

Pocomoke City  
Board of Appeals Meeting  
July 8, 2020

A hearing was held before the Pocomoke City Board of Zoning Appeals on July 8, 2020 in the Council Chambers at City Hall. The hearing was called to order at 5:02 P.M.

Present Members: Chairman Douglas Matthews-Not Present  
Rob Clarke-Acting Chair, JP Chamberlain, Don Layman  
Planning Director: Dan Brandewie  
Attorney for Board of Appeals: James Porter  
Councilmember: Diane Downing  
City Clerk: Michelle Beckett-EI Soloh

Commissioner Clarke, Acting-Chairman, called the meeting to order. Commissioner Clarke said this is a hearing for Steven Mapes,(owner-applicant) is filing an appeal to re-establish multifamily residential uses (3 dwelling units) as a non-conforming use in the R-2 Residence District and for variances to minimum yard area, setback and parking requirements in the R-2 District (Case No. VAR 01-2020) for property located at 512 Young St. Tax Account: OL-O2O447, Pocomoke City, Maryland.

Planning Director, Dan Brandewie was sworn in for testimony. He stated that the history in the property is seeking to reestablish a 2-family duplex that has been vacant for several years. Also, a former business structure to be converted into a single-family unit. The street name where the dwelling is located has been changed from Short Street to Bishop Isaac Jenkins Street as noted on the documents. A 1981 and a 2019 survey of the property, a 2006 arial photograph, floor plans for both buildings, MD State Department of Taxation document, a letter of explanation and several other photos. 512 Young St is 2 stories and has approximately 2,000 sq. ft of total living area, 2 separate entrances, front and back, and small parking pad. The second structure is 620 sq. ft. Residents know it to formerly be a beauty shop. It is not known if it was ever lived in as a single-family dwelling unit. It has been vacant for several years. Last known water service was 2009. There is a separate water meter and sewer line to each structure. Mr. Mapes purchased the land back in July 2019. The Tax Maps do not accurately portray the property dimensions. Mr. Mapes applied for a building permit to restore the smaller building 710 Bishop Isaac Jenkins Way but an occupancy permit has not yet been applied for. Mr. Mapes is seeking an appeal for a variance code for a nonconforming section of the Zoning Code. He is asking to establish 3 dwelling units on the same property. Chapter 230 107 B1, does allow for certain variances to be granted. These structures built around 1940 were not built to modern-day code requirements. This case was advertised properly for both appeals and variances. The attorney entered the packet of documents with all attached exhibits as stated as Exhibit 1. Commissioner Clarke clarified that the building permit that was obtained was for the smaller dwelling only. Mr. Brandewie answered yes. Mr. Brandewie also included that after advertising, he did receive a call from a neighbor who had a concern about a tree that is at the corner of the properties. She also asked about the background of the case.

Mr. Mapes, 412 Barbersville Rd, Laurel, MD 20724, was sworn in for testimony. Mr. Porter asked that he address the nonconforming issues first and then the variances. Mr. Mapes said it appears that there are a lot of nonconforming use in Pocomoke City. He has purchased them before and renovated them and they are now nice living areas. He feels that Mr. Brandewie presented his case accurately. He can address the parking areas and thinks that on the side of the property, there is 10 feet where several cars can be parked. He is looking to renovate and rent the 3 units. Brittingham

Plumbing, who he works with, has done all the plumbing in the dwellings. Mr. Porter asked when the site survey was done it shows that there might be an issue with having to subdivide into 2 separate properties. If that is required, would he be willing to do that. That might make it easier to allow the nonconforming use and eliminate that issue, if it's not allowed, the 2-story structure might be required to be demolished. There can only be one structure on a property. It was confirmed that each structure has a different address. It was determined that the waterline from the single-family dwelling at 710 Bishop Isaac Jenkins Street should be relocated so that it does not run across both properties. Since Mr. Mapes owns both properties that can be waived. Mr. Mapes would also be responsible for putting in sidewalks. That is also waived at this time as there are no sidewalks in the immediate area of the properties. The sidewalk issue may be brought in front of the Zoning Commission at a later date. Mr. Mapes brought up the issue of expense to move water lines and comply with variance requests. Mr. Porter explained that the cost of the project is not the concern of the Commission. The Commission is trying to work with the applicant otherwise the only option is to tear down the 2-story dwelling.

Mr. Porter called for any other testimony by opponents or proponents.

Motion to allow a nonconforming use with stipulation that property must be subdivided (Chamberlain, Layman) at 5:30 PM

Acclamation: Clarke-aye, Chamberlain-aye, Layman-aye; none opposed; motion carried

Parking area was discussed. Mr. Mapes said that there is a 12 ft clearance at the side yard that would allow for parking. Mr. Brandewie said that the required spaces per residence is 1 and ½ parking space. To keep the required setback distance both properties would need variances.

Motion to table the variance issues to give Mr. Mapes more time to present a site-plan (Chamberlain, Layman) at 5:40 PM

Acclamation: Clarke-aye, Chamberlain-aye, Layman-aye; none opposed; motion carried

Mr. Mapes to advise Mr. Brandewie when he has a completed site-plan to present.

Motion to adjourn meeting (Chamberlain, Layman) at 5:50 PM

Acclamation: Clarke-aye, Chamberlain-aye, Layman-aye; none opposed; motion carried

Approved: *K. Michelle Beckett-El Soloh*

City Clerk