

## MINUTES

The Salisbury Board of Zoning Appeals met in regular session on June 4, 2009, 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

### **CITY OFFICIALS:**

Henry Eure, Building, Permits & Inspections Dept.

### **PLANNING STAFF:**

Beverly Tull, Recording Secretary



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



**MINUTES:**

The Board unanimously approved the minutes of the May 4, 2009 meeting.



**#SA-0305-09A** **St. James A.M.E. Zion Church, represented by Selby Sign Company – 2 ft. 4 inch Sign Height Variance, 9 ft. 6 inch Sign Setback Variance, and Variance to Allow Internal Illumination – St. James A.M.E. Zion Church – 521 Mack Avenue – R-5 Residential District..**

Mr. John Selby, Pastor M. Luther Hill, and Mr. James Briddell came forward. Mr. Henry Eure presented and entered the Staff Report and all accompanying documentation into the record. Mr. Eure summarized the Staff Report explaining that the applicant proposes to locate a freestanding sign along Mack Avenue within a landscaped area that adjoins the church's parking lot. The sign will be 7 ft. 4 inches in height, with a setback of 5 ft. 6 inches from the curblin and will be internally illuminated. The Code requires signs in this zoning district to be 5 ft. in height, with a setback of 15 ft. from the curblin and be non-illuminated or indirectly illuminated. Variances requested from the Board include a 2 ft. 4 inch height variance, a 9 ft. 6 inch setback variance and a variance to allow the sign to be internally illuminated.

Mr. Selby displayed a drawing of the sign which has a cover on it so only an authorized person can change the displayed message. The Church is making commitments to adjust the existing landscaping around the sign to make it more visible by trimming the shrubs.

Pastor Hill requested that the Board please grant the variances for the sign.

Mr. Briddell stated that he was speaking on behalf of the Board and that they approved the proposed sign.

Mr. Nemazie questioned if the internal illumination would be a white light. Mr. Selby responded in the affirmative.

Upon a motion by Mr. Rainey, seconded by Mr. Nemazie, and duly carried, the Board **APPROVED** the three (3) requested sign variances.



**#SA-0411-09A Milford W. Twilley, Inc., represented by Selby Sign Company – Approval to Enlarge or Change Two (2) Legal Nonconforming Structures/.Signs – Twilley Center – Mt. Hermon Road & Civic Avenue – Regional Commercial District.**

Mr. John Selby and Mr. Dale Dashiell came forward. Mr. Henry Eure presented and entered the Staff Report and all accompanying documentation into the record. Mr. Eure summarized the Staff Report explaining that the applicant is proposing several changes to freestanding signs at the Twilley Centre, a nonconforming shopping center. Specifically, one freestanding sign is proposed to be enlarged by 180 sq. ft. by adding three (3) tenant panels, and a second sign will be refurbished and will be increased in height by 3-ft. and in area by 6 sq. ft. In addition, one (1) other existing freestanding sign will be removed. All three (3) signs to be changed are located along Mt. Hermon Road. Board approval to enlarge the two (2) signs is requested.

Mr. Selby stated that there are three (3) tenants on the existing sign and that they would like to add three (3) additional tenants to the sign. The existing sign is 80 sq. ft. and the new sign would be 87 sq. ft. The letters for "Twilley Center" will be the only part of the sign that is lit at night. The new sign would be more current with the times. The Civic Avenue tower is a directory sign. The Mt. Hermon Road sign would remain and the tower sign would be removed. There is heavy landscaping in the Twilley Center. The directory sign in the corner allows for exposure for the tenants in the courtyard area. Mr. Selby added that there weren't sign restrictions when the shopping center was built and that the unique shape of the shopping center should be considered. The directory sign is effective advertising for the stores located in the courtyard.

Mr. Dashiell stated that the sign in the courtyard is unique due to the design and that there isn't any visibility from the road. He stated that he needed to keep the areas rented in the courtyard and the tenants had requested the sign. The number of panels equals the number of stores and it is used as a directory sign. He stated that he couldn't afford to lose the directory sign as it is crucial to his tenants as well as himself. He stated that they would be removing one (1) tower sign on Mt. Hermon Road. Mr. Dashiell explained that this was really two (2) requests put together. He added that he had done part of what the Board requested the last time he was before them.

Mr. Selby stated that the Dollar General store was looking at relocating to the Phillips space.

Mr. Nemazie questioned if the courtyard stores were the only stores that weren't up to the sidewalk. Mr. Selby responded in the affirmative.

Mr. Rainey questioned if Mr. Dashiell was allowed to keep the directional sign if he could reduce the pylon sign to 30 ft. or take some of the space off of it. Mr. Selby responded that the sign sits back off the road and there is a lot of mature landscaping. Mr. Rainey stated that he understood the importance of the directional sign but the Board was being asked to bend the rules and there needs to be an effort to conform to the Code requirements. Mr. Rainey added that the Board had told Mr. Dashiell not to come back to the Board requesting any additional signage when he was there four (4) years ago and that he was trying to make a compromise. Mr. Dashiell stated that he was willing to work on a compromise and that he didn't foresee a problem with that. Mrs. Layton added that it was cheaper to lower the height on the pylon sign than to redesign the directional sign. Mr. Rainey stated that they needed to make the pylon sign 30 ft. and make permanent copy on the directional sign. Mr. Williams added that they needed to keep the intent of the directional sign.

Mr. Williams questioned Mr. Eure if the Super Pet didn't have the extra panels, what would be recommended. Mr. Eure responded that he would recommend that the sign be reduced based on the last meeting with the Board.

Mr. Selby questioned if the requests were approved, if he would have to permit all the signs at the same time. Mr. Eure responded that the variance was good for one (1) year. Mr. Dashiell stated that the reasoning for the request was started by Dollar General and the pharmacy to get frontage on the pylon sign. The upgrading of the directional sign will be more expensive than upgrading the pylon sign. He added that he didn't want to borrow the money to do the sign and that he'd like to do them as he can afford them. Mr. Eure stated that he would actually have 18 months to complete the upgrades because the time limit for executing the variance doesn't start until the sign permit is requested and then that permit is good for six (6) months.

Mr. Rainey stated that he understood what Mr. Dashiell was doing but that the first thing that had to be done was to take down the tower sign.

Upon a motion by Mr. Rainey, seconded by Mr. Williams, and duly carried, the Board **APPROVED** the enlargement of the two (2) freestanding signs along Mt. Hermon Road from 188 sq. ft. to 368 sq. ft and from 168 sq. ft. to 174 sq. ft., subject to the following Conditions of Approval:

**CONDITIONS:**

1. The existing 86 sq. ft. "Twilley Center" sign along Mt. Hermon Road shall be removed, as proposed by the applicant prior to any other work occurring.
2. The height of the existing 34 ft. pylon sign shall be reduced to 30 ft in height.
3. The signage in the directory sign shall only identify tenants, without advertising sales or specials.



**ADJOURNMENT**

With no further business, the meeting was adjourned at 7:41 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.

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Patricia Layton, Chairman

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John F. Lenox, Secretary to the Board

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Beverly Tull, Recording Secretary