

MINUTES

The Salisbury Board of Zoning Appeals met in regular session on October 1, 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
Edgar Williams
Dave Nemazie (Absent)

PLANNING STAFF:

Gary Pusey, Planner
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 June 4, 2009 meeting.

**#SA-0903****Chad and Amy Prettyman – Variance to Allow Storage of a Boat to be Stored in Front of the Front Setback Line – 6083 Tarry Town Road – R-8A Residential District.**

Mr. Chad Prettyman 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 have a 22 ft. boat that they have stored in their paved driveway in front of their garage. Including the trailer that extends 5 ft. from the front of the boat and a 3 ft. platform in the rear of the boat, the total length of the boat and trailer is 30 ft. The Salisbury Zoning Code states that boats (and recreational vehicles) in residential districts must be stored behind the front building setback line. The Applicants' lot has a building setback line of 35 ft. and the boat and trailer extend into this setback area. The Applicants request approval of a variance to allow the boat and trailer to be stored in their driveway and into the front building setback area.

Mr. Prettyman stated that putting the boat in the side yard would be an eyesore. The area is wet and it would tear up the yard. He stated that he only wanted to keep the boat on his property from June through October during the boating season and then it would be stored the rest of the year in a warehouse.

Mr. Jeff Livingston, Sleepy Hollow, stated that he had moved into the City for protection of the City laws. The boat should not be in the driveway. He added that he didn't want to live in a marina and requested denial of the variance.

Mr. David Shipley, President of the Sleepy Hollow Homeowners Association, submitted **Opponent's Exhibit #1**, a letter from the Board of Directors of the Homeowners Association requesting denial of the variance request.

Mr. Prettyman stated that he had moved to a nice neighborhood with a family atmosphere. He stated that no one had complained to him about the boat being in the driveway. Mr. Prettyman stated that he wished that the neighborhood was friendlier and less political.

Upon a motion by Mr. Rainey, seconded by Mr. Williams, and duly carried, the Board **DENIED** the request to allow the Applicants to store their boat in front of their front building setback line. The boat shall be removed from the property by Monday, October 19, 2009.



Mr. Pusey explained to the Board that they had been provided with a copy of the judge's decision regarding the Crockett vs. Culver case where Findings of Fact were needed. He added that the Staff was awaiting further instructions from the City Solicitor on how to proceed with the Findings of Fact and would get back to the Board with his response.

Mr. Pusey also noted that there would be a meeting in November.



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.

Patricia Layton, Chairman

John F. Lenox, Secretary to the Board

Beverly Tull, Recording Secretary