



City of Salisbury

AGENDA

REGULAR MEETING

November 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, William Hill, and Ed Torbert.

MINUTES – October 2, 2025.

ZONING PUBLIC HEARINGS: Case #202501245 – Parker & Associates, on behalf of D.R. Horton, Inc. – 3.5 ft. Front Yard Setback Variance to Retain a Porch Constructed in the Front Yard Setback – 1305 Fairview Lane – R-8A Residential District.

Case #202501244 – Woldwide Prestige LLC – 2 ft. Fence Height Variance to Construct a 6 ft. Fence Within the Front yard Setback – 404 Martin Street & Map-104 Parcel – 214 P/O Lot B – General Commercial District.

* * * * *

****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).

Department of Infrastructure & Development
125 N. Division St., #202 Salisbury, MD 21801
410-548-3170 (fax) 410-548-3107
www.salisbury.md



MINUTES

The Salisbury Board of Appeals met in regular session on October 2, 2025, in Room 301, Government Office Building at 6:00 p.m. with attendance as follows:

BOARD MEMBERS:

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

ABSENT MEMBERS:

Miya Horsey

CITY STAFF:

Betsy Jackson, City Planner
Eric Cramer, City Fire Marshal
Robbie Horsman, Deputy City Fire Marshal
Rob Frampton, Fire Chief
Beverly Tull, Recording Secretary
Laura Ryan, City Solicitor

* * * * *

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

* * * * *

MINUTES:

Upon a motion by Mr. Hill, seconded by Mr. Ngwaba, and duly carried, the Board **APPROVED** the minutes of the September 4, 2025 meeting as submitted.

* * * * *

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



* * * * *

RE: Case #202501087 – Steven Fuller, on behalf of Jeff Szilagyi – Appeal of the Fire Marshal’s Determination that construction documents for a proposed structure be reviewed for Fire Code Compliance per the regulations included in the Fire Prevention Code in effect at the time the application for a building permit was made – 3015 Merritt Mill Road – Light Business & Institutional District.

Mr. Steve Fuller came forward. Fire Marshal Cramer presented and entered the Staff Report and all accompanying documentation into the record. . Fire Marshal Cramer explained that the applicant was is appealing the Fire Marshal’s determination that an automatic sprinkler system be provided for fire protection for a 5,500 sq. ft. pole building that is to be used as a vehicle self-storage facility. Fire Marshal Cramer requested that Senator Carozza’s letter be included in the Staff Report

Mr. Jester moved the Staff Report, to include Senator Carroza’s letter and the building drawings, into the record. Mr. Jester gave the Board a few minutes to review the letter from Senator Carozza’s letter and the drawings.

Mr. Fuller addressed the comments in the Staff Report that questioned his character. He advised that he had asked if a sprinkler was required and was told no. The email from Deputy Fire Marshal Horsman was referenced which stated that a sprinkler wasn’t required until the Code changed. Mr. Fuller corrected the Staff Report that he had testified under oath and explained that at no time had he been under oath until this meeting. The meetings with the Planning Commission were not public hearings. He further addressed the meeting minutes as not being actual statements that were made at the Planning Commission meeting as they are a summary of the meeting. This project was originally a storage facility for the client. The Commission suggested that the owner rent space for up to six (6) clients. This building was to be used for private storage and would have no signage. The owner has the ability to pick who he allows to use space in the building. He referenced multiple attachments in the Staff Report where a sprinkler was not required. Mr. Fuller stated that he had attempted to contact Fire Marshal Cramer by both email and phone and had received no response. He further questioned what would be done for the buildings across the street that are in the City that don’t meet the current requirements for sprinklers. This project has been in the pipeline for over a year. The Code did change before the building permit was applied for but the City Fire Marshal never notified that there was a change being made. Mr. Fuller stated that he had questioned Deputy Fire Marshal Horsman regarding the date that they were notified of the change to the Code and was given the response of having three (3) weeks’ notice.

Mr. Jester questioned Mrs. Ryan about the process for this case before the Board. Mrs. Ryan responded that the City had presented their case, the applicant had presented their case and the City will now get a chance to respond. The Board will then make a determination.



Fire Marshal Cramer stated that he agreed with Mr. Fuller in regards to the 2018 Code not requiring a sprinkler but it did require adequate fire flow. The fire flow is not adequate and installing a sprinkler system would reduce the fire flow. He further noted that at no time was this particular project referenced in the emails and due to the workload of permits and reviews, the Fire Marshal's Office would not be able to connect the project to the emails. This is a life safety issue and the sprinkler is required to protect the firefighters and the public. The fire flow has been a Code requirement since 2012. The buildings across the street were built prior to the Code requirement. Fire Marshal Cramer added that he had watched the Planning Commission meetings and was aware of the discussions that had taken place during the meetings. The 2018 Code still required the fire flow and the only relief would be to install a sprinkler system.

Mr. Fuller responded that it sounded like he had a losing case but it didn't change the houses across the street not meeting the Code. The burden is being put on a single project as the hydrant won't support the house with nine (9) people living in it across the street. The proposed garage will only be housing his client's toys (RV, classic cars, boat, etc.). The existing fire service doesn't handle what is already there. He added that it would have been nice if the Fire Marshal's Office had said that the City system would need to be upgraded or a sprinkler system would have to be installed.

Mr. Gopalan questioned Mrs. Ryan on the Board's role in this proceeding. Mrs. Ryan stated that the applicant is appealing the City Official's decision and the Board will determine if the decision stands.

Mr. Ngwaba questioned Fire Marshal Cramer if this was considered to be a commercial parking garage. Fire Marshal Cramer responded in the affirmative. Mr. Ngwaba questioned Mr. Fuller if he represented Mr. Rogers. Mr. Fuller responded that Mr. Rogers is a coworker. Mr. Ngwaba referenced Mr. Roger's email that stated that this would be a private garage and not for public storage and read from other emails which referenced the fire flow. He further read from the 2018 IBC and the 2021 IBC about the requirements regarding this type of structure. He questioned the plans noting that this is compliant with the 2021 IBC and NFPA. Partitions for clients were not shown on the plans. Mr. Ngwaba provided copies of the 2018 and 2021 IBC references to Chairman Jester and they were further referenced as part of the case discussion. Mr. Ngwaba questioned Mrs. Ryan if the Board had the right to overturn the Code. Mrs. Ryan responded that the Board had to apply the law to the facts and make a decision. The Board can't change State law.

Mr. Fuller stated that Attachment #8 gives the ability to reduce the fire flow. Fire Marshal Cramer stated that the first condition to reduce the fire flow is the presence of a sprinkler system. Mr. Fuller stated that Attachment J has the right to reduce the fire flow. Fire Marshal Cramer responded that they may have the ability but the precedent is to not do selective enforcement.

Mr. Torbert questioned Mr. Fuller if a sprinkler company had been contracted for a report and cost. Mr. Fuller responded that they had discussed the cost of a sprinkler system and it was approximately \$150,000, which is almost as much as the building. Mr. Fuller added that they will likely not



move forward with the project if a sprinkler system is required. He added that his client had moved to Ocean City, Maryland from Pennsylvania and just wanted this building for storage of his vehicles.

Mr. Torbert questioned Mr. Fuller if he agreed that this was being used as a commercial building. Mr. Fuller responded in the affirmative. Mr. Torbert explained that the State Fire Prevention Commission is required to publish the Code changes for 60 days before they go into effect and it was done. Mr. Fuller stated that he would advise his architect of that requirement. Mr. Torbert stated that in his opinion this is simple. He also acknowledged that the existing buildings in the area don't meet the fire flow.

Mr. Fuller questioned the fire flow for a single family dwelling. Fire Marshal Cramer advised that he would have to look that up.

Mr. Torbert reiterated that Mr. Fuller applied for a building permit one (1) month after the new Code went into effect. The requirement was existing and was not met.

Upon a motion by Mr. Hill, seconded by Mr. Gopalan, and duly carried, the Board **DENIED** the appeal of the Fire Marshal's determination that the construction documents for a proposed structure be reviewed for Fire Code Compliance per the regulations included in the Fire Prevention Code in effect at the time the application for a building permit was made, based on the criteria and exhibits included in the Staff Report, the elevation and design plans, the exhibits referencing the Fire Code, and the testimony given at the hearing.

The Board vote was as follows:

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

* * * * *

Mrs. Tull noted that there are two (2) case for the November 6, 2025 meeting and confirmed that there would be a quorum for the meeting..

* * * * *

ADJOURNMENT

With no further business, the meeting was adjourned at 7:07 p.m.



City of Salisbury

* * * * *

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



City of Salisbury

STAFF REPORT

MEETING OF November 6, 2025

Case No. 202501245
Applicant: Parker and Associates for D.R. Horton
Property Owner: DR Horton Inc
Location: 1305 Fairview Lane
Tax Map: #37
Grid #18, Parcel #144, Lot 116
Zoning: R-8A
Heritage Trace
Request: Front Yard Setback Variance

I. SUMMARY OF REQUEST:

The applicant is requesting a front yard setback variance for a portion of the dwelling that is located within the required minimum 25 ft. setback (Attachment 1).

II. ACCESS TO THE SITE AREA:

The site has frontage and access on the northerly side of Fairview Lane.

III. DESCRIPTION OF PROPERTY:

This site is an interior lot totaling 8,242 square feet in area, and was improved in 2025 with a two-story single-family dwelling.

IV. DESCRIPTION OF SURROUNDING AREA/NEIGHBORHOOD:

All surrounding properties are also single-family residences in the R-8A zone and part of the Heritage Trace neighborhood.

V. EVALUATION:

- (a) **Discussion:** The applicants are requesting a setback variance for a minor setback violation for a recently constructed home. The porch on the home extends into the 25 ft. setback. This was caused by an error from the engineering team during drafting. The setback was calculated using the front of the house rather than the porch. The originally submitted and approved site plan indicated that the entire dwelling would



City of Salisbury

be located within the permitted building envelope, on an 8,099 sq. ft. lot. However, the actual property extends into the setback. The maximum encroachment is 3.5 feet.

- (b) **Impact:** Staff believes the existing front yard encroachment was the result of a mistake in the drafting process. Utility easements are not impacted. The house is noticeably further forward than the surrounding houses but will not significantly impact the home or neighborhood.

A variance for this exact type of issue regarding a porch in the front setback constructed due to an error was granted by the Salisbury Board of Appeals in 2020. Staff believes this serves as a precedent, and that the 5-year time gap between this type of problem indicates that this situation is rare.

- (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.**

There is no practical difficulty associated with the property.

- [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.**

The condition was created due to an error by Parker and Associates and is not a frequent occurrence.

- [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 believes that the hardship was created unintentionally.

- [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 encroachment into the required front yard setback is minor, as only about 33 sq. ft. of the porch are within the setback.



City of Salisbury

- [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 to allow the house to remain as built. The small decrease in setback should have little to no impact on the property value.

- [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.**

Granting the setback request will not be detrimental to other properties and will not adversely impact nearby property values.

- [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, nor otherwise impact public safety. The setback distance and size of the encroachment is sufficiently minor that the visibility from nearby properties remains undisturbed.

- [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, nor will this request will affect transportation 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 setback 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.)**

Staff believes that the setback variance requested is the minimum necessary to afford relief from the Code requirements.



VI. STAFF COMMENTS:

The variance request is the result of an error in the drafting process by Parker and Associates. The mistake was minimal as only approximately 33 sq. ft. of the porch is in violation of the 25 ft. setback requirement. Granting approval of the variance will not have any effect on surrounding properties. This will also allow the transfer of the property to future buyers without any encumbrances.

VII. RECOMMENDATION:

Based on criteria for approval as outlined in Section V (c) of the Staff Report, **approval** of the variance request of 3.5 feet as submitted is recommended.

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

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

SUBJECT:

☐ Special Exception

☒ Variance

☐
Administrative
Appeal

☐ Nonconforming (___Use ___Lot ☒ Structure)

☐ Other

A. APPLICANT:
PARKER & ASSOCIATES
FOR D.R. HORTON

PHONE: (410)749-1023

FEE PAID: \$150 - City

B. LOCATION OF PROPERTY INVOLVED:
1305 FAIRVIEW LANE SALISBURY, MD 21801

C. PROPERTY OWNER:
D.R. HORTON INC

D. EXPLANATION OF REQUEST:

1. **Code Requires:** 25' FRONT BUILDING SETBACK LINE
2. **Proposed:** 21.50' FRONT SETBACK LINE
3. **Action Required:** MOVE THE FRONT SETBACK LINE BACK 2.50' TOWARDS
THE FRONT BOUNDARY LINE

E. APPLICABLE SECTIONS OF ZONING CODE:
ZONE R-8A

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)

09/29/2025

(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:

DATE:

CERTIFICATION OF APPLICANT

In accordance with Section 17.236 - VARIANCES, of the City's Zoning Code, I hereby request a hearing before the Salisbury Board of Appeals to:

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: SURVEYOR / ENGINEER RETAINED
TO SEEK VARIANCE. MORE SO SEEKING TO CHANGE THE FRONT SETBACK TO 21.50' BECAUSE
THE HOME WAS ERRONEOUSLY CONSTRUCTED TO THE STREET.

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,



WITHDRAWAL NOTICE

I hereby: ☐ Cancel ☐ Withdraw ☐ Postpone

my application for: _____

Name

Date



NEIGHBORHOOD
SCALE 1" = 200'

PARCEL C

LOT 116
8,098 SQ. FT.
0.19 ± ACRES

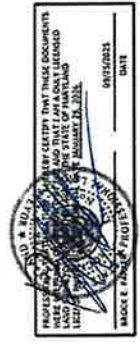
LOT 114

LOT 116

LOT 117

FAIRVIEW LANE
30' R/W

- GENERAL NOTES**
1. THE PROPERTY SHOWN HEREON IS CURRENTLY OWNED BY:
D.R. HORTON BROS.
671 S. CARTER ROAD, STE 6
SALISBURY, MD 21801
SALISBURY, DE 19377
 2. TOTAL NUMBER OF LOTS = 1
 3. TOTAL NUMBER OF ACRES = 0.19 ±
 4. THIS VARIANCE DETAIL PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND IS SUBJECT TO ANY ENCUMBRANCES REVEALED BY A THOROUGH TITLE SEARCH.
 5. THE PROPERTY IS LOCATED WITHIN G.P.R. MANAGEMENT ZONE B1.
 6. THIS VARIANCE DETAIL PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND IS SUBJECT TO ANY ENCUMBRANCES REVEALED BY A THOROUGH TITLE SEARCH.
 7. THE FRONT SETBACK OF THIS PROPERTY IS: 8' 6" (CITY OF SALISBURY).
SIDE: 15' FT. EACH; 2' REQUIRED
REAR: 15' FT.
 8. THIS PROPERTY IS LOCATED WITHIN G.P.R. MANAGEMENT ZONE B1.
 9. THIS VARIANCE DETAIL PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND IS SUBJECT TO ANY ENCUMBRANCES REVEALED BY A THOROUGH TITLE SEARCH.



VARIANCE DETAIL PLAT
1305 FAIRVIEW LANE, LOT 116
AS SHOWN ON "SUBDIVISION AND RESUBDIVISION OF PARCELS JA-6A
AND DEDICATED CITY STREETS 'HERITAGE SUBDIVISION'
FOR: DR. HORTON
SALISBURY ELECTION DISTRICT, WICOMICO COUNTY, MARYLAND

REVISIONS	DATE	BY	REASON
1	09/18/2025	MARK E. PARKER	PREPARED

DATE: 09/18/2025
DRAWN BY: [blank]
CHECKED BY: [blank]
SCALE: 1" = 20'





528 RIVERSIDE DRIVE
SALISBURY, MD 21801
PHONE: 410-749-1023
FAX: 410-749-1012
WWW.PARKERANDASSOCIATES.ORG

LAND SURVEYING CIVIL ENGINEERING • LAND PLANNING FORESTRY SERVICES

City of Salisbury
Department of Infrastructure & Development
City of Salisbury
125 N. Division Street
Salisbury, MD 21801

October 3, 2025

Attn: Beverly R. Tull
Ref: requested front setback variance for Lot 116, Fairview Lane, Heritage Subdivision

Dear Beverly,

Attached hereto, please find our application for a front setback variance for the referenced lot and a site plan that illustrates our request and the particulars of the property. We submit same in accordance with section 17.236 of the city zoning code for your use in this matter.

Unfortunately, the need for this variance is entirely due to a mistake made by our staff. Through the construction process, the homeowner decided to change the house plan after the plan was prepared. In revising the site plan to reflect the new house plan on the lot, my draftsman moved the main structure of the house to 1 foot off of the building setback line. However, she failed to realize that there was a covered porch on the front of this particular house plan. She unfortunately thought it was an uncovered front stoop. Unfortunately, this wasn't caught until the house was constructed and we performed the final boundary survey of the lot. In doing so, we discovered that the porch was encroaching over the setback by approximately 3.50'.

Knocking on wood, this is our first such mistake we have made in a long time, where we've needed to rectify it with a variance. Unfortunately, without the acquisition of this variance, a significant portion of this home would have to be demolished and removed from the site, which is a solution that we would obviously very much like to avoid.

In accordance with section 17.236.020, several standards and conditions must be met in order to approve this variance request. These are as follows:

1. A practical difficulty and unnecessary hardship to the owner would result in the denial of this variance due to the fact that this was not willingly or knowingly made by the owner, but through a silly mistake made by one of his consultants. This mistake was not discovered until the home was finished, unfortunately. So forcing the removal of a portion of the home would certainly constitute a hardship.
2. The conditions upon which this variance is based are very unique to the property, inasmuch that this was not purposely done and this is hopefully a one-time issue.

3. Again, this practical difficulty or unnecessary hardship and this need for the variance has not been created by any intentional action of any person having an interest in the property. As I mentioned, this need for the variance and mistake was solely created by Parker and Associates and a drafting error.
4. The granting of this variance will not be detrimental or endanger the public health, security, general welfare, or morals. This house is shifted a mere 3 feet and change closer to the curb line than all of the other homes with in this neighborhood. We would like to respectfully submit that this alteration would be barely noticeable.
5. This variance is not being sought to increase the value or income potential of the property.
6. This variance would also not to be injurious to the use and enjoyment of other property in the immediate vicinity nor will it substantially diminish nor impair property values in the neighborhood. Again, we are seeking permission to leave this home just over 3 feet closer to the curb line than its neighbors. Driveway lengths are still sufficient basically it will be visually nearly identical to all of the other homes in this neighborhood.
7. Giving a small front setback variance will not impair light or air quality or supply nor will it overcrowd the streets or cause any hazardous traffic conditions. Basically this will not decrease safety or quality of the neighborhood.
8. This variance will not adversely affect transportation or unduly burden water sewer school park or other public facilities. This has always been a single-family lot and we have built a single-family house upon it.
9. This variance has no implications regarding the comprehensive plan for the city of Salisbury.
10. This is the minimum variance necessary to afford relief to this house. We have sought a setback variance equivalent to providing a 1 foot buffer from the front porch to the new requested setback distance.

Once again, I sincerely appreciate your time and consideration of this matter. Obviously I am personally invested in this variance and fully accept responsibility for its need and the mistake that generated it. Thank you for agreeing to place us on the November agenda for the board of zoning appeals.

If you have any questions, please do not hesitate to contact me at any time. Thank you for your cooperation for this project.

Sincerely,

A handwritten signature in black ink, appearing to read 'BEP', with a long horizontal line extending to the right.

Brock E Parker, RLS, PE
VP, Parker and Associates, Inc

Real Property Data Search ()
Search Result for WICOMICO COUNTY

View Map	No Ground Rent Redemption on File	No Ground Rent Registration on File
--------------------------	-----------------------------------	-------------------------------------

Special Tax Recapture: None

Account Number: District - 09 Account Identifier - 130439

Owner Information

Owner Name: D R HORTON INC Use: RESIDENTIAL
Principal Residence: NO
Mailing Address: 671 S CARTER RD STE 6 Deed Reference: /05552/ 00361
SMYRNA DE 19977-

Location & Structure Information

Premises Address: 1305 FAIRVIEW LN Legal Description: L -116; 8,099 SF
SALISBURY 21801- FAIRVIEW LANE
SUB & RE-SUB HERITAGE REVIVAL

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0037	0018	0144	9030371.23	0000			116	2025	Plat Ref: 0017/ 0701

Town: SALISBURY

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
			8,099 SF	000000

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
			/				

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2025	07/01/2025	07/01/2026
Land:	28,600	28,600		
Improvements	0	0		
Total:	28,600	28,600	28,600	28,600
Preferential Land:	0	0		

Transfer Information

Seller: HERITAGE REVIVAL HOLDINGS LLC	Date: 06/05/2025	Price: \$368,000
Type: ARMS LENGTH MULTIPLE	Deed1: /05552/ 00361	Deed2:

Seller: DHB DEVELOPMENT LLC	Date: 11/30/2021	Price: \$1,250,000
Type: ARMS LENGTH MULTIPLE	Deed1: /04994/ 00119	Deed2:

Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2025	07/01/2026
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00 0.00	0.00 0.00

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:







STAFF REPORT

MEETING OF November 6, 2025

Case No. 202501244
Applicant: Worldwide Prestige LLC
Property Owner: Worldwide Prestige Properties LLC
Location: 404 Martin St. and Parcel 2614, P/O Lot B Martin St
Tax Map: #104
Grid #17, Parcels #1333 and #2614
Zoning: GC – General Commercial
Request: A 2 ft. fence height variance to allow a 6 ft. fence in the front yard setback of Martin and Barclay St.

I. SUMMARY OF REQUEST:

The applicant is requesting a 2 ft. fence height variance to allow a 6 ft. fence in the front yard setback along Martin Street and Barclay Street (Attachment 1). The fence surrounds an outdoor storage lot in a General Commercial zone.

II. ACCESS TO THE SITE AREA:

The site has frontage and access on the northerly side of Barclay Street and the southerly side of Martin Street.

III. DESCRIPTION OF PROPERTY:

This site is comprised of two (2) parcels totaling 16,138 sq ft. Parcel 1333 has frontage on Martin Street. Parcel 2614 has frontages on both Martin and Barclay Streets. Both sites are undeveloped and used for storage related to a service, rental or repair establishment. The site is adjacent to residential properties on Barclay Street and on the corner of Baker and Martin Streets (Attachment 3).

IV. DESCRIPTION OF SURROUNDING AREA/NEIGHBORHOOD:

Surrounding properties are all in the general commercial zone, however there is a mix of residential and commercial uses (Attachment 5). The lots to the south and west are comprised of apartments while the lots to the north and east are businesses (Attachment 3).

V. EVALUATION:

- (a) **Discussion:** The applicant is requesting a fence height variance for a fence constructed in both front setbacks of the property. Parcel 1333, 404 Martin Street is an interior lot with a front setback along Martin Street. Parcel 2614 is adjacent and is a through lot with front setbacks along Martin Street and Barclay Street. The property is being used for outdoor storage.

The development standards for General Commercial Districts (17.36.060) require that outdoor storage adheres to screening requirements in section 17.220. This section requires that outdoor storage be contained by a "6- to 8- foot solid fence or wire with slat insert," however Section 17.04.190, states that fences located within the front yard setback in all zoning districts are limited to 4 ft. in height.

- (b) **Impact:** Staff believes a variance for the fence will have minimal impact on the neighboring properties. It provides security and screening. The fence is setback from the sidewalk consistent with the front setbacks of structures on adjacent lots, so does not add any visibility concerns for residents, pedestrians or vehicles accessing adjacent parcels from Barclay and Martin Streets.
- (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.**

There are no particular physical surroundings, shape or topographical conditions of the land that create a practical difficulty or unnecessary 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.**

The conditions of this variance are not unique to this property. Any outdoor storage would be required to meet the same setback requirements.

- [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 practical difficulty was created by the Zoning Code. Fences surrounding outdoor storage must be at least 6 ft. tall, however fences within front yards are

limited to 4 ft. with no exceptions where security and screening are elsewhere required in the Zoning Code.

- [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 this variance will not be detrimental to or endanger the public health, security, or general welfare or morals.

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

This variance, if granted, would not be based on the value or income potential of the property.

- [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.**

This variance, if granted, 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.

- [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.**

This variance would have no impact on the surrounding properties or increase the congestion or population of the area.

- [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, nor will this request will affect transportation 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 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.)

The fencing around outdoor storage must be at minimum 6 ft. A 2 ft. variance above the maximum 4 ft. allowed in front yard setbacks is the minimum amount necessary to achieve compliance.

VI. STAFF COMMENTS:

As previously indicated, the Zoning Code is contradictory regarding screening and fences when located within the front yard. Since the need for the fence height, in the Code, is based upon screening, a condition of the variance should be that the fence provide 6 ft. of screening.

VII. RECOMMENDATION:

Based on criteria for approval as outlined in Section V (c) of the Staff Report, **approval** of the variance request is recommended with the condition that the fence be provided with privacy slats (or otherwise obscure the view of the outdoor storage), as required by the Zoning Code.

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

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

SUBJECT:

☐ Special Exception

☒ Variance

☐
Administrative
Appeal

☐ Nonconforming (___Use ___Lot ___Structure)

☐ Other

A. **APPLICANT:** Worldwide Prestige LLC
PO Box 3259
Salisbury, MD 21802
PHONE: (443) 859 7819 **FEE PAID: \$150 - City**

B. **LOCATION OF PROPERTY INVOLVED:** 404 Martin St
+ m-104 P2014 Lot P/O B Martin St

C. **PROPERTY OWNER:**
Worldwide Prestige LLC

D. **EXPLANATION OF REQUEST:**

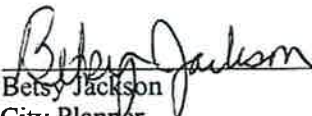
1. **Code Requires:**

2. **Proposed:**

3. **Action Required:**

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**

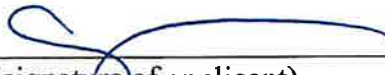
Effective May 1, 2010, applicants submitting requests to be heard by the Salisbury Board of Appeals will be billed for the advertising charges for the public hearing notice that is run in The Daily Times. This notice is required by Section 17.04.150.B.1 which states:

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:

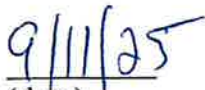
1. A variance, special exception, change in nonconforming use, ordinance permit or other such appeal shall be advertised ten days prior to the scheduled hearing;

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)



(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: Fence Height Variances

DATE: _____

CERTIFICATION OF APPLICANT

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

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: _____

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,



WITHDRAWAL NOTICE

I hereby: ☐ Cancel ☐ Withdraw ☐ Postpone

my application for: _____

Name

Date



Real Property Data Search ()
Search Result for WICOMICO COUNTY

[View Map](#) [No Ground Rent Redemption on File](#) [No Ground Rent Registration on File](#)

Special Tax Recapture: None

Account Number: District - 05 Account Identifier - 006821

Owner Information

Owner Name: WORLDWIDE PRESTIGE PROPERTIES LLC Use: COMMERCIAL
Principal Residence: NO
Mailing Address: PO BOX 3259
SALISBURY MD 21802- Deed Reference: /05539/ 00465

Location & Structure Information

Premises Address: 404 MARTIN ST
SALISBURY 21801-0000 Legal Description: 5,332 SQFT
404 MARTIN ST
CITY OF SALIS

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0104 0017 1333 10002.23 0000 2026 Plat Ref:

Town: SALISBURY

Primary Structure Built: Above Grade Living Area Finished Basement Area Property Land Area County Use
5,332 SF

Stories Basement Type Exterior Quality Full/Half Bath Garage Last Notice of Major Improvements

Value Information

	Base Value	Value As of 01/01/2023	Phase-In Assessments As of 07/01/2025	As of 07/01/2026
Land:	6,600	6,600		
Improvements	3,500	3,500		
Total:	10,100	10,100	10,100	
Preferential Land:	0			

Transfer Information

Seller: BIAA LLC	Date: 05/05/2025	Price: \$435,000
Type: ARMS LENGTH MULTIPLE	Deed1: /05539/ 00465	Deed2:
Seller: WHITTINGTON JOHN EDWARD JR	Date: 02/12/2016	Price: \$200,000
Type: NON-ARMS LENGTH OTHER	Deed1: /03963/ 00099	Deed2:
Seller: WHITTINGTON JOHN EDWARD	Date: 02/12/2016	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /03963/ 00077	Deed2:

Exemption Information

Partial Exempt Assessments: Class	07/01/2025	07/01/2026
County:	0.00	
State:	0.00	
Municipal:	0.00	0.00

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

Real Property Data Search ()
Search Result for WICOMICO COUNTY

[View Map](#)

No Ground Rent Redemption on File

No Ground Rent Registration on File

Special Tax Recapture: None

Account Number: District - 05 Account Identifier - 128684

Owner Information

Owner Name: WORLDWIDE PRESTIGE PROPERTIES LLC Use: COMMERCIAL
Mailing Address: PO BOX 3259 Principal Residence: NO
SALISBURY MD 21802- Deed Reference: /05561/ 00031

Location & Structure Information

Premises Address: MARTIN ST Legal Description: 10,806 SF
SALISBURY 21804-0000 MARTIN STREET
P/O PAR B, BNDRY SUR MARTIN ST

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0104 0017 2614 10002.23 0000 P/O B 2026 Plat Ref: 5561/ 37
Town: SALISBURY

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
10,806 SF 000000

Stories Basement Type Exterior Quality Full/Half Bath Garage Last Notice of Major Improvements

Value Information

	Base Value	Value As of 01/01/2023	Phase-in Assessments As of 07/01/2025	As of 07/01/2026
Land:	13,500	13,500		
Improvements	0	0		
Total:	13,500	13,500	13,500	
Preferential Land:	0			

Transfer Information

Seller:	Date:	Price:
BIAA LLC	06/24/2025	\$20,000
Type: ARMS LENGTH VACANT	Deed1: /05561/ 00031	Deed2:
BIAA LLC	02/12/2016	\$200,000
Type: NON-ARMS LENGTH OTHER	Deed1: /03963/ 00099	Deed2:
SHIREY WILLIAM KENNETH	02/12/2016	\$0
Type: NON-ARMS LENGTH OTHER	Deed1: /03963/ 00077	Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2025	07/01/2026
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00]	0.00]

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application

Date:

Martin St



03/06/2023



