



MINUTES

The Salisbury Board of Appeals met in regular session on November 6, 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

ABSENT MEMBERS:

Miya Horsey
Sandeep Gopalan

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 6:00 p.m.

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MINUTES:

Upon a motion by Mr. Hill, seconded by Mr. Torbert, and duly carried, the Board **APPROVED** the minutes of the October 2, 2025 meeting as submitted.

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



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RE: 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.

Mr. Brock Parker came forward. Mrs. Jackson presented and entered the Staff Report and all accompanying documentation into the record. 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.

Mr. Jester moved the Staff Report, to include Senator Carozza's letter and the building drawings, into the record.

Mr. Parker stated that he agreed with the Staff Report and the findings listed. This error was done by Mr. Parker's staff. The potential buyer changed the house type from what was originally laid out for the lot at the last minute. The survey crew didn't catch the change of the house type, which caused the porch being built in the front setback.

Mr. Ngwaba questioned Mr. Parker's letter in the Staff Report which discussed the house plan changing. Mr. Parker explained that the builder had a house plan picked out for this particular lot and the buyer picked a different house plan which resulted in the error. Mr. Ngwaba questioned who was building the house. Mr. Parker responded that D.R. Horton is the builder for this development.

Mr. Torbert questioned if this was a usual house plan. Mr. Parker responded in the affirmative, adding that D.R. Horton has six (6) or eight (8) house plans that they build.

Mr. Ngwaba questioned Mrs. Jackson regarding the dimensions listed in the Staff comments in the Staff Report. Mrs. Jackson responded that the dimensions that were listed was the area of coverage of the porch.

Mr. Hill stated that he didn't have an issue with the request because Staff has determined that this is not a recurring issue.

Mr. Jester questioned Mr. Parker if he was checking the work for the lot layouts. Mr. Parker responded in the affirmative.

Upon a motion by Mr. Torbert, seconded by Mr. Ngwaba, and duly carried, the Board **APPROVED** the 3.5 ft. front yard setback variance to retain the porch constructed in the front yard setback, based on the criteria listed in Section V(c) of the Staff Report.



The Board vote was as follows:

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

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RE: Case #202501244 – Worldwide Prestige LLC – 2 ft. Fence Height Variance to Construct a 6 ft. Fence Within the Front yard Setback – 404 Martin Street & Map-104 Parcel – 2614 P/O Lot B – General Commercial District.

Mr. Austin Powell came forward. Mrs. Jackson presented and entered the Staff Report and all accompanying documentation into the record. . 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. The fence surrounds an outdoor storage lot in a General Commercial zone.

Mr. Jester moved the Staff Report into the record.

Mr. Ngwaba questioned if the fence was already built. Mr. Powell responded in the affirmative. Mr. Ngwaba questioned if there was a permit for the fence. Mr. Powell responded in the negative. Mr. Ngwaba questioned why the fence was built without a permit. Mr. Powell responded that he thought the fence contractor had gotten the permit.

Mr. Torbert questioned the screening requirement. Mrs. Jackson responded that the Code requires the screening.

Mr. Ngwaba stated that he was looking for understanding on asking for a variance after the fence was built. He requested Mrs. Tull explain the reasoning for the request. Mrs. Tull explained that the precedent has already been set for this type of request. Mr. Powell came to the office to discuss the issue. He was cited by Housing and Community Development for the fence being installed without permits and for the height. When Mr. Powell came to the office to discuss how to fix the issue, he showed the email requesting that the fence company handle getting the permit. Mrs. Tull explained that almost daily people build without permits and get permits after the fact. This precedent has already been set.

Mr. Hill questioned if the fence encompasses the entire property. Mr. Powell responded in the affirmative. Mr. Hill questioned the screening. Mrs. Jackson responded that the screening is a requirement.



Mr. Jester questioned Mr. Powell if he agreed with screening the fence. Mr. Powell responded that for safety purposes he would prefer not to screen the fence because his crew comes to work at 4am and there are too many places for people to hide.

Mr. Ngwaba questioned what would be stored on the lots. Mr. Powell responded that portable toilets and construction equipment would be stored on the lots. Mr. Ngwaba questioned the Code requirement. Mrs. Jackson responded that there is an option for slats on the fence or vegetation to provide screening. Mr. Jester questioned if there was an option to do no screening. Mrs. Jackson responded in the negative.

Mr. Torbert questioned if the neighboring lots were residential. Mr. Powell responded that a few of the neighboring lots are residential. He added that he had spoken to his neighbors and they had no issue with the fence as it had cut down on foot traffic on their properties by eliminating the ability to cut through yards.

Mr. Hill questioned where the employees enter the property. Mr. Powell responded that there is a gate on both Martin and Barclay Streets. The majority of the time the employees will use the Martin Street entrance but during regular business hours they can use the Barclay Street entrance.

Mr. Ngwaba suggested screening everything but the gates. Mr. Powell reiterated that he didn't want to provide screening as there are lots of places to hide inside the lot. Mr. Ngwaba responded that the screening was for the public and not the property owner. Mrs. Jackson stated that the Board was hearing the request for the height variance and suggested that they could vote on the variance request and have Mr. Powell work with Staff on how to handle the screening requirements.

Upon a motion by Mr. Hill, seconded by Mr. Ngwaba, and duly carried, the Board **APPROVED** a 2 ft. fence height variance to allow a 6 ft. fence in the front yard setback along Martin Street and Barclay Street, based on the criteria listed in Section V(c) of the Staff Report, and subject to the following Condition of Approval:

CONDITION:

1. Privacy screening on the fence shall be worked out with City Staff.

The Board vote was as follows:

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



City of Salisbury

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ADJOURNMENT

With no further business, the meeting was adjourned at 6:40 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