


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 / 621 West 37 <sup>th</sup> Street *		

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

DATE: May 5, 2014

### REQUEST

The Department of Planning has received Charles Patterson's Board of Municipal and Zoning Appeals (BMZA) application to construct a three-story detached single-family dwelling with a street-level front-loading garage. The Zoning Administrator has determined that variances of Zoning Code lot area, lot coverage, and yard setback requirements are needed for approval of this application. We understand that this appeal is scheduled for hearing on May 6, 2014.

\*This property is also known by its descriptive name, South side of West 37<sup>th</sup> Street, 109' East of Keswick Road, or is known as Block 3673, Lot 29A. There is no record of previous improvements on this property being known as 621 West 37<sup>th</sup> Street.

### SITE

621 West 37<sup>th</sup> Street, also known as South side of West 37<sup>th</sup> Street, 109' East of Keswick Road, or as Block 3673, Lot 29A is located on the south side of the street, approximately 109' east of the intersection with Keswick Road. This property measures approximately 19' by 65' and is currently unimproved. This site is zoned R-7 and is located within the Hampden National Register Historic District.

Site history: This lot was created, without a record of approval from the Planning Commission, by means of subdivision of Block 3673, Lot 29. Planning staff have been informally advised that this may have been accomplished in 1947 by deed only, and the lot's existence was recognized in Block 3673's replacement plat map drawn in November 1992.

### ANALYSIS

Use: In this zoning district, single-family detached dwellings are a permitted use, and so are allowed (§4-1001).

Insufficient Lot Area: In this zoning district single-family detached dwellings require 5,000 square feet of lot area (§4-1006.a). The lot only encloses 1,235 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 75%. The variance requested exceeds the discretionary range of the Board and so ordinarily should not be allowed. However, §3-306.d.2. of the Zoning Code allows a single-family dwelling to be established on a pre-existing lot of record regardless of minimum lot area requirements as long as all other requirements of the Zoning Code are met.

**Lot Coverage:** A single-family detached dwelling structure may not cover more than 35% of the lot area (§4-1006.a.). The site plan attached to this application shows a proposed 18' by 50' dwelling structure (with a 19' wide by 22' deep middle section) to be placed on the 19' by 65' lot, resulting in 75% lot coverage, 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). The Department of Planning notes that this would result in a structure covering much more of its lot than other residential structures in the area nearest this property. The Department recommends a reduction in the amount of lot coverage variance proposed, contingent upon reduction in the amounts of front yard setback and rear yard setback variances (see below).

**Required Yard:** In this zoning district, a minimum front yard setback of 20' is required (§4-1007.a.). In this case, the proposed detached residential building will project to within 5' of the front lot line. In this zoning district, a minimum interior side yard setback of 10' is required (§4-1007.a.). In this case, the proposed building will project to within 0' of both interior side lot lines. In this zoning district, a minimum rear yard setback of 25' is required (§4-1007.a.), but can be reduced to 18.75' (§3-208). In this case, the proposed building will project to within 10' of the rear lot line, which is itself 15' from the rear of a dwelling known as 624 Berry Street (Berry Street parallels 37<sup>th</sup> Street at this location).

**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). The interior side yard setback requirement, if applied to this property, creates an unimprovable lot. Similarly, application of both the front and rear yard setback requirements would leave only 20' of buildable lot depth in the middle of the property. However, adherence to either the front or the rear yard setback requirement, with a 5' variance of the other requirement not adhered to, would leave a 40' minimum depth on which a dwelling could be constructed. To make the proposed structure as least incompatible as possible with existing dwellings in this area, and particularly with the residential structures on the opposite side of 37<sup>th</sup> Street which have 25' front yard setbacks, the Department favors no variance, or a maximum 5' variance, of the front yard setback requirement.

**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). 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). This property has no rear or side alley available for access to on-site parking, and thus must use 37<sup>th</sup> Street for access. 37<sup>th</sup> Street in this vicinity is a 22' wide paved cartway on a 60' wide right-of-way, and the applicant needs to obtain approval from the Department of Transportation for a curb cut to provide entry to the proposed driveway leading to the proposed front-loading garage. The applicant may also need approval of a franchise to use a portion of the right-of-way as a private driveway. In the interest of reducing the incompatibility of the proposed structure with existing housing surrounding this property, the Department would prefer that no off-street parking be provided in order to provide a front yard for this property similar to those across 37<sup>th</sup> Street. The Department would not object to a 75% variance of the off-street parking requirement in this case.

**Land Use and Urban Design:** The proposed structure would be incompatible with existing development in the area, and would overcrowd the land by using as a building lot what is to every other lot in Block 3673 a back yard. The houses across 37<sup>th</sup> Street have front yards at least 20' deep, which is more typical of this residential community.

**TransForm Baltimore:** This property would become part of the R-6 District (Proposed Zoning Map Area 2-D) in which detached dwellings would be permitted uses (Table 9-301). The R-6 Districts would have minimum lot area requirements of 3,000 square feet, lot coverage and yard setback requirements identical to those in the current Zoning Code, and off-street parking requirements of 1 space per dwelling (Tables 9-401 and 16-406A). This proposed structure would thus be disapproved according to these criteria.

### **RECOMMENDATION**

The Department of Planning recommends disapproval of this appeal in its current form, because the requested lot coverage, front yard and rear yard variances exceed minimum amounts necessary to afford relief from Zoning Code requirements.

The Department would have no objection to variances of the side yard setback requirement and the off-street parking requirement. If the Board determines that it would be appropriate to retain the front yard on this property by granting a variance of the off-street parking requirement, the Department would have no objection to a reasonable amount of rear yard setback variance that would be compatible with rear yard dimensions found in this area.

TJS/wya/mf

cc : Charles Patterson

