

Pocomoke City  
Board of Appeals Meeting  
August 12, 2020

A hearing was held before the Pocomoke City Board of Zoning Appeals on August 12, 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. Public Hearing: Case No. VAR 02-2020/Appeal No. 26-2020: Eric Sessoms, agent for the Mt. Vernon Group LLC (owner-applicant) is filing an appeal to re-establish multi-family residential uses (2 dwelling units) for property located at 417 Walnut St., Tax Account: 01-022091, Pocomoke City, Maryland, as a non-conforming use and for variances to minimum yard area, setback and parking requirements in the R-2 District. The Pocomoke City Board of Zoning Appeals will consider action on this request per Article XVI, §230-104 through §230-109 of the Pocomoke City Code following a public hearing.

Planning Director, Dan Brandewie was sworn in by the attorney for testimony. Mr. Brandewie said this case has been filed by Mt Vernon Group, LLC. Mr. Eric Sessoms is the registered agent. This is to request an appeal to allow a multi-family residential use continue as an act of conforming use and a request for variances of minimum yard requirements. The Code states that if you discontinue a nonconforming use for a period of 6 months, it is not automatically reinstated. This property has been vacant for approximately three years. It was vacated and was in deteriorating condition. Mr. Sessoms purchased the property in May of 2020. He did apply for and receive a building permit to renovate one unit, the upstairs unit, of a 2-story dwelling. There is parking available on Walnut St and on 5<sup>th</sup> St. Mr. Brandewie presented several documents related to the property. SDAT, Tax Map, an arial photo and 3 recent photos of the property. These documents were entered as Exhibit 1.

Mr. Eric Sessoms, PO Box 1306, Salisbury, MD 21802, was sworn in for testimony by the attorney, Mr. Porter. Mr. Sessoms said that the total square footage of this property is 5,365 sq. ft. and actual living area is 2,266 sq. ft. The back yard is grassy area and allows plenty of space for parking. There is also off-street parking available. The upstairs unit uses the off-street parking located in front of the dwelling on Walnut Street. The downstairs unit uses the side entrance located on 5<sup>th</sup> Street. The property is on the corner of Walnut and 5<sup>th</sup> Streets. There two old electrical meters and they have been replaced with brand new ones using #6 service lines. The old lines were #8 and thinner. There are currently three other two story units on the same street, 501,503 and 505 Walnut and are approximately 30 feet from his dwelling. He remodeled the outside first starting with replacing windows, new siding, roof and yard work then moved to the inside with electric, plumbing, drywall, carpet and appliances. Chairman Matthews asked if there was still a board up window on the property. Mr. Sessoms stated that there was formerly a boarded-up window but that all had been fixed and replaced.

Motion to allow nonconforming use reactivation as a multi-family unit to continue under new ownership of property (Layman, Chamberlain) at 5:16 PM

Acclamation: Matthews-aye, Clarke-nay, Chamberlain-aye, Layman-aye; 1 opposed; motion carried  
Mr. Brandewie said that the next step is to have Mr. Sessoms provide a site-plan to better evaluate the variances that will be needed for the rear-yard setback, side-yard setback, rear-yard setback and minimum lot sizes. Mr. Porter said there are also requirements for a parking area to be created. The most accurate way to have present measurements is to have an unofficial survey done.

Motion to pend variance requirement decisions until a site-plan can be provided by Mr. Sessoms (Clarke, Chamberlain) at 5:29 PM

Acclamation: Matthews-aye, Clarke-aye, Chamberlain-aye, Layman-aye; 0 opposed; motion carried  
Mr. Mapes was not present and his case was continued.

Motion to adjourn meeting (Clarke, Layman) at 5:36 PM

Acclamation: Matthews-aye, Clarke-aye, Chamberlain-aye, Layman-aye; 0 opposed; motion carried

Approved: K. Michelle Beckett-El Soloh  
City Clerk