

Pocomoke City
Board of Appeals Meeting
February 9, 2022

A meeting was held before the Pocomoke City Board of Zoning Appeals on February 9, 2022 in the Council Chambers at City Hall and via Zoom/Facebook Livestream. The meeting was called to order at 5:00 P.M.

Members: Chairman Douglas Matthews-Not Present
Board Members: Kelly Miller, CL Marshall, CD Hall
and David Strauss
Planning Director: Dan Brandewie
Attorney for Board of Appeals: James Porter
City Clerk: Michelle Beckett-EI Soloh

Meeting was chaired and called to order by CL Hall

Planning Director, Dan Brandewie, was sworn in for testimony. The case being heard tonight, Variance 76-2022, owner/applicant Kelly Rosati, is applying for a conditional use permit for Section 230-41 (f) Pocomoke City Zoning Code, to operate a family daycare provider home within an R2 Zoning District at 800 Walnut Street at Tax Account ID# 01-024345. Pocomoke City Board of Appeals has the authority to consider action on this matter.

Mr. Brandewie stated that, as defined in the Code under 230-5, a **FAMILY DAY-CARE PROVIDER HOME** is a single-family dwelling unit in which daytime adult supervision is provided for up to eight children, including children of the occupant, under six years old and other children who are not members of the caregiver's family under the age of 16 and in which the caregiver regularly resides.

Section 230-41 (f) states: Licensed family day-care provider homes, nursery schools or day-care centers, provided that there is established and maintained in connection therewith a completely fenced play lot of adequate size in the rear setback area only. Such fence must be at least four feet but no greater than six feet in height and constructed in a manner such that it will not permit children or small animals to pass through it, provided also that any family day-care provider home or nursery school building must be located not less than 10 feet from any other lot in any residential (R) district, and any licensed day-care center must be located not less than 20 feet from any other lot in any residential (R) district. All such facilities must be properly licensed by the State of Maryland and must obtain a City business license annually.

Aerial photos as well as photos of the property taken from the street, the application, Tax ID map and a hand-drawn site plan were submitted and entered as Exhibit 1.

Notices were sent out as required to adjoining property owners. A legal ad was run and a Public Hearing was held. There were no comments from the public in response to any of the communications.

Margaret Rosati, 602 Homewood Drive, was sworn in for testimony, and testified on behalf of her daughter-in-law, Shelley Rosati, who is the conditional-use applicant. Mrs. Rosati has always had a dream of having a daycare. She is currently expecting twins and this will give her the opportunity to be with her children while they are growing up and to have her business. Commissioner Miller asked where the pickup and drop off location would be for the children. There are 2 driveways entrances on the property and 8th Street is very busy in the mornings.

The attorney asked how many children will be in attendance. Mrs. Rosati said that her daughter-in-law will have 3 of her own and will provide daycare for 5 others for the total of 8. Hours of operation will be 6:00 a.m. to 6:00 p.m. Normally, there is off-street parking required for pick-up and drop-off. The driveway on Walnut Street is free for use. The family uses the concrete driveway in front of the garage. That appears to be the safer entrance for the kids because it is more towards the rear of the house. Will there be any more playground equipment added? There is already a swing set and slide. That has not been mentioned. Has she contacted social services in regards to licensing? Yes, she has contacted Social Services and taken all necessary classes. The attorney suggested the stipulations of 8 children maximum, setting the hour from 6:00 a.m. to 6:00 p.m. and pick-up and drop-off on the concrete driveway away from the street.

Motion to grant conditional-use permit for day care with the stipulations of 8 children maximum, 6:00 a.m. to 6:00 p.m. hours and pick-up and drop-off on the concrete driveway nearest to the rear entrance of the house (Marshall, Hall)

Acclamation: Marshall-aye, Hall-aye, Miller-aye; 0 opposed; motion passed

Motion to accept minutes from December 8, 2021 as written (Marshall, Hall)

Acclamation: Marshall-aye, Hall-aye, Miller-aye; 0 opposed; motion passed

Selection of Chairman

Tabled

Motion to adjourn meeting (Marshall, Hall)

Acclamation: Marshall-aye, Hall-aye, Miller-aye; 0 opposed; motion passed

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