



MINUTES

The Salisbury Board of Appeals met in regular session on March 6, 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
Edward Torbert
Miya Horsey

ABSENT MEMBERS:

Sandeep Gopalan, Vice Chair

CITY STAFF:

Henry Eure, Deputy Director
Beverly Tull, Recording Secretary
Heather Konyar, City Solicitor

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

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MINUTES:

Upon a motion by Mr. Hill, seconded by Mr. Ngwaba, and duly carried, the Board **APPROVED** the minutes of the November 7, 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.



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RE: 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.

Mr. Eure presented the four (4) Staff Reports for Tressler Drive simultaneously as they were the same request. He advised the Board that they would have to make separate motions for each case.

Mr. Timothy Metzner came forward. Mr. Eure presented and entered the Staff Report and all accompanying documentation into the record. Mr. Eure explained that 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.

Mr. Metzner explained that the builder kept the building consistent with the existing buildings on Tressler Drive instead of what was on the plans, which resulted in encroachment into the setback.

Mr. Ngwaba questioned who discovered the error. Mr. Metzner responded that the error was discovered when owner got a survey done to close out the financing.

Mr. Jester questioned if the 1.5 ft setback variance would cover all the properties. Mr. Metzner responded in the affirmative. Mr. Jester questioned Mr. Eure if there had been other cases before the Board with this type of request. Mr. Eure responded in the affirmative. Mr. Jester questioned if there was any way to fix the issue. Mr. Metzner responded that the rear walls of the properties in question would have to be demolished and rebuilt. Mr. Jester questioned the cost to fix the setback issue. Mr. Metzner responded that he couldn't give a finite amount but it would be about half of the original cost of construction. He explained the processes that would be involved in rebuilding the rear of each property involved, adding that it would be a six (6) to 12 month process and that the residents would have to be relocated during the construction.

Mr. Torbert questioned who would have to cover the cost if the property were to be brought in to compliance with the setbacks. Mr. Metzner responded that it would be at the cost of the developer and builder.

Ms. Lindsay Mooney from SVN was not sworn in but was in the audience to hear the outcome of the cases as she manages the adjacent property.

Upon a motion by Mr. Hill, seconded by Mr. Ngwaba, and duly carried, the Board **APPROVED** the requested 1.5 ft rear yard setback variance for 610 Tressler Drive, 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
William Hill	Aye
Edward Torbert	Aye
Shawn Jester	Aye

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RE: 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.

Mr. Timothy Metzner came forward. Mr. Eure presented and entered the Staff Report and all accompanying documentation into the record. Mr. Eure explained that 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.

Upon a motion by Mr. Hill, seconded by Mr. Torbert, and duly carried, the Board **APPROVED** the requested 1.5 ft rear yard setback variance for 612 Tressler Drive, 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
William Hill	Aye
Edward Torbert	Aye
Shawn Jester	Aye

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RE: 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.

Mr. Timothy Metzner came forward. Mr. Eure presented and entered the Staff Report and all accompanying documentation into the record. Mr. Eure explained that 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.



Upon a motion by Mr. Hill, seconded by Ms. Horsey, and duly carried, the Board **APPROVED** the requested 1.5 ft rear yard setback variance for 618 Tressler Drive, 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
William Hill	Aye
Edward Torbert	Aye
Shawn Jester	Aye

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RE: 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.

Mr. Timothy Metzner came forward. Mr. Eure presented and entered the Staff Report and all accompanying documentation into the record. Mr. Eure explained that 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.

Upon a motion by Mr. Hill, seconded by Mr. Ngwaba, and duly carried, the Board **APPROVED** the requested 1.5 ft rear yard setback variance for 620 Tressler Drive, 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
William Hill	Aye
Edward Torbert	Aye
Shawn Jester	Aye



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

Mr. Bob Palmer came forward. Mr. Eure presented and entered the Staff Report and all accompanying documentation into the record. Mr. Eure explained that 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.

Mr. Jester entered the Staff Report into the record.

Mr. Palmer displayed a site plan of the project and discussed the layout of the proposed addition. Grant funds have been secured to complete this project and the State requested that it be approved and permitted at the local level even though it is on State owned property.

Mr. Torbert questioned the exact location on the aerial included in the Staff Report. Mr. Eure advised that the location of the proposed addition is outlined in blue.

Mr. Jester questioned if the entire Holly Center campus is a legal nonconforming use. Mr. Eure responded in the affirmative, adding that typically State projects are not handled by the local jurisdictions.

Mr. Jester questioned if there was any information on the State grant. Mr. Palmer responded that he did not have specifics on the grant funds. Mr. Jester questioned if this was a use or lose grant. Mr. Palmer responded in the affirmative, adding that they have one (1) more year to get the project to completion.

Mr. Palmer stated that they fully intend to comply with all requirements of the Code and thanked the Board for their time and consideration.

Upon a motion by Mr. Hill, seconded by Ms. Horsey, and duly carried, the Board **APPROVED** the request to enlarge a legal nonconforming use by constructing a 4,645 sq. ft. office addition and accompanying parking, based on the criteria listed in Section V(c) of the Staff Report, and subject to the following Conditions of Approval:



City of Salisbury

CONDITIONS:

1. Subject to further review and approval by the Salisbury Department of Infrastructure and Development and the Salisbury Fire Department.
2. Provide landscape islands at the ends of the parking rows.

The Board vote was as follows:

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

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ADJOURNMENT

With no further business, the meeting was adjourned at 6:41 p.m.

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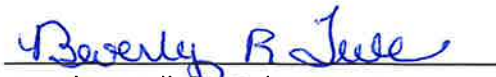
This is a summary of the proceedings of this meeting. Detailed information is in the permanent files of each case as presented and filed in the City of Salisbury Department of Infrastructure and Development Department.



Shawn Jester, Chair



Nick Voitiuc, Secretary to the Board



Beverly R. Tull, Recording Secretary

Department of Infrastructure & Development
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410.548.3170

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