

## Planning and Zoning Commission Meeting

A meeting of the Pocomoke City Planning and Zoning Commission was held in the Council Chambers at City Hall on Wednesday, December 21, 2022. The meeting was called to order at 5:00 PM.

Present: Acting Chairman Rebecca Skorobatsch  
Commissioners: Steven Mills, Nola Tullar and Chris Vieira  
Director of Planning: Dan Brandewie  
Zoning Attorney: Erica Witz  
City Clerk: Michelle Beckett-El Soloh

Meeting was opened by acting Chairwoman R. Skorobatsch.

Public Hearing: Zoning Case No. RZNE#86-2022, request by Ylnaud S. Orneus for Best Budd Multi-Services LLC (owner) requesting the following property be rezoned from R2 Residential District to R-3, Multi-Family Residential District for the purpose of converting a single-family dwelling to a four (4) unit apartment: 103 Linden Avenue, Tax Map 400, Grid 0008, Parcel 517, Tax Account ID# 01-019511, consisting of 10,230 SF of land area fronting Linden Avenue and further described in a deed recorded among the land records of Worcester County at Liber 8485, folio 184.

All members of the audience expecting to give testimony and staff was sworn in by the attorney.

Opening remarks by the Planning Director, Dan Brandewie: This is a public hearing to consider a zoning map amendment filed by a private property owner. After hearing testimony, the Planning Commission is obligated to make a recommendation on this case based on procedures established in the Pocomoke City Zoning Code, Article XVII §230-110 and §230-111. Additional procedures for the conduct of public hearings on zoning amendments can be found in §4-203 and §4-204 of the Maryland Annotated Code on Land Use. At the conclusion of this public hearing, the Planning Commission may act to table this application for consideration at a later date, recommend approval or denial of the application. The Planning Commission's recommendation will be forwarded within 60 days to the City Council who will make the final decision on this matter.

Mr. Ylnaud Orneus' testimony stated that coming to a new country, English not being his first language and starting a business was a challenge but he has overcome those challenges and has learned a lot and become successful. He was asked several questions from unidentified audience members. Those questions and Mr. Orneus answers included:

- 1) The addresses of his rental properties in Salisbury.  
Answer: He has a lot. They are homes, apartments and 2 Air B&B. 324 Division St, 902 Division St, 924 Greenbriar Lane, 215 Tilghman Avenue, 504 King Street, 922 Dorsey Lane, 924 Dorsey Lane. There are also properties in Delaware. Those are some of the property addresses. He can provide a complete list.
- 2) Are they single or multifamily units?  
Answer: The company has both single-family homes and apartments in both Delaware and Maryland.
- 3) Are any of those Air B&B rentals?

Answer: Yes, there are two Air B&Bs in Maryland. One on Greenbriar Avenue and on N. Division Street.

Mr. Brandewie suggested that any documents or information can be collected at a later date and entered into record before a decision is made.

4) How many people will be in each unit?

Answer: Each unit has two bedrooms.

5) Is there a limit to the number of occupants?

Answer: The families are screened for the same-sex children and number of people.

6) How much will rent be?

Answer: He hasn't gotten that far yet.

7) Would it be Section 8 housing?

Answer: It would not be Section 8.

8) Has the property been closed on?

Answer: Yes, the purchase is final.

9) Was Mr. Orneus aware of the zoning for that particular property when it was purchased?

Answer: Yes, he was aware of the zoning.

10) He has 50 or 60 apartments and none are Section 8?

Answer: He has some apartments that are rental assistance but that is different than Section 8. Section 8 can require different inspections.

Public Comment was opened.

Barbara Taylor, 105 Linden Ave, her concern is the width between the two pieces of property. She can already hear noise from the inside of the building. Property values are also a concern for her. Parking is sparse in the area. When there are city events, her driveway gets blocked frequently. The building in question does not have yard space or many windows. A lot of the area is pavement for parking. Her last concern is that the previous tenants put in a water conditioner almost on the property lane. A new boundary line had to be created. The land stays saturated there. The more people who live there might cause the saturation to continue.

Edward R. Gladding, Jr, 101 front St, when he purchased his property, the dwelling in question was a single-family home. He would appreciate it staying the same. He doesn't think that there has been a good track record with creating multi-family dwellings, it hasn't worked out. He is very much opposed to changing the zoning to a multi-family dwelling.

Ralph Hickman, 1 Winter Quarters Drive, he is concerned that allowing a multi-family unit in the middle of everything isn't a good idea. He wasn't sure if this was a city or county hearing. It was clarified that it is for Pocomoke City. With four apartments, there are too many people that move in and create more traffic and it affects trash pickup. He agrees with the statement about having driveways blocked. It was also a correct statement about the property not having any grass to play in. It is all concrete. He wanted to know if everyone who rents has American citizenship. Mr. Orneus said they cannot check that according to discrimination laws. They would be sued all the time.

Michael A, Dean, 1407 Market St, said he is also familiar with the property in question because he was a former manager of the funeral home. It is correct that there is no yard on the property. He could understand a two-unit apartment but not a four-unit apartment. He is a member of the fire department and has been in four-unit apartments and they can be a death trap in the case of an emergency.

Mr. Brandewie stated that the decision will be brought before the Mayor & City Council within 60 days. The final decision will be made by the Council based on the Board's recommendation.

Motion to close Public Hearing (Vieira, Tullar)

Acclamation: Skorobatsch-aye, Mills-aye, Tullar-aye, Vieira-aye; none opposed, motion carried

Motion to deny request by Ylnaud S. Orneus for Best Budd Multi-Services LLC (owner) requesting the following property be rezoned from R2 Residential District to R-3 Multi-Family Residential District. (Vieira, Skorobatsch)

Acclamation: Skorobatsch-aye, Mills-aye, Tullar-aye, Vieira-aye; none opposed, motion carried

The Board based their reasoning on several issues. Since this is a residential neighborhood, they did not think it was fair to change zoning based on just one property. The residents that came forward were not in favor of the zoning change due to several reasons. The Board thought that Mr. Orneus has a good business that offers many opportunities but an apartment complex would not fit into this neighborhood. As many as five persons per unit, a total of twenty, could move in and that number would impact the neighborhood a lot differently than a single-family residence. The parking, noise and fire concerns were all valid concerns.

#### Discussion on Rules of Procedures

Mr. Brandewie said a lot of Boards develop their own rules and procedures. The state mandates that the Planning Commission and Board of Appeals have their own procedures. The city Charter gives a very brief description of standards. It mostly talks about the Board appointments and the number of Board members. The recently had a case where procedural issues were brought up. Things such as good conduct, ex parte contacts and things of those nature should be in the procedures. Issues having to do with quorums and the opportunity for an applicant to table the issue in case there is not a full Board present. The new attorney can assist with drawing up new procedures. There was nothing on the agenda for several months but the state requires at least a quarterly meeting.

Motion to adjourn meeting (Vieira, Tullar)

Acclamation: Skorobatsch-aye, Mills-aye, Tullar-aye, Vieira-aye; none opposed, motion carried

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