



City of Salisbury – Wicomico County

DEPARTMENT OF PLANNING, ZONING AND COMMUNITY DEVELOPMENT

P.O. BOX 870

125 NORTH DIVISION STREET, ROOMS 203 & 201

SALISBURY, MARYLAND 21803-4860

410-548-4860

FAX: 410-548-4955



JACOB R. DAY
MAYOR

TOM STEVENSON
CITY ADMINISTRATOR

BOB CULVER
COUNTY EXECUTIVE

R. WAYNE STRAUSBURG
DIRECTOR OF ADMINISTRATION

AGENDA

Regular Meeting

September 8, 2016

Government Office Building
Route 50 & N. Division Street
Council Chambers, Room 301, Third Floor

7:00 P.M. - Call to Order – Dan Baker, Acting Chairman

Board Members: Dan Baker, Chad Brown, Gil Allen, and Jordan Gilmore.

MINUTES – August 11, 2016 meeting.

PUBLIC HEARINGS:

#SA-1604 **Dean E. Richardson, rep. by Parker & Assoc.** – 10 ft. Front Setback Variance – 423 Druid Hill Avenue – R-10 Residential District.

#SA-9444-16A **Bailey's Taxi Service, LLC, rep. by Selby Sign Company** – 9 ft. 6 inch Sign Setback Variance – 336 Lake Street – Light Industrial District.

#SA-1605 **Devreco, LLC, rep. by Selby Sign Company** – 25 sq. ft. Sign Surface Area Variance – 261 Canal Park Drive - College-University District.

* * * * *



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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

SALISBURY BOARD OF ZONING APPEALS

Notice of Public Hearing

Under Section 17.12.100, Title 17, Zoning, of the Salisbury Municipal Code, the following request has been filed for relief on property in the City of Salisbury, and,

A PUBLIC HEARING WILL BE HELD ON

THURSDAY, SEPTEMBER 8, 2016

in Room 301, Council Chambers, Third Floor, Government Office Building, Route 50 and North Division Street, Salisbury, Maryland, to hear proponents and opponents, if there be any. The public meeting will begin at **7:00 p.m.**

FRONT SETBACK VARIANCE

Dean E. Richardson, represented by Parker and Associates, in accordance with the requirements of Sections 17.04.180.E, 17.156.060B.1 and 17.236.020 of the Salisbury Municipal Code, requests permission to construct a single-family dwelling with a 15 ft. front setback from Frederick Avenue in the R-10 Residential District. The Code requires a 25 ft. front yard setback. Board approval of a 10 ft. front setback variance is requested.

The Board reserves the right to close a part of this meeting as authorized by Section 10-508(a) of the Maryland Annotated Code.

(FOR FURTHER INFORMATION CALL 410-548-4862)

Dan Baker, Acting Chairman

Publication Dates: 8/25/16 and 9/1/16



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STAFF REPORT

MEETING OF SEPTEMBER 8, 2016

Case No. SA-1604
Applicant: E. Dean Richardson, rep. by Parker & Associates
Property Owner: Same
Location: Northwesterly corner of Druid Hill and Frederick Avenues; 423 Druid Hill Avenue
State City Tax Map: #114
Parcel #1403, Grid #22
Zoning: R-10 Residential District
Requests: 10 ft. Front Setback Variance along Frederick Avenue.

I. SUMMARY OF REQUEST:

The Applicant requests permission to construct a new single-family dwelling with a front setback of 15 ft. from Frederick Avenue. The Code requires a 25 ft. setback. Board approval of a 10 ft. front setback variance is requested.

II. ACCESS TO THE SITE AREA:

The property is a corner lot with frontage on both Druid Hill and Frederick Avenues.

III. DESCRIPTION OF PROPERTY:

This property consists of 6,177 sq. ft. in size and is rectangular in shape. The site is unimproved with 58 ft. of frontage along Druid Hill Avenue. Frederick Avenue dead ends at the rear of this property.

IV. DESCRIPTION OF SURROUNDING AREA/NEIGHBORHOOD:

The surrounding area is developed with bungalows, ranch style homes and some two-story homes in the R-10 Residential District. The City-County line is just south of here.

The University is one block east. (See Attachment #2.)

V. EVALUATION:

- (a) **Discussion:** The Applicant requests permission to construct a single-family dwelling on this 58 ft. wide lot with a 15 ft. setback from Frederick Avenue. (See Attachment #3.) The Code requires a 25 ft. front setback from both Druid Hill and Frederick Avenues. Board approval of a 10 ft. front setback variance along Frederick Avenue is requested.

This lot is shown on a plat from January 1941 that depicts four lots. (See Attachment #4). This lot is the smallest lot having only 58 ft. of frontage along Druid Hill Avenue and 107 ft. of frontage along the dead end of Frederick Avenue. The other lots are 70 to 76 ft. in width.

As noted by the Building Department, the applicant could construct a dwelling that is 23 ft. in width that would fit within the building setbacks for this lot. An example of the front of such a dwelling was provided. (See Attachment #5). However, the applicant wishes to construct a dwelling 34 ft. in width (See Attachment #6) that would be more in keeping with other structures in the neighborhood. Nearby structures range from 30 to 46 ft. in width. (See Attachment #7).

The Code permits the applicant to match the existing setback of the house at 422 Druid Hill, but that would allow only a 25 ft. wide home as the setback would be 22.7 ft. from Frederick Avenue.

Information provided by the City's Department of Building, Permits and Inspections is included as Attachment 8.

- (b) **Impact:** The Planning Staff does not believe the front setback variance requested will have any adverse impact on the surrounding area.
- (c) **Relationship to Criteria:** Section 17.236.020 of the Salisbury Municipal Code contains the criteria the Board should consider when approving Variances. Staff has noted how this request complies with the Variance criteria as follows:

- [1] **Because of the particular physical surroundings, shape or topographical conditions of the specific structure or land involved, a practical difficulty or unnecessary hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.**

The lot in question was subdivided in 1941 and is smaller in area than the minimum size required by the Code (adopted in 1983) in the R-10 District. In addition, this corner lot was the smallest of the four lots subdivided in 1941. The size and width of this corner lot presents a hardship for development of the site.

- [2] The conditions upon which an application for a variance is based are unique to the property for which the variance is sought and are not applicable, generally, to the property within the same zoning classification.**

The conditions on which this application are based are unique from most other properties in this area in that most corner lots are larger than interior lots. The larger corner lots allow for the two front yard setbacks while still providing a reasonable building envelope on the lot.

- [3] The practical difficulty or unnecessary hardship is caused by this Title and has not been created by intentional action of any person presently having an interest in the property.**

Staff believes the practical difficulty was created upon the subdivision of the property in 1941 and not by this or the previous owner.

- [4] The granting of the variance will not be detrimental to or endanger the public health, security, or general welfare or morals.**

The granting of the requested variance should not be detrimental to the public health, security and general welfare of the neighborhood. The variance will provide for construction of a home compatible with the neighborhood.

- [5] The granting of the variance is not based exclusively upon a desire to increase the value or income potential of the property.**

Although the granting of the front setback variance will increase the value of the property once developed, the requested variance permits reasonable development of the lot.

- [6] The variance will not be injurious to the use and enjoyment of other property in the immediate vicinity nor substantially diminish and impair property values in the neighborhood.**

The proposed setback will not be detrimental to other properties and will not adversely impact nearby property values. This request is the least amount that can be requested in order to reasonably develop the property. Its location along the stub of a dead-end street will have minimal impacts on the surrounding area.

- [7] The granting of the variance will not impair an adequate supply of light and air to adjacent property or overcrowd the land or create an undue concentration of population or substantially increase any congestion of the streets or create hazardous traffic conditions or increase the danger of fire or otherwise endanger the public safety.**

The requested setback variance will not create any hazardous traffic conditions or undue concentration of population. While granting of the variance will create a larger building envelope and a smaller "side" yard for the proposed home, construction of a 34 ft. wide residence should not constitute overcrowding of the land.

- [8] The variance will not adversely affect transportation or unduly burden water, sewer, school, park, or other public facilities.**

The requested variance will have no impact on water, sewer, school, park or other public facilities. Staff does not believe this request will affect transportation facilities due to its location at the end of a dead-end street.

- [9] The granting of the variance will not adversely affect the implementation of the Comprehensive Plan for the City of Salisbury approved by the Planning Commission and the City Council or any other plan approved by the Planning Commission or City Council for development of the area in which the variance is requested.**

The Salisbury Comprehensive Plan adopted by the Salisbury City Council on July 14, 2010 designates this area for residential development, as shown on the adopted Land Use Map. This request will not have a significant impact on the Plan.

- [10] Within the intent and purpose of this Title, the variance, if granted, is the minimum necessary to afford relief. (To this end, the Board may permit a lesser variance than that applied for.)**

Staff believes that the variance requested is the minimum necessary to afford relief from the Code requirements. However, the Board has the discretion to grant a lesser variance.

VI. RECOMMENDATION:

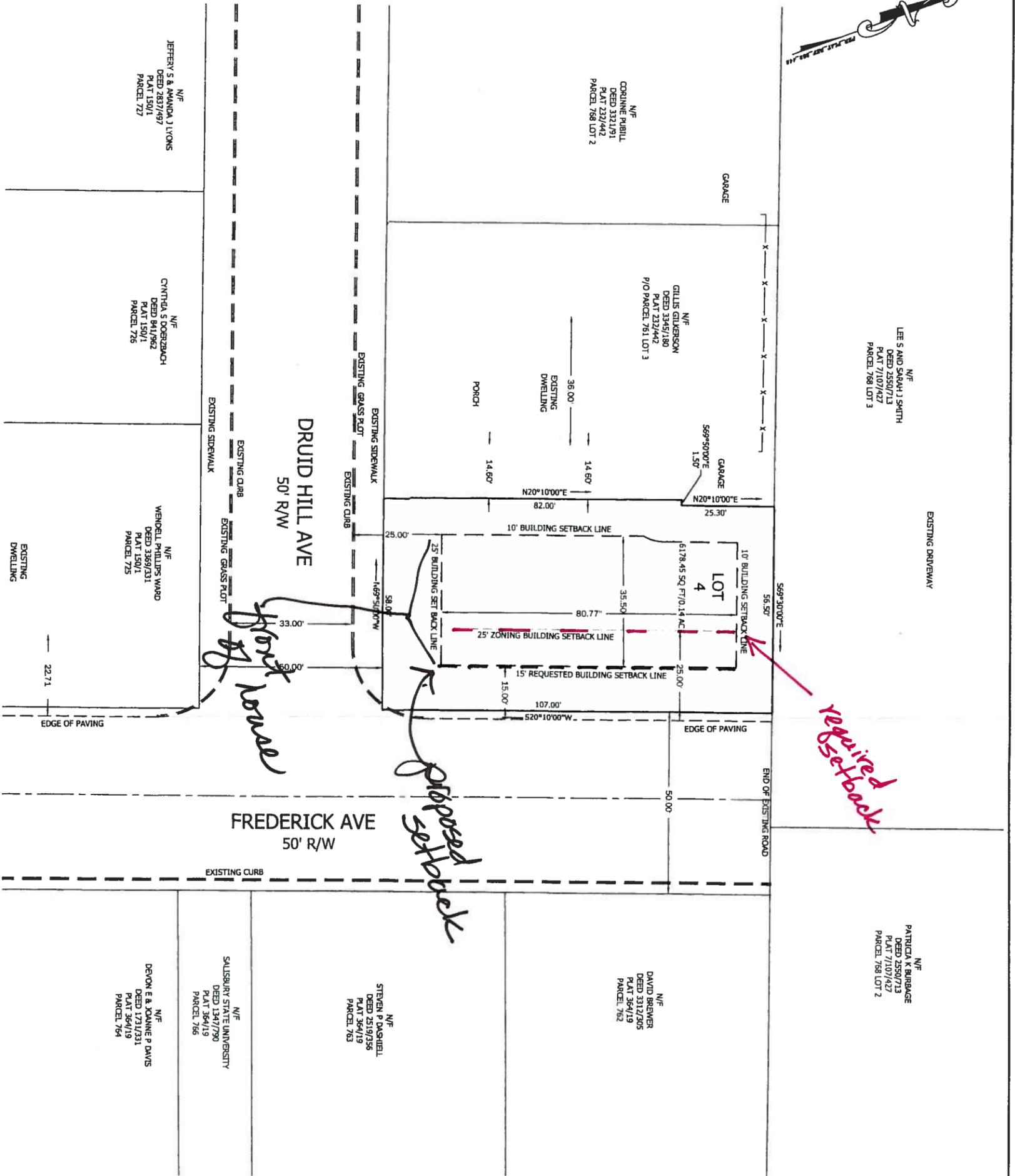
Based on the findings contained in this Staff Report, Staff recommends **Approval** of the requested 10 ft. front setback variance for the proposed single-family residential structure as submitted.

This recommendation is based on the configuration of the Applicant's property as created in 1941 and the smaller lot size for this corner lot.

COORDINATOR: Gloria Smith, Planner
DATE: August 31, 2016



423 Druid Hill Avenue



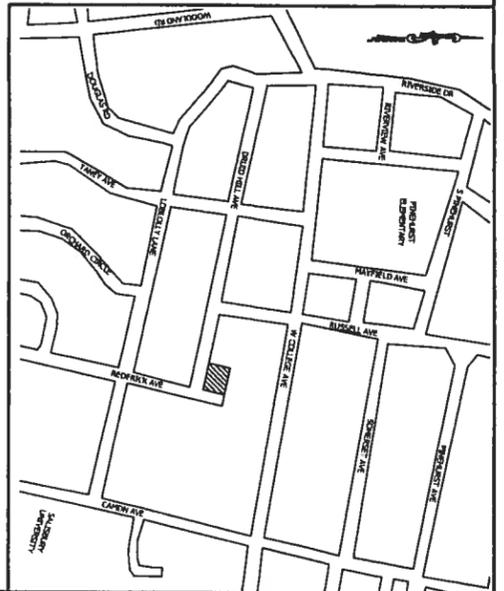
front house

proposed setback

revised setback

GENERAL NOTES

- 1) The property shown herein is currently owned by:
Dean E Richardson
PO Box 4600, Ocean City, Maryland, 21843
- 2) Deed reference: 3797/731
- 3) Plat reference: 232, 442
- 4) The present zoning of this property is: R-10
- 5) No boundary survey has been performed. Existing locations of structures as represented herein are pursuant to recorded instruments and aerial photo.



REVISIONS	
DATE	BY

VARIANCE PLAT

LOT 4

"PROPERTY SUBDIVISION FOR HENRY ROBERTS"

DRUID HILL & FREDERICK AVE SALISBURY, MD

CAMDEN ELECTION DISTRICT, WICOMICO COUNTY, MARYLAND

SCALE	DATE	TAX MAP
1" = 20'	7/12/16	114
DRAWN BY	DATE	PAGE
H.M.H.	7/12/16	P/O 761

DATE: 08/24

CIVIL ENGINEERING

PARKER FORESTRY

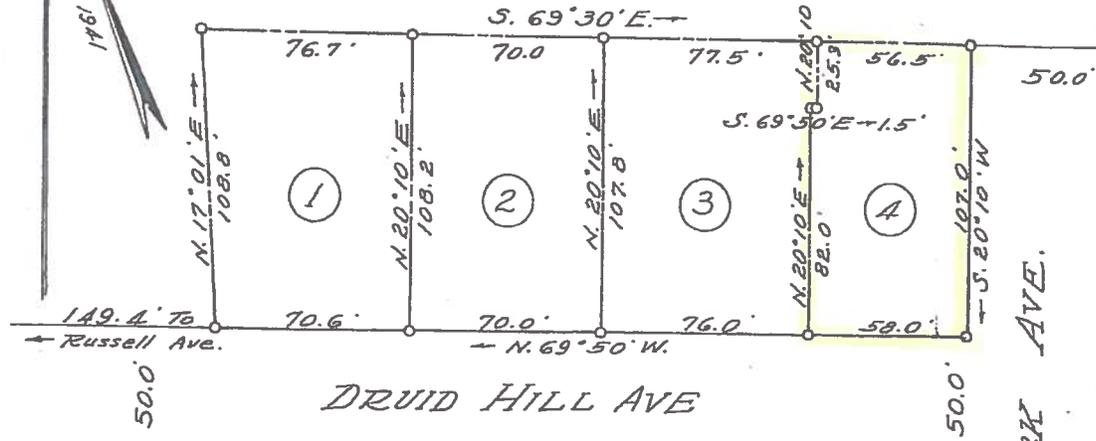
ESTABLISHED 1977

MEMBER OF THE NATIONAL ASSOCIATION OF PROFESSIONAL ENGINEERS

410-46-0003

LOCATION
CAMDEN ELECTION DISTRICT No. 13
CITY OF SALISBURY
WICOMICO COUNTY, MD.
O DENOTES: IRON PIPES OR C.P.

map of 1941



PROPERTY SUB-DIVISION
FOR
HENRY W. ROBERTS
Jan. 4, 1941
GEORGE W. PURNELL
Civil Engineer
Salisbury, Md. Scale 1"=40'

Wicomico Co.
Land Res. D.W.S. 232 Folio 142
Subdivision for Henry W. Roberts

FREDERICK AVE.
50.0'

Pull down the "File Menu" then click on the "Print" option or [Click Here To Print This Page](#).



Elevation of COOLhouseplans.com Plan ID: chp-49800, Order Code: C101
To Order call 1-800-482-0464
« [Back](#) to Previous Page.

20' WIDE PLAN

Pull down the "File Menu" then click on the "Print" option or [Click Here To Print This Page](#).



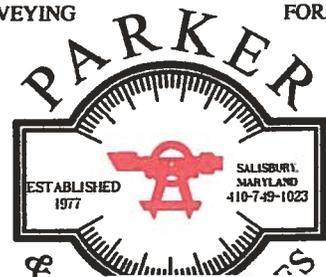
Elevation of COOLhouseplans.com Plan ID: chp-28596, Order Code: C101
To Order call 1-800-482-0464
« [Back](#) to Previous Page.

34' WIDE PLAN



VARIANCE DETAIL HOUSE WIDTH DIMENSIONS

SURVEYING FORESTRY



CIVIL
ENGINEERING

Attachment #7

1" = 80'	DATE 07/13/16	TAX MAP 114	GRID 22
JOB NO. L0824_VARIANCE DETAIL	DRAWN BY HMH	PARCEL 1403	

City of Salisbury
Department of Building, Housing & Zoning
125 N. Division Street
Salisbury, MD 21803-4118

TO: Dan Baker, Chairperson
Board of Zoning Appeals

FROM: Henry Eure, Zoning Administrator
Department of Building, Housing & Zoning

DATE: August 30, 2016

SUBJECT: NW Corner of Druid Hill & Frederick Avenues

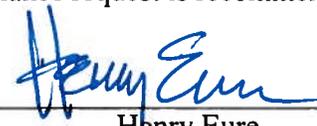
Name of Applicant: Parker and Associates for 528 Riverside Drive Salisbury, MD 21801	Dean E. Richardson P.O. Box 4600 Ocean City, MD 21843
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Location: NW Corner of Druid Hill & Frederick Avenues

Comments: The applicants are proposing to construct a 34' wide single family dwelling on the existing 58' wide narrow corner lot. Section 17.04.180.E and 17.156.060B.1. of the Zoning Code require that corner lots be provided with a minimum 25' front yard setback along both street frontages. This leaves a building envelope that is only 23' wide. The applicants could construct a small house that meets the setbacks, and have submitted a building elevation that illustrates this narrow building that could be built on the lot without seeking a variance from the board. However, the applicants wish to construct a wider home that is more in keeping with the neighborhood. A dwelling that is 34' in width facing Druid Hill Avenue has been submitted as an example of what is proposed.

Section 17.04.180A. of the Zoning Code allows the applicants to reduce the front yard setback to 22.71' from the edge of Frederick Avenue, which is the existing setback of the house across the street located at 422 Druid Hill Avenue. This code section allows buildings to be constructed with a front yard setback that is an average of other buildings within 200'. Expanding any potential construction to this setback would still only allow for a dwelling that is 25' width. A 25' wide dwelling would still be out of character with other homes in the neighborhood.

While it is also possible to construct a wider home that faces Frederick Avenue, that too would somewhat out of character for the neighborhood, as all other dwellings located at intersections along Druid Hill Avenue face Druid Hill and not the intersecting street. Approval of the request for a 10' setback variance request is recommended.


Henry Eure
Zoning Administrator



**CITY OF SALISBURY – WICOMICO COUNTY
DEPARTMENT OF PLANNING, ZONING
AND COMMUNITY DEVELOPMENT**



Tel: 410-548-4860

Fax: 410-548-4955

**TO: Jack Lenox, Director
Secretary to the Board of Zoning Appeals**

SUBJECT: NW CORNER OF DAVID HILL & FREDERICK AVENUES

DATE: July 26TH, 2016

CERTIFICATION OF APPLICANT

In accordance with Section 17.236.02, of the City's Zoning Code, I hereby request a hearing before the Salisbury Board of Zoning Appeals to: REQUEST PERMISSION TO CONSTRUCT A SINGLE FAMILY DWELLING WITHIN THE FRONT YARD SETBACK

I certify that I have paid all advertising fees necessary for the public hearing in this matter to a representative of the City Department of Building, Permits & Inspections. I also acknowledge that additional application fees will be assessed by the Department of Planning, Zoning & Community Development prior to my case being scheduled for official action by the board.

I certify that my interest in the property is as follows: to expand
the building envelope of the lot to allow
for a larger home to be built

It is my understanding that the property involved will be posted with a Public Notice and I agree to allow the posting and property inspection, if applicable.

Very Truly Yours,

WITHDRAWAL NOTICE

I hereby: Cancel Withdraw Postpone

my application for: _____

Name Date



CITY OF SALISBURY – WICOMICO COUNTY
DEPARTMENT OF PLANNING, ZONING
AND COMMUNITY DEVELOPMENT



Tel: 410-548-4860

Fax: 410-548-4955

**NOTICE TO SALISBURY BOARD
OF ZONING APPEALS APPLICANTS**

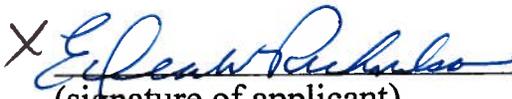
Effective May 1, 2010, applicants submitting requests to be heard by the Salisbury Board of Zoning Appeals will be billed for the advertising charges for the public hearing notice that is run in The Daily Times. This notice is required by Section 17.04.150.B.1 which states:

B. Newspaper Advertising. All proceedings under the terms of this title requiring a public hearing shall be advertised at least once in a newspaper of general circulation, as follows:

1. A variance, special exception, change in nonconforming use, ordinance permit or other such appeal shall be advertised ten days prior to the scheduled hearing;

The billing notice will be provided at the time the hearing notification letter is sent out and is due prior to the public hearing date.

I have read the above notice and understand that I will be billed for The Daily Times charges for my Salisbury Board of Zoning Appeals application.

X 
(signature of applicant)

X 7-12-16
(date)

SALISBURY BOARD OF ZONING APPEALS

Notice of Public Hearing

Under Section 17.12.100, Title 17, Zoning, of the Salisbury Municipal Code, the following request has been filed for relief on property in the City of Salisbury, and,

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in Room 301, Council Chambers, Third Floor, Government Office Building, Route 50 and North Division Street, Salisbury, Maryland, to hear proponents and opponents, if there be any. The public meeting will begin at **7:00 p.m.**

SIGN SETBACK VARIANCE

Bailey's Taxi Service, LLC, represented by Selby Sign Company, in accordance with the requirements of Sections 17.216.110B.1, and 17.236.020 of the Salisbury Municipal Code, requests permission to install a pylon sign with a 5 ft. 6 inch setback from the curbline of Lake Street in the Light Industrial District. The Code requires a 15 ft. setback. Board approval of a 9 ft. 6 inch sign setback variance is requested.

The Board reserves the right to close a part of this meeting as authorized by Section 10-508(a) of the Maryland Annotated Code.

(FOR FURTHER INFORMATION CALL 410-548-4862)

Dan Baker, Acting Chairman

Publication Dates: 8/25/16 and 9/1/16



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STAFF REPORT

MEETING OF SEPTEMBER 8, 2016

Case No. SA-9444-16A
Applicant: Bailey's Taxi Service, rep. by Selby Sign Co.
Property Owner: Same
Location: Westerly side of Lake Street; 336 Lake Street
State City Tax Map: #106
Parcel #1615, Grid #5
Zoning: Light Industrial District
Requests: 9 ft. 6 inch Sign Setback Variance.

I. SUMMARY OF REQUEST:

The Applicant requests permission to install a free-standing sign with a setback of 5 ft. 6 inches from the curbline along Lake Street. The Code requires a 15 ft. setback. Board approval of a 9 ft. 6 inch setback variance is requested.

II. ACCESS TO THE SITE AREA:

The property has frontage on Lake and King Streets with access provided on both streets.

III. DESCRIPTION OF PROPERTY:

This property consists of a 7,375 sq. ft. irregularly shaped parcel. The property contains a 2,446 sq. ft. structure built about 1950.

IV. DESCRIPTION OF SURROUNDING AREA/NEIGHBORHOOD:

The surrounding area is developed with commercial uses. To the east across Lake Street is a convenience store.

The Salisbury Fire Station is nearby. (See Attachment #2.)

V. EVALUATION:

- (a) **Discussion:** The Applicant requests permission to install a 15 ft. 5 inch tall free-standing sign with 34 sq. ft. of sign surface area on this site with a setback of 5 ft. 6 inches from the curblin. (See Attachments #3 and 4.) The Code requires a 15 ft. setback for free-standing signs. A sign setback variance of 9 ft. 6 inches is requested.

As noted by the Building Department, the curb cut on Lake Street, the curb cut on King Street and the building placement, direct traffic on this site through the area where the sign would have to be placed to meet the 15 ft. setback requirement. Moving the sign eastward toward Lake Street, provides more on-site travel space and reduces the possibility of damage to cars or the sign.

The proposed location is outside of the visibility triangle required by Section 17.04.160A of the Code.

It appears that a sign may have been located near Lake Street at some time in the past.

Information provided by the City's Department of Building, Permits and Inspections is included as Attachment 5.

- (b) **Impact:** The Planning Staff does not believe the sign setback variance requested will have any adverse impact on the surrounding area.
- (c) **Relationship to Criteria:** Section 17.236.020 of the Salisbury Municipal Code contains the criteria the Board should consider when approving Variances. Staff has noted how this request complies with the Variance criteria as follows:

- [1] **Because of the particular physical surroundings, shape or topographical conditions of the specific structure or land involved, a practical difficulty or unnecessary hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.**

The property is somewhat irregular in shape and the building located here was constructed approximately 1950. Placement of the sign at the required setback will obstruct traffic flow on the site.

- [2] **The conditions upon which an application for a variance is based are unique to the property for which the variance is sought and are not applicable, generally, to the property within the same zoning classification.**

While the conditions on which this application are based are similar to other properties in the City, these conditions are not found on other properties in the Light Industrial District throughout the City.

- [3] **The practical difficulty or unnecessary hardship is caused by this Title and has not been created by intentional action of any person presently having an interest in the property.**

Staff believes the practical difficulty is created by the placement of the building and the requirement for a 35 ft. visibility triangle at the corner of King and Lake Streets.

- [4] The granting of the variance will not be detrimental to or endanger the public health, security, or general welfare or morals.**

The granting of the requested variance should not be detrimental to the public health, security and general welfare of the neighborhood. The proposed freestanding sign will be setback to the greatest extent possible.

- [5] The granting of the variance is not based exclusively upon a desire to increase the value or income potential of the property.**

Although the granting of the sign variance may increase the value or income potential of the property, the requested sign is proposed to better identify the property for potential clients.

- [6] The variance will not be injurious to the use and enjoyment of other property in the immediate vicinity nor substantially diminish and impair property values in the neighborhood.**

The proposed sign will not be detrimental to other properties and will not adversely impact nearby property values. This request is the least amount that can be requested in order to install the proposed sign in a position that is visible to motorists. Staff does not believe the signage is significant enough to negatively affect the neighborhood.

- [7] The granting of the variance will not impair an adequate supply of light and air to adjacent property or overcrowd the land or create an undue concentration of population or substantially increase any congestion of the streets or create hazardous traffic conditions or increase the danger of fire or otherwise endanger the public safety.**

The requested sign variance will not create any hazardous traffic conditions on the adjoining streets. The other items contained in this criterion are not applicable.

- [8] The variance will not adversely affect transportation or unduly burden water, sewer, school, park, or other public facilities.**

The requested sign variance will have no impact on water, sewer, school, park or other public facilities.

- [9] The granting of the variance will not adversely affect the implementation of the Comprehensive Plan for the City of Salisbury approved by the Planning Commission and the City Council or any other plan approved by the Planning Commission or City Council for development of the area in which the variance is requested.**

The Salisbury Comprehensive Plan adopted by the Salisbury City Council on July 14, 2010 designates this area for industrial development, as shown on the adopted Land Use Map. This request will not have a significant impact on the Plan.

- [10] Within the intent and purpose of this Title, the variance, if granted, is the minimum necessary to afford relief. (To this end, the Board may permit a lesser variance than that applied for.)**

Staff believes that the variance requested is the minimum necessary to afford relief from the Code requirements. However, the Board has the discretion to grant a lesser variance.

VI. RECOMMENDATION:

Based on the findings contained in this Staff Report, Staff recommends **Approval** of the requested 9 ft. 6 inch sign setback variance for the free-standing sign as submitted.

This recommendation is based on the configuration of the Applicant's property, the travel pattern on the property, the placement of the building on the property, and the requirement for a 35 ft. visibility triangle at the corner of King and Lake Streets.

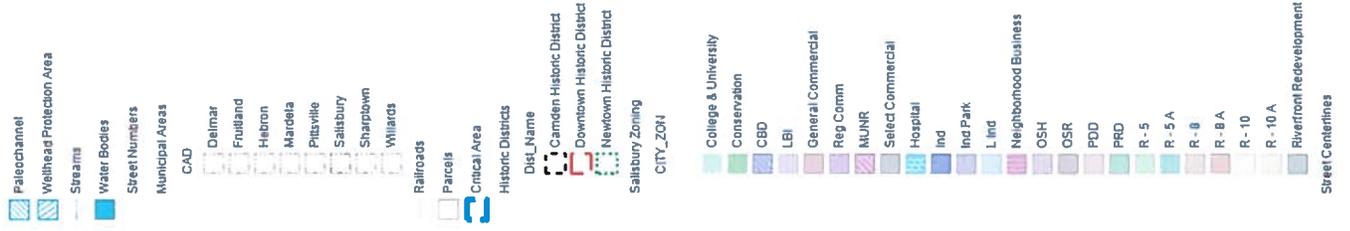
COORDINATOR: Gloria Smith, Planner
DATE: August 31, 2016





336 Lake Street

Salisbury Zoning

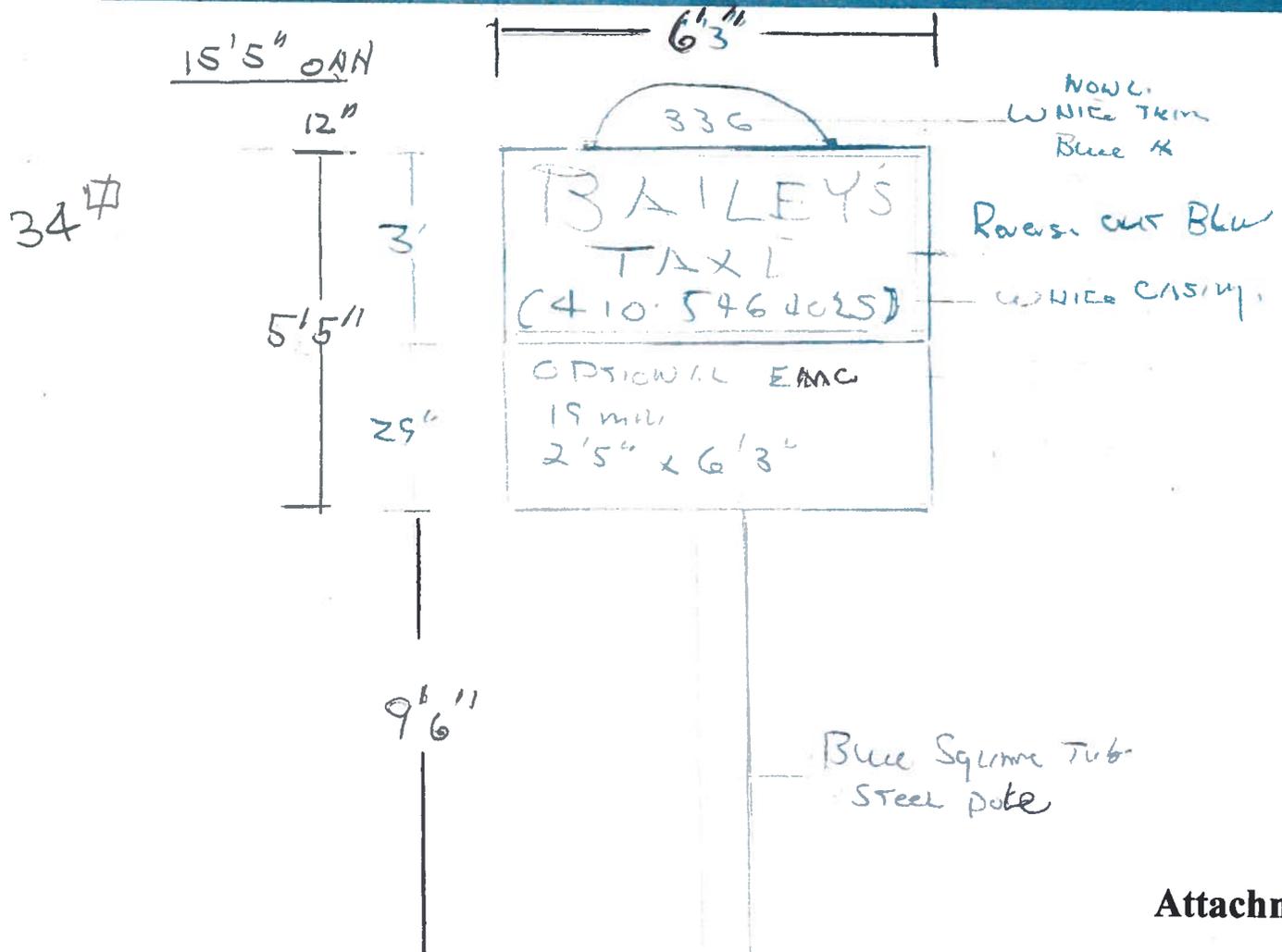


CITY OF SALISBURY



336 Lake Street



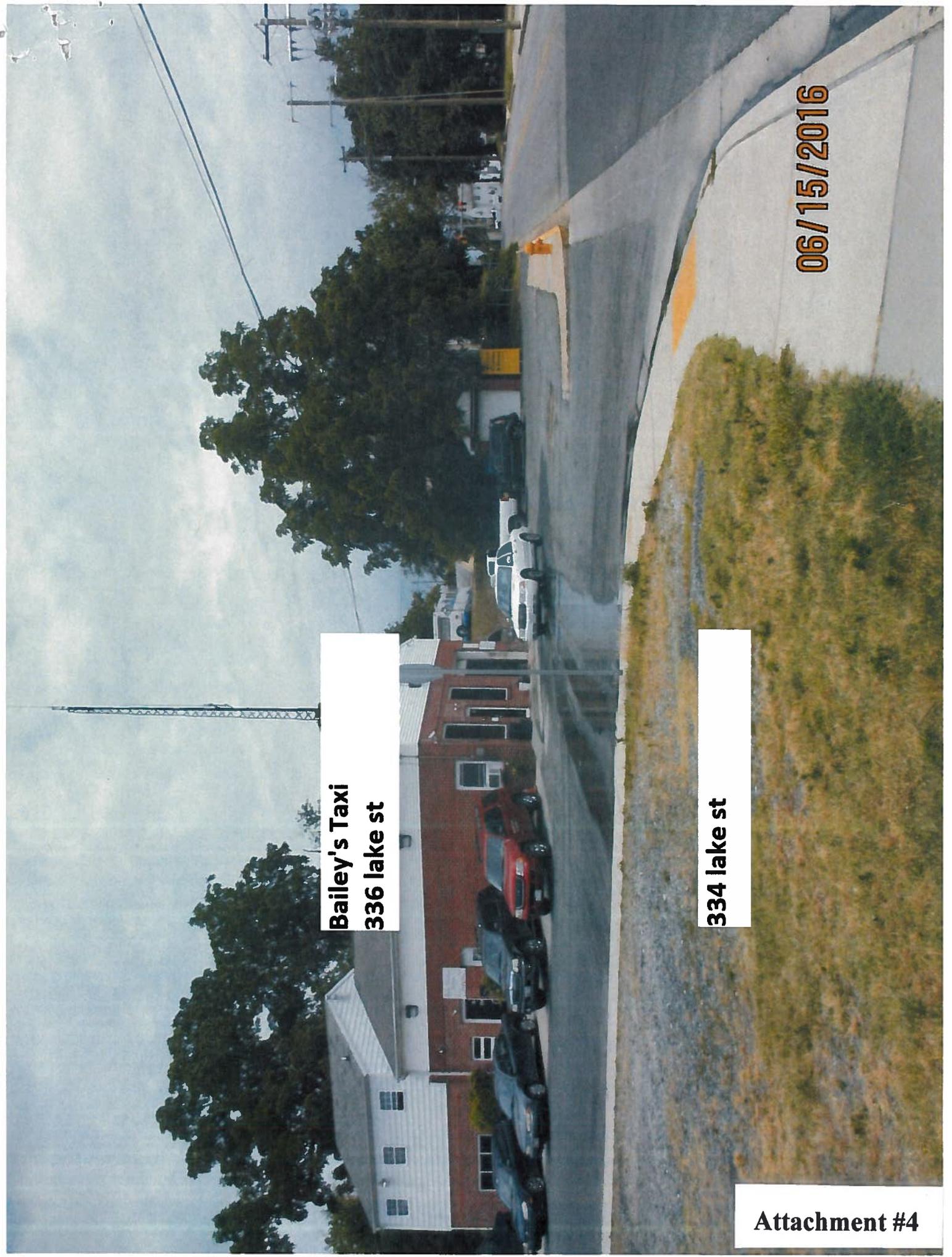


**Bailey's Taxi
336 lake st**

334 lake st

06/15/2016

Attachment #4





**CITY OF SALISBURY - WICOMICO COUNTY
DEPARTMENT OF PLANNING, ZONING
AND COMMUNITY DEVELOPMENT**



Tel: 410-548-4860

Fax: 410-548-4955

Salisbury-Wicomico County
Planning & Zoning Commission
Historic District Commission

Wicomico County Board of Zoning Appeals
City of Salisbury Board of Zoning Appeals
Agricultural Land Preservation Advisory Board

TO: Jack Lenox, Director
Secretary to the Board of Zoning Appeals

SUBJECT: BAILEY'S TAXI SERVICES

DATE: AUGUST 16TH, 2016

CERTIFICATION OF APPLICANT

In accordance with Section 17.236.020, of the City's Zoning Code, I hereby request a hearing before the Salisbury Board of Zoning Appeals to: REQUEST PERMISSION TO ERRECT PYLON SIGN 5'6" FROM CURB

I certify that I have paid all advertising fees necessary for the public hearing in this matter to a representative of the City Department of Building, Housing and Zoning. I also acknowledge that additional application fees will be assessed by the Department of Planning, Zoning and Community Development prior to my case being scheduled for official action by the Board.

I further certify that my interest in the property is as follows:

It is my understanding that the property involved will be posted with a Public Notice and I agree to allow the posting and property inspection, if applicable.

Very truly yours,

Stanley Finley

WITHDRAWAL NOTICE

(Cancel)

I hereby (Withdraw) my application for _____.

(Postpone)

Name

Date



CITY OF SALISBURY – WICOMICO COUNTY
DEPARTMENT OF PLANNING, ZONING
AND COMMUNITY DEVELOPMENT



Tel: 410-548-4860

Fax: 410-548-4955

**NOTICE TO SALISBURY BOARD
OF ZONING APPEALS APPLICANTS**

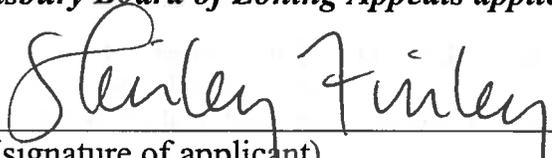
Effective May 1, 2010, applicants submitting requests to be heard by the Salisbury Board of Zoning Appeals will be billed for the advertising charges for the public hearing notice that is run in The Daily Times. This notice is required by Section 17.04.150.B.1 which states:

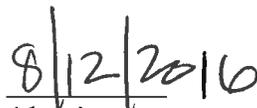
B. Newspaper Advertising. All proceedings under the terms of this title requiring a public hearing shall be advertised at least once in a newspaper of general circulation, as follows:

- 1. A variance, special exception, change in nonconforming use, ordinance permit or other such appeal shall be advertised ten days prior to the scheduled hearing;***

The billing notice will be provided at the time the hearing notification letter is sent out and is due prior to the public hearing date.

I have read the above notice and understand that I will be billed for The Daily Times charges for my Salisbury Board of Zoning Appeals application.


(signature of applicant)


(date)

SALISBURY BOARD OF ZONING APPEALS

Notice of Public Hearing

Under Section 17.12.100, Title 17, Zoning, of the Salisbury Municipal Code, the following request has been filed for relief on property in the City of Salisbury, and,

A PUBLIC HEARING WILL BE HELD ON

THURSDAY, SEPTEMBER 8, 2016

in Room 301, Council Chambers, Third Floor, Government Office Building, Route 50 and North Division Street, Salisbury, Maryland, to hear proponents and opponents, if there be any. The public meeting will begin at **7:00 p.m.**

SIGN SURFACE AREA VARIANCE

Devreco, LLC, represented by Selby Sign Company, in accordance with the requirements of Sections 17.216.090B.1 and 17.236.020 of the Salisbury Municipal Code, requests permission to enlarge an existing freestanding sign by adding tenant panels totaling 75 sq. ft. of sign surface area in the College-University District. The Code permits two 50 sq. ft. freestanding signs on lots with more than one street frontage with a total combined total of both signs not to exceed 150 sq. ft. Board approval of a 25 sq. ft. sign surface area variance is requested.

The Board reserves the right to close a part of this meeting as authorized by Section 10-508(a) of the Maryland Annotated Code.

(FOR FURTHER INFORMATION CALL 410-548-4862)

Dan Baker, Acting Chairman

Publication Dates: 8/25/16 and 9/1/16



City of Salisbury – Wicomico County

DEPARTMENT OF PLANNING, ZONING AND COMMUNITY DEVELOPMENT

P.O. BOX 870

125 NORTH DIVISION STREET, ROOMS 203 & 201

SALISBURY, MARYLAND 21803-4860

410-548-4860

FAX: 410-548-4955



BOB CULVER
COUNTY EXECUTIVE

JACOB R. DAY
MAYOR

TOM STEVENSON
CITY ADMINISTRATOR

R. WAYNE STRAUSBURG
DIRECTOR OF ADMINISTRATION

STAFF REPORT

MEETING OF SEPTEMBER 8, 2016

Case No. SA-1605

Applicant: Devreco, LLC, rep. by Selby Sign Co.

Property Owner: Same

Location: Easterly side of Canal Park Drive; 261 Canal Park Drive

State City Tax Map: #117
Parcel #3141, Grid #21

Zoning: College University District

Requests: 25 sq. ft. Sign Surface Area Variance.

I. SUMMARY OF REQUEST:

The Applicant requests permission to enlarge the existing free-standing sign by installing a sign face with 75 sq. ft. of sign surface area. The Code requires a 50 sq. ft. sign. Board approval of a 25 sq. ft. sign surface area variance is requested.

II. ACCESS TO THE SITE AREA:

The property has frontage on both Canal Park Drive and Mack Lane with access provided on both. However, Mack Lane is not a City Street.

III. DESCRIPTION OF PROPERTY:

This property consists of a parcel improved with a building containing three condominium units. The building totals 4,600 sq. ft. of floor area. The property also contains an existing sign with a face accommodating only one tenant.

IV. DESCRIPTION OF SURROUNDING AREA/NEIGHBORHOOD:

The surrounding area is developed with mixture of commercial uses including two apartment developments and medical offices nearby. (See Attachment #2.)

V. EVALUATION:

- (a) **Discussion:** The Applicant requests permission to remove the existing sign and install a sign with three tenant panels totaling 75 sq. ft. of sign surface area. (See Attachment #3.) The Code permits a free-standing sign with 50 sq. ft. of sign surface area. Board approval of a 25 sq. ft. sign surface area variance is requested.

As noted by the Building Department, the Code permits properties with two street frontages to have a secondary sign on the second street (Section 17.216.200.F). The applicants propose combining the surface area that would be allowed on two signs into one sign.

However, the secondary street frontage is not a City street. It is a private lane. Therefore, two signs are not permitted for this site.

The proposed variance would allow a 50 percent increase in sign surface area.

The Building Department also noted that the Code permits increase in the sign surface area by 25 percent, if the building wall signage is decreased. Some of the building tenants have more than one sign. The Building Department has recommended reducing the wall signage to one sign of 25 sq. ft. for each tenant and increasing the pylon sign surface area to 62.5 sq. ft.

The Board could then consider a sign surface area variance of 12.5 sq. ft.

Information provided by the City's Department of Building, Permits and Inspections is included as Attachment 5.

- (b) **Impact:** The Planning Staff does not believe the sign setback variance requested will have any adverse impact on the surrounding area.
- (c) **Relationship to Criteria:** Section 17.236.020 of the Salisbury Municipal Code contains the criteria the Board should consider when approving Variances. Staff has noted how this request complies with the Variance criteria as follows:

- [1] **Because of the particular physical surroundings, shape or topographical conditions of the specific structure or land involved, a practical difficulty or unnecessary hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.**

While this lot is irregularly shaped and narrower along the Canal Park Drive frontage, the existing sign is tall enough and close enough to Canal Park Drive to have Route 13 visibility.

- [2] **The conditions upon which an application for a variance is based are unique to the property for which the variance is sought and are not applicable, generally, to the property within the same zoning classification.**

While the Board has granted similar sign surface area variances, this site does not qualify as a property with two street frontages due to Mack Lane being a private street rather than a City street.

- [3] **The practical difficulty or unnecessary hardship is caused by this Title and has not been created by intentional action of any person presently having an interest in the property.**

Staff believes the shape of the lot or the private street do not create a practical difficulty for this property.

- [4] **The granting of the variance will not be detrimental to or endanger the public health, security, or general welfare or morals.**

The granting of the requested variance should not be detrimental to the public health, security and general welfare of the neighborhood. The proposed freestanding sign will maintain the current setback.

- [5] **The granting of the variance is not based exclusively upon a desire to increase the value or income potential of the property.**

Although the granting of the sign variance may increase the value or income potential of the property, the requested sign is proposed to better identify the tenants occupying the units. Reduction of the wall signage in order to increase the sign surface area of the pylon sign should not affect the value or income potential of the property.

- [6] **The variance will not be injurious to the use and enjoyment of other property in the immediate vicinity nor substantially diminish and impair property values in the neighborhood.**

The proposed sign will not be detrimental to other properties and will not adversely impact nearby property values as those properties are student housing developments. The revised recommendation is the least amount that can be requested in order to install the proposed sign. Staff does not believe the signage is significant enough to negatively affect the neighborhood.

- [7] **The granting of the variance will not impair an adequate supply of light and air to adjacent property or overcrowd the land or create an undue concentration of population or substantially increase any congestion of the streets or create hazardous traffic conditions or increase the danger of fire or otherwise endanger the public safety.**

The requested sign variance will not create any hazardous traffic conditions. The other items contained in this criterion are not applicable.

- [8] **The variance will not adversely affect transportation or unduly burden water, sewer, school, park, or other public facilities.**

The requested sign variance will have no impact on water, sewer, school, park or other public facilities. Staff does not believe this request will affect transportation facilities.

- [9] **The granting of the variance will not adversely affect the implementation of the Comprehensive Plan for the City of Salisbury approved by the Planning Commission and the City Council or any other plan approved by the Planning Commission or City Council for development of the area in which the variance is requested.**

The Salisbury Comprehensive Plan adopted by the Salisbury City Council on July 14, 2010 designates this area for general commercial development, as shown on the adopted Land Use Map. This request will not have a significant impact on the Plan.

- [10] **Within the intent and purpose of this Title, the variance, if granted, is the minimum necessary to afford relief. (To this end, the Board may permit a lesser variance than that applied for.)**

Staff believes that the variance proposed by the Building Department is the minimum necessary to afford relief from the Code requirements. However, the Board has the discretion to grant a lesser variance.

VI. RECOMMENDATION:

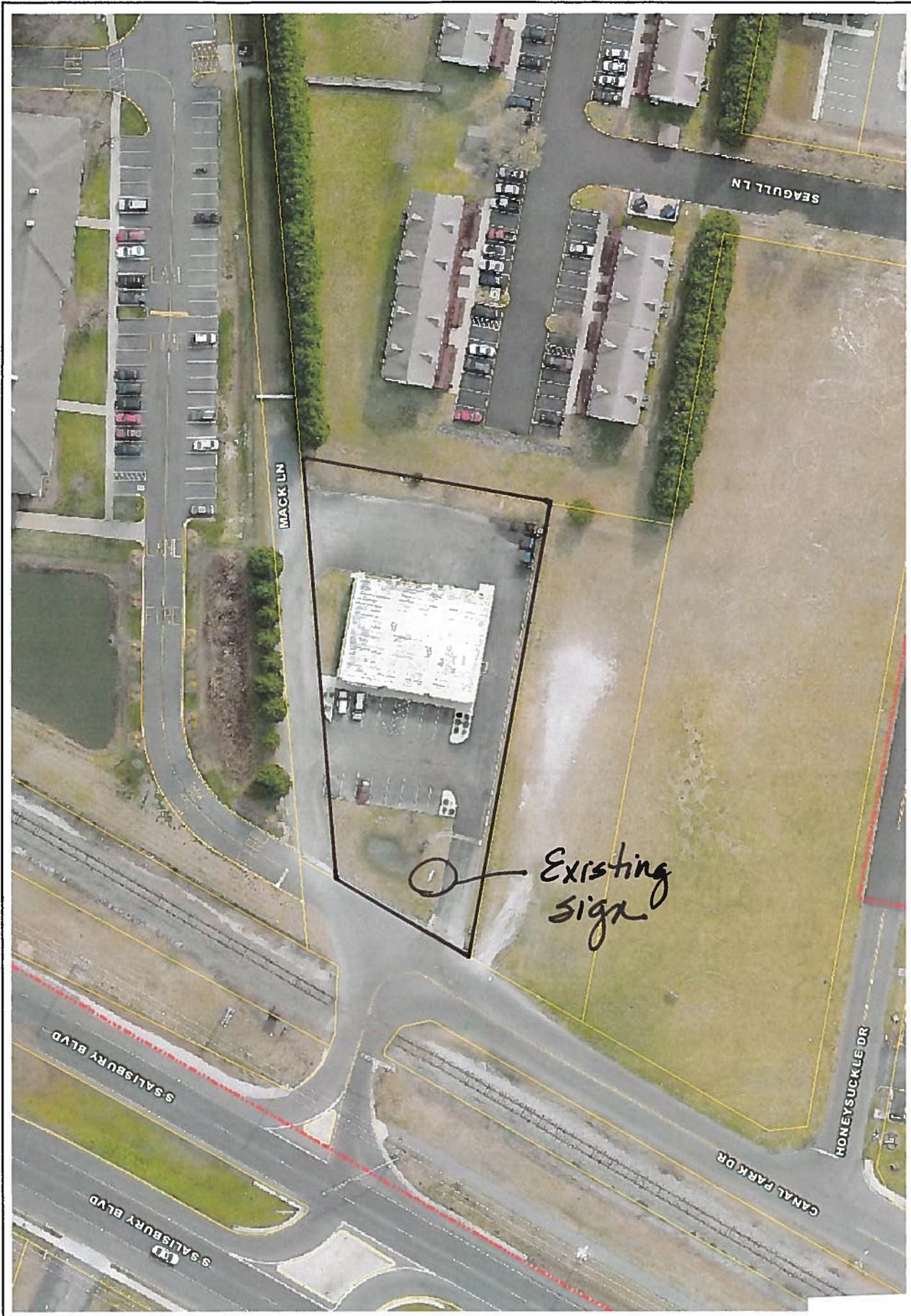
Based on the findings contained in this Staff Report, the Planning Staff recommends **Denial** of the original request for a 25 sq. ft. sign surface area variance.

Staff recommends **Approval** of the proposed 12.5 sq. ft. sign surface area variance for the free-standing sign as proposed by the Building Department subject to the following:

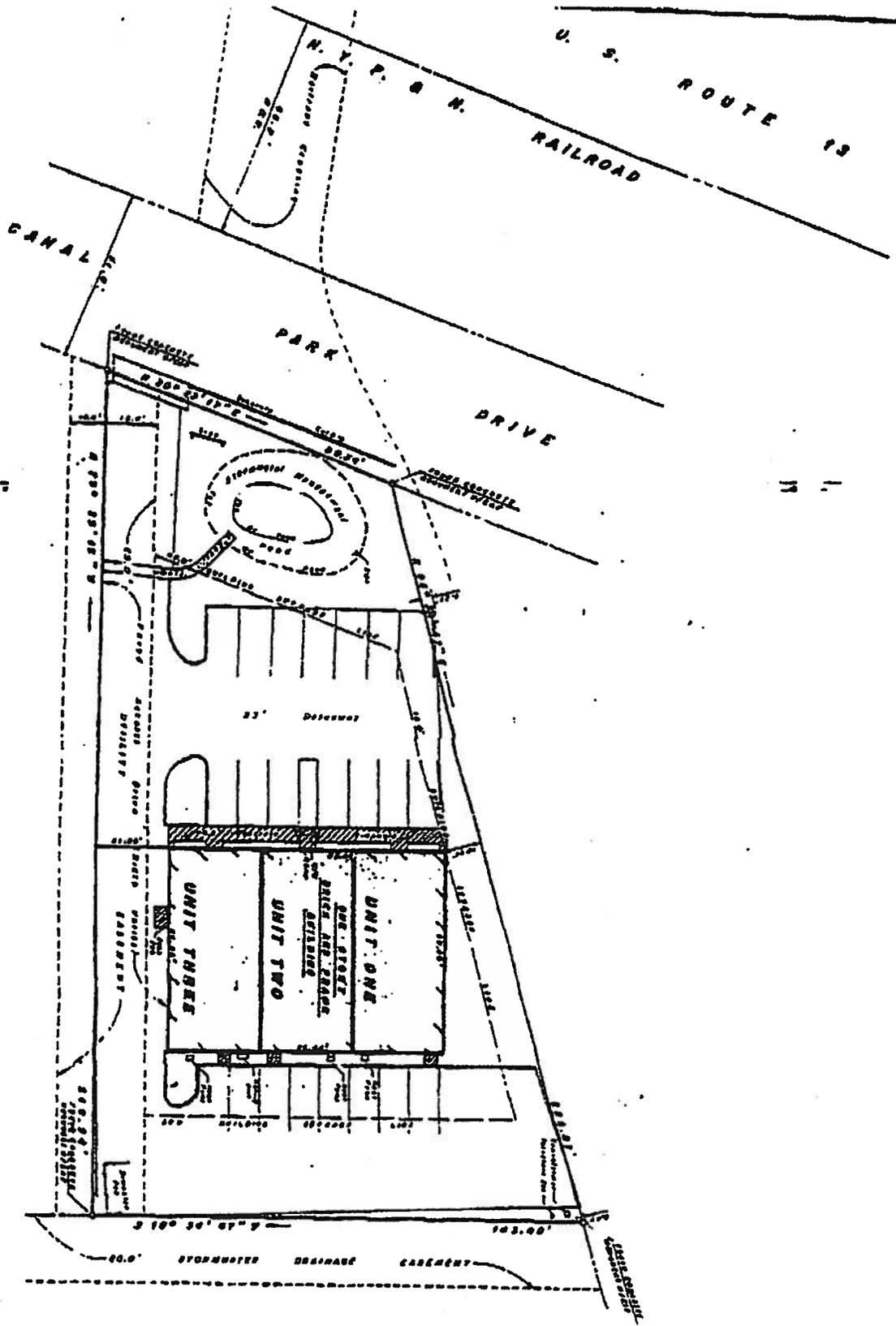
1. Wall signage on the building shall be limited to one sign of 25 sq. ft. surface area for each tenant.
2. This reduction in wall signage will then permit the applicant to increase the pylon sign surface area by 25 percent.

This recommendation is based on Sections 17.216.200.F and 17.216.200L of the Code.

COORDINATOR: Gloria Smith, Planner
DATE: August 30, 2016



261 Canal Park Drive



CANAL CONDOMINIUM	
A COMMERCIAL CONDOMINIUM	
AS-BUILT SITE PLAN	
DATE: 7-23-09	PROJECT: C.A.C. 100 N. 11-1410-10
DRAWN BY: J.P.L.	SCALE: 1/8" = 1'-0"
CHECKED BY: M.H.	DATE: 7-23-09
DESIGNED BY: J.P.L.	PROFESSIONAL ENGINEER
REGISTERED: M.H.	NO. 10000
EXPIRES: 7-23-14	STATE: ILL.
PI. IMMER	REV. LAND SURVEYOR



Attachment #3

Attachment #4

City of Salisbury
Department of Building, Permits & Inspections
125 N. Division Street
Salisbury, MD 21803-4118
(410) 548-3130 · FAX (410) 548-3183

TO: Dan Baker, Chairperson
Board of Zoning Appeals

FROM: Henry Eure, Zoning Administrator
Department of Building, Housing & Zoning

DATE: August 29, 2016

SUBJECT: 261 Canal Park Drive

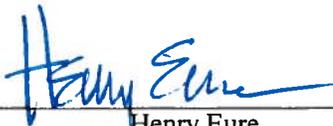
Name of Applicant: Selby Sign Company for Devreco, LLC
2138 Bypass Road P.O. Box 4322
Pocomoke City, MD 21851 Salisbury, MD 21803

Location: 261 Canal Park Drive

Comments: The applicant proposes to replace the existing pylon sign with a new, 75 sq. ft. tenant identification sign. The proposed sign is 50% larger than permitted by code, as freestanding signs may not exceed 50 sq. ft. in area. The property has been improved with the construction of an approximate 4,600 sq. ft. commercial building that has 3 condominium units. The proposed sign would advertise all three tenants. The intent of the sign is for motorists driving along Rt. 13 to be able to see the tenants listed.

Section 17.216.200F. of the Zoning Code indicates that on properties with more than one street frontage, a second freestanding sign is permitted. This second sign may be up to 50% as large as the first sign. In this zoning district, two freestanding signs would be permitted, with a total square footage of 75 sq. ft. The applicant wishes to combine both signs into one sign totaling 75 sq. ft. Similar variance requests to combine signs have been granted for properties with multiple street frontages in the past. It appears that the property fronts on two streets: Canal Park Drive and Mack Lane. However, further review has revealed that Mack Lane is not a street as defined by section 17.04.120. It is a private lane. As such, the Zoning Code's provision for allowing a second freestanding sign on the property cannot be applied.

Unfortunately, the Building Department cannot support such a large variance request as the request must be based on the fact that the property has only one street frontage. Denial of the request as submitted is recommended. However, section 17.216.200L. of the Zoning Code indicates that a freestanding sign may be increased by 25% if all wall signs are reduced by 50%. Applying this standard, the freestanding sign could be increased to 62.5 sq. ft., provided that wall signs were limited to 25 sq. ft. in area. There does not appear to be a limit on the number of wall signs, based on standards set forth by section 17.216.090B.3. of the Zoning Code. The building department offers the proposed alternative that the applicant may find palatable: Reduce wall signs to a maximum size of 25 sq. ft. per tenant, with a limit of one wall sign per tenant. (Currently some tenants have more than one wall sign.) The freestanding sign may now be up to 62.5 sq. ft. in area. The board may then be willing to consider granting a 12.5 sq. ft. variance with the condition that tenants be limited to one wall sign, no larger than 25 sq. ft. in area.


Henry Eure
Zoning Administrator



CITY OF SALISBURY – WICOMICO COUNTY
DEPARTMENT OF PLANNING, ZONING
AND COMMUNITY DEVELOPMENT



Tel: 410-548-4860

Fax: 410-548-4955

**NOTICE TO SALISBURY BOARD
OF ZONING APPEALS APPLICANTS**

Effective May 1, 2010, applicants submitting requests to be heard by the Salisbury Board of Zoning Appeals will be billed for the advertising charges for the public hearing notice that is run in The Daily Times. This notice is required by Section 17.04.150.B.1 which states:

B. Newspaper Advertising. All proceedings under the terms of this title requiring a public hearing shall be advertised at least once in a newspaper of general circulation, as follows:

1. A variance, special exception, change in nonconforming use, ordinance permit or other such appeal shall be advertised ten days prior to the scheduled hearing;

The billing notice will be provided at the time the hearing notification letter is sent out and is due prior to the public hearing date.

I have read the above notice and understand that I will be billed for The Daily Times charges for my Salisbury Board of Zoning Appeals application.



(signature of applicant)

7/27/16
(date)

CHRIS GILKERSON



**CITY OF SALISBURY – WICOMICO COUNTY
DEPARTMENT OF PLANNING, ZONING
AND COMMUNITY DEVELOPMENT**



Tel: 410-548-4860

Fax: 410-548-4955

**TO: Jack Lenox, Director
Secretary to the Board of Zoning Appeals**

SUBJECT: 261 CANAL PARK DRIVE

DATE: AUGUST 8, 2014

CERTIFICATION OF APPLICANT

In accordance with Section 17.230.020, of the City's Zoning Code, I hereby request a hearing before the Salisbury Board of Zoning Appeals to: **REQUEST PERMISSION TO INCREASE FREESTANDING SIGN BY 50%**

I certify that I have paid all advertising fees necessary for the public hearing in this matter to a representative of the City Department of Building, Permits & Inspections. I also acknowledge that additional application fees will be assessed by the Department of Planning, Zoning & Community Development prior to my case being scheduled for official action by the board.

I certify that my interest in the property is as follows: OWNER

It is my understanding that the property involved will be posted with a Public Notice and I agree to allow the posting and property inspection, if applicable.

Very Truly Yours,

[Signature]

WITHDRAWAL NOTICE

I hereby: Cancel Withdraw Postpone

my application for: _____

_____ Name

_____ Date