

Pocomoke City  
Board of Appeals Meeting  
March 11, 2020

A hearing was held before the Pocomoke City Board of Zoning Appeals on March 11, 2020 in the Council Chambers at City Hall. The hearing was called to order at 5:00 P.M.

Present Members: Chairman Douglas Matthews  
Rob Clarke, JP Chamberlain, Don Layman  
Planning Director: Dan Brandewie  
Attorney for Board of Appeals: James Porter  
City Clerk: Michelle Beckett-El Soloh

Chairman Matthews called the meeting to order. The hearing is to apply for a variance to construct a rear addition onto an existing structure in a B-2 Zoning District with a rear yard setback requirement of 20 feet. The existing structure is an office owned by Dr. Wagner's at 102 8th Street, Pocomoke City, MD 21851.

Dan Brandewie, Planning Director, was sworn in to testify and gave the case report. He introduced exhibits that were provided to the Board Members for the record. The first exhibit is a letter explaining the need for a variance. Second exhibit is the standard zoning application form. Third exhibit is a map of tax map showing boundaries as parcel 25. Fourth exhibit is a survey drawing by Wilks and Schnabel Engineering showing the existing building and property boundaries. Fifth exhibit is a plot map dating back to 1/15/1965, Parcel 25, showing a private easement on the backside of the property. Sixth exhibit is an aerial photo showing two houses that have been removed. There is concern by an adjacent property owner about the rear accessway becoming blocked. Seventh exhibit is a current 2016 aerial photo showing the layout of the property building and parking lot. Eighth exhibit is a zoning map showing B-2 zoning. Ninth exhibit is an excerpt from the zoning code, Article 10, showing 20 ft rear yard depth requirement of 20 feet. Tenth exhibit is a current photo, taken a week ago by staff showing the rear view of the property and handicapped access. Eleventh and final exhibit is a photo of a rear property marker. The addition at the rear would be for a medical office. The extension would be approximately 4 ½ feet from the rear property line. The variance is for approximately 15 ½ feet.

Mr. Porter combined the packet of exhibits and moved it into evidence as Exhibit 1.

Dr. Steven Thomas Wagner, 8651 Follow Ditch Road. Property is in City limits at 102 8<sup>th</sup> Street. He was sworn in. He purchased the property from Dr. Sanlishear approximately nine years ago. In the last several years, the area has had six doctors retire or move away. They have had an influx of patients and need more space. Mr. Porter asked him if he had completed the packet that was received along with the application. Dr. Wagner said he was not aware of any other packet. Mr. Porter asked what conditions and circumstances exist that require the property to have a variance. Mr. Porter suggested that applying for a variance for a rear setback variance is necessary to be in conformance with other neighborhood buildings. This particular design adds the addition to the back and does not change the appearance of the neighborhood. The following criteria were reviewed: 1) Adding a rear setback variance allowance allows the front of the neighborhood to stay consistent. 2) The need for a variance was not a result of his own actions and the special resulting conditions were original to the structure at time of purchase. 3) Approval of this variance will not convey any special privileges that are not available to other people. 4) Compliance with strict law would prohibit the applicant from being able to use the property in a useful manner and would affect the conduct of normal business. 5) There is nothing outside of the welfare and well-being of the other individuals in the immediate community.

Mr. Porter said that plans for parking must be discussed. If the variance is allowed, the addition will take up parking space. Dr. Wagner said he does have some ideas for parking. There is a shared parking lot with the

doctor's office next door. That area can be used by patients and staff as well. The other plan is Dr. Wagner has spoken with the property owner that owns the property on the other side of the easement. He has agreed to lease the land for staff parking. It is a high, open field, not muddy. Mr. Porter asked if any improvements would be made such as stones or pavement to the parking lot. Dr. Wagner said he cannot answer until he asks the property owner but he is willing to make improvements especially if it could be sold to him. Mr. Porter asked how many parking spaces are there on his existing property after the addition is added on. Dr. Wagner said nine total spaces would remain. Five would be used for staff. There would be approximately four spaces available for patients. There are also spaces on the street available for patient parking. Mr. Layman asked if the handicapped entrance ramp would be affected. Dr. Wagner said he would like to have the ramp moved to the front door which is the main entrance. Chairman asked if the compressor would have to be moved. Dr. Wagner said no, there is a cutout design to allow for the compressor to stay where it is and not be affected. Mr. Brandewie said the property owner that has the easement expressed concern about his accessway being blocked so that needs to be clarified; and does Dr. Wagner's deed indicate access to the easement. Dr. Wagner said he is not sure about easement access but just for parking, he would not encroach on the easement at all. If the easement is private and granted to only one deed, the one owner could block it at some point. Mr. Porter thinks that easement access was granted to all properties in that area; however, currently, the properties that had original access do not exist and the easement is now non-conforming.

Mr. Porter asked if any correspondence was received in opposition or in favor of this. Mr. Brandewie answered that his office received no correspondence. All legal notices had been posted and property owners were notified.

Public hearing closed at 5:20 P.M.

Board of Appeals deliberation.

Motion to grant rear setback variance (Matthews, Layman passed) at 5:25 P.M.

Acclamation: Matthews-aye, Clarke-aye, Chamberlain-aye, Layman-aye; motion carried.

Motion to adjourn meeting (Matthews, Layman passed) at 5:29 P.M.

Acclamation: Matthews-aye, Clarke-aye, Chamberlain-aye, Layman-aye; motion carried.

Approved: K.M. Beckett-El Soloh  
City Clerk