



# City of Salisbury

## AGENDA

**REGULAR MEETING**

**August 7, 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, William Hill, Ed Torbert, and Miya Horsey.

**MINUTES** – July 10, 2025.

**ZONING PUBLIC HEARINGS:** Case #202500896 – Dr. Brent Zaprowski – 2 ft. Front Yard Fence Height Variance – 301 New York Avenue – R-8 Residential District.

### **ELECTIONS-**

- Voting will be held for Chair, Vice Chair and Open Meetings Act Representative

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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 July 10, 2025, 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

### **ABSENT MEMBERS:**

Edward Torbert  
Sandeep Gopalan, Vice Chair

### **CITY STAFF:**

Betsy Jackson, City Planner  
Beverly Tull, Recording Secretary  
Laura Ryan, City Solicitor

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Mr. Jester called the meeting to order at 6:01 p.m.

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### **MINUTES:**

Upon a motion by Mr. Ngwaba, seconded by Ms. Horsey, and duly carried, the Board **APPROVED** the minutes of the June 12, 2025 meeting as submitted.

\* \* \* \* \*

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

\* \* \* \* \*

**RE: Case #SA-23-820 Pemberton Manor, LLC – Alteration of a Legal Nonconforming Use to Remove the Pool and Create a Picnic Area – 1017 Fairground Drive – R-5A Residential District.**

Mr. Menachem Dubin and Ms. Carol Duffy came forward. Mrs. Jackson presented and entered the Staff Report and all accompanying documentation into the record. Mrs. Jackson explained that the applicant was requesting approval to remove the pool and create a picnic area.

Mr. Jester moved the Staff Report into the record.

Mr. Dubin stated that they were changing the pool into a 12-month use amenity.

Ms. Horsey questioned if the picnic area was just for the tenants in Pemberton Manor or would it be open to the public. Mr. Dubin responded that the picnic area would be for use of the tenants and their guests only.

Mr. Will questioned the age of the pool and if it was built in 1972 with the apartment complex. Mr. Dubin responded that he believed that the pool was built when the apartment complex was built and that it hadn't been used in several years.

Mr. Ngwaba questioned the size of the pool area and the size of the picnic area. The digital rendering in the Staff Report doesn't give dimensions and without plans how would the Board and Staff know it was built to what the rendering showed. Mr. Dubin stated that he didn't have an area size of the pool. Mrs. Ryan explained that the Board is only approving the pool being closed in and not the structures that are being proposed.

Mr. Jester questioned if the space that exists for the pool is only a concrete slab and when the pool was last used. Ms. Duffy believed it had been at least six (6) years since the pool had been used. Mr. Jester questioned if there was a cover over the pool. Mr. Dubin responded that there is just a hole where the pool is located. Mr. Jester questioned if there was any interest in restoring the pool to be used. Mr. Dubin responded in the negative.

Ms. Horsey questioned how the picnic area would affect traffic. Ms. Duffy responded that there will be plenty of parking as the fence that encloses the existing pool area will remain around the picnic area. Mr. Jester questioned how the picnic area would be accessed. Ms. Duffy responded that there is a fob entrance for the area.

Mr. Hill questioned the positions that Mr. Dubin and Ms. Duffy held for Pemberton Manor. Mr. Dubin responded that he was a Regional Manager and Ms. Duffy responded that she was the Property Manager.



Mr. Jester requested clarification from Staff on why this request was before the Board. Mrs. Jackson responded that this development was approved by a Special Exception, which makes it a legal nonconforming use. In order to alter the legal nonconforming use, the Board must approve the alteration.

Upon a motion by Mr. Hill, seconded by Mr. Ngwaba, and duly carried, the Board **APPROVED** the requested alteration of a legal nonconforming use, specifically to remove the pool and replace with a picnic area.

The Board vote was as follows:

<b>Miya Horsey</b>	<b>Aye</b>
<b>Maurice Ngwaba</b>	<b>Aye</b>
<b>William Hill</b>	<b>Aye</b>
<b>Shawn Jester</b>	<b>Aye</b>

\* \* \* \* \*

Mrs. Tull noted that there would be an August meeting and confirmed each member's availability.

\* \* \* \* \*

There was discussion about Board members responsibilities to attend meetings during their terms. Mr. Jester questioned Mrs. Ryan on the process to hold a vote for a Vice Chair. Mrs. Ryan explained that the Board's Handbook requires an election of officers every two years. Following a lengthy discussion, it was determined that the August agenda would have election of officers at the end of the meeting. Mrs. Ryan noted that she would discuss with the Mayor the possible need of filling a vacancy on the Board.

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#### **ADJOURNMENT**

With no further business, the meeting was adjourned at 6:30 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.

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Shawn Jester, Chair

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Nick Voitiuc, Secretary to the Board

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Beverly R. Tull, Recording Secretary



## **STAFF REPORT**

**MEETING OF AUGUST 7, 2025**

**Case No.** 202500896  
**Applicant:** Dr. Brent J. Zaprowski  
**Property Owner:** Brent Zaprowski  
**Location:** 301 New York Avenue  
Tax Map: #104  
Grid #9, Parcel #789  
**Zoning:** R-8 Residential  
**Request:** 2 ft. Fence Height Variance

**I. SUMMARY OF REQUEST:**

The applicants have requested permission to construct a 6 ft. tall fence located within the front yard setback. **(Attachment 1)**

**II. ACCESS TO THE SITE:**

The property has frontage along New York Avenue. **(Attachment 2)**

**III. DESCRIPTION OF PROPERTY:**

This site consists of a rectangular shaped property approximately 7,425 sq. ft. in area, and has been improved with a two-story single-family dwelling that was constructed in 1971.

**IV. DESCRIPTION OF SURROUNDING AREA/NEIGHBORHOOD:**

Surrounding properties in all directions consist of single-family homes, and are also located in the R-8 Residential zoning district. **(Attachment 3)**

**V. EVALUATION:**

- (a) **Discussion:** The applicants are requesting a 2ft. variance to construct a 6ft. privacy fence along eastern side boundary **(Attachment 2)**. Fences are limited to a maximum height of 4 ft. within the front yard setback. According to the property



# City of Salisbury

owners, the purpose of the increased height is to increase privacy and to block the view to the adjacent lot.

- (b) **Impact:** The fence is likely to impact the view of the street from neighboring properties and it will block the view of pedestrians from motorists leaving the driveway of the adjacent property. Fence height variance requests in the front setback have been granted in this area in the past, however they were all on corner lots where the purpose of the fence was to provide privacy to the side yard.

- (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 property does not appear to have any unique conditions that create a practical difficulty or hardship.

- [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.**

Again, there are no unique conditions that this property possesses.

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

Staff finds no practical difficulty or hardship related to the property created by this Title.

- [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 may be detrimental to the public health, security and general welfare of the neighborhood. The fence will obstruct the view of motorists leaving the adjacent driveway which poses



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a danger to pedestrians. It may also obstruct passive surveillance of the street by residents, which impacts the safety and security of the community. Granting of this variance would also set a precedent to allow 6ft. fences in front yard setbacks on ordinary lots throughout the community creating a cumulative negative impact.

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

The variance request is not based on property value or income potential.

- [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.**

Increasing the fence height to 6 ft. within the front yard may diminish the use and enjoyment of the neighboring property, as it blocks some of the view of the neighborhood. It does not seem likely that one 6ft fence in the front setback would negatively impact property values. However, the cumulative impact to property values in the neighborhood, if a precedent is set, is uncertain.

- [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 fence height increase will not increase the concentration of the population, congestion of the streets, or increase the danger of fire. There is concern regarding the visibility of pedestrians and reduced security caused by reducing visibility along the street frontage.

- [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 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 fence height variance request will not have an impact on the City's Comprehensive Plan.

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

No practical difficulty or hardship is apparent after the review of the request against the criteria. A compliant 4 ft. fence in the front setback would provide some privacy, partially limit the view and provide greater separation between the two properties.

**VI. STAFF COMMENTS:**

Staff finds that there is no practical difficulty or unnecessary hardship because of the particular physical surroundings, shape or topographical conditions of the structure or land.

Past approvals for 6ft. fence in a front setback was to provide privacy to side yards on corner lots. The most recent variance granted for this purpose (Case No. 202400423) was based on the premise that the City's Zoning Code created the practical difficulty on corner lots by providing no relief for the limited fence height based on the orientation of the dwelling or along secondary streets.

On this lot, approval would reduce the safety of pedestrians and limit the view of the neighboring property. The cumulative impact of setting a precedent by granting this variance on a typical interior lot would create neighborhoods that are less pedestrian friendly and reduce overall visibility.

**VII. RECOMMENDATION:**

Based on criteria for approval as outlined in Section V (c) of the Staff Report, **denial** of the variance request to construct a 6 ft. tall fence within the front yard setback is recommended.

**City of Salisbury**  
**Department of Infrastructure & Development**  
125 N. Division Street, Room 202  
Salisbury, MD 21801  
(410) 548-3130

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**TO:** Nicholas Viotiuc, Director  
Secretary to the Board of Appeals

**SUBJECT:** Fence height restriction in the Front Yard Setback

☒ Special Exception

☒ Variance

☐  
Administrative  
Appeal

☐ Nonconforming (\_\_\_ Use \_\_\_ Lot \_\_\_ Structure)

☐ Other

**A. APPLICANT:** Dr. Brent J. Zaprowski

**PHONE:** (443)944-9554

**FEE PAID:** \$150 - City

**B. LOCATION OF PROPERTY INVOLVED:** 301 New York Ave

**C. PROPERTY OWNER:** Dr. Brent J. Zaprowski

**D. EXPLANATION OF REQUEST:**

1. **Code Requires:** Fence can only be 4 feet high in the front yard setback
2. **Proposed:** Build a fence that is 6 feet high in front yard setback
3. **Action Required:** Allow an exception for the above proposed action

**E. APPLICABLE SECTIONS OF ZONING CODE:**

**F. CERTIFICATION:** I hereby certify I denied issuance of a Building Permit on \_\_\_\_\_ based upon the above information, and that the applicant desires to have his case heard by the Salisbury Board of Appeals.

  
\_\_\_\_\_  
Betsy Jackson  
City Planner

**City of Salisbury**  
**Department of Infrastructure & Development**  
125 N. Division Street, Room 202  
Salisbury, MD 21801  
(410) 548-3130

**NOTICE TO SALISBURY BOARD  
OF APPEALS APPLICANTS**

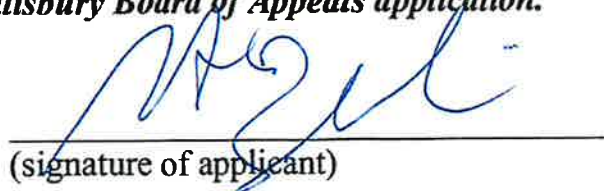
Effective May 1, 2010, applicants submitting requests to be heard by the Salisbury Board of Appeals will be billed for the advertising charges for the public hearing notice that is run in The Daily Times. This notice is required by Section 17.04.150.B.1 which states:

***B. Newspaper Advertising. All proceedings under the terms of this title requiring a public hearing shall be advertised at least once in a newspaper of general circulation, as follows:***

- 1. A variance, special exception, change in nonconforming use, ordinance permit or other such appeal shall be advertised ten days prior to the scheduled hearing;***

The billing notice will be provided at the time the hearing notification letter is sent out and is due prior to the public hearing date.

***I have read the above notice and understand that I will be billed for The Daily Times charges for my Salisbury Board of Appeals application.***

  
(signature of applicant)

7/9/25  
(date)

**City of Salisbury**  
**Department of Infrastructure & Development**  
125 N. Division Street, Room 202  
Salisbury, MD 21801  
(410) 548-3130

**TO: Nicholas Voitiuc, Director**  
**Secretary to the Board of Appeals**

**SUBJECT:** Allow an exception for the height of a fence in the front yard setback

**DATE:** 7/9/2025

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**CERTIFICATION OF APPLICANT**

In accordance with Section 17.04.19, of the City's Zoning Code, I hereby request a hearing before the Salisbury Board of Appeals to:

allow for a six foot high fence in the front yard setback zone along the side of the property

I certify that I have paid all advertising fees necessary for the public hearing in this matter to a representative of the City of Salisbury Department of Infrastructure & Development. I also acknowledge that additional application fees will be assessed by the City of Salisbury Department of Infrastructure & Development prior to my case being scheduled for official action by the Board.

I certify that my interest in the property is as follows: I am the owner of the property

I wish to block the view of the property to the east of my own using a 6 foot high fence

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It is my understanding that the property involved will be posted with a Public Notice and I agree to allow the posting and property inspection, if applicable.

Very Truly Yours,

Dr. Brent J. Zaprowski

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**WITHDRAWAL NOTICE**

**I hereby:** ☐ Cancel ☐ Withdraw ☐ Postpone

**my application for:** \_\_\_\_\_

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*Name*

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*Date*

Request for Fence Height Restriction Waiver

July 7, 2025

To the City of Salisbury's Department of Infrastructure & Development

Greetings,

My wife and I are submitting this fence permit application because we are planning to extend the fence which runs along the eastern side of our property at 301 New York Ave. The fence extension will only be 48 feet long.

We are building the fence because we want privacy from our neighbors. We understand that within 25 feet of the sidewalk the fence can only be 4 feet tall. However, we are requesting that the fence be built to a height of 6 feet.

We are making this request for two reasons. First, the adjacent property is not very well maintained, and their yard is full of junk. We are tired of looking at the mess.

Second, the said neighbors tend to hang out in their front yard frequently. Whenever either of us are in the yard, it makes us uncomfortable as they watch everything we do. It's quite disconcerting to be stared at while mowing the lawn. Literally, one of them stands at the property line and stares at us, and there have been incidents in the past between one of these people and my wife which required police intervention. Thus, it makes her very uncomfortable when she is in the front yard watering the plants or even going from her car to the front door of the house when I am not home.

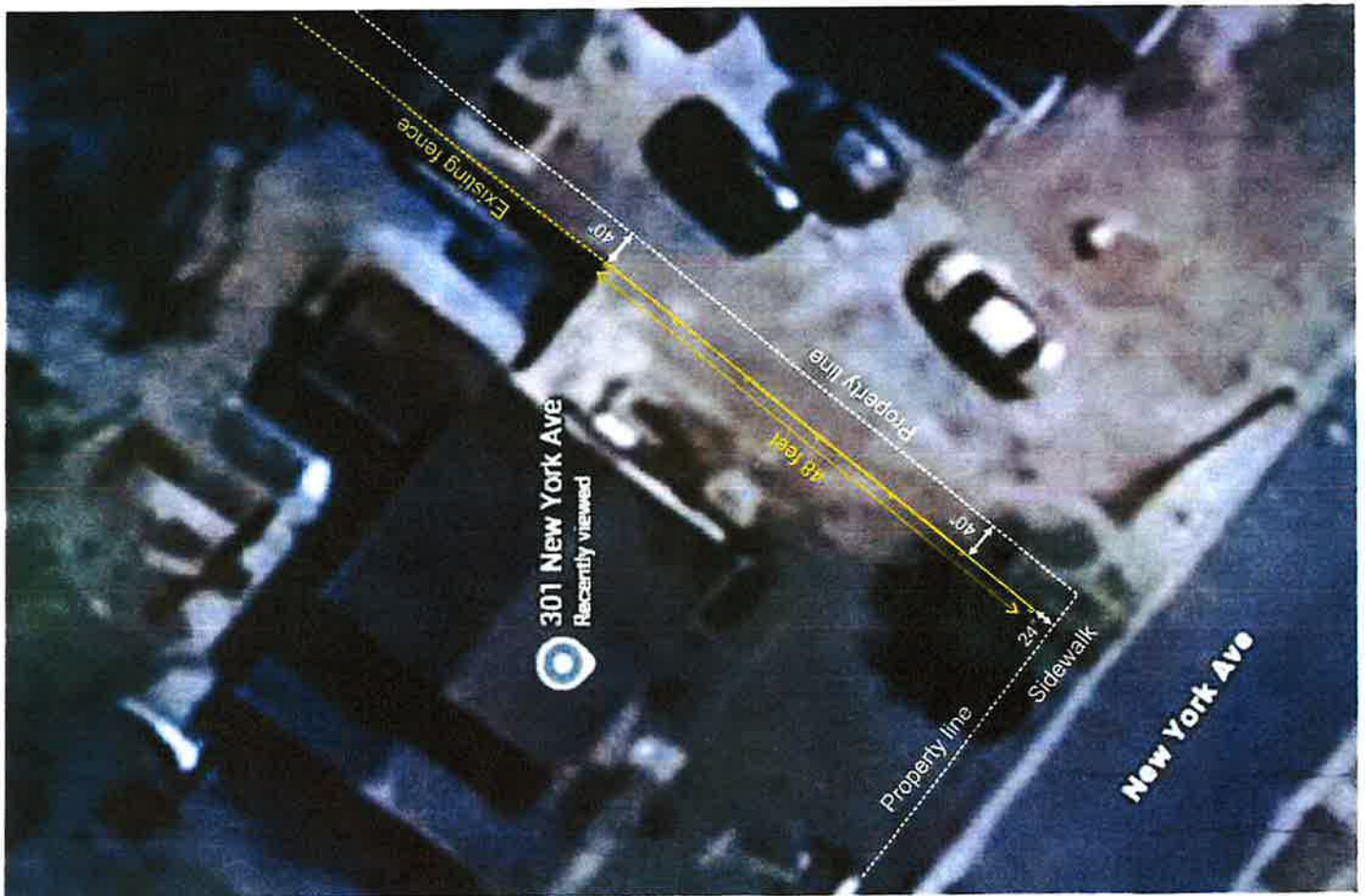
We love our house, and we keep it in good condition. We don't want to leave, but we also don't want to feel uncomfortable in our own front yard. Thus, we are requesting that when we build the fence, we are allowed to build it 6 feet high such that we no longer must look at the adjoining property and feel like we are constantly being watched by our rude and obtrusive neighbors.

Thank you for your time and considerations.

Sincerely,

Dr. and Mrs. Brent J. Zaprowski  
301 New York Ave.













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