

Pocomoke City
Board of Appeals Meeting
May 8, 2024

A meeting was held before the Pocomoke City Board of Zoning Appeals on Thursday, May 8, 2024 in the Council Chambers at City Hall. The meeting was called to order at 5:10 PM.

Attendance included:

Board Members: Kelly Miller, CD Hall, Chip Choquette and David Strauss

Planning Director: Dan Brandewie

Attorney for Board of Appeals: Erica Witz, City Attorney

Meeting was called to order by Kelly Miller, Chairwoman.

Erica Witz asked if there was anyone wishing to testify, that they should be sworn in. Ms. Witz gave the oath to those in attendance wishing to testify.

Planning Director, Dan Brandewie provided his staff report to Board members along with several attachments on the following agenda item:

Case No. VAR#105-2024 filed by MD & DE Group Fund LLC to request variances to building setback requirements established by Articles VI and XIV, of the Pocomoke City Zoning Code for the purpose of constructing a single-family dwelling located on Lot 2, Parcel 1270 at the corner of Cedar and 7th Street, zoned R-2, Residential District, Tax Account ID: 01- 034952.

Background

Mr. Brandewie stated that this application seeks variances to setback requirements to construct a single-family dwelling located at a vacant lot on the northeast corner of Cedar and 7th Street. This particular lot was the property of the Sturgis family who also owned an adjacent lot on 7th Street occupied by a recently renovated single family dwelling. Both properties were purchased by the MD & DE Group in September of last year. He reviewed the attachments.

His research showed that this corner lot was one of four lots platted and approved by the City of Pocomoke in 1988 and identified as the Newtowne Square Subdivision. Lots 2, 3, and 4 (fronting Cedar Street) are close in size and dimension with each lot containing approximately 6,700 square feet, with a lot width of 55.6 feet and a depth of 122 feet. These lots may have met minimum standards at the time they were platted or recorded but Lot 2 is now considered a nonconforming lot. R-2 zoning standards now require 60 feet of width with 8,000 square feet of lot area. Setbacks make reference to a 30 front yard setback, 10 foot side yard setbacks and a 25 foot rear setback.

The current zoning apparently recognized these nonconforming lot situations under Article XIV Exceptions of Modifications. The main reference under this article is § 230-94 Existing lots of record that reads as follows:

In any district where dwellings are permitted, a single-family dwelling may be located on any lot or plot of official record as of the effective date of this chapter and in separate ownership from

Andy Wilkens, surveyor and applicant, provided an updated site plan showing parking spaces in front of the house facing 7th street. He also showed an elevation drawing of the proposed house. It would be a two story with over 1200 square feet of living area. They are flexible with regard to parking.

Robin Cordani, 701 Cedar Street, stated she lives across the street on 7th Street but has her front door on Cedar Street. She is hopeful that the situation will be improved with this lot as there is trash and someone was living in the Gazebo and the vacant house next door at one time. She is concerned with the backing out of vehicles on to 7th street due to its narrow conditions and traffic. Cedar Street may be a better place for parking.

Board members discussed the sidewalks conditions and driveway locations. They concurred that would be of benefit to not move the house closer to the east.

Mr. Brandewie stated there is a 25-foot clearance needed at an intersection creating a site triangle that must be free of obstacles. It would appear they meet that with the driveway location.

Discussion followed regarding the narrowness of 7th Street, traffic conditions, and history of the plat. There was a general consensus that the house design appeared consistent with the surrounding area.

Chip Choquette motioned to approve the variance with the condition that the parking access be moved to the Cedar Street location. Mr. Choquette based his motion in view of staff comments that the lot was platted with the intent to build a single-family dwelling on it; the positioning of the house is consistent with nearby homes; allowing the drive way in front of the house as proposed would not be consistent with adjacent properties where driveways are located on the side of the house. He also took into consideration the public comments from a neighboring property owner regarding concerns over the narrowness of the street and frequent traffic on 7th Street. Kelly Miller seconded the motion and called for the vote: CD Hall- aye, Dave Strauss- aye; Chip Choquette- aye; Kelly Miller-aye. Motion carried 4-0 in favor.

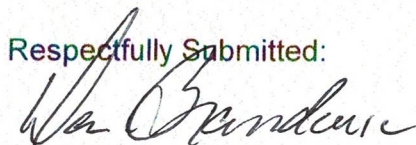
Approval of Minutes

Board members reviewed the minutes from the March 21, 2024 meeting. Motion to approve by Kelly Miller, second by Chip Choquette. Motion carried.

Review and Discussion of Draft By-Laws

Mr. Brandewie handed out an updated version of the draft rules of procedures. This was started several month ago but is in a final draft form. It is recommended that the members endorse the draft at the next meeting and it be forwarded to City Council where a resolution of support or adoption should be considered. Discussion followed. It was suggested by members to look into the references to the Open Meetings Act as it may requires someone be trained in its procedures.

Respectfully Submitted:



Daniel L. Brandewie