

Pocomoke City  
Board of Appeals Meeting  
December 8, 2021

A meeting was held before the Pocomoke City Board of Zoning Appeals on December 8, 2021 in the Council Chambers at City Hall and via Zoom/Facebook Livestream. The meeting was called to order at 5:00 P.M.

Present Members: CD Hall, David Strauss and Chip Choquette  
Planning Director: Dan Brandewie  
Attorney for Board of Appeals: James Porter

Call to Order by Commissioner Hall

Case No. VAR/APPL No. 69-2021:

Steven Mapes (owner-applicant) is filing an appeal to re-establish multi-family residential uses (2 dwelling units) for property located at 512 Young St., Tax Account: 01-020447, Pocomoke City, Maryland, as a non-conforming use and for variances to minimum yard area, setback and parking requirements within an R 2 Residential Zoning District.

Mr. Mapes has filed an appeal. Steve Mapes, owner, is seeking to re-establish a two-family apartment/duplex in a building that has been vacant for a number of years and is in a dilapidated state. Mr. Mapes purchased the property in July, 2019. The lot consists of 6,156 square feet. SDAT records show that it was built in 1960.

The property is within the R-2 Residential zoning district that doesn't permit multi-family (two or three-family) dwelling units except in platted subdivisions. Therefore, the owner is filing an appeal to re-establish a non-conforming use in addition to seeking variances to accommodate this existing use.

The main dwelling has an address reference to 512-514 Young Street and consists of 2 stories containing approximately 2404 sq. ft. of total living area. The SDAT listing shows it as 512 Young Street. It appears to have two separate doorway entrances in the front. A small parking pad is located to rear of the property. The property has two electric meter sockets and two water meters.

A 2nd structure is located to the rear or west of the main dwelling and consists of approximately 620 sq. ft. It was formerly listed as 710 Short Street (now renamed Bishop Jenkins Way). A history of this structure suggests that it was formerly a beauty shop. The applicant renovated this structure over the last two years and is listing this structure as an accessory building. The last known water service to both structures date back to 2009.

There is a separate water meter for this structure.

The property is zoned R-2 and under Article VI, § 230-40 Principal Permitted Uses, only single-family residential uses are permitted. Under § 230-40 Conditional Uses, two family units or duplexes are permitted in a platted subdivision with a 20-acre minimum lot size.

Mr. Mapes is seeking an appeal and variances to several aspects of the zoning code that applies in this situation to both the nonconforming use of the property and for area, yard and bulk or dimensional requirements.

The R-2 zoning district requires a minimum lot size of 8,000 sq. ft. with 60 ft. of frontage width. This lot only contains 6,156 sq. ft. with 57' of frontage facing Young Street (\$ 230-44). Note, that this section of code also makes reference to needing 8,000 square feet of lot area per family unit.

There are two parking spaces required for each dwelling unit (\$230-45). If the structure were occupied as two-family dwelling, there would need to be 4 on-site parking spaces; however, the zoning code does make reference to allowing flexible parking arrangements if approved by the Board/Planning Commission (8230-86 E and F).

The dwelling unit does not meet minimum front yard setbacks (30 feet from both street sides of the street). The Zoning Code may have several references to non-conforming land use that may be relevant as follows: Note that the zoning language highlighted in red may be considered relevant to the application.

Staff finds that the structure appears to have been designed and constructed as a two-family dwelling as evident by the fact that there are two separate entrances; two water meters and two electric meters. The proposed interior floor plan of the property appears to match existing conditions. There appears to be sufficient on-street and off-street parking for two family dwelling. There are adequate public facilities and services in the area. The proposed use would not negatively impact the area and its restoration would be an improvement for the neighborhood. If the Board does authorize this proposed use, staff would advise the Board to consider the following conditions:

1. The repairs and renovations to the building must be completed within a one-year time frame from the date of the notice of the decision of the Board.
2. The property shall be maintained in adequate condition and meet all applicable building codes and property maintenance standards.
3. The use of the accessory structure shall not be used a dwelling.

Case No. VAR/APPL No. 72-2021:

Charles Waldo, applicant, is filing an appeal to reestablish multi-family residential uses (2 or 3 dwelling units) for property located at 707 Second Street, Walnut St., Tax Account: 01-016334, Pocomoke City, Maryland, as a non-conforming use and for variances to setback requirements in the R-2 District.

Applicant, Charles Waldo, on behalf of Nicolas Mejnne (spouse) is filing an appeal seeking to reestablish a non-conforming use of a residential structure located at 707 Second Street. The applicant seeks to convert this structure to a two-family apartment building that has been vacant for a number of years and is in a dilapidated state.

Ms. Mejnne purchased the property in October 2020 for \$15,000. The lot consists of 15,050 square feet with 2,339 square feet of living area. The house was constructed in 1900 and has 3 stories. The house has been vacant since 2017 and possibly longer. It appears to have been used previously as a three-unit apartment based on three electric meters.

The property is adjacent to an abandoned, dilapidated dwelling at 705 Second Street to the north. A single-family dwelling is adjacent to the property to the south and is a rental unit. Across the street, there are three vacant lots. Three dilapidated, multi-family dwellings were removed by the city on these lots in January of

2017 (708, 710 and 712 Second Street). These were converted single-family dwellings of similar size and age. An additional abandoned dwelling was removed by the city in the spring of 2021 at 807 Second Street.

It is believed that the majority of buildings between the intersection of 2<sup>nd</sup> Street and 4<sup>th</sup> Street (near the convenience store) to Market Street are rental units and have at least eight abandoned and dilapidated dwellings. The abandoned buildings appear to be larger and older dwellings built in the same general time period. Along this segment of Second Street, there appears to be a history and pattern of decline and disinvestment over the decades.

The property is within the R-2 Residential zoning district, one of the three residential zoning districts within the city.

As noted, the R-2 Zoning District doesn't permit multi-family dwellings on isolated parcels. This district does permit duplexes on tracts of 20 acres or more in platted subdivisions. Mr. Waldo maintains that the property was used as a three-unit apartment and therefore is requesting that the property be allowed to be renovated to a similar use as a non-conforming two-family dwelling unit.

The applicant has submitted drawings showing the existing and proposed floor plans for two-dwelling units, one apartment on each floor. There appears to be sufficient off-street parking.

The dwelling was built prior to zoning standards and would appear to not meet current setbacks for front yards and at least one side yard setback requirement. R-2 Zoning requires a 35-foot front yard setback and a 12-foot wide side yard setback. Staff views this also as a non-conforming situation where the owner should not be allowed to increase nonconformity without the Board's authorization. In this case, the owner is not proposing any additions to extend an existing structure.

Staff suggests that providing an opportunity for appeal to allow a non-conforming use to continue is a reasonable interpretation for several reasons. In many cases, these large, abandoned dwellings do not lend themselves to single-family use anymore. They are not practical from a utility cost standpoint and there may be long term and declining markets for single-family dwellings of this size. By permitting limited multi-family reconversions, subject to appeal, the city would benefit for several reasons. Re-use of these buildings is an environmentally sound practice as opposed to tearing down a building and building new. Landfill space is conserved with largely salvageable wood resources. It saves demolition costs to the city. It would provide more affordable housing and preserve homes of an historical nature. The city already has set a precedence of allowing similar appeals.

If the Board does approve this proposed use, staff would advise the Board to consider the following conditions:

1. The repairs and renovations to the building must be completed within a one-year time frame from the date of the notice from the decision of the Board.
2. The property shall be maintained in adequate condition and meet all applicable building codes and property maintenance standards.

Approval of Minutes from June 2, 2021:

Motion to approve minutes from June 2, 2021 (Hall, Strauss)

Acclamation: Hall-aye, Strauss-aye, Choquette-aye

Election of Chair and Vice-Chair

Tabled

Motion to adjourn (Strauss, Hall)

Acclamation: Hall-aye, Strauss-aye, Choquette-aye

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