

MINUTES

The Salisbury Board of Zoning Appeals met in regular session on May 7, 2009, in Room 301, Government Office Building at 7:00 p.m. with attendance as follows:

BOARD MEMBERS:

Patricia Layton, Chairman (Absent)
Dave Rainey, Vice Chairman
Daniel Baker
Edgar Williams
Dave Nemazie

CITY OFFICIALS:

Henry Eure, Building, Permits & Inspections Dept.

PLANNING STAFF:

Gary Pusey, Planner
Beverly Tull, Recording Secretary



Mr. Rainey, Vice Chairman, called the meeting to order at 7:00 p.m.

**MINUTES:**

The Board unanimously approved the minutes of the December 4, 2008 meeting.

**#SA-0901****Christopher & Jennifer Ranck - 2 ft. Fence Height Variance to Install a 6 ft. Wooden Fence Within the Front Yard Setback Along Pinehurst Avenue - 305 North Clairmont Avenue - R-10 Residential District.**

Mr. Christopher Ranck and Mrs. Jennifer Ranck came forward. Mr. Gary Pusey presented and entered the Staff Report and all accompanying documentation into the record. Mr. Pusey summarized the Staff Report explaining that the applicants' property is a "through lot" with two front yards, on both North Clairmont Drive and Pinehurst Avenue. Their house faces North Clairmont Drive, and the portion of their lot that fronts on Pinehurst Avenue is used as a rear yard. The applicants would like to construct a 6-ft. tall fence along Pinehurst Avenue. The Code requires that fences in front yards be restricted to a height of 4-ft. Since this is technically in a front yard, a 2-ft. height variance is being requested.

Mr. Eure stated that this was a through lot so it actually had two (2) front yards. The house next door has a fence existing and a replacement permit was issued in 2004 for that fence. The Building Department has no problems with the request and recommended approval of a 5 ft. setback from the curb, which places the fence at the applicants' front property line along Pinehurst Avenue.

Mrs. Ranck stated that there had been issues that have fueled the need for a fence such as the garage being broken into and someone sleeping near the garage. She added that they wanted to follow the same setback as their neighbor's fence to keep it consistent.

Upon a motion by Mr. Baker, seconded by Mr. Williams, and duly carried, the Board **APPROVED** the requested 2-ft. height variance for the proposed fence, with the placement of the fence at the front property line along Pinehurst Avenue. This places the fence at a similar location as the fence on the adjoining lot,

and will be located 3-ft. in front of the applicants' garage and 5-ft. behind the face of the curb along Pinehurst Avenue.



#SA-0902

Livingston, Hammond & Hill, represented by Read Signs - 4 ft. Sign Setback Variance to Install a 5.28 sq. ft. Sign Within the Front Yard Setback - 120 South Boulevard - General Commercial District.

Mrs. Susan Usilton came forward. Mr. Gary Pusey presented and entered the Staff Report and all accompanying documentation into the record. Mr. Pusey summarized the Staff Report explaining that the applicant, represented by Read Signs, is proposing to install a freestanding sign located 11-ft. behind the curb along South Boulevard. The City Code requires a 15-ft. setback. Board approval of a 4-ft. setback variance is requested.

Mr. Eure stated that this was a small lot and the building was close to the street. The sign is small, low profile, and very attractive. The Building Department recommended approval of the setback variance request.

Mrs. Usilton stated that there used to be a sign in the same location as this proposed sign and it was about the same size sign. She added that her clients needed visibility from the street.

Mr. Nemazie questioned if the real estate sign shown in the attachments was within the 15 ft. setback. Mrs. Usilton stated that the real estate sign was gone.

Mr. Rainey questioned if the adjoining property's sign was at an 8 ft. setback. Mr. Eure responded in the affirmative, that Crazy Louie's Pawn Shop sign was three feet closer to the street than what was being requested with this application. Mr. Eure added that the visibility triangle wasn't an issue with this sign. Mr. Rainey questioned if the sign met all other zoning requirements. Mr. Eure responded in the affirmative.

Upon a motion by Mr. Williams, seconded by Mr. Baker, and duly carried, the Board **APPROVED** the 4 ft. Sign Setback Variance to install a 5.28 sq. ft. sign within the Front Yard Setback as submitted.



ADJOURNMENT

With no further business, the meeting was adjourned at 7:15 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.

Dave Rainey, Vice Chairman

John F. Lenox, Secretary to the Board

Beverly Tull, Recording Secretary