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|------|-----------------------|--|-------------------------------------|---|
| FROM | NAME & TITLE          | THOMAS J. STOSUR, DIRECTOR   | CITY of<br>BALTIMORE<br><b>MEMO</b> |  |
|      | AGENCY NAME & ADDRESS | DEPARTMENT OF PLANNING<br>417 EAST FAYETTE STREET, 8 <sup>TH</sup> FLOOR |                                     |   |
|      | SUBJECT               | BMZA / 34 East Randall Street (and 40-44 East Randall Street)            |                                     |   |

TO

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

DATE: March 14, 2013

### REQUEST

The Department of Planning has received Ian Sokoloski's Board of Municipal and Zoning Appeals (BMZA) application to consolidate the property known as 34 East Randall Street and the property known as 40-44 East Randall Street, subdivide the consolidated property into six lots and erect 5 single-family attached dwellings on 5 of the new lots, with the 6<sup>th</sup> lot becoming a home-owners association lot. The Zoning Administrator has determined that this proposed use in a R-8 District would require variances of lot area, lot coverage, and setback requirements of the Zoning Code for approval of this application. We understand that this appeal is scheduled for hearing on March 19, 2013.

### SITE

34 East Randall Street is located on the north side of the street, approximately 35' west of the intersection with Marshall Street. This property measures approximately 36' by 80' and is currently improved with a one-story commercial building covering the entire lot. 40-44 East Randall Street is located on the northwest corner of the intersection with Marshall Street. This property measures approximately 35' by 80' and is currently improved with a one-story commercial building covering the entire lot. This site is zoned R-8 and is located within the Riverside 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 dry cleaning establishment, which is a nonconforming use in this R-8 General Residence District. The proposed redevelopment of the properties to be combined would extinguish the nonconforming use while replacing the commercial structures with residential structures.

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 five dwelling units, 3,750 square feet of lot area is required. The lot encloses 5,680 square feet, and so does meet this requirement. Each of the five lots to be used for a single-family dwelling would contain approximately 896 square feet, thus also satisfying the 750 square feet lot area requirement for each dwelling.

Lot Coverage: The existing structures cover approximately 100% of the property, but will be razed. A single-family attached dwelling structure may not cover more than 60% of the lot area (§4-1106.a). In this case, the proposed single-family attached dwellings structure would result in the structure covering approximately 86% of the property if calculated on an individual subdivided lot basis, which would exceed this standard. If the calculation was based on the consolidated lot prior to subdivision, i.e., included the sixth lot to be left vacant as a homeowners association lot to be used for rear parking access, the coverage proposed would be approximately 68%.

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). However, this may be reduced 1% for each foot that a lot is less than 100' deep, to a maximum of ¼ of the required lot depth (§3-208). In this case, the proposed single-family attached structure will project to within 17.75' of the rear lot line of each single-family lot after subdivision, which is 1' more than this allowed reduction of rear yard depth.

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: ... whenever the existing use of a structure is changed to a new use, off-street parking facilities must be provided, as required by this title, for that new use (§10-203.a). In this zoning district, single-family attached dwellings require one off-street parking space per dwelling unit (§10-405.1.iv). For 5 dwelling units, 5 parking spaces are required; 5 are to be provided, one on each single-family lot.

TransForm Baltimore: This property is part of a larger area in South Baltimore that would remain in a R-8 District (Proposed Zoning Map Area 11-A), in which the proposed single-family attached dwellings would be permitted (Table 9-301). The minimum lot area requirement would remain as it is now, but the lot coverage limit would be raised to 80% (Table 9-401) while the rear yard setback requirement would be reduced to 20' (Table 9-401).

Land Use and Urban Design: The initial site plan review on September 5, 2012 resulted in a request for plan revisions. These revisions have since been submitted and approved by the Site Plan Review Committee.

## **RECOMMENDATION**

The Department of Planning recommends approval of this appeal, conditioned upon the applicant receiving approval from the Planning Commission for the proposed subdivision of the lots to be consolidated, and upon the applicant constructing all improvements, including landscaping, in accordance with the site plan approved by the Site Plan Review Committee.

TJS/wya/mf

cc: Ian Sokoloski, Appellant