverly R. Tull, Recording Secretary