


FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8 TH FLOOR		
	SUBJECT	BMZA / 1720 Fleet Street		

TO

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

DATE: January 22, 2014

REQUEST

The Department of Planning has received Nate Pretl's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of David Burrows, to construct a three-story-plus garage rear addition and use the entire premises as two dwelling units with commercial space on the first floor. The Zoning Administrator has determined that variances of Zoning Code lot area and floor area ratio requirements are needed for approval of this application. We understand that this appeal is scheduled for hearing on January 28, 2014.

SITE

1720 Fleet Street is located on the northwest corner of the intersection with Regester Street. This property measures approximately 19'6" by 75' and is currently improved with a two-story-plus-attic semi-detached residential mixed-use building measuring approximately 19'6" by 40'. This site is zoned B-2-2 and is located within the Fells Point Historic District.

ANALYSIS

Use: In this zoning district, dwellings are a permitted use, and so are allowed (§6-306). In this case, the property was last authorized for use as a single-family attached dwelling and a food store, which are permitted uses in this B-2 Community Business District.

Insufficient Lot Area: In this zoning district, dwellings require 1,100 square feet of lot area per dwelling unit (§6-311.c.). In this case, for two dwelling units, 2,200 square feet of lot area is required. The lot only encloses 1,462.5 square feet, and so does not meet this requirement.

Lot Area Variance: The Board may grant a variance to reduce the applicable minimum lot area requirements by no more than: (1) 25% of the applicable regulation (§15-202). In this case, the proposed amount of variance would be 33%. The variance requested exceeds the discretionary range of the Board and so should not be allowed.

Off-Street Parking: ... if the intensity in use of a structure or premises is increased through the addition of dwelling, efficiency, or rooming units, floor area, seating capacity, or other units of measurement, off-street parking facilities must be provided for that increased intensity, as required by this title (§10-202.a). The applicant is proposing to provide two off-street parking spaces in the proposed two-car garage to be constructed at the rear of the property.

Historic District: The subject property is located within the Fells Point District, a locally and nationally designated Baltimore City historic district. All exterior changes, including additions, demolitions, and alterations are subject to review and approval by the Commission for Historical and Architectural Preservation (CHAP). It is recommended that the applicant remain in contact with CHAP to complete the review process applicable to their project.

TransForm Baltimore: This property would become part of the C-1 District (Proposed Zoning Map Area 7-D) in which dwellings above the ground floor would be permitted uses (Table 10-301). The C-1 Districts would have lot area requirements of 550 square feet per dwelling unit, and no rear yard requirement if the property abuts an alley (Table 10-401). This proposed addition would thus be approvable under the proposed new zoning code.

RECOMMENDATION

The Department of Planning recommends disapproval of this appeal, because the amount of lot area variance that would be required for approval exceeds the discretionary authority provided to the Board in the Zoning Code. Should the applicant amend this application to bring the amount of variance within the Board's discretionary authority, the Department recommends that approval, if granted, be conditional upon the applicant obtaining a Notice To Proceed for the proposed improvements from the Commission for Historical and Architectural Preservation.

TJS/wya/mf

cc: Nate Pretl, Appellant