



City of Salisbury – Wicomico County

DEPARTMENT OF PLANNING, ZONING AND COMMUNITY DEVELOPMENT

P.O. BOX 870

125 NORTH DIVISION STREET, ROOMS 203 & 201

SALISBURY, MARYLAND 21803-4860

410-548-4860

FAX: 410-548-4955



JAMES IRETON, JR
MAYOR

JOHN R. PICK
CITY ADMINISTRATOR

RICHARD M. POLITT, JR
COUNTY EXECUTIVE

R. WAYNE STRAUSBURG
DIRECTOR OF ADMINISTRATION

MINUTES

The Salisbury Board of Zoning Appeals met in regular session on July 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 (Absent)
Daniel Baker
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 7:00 p.m.



MINUTES:

The minutes of the June 7, 2012 minutes were approved as submitted.



#SA-0408-12C Jubilant Cadista Pharmaceuticals, Inc. – 4 ft. 4 inch Fence Height Variance – 207 Kiley Drive – Lt. Industrial District.

Mr. Michael Monico 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 installation of an 8-ft. 4-inch fence for protection of equipment adjoining the recent addition to the existing legal nonconforming industrial building. The Code permits 8 ft. fences to screen storage yards except in the front yard setback. Board approval of an 8 ft. 4-inch fence is requested.

Mr. Eure stated that the Zoning Code is very contradictory. The fence will protect the outdoor equipment. Mr. Eure stated that the Building Department recommended approval of the requested fence variance.

Mr. Monico stated that the fence would be slated for protection. He submitted ***Applicant's Exhibit A*** as a letter from Trinity Labs that stated that they had no objections to the request.

Mr. Baker questioned on Attachment #2 of the Staff Report if that was the only fence up against the building. Mr. Monico responded that the fence will go against the wall near the sidewalk and surround the equipment pad.

Mrs. Layton questioned how far the fence was away from the curb. Mr. Lloyd responded that the fence was approximately 6 ft. from the curb.

Mrs. Cathcart questioned if the fence would be electrified. Mr. Lloyd responded in the negative. She questioned why the 4" on the request. Mr. Lloyd responded that the panels come in 8 ft. 4 inch sections from the manufacturer.

Upon a motion by Mrs. Cathcart, seconded by Mr. Williams, and duly carried, the Board **APPROVED** the requested the proposed 8 ft. 4 inch fence, subject to the following Condition of Approval as follows:

CONDITION:

1. Screening slats shall be provided in the fence.



#SA-1204 Tower Signs, LLC representing Sovran Acquisition Limited Partnership – Alteration of a Legal Nonconforming Structure/Sign – to install an LED message board – 305 Hammond Street – General Commercial District.

Mr. Andrew Hyde and Mr. Charlie Towers 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 replacement of an existing changeable letter message board with an electronic LED message board on a legal nonconforming sign. The existing sign is nonconforming with regard to setback. The Code requires Board approval for the modification of a legal nonconforming sign.

Mr. Eure explained that the sign is slightly smaller than the existing sign. He recommended approval with the conditions listed in the Staff Report.

Mr. Towers requested 15 seconds instead of 30 seconds on the time for the messages to be on the message board. He also requested that the sign stay lit until 6:30 or 7 p.m. to attract the people coming home from work.

Mr. Hyde stated that the property was built in 1981 and had enjoyed almost 100 percent occupancy up until the last eight (8) years. The occupancy is now in the high 60 percentile. This is a small property and it is embedded. Mr. Hyde stated that he was not a huge fan of LED signs but if it was used candidly that it would be okay. The sign is connected to a residential lot. There are plans to landscape that area. There is a need to capture some commuter traffic at the end of the day to promote the business.

Mrs. Layton questioned Mr. Eure on the applicant's requests to amend the conditions. Mr. Eure responded that the Board can amend the conditions. He explained that he didn't think the residences around the property would want the sign to change every eight (8) seconds, nor would they want it lit in the evenings.

Mr. Towers stated that changing the message on the sign every 15 seconds is not that bad and that they would like to get at least two (2) messages across the sign as people are traveling.

Mrs. Cathcart questioned why Mr. Eure suggested 30 seconds. Mr. Eure responded that he suggested 30 seconds out of respect for the neighbors. Mr. Towers added that he believed that 15 seconds was both reasonable and fair.

Mr. Williams questioned if Mr. Eure was opposed to altering the conditions. Mr. Eure responded that he would allow the Board to alter the conditions. Mr. Williams suggested allowing the 15 seconds per message and having the sign turned off at 6 p.m.

Mr. Hyde stated that the property is open until 6 p.m. and would like the sign to be lit past that time. The sign at night is more important than the length of time per message.

Mr. Williams again suggested 15 seconds for each message and turning the sign off at 6 p.m.

Mr. Baker stated that he agreed that the sign should be turned off at 6 p.m. to protect the residences in the area.

Mrs. Layton questioned if the rest of the sign was lighted. Mr. Towers responded in the affirmative, adding that they were only talking about the LED.

Mr. Williams stated that if the sign was already lit, that the only issue was the message.

Mrs. Cathcart questioned if the message scrolls. Mr. Towers responded in the negative, explaining that the message would come up and stay for 15 seconds and then the next message would come up.

Mr. Nemazie questioned if the months could be restricted for the time that the sign needs to be turned off. Mr. Eure stated that restricting the months would probably be easier. He added that the neighborhood did not show up to offer any opposition.

Mrs. Cathcart questioned if the sign would still be lighted. Mr. Eure responded that the cabinet stays lit.

Mr. Williams reiterated that the neighborhood was not present to complain about the request.

Mr. Nemazie questioned if the messages would be red on black. Mr. Towers responded that the sign could have any color on it.

Mr. Baker reiterated that the sign should be turned off at 6 p.m.

Mrs. Cathcart stated that she was satisfied with turning off the sign at 7 p.m. in the summertime.

Mrs. Layton suggested turning the sign off at 6:30 p.m. as a compromise.

Mr. Towers stated that the sign is already lit until 10 p.m. or 11 p.m. at night.

Upon a motion by Mr. Williams, seconded by Mr. Nemazie, and duly carried, the Board **APPROVED** the requested change of a legal nonconforming sign, based on the criteria listed in Section V(c) of the Staff Report and subject to the following Conditions of Approval:

CONDITIONS:

1. The LED message center shall be one-sided as proposed with the message side facing toward East Church Street.
2. Display time for each message shall last a minimum of 15 seconds.
3. The message center shall only be in use and illuminated between 7:00 a.m. and 6:30 p.m. in order to protect the surrounding residential properties.



ADJOURNMENT

With no further business, the meeting was adjourned at 7:34 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