



City of Salisbury – Wicomico County

DEPARTMENT OF PLANNING, ZONING AND COMMUNITY DEVELOPMENT
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CITY ADMINISTRATOR

BOB CULVER
COUNTY EXECUTIVE

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DIRECTOR OF ADMINISTRATION

MINUTES

The Salisbury Board of Zoning Appeals met in regular session on August 11, 2016, in Room 301, Government Office Building at 7:00 p.m. with attendance as follows:

BOARD MEMBERS:

Daniel Baker, Acting Chair
Jordan Gilmore
Albert G. Allen, III
Chad Brown

CITY STAFF:

Henry Eure, 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 **6:57** p.m.



MINUTES:

The minutes of the June 2, 2016 meeting were approved as submitted.



#SA-1602 Claudinei Pedro DaCosta - 2 ft. Fence Height Variance - 524 Hammond Street - R-8 Residential District.

Ms. Jenna Rosario 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 requests permission to install a 6 ft. tall solid vinyl fence 5 ft. 6 inches from the curblineline at the back of the sidewalk along the Kent Avenue frontage of this property. The Code requires Board approval of a 2 ft. Fence Height Variance.

Mr. Eure explained that the applicants are trying to maximize the use of their property while protecting it. The same type of request has been granted many times in the past. Mr. Eure stated that the Building Department has no problems with the request and recommended approval.

Ms. Rosario stated that they want to install the fence for security purposes. There have been several incidents in the home and in the neighborhood that warrant the need of a fence. She stated that they had just installed a security system as well.

Mr. Gilmore questioned that the front yard would not be fenced in. Ms. Rosario responded in the negative, explaining that they would fence in along Kent Avenue.

Mr. Brown questioned if the fence stopped half way down the side of the house. Mr. DaCosta came to the table and pointed out on the plat of the property where the fence would stop along the side of the house.

Upon a motion by Mr. Allen, seconded by Mr. Gilmore, and duly carried, the Board **APPROVED** the requested 2 ft. fence height variance to permit the 6 ft. tall solid vinyl fence, as submitted. The proposed fence height is needed to provide safety and security and its location will not create traffic hazards in the area.



#SA-1603 Charles Dolby, on property owned by Somerset Paving and Marine, Inc. - 4 ft. Fence Height Variance - 436 Mill Street - Riverfront Redevelopment Multi-Use District.

The Board accepted **WITHDRAWAL** of the above noted request.



#SA-8946-16A CC Salisbury LLC/Cherner Automotive Group, on property owned by Expert Collision Repair, Inc. – Amended Condition – 512 E. Locust Street – R-5A Residential District.

Mr. Michael LeCates 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 has purchased the property at 354 Snow Hill Road and also desires to purchase this associated property that has been used for parking. In 1989, the Board approved the use of this property for parking but restricted that use to the current owner. The applicant requests that the Condition of Approval be removed.

Mr. Eure explained that this is an odd case. The special exception goes with the property but for an unknown reason in this case the Board chose to restrict this condition to the owner. The Building Department feels that this condition should be removed and the special exception should go with the property. The property is being used as a parking lot. Mr. Eure reiterated the other conditions should remain, specifically highlighting the condition regarding no storage of junk cars. Mr. Eure stated that the Building Department recommended approval of the request.

Mr. LeCates displayed pictures of the property showing where they had brought in stones to stabilize the parking. He explained that they had found this condition of approval during the title search with the sale of the property.

Mr. Brown questioned if the property was just for storage of cars that were being worked on. Mr. LeCates responded in the affirmative, explaining that they park the cars there until they are moved to the body shop or the insurance adjuster comes to look at them.

Mr. Baker questioned Mr. Eure regarding junk cars. Mr. Eure responded that there is no problem if they are stored there to be worked on but not for totaled vehicles or inoperable vehicles and that conditions is from 1970 and 1989. Mr. LeCates stated that the longest the car would be there would be three (3) to four (4) days to a week.

Mr. Baker stated that his concern was over using this property as an insurance holding area. Mr. Eure stated that had been the concern since 1970. This property should be used for parking and not for storage.

Mr. Baker questioned if there was another place to put the vehicles. Mr. LeCates responded in the negative, adding that there is only two (2) spaces in front of the shop. Mr. Eure stated that Caliber Collision also purchased three (3) other properties on Snow Hill Road when they purchased this property. Mr. LeCates stated that there was no other place to park the vehicles. Mr. Baker explained that the City has concerns over this. He questioned who would enforce the condition. Mr. Eure responded that the Building Department would enforce the condition.

Mr. LeCates questioned what an untagged or junk vehicle was. Mr. Eure responded that the untagged vehicle is self-explanatory. An inoperable vehicle means that the vehicle does not operate, which could include a vehicle with a flat tire.

Mr. Gilmore questioned the definition of a junk car because he would consider a junk vehicle one that could not be repaired and was waiting to be scrapped. Mr. Eure responded that it doesn't take much for a vehicle to be considered a junk vehicle anymore.

Mr. Brown questioned what language would be used for no junk car storage and should a time limit be considered. Mr. Eure suggested using a time frame of two (2) weeks.

Mr. Phil Corry stated that in 1989 a 30 day time frame was given. Mr. Baker stated that the 30 day time frame may be too long for a residential neighborhood and suggested a shorter time frame.

Mr. Brown questioned how likely it would be that a car would be stored there longer than two (2) weeks. Mr. Corry responded that it depends on the insurance company. He added that the longer term repairs are typically kept at 420 Snow Hill Road.

Mr. LeCates stated that they would like to continue the operation as it has been since the 1970's and that they would be good corporate neighbors.

Upon a motion by Mr. Gilmore, seconded by Mr. Brown, and duly carried, the Board **APPROVED** the removal of the Condition regarding ownership, subject to continued compliance with the remaining Conditions imposed in 1989 and the Condition added below. There have been no difficulties with the use of this property. The use has been continuous since 1970. The Planning Staff concurs with the Building Department that Special Exceptions typically run with the land and are permitted as long as a use is not discontinued for more than a year.

Condition:

1. No damaged vehicles shall be stored in this lot for longer than two (2) weeks.

Mr. Allen recused himself from this case.

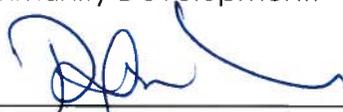


ADJOURNMENT

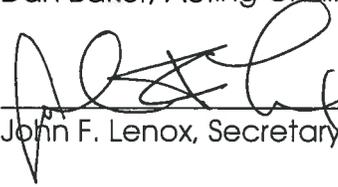
With no further business, the meeting was adjourned at 7:38 p.m.



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