

MINUTES

The Salisbury Board of Zoning Appeals met in regular session on December 1, 2011, in Room 301, Government Office Building at 7:00 p.m. with attendance as follows:

BOARD MEMBERS:

Patricia Layton, Chairman
Dave Rainey, Vice Chairman
Daniel Baker
Edgar Williams
Dave Nemazie

CITY STAFF:

Henry Eure, City Building, Permits, and Inspections Department

PLANNING STAFF:

Gloria Smith, Planner
Beverly Tull, Recording Secretary



Mrs. Layton, Chairman, called the meeting to order at 7:00 p.m.

**MINUTES:**

The minutes of the October 6, 2011 minutes were approved as submitted.

**#SA-1108****NSAH Miller Holdings, LLC – 15 ft. Front Setback Variance and 2 ft. Fence Height Variance – 201 East Vine Street – General Commercial District.**

Mr. Todd Van Geluwe, Mr. Keith Fisher, and Mr. Brent Miller came forward. Mrs. Gloria Smith presented and entered the Staff Report and all accompanying documentation into the record. She summarized the report explaining that the applicants are requesting approval of a 15 ft. front setback variance for placement of a silo and other equipment along Elmwood Street and a fence height variance for fencing in the front yard setback along Elmwood Street. The City Code requires a 25 ft. front setback for all structures in the General Commercial District. The Code also permits only 4 ft. fences within the front yard setback, whereas a 6 ft. tall fence is proposed.

Mr. Eure explained that Mrs. Smith had summed up the request nicely. The Building Department recommended approval of the requested variances with the conditions stated by Mrs. Smith.

Mr. Fisher discussed the location of the silo and the utilities on the adjacent pieces of property. He stated that it is best to keep the public on

one (1) side of the building and the utilities on the other side. The reasoning for the fence variance is because the higher fence protects the equipment.

Mrs. Layton questioned how many patron seats the restaurant would have. Mr. Van Geluwe responded that there will be 40 seats in the restaurant and when the outdoor seating opens up that there will be an additional 35 seats.

Mr. Williams questioned if all the seating had been taken into consideration for parking. Mr. Eure responded that there was adequate parking for both the indoor and outdoor seating.

Mr. Nemazie questioned if there was any problems with the landscaping. Mr. Van Geluwe responded that there would be landscaping. Mr. Eure added that there will be a berm along the loading dock.

Mr. Williams questioned when the restaurant and brewery were planned to open. Mr. Van Geluwe responded that the restaurant is slated to open on January 31, 2012 or the first week in February 2012. The Brew house is supposed to ship the second week of February so there isn't a definite opening date planned. Mr. Williams questioned if they planned to be in full swing by summer. Mr. Van Geluwe responded in the affirmative.

Mr. Baker questioned if Condition #2 included the concrete pad. Mr. Eure responded that ideally yes and that he believed that it did include the concrete pad. He added that he had done an inspection on site before the contractor poured the concrete.

Mr. Rainey questioned if the setback would be at the line if a 14 ft. 11 inch setback would be more appropriate. Mr. Fisher responded in the affirmative.

Mr. Van Geluwe stated that exterior lighting would be addressed.

Mrs. Layton questioned if the conditions were acceptable. Mr. Van Geluwe responded in the affirmative.

Upon a motion by Mr. Rainey, seconded by Mr. Williams, and duly carried, the Board **APPROVED** a 14 ft. 11 inch front setback variance for the silo and other equipment and a 4 ft. fence height variance in the front yard setback, based on Section V(c) of the Staff Report, and subject to the following Conditions of Approval:

CONDITIONS:

1. A complete Site Plan shall be provided for the Board's files indicating exact dimensions of the silos, equipment, setbacks, and fence height. A planting plan shall be included that satisfies the Critical Area program requirements.
2. The setback of the fence and equipment shall be reduced sufficiently to permit a 10 ft. setback from the curblineline of Elmwood Street in order to avoid placement in the City utility easement.
3. Slats shall be provided in the fencing to screen the equipment from view.
4. This redevelopment shall comply with the requirements of the Chesapeake Bay Critical Area program. A Certificate of Compliance shall be obtained, if required.
5. For the protection of patrons and the property, parking lot lighting shall be provided.

**ADJOURNMENT**

With no further business, the meeting was adjourned at 7:21 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 Salisbury-Wicomico County Department of Planning, Zoning and Community Development.

Patricia Layton, Chairman

John F. Lenox, Secretary to the Board

Beverly Tull, Recording Secretary