



# City of Salisbury – Wicomico County

DEPARTMENT OF PLANNING, ZONING AND COMMUNITY DEVELOPMENT

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## MINUTES

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The Salisbury Board of Zoning Appeals met in regular session on April 30, 2015, in Room 301, Government Office Building at 7:00 p.m. with attendance as follows:

### **BOARD MEMBERS:**

Dave Rainey, Vice Chairman (Absent)  
Daniel Baker, Acting Chair  
Jordan Gilmore  
Dave Nemazie (Absent)  
Chad Brown  
Lynn Cathcart

### **CITY STAFF:**

Bill Holland, City Building, Permits, and Inspections Department

### **PLANNING STAFF:**

Gloria Smith, Planner  
Beverly Tull, Recording Secretary



Mr. Baker, Acting Chairman, called the meeting to order at 7:00 p.m.

**MINUTES:**

The minutes of the April 2, 2015 meeting were approved as submitted.

**#SA-1502****Marvin Novick - 3 ft. Side Yard Setback Variance - 602 South Park Drive - R-10 Residential District.**

Mr. Novick 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 propose construction of a 24 ft. x 27 ft. garage in front of the existing garage. The new garage will have a 7 ft. setback from the property line for a portion of the addition. The Code requires a 10 ft. side setback. Board approval of the proposed 3 ft. side yard setback variance is requested.

Mr. Holland stated that the Building Department recommended approval of the requested setback variance due to the odd shape of the lot.

Mr. Novick explained the topography of his lot. He discussed how the driveway slopes down allowing leaves or snow and ice to pile in front of the garage door prohibiting him from getting his vehicle out. Due to health reasons, he explained that the addition of the new garage would alleviate some of the stress of cleaning up leaves, snow or ice. The addition of the new garage would also allow for the vehicles to be above the slope and the existing garage to be used as storage space so that the attic could be emptied.

Mrs. Cathcart questioned that they planned to use the existing garage space as storage space. Mr. Novick responded in the affirmative. Mrs. Cathcart noted for the record that health issues are not a reason to have a variance approved but that she would not vote against the request.

Mrs. Smith questioned Mr. Novick on the materials that he was going to use to build the garage. Mr. Novick responded that the garage would be cinderblock with stucco.

Mr. Novick rebutted Mrs. Cathcart's objection to stating health issues as a reason for requesting the variance. He explained that the topography of the land and the slope of the driveway are the main reasons for the requested variance for the garage addition, however, age and health issues are a factor in why they need to add on to the house.

Mrs. Smith stated that there was a case file from 1972 for a 3 ft. setback variance request. The staff did not consult with Mr. Tilghman regarding that case but he may have deemed it unnecessary for Mr. Novick to come before the Board. The case had already

been advertised and Mr. Novick would not have been able to get his money back, therefore, staff brought the request before the Board.

Mr. Novick requested approval of the setback variance.

Upon a motion by Mr. Gilmore, seconded by Mr. Brown, and duly carried, the Board **APPROVED** the requested 3 ft. side yard setback variance as submitted, based on the criteria in Section V(c) of the Staff Report.



**#SA-1501**

**Maryland Square, LLC, rep. by Parker & Associates - Special Exception - 65,400 sq. ft. shopping center - 2408-2410 North Salisbury Blvd. & 125 W. Henry Street - General Commercial District.**

Mr. Brock Parker 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 conversion of these properties to a shopping center. This site was developed in 1993 with the 60,000-sq. ft. Service Merchandise building, parking spaces, landscaping, and stormwater management basins. The applicant proposes converting the properties, including the former Zia's Restaurant site, to a Community Shopping Center. The Code requires a Special Exception for Shopping Centers over 30,000 gross square feet of floor area in the General Commercial District. Board approval of the Special Exception is requested.

Mr. Holland stated that the Building Department recommended approval subject to the conditions listed in the staff report and that the easement be recorded in Land Records for the shared parking.

Mr. Parker stated that they wanted the zoning designation of a shopping center. A shopping center allows the developer to have shared parking and the ability to bring in additional stores. At this time, one additional building is planned but there could be another building in the future. An entrance off of Route 13 will be deleted and there will be a right-in/right-out access point. State Highway Administration has put in specific requirements about the access points and where they will be located. The property dispute has been resolved and an agreement has been signed. BB&T Bank has verbally agreed to the shared parking easement and the paperwork is at their corporate office to be signed. The architect is making the rear of the new building resemble the front of the building per the request of the Planning Commission.

Mrs. Cathcart questioned if the bank was okay with the shared parking. Mr. Parker responded in the affirmative. Mrs. Cathcart questioned the reasoning for the back of the building to look like the front of the building. Mr. Parker explained that the Planning Commission requested that the rear of the building be more aesthetically pleasing as it would face Gander Mountain. He added that both front doors of the establishments would face Route 13 and have patio seating. Mrs. Cathcart questioned the reasoning behind 10 parking spaces. Mr. Parker

responded that Five Guys stated that they would back out of the project if they didn't have parking near their front door.

Mr. Brown questioned the sign. Mr. Parker stated that they were going to reface the existing sign.

Mrs. Cathcart questioned if there would be any connectivity to the Popeye's property. Mr. Parker responded in the negative, adding that they had put it in the agreement for future connectivity.

Upon a motion by Mrs. Cathcart, seconded by Mr. Gilmore, and duly carried, the Board **APPROVED** the Special Exception for a Community Shopping Center, Maryland Square, based on the criteria listed in Section V(c) of the Staff Report and subject to the following Conditions of Approval:

**CONDITIONS:**

1. All conditions imposed by the Planning Commission at its February 19, 2015, meeting shall be met, unless modified by the Commission.
2. An easement for shared parking of the spaces that cross the property line with Parcel # 5486 shall be recorded in the Land Records of Wicomico County.



**ADJOURNMENT**

With no further business, the meeting was adjourned at 7:45 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.

Dan Baker, Acting Chairman

John F. Lenox, Secretary to the Board

Beverly Tull, Recording Secretary