

Pocomoke City
Board of Appeals Meeting
October 7, 2020

A meeting was held before the Pocomoke City Board of Zoning Appeals on October 7, 2020 in the Council Chambers at City Hall. The meeting 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.

Chairman Matthews stated that Mr. Sessoms is asking for a total of 6 variances. A site plan has been presented and submitted as Exhibit 2 Continuation. Other original documentation that was submitted was a hand-drawn drawing. New documentation consists of a Staff Report and new site plan showing property lines along Walnut St and 5th St. Those dimensions created several questions. Does the dwelling unit meet standards for setbacks, lot size square footage and living area? A summary of necessary variances needed to meet requirements was put together. Planning Director Brandewie discussed each required zoning requirement as it applied to the 417 Walnut property. Section 230-44 A, Lot Size Variance Needed: 8,000 - 5,365 square feet on lot = 2,635 square feet variance for a one-family unit. An additional 8,000 square feet variance is needed for the 2nd dwelling unit; Section 230-44 A, Lot width variance needed: (60 feet required - 50 feet) = 10-foot variance is needed; Section 230-44 B, Front yard setback variance needed from Walnut Street side: (30 feet required - 3 feet 7 inches existing) = 26 feet 5 inch variance needed. Note: corner lots require 30 feet setbacks on both sides of the street; Section 230-44 B, Front yard setback needed on 5th Street side: (30 feet required - 4 feet 3 inches existing) = 25 feet 9-inch variance required; Section 230-30, Floor area for Single Family Dwellings. A single-family dwelling unit must contain 950 square feet of above ground living area. While the total living area for the entire dwelling contains 2,266 square feet according to SDAT, the Applicant needs to establish that each apartment meets the minimum; Section 230-45, Parking regulations and facilities; recreational vehicles. A. Two off-street parking spaces are required for each family or dwelling unit. The Applicant would need to demonstrate that four off-street parking spaces can be provided or the Board can grant relief.

Mr. Porter said that the Board of Appeals must consider several things. The special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures, or buildings in the same zone; The Applicant would be unable to secure a reasonable return from or to make any reasonable use of his property; A literal interpretation of the provisions of the Zoning Ordinance would deprive the agent, Mr. Eric Sessoms of Mt. Vernon Group, LLC, of its rights commonly enjoyed by other properties in the same zone under terms of this Zoning Ordinance; The special conditions and circumstances do not result from the actions of the Applicant; The granting of the Variances will not confer upon the Applicant any special privileges that are denied by the Zoning Ordinance to other properties in the same zone; The compliance with the

strict letter of the restrictions governing area, setbacks, frontage, heights, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome; That the Variance requested herein is the minimum Variance that will make possible the reasonable use of the property and is in harmony with the general purpose and intent of the Zoning Ordinance and will not be injurious to the neighborhood or detrimental to the public welfare; There appeared no adjoining property owners either in person or by letter before the Board to express opposition to the Appeal and Application for Variance.

Board of Appeals deliberation.

Motion to approve all variances as stated in the Staff Report with a caveat on the parking variance of material of gravel or crusher run placed as a 4' minimum thickness (Matthews, Layman) at 5:38 PM

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

Motion to approve minutes from August 12, 2020 with 1 amendment and minutes from July 8, 2020 as written (Matthews, Layman) at 5:40 PM

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

Next meeting is November 4, 2020 at 5:00 PM for a screened-in porch, rear year set back variance.

Motion to adjourn meeting (Matthews, Clarke) at 5:45 PM

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

Approved: *K. Michelle Beckett-El Soloh*
City Clerk