

MINUTES

The Salisbury Board of Zoning Appeals met in regular session on January 5, 2012, 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 (Absent)
Edgar Williams
Dave Nemazie
Lynn Cathcart

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 6:59 p.m.

**MINUTES:**

The minutes of the December 1, 2011 minutes were approved as submitted.



#SA-0408-12B Jubilant Cadista Pharmaceuticals, Inc. – Enlargement of a Nonconforming Structure – 8 ft. x 24 ft. addition – 207 Kiley Drive – Light Industrial District.

Mr. Mike Moniko and Mr. Mike Lloyd 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 applicant proposes construction of an 8-ft. by 24-ft. (192 sq. ft.) production addition to an existing legal nonconforming industrial building. The existing building is nonconforming as to setbacks. The Code requires Board approval for the enlargement.

Mr. Eure explained that this is a relatively minor addition in terms of square footage but the use isn't minor. The Building Department recommended approval of the requested enlargement of the nonconforming structure.

Mr. Moniko stated that this would be a small addition. The location was chosen for a specific reason as it limits the impact on the existing manufacturing portion of the facility but allows room for the mechanical equipment. This expansion will add additional jobs for the facility.

Mrs. Cathcart questioned the location of the addition. Mr. Eure showed the location of the addition on the aerial photograph. Mrs. Cathcart questioned if there were day and night shifts at the facility. Mr. Moniko responded in the affirmative. Mrs. Cathcart questioned if the shifts overlap and if there would be enough parking spaces for the overlap period. Mr. Moniko responded in the affirmative, adding that there is plenty of parking available for the employees.

Mr. Dave Ryan, SWED, thanked the Board for their time in hearing the request. He further thanked Cadista for having their business in our community. Mr. Ryan also thanked the Staff for the time and effort they have put into this request and for taking the time to visit the site.

Mr. Moniko also thanked the Board and the Staff for their help through this process and requested approval to enlarge the nonconforming structure.

Upon a motion by Mr. Rainey, seconded by Mr. Nemazie, and duly carried, the Board **APPROVED** the requested enlargement of a legal nonconforming structure for Jubilant Cadista Pharmaceuticals, Inc., based on the criteria noted in Section V(c) of the Staff Report.



#SA-1201 Two Farms, Inc. (Royal Farm Stores) – 5.22 ft. Sign Setback Variance – 1401 South Division Street – Neighborhood Business Light District.

Mr. Bob Kane and Mr. Tim Huddleston of Davis, Bowen & Friedel 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 5.22 ft. setback variance for placement of a free-standing sign on this property on South Division Street. The City Code requires a 20 ft. setback for signs in the Neighborhood Business District.

Mr. Eure explained that there are a few other locations for the sign but they would not be good for the store. The proposed location is the best option. The Building Department recommended approval with the condition listed in the Staff Report.

Mrs. Smith noted that on the large plan displayed on the table that she had drawn in the other two (2) locations that were possible for the sign but that the proposed location was still the best solution.

Mr. Nemazie questioned if 1405 was a neighboring structure. Mrs. Smith responded in the affirmative.

Mrs. Cathcart questioned where the previous sign was located. Mr. Kane responded that the proposed sign is in the same location as the previous sign.

Mr. Huddleston stated that if the location along the southerly property line were utilized for the sign that they would encroach the southerly property line and there would be issues regarding the foundation for the sign structure.

Mr. Rainey questioned if the 5.22 ft. setback was taken from the center point of the sign. Mr. Eure responded that the 5.22 ft. setback was taken from the leading edge of the sign. Mr. Rainey questioned if the Board could grant a 6 ft. sign variance. Mr. Eure responded in the affirmative.

Mrs. Layton questioned Mr. Eure what a free standing sign was. Mr. Eure explained that a free standing sign was anything that was not attached to a building. The directional signs wouldn't be considered freestanding signs.

Mr. Kane stated that the sign would be a goal post sign so there would be two (2) columns.

Mr. Nemazie questioned if the Roads Division needed to be contacted to make sure that the sign wasn't blocking the corner. Mr. Eure responded in the negative explaining that the sign was proposed outside the visibility triangle.

Upon a motion by Mr. Rainey, seconded by Mr. Williams, and duly carried, the Board **APPROVED** a 6 ft. Sign Setback Variance for Two Farms, Inc. (Royal Farm Stores), based on the criteria listed in Section V(c) of the Staff Report, and subject to the following Condition of Approval:

CONDITION:

1. Only one free-standing sign shall be permitted on this site.



ADJOURNMENT

With no further business, the meeting was adjourned at 7:25 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