AGENDA

REGULAR MEETING **NOVEMBER 5, 2026**

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: William Hill, Maurice Ngwaba, Ed Torbert, and Michael Lankford.

MINUTES – September 3, 2026.

ZONING PUBLIC HEARINGS: **Case #202601458 – Carol Chester – 2 ft. Front Yard Fence Height Variance – 500 S. Park Drive – R-10 Residential 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).

MINUTES

The Salisbury Board of Appeals met in regular session on September 3, 2026, 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
Michael Lankford

ABSENT MEMBERS:
Miya Horsey

CITY STAFF:
Gary Pusey, City Planner
Judy Kuntz, Acting Director
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. Mr. Torbert, seconded by Mr. Ngwaba, and duly carried the Board **APPROVED** the minutes of the February 5, 2026 as submitted.

Upon a motion by Mr. Lankford, seconded by Mr. Hill, and duly carried the Board **APPROVED** the minutes of the August 6, 2026 as submitted.

* * * * *

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 #202601257 – Chase Dykes, representing Bay to Beach Exteriors LLC – 10.2 ft Front Yard Setback Variance and 15 ft. Side Yard Setback Variance to Construct a Multi-Tenant Warehouse – 206 Kiley Drive – Light Industrial District.

Mr. Chase Dykes came forward. Mr. Pusey presented and entered the Staff Report and all accompanying documentation into the record. The applicant is requesting two (2) setback variances for a proposed +/-12,147 sq. ft. multi-tenant warehouse on a vacant lot located at 206 Kiley Drive in the Light Industrial District. Variances requested are (1) a 10.2-ft. front yard setback variance (a 50-ft. front yard setback is required and a 39.8-ft. setback is proposed) and (2) a 15-ft. side yard setback variance (a 25-ft. side yard setback is required and a 10-ft. setback is proposed).

Mr. Dykes introduced himself and discussed the existing setbacks to the adjacent properties being at 41-ft. The stormwater mandates have made situating the building on the property more difficult. Mr. Dykes stated that he had no issue with the screening requirement listed in the Staff's recommendation.

Mr. Ngwaba questioned the required 60-ft. setback that was on the application. Mr. Dykes responded that it was an error on his part.

Mr. Ngwaba questioned Mr. Pusey about the 41-ft. setback. Mr. Pusey responded that the 41-ft. setback was carried over from other plats. Mr. Ngwaba stated he had concerns about the ability of fire protection systems handling other properties and requested that it be reviewed by the City Fire Marshal. Mr. Pusey and Mrs. Ryan stated that the Fire Marshal would review the building permit submittal for compliance with all Codes.

Mr. Torbert stated that he would like the Staff Report under Criteria #10 to include "and maintain" for the screening. Mrs. Ryan stated that the Staff Report didn't need to be amended, it could be included in the motion as a condition. Mr. Torbert explained his concern about landscaping being planted and not maintained.

Mr. Jester moved the Staff Report into the record.

Upon a motion by Mr. Torbert, seconded by Mr. Ngwaba, and duly carried, the Board **APPROVED** the following based on the criteria listed in Section V(c) of the Staff Report:

1. A front yard setback variance of 9-ft. to meet the platted 41-ft. setback; and
2. A side yard setback variance of 15-ft., with the Condition that an evergreen screening buffer be installed and maintained along the east property line for the length of the proposed building.

3. Ensure compliance of all directives of fire suppression with the City Fire Marshal.

The Board vote was as follows:

Shawn Jester	**Aye**
Maurice Ngwaba	**Aye**
Michael Lankford	**Aye**
William Hill	**Aye**
Edward Torbert	**Aye**

* * * * *

Mrs. Tull advised the Board that there were no cases for October.

* * * * *

ADJOURNMENT

With no further business, the meeting was adjourned at 6:26 p.m.

* * * * *

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

_____
Judy Kuntz, Secretary to the Board

_____
Beverly R. Tull, Recording Secretary

City of Salisbury

STAFF REPORT

MEETING OF November 5, 2026

Case No.	**202601458**
Applicant:	**Carol Chester**
Property Owner:	**Same as Applicant**
Location:	**500 S. Park Drive**
Zoning:	**R-10 Residential**
Request:	**2-ft. Height Variance for a proposed 6-ft. tall fence in the front yard of a corner lot adjacent to Snow Hill Road**

I. **SUMMARY OF REQUEST:** The Applicant is requesting a 2-ft. height variance for a proposed 6-ft. tall vinyl privacy fence in the front yard of a corner lot. The property has frontage on both South Park Drive and Snow Hill Road, and the proposed fence will replace an existing 4-ft. tall black chain link fence that is located approximately 7-ft. behind an existing galvanized chain link fence of varying height located directly behind the existing sidewalk. (See Attachment #1 for the proposed site plan, and photos labeled Attachments #2A thru 2D and showing the existing fences on the property. Attachment #3 is an aerial of the property that shows the house is approximately 27.43-ft. from the property line, measured from the face of the curb.)

II. **ACCESS TO THE SITE AREA:** The property is a corner lot with frontage along both South Park Drive and Snow Hill Road. The lot's driveway is from South Park Drive.

III. **DESCRIPTION OF PROPERTY:** The property totals 22,120 sq. ft. in size and is improved with a residence constructed in 1964, according to State Assessment records.

IV. **DESCRIPTION OF SURROUNDING AREA/NEIGHBORHOOD:** The Applicant's property is on the border of a well-established residential neighborhood that adjoins the Salisbury City Park on the north, across South Park Drive. Residential development is also located across Snow Hill Road from the Applicant's property. Farther south along Snow Hill Road is commercial development.

V. **EVALUATION:**

(a) **Discussion:** There is an existing chain link fence located along the front of the Applicant's property along Snow Hill Road that will remain, that varies in height from 3.5-ft. tall closest to the City Park; increasing to 4-ft. tall along Snow Hill Road; and then increasing to 5-ft. tall along Snow Hill Road to the property line of the adjacent house on Buena Vista Avenue. It appears this fence has been there for many years prior to the Applicant purchasing this property in 2018. Approximately 7-ft. behind this fence is a 4-ft. tall black chain link fence that the Applicant would like to replace with the 6-ft. tall vinyl privacy

fence that's the subject of this request. The purpose of the fence is to provide more privacy from vehicular and pedestrian traffic along Snow Hill Road. Between the two fences is a 7-ft. wide landscaped area with shrubbery. The combination of the existing chain link fence and landscaped area will obscure the visibility of the proposed fence from pedestrians and vehicular traffic from Snow Hill Road.

The Code limits fence heights within the front yard to 4-ft. The Applicant's property is a corner lot with two 25-ft. front yards; the proposed 6-ft. tall vinyl privacy fence will be in the same footprint as the existing 4-ft. tall black vinyl fence and will require a 2-ft. fence height variance. As proposed, the fence at its closest point will be located 12-ft. from the front property line.

(b) **Impact:** If approved, Staff believes the requested variance will have no impact on neighboring properties.

(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 Applicant's property is adjacent to Snow Hill Road, with the City Park located directly across South Park Drive. Vehicular traffic has increased on Snow Hill Road through the years, from 9,910 vehicles/day in 2018 to 10,462 vehicles/day in 2023 according to MDOT, representing a 5.6% increase. (Note – the closest location to the Applicant's property where traffic counts are measured on Snow Hill Road is at Robins Avenue). The Applicant is requesting a 2-ft. height variance for the fence due to the increased vehicular and pedestrian traffic on Snow Hill Road. The particular physical surroundings of this property, i.e., being located adjacent to Snow Hill Road and also at its intersection with South Park Drive, may justify an increased fence height of two additional feet to allow the property owner to have more privacy in her back yard.

[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.**

Conditions considered unique for this property to justify a 2-ft. fence height variance include being located adjacent to heavily-traveled Snow Hill Road and its proximity to the City Park and increased pedestrian traffic. Although other properties in this neighborhood have similar conditions that could justify a fence height variance, these conditions are not generally applicable to properties city-wide within the same R-10 Residential zoning district.

City of Salisbury

[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 Applicant is seeking approval of the fence height variance request prior to any action taking place and did not create this situation. The Applicant is attempting to comply with all requirements for seeking a variance.

[4] The granting of the variance will not be detrimental to or endanger the public health, security, or general welfare or morals.

Staff does not believe the granting of this fence height variance will be detrimental to or endanger the public health, security, or general welfare or morals. The proposed 6-ft. tall fence will be placed in the same location as the existing 4-ft. tall black chain link fence that is set back approximately 7-ft. from the back of the sidewalk and a variance is needed only because of the Code requirement that limits fence heights in the front yard to 4-ft.

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

Staff does not believe the granting of this variance is based upon a desire to increase the value of the property. Instead, the request is based on obtaining more privacy due to the amount of traffic on Snow Hill Road.

[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.

Staff does not believe the requested variance will be injurious to the use and enjoyment of other property in the immediate vicinity nor substantially diminish and impair property values in the neighborhood. The proposed 6-ft. tall fence will replace an existing 4-ft. tall fence that is not immediately adjacent to the front property line.

[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.

Staff does not believe the granting of this variance would adversely affect any of these items.

[8] The variance will not adversely affect transportation or unduly burden water, sewer, school, park, or other public facilities.

The requested variance will not unduly burden any of these 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 requested variance is not significant enough to have an impact on the City's Comprehensive Plan. The City's Plan recommends this property be developed for "Medium Density Residential" and the fence variance, if approved, would not adversely affect the implementation of the City's 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 Applicant could install a 4-ft. tall privacy fence that would not need a height variance, but that would not provide privacy and a buffer from vehicular and pedestrian traffic along Snow Hill Road. Staff believes the additional 2-ft. in height is the minimum necessary to provide relief to the Applicant.

VI. STAFF COMMENTS:

The Applicant is requesting replacement of an existing 4-ft. tall chain link fence with a 6-ft. tall white vinyl privacy fence that needs a 2-ft. height variance because it will be located in the front yard of a corner lot. The fence would not be located on the front property line along Snow Hill Road but instead will be set back approximately 7-ft. from the back of the sidewalk and will be obscured from view by an existing chain link fence and landscaping behind the sidewalk. Staff does not believe the additional 2-ft. of fence height will have any adverse impacts on nearby properties or the neighborhood.

VII. RECOMMENDATION:

Based on the criteria for approval as outlined in Section V (c) of the Staff Report, Staff recommends **APPROVAL** of the 2-ft. height variance for a 6-ft tall fence within the Applicant's front yard along Snow Hill Road as shown on the submitted site plan.

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

TO: Judy Kuntz, Acting Director
Secretary to the Board of Appeals

SUBJECT:

☐ Special Exception ☑ Variance ☐ Administrative Appeal

☐ Nonconforming (__Use __Lot __Structure) ☐ Other

A. APPLICANT: Carol Chester

PHONE: (443) 707- 7449 **FEE PAID: $150 - City**

B. LOCATION OF PROPERTY INVOLVED:
500 S Park Dr Salisbury, MD 21804

C. PROPERTY OWNER:
Carol Chester

D. EXPLANATION OF REQUEST:

1. **Code Requires:** 4-ft. ~~front yard~~ tall fence in front yard setback
2. **Proposed:** 6-ft. ~~front yard~~ tall fence in front yard
3. **Action Required:** 2-ft. front yard setback height variance

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

F. **CERTIFICATION:** I hereby certify I denied issuance of a Building Permit on 10-6-2026 based upon the above information, and that the applicant desires to have his case heard by the Salisbury Board of Appeals.

Gary Pusey
Gary Pusey
City Planner

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

TO: **Judy Kuntz, Acting Director**
Secretary to the Board of Appeals

SUBJECT:

DATE:

CERTIFICATION OF APPLICANT

In accordance with Section 17.12.100.B, of the City's Zoning Code, I hereby request a hearing before the Salisbury Board of Appeals to: Request a height variance for a proposed fence

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: property owner

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,

WITHDRAWL NOTICE

I hereby: ☐ Cancel ☐ Withdraw ☐ Postpone

my application for: _____

Carol Chester
Name

9/4/20
Date

Carol Chester

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.

Carol Chesty
(signature of applicant)

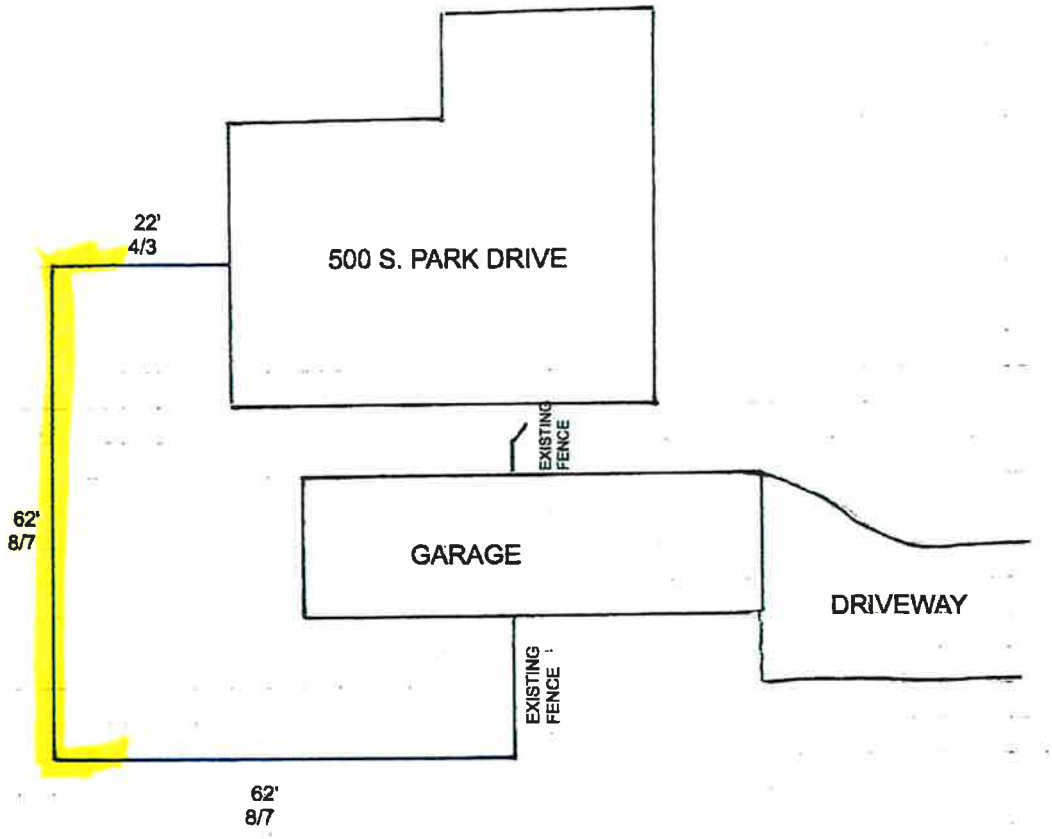
9/4/2026
(date)

ATTACHMENT #1

Carol Chester
500 S Park Dr Salis
RE: Fence Variance App

TEAR OUT APPROX 146' OF 4'H BLK CL
INSTALL IN SAME FOOTPRINT 6'H WHITE
VINYL PRIVACY; NO GATES

MATERIAL LIST:
146' NO GATES
20--6'H X 8'W PANELS
17--LINE POSTS
2--CORNER POSTS
2--END POSTS
21--EXTERNAL CAPS



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Joe Leimbach

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fax: (410) 623-3063
cell: (443) 880-0447

30200 Rehobeth Road
Marion, Maryland 21838
joe@andersonfence.net
www.andersonfence.net

ATTACHMENT #2A

FENCE FOOTPRINT / LAYOUT

Google Maps

Buena Vista Ave

white numbers are not correct footage, just showing layout/footprint of fence



Imagery ©2026 Airbus, Map data ©2026 Google 20 ft

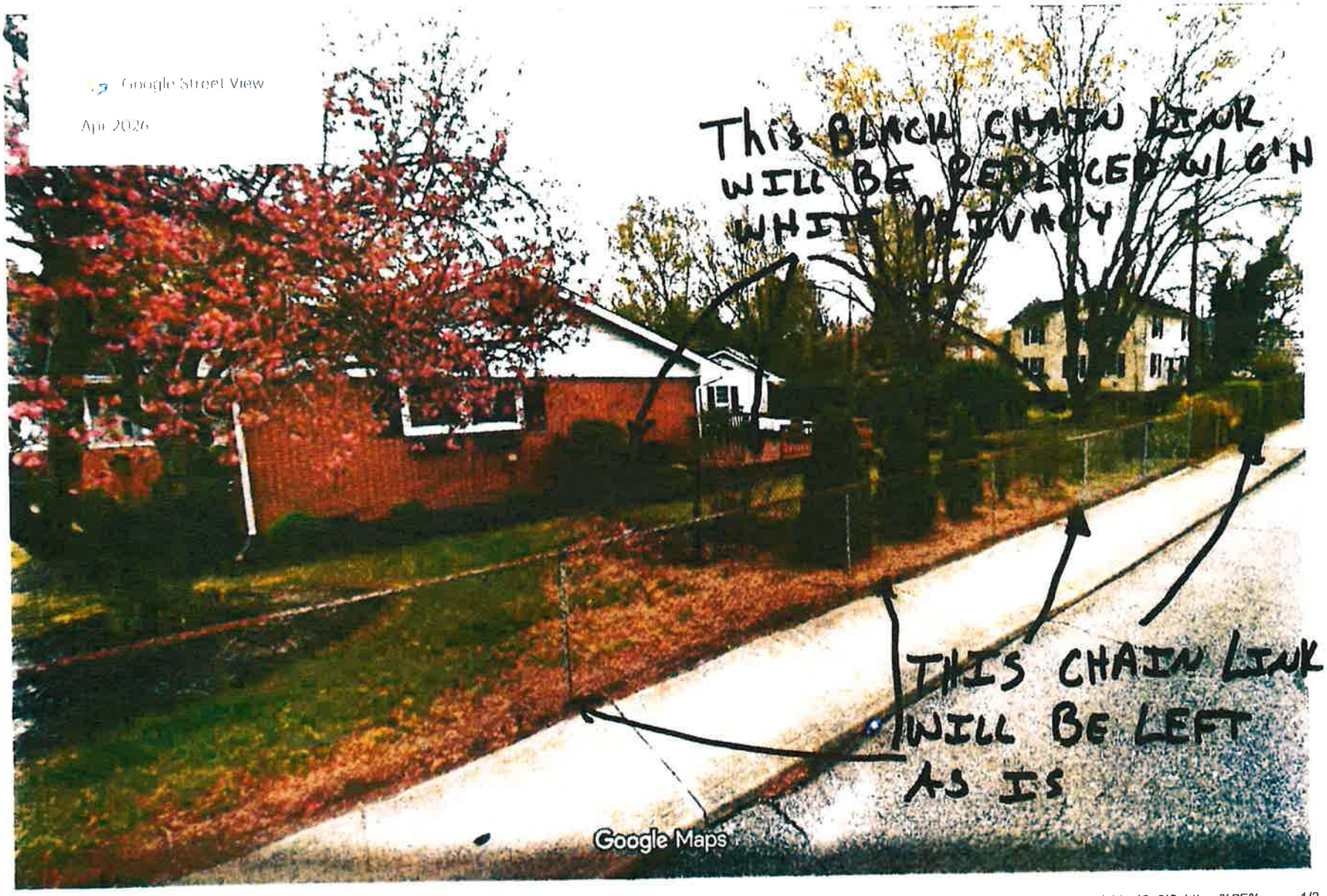
Measure distance

Total distance: 115.83 ft (35.31 m)

ATTACHMENT #2B

Google

201 Snow Hill Rd



ATTACHMENT #2C

Google Buena Vista Ave

DISTANCE FROM "BACK" OF HOUSE TO NEAREST INTERSECTION ≈ 124'



Imagery ©2026 Airbus, Map data ©2026 Google 20 ft

Measure distance

Total distance: 123.89 ft (37 76 m)

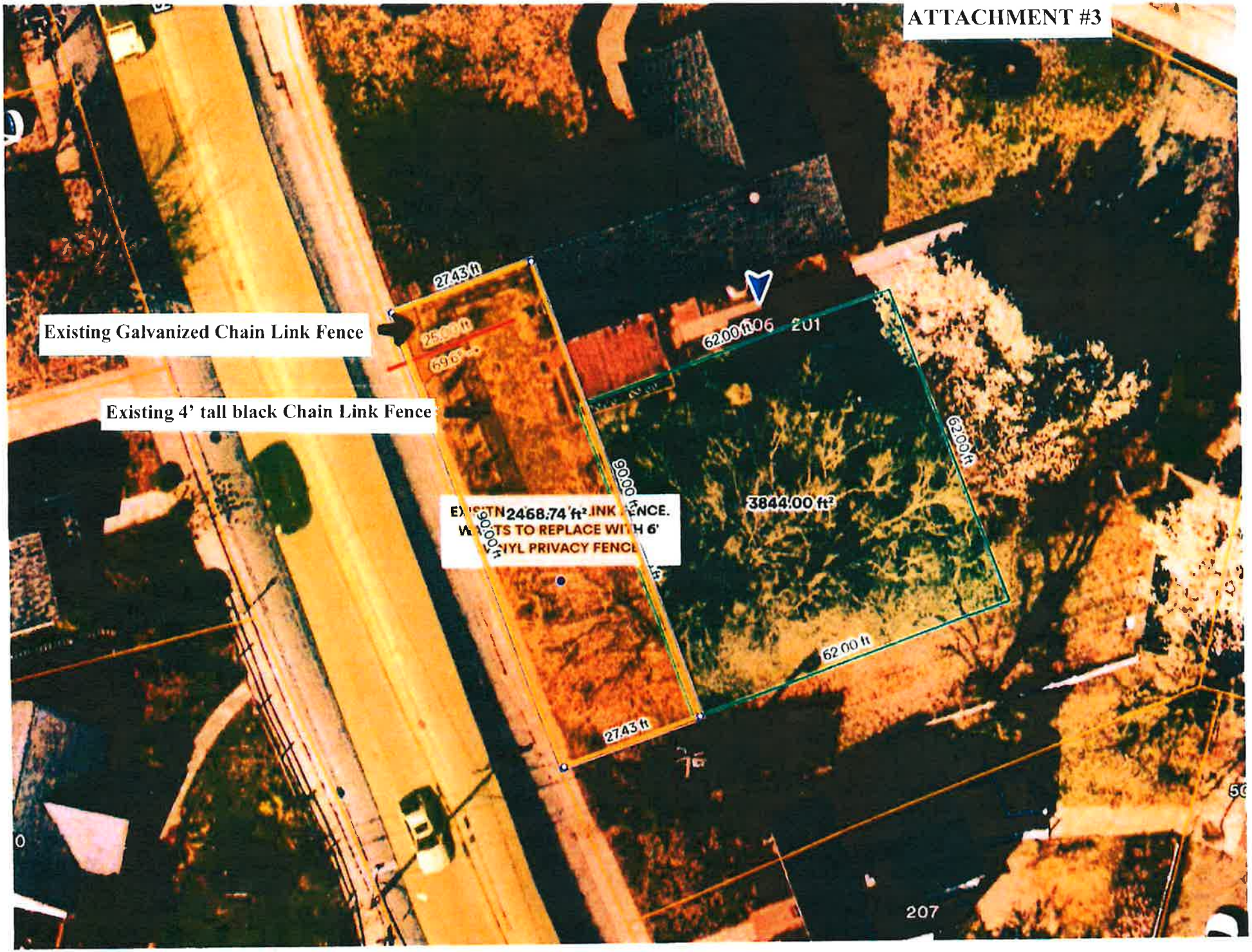
Google Maps Buena Vista Ave

DISTANCE FROM "FRONT" OF HOUSE TO NEAREST INTERSECTION ≈ 152'



Imagery ©2026 Airbus, Map data ©2026 Google 20 ft

Measure distance
Total distance: 151.53 ft (46.19 m)


ATTACHMENT #3
Existing Galvanized Chain Link Fence
Existing 4' tall black Chain Link Fence
27.43 ft
62.00 ft
3844.00 ft²
62.00 ft
62.00 ft
27.43 ft
207