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| <b>FROM</b> | NAME & TITLE          | THOMAS J. STOSUR, DIRECTOR   | CITY of<br>BALTIMORE<br><br><b>MEMO</b> |  |
|             | AGENCY NAME & ADDRESS | DEPARTMENT OF PLANNING<br>417 EAST FAYETTE STREET, 8 <sup>TH</sup> FLOOR |   |   |
|             | SUBJECT               | BMZA / 319-321 South Central Avenue                                      |   |   |

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

DATE: March 12, 2010

### REQUEST

The Department of Planning has received Urban Design Group's Board of Municipal and Zoning Appeals (BMZA) application to raze existing structures, consolidate lots, and erect two 2-family residential buildings with a courtyard in between them. We understand that this appeal is scheduled for hearing on March 16, 2010.

### SITE

319-321 South Central Avenue is located on the east side of the street, approximately 120' north of the intersection with Bank Street. This property when consolidated would measure approximately 34'6" by 90' and is currently improved with two two-story-plus-attic row buildings together measuring approximately 34'6" by 70'. This site is zoned B-2-2.

### ANALYSIS

Use: Any use that is not expressly allowed in a district is prohibited (§3-106). In this zoning district, dwellings are listed as a permitted use, and so are allowed (§6-306). In this case, one property was last authorized for use as a residence, which is a permitted use in this B-2 Community Business District; the other was authorized for use as a shop and an upstairs dwelling, the dwelling also being a permitted use. Razing the existing two row-houses on the property (on the lots to be consolidated) would require the proposed new buildings to be characterized as new residential development.

Number of Principal Structures on a Residential Lot: No more than one principal detached structure may be located on: (i) any residential lot ... (§3-301.a). Notwithstanding subsection (a) of this section, the Zoning Administrator must approve construction of more than one principal detached structure or other free-standing structure on a residential lot ... if, in a specific case: (1) the development otherwise would conform to the requirements of this article; and (2) the Planning Commission approves the design of the development (§3-301.b). In this case, more than one structure is proposed for this site, and so Planning Commission approval is required for this development. (This will be important if the rear yard setback variance of 0' for Lot 24 (319 South Central Avenue) is approved ("Required yard", below).)

Insufficient Lot Area: In this zoning district, dwellings require 1,100 square feet of lot area per dwelling unit (§6-311.c.1). In this case, for 4 dwelling units, 3,850 square feet of lot area is required. The proposed consolidated lot only encloses 2,791 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 27%. The variance requested exceeds the discretionary range of the Board and so should not be allowed.

Required Yard: In this zoning district, a minimum rear yard setback of 30' is required (§6-312.e). In this case, the proposed second or rear building will project to within 7' of the rear lot line of Lot 23 (321 South Central Avenue), and will have its rear wall at the rear lot line of Lot 24 (319 South Central Avenue), leaving no rear yard setback.

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).

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).

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). As the structure was lawfully erected before April 20, 1971, additional off-street parking facilities are mandatory only in the amount by which the requirements for the new use exceed those for the existing use (§10-203.b). There were two dwelling units previously established; thus parking must be provided only for the two additional dwelling units proposed.

Off-Street Parking Variance: ... the Board may grant a variance to reduce by no more than 75% the number of off-street parking spaces otherwise required by the applicable regulation (§15-208.b). In this case the reduction proposed is 100%, which is greater than the variable amount the Board may authorize.

## **RECOMMENDATION**

The Department of Planning recommends disapproval of the appeal, because there is insufficient lot area for four dwelling units, even after exercise of the Board's discretion to grant a variance. The Department also notes that, even if under the Zoning Code the Board would grant an off-street parking variance, addition of two more dwelling units without off-street parking spaces for them in an area already noted for its shortage of on-street parking would tend to exacerbate an existing parking problem.

TJS/ewt/mf

cc: Urban Design Group, Appellant