


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 / 2307 – 2309 – 2311 East Fairmount Avenue		

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 Nate Pretl's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of Edward Rutkowski representing the Patterson Park Community Development Corporation, to consolidate the three lots, then subdivide the combined lot into two new lots and construct two single-family attached dwellings with rear-loading garages. The Zoning Administrator has determined that this proposed development 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**

2311 East Fairmount Avenue is located on the southwest corner of the intersection with Bradford Street. This property measures approximately 12' by 64' and is currently unimproved. 2307 and 2309 East Fairmount Avenue are located on the south side of the street, approximately 24' and 12' respectively west of the intersection with Bradford Street. Each property measures approximately 12' by 64' and is currently unimproved. 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 is currently vacant but was once used for row-houses.

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 3'6" wide, and the applicant is proposing to construct two rear-loading garage townhomes on the property after its subdivision. As the applicant is also proposing to have the new structure span 46' from front to back, 18' of the remaining rear portion of the lot would be reserved as a use-in-common driveway that would parallel the existing alley.

Land Use and Urban Design: Subdivision of this property must be approved by the Planning Commission. The applicant is encouraged to contact 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 two dwelling units, 1,500 square feet of lot area is required. The consolidated lot would enclose 2,304 square feet, and so would meet this requirement. After subdivision, each new lot would contain 1,152 square feet of lot area if the 18' wide use-in-common driveway was created at the rear of each by easement.

Mr. David Tanner, BMZA

Executive Director

Page 2

Re: 2307 – 2309 – 2311 East Fairmount Avenue

Lot Coverage: 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 a structure covering approximately 72% of the consolidated property or of each new lot, 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).

Required Yard: In this zoning district, a minimum rear yard setback of 25' is required (§4-1107.a.). In this case, the proposed two-dwelling structure will project to within 18' of the rear lot line.

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 remain part of the R-8 Zoning District (Proposed Zoning Map Area 7-D) 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: Nate Pretl, Appellant