


FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE <b>MEMO</b>	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8 <sup>TH</sup> FLOOR		
	SUBJECT	BMZA / 3035 East Baltimore Street		

TO

Mr. David Tanner, Executive Director  
Board of Municipal and Zoning Appeals  
417 East Fayette Street, 14<sup>th</sup> Floor

DATE: January 22, 2015

**REQUEST**

The Department of Planning has received Justin Chavis' Board of Municipal and Zoning Appeals (BMZA) application to subdivide the property into three lots and construct a single-family attached dwelling on each new lot. The Zoning Administrator has determined that this development proposed requires variances of lot area, lot coverage, and yard setback requirements. We understand that this appeal is scheduled for hearing on January 27, 2015.

**SITE**

3035 East Baltimore Street is located on the southwest corner of the intersection with Ellwood Avenue. This property measures approximately 46'9" by 70' and is currently improved with a two-story religious institutional building covering the entire lot. This site is zoned R-8 and is located within the Patterson Park – Highlandtown National Register Historic District.

**ANALYSIS**

Use: In this zoning district, single-family attached dwellings are a permitted use, and so are allowed (§4-1101). In this case, the property was last authorized for use as a church, which is also a permitted use in this R-8 General Residence District.

Required Access, To Street Or Alley: Each parking space must be designed with safe and efficient means of vehicular access to: (1) a street; or (2) an alley at least 15 feet wide (§10-306.a). The alley behind this property is 10' wide, and the applicant is proposing to construct three rear-loading garage townhomes on the property after its subdivision. As the applicant is also proposing to have the new structure span 64' from front to back, 5' of the remaining rear portion of the lot should be reserved as a use-in-common driveway that would augment the existing alley. Preferably it (a 5' by 46'9" strip of land) would be offered to the City of Baltimore for annexation to the alley right-of-way.

Land Use and Urban Design: Subdivision of this property must be approved by the Planning Commission. The applicant is encouraged to remain in contact with the Land Use and Urban Design Division of the Department of Planning to complete this process.

Lot Area: In this zoning district, single-family attached dwellings require 750 square feet of lot area per dwelling unit (§4-1106.a.). In this case, for three dwelling units, 1,875 square feet of lot area is required. The lot encloses 3,272 square feet, and so does meet this requirement. After subdivision, each new lot would contain over 1,075 square feet of lot area if a use-in-common driveway was created at the rear of each; if each lot was reduced by 5' to allow widening of the alley as a public right-of-way, each new lot would contain approximately 1,010 square feet, still meeting this requirement.

Lot Coverage: The existing structure covers approximately 100% of the property. A structure may not cover more than 60% of the lot area (§4-1106.a.). In this case, the proposed new construction would result in the structure covering approximately 91% of the property if the alley was not widened, or 98% of each lot if the alley was widened as previously discussed, which would exceed this standard.

Lot Coverage Variance: The Board may grant a variance to authorize a lot coverage that is more than that otherwise allowed by the applicable regulation (§15-202.b). Any lot coverage variance approved would be for less than the existing complete lot coverage.

Required Yard: In this zoning district, a minimum rear yard setback of 25' is required (§4-1107.a.). In this case, the proposed three-dwelling structure will project to within 6' of the rear lot line if no reduction of the property is made by transfer of land to the public alley, or to within 1' of the new rear lot line if the 5' wide strip is so transferred to the City of Baltimore.

Rear Yard Reduction: (a) In general. For a lot that is less than 100 feet deep, the depth of a rear yard required for a dwelling may be reduced 1% for each 1 foot that the lot is less than 100 feet deep, subject to the limitations and requirements of this section. (b) Maximum reduction. A reduction under this section may not exceed the following: (1) in the case of an existing detached or semidetached dwelling that is located in a business district,  $\frac{2}{3}$  of the required depth; and (2) in all other cases,  $\frac{1}{4}$  of the required depth. (c) Compliance with other regulations. A reduction may only be taken under this section if all other bulk regulations are complied with. (§3-208).

The required rear yard setback would be 18.75 feet.

Yard Variance: The Board may grant a variance to authorize a yard or setback that is less than that otherwise required by the applicable regulation (§15-203).

TransForm Baltimore: This property would become part of the R-8 District with Rowhouse Mixed-Use overlay (Proposed Zoning Map Area 8-C) in which rowhouse dwellings would be permitted uses (Table 9-301). The R-8 Districts would have off-street parking requirements of 1 space per dwelling unit (Table 16-406A).

## **RECOMMENDATION**

The Department of Planning recommends approval of this appeal subject to Planning Commission approval of the proposed subdivision.

TJS/wya/mf

cc: Justin Chavis, Appellant