


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 / 13 through 19 South Chapel Street		

TO

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

DATE: January 29, 2015

### REQUEST

The Department of Planning has received Nate Pretl's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of Donovan Development Group LLC and Erol Oktay, to consolidate four lots and resubdivide the property into three parcels, and to construct a three-story-plus-penthouse single-family attached dwelling with a front-loading garage on each new lot. The Zoning Administrator has determined that variances of lot area, lot coverage, and rear yard setback requirements are needed for this proposed redevelopment. We understand that this appeal is scheduled for hearing on February 10, 2015.

### SITE

The properties known as 13 through 19 South Chapel Street are located on the east side of the street, approximately 161'6" or more south of the intersection with Baltimore Street. Each property measures approximately 12' by 62' and is currently improved with a two-story attached single-family residential building measuring approximately 12' by 42'. This site is zoned R-8 and is located within the Upper Fells Point 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, each of these properties was last authorized for use as a single-family attached dwelling also.

Lot Area: In this zoning district, single-family attached dwellings require 750 square feet of lot area per dwelling unit (§4-1106.a.). Following consolidation and resubdivision each new lot proposed would enclose over 900 square feet, and so meet this requirement.

Lot Coverage: The existing structures cover approximately 65% of the property. A structure may not cover more than 60% of the lot area (§4-1106.a.). In this case, the proposed new three-unit dwelling structure would cover approximately 72% of the property, 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.).

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 net rear yard required is thus 18.75 feet deep. In this case, two of the proposed single-family attached dwelling structures will project to within 17' of the rear lot line, and one (13 South Chapel Street) due to a small existing rear yard reduction in the existing lot will project to within 15' of its rear lot line.

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).

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 proposed use would replace existing single-family attached structures with fewer but larger such structures, thus actually reducing intensity of use of the site. There is thus no requirement for provision of off-street parking associated with this application.

Land Use and Urban Design: The proposal includes front-loading garages to be built into the ground floor or street level of the single-family dwellings to be constructed. As there is no Zoning Code requirement to create off-street parking associated with one-for-one replacement of dwellings which pre-date adoption of the Zoning Code, this aspect of this application does not need to be approved by the Board as part of approval of the remainder of the application.

Because subdivisions require approval by the Planning Commission, curb cuts which would be required for the proposed front-loading garages must be approved first in order for this proposed redevelopment as currently designed to proceed to Planning Commission review.

TransForm Baltimore: This property would remain part of the R-8 District (Proposed Zoning Map Area 7-D) in which rowhouse dwellings would be permitted uses (Table 9-301).

## **RECOMMENDATION**

The Department of Planning has no objection to this appeal. As this proposal is to raze and replace existing attached single-family dwellings which pre-date the Zoning Code, the applicant is not obligated by provisions of the Zoning Code to provide any off-street parking in association with the proposed three new attached dwelling units. If this application is approved by the Board, approval should be subject to the conditions that the proposed site plan be approved by the Department of Planning, and the proposed subdivision be approved by the Planning Commission.

TJS/wya/mf

cc: Nate Pretl, Appellant