



MINUTES

The Salisbury Board of Appeals met in regular session on June 12, 2025, in Room 301, Government Office Building at 6:00 p.m. with attendance as follows:

BOARD MEMBERS:

Shawn Jester, Chair
Maurice Ngwaba
Edward Torbert
Miya Horsey

ABSENT MEMBERS:

William Hill
Sandeep Gopalan, Vice Chair

CITY STAFF:

Jessica Crenshaw, Senior 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. Torbert, seconded by Mr. Ngwaba, and duly carried, the Board **APPROVED** the minutes of the March 6, 2025 meeting as submitted.

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Mrs. Tull 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 #202301591 – Jason Malone, on behalf of Snowfield, LLC – Special Exception to Utilize the Entire Property for Residential Use to Construct 203 Residential Units – Northeast Corner of Toadvine Road and Snow Hill Road – R-8 Residential and General Commercial District.

Mr. Mark Cropper, Mr. Jason Malone, and Mr. Brock Parker came forward. Mrs. Crenshaw presented and entered the Staff Report and all accompanying documentation into the record. Mrs. Crenshaw explained that the applicant was granted via special exception permission to construct a 195-unit residential subdivision to be known as the Village at Snowfield in September 2022. The site is located within the R-8A Residential and General Commercial zoning districts. The special exception is required to construct residential units in the General Commercial district portion of the site pursuant to Zoning Code standards. During City development plan reviews, the number of residential units were increased to 203. City staff considered the increased number during the development's review of engineering, stormwater, and fire/emergency services, and the construction plan was accepted for approvals. However, when the plan was forwarded to Planning staff for Final Comprehensive Plan approval by the Planning Commission, the increase in units was noticed. The plan could only move forward with 195 residential units, and the 8 units were removed from all plans. The applicant returned to Board of Appeals January 2024 to extend and reestablish the approval of utilizing the split-zoned parcel for 195 residential units, with no changes from the original 2022 special exception. Planning Commission later approved the Final Comprehensive Development Plan and Final Major Subdivision Plat at the February 2024 Planning Commission Meeting. The development plan was subsequently approved by the Department of Infrastructure and Development and the project is currently under construction. The applicant is requesting at this time to reintroduce the 8 units into the Village at Snowfield project. This request does not affect the original approval which granted the construction of residential units in the General Commercial District, but because the original decision was specific to include the 195 units, the applicant is requesting that the decision be amended to reflect 203 units or not specify the unit count.

Mr. Jester moved the Staff Report into the record.

Mr. Cropper questioned Mr. Malone and Mr. Parker if they had any changes to the Staff Report or Staff's recommendation. Mr. Malone and Mr. Parker responded in the negative. Mr. Cropper requested approval of the Special Exception as recommended by Staff.

Mr. Torbert questioned how the numbers changed and if the 203 units were not envisioned in the original plans. Mr. Parker responded that this was a large project that took awhile to design. Through the engineering process it was discovered that an additional eight (8) units could be added. When the Special Exception was renewed, the higher number of units was not caught so in order to get the project started, the additional eight (8) units were dropped. Now that the project is under way, it is back for the additional eight (8) units for approval.



Mr. Ngwaba questioned the location of the open space. The additional eight (8) units are close to the stormwater area. Mr. Parker discussed the location of the open space areas throughout the project, which will include trails around the pond and walking trails throughout.

Mr. Jester questioned if this would be the final project. Mr. Parker responded in the affirmative.

Upon a motion by Mr. Ngwaba, seconded by Ms. Horsey, and duly carried, the Board **APPROVED** the Special Exception to utilize the entire property for residential use to construct 203 residential units on the property located at the northeast corner of Toadvine Road and Snow Hill Road, based on the criteria listed in the Staff Report, particularly the criteria listed in Section V(c), and subject to the following Conditions of Approval:

CONDITIONS:

1. Subject to approval by the Salisbury Planning Commission.
2. Submit and record a corrected plat for the additional 8 residential units.

The Board vote was as follows:

Miya Horsey	Aye
Maurice Ngwaba	Aye
Edward Torbert	Aye
Shawn Jester	Aye

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RE: Case #202500588 – Hilda Escobar – 14.5 ft. Front Yard Setback Variance; Two (2) 6 ft. 8.5-inch Side Yard Setback Variances; 16 ft. 2.5-inch Rear Yard Setback Variance to Construct A New Single Family Dwelling – 338 Delaware Avenue – R-5 Residential District.

Mr. Eduardo Wolfe and Mr. Fernando Fernandez came forward. Mrs. Crenshaw presented and entered the Staff Report and all accompanying documentation into the record. Mrs. Crenshaw explained that the applicant requests permission to construct a 24 ft. x 33 ft. single family home. The new home is proposed to have a front setback of 10 ft. 7-inches, two (2) side yard setbacks of 3 ft. 3 ½-inches, and a rear yard setback of 13 ft. 9 ½-inches. The Zoning Code requires a 25 ft. front yard setback, two (2) side yard setbacks of 10 ft. each, and a 30 ft. rear yard setback. Board approval of a front setback variance of 14 ft. 5-inches, two (2) side setback variances of 6 ft. 8 ½-inches each, and a rear setback variance of 16 ft. 2 ½-inches is requested to accommodate the proposed home.



Mr. Jester moved the Staff Report into the record.

Mr. Ngwaba questioned how parking was going to be provided. Mr. Wolfe stated that there was a driveway on the left side of the property that goes between the houses. Mr. Ngwaba questioned if they planned on parking on the street. Mr. Wolfe responded in the affirmative, explaining that they planned on parking on the street in front of the house on Delaware Avenue. Mr. Torbert questioned Mrs. Crenshaw if there was a requirement for off-street parking. Mrs. Crenshaw responded that the Code requires two (2) parking spaces per dwelling unit. Mr. Torbert questioned how close the other structures are to the property lines. Mrs. Crenshaw responded that the adjoining properties have 3 ft. side yard setbacks from the property lines. Mr. Torbert questioned that there would be 6 ft. between the residences. Mrs. Crenshaw responded in the affirmative. Mr. Torbert questioned if the Fire Department had approved the structures being that close together. Mrs. Tull noted that the Fire Department does not review Board of Appeals cases. Their approval process will be for the sprinkler system.

Mr. Jester noted that most homes are noncompliant in this area now so the new single family dwelling would be noncompliant as well. Mrs. Crenshaw responded in the affirmative. Mr. Jester questioned that the current structure is condemned. Mrs. Crenshaw responded in the affirmative. Mr. Jester questioned how long the applicants had owned the property. Mr. Wolfe responded that they had owned the property for two (2) years. Mr. Jester questioned if this would be their personal home. Mr. Wolfe responded in the affirmative. Mr. Jester questioned if they had spoken with the neighbors about demolishing the home and building a new house. Mr. Wolfe responded in the negative. Mr. Jester noted that he had looked up the property on Google Maps and a new single-family dwelling in this location would be an improvement to the neighborhood.

Mr. Torbert questioned if they had considered a narrower home plan. Mr. Wolfe responded that there are not a lot of options for house plans for this lot. There would be setback issues no matter what house design was used. The proposed single-family dwelling is similar in size to the existing house. Mr. Jester noted that the proposed dwelling is larger on all sides. Mr. Wolfe responded when the land was surveyed that they couldn't go larger without requesting setback variances on all sides. Mr. Jester questioned Staff if every side of the dwelling violated the City Code as it currently exists. Mrs. Crenshaw responded in the affirmative.

Mr. Torbert questioned if the Board could add conditions to their motion. Mrs. Ryan responded in the affirmative, explaining that the Board could add conditions as well as change the size of the variances.

Mr. Torbert explained that he had a problem allowing homes to be built 6 ft. away from each other. He noted that from a fire protection standpoint he was opposed and he only wanted the request to move forward if the Salisbury Fire Department approved. Mrs. Ryan explained that the Board can't approve a request based on another department's approval. The Board can postpone the case or continue the case until next month to get an opinion on fire safety. Mr. Ngwaba voiced his agreement



with Mr. Torbert's concerns. He suggested getting the City Fire Marshal's opinion or have the engineer rework the site layout and to include a driveway on the design. He also questioned if the City would be acceptable to parking along Delaware Avenue. Mrs. Crenshaw responded that the Fire Department would review this at the time of permit review. Mrs. Tull explained that the Fire Department will only review the sprinkler system application as it is a requirement for any new home to have a sprinkler system.

Mrs. Ryan explained that the variances are based on criteria listed in the Staff Report. Traffic is part of the criteria listed in number 7 and 8 of the Staff Report. Staff had no concerns regarding the traffic or any fire hazards. She advised the Board members to direct their questions to Staff.

Mr. Ngwaba noted that there needs to be consideration to improve public safety.

Mrs. Crenshaw stated that very few existing homes have driveways on Delaware Avenue. It appears that the street is wide enough to support parking on both sides of the road.

Mr. Torbert noted that the State and City fire codes require the new home to be sprinkled but it will still be a tight area for any Fire Department operations.

Mrs. Ryan advised the applicant that if the Board denies the request that they can't resubmit an application for a period of one (1) year.

Mr. Jester questioned Mr. Torbert what would be need to be supplied to adhere to the requirements. Mr. Torbert responded that if the Fire Department is okay then his concerns would be satisfied. Mr. Jester responded that he understood Mr. Torbert's concerns but the existing house is condemned and is a fire hazard. The applicants can request a continuance or the Board can vote on the request as submitted. Mr. Wolfe questioned who they would need to get approval from. Mr. Torbert responded that the City Fire Marshal or City Fire Chief would have to approve the request. There was continued discussion among the applicants. Mr. Torbert agreed that since the house has to be sprinkled that he would be satisfied with the request.

Upon a motion by Mr. Torbert, seconded by Mr. Ngwaba, and duly carried, the Board **APPROVED** a 14 ft. 5-inch front yard setback variance, two (2) 6 ft. 8.5-inch side yard setback variances, and a 16 ft. 2.5-inch rear yard setback variance to construct a new 24 ft. by 33 ft. residential home., based on the criteria listed in Section V(c) of the Staff Report.

The Board vote was as follows:

Miya Horsey	Aye
Maurice Ngwaba	Aye
Edward Torbert	Aye
Shawn Jester	Aye



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

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ADJOURNMENT

With no further business, the meeting was adjourned at 7:08 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