



City of Salisbury

AGENDA

REGULAR MEETING

March 6, 2025

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

6:00 P.M. - Call to Order – Shawn Jester

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

MINUTES – November 7, 2024.

ZONING PUBLIC HEARINGS: Case #202500177 – Davis, Bowen, & Friedel on behalf of MCAP Salisbury LLC – 1.5 ft Rear Yard Setback Variance – 610 Tressler Drive – PRD #3B – Harbor Pointe Phase III.

Case #202500178 – Davis, Bowen, & Friedel on behalf of MCAP Salisbury LLC – 1.5 ft Rear Yard Setback Variance – 612 Tressler Drive – PRD #3B – Harbor Pointe Phase III.

Case #202500179 – Davis, Bowen, & Friedel on behalf of MCAP Salisbury LLC – 1.5 ft Rear Yard Setback Variance – 618 Tressler Drive – PRD #3B – Harbor Pointe Phase III.

Case #202500180 – Davis, Bowen, & Friedel on behalf of MCAP Salisbury LLC – 1.5 ft Rear Yard Setback Variance – 620 Tressler Drive – PRD #3B – Harbor Pointe Phase III.



Case #202500181 – GMB, LLC, on behalf of The State of Maryland - Department of Health and Mental Hygiene – Enlargement of a Legal Nonconforming Use with a 4,645 sq. ft. Office Addition – 926 Snow Hill Road – R-8 Residential District.

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****PUBLIC INPUT – Public comments as part of the public hearings for each case are welcome but are subject to a time allotment of two (2) minutes per person.**

The Board of Appeals reserves the right to convene in Closed Session as permitted under the Annotated Code of Maryland, General Provisions Article, Section 3-305(b).



MINUTES

The Salisbury Board of Appeals met in regular session on November 7, 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
William Hill
Maurice Ngwaba

ABSENT MEMBERS:

Edward Torbert
Miya Horsey

CITY STAFF:

Henry Eure, Deputy Director
Beverly Tull, Recording Secretary
Laura Ryan, City Solicitor

* * * * *

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

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MINUTES:

Upon a motion by Mr. Gopalan, seconded by Mr. Hill, and duly carried, the Board **APPROVED** the minutes of the October 3, 2024 meeting as submitted.

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



City of Salisbury

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RE: Case #202401104 – CONTINUED - Greenlake Adult Medical Daycare Services, LLC – Special Exception to Operate at Daycare Facility – 224 Phillip Morris Drive – Light Business & Institutional District.

Ms. Annette Dhannie and Mr. Martinez Blake came forward. Mr. Eure presented and entered the Staff Report and all accompanying documentation into the record. Mr. Eure explained that the applicant proposes establishment of an adult daycare service for up to 30 clients. Board approval of a Special Exception for the adult daycare facility is requested.

Ms. Dhannie explained that this service is beneficial to the elderly who are left alone in their homes as it gives them a place to go to get help with medical appointments, labs and medications.

Mr. Ngwaba thanked Mr. Eure for the detailed Staff Report. He questioned Ms. Dhannie if she anticipated the number of clients increasing. Ms. Dhannie responded that the space allows for them to have 30 clients per the State regulations. Mr. Ngwaba questioned who would occupy the offices. Ms. Dhannie responded that the offices would be operated by the Administrator, a nurse, a psychiatric nurse practitioner, a physical therapist, an occupational therapist, and the last office would be used as a quiet room.

Mr. Gopalan questioned Ms. Dhannie if she had run an adult medical daycare before. Ms. Dhannie responded that she is a registered nurse that works with two (2) facilities in Baltimore City and that she has helped someone open a daycare facility. Mr. Gopalan questioned how long Ms. Dhannie had been a registered nurse. Ms. Dhannie responded that she had been a registered nurse for seven (7) years at one (1) facility and approximately three (3) to four (4) years at the other facility. Mr. Gopalan questioned if there were regulations that she had to adhere to. Ms. Dhannie responded that the State has regulations that she must adhere to and that they will do an inspection before she can open. Mr. Gopalan questioned the type of insurance that is needed. Ms. Dhannie responded that the facility would have insurance and some of the professionals will have liability insurance. Mr. Gopalan questioned how the biohazard would be disposed of. Ms. Dhannie responded that there will be a designated area for biohazard waste and a contract with a biohazard company to pick it up for disposal.

Mr. Ngwaba questioned if the exam rooms should have sinks. Ms. Dhannie responded that they are not required to have sinks in the exam rooms but there are plenty of sinks in the bathrooms and breakroom and hand sanitizers will be in the exam rooms. Mr. Eure added that the State will do an inspection and let her know if they will require additional sinks.

Mr. Jester questioned the comment in the Staff Report about the need for these types of facilities. Mr. Eure explained that the comment was strictly Staff's opinion but that there are aging members of the community that could benefit from this type of resource. Ms. Dhannie added that this is a medical daycare and reiterated that they can assist with medications, labs, and medical



appointments.

Mr. Jester questioned if Ms. Dhannie was local. She responded that she is from Odenton, Maryland but has worked all around Maryland and that she couldn't find a medical daycare on the Eastern Shore.

Mr. Jester questioned if there would be an issue hiring nurses to staff the facility as he has heard that there is a nursing shortage. Ms. Dhannie responded that she believes that they will be able to adequately staff the facility with nurses and discussed being able to utilize LPN's and medical assistants. Mr. Jester questioned when they were looking to open the facility. Ms. Dhannie responded in the next few months. Mr. Blake added that he anticipated being able to open in February or March.

Mr. Gopalan questioned if a medical daycare was highly regulated. Ms. Dhannie responded in the affirmative. Mr. Blake added that he had done research and that the partners have the ability to operate this facility even at a partial capacity. He stated that there is not a facility in Salisbury that can do what this facility is offering.

Mr. Jester questioned if the clients would be the same each day. Ms. Dhannie responded in the affirmative and explained that the nurse practitioner would have to do an assessment to determine eligibility, followed by the State doing an assessment to approve the clients admittance to the program. Mr. Jester questioned who would be responsible for the bill. Ms. Dhannie responded that the majority of the clients insurance, Medicaid or Medicare, would be responsible for the bill but there will be some self-pay clients.

Upon a motion by Mr. Gopalan, seconded by Mr. Ngwaba, and duly carried, the Board **APPROVED** the requested Special Exception for Greenlake Adult Medical Daycare Services, LLC for a Daycare Facility for the elderly and handicapped, based on the criteria listed in Section V(c) of the Staff Report.

The Board vote was as follows:

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



City of Salisbury

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ADJOURNMENT

With no further business, the meeting was adjourned at 6:34 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

Nick Voitiuc, Secretary to the Board

Beverly R. Tull, Recording Secretary



STAFF REPORT

MEETING OF MARCH 6, 2025

Case No.: 202500177
Applicant: Davis, Bowen & Friedel, Inc. for MCAP Salisbury LLC
Property Owner: MCAP Salisbury LLC
Location: 610 Tressler Drive
State City Tax Map: #0113
Parcel #1134, Lot #18, Grid #19
Zoning: Planned Residential District No. 3B – Harbor Pointe Phase III
Requests: Rear yard setback variance of 1.5 feet for dwelling

I. SUMMARY OF REQUEST:

The applicants are seeking relief for a dwelling that was constructed within the 40 ft. perimeter setback requirement for Phase III of Harbor Pointe. Board approval of a 1.5 ft. setback variance is requested.

II. ACCESS TO THE SITE AREA:

The property is located and has access on the westerly side of Tressler Drive. (Attachments 1 - 3)

III. DESCRIPTION OF PROPERTY:

This property is rectangular in shape, and consists of 2,083 sq. ft. of land area, which has been improved with a 1,128 sq. ft. townhouse dwelling that was constructed in 2024.

IV. DESCRIPTION OF SURROUNDING AREA/NEIGHBORHOOD:

The property and surrounding area are part of Phase III of Harbor Pointe Planned Residential District No. 3B, and consists of one, two and four-unit dwellings and an

apartment/care home. This small neighborhood is part of the larger area that entails all phases of Harbor Pointe. West of Harbor Pointe is agricultural land outside of the City's corporate limits. **(Attachments 2 & 3)**

V. EVALUATION:

(a) **Discussion:** The Applicant has constructed a one-story four-unit townhouse. The rear of this unit was constructed approximately 1.5 ft. within the 40 ft. perimeter setback requirement, as is required by Section 17.136.050B1.a.i. of the Zoning Code. The building is still located within the prescribed lot area, and does not extend into the common area, but does not meet the minimum setback. The rear of the building faces the western perimeter of Harbor Pointe, and adjoins an agricultural field. Dense screening is provided along both sides of the property line. **(Attachments 4 & 5)** Board approval of a 1.5 ft. perimeter setback variance is now requested.

(b) **Impact:** Staff does not believe the setback variance request will have an adverse impact on the surrounding area due to the heavy screening. A simple error occurred when laying out the foundation on the property.

(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:

[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.**

The practical difficulty is that the setback error was not discovered until the building was constructed. There is nothing that unique to the site in regards to the property's shape, size or topography.

[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.**

This is a typical lot in Phase III of Harbor Pointe Planned Residential District. Again, the variance is being sought due to a construction error.

- [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.**

The hardship appears to be self-imposed, as the building was laid out improperly. However, the error does not appear to be intentional.

- [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 variance should not be detrimental to the public health, security and general welfare of the neighborhood. The adjoining common area at the rear of the property provides an additional buffer for the adjoining property to the west. Dense screening along the common area property line and the neighboring property to the west will also aid in protecting both properties.

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

The requested variance will not increase the value of the property. It is simply to correct an error during construction.

- [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 requested setback variance should not be detrimental to other properties and will not adversely impact nearby property values due to the additional buffer of the common area and screening located at the rear 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 variance will not create any hazardous traffic conditions or undue concentration of population. There will not be any additional increase in fire hazard.

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

The requested variance will have no impact on transportation, water, sewer, school, park or other public 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.**

The Salisbury Comprehensive Plan adopted by the Salisbury City Council designates this area for residential development, as shown on the adopted Land Use Map. This request will not have a significant impact on the 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 believes that a hardship has not been demonstrated for the requested variance based on physical surroundings, property shape or topography. However, a significant hardship and inconvenience would be imposed on the residents, as a Certificate of Occupancy has been issued for the unit, and it is occupied. The requested variance appears to be appropriate considering the circumstances where the building was accidentally laid out incorrectly. If deemed appropriate, the Board has the discretion to grant the variance as requested, or grant a lesser variance.

VI. RECOMMENDATION:

This is an unusual request. It is extremely rare that a setback variance is sought after the construction of a building. Although the hardship appears to be self-imposed, as the error occurred during the construction of the building, a greater hardship would be placed on the residents by having the dwelling brought into compliance. Typically, in residential districts, the rear yard setback is 30 ft. The increased required setback of 40 ft. plus the



dense screening along the property line ensures that neighboring properties will not be impacted negatively. Based on the findings contained in this Staff Report, Staff would like to recommend **Approval** of the 1.5 ft. perimeter setback variance for the dwelling as submitted.

February 6, 2025

City of Salisbury
Department of Infrastructure and Development
125 N. Division Street, Room 203
Salisbury, MD 21803

Attn: Ms. Amanda Rodriguez
City Planner

Re: Harbor Pointe – Phase 3
Board of Appeals – Variance Request
DBF# 3797A001

*Ring W. Lardner, P.E.
W. Zachary Crouch, P.E.
Michael E. Wheedleton, AIA, LEED GA
Jason P. Loar, P.E.
Jamie L. Sechler, P.E.*

Dear Ms. Rodriguez:

On behalf of the owners MCAP Salisbury LLC, we respectfully request to be placed on the next available Board of Appeals agenda to seek a variance from the City of Salisbury Code, Chapter 17.136.050 (B)(1)(a)(i) – Minimum Perimeter Setback Requirements. Specifically, the Code requires a forty (40) foot setback from the west property line. We are hereby requesting a variance to reduce the setback from 40 feet to 38.5 feet on Lots 18, 19, 22 and 23 within the recently recorded subdivision plat for Phase 3.

A new subdivision plat was recorded on 5/31/2024 establishing property lines around all the buildings (new and existing) in phase 3. The rear lot lines for lots 13-24, adjacent to the western perimeter boundary line, were established based on the existing homes previously constructed on lots 13-16. When the two, four-unit buildings were constructed on lots 17-24, the newly constructed buildings were pushed away from the existing roadway to provide the minimum parking space depth of 18 feet in front of the building, a five-foot sidewalk, and a five-foot grass strip. The new buildings constructed on lots 17-24 are within the rear setbacks of the new subdivision parcel lines, however lots 18, 19, 22 and 23 encroach into the 40-foot perimeter setback by approximately 1.0 to 1.2 feet.

The improvements as constructed have no adverse impact on the neighboring properties, as the adjacent parcel is Pemberton Park, owned by Wicomico County. Currently, there is an 80-foot-wide wooded buffer (60 feet on County property, 20 feet on Harbor Pointe property) that separates the properties, in addition to 18 feet of open space behind the buildings. The encroachment of approximately 1 foot will not negatively affect this development, or the neighboring property.

If you have any questions, please let me know.

Letter: Ms. Amanda Rodriguez
February 6, 2025
Page 2

Sincerely,
DAVIS, BOWEN AND FRIEDEL, INC.

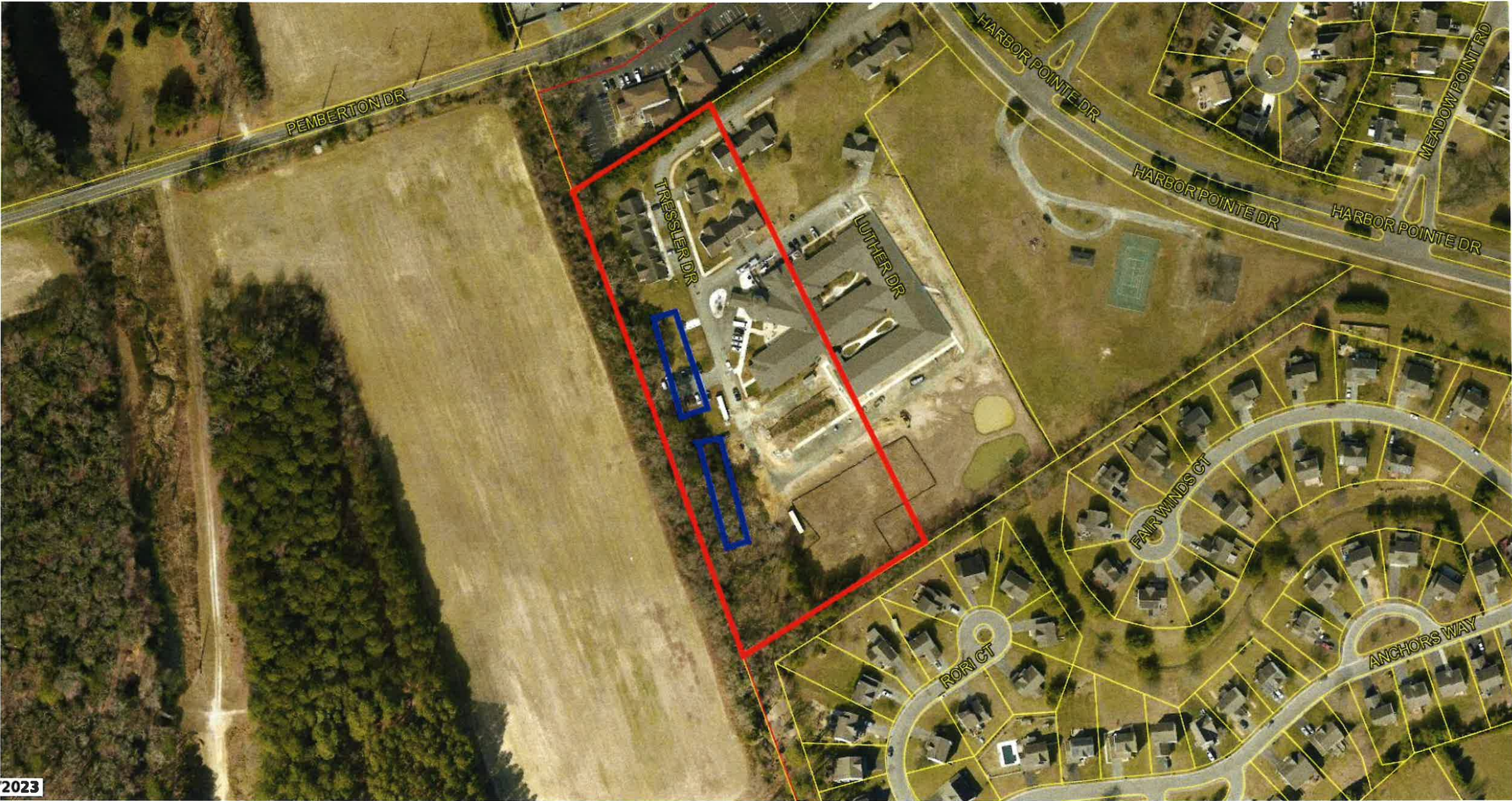


Timothy M. Metzner, PLA, LEED AP ND
Associate / Sr. Landscape Architect
Enclosures

TMM

P:\3797\3797A001\current working folder\docs\2025-02-06 - BOA Variance Request-signed.docx

Cc: Mr. Kevin Willis – MCAP Advisers LLC (via email)
Mr. Henry Eure – City of Salisbury DID (via email)



2023



2023

STATE PLANE 83, NAD 83

TRESSLER DRIVE (PRIVATE DRIVE)

S 20°15'35" E

44'

10.00' FRONT
YARD SETBACK

S 20°15'35" E 320.00'

39.84'

34.86'

34.84'

39.96'

17

2,379 SF

N 69°44'25" E

59.73'

18

2,083 SF

N 69°44'25" E

59.81'

19

2,086 SF

N 69°44'25" E

59.90'

20

2,394 SF

N 69°47'37" E

60.00'

39.90'

34.86'

34.84'

39.90'

S 20°06'50" E 149.50'

+/-1.0' ENCROACHMENT

+/-1.0' ENCROACHMENT

4.00' REAR
YARD SETBACK

40.00' PERIMETER
BUILDING SETBACK

N 20°15'35" W 571.70'

0' 20' 40' 60'



DAVIS,
BOWEN &
FRIEDEL, INC. ARCHITECTS ENGINEERS SURVEYORS

SALISBURY, MARYLAND (410) 543-9091
MILFORD, DELAWARE (302) 424-1441
EASTON, MARYLAND (410) 770-4744

HARBOR POINTE

CITY OF SALISBURY

WICOMICO COUNTY, MARYLAND

Date: FEB. 2025

Scale: 1"=

Attachment 4

NOTES:

1. WATER AND SEWER CAPACITY EXISTS AND WILL BE RESERVED FOR THIS SUBDIVISION SUBJECT TO MUNICIPAL, STATE AND FEDERAL LAWS AND REGULATIONS. CENTRAL WATER AND SEWER WILL BE SERVED BY THE CITY OF SALISBURY.
2. PRIVATE IRRIGATION LINES SHALL NOT BE INSTALLED IN CITY RIGHT-OF-WAYS OR EASEMENTS WITHOUT WRITTEN APPROVAL OF SALISBURY DEPARTMENT OF INFRASTRUCTURE & DEVELOPMENT.
3. ALL NON-CITY UTILITIES, SUCH AS BUT NOT LIMITED TO, ELECTRIC, TELEPHONE, GAS AND C.A.T.V. SHALL BE INSTALLED OUTSIDE THE CITY OF SALISBURY UTILITY EASEMENT UNLESS WRITTEN CONSENT IS OBTAINED FROM THE CITY OF SALISBURY.
4. OWNER/DEVELOPER, AND SUBSEQUENT OWNERS, THEIR SUCCESSORS AND ASSIGNS, SHALL NOTIFY THE INDIVIDUAL LOT GRANTING PLANS AND/OR THE IMPROVEMENTS CONSTRUCTION PLAN, AS APPROVED BY THE SALISBURY DEPARTMENT OF INFRASTRUCTURE & DEVELOPMENT, WITH CONSTRUCTION, GRADING, OR LANDSCAPING.
5. THIS PROJECT IS EXEMPT FROM FOREST CONSERVATION ACT REQUIREMENTS PER 125-4 EXEMPTIONS. (A) EXEMPTIONS NOT REQUIRING A DECLARATION OF INTENT: THE FOLLOWING ACTIVITIES OR LAWS ARE EXEMPT FROM THE REQUIREMENTS OF THIS CHAPTER: (10) A PLANNED UNIT DEVELOPMENT THAT, BY DECEMBER 31, 1991, HAS: A. MET ALL REQUIREMENTS FOR PLANNED UNIT DEVELOPMENT APPROVAL; AND B. OBTAINED INITIAL DEVELOPMENT PLAN APPROVAL BY THE DEPARTMENT. (B) NO CONSTRUCTION OF ANY STRUCTURAL IMPROVEMENTS, PLANT TREES, SHRUBS OR PLACE ANY LANDSCAPING OTHER THAN GRASS IN OR ON THE EASEMENT AREA, INCLUDING IN THE AIR RIGHTS OVER THE EASEMENT HEREBY CONVEYED PERMITTED, WITHOUT THE PRIOR WRITTEN CONSENT OF THE CITY OF SALISBURY.
6. PRELIMINARY SUBDIVISION PLAN APPROVED BY THE PLANNING COMMISSION ON FEBRUARY 16, 2023.

LEGEND

- PROPOSED EXEMPTION LINE
- IRON ROD W/CAP
- IRON ROD W/CAP
- CONCRETE MONUMENT

SITE DATA

OWNER/DEVELOPER: MOP SALISBURY LLC
 534 E. MAIN ST., SUITE B
 CHARLOTTEVILLE, VA 22902-5305
 PHONE: 434-331-8858

PROPERTY ADDRESS: 611 TRESSLER DRIVE
 SALISBURY, MD 21801

TAX MAP, CIRC. PARCEL NO.: 0113, 0019, P. 1154, LOT PAR A

CITY OF SALISBURY MAP NO.: 1B8 & 1B9

DEED REFERENCE: 04087/02040

PLAT REFERENCE: 0011/0137

ZONING: PLANNED RESIDENTIAL DISTRICT 3B
 PROPOSED: PLANNED RESIDENTIAL DISTRICT 3B

BUILDING SETBACKS: PERIMETER: 40' FROM WEST PROPERTY LINE
 HARBOR POINTE DRIVE: 30' FROM PROPERTY LINE
 PHASE B REDUCTION AREA: 10' FROM PROPERTY LINE
 PHASE A: 30' FROM PROPERTY LINE

TOTAL PARCEL AREA: 10.23 ACRES

FLOOD ZONE: ZONE X - OUTSIDE FLOORPLAN
 (FROM MAP 2404502232E
 DATED AUGUST 17, 2015)

TOTAL NUMBER OF LOTS: 28

MINIMUM LOT SIZE: 2,000 SF

GROUNDWATER PROTECTION ZONE: ZONE B1

COORDINATE TABLE

POINT	NORTHING	EASTING
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111	705272.128	705272.128
112	705272.128	705272.128

CURVE TABLE

CHORD	RADIUS	ARC LENGTH	CHORD BEARING	BOLTA ANGLE
01	118.74	68.47	N 47°29'11" E	172°08'51"
02	20.00	10.00	N 17°20'00" E	172°08'51"
03	20.00	10.00	N 17°20'00" E	172°08'51"
04	20.00	10.00	N 17°20'00" E	172°08'51"
05	20.00	10.00	N 17°20'00" E	172°08'51"
06	20.00	10.00	N 17°20'00" E	172°08'51"
07	20.00	10.00	N 17°20'00" E	172°08'51"
08	20.00	10.00	N 17°20'00" E	172°08'51"
09	20.00	10.00	N 17°20'00" E	172°08'51"
10	20.00	10.00	N 17°20'00" E	172°08'51"
11	20.00	10.00	N 17°20'00" E	172°08'51"
12	20.00	10.00	N 17°20'00" E	172°08'51"
13	20.00	10.00	N 17°20'00" E	172°08'51"
14	20.00	10.00	N 17°20'00" E	172°08'51"
15	20.00	10.00	N 17°20'00" E	172°08'51"
16	20.00	10.00	N 17°20'00" E	172°08'51"
17	20.00	10.00	N 17°20'00" E	172°08'51"
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19	20.00	10.00	N 17°20'00" E	172°08'51"
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22	20.00	10.00	N 17°20'00" E	172°08'51"
23	20.00	10.00	N 17°20'00" E	172°08'51"
24	20.00	10.00	N 17°20'00" E	172°08'51"
25	20.00	10.00	N 17°20'00" E	172°08'51"
26	20.00	10.00	N 17°20'00" E	172°08'51"
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STAFF REPORT

MEETING OF MARCH 6, 2025

Case No.: 202500178
Applicant: Davis, Bowen & Friedel, Inc. for MCAP Salisbury LLC
Property Owner: MCAP Salisbury LLC
Location: 612 Tressler Drive
State City Tax Map: #0113
Parcel #1134, Lot #19, Grid #19
Zoning: Planned Residential District No. 3B – Harbor Pointe Phase III
Requests: Rear yard setback variance of 1.5 feet for dwelling

I. SUMMARY OF REQUEST:

The applicants are seeking relief for a dwelling that was constructed within the 40 ft. perimeter setback requirement for Phase III of Harbor Pointe. Board approval of a 1.5 ft. setback variance is requested.

II. ACCESS TO THE SITE AREA:

The property is located and has access on the westerly side of Tressler Drive. (Attachments 1 - 3)

III. DESCRIPTION OF PROPERTY:

This property is rectangular in shape, and consists of 2,086 sq. ft. of land area, which has been improved with a 1,343 sq. ft. townhouse dwelling that was constructed in 2024.

IV. DESCRIPTION OF SURROUNDING AREA/NEIGHBORHOOD:

The property and surrounding area are part of Phase III of Harbor Pointe Planned Residential District No. 3B, and consists of one, two and four-unit dwellings and an apartment/care home. This small neighborhood is part of the larger area that entails all

phases of Harbor Pointe. West of Harbor Pointe is agricultural land outside of the City's corporate limits. **(Attachments 2 & 3)**

V. EVALUATION:

(a) **Discussion:** The Applicant has constructed a one-story four-unit townhouse. The rear of this unit was constructed approximately 1.5 ft. within the 40 ft. perimeter setback requirement, as is required by Section 17.136.050B1.a.i. of the Zoning Code. The building is still located within the prescribed lot area, and does not extend into the common area, but does not meet the minimum setback. The rear of the building faces the western perimeter of Harbor Pointe, and adjoins an agricultural field. Dense screening is provided along both sides of the property line. **(Attachments 4 & 5)** Board approval of a 1.5 ft. perimeter setback variance is now requested.

(b) **Impact:** Staff does not believe the setback variance request will have an adverse impact on the surrounding area due to the heavy screening. A simple error occurred when laying out the foundation on the property.

(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:

[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.**

The practical difficulty is that the setback error was not discovered until the building was constructed. There is nothing that unique to the site in regards to the property's shape, size or topography.

[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.**

This is a typical lot in Phase III of Harbor Pointe Planned Residential District. Again, the variance is being sought due to a construction error.

- [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.**

The hardship appears to be self-imposed, as the building was laid out improperly. However, the error does not appear to be intentional.

- [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 variance should not be detrimental to the public health, security and general welfare of the neighborhood. The adjoining common area at the rear of the property provides an additional buffer for the adjoining property to the west. Dense screening along the common area property line and the neighboring property to the west will also aid in protecting both properties.

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

The requested variance will not increase the value of the property. It is simply to correct an error during construction.

- [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 requested setback variance should not be detrimental to other properties and will not adversely impact nearby property values due to the additional buffer of the common area and screening located at the rear 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 variance will not create any hazardous traffic conditions or undue concentration of population. There will not be any additional increase in fire hazard.

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

The requested variance will have no impact on transportation, water, sewer, school, park or other public 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.**

The Salisbury Comprehensive Plan adopted by the Salisbury City Council designates this area for residential development, as shown on the adopted Land Use Map. This request will not have a significant impact on the 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 believes that a hardship has not been demonstrated for the requested variance based on physical surroundings, property shape or topography. However, a significant hardship and inconvenience would be imposed on the residents, as a Certificate of Occupancy has been issued for the unit, and it is occupied. The requested variance appears to be appropriate considering the circumstances where the building was accidentally laid out incorrectly. If deemed appropriate, the Board has the discretion to grant the variance as requested, or grant a lesser variance.

VI. RECOMMENDATION:

This is an unusual request. It is extremely rare that a setback variance is sought after the construction of a building. Although the hardship appears to be self-imposed, as the error occurred during the construction of the building, a greater hardship would be placed on the residents by having the dwelling brought into compliance. Typically, in residential districts, the rear yard setback is 30 ft. The increased required setback of 40 ft. plus the dense screening along the property line ensures that neighboring properties will not be impacted negatively. Based on the findings contained in this Staff Report, Staff would like to recommend **Approval** of the 1.5 ft. perimeter setback variance for the dwelling as submitted.

February 6, 2025

City of Salisbury
Department of Infrastructure and Development
125 N. Division Street, Room 203
Salisbury, MD 21803

Attn: Ms. Amanda Rodriguez
City Planner

Re: Harbor Pointe – Phase 3
Board of Appeals – Variance Request
DBF# 3797A001

*Ring W. Lardner, P.E.
W. Zachary Crouch, P.E.
Michael E. Wheedleton, AIA, LEED GA
Jason P. Loar, P.E.
Jamie L. Sechler, P.E.*

Dear Ms. Rodriguez:

On behalf of the owners MCAP Salisbury LLC, we respectfully request to be placed on the next available Board of Appeals agenda to seek a variance from the City of Salisbury Code, Chapter 17.136.050 (B)(1)(a)(i) – Minimum Perimeter Setback Requirements. Specifically, the Code requires a forty (40) foot setback from the west property line. We are hereby requesting a variance to reduce the setback from 40 feet to 38.5 feet on Lots 18, 19, 22 and 23 within the recently recorded subdivision plat for Phase 3.

A new subdivision plat was recorded on 5/31/2024 establishing property lines around all the buildings (new and existing) in phase 3. The rear lot lines for lots 13-24, adjacent to the western perimeter boundary line, were established based on the existing homes previously constructed on lots 13-16. When the two, four-unit buildings were constructed on lots 17-24, the newly constructed buildings were pushed away from the existing roadway to provide the minimum parking space depth of 18 feet in front of the building, a five-foot sidewalk, and a five-foot grass strip. The new buildings constructed on lots 17-24 are within the rear setbacks of the new subdivision parcel lines, however lots 18, 19, 22 and 23 encroach into the 40-foot perimeter setback by approximately 1.0 to 1.2 feet.

The improvements as constructed have no adverse impact on the neighboring properties, as the adjacent parcel is Pemberton Park, owned by Wicomico County. Currently, there is an 80-foot-wide wooded buffer (60 feet on County property, 20 feet on Harbor Pointe property) that separates the properties, in addition to 18 feet of open space behind the buildings. The encroachment of approximately 1 foot will not negatively affect this development, or the neighboring property.

If you have any questions, please let me know.

Letter: Ms. Amanda Rodriguez
February 6, 2025
Page 2

Sincerely,
DAVIS, BOWEN AND FRIEDEL, INC.

A handwritten signature in black ink, appearing to read 'T Metzner', written in a cursive style.

Timothy M. Metzner, PLA, LEED AP ND
Associate / Sr. Landscape Architect
Enclosures

TMM

P:\3797\3797A001\current working folder\docs\2025-02-06 - BOA Variance Request-signed.docx

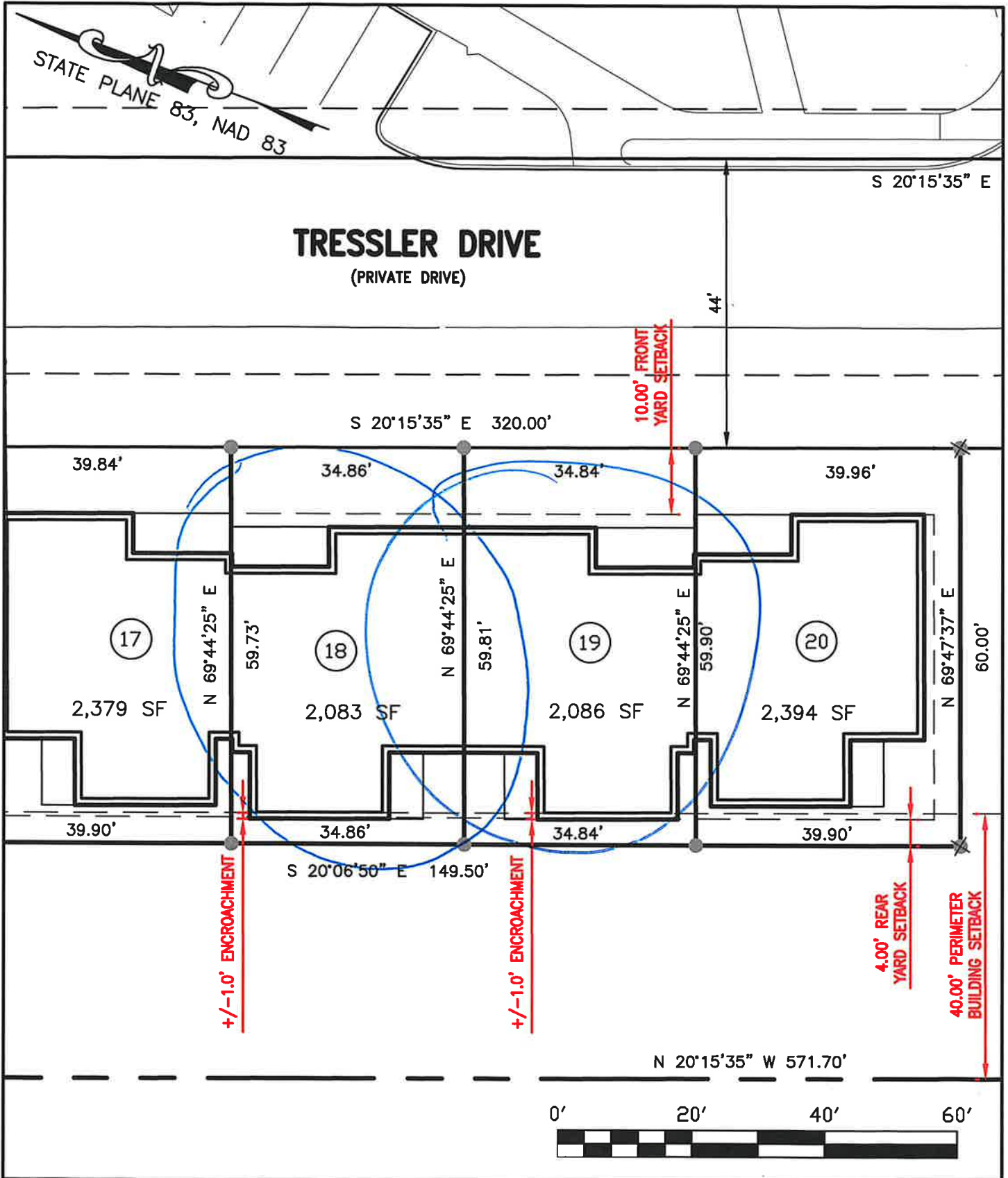
Cc: Mr. Kevin Willis – MCAP Advisers LLC (via email)
Mr. Henry Eure – City of Salisbury DID (via email)



2023



Attachment 3



**DAVIS,
BOWEN &
FRIEDEL, INC.** ARCHITECTS ENGINEERS SURVEYORS

SALISBURY, MARYLAND (410) 543-9091
MILFORD, DELAWARE (302) 424-1441
EASTON, MARYLAND (410) 770-4744

**HARBOR POINTE
CITY OF SALISBURY
WICOMICO COUNTY, MARYLAND**

Date: **FEB. 2025** Scale: **1"=20'**

NOTES:

1. WATER AND SEWER CAPACITY EXISTS AND WILL BE PROVIDED FOR THIS SUBDIVISION SUBJECT TO MUNICIPAL, STATE AND FEDERAL LAWS AND REGULATIONS. CENTRAL WATER AND SEWER WILL BE SERVED BY THE CITY OF SALISBURY.
2. PRIVATE WIRELINE LINES SHALL NOT BE INSTALLED IN CITY RIGHT-OF-WAYS OR EASEMENTS WITHOUT WRITTEN APPROVAL OF SALISBURY DEPARTMENT OF INFRASTRUCTURE & DEVELOPMENT.
3. ALL NON-CITY UTILITIES, SUCH AS BUT NOT LIMITED TO, ELECTRIC, TELEPHONE, GAS AND C.A.T.V. SHALL BE INSTALLED OUTSIDE THE CITY OF SALISBURY UTILITY EASEMENT UNLESS WRITTEN CONSENT IS OBTAINED FROM THE CITY OF SALISBURY.
4. OWNERS/DEVELOPERS AND SUBSEQUENT OWNERS, THEIR SUCCESSORS AND ASSIGNS, SHALL NOT MODIFY THE INDIVIDUAL LOT GRADING PLANS AND/OR THE IMPROVEMENTS CONSTRUCTION PLAN AS APPROVED BY THE SALISBURY DEPARTMENT OF INFRASTRUCTURE & DEVELOPMENT, WITH CONSTRUCTION GRADING OR LANDSCAPING.
5. THIS PROJECT IS EXEMPT FROM FOREST CONSERVATION ACT REQUIREMENTS PER 126-4 EXEMPTIONS. (A) EXEMPTIONS NOT REQUIRING A DECLARATION OF INTENT, THE FOLLOWING ACTIVITIES OR LANDS ARE EXEMPT FROM THE REQUIREMENTS OF THIS CHAPTER: (10) A PLANNED UNIT DEVELOPMENT THAT, BY DECEMBER 31, 1991, HAS: A. MET ALL REQUIREMENTS FOR PLANNED UNIT DEVELOPMENT APPROVAL; AND B. OBTAINED FINAL DEVELOPMENT PLAN APPROVAL BY THE DEPARTMENT.
6. NO CONSTRUCTION OF ANY STRUCTURAL IMPROVEMENTS, PLANT TREES, SHRUBS OR PLACE ANY LANDSCAPING OTHER THAN GRASS IN OR ON THE EASEMENT AREA, INCLUDING IN THE AIR RIGHTS OVER THE EASEMENT HEREBY CONVEYED PERMITTED, WITHOUT THE PRIOR WRITTEN CONSENT OF THE CITY OF SALISBURY.
7. OPEN SPACE PARCELS ARE NOT APPROVED FOR BUILDABLE LOTS.
8. PRELIMINARY SUBDIVISION PLAN APPROVED BY THE PLANNING COMMISSION ON FEBRUARY 16, 2022.

LEGEND

- PROPERTY LINE OR RIGHT-OF-WAY LINE
- PROPOSED EASEMENT LINE
- IRON ROD W/CAP
- IRON ROD W/CAP
- CONCRETE MONUMENT

COORDINATE TABLE

POINT	NORTHING	EASTING
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CURVE TABLE

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STAFF REPORT

MEETING OF MARCH 6, 2025

Case No. 202500179
Applicant: Davis, Bowen & Friedel, Inc. for MCAP Salisbury LLC
Property Owner: MCAP Salisbury LLC
Location: 618 Tressler Drive
State City Tax Map: #0113
Parcel #1134, Lot #22, Grid #19
Zoning: Planned Residential District No. 3B – Harbor Pointe Phase III
Requests: Rear yard setback variance of 1.5 feet for dwelling

I. SUMMARY OF REQUEST:

The applicants are seeking relief for a dwelling that was constructed within the 40 ft. perimeter setback requirement for Phase III of Harbor Pointe. Board approval of a 1.5 ft. setback variance is requested.

II. ACCESS TO THE SITE AREA:

The property is located and has access on the westerly side of Tressler Drive. (Attachments 1 - 3)

III. DESCRIPTION OF PROPERTY:

This property is rectangular in shape, and consists of 2,088 sq. ft. of land area, which has been improved with a 1,343 sq. ft. townhouse dwelling that was constructed in 2024.

IV. DESCRIPTION OF SURROUNDING AREA/NEIGHBORHOOD:

The property and surrounding area are part of Phase III of Harbor Pointe Planned Residential District No. 3B, and consists of one, two and four-unit dwellings and an apartment/care home. This small neighborhood is part of the larger area that entails all

phases of Harbor Pointe. West of Harbor Pointe is agricultural land outside of the City's corporate limits. **(Attachments 2 & 3)**

V. EVALUATION:

(a) **Discussion:** The Applicant has constructed a one-story four-unit townhouse. The rear of this unit was constructed approximately 1.5 ft. within the 40 ft. perimeter setback requirement, as is required by Section 17.136.050B1.a.i. of the Zoning Code. The building is still located within the prescribed lot area, and does not extend into the common area, but does not meet the minimum setback. The rear of the building faces the western perimeter of Harbor Pointe, and adjoins an agricultural field. Dense screening is provided along both sides of the property line. **(Attachments 4 & 5)** Board approval of a 1.5 ft. perimeter setback variance is now requested. The

(b) **Impact:** Staff does not believe the setback variance request will have an adverse impact on the surrounding area due to the heavy screening. A simple error occurred when laying out the foundation on the property.

(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:

[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.**

The practical difficulty is that the setback error was not discovered until the building was constructed. There is nothing that unique to the site in regards to the property's shape, size or topography.

[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.**

This is a typical lot in Phase III of Harbor Pointe Planned Residential District. Again, the variance is being sought due to a construction error.



City of Salisbury

- [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.**

The hardship appears to be self-imposed, as the building was laid out improperly. However, the error does not appear to be intentional.

- [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 variance should not be detrimental to the public health, security and general welfare of the neighborhood. The adjoining common area at the rear of the property provides an additional buffer for the adjoining property to the west. Dense screening along the common area property line and the neighboring property to the west will also aid in protecting both properties.

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

The requested variance will not increase the value of the property. It is simply to correct an error during construction.

- [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 requested setback variance should not be detrimental to other properties and will not adversely impact nearby property values due to the additional buffer of the common area and screening located at the rear 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 variance will not create any hazardous traffic conditions or undue concentration of population. There will not be any additional increase in fire hazard.

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

The requested variance will have no impact on transportation, water, sewer, school, park or other public 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.**

The Salisbury Comprehensive Plan adopted by the Salisbury City Council designates this area for residential development, as shown on the adopted Land Use Map. This request will not have a significant impact on the 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 believes that a hardship has not been demonstrated for the requested variance based on physical surroundings, property shape or topography. However, a significant hardship and inconvenience would be imposed on the residents, as a Certificate of Occupancy has been issued for the unit, and it is occupied. The requested variance appears to be appropriate considering the circumstances where the building was accidentally laid out incorrectly. If deemed appropriate, the Board has the discretion to grant the variance as requested, or grant a lesser variance.

VI. **RECOMMENDATION:**

This is an unusual request. It is extremely rare that a setback variance is sought after the construction of a building. Although the hardship appears to be self-imposed, as the error occurred during the construction of the building, a greater hardship would be placed on the residents by having the dwelling brought into compliance. Typically, in residential districts, the rear yard setback is 30 ft. The increased required setback of 40 ft. plus the



City of Salisbury

dense screening along the property line ensures that neighboring properties will not be impacted negatively. Based on the findings contained in this Staff Report, Staff would like to recommend **Approval** of the 1.5 ft. perimeter setback variance for the dwelling as submitted.

February 6, 2025

City of Salisbury
Department of Infrastructure and Development
125 N. Division Street, Room 203
Salisbury, MD 21803

Attn: Ms. Amanda Rodriguez
City Planner

Re: Harbor Pointe – Phase 3
Board of Appeals – Variance Request
DBF# 3797A001

*Ring W. Lordner, P.E.
W. Zachary Crouch, P.E.
Michael E. Wheelleton, AIA, LEED GA
Jason P. Loar, P.E.
Jamie L. Sechler, P.E.*

Dear Ms. Rodriguez:

On behalf of the owners MCAP Salisbury LLC, we respectfully request to be placed on the next available Board of Appeals agenda to seek a variance from the City of Salisbury Code, Chapter 17.136.050 (B)(1)(a)(i) – Minimum Perimeter Setback Requirements. Specifically, the Code requires a forty (40) foot setback from the west property line. We are hereby requesting a variance to reduce the setback from 40 feet to 38.5 feet on Lots 18, 19, 22 and 23 within the recently recorded subdivision plat for Phase 3.

A new subdivision plat was recorded on 5/31/2024 establishing property lines around all the buildings (new and existing) in phase 3. The rear lot lines for lots 13-24, adjacent to the western perimeter boundary line, were established based on the existing homes previously constructed on lots 13-16. When the two, four-unit buildings were constructed on lots 17-24, the newly constructed buildings were pushed away from the existing roadway to provide the minimum parking space depth of 18 feet in front of the building, a five-foot sidewalk, and a five-foot grass strip. The new buildings constructed on lots 17-24 are within the rear setbacks of the new subdivision parcel lines, however lots 18, 19, 22 and 23 encroach into the 40-foot perimeter setback by approximately 1.0 to 1.2 feet.

The improvements as constructed have no adverse impact on the neighboring properties, as the adjacent parcel is Pemberton Park, owned by Wicomico County. Currently, there is an 80-foot-wide wooded buffer (60 feet on County property, 20 feet on Harbor Pointe property) that separates the properties, in addition to 18 feet of open space behind the buildings. The encroachment of approximately 1 foot will not negatively affect this development, or the neighboring property.

If you have any questions, please let me know.

Letter: Ms. Amanda Rodriguez
February 6, 2025
Page 2

Sincerely,
DAVIS, BOWEN AND FRIEDEL, INC.



Timothy M. Metzner, PLA, LEED AP ND
Associate / Sr. Landscape Architect
Enclosures

TMM
P:\3797\3797A001\current working folder\docs\2025-02-06 - BOA Variance Request-signed.docx

Cc: Mr. Kevin Willis – MCAP Advisers LLC (via email)
Mr. Henry Eure – City of Salisbury DID (via email)

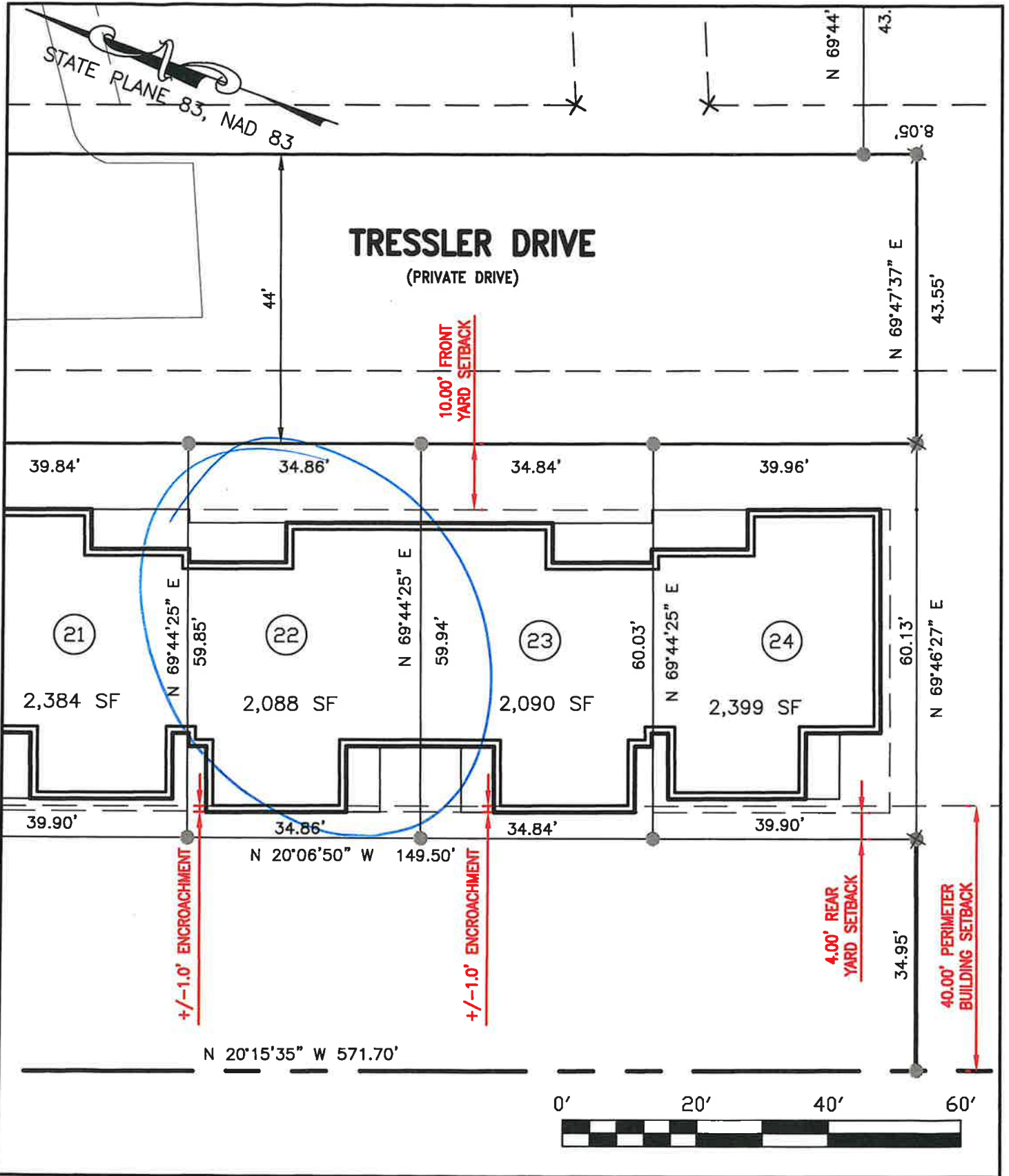


2023



2023

Attachment 3



dbf DAVIS, BOWEN & FRIEDEL, INC. ARCHITECTS ENGINEERS SURVEYORS

**HARBOR POINTE
 CITY OF SALISBURY
 WIGOMICO COUNTY, MARYLAND**

SALISBURY, MARYLAND (410) 543-9091
 MILFORD, DELAWARE (302) 424-1441
 EASTON, MARYLAND (410) 770-4744

Date: FEB. 2025 Scale: 1"=20'

NOTES:

1. WATER AND SEWER CAPACITY COSTS AND WILL BE RESERVED FOR THIS SUBDIVISION SUBJECT TO MUNICIPAL, STATE AND FEDERAL LAWS AND REGULATIONS. CENTRAL WATER AND SEWER WILL BE SERVED BY THE CITY OF SALISBURY.
2. PRIVATE IRRIGATION LINES SHALL NOT BE INSTALLED IN CITY RIGHT-OF-WAYS OR EASEMENTS WITHOUT WRITTEN APPROVAL OF SALISBURY DEPARTMENT OF INFRASTRUCTURE & DEVELOPMENT. ALL NON-CITY UTILITIES, SUCH AS BUT NOT LIMITED TO, ELECTRIC, TELEPHONE, GAS AND C.A.T.V. SHALL BE INSTALLED OUTSIDE THE CITY OF SALISBURY UTILITY EASEMENT UNLESS WRITTEN CONSENT IS OBTAINED FROM THE CITY OF SALISBURY.
3. OWNER/DEVELOPER AND SUBSEQUENT OWNERS, THEIR SUCCESSORS AND ASSIGNS, SHALL NOT MODIFY THE INDIVIDUAL LOT GRADING PLANS AND/OR THE IMPROVEMENTS CONSTRUCTION PLAN AS APPROVED BY THE SALISBURY DEPARTMENT OF INFRASTRUCTURE & DEVELOPMENT, WITH CONSTRUCTION GRADING OR LANDSCAPING.
4. THIS PROJECT IS EXEMPT FROM FOREST CONSERVATION ACT REQUIREMENTS PER 125-4. EXEMPTIONS (A) EXEMPTIONS NOT REQUIRING A DECLARATION OF INTENT: THE FOLLOWING ACTIVITIES OR LANDS ARE EXEMPT FROM THE REQUIREMENTS OF THIS CHAPTER: (10) A PLANNED UNIT DEVELOPMENT THAT, BY DECEMBER 31, 1991, HAS: A. MET ALL REQUIREMENTS FOR PLANNED UNIT DEVELOPMENT APPROVAL; AND B. OBTAINED INITIAL DEVELOPMENT PLAN APPROVAL BY THE DEPARTMENT.
5. NO CONSTRUCTION OF ANY STRUCTURAL IMPROVEMENTS, PLANT TREES, SHRUBS OR PLACE ANY LANDSCAPING OTHER THAN GRASS IN OR ON THE EASEMENT AREA, INCLUDING IN THE AIR RIGHTS OVER THE EASEMENT HEREBY CONVEYED PERMITTED, WITHOUT THE PRIOR WRITTEN CONSENT OF THE CITY OF SALISBURY.
6. OPEN SPACE PARCELS ARE NOT APPROVED FOR BUILDABLE LOTS.
7. PRELIMINARY SUBDIVISION PLAN APPROVED BY THE PLANNING COMMISSION ON FEBRUARY 16, 2023.

LEGEND

- PROPERTY LINE OR RIGHT-OF-WAY LINE
- PROPOSED EASEMENT LINE
- IRON ROD W/CAP
- IRON ROD W/CAP
- CONCRETE MONUMENT

COORDINATE TABLE

POINT	NORTHING	EASTING
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CURVE TABLE

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87	115.14	48.24	N 47°21'30" E	117.00
88	115.14	48.24	N 47°21'30" E	117.00
89	115.14	48.24	N 47°21'30" E	117.00
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98	115.14	48.24	N 47°21'30" E	117.00
99	115.14	48.24	N 47°21'30" E	117.00
100	115.14	48.24	N 47°21'30" E	117.00
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105	115.14	48.24	N 47°21'30" E	117.00
106	115.14	48.24	N 47°21'30" E	117.00
107	115.14	48.24	N 47°21'30" E	117.00
108	115.14	48.24	N 47°21'30" E	117.00



STAFF REPORT

MEETING OF MARCH 6, 2025

Case No. 202500180
Applicant: Davis, Bowen & Friedel, Inc. for MCAP Salisbury LLC
Property Owner: MCAP Salisbury LLC
Location: 620 Tressler Drive
State City Tax Map: #0113
Parcel #1134, Lot #23, Grid #19
Zoning: Planned Residential District No. 3B – Harbor Pointe Phase III
Requests: Rear yard setback variance of 1.5 feet for dwelling

I. SUMMARY OF REQUEST:

The applicants are seeking relief for a dwelling that was constructed within the 40 ft. perimeter setback requirement for Phase III of Harbor Pointe. Board approval of a 1.5 ft. setback variance is requested.

II. ACCESS TO THE SITE AREA:

The property is located and has access on the westerly side of Tressler Drive. (Attachments 1 - 3)

III. DESCRIPTION OF PROPERTY:

This property is rectangular in shape, and consists of 2,090 sq. ft. of land area, which has been improved with a 1,128 sq. ft. townhouse dwelling that was constructed in 2024.

IV. DESCRIPTION OF SURROUNDING AREA/NEIGHBORHOOD:

The property and surrounding area are part of Phase III of Harbor Pointe Planned Residential District No. 3B, and consists of one, two and four-unit dwellings and an apartment/care home. This small neighborhood is part of the larger area that entails all

phases of Harbor Pointe. West of Harbor Pointe is agricultural land outside of the City's corporate limits. **(Attachments 2 & 3)**

V. EVALUATION:

(a) **Discussion:** The Applicant has constructed a one-story four-unit townhouse. The rear of this unit was constructed approximately 1.5 ft. within the 40 ft. perimeter setback requirement, as is required by Section 17.136.050B1.a.i. of the Zoning Code. The building is still located within the prescribed lot area, and does not extend into the common area, but does not meet the minimum setback. The rear of the building faces the western perimeter of Harbor Pointe, and adjoins an agricultural field. Dense screening is provided along both sides of the property line. **(Attachments 4 & 5)** Board approval of a 1.5 ft. perimeter setback variance is now requested. The

(b) **Impact:** Staff does not believe the setback variance request will have an adverse impact on the surrounding area due to the heavy screening. A simple error occurred when laying out the foundation on the property.

(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:

[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.**

The practical difficulty is that the setback error was not discovered until the building was constructed. There is nothing that unique to the site in regards to the property's shape, size or topography.

[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.**

This is a typical lot in Phase III of Harbor Pointe Planned Residential District. Again, the variance is being sought due to a construction error.

- [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.**

The hardship appears to be self-imposed, as the building was laid out improperly. However, the error does not appear to be intentional.

- [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 variance should not be detrimental to the public health, security and general welfare of the neighborhood. The adjoining common area at the rear of the property provides an additional buffer for the adjoining property to the west. Dense screening along the common area property line and the neighboring property to the west will also aid in protecting both properties.

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

The requested variance will not increase the value of the property. It is simply to correct an error during construction.

- [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 requested setback variance should not be detrimental to other properties and will not adversely impact nearby property values due to the additional buffer of the common area and screening located at the rear 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 variance will not create any hazardous traffic conditions or undue concentration of population. There will not be any additional increase in fire hazard.

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

The requested variance will have no impact on transportation, water, sewer, school, park or other public 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.**

The Salisbury Comprehensive Plan adopted by the Salisbury City Council designates this area for residential development, as shown on the adopted Land Use Map. This request will not have a significant impact on the 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 believes that a hardship has not been demonstrated for the requested variance based on physical surroundings, property shape or topography. However, a significant hardship and inconvenience would be imposed on the residents, as a Certificate of Occupancy has been issued for the unit, and it is occupied. The requested variance appears to be appropriate considering the circumstances where the building was accidentally laid out incorrectly. If deemed appropriate, the Board has the discretion to grant the variance as requested, or grant a lesser variance.

VI. RECOMMENDATION:

This is an unusual request. It is extremely rare that a setback variance is sought after the construction of a building. Although the hardship appears to be self-imposed, as the error occurred during the construction of the building, a greater hardship would be placed on the residents by having the dwelling brought into compliance. Typically, in residential districts, the rear yard setback is 30 ft. The increased required setback of 40 ft. plus the dense screening along the property line ensures that neighboring properties will not be impacted negatively. Based on the findings contained in this Staff Report, Staff would like to recommend **Approval** of the 1.5 ft. perimeter setback variance for the dwelling as submitted.

February 6, 2025

City of Salisbury
Department of Infrastructure and Development
125 N. Division Street, Room 203
Salisbury, MD 21803

Attn: Ms. Amanda Rodriguez
City Planner

Re: Harbor Pointe – Phase 3
Board of Appeals – Variance Request
DBF# 3797A001

Ring W. Lardner, P.E.
W. Zachary Crouch, P.E.
Michael E. Wheelleton, AIA, LEED GA
Jason P. Lohr, P.E.
Jamie L. Sechler, P.E.

Dear Ms. Rodriguez:

On behalf of the owners MCAP Salisbury LLC, we respectfully request to be placed on the next available Board of Appeals agenda to seek a variance from the City of Salisbury Code, Chapter 17.136.050 (B)(1)(a)(i) – Minimum Perimeter Setback Requirements. Specifically, the Code requires a forty (40) foot setback from the west property line. We are hereby requesting a variance to reduce the setback from 40 feet to 38.5 feet on Lots 18, 19, 22 and 23 within the recently recorded subdivision plat for Phase 3.

A new subdivision plat was recorded on 5/31/2024 establishing property lines around all the buildings (new and existing) in phase 3. The rear lot lines for lots 13-24, adjacent to the western perimeter boundary line, were established based on the existing homes previously constructed on lots 13-16. When the two, four-unit buildings were constructed on lots 17-24, the newly constructed buildings were pushed away from the existing roadway to provide the minimum parking space depth of 18 feet in front of the building, a five-foot sidewalk, and a five-foot grass strip. The new buildings constructed on lots 17-24 are within the rear setbacks of the new subdivision parcel lines, however lots 18, 19, 22 and 23 encroach into the 40-foot perimeter setback by approximately 1.0 to 1.2 feet.

The improvements as constructed have no adverse impact on the neighboring properties, as the adjacent parcel is Pemberton Park, owned by Wicomico County. Currently, there is an 80-foot-wide wooded buffer (60 feet on County property, 20 feet on Harbor Pointe property) that separates the properties, in addition to 18 feet of open space behind the buildings. The encroachment of approximately 1 foot will not negatively affect this development, or the neighboring property.

If you have any questions, please let me know.

Letter: Ms. Amanda Rodriguez
February 6, 2025
Page 2

Sincerely,
DAVIS, BOWEN AND FRIEDEL, INC.



Timothy M. Metzner, PLA, LEED AP ND
Associate / Sr. Landscape Architect
Enclosures

TMM

P:\3797\3797A001\current working folder\docs\2025-02-06 - BOA Variance Request-signed.docx

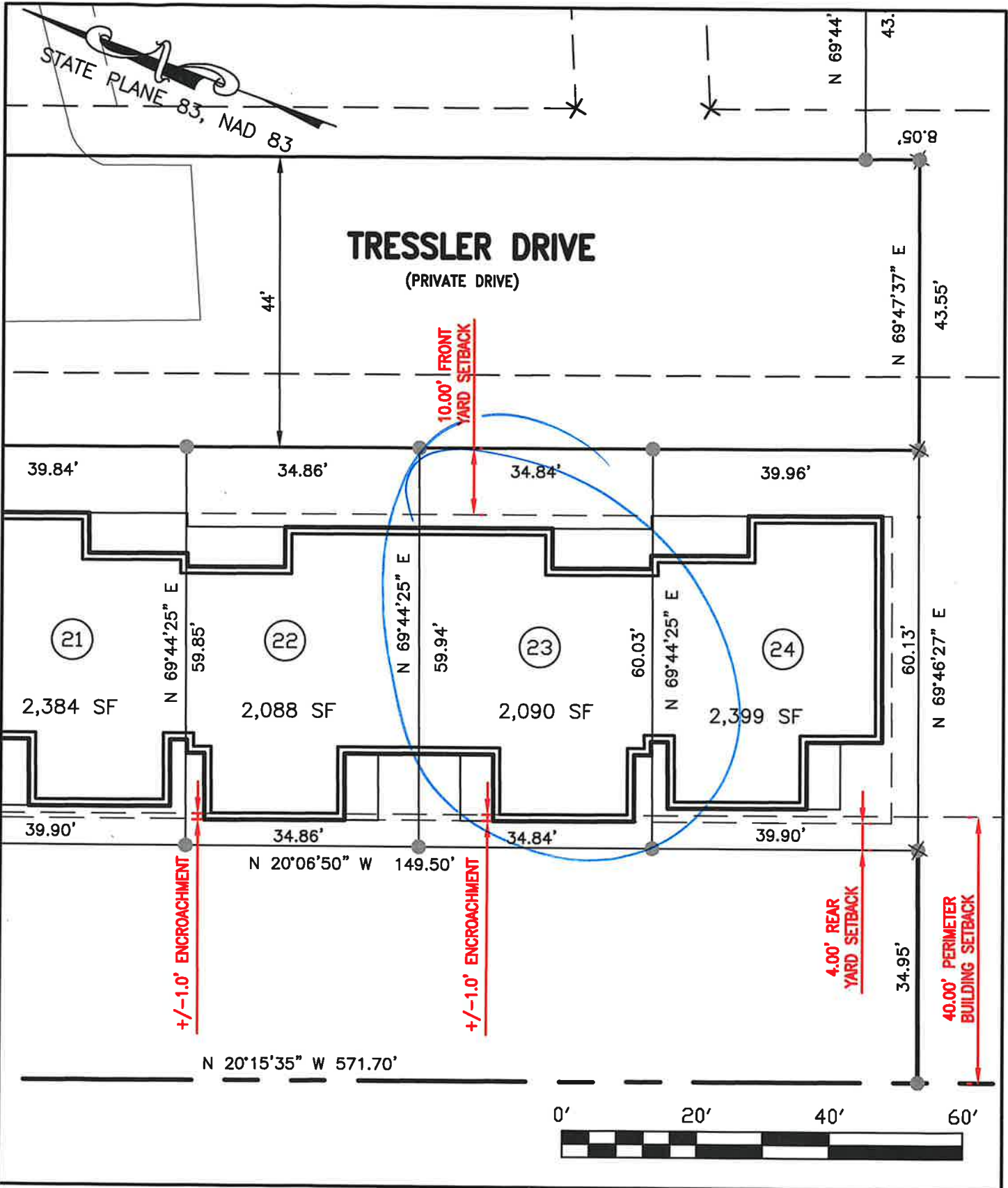
Cc: Mr. Kevin Willis – MCAP Advisers LLC (via email)
Mr. Henry Eure – City of Salisbury DID (via email)



2023



Attachment 3



dbf DAVIS, BOWEN & FRIEDEL, INC. ARCHITECTS ENGINEERS SURVEYORS

SALISBURY, MARYLAND (410) 543-9091
 MILFORD, DELAWARE (302) 424-1441
 EASTON, MARYLAND (410) 770-4744

HARBOR POINTE
 CITY OF SALISBURY
 WICOMICO COUNTY, MARYLAND

Date: FEB. 2025 Scale: 1"=21'

NOTES:

1. WATER AND SEWER CAPACITY EXISTS AND WILL BE RESERVED FOR THIS SUBDIVISION SUBJECT TO MUNICIPAL, STATE AND FEDERAL LAWS AND REGULATIONS. CENTRAL WATER AND SEWER WILL BE SERVED BY THE CITY OF SALISBURY.
2. PRIVATE PROVISION LINES SHALL NOT BE INSTALLED IN CITY RIGHT-OF-WAYS OR EASEMENTS WITHOUT WRITTEN APPROVAL OF SALISBURY DEPARTMENT OF INFRASTRUCTURE & DEVELOPMENT.
3. ALL NON-CITY UTILITIES, SUCH AS BUT NOT LIMITED TO, ELECTRIC, TELEPHONE, GAS AND C.A.T.V., SHALL BE INSTALLED OUTSIDE THE CITY OF SALISBURY UTILITY EASEMENT UNLESS WRITTEN CONSENT IS OBTAINED FROM THE CITY OF SALISBURY.
4. OWNER/DEVELOPER, AND SUBSEQUENT OWNERS, THEIR SUCCESSORS AND ASSIGNS, SHALL NOT MODIFY THE INDIVIDUAL LOT GRADING PLANS AND/OR THE IMPROVEMENTS CONSTRUCTION PLAN AS APPROVED BY THE SALISBURY DEPARTMENT OF INFRASTRUCTURE & DEVELOPMENT, WITH CONSTRUCTION, GRADING, OR LANDSCAPING.
5. THIS PROJECT IS EXEMPT FROM FOREST CONSERVATION ACT REQUIREMENTS PER 13C-4 EXEMPTIONS (A) EXEMPTION NOT REQUIRING A DECLARATION OF INTENT; THE FOLLOWING ACTIVITIES ON LANDS ARE EXEMPT FROM THE REQUIREMENTS OF THIS CHAPTER: (10) A PLANNED UNIT DEVELOPMENT THAT, BY DECEMBER 31, 1991, HAS: A. MET ALL REQUIREMENTS FOR PLANNED UNIT DEVELOPMENT APPROVAL; AND B. OBTAINED INITIAL DEVELOPMENT PLAN APPROVAL BY THE DEPARTMENT.
6. NO CONSTRUCTION OF ANY STRUCTURAL IMPROVEMENTS, PLANT TREES, SHARPS OR PLACE ANY LANDSCAPING OTHER THAN GRASS IN OR ON THE EASEMENT AREA, INCLUDING IN THE AIR RIGHTS OVER THE EASEMENT HEREBY CONVEYED PERMITTED, WITHOUT THE PRIOR WRITTEN CONSENT OF THE CITY OF SALISBURY.
7. OPEN SPACE PARCELS ARE NOT APPROVED FOR BUILDABLE LOTS.
8. PRELIMINARY SUBDIVISION PLAN APPROVED BY THE PLANNING COMMISSION ON FEBRUARY 16, 2023.

LEGEND

- PROPERTY LINE OR RIGHT-OF-WAY LINE
- PROPOSED EASEMENT LINE
- IRON ROD W/CAP
- IRON ROD W/CAP
- CONCRETE MONUMENT

SITE DATA

OWNER/DEVELOPER: MCP SALISBURY LLC
 534 E. MAIN ST., SUITE B
 CHARLOTTEVILLE, VA 22902-5395
 PHONE: 434-531-4858

PROPERTY ADDRESS: 611 TRESSLER DRIVE
 SALISBURY, MD 21801

TAX MAP, GRID, PARCEL NO.: 0113, 0019, P. 1134, LOT PAR A

CITY OF SALISBURY MAP NO.: 186 & 188

DEED REFERENCE: 04807/02040

PLAT REFERENCE: 0011/0137

ZONING: PLANNED RESIDENTIAL DISTRICT 3B
 EXISTING: PLANNED RESIDENTIAL DISTRICT 3B

BUILDING SETBACKS: FORMERLY: 40' FROM WEST PROPERTY LINE
 HARBOR POINTE DRIVE: 50' FROM PROPERTY LINE
 PHASE II CLUSTER LOTS: 30' FROM PROPERTY LINE
 PHASE II RECREATION AREA: 10' FROM PROPERTY LINE
 PHASE III: 30' FROM PROPERTY LINE

TOTAL PARCEL AREA: 10.23 ACRES

FLOOD ZONE: ZONE X - OUTSIDE FLOODPLAIN
 (FROM MAP #WACO50032P
 DATED AUGUST 17, 2015)

TOTAL NUMBER OF LOTS: 28

MINIMUM LOT SIZE: 2,000 SF

GROUNDWATER PROTECTION ZONE: ZONE B1

COORDINATE TABLE

POINT	NORTHING	EASTING
1	251749.630	702572.126
2	251749.630	702572.126
3	251749.630	702572.126
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113	251749.630	702572.126

CURVE TABLE

CURVE	RADIUS	PC	PT	LENGTH	CHORD	BEARING	DELTA ANGLE
1	1165.14	49.42	49.42	49.42	49.42	N 20°15'28" W	172°00'00"
2	20.00	28.55	28.55	28.55	28.55	N 89°44'25" E	172°00'00"
3	20.00	28.55	28.55	28.55	28.55	N 89°44'25" E	172°00'00"
4	20.00	28.55	28.55	28.55	28.55	N 89°44'25" E	172°00'00"
5	10.00	10.14	10.14	10.14	10.14	N 89°44'25" E	172°00'00"
6	41.20	24.21	24.21	24.21	24.21	N 89°44'25" E	172°00'00"
7	41.20	24.21	24.21	24.21	24.21	N 89°44'25" E	172°00'00"
8	10.00	10.14	10.14	10.14	10.14	N 89°44'25" E	172°00'00"
9	10.00	10.14	10.14	10.14	10.14	N 89°44'25" E	172°00'00"
10	10.00	10.14	10.14	10.14	10.14	N 89°44'25" E	172°00'00"
11	10.00	10.14	10.14	10.14	10.14	N 89°44'25" E	172°00'00"
12	10.00	10.14	10.14	10.14	10.14	N 89°44'25" E	172°00'00"
13	10.00	10.14	10.14	10.14	10.14	N 89°44'25" E	172°00'00"
14	10.00	10.14	10.14	10.14	10.14	N 89°44'25" E	172°00'00"
15	10.00	10.14	10.14	10.14	10.14	N 89°44'25" E	172°00'00"
16	10.00	10.14	10.14	10.14	10.14	N 89°44'25" E	172°00'00"
17	10.00	10.14	10.14	10.14	10.14	N 89°44'25" E	172°00'00"
18	10.00	10.14	10.14	10.14	10.14	N 89°44'25" E	172°00'00"
19	10.00	10.14	10.14	10.14	10.14	N 89°44'25" E	172°00'00"
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22	10.00	10.14	10.14	10.14	10.14	N 89°44'25" E	172°00'00"
23	10.00	10.14	10.14	10.14	10.14	N 89°44'25" E	172°00'00"
24	10.00	10.14	10.14	10.14	10.14	N 89°44'25" E	172°00'00"
25	10.00	10.14	10.14	10.14	10.14	N 89°44'25" E	172°00'00"
26	10.00	10.14	10.14	10.14	10.14	N 89°44'25" E	172°00'00"
27	10.00	10.14	10.14	10.14	10.14	N 89°44'25" E	172°00'00"
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29	10.00	10.14	10.14	10.14	10.14	N 89°44'25" E	172°00'00"
30	10.00	10.14	10.14	10.14	10.14	N 89°44'25" E	172°00'00"
31	10.00	10.14	10.14	10.14	10.14	N 89°44'25" E	172°00'00"
32	10.00	10.14	10.14	10.14	10.14	N 89°44'25" E	172°00'00"
33	10.00	10.14	10.14	10.14	10.14	N 89°44'25" E	172°00'00"
34	10.00	10.14	10.14	10.14	10.14	N 89°44'25" E	172°00'00"
35	10.00	10.14	10.14	10.14	10.14	N 89°44'25" E	172°00'00"
36	10.00	10.14	10.14	10.14	10.14	N 89°44'25" E	172°00'00"
37	10.00	10.14	10.14	10.14	10.14	N 89°44'25" E	172°00'00"
38	10.00	10.14	10.14	10.14	10.14	N 89°44'25" E	172°00'00"
39	10.00	10.14	10.14	10.14	10.14	N 89°44'25" E	172°00'00"
40	10.00	10.14	10.14	10.14	10.14	N 89°44'25" E	172°00'00"
41	10.00	10.14	10.14	10.14	10.14	N 89°44'25" E	172°00'00"
42	10.00	10.14	10.14	10.14	10.14	N 89°44'25" E	172°00'00"
43	10.00	10.14	10.14	10.14	10.14	N 89°44'25" E	172°00'00"
44	10.00	10.14	10.14	10.14	10.14	N 89°44'25" E	172°00'00"
45	10.00	10.14	10.14	10.14	10.14	N 89°44'25" E	172°00'00"
46	10.00	10.14	10.14	10.14	10.14	N 89°44'25" E	172°00'00"
47	10.00	10.14	10.14	10.14	10.14	N 89°44'25" E	172°00'00"
48	10.00	10.14	10.14	10.14	10.14	N 89°44'25" E	172°00'00"
49	10.00	10.14	10.14	10.14	10.14	N 89°44'25" E	172°00'00"
50	10.00	10.14	10.14	10.14	10.14	N 89°44'25" E	172°00'00"
51	10.00	10.14	10.14	10.14	10.14	N 89°44'25" E	172°00'00"
52	10.00	10.14	10.14	10.14	10.14	N 89°44'25" E	172°00'00"
53	10.00	10.14	10.14	10.14	10.14	N 89°44'25" E	172°00'00"
54	10.00	10.14	10.14	10.14	10.14	N 89°44'25" E	172°00'00"
55	10.00	10.14	10.14	10.14	10.14	N 89°44'25" E	172°00'00"
56	10.00	10.14	10.14	10.14	10.14	N 89°44'25" E	172°00'00"
57	10.00	10.14	10.14	10.14	10.14	N 89°44'25" E	172°00'00"
58	10.00	10.14	10.14	10.14	10.14	N 89°44'25" E	172°00'00"
59	10.00	10.14	10.14	10.14	10.14	N 89°44'25" E	172°00'00"
60	10.00	10.14	10.14	10.14	10.14	N 89°44'25" E	172°00'00"
61	10.00	10.14	10.14	10.14	10.14	N 89°44'25" E	172°00'00"
62	10.00	10.14	10.14	10.14	10.14	N 89°44'25" E	172°00'00"
63	10.00	10.14	10.14	10.14	10.14	N 89°44'25" E	172°00'00"
64	10.00	10.14	10.14	10.14	10.14	N 89°44'25" E	172°00'00"
65	10.00	10.14	10.14	10.14	10.14	N 89°44'25" E	172°00'00"
66	10.00	10.14	10.14	10.14			



STAFF REPORT

MEETING OF MARCH 6, 2024

Case No. 202500181

Applicant: GMB, LLC for The State of Maryland –
Department of Health and Mental Hygiene

Property Owner: The State of Maryland – Department of Health and
Mental Hygiene

Location: 926 Snow Hill Road
State City Tax Map: #0048
Parcel #0265, Grid #0004

Zoning: R-8 Residential

Requests: Permission to enlarge a legal nonconforming
use.

I. SUMMARY OF REQUEST:

The Applicant requests permission to construct a 4,645 sq. ft. addition to the existing nonconforming use. The use is nonconforming as domestic abuse shelters and housing for the handicapped are not permitted uses within the R-8 Residential Zoning District. Board approval to enlarge an existing nonconforming use is requested. **(Attachments 1 & 2)**

II. ACCESS TO THE SITE AREA:

The site is located on the Holly Center property. Access to the shelter site is from Pierce Avenue. **(Attachments 2 & 3)**

III. DESCRIPTION OF PROPERTY:

The site consists of a 75.38 acre lot which has been improved with the existing Holly Center Intermediate Care Facility, and the Life Crisis Center for domestic abuse victims. The property is located at the northwest corner of Snow Hill Road and Robins Avenue, and extends westward to the James M. Bennett High School campus.



City of Salisbury

IV. DESCRIPTION OF SURROUNDING AREA/NEIGHBORHOOD:

The surrounding properties are primarily a mixture of residential uses, ranging from single family homes to townhouses and apartments. A few commercial uses can be found near the intersection of Snow Hill Road and College Avenue/Beaglin Park Drive.

V. EVALUATION:

- (a) **Discussion:** The existing use is considered to be a legal nonconforming, as it has existed as the Life Crisis Center since 1976, prior to the adoption of current Zoning Code standards. 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 a 4,645 sq. ft., one story office and administrative facility addition. Additional parking is also proposed to accommodate the expansion. **(Attachment 3)**

- (b) **Impact:** The proposed enlargement of a legal nonconforming use should not have a negative impact on surrounding properties. The building addition is proposed to be inward on the site, away from neighboring properties. The service provided on the property is a quiet, low intensity use that currently does not impact adjoining residential uses.

- (c) **Relationship to Criteria:**

Section 17.16.080 of the Zoning Code identifies the criteria for approval of enlarging a nonconforming use 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.**

The proposed addition will have minimal effects on surrounding properties. It is projected to be constructed inward, away from adjoining properties. The existing use as a residential shelter is quiet, with a low intensity.

- [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**



City of Salisbury

additional employment or housing for the community or services to a neighborhood.

The enlargement will provide additional support for the growing demand for its services. This is a benefit to the greater Salisbury community.

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

Parking is compliant with Zoning Code standards, and Staff does not anticipate a significant increase in traffic from the proposed expansion.

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

The property is currently heavily screened from surrounding properties. Trees will be required at the ends of the new parking spaces per the City's Zoning Code.

- [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 will provide additional support for the growing demand for its services. This is a benefit to the greater Salisbury community.

VI. RECOMMENDATION:

Based on the findings contained in this Staff Report, Staff supports the applicant's request to enlarge a legal nonconforming use, by constructing a 4,645 sq. ft. office addition and accompanying parking. **Approval** of the applicant's request to enlarge a legal nonconforming use as submitted is recommended with the following condition:

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



February 11, 2025

City of Salisbury
Department of Infrastructure & Development
125 North Division Street, Room 202
Salisbury, Maryland 21801

Attn: Mr. Henry Eure
Deputy Director

Re: Expansion of Nonconforming Use – Proposed Building Addition
Holly Center Property
926 Snow Hill Road
Salisbury, Maryland
GMB01-05

Dear Mr. Eure:

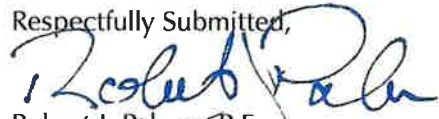
Enclosed, please find a completed Board of Appeals application and site plan that is associated with the expansion of an existing nonconforming use at the Holly Center Property on Snow Hill Road. This proposal represents a 4,645 square foot building addition to support expansion of the existing office/administrative function to support the growing demand of the services this facility provides. It is our desire to have this application considered by the Board of Appeals at the next regularly scheduled public hearing for the following reasons:

- The Holly Center Property is owned by the State of Maryland, Department of Mental Health and Hygiene.
- The Salisbury Zoning Map indicates this property is zoned R-8.
- Historic use of the facility is not permitted in the referenced zoning district.
- Original construction of this facility was considered to be exempt from the Salisbury Zoning Code because it was constructed on lands owned by the State of Maryland. State lands are considered to be exempt from local land use regulations. Though this facility was considered to be exempt from local land use regulations, a nonconforming use was effectively created.
- The proposed addition has been declared by the Maryland Department of Mental Health and Hygiene to be a use that should be subject to the Salisbury Zoning Code.
- The existing use is a critical facility that provides essential services to families that face certain crises.
- The proposed facility expansion is required to continue providing much needed services to the citizens of Salisbury and Wicomico County.

Board of Appeals Application
Expansion of Nonconforming Use
February 11, 2025
Page 2 of 2

Following your review, please contact me if you have any questions or require additional information to consider this request.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "Robert Palmer". The signature is fluid and cursive, with the first name "Robert" and last name "Palmer" clearly distinguishable.

Robert J. Palmer, P.E.
President | Senior Engineer

Enclosures

CC: Ms. Morgan Helfrich, AIA, w/enc via SharePoint
Ms. Jamie Manning w/enc via SharePoint



SITE DATA

TAX MAP LOCATION: TAX MAP 4B, GRID 4, PARCEL 265
 STREET ADDRESS: 928 SNOW HILL ROAD, SALISBURY, MD.
 OVERALL PARCEL ACREAGE: 75.38 ACRES
 EXISTING LEASED AREA ACREAGE: ±2.57 ACRES
 NUMBER OF PHASES: 1
 DISTURBED AREA:
 PROPOSED IMPERVIOUS AREA:
 PARKING CALCULATIONS:

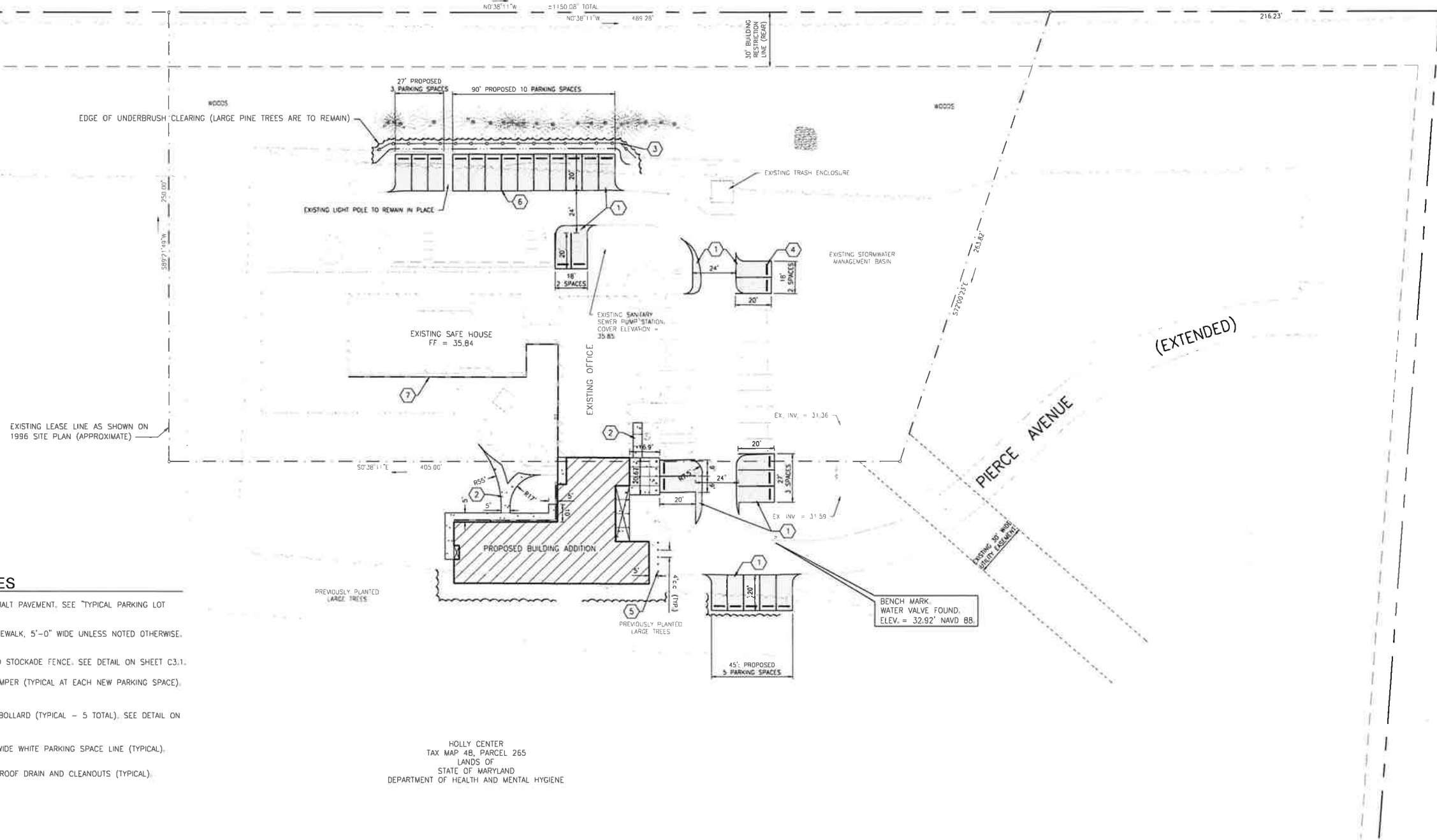
USE	CRITERIA/QUANTITY	QUANTITY	REQUIRED SPACES
EXISTING OFFICE:	1/400 SF GFA	3,864 SF	10
PROPOSED OFFICE:	1/400 SF GFA	4,635 SF	12
BOARDING HOUSE / ROOMING HOUSE:	1/SLEEPING ROOM	20 IN 4 ROOMS	20
TOTAL SPACES REQUIRED:			42
TOTAL SPACES PROVIDED:			55 INCLUDING ACCESSIBLE PARKING

ACCESSIBLE PARKING REQUIREMENTS: PARKING (26-50): 2 SPACES REQUIRED (INCLUDES 1 VAN SPACE)
 TOTAL PROVIDED: 3 SPACES INCLUDES 1 VAN ACCESSIBLE

ZONING DISTRICT OF PARCEL: R-6 (RESIDENTIAL)
 PRESENT USE: NON-PROFIT, SHELTER FOR WOMEN AND CHILDREN
 PROPOSED USE: NON-PROFIT, SHELTER FOR WOMEN AND CHILDREN
 CRITICAL AREA DESIGNATION: N/A, OUTSIDE OF CRITICAL AREA
 REQUIRED BUILDING SETBACKS:
 FRONT 25'
 SIDE 10' EACH, 2 REQUIRED
 REAR 30'

NUMBER AND SIZE OF WATER METERS FOR THIS PROJECT: EXISTING (1) 2" METER
 SEWER PROVIDER: PUBLIC
 WATER PROVIDER: PUBLIC
 TRASH COLLECTION: PRIVATE
 HORIZONTAL DATUM: MARYLAND STATE GRID, NAD83
 VERTICAL DATUM: NAVD88

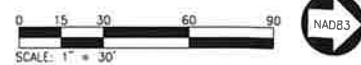
JAMES M. BENNETT, SR. HIGH SCHOOL
 TAX MAP 115, PARCEL 3272
 LANDS OF
 BOARD OF EDUCATION OF WICOMICO COUNTY



CONSTRUCTION NOTES

- 1 FURNISH AND INSTALL HOT MIX ASPHALT PAVEMENT, SEE "TYPICAL PARKING LOT SECTION" ON SHEET C3.1.
- 2 FURNISH AND INSTALL CONCRETE SIDEWALK, 5'-0" WIDE UNLESS NOTED OTHERWISE, SEE DETAIL ON SHEET C3.1.
- 3 FURNISH AND INSTALL 6' HIGH WOOD STOCKADE FENCE, SEE DETAIL ON SHEET C3.1.
- 4 FURNISH AND INSTALL CONCRETE BUMPER (TYPICAL AT EACH NEW PARKING SPACE), SEE DETAIL ON SHEET C3.1.
- 5 FURNISH AND INSTALL 6" DIA. PIPE BOLLARD (TYPICAL - 5 TOTAL), SEE DETAIL ON SHEET C3.1.
- 6 PAINT WITH EPOXY RESIN PAINT 4" WIDE WHITE PARKING SPACE LINE (TYPICAL).
- 7 FURNISH AND INSTALL ___" H.D.P.E. ROOF DRAIN AND CLEANOUTS (TYPICAL).

HOLLY CENTER
 TAX MAP 4B, PARCEL 265
 LANDS OF
 STATE OF MARYLAND
 DEPARTMENT OF HEALTH AND MENTAL HYGIENE



DATE: _____
 REVISION: _____
 NO: _____

EMB
 GEORGE, MILES & BUHR, LLC
 ARCHITECTS & ENGINEERS
 SALISBURY • BALTIMORE • SEAFORD
 www.gmbnl.com

ADDITION FOR:
HOLLY CENTER PROPERTY
 SALISBURY, MARYLAND

SITE PLAN

SCALE: 1" = 30'
 DESIGN BY: J.M.B.
 DRAWN BY: J.M.B.
 CHECKED BY: R.P.S.
 GAB FILE: 2024
 DATE: 11-30-24

C1.2

G:\Projects\2024\10181-0-11c-01c-addition-holly-center-building-cs\Drawings\working\shh\Civil\C1.2_Site_Plan.dwg, 2/10/2025, 10:59 AM, John W. Bing