


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 / 903 South Decker Avenue		

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

DATE: May 13, 2013

REQUEST

The Department of Planning has received Michael Knoepfle's Board of Municipal and Zoning Appeals (BMZA) application to construct a 3-story attached single-family dwelling with a 2-car garage front and rooftop deck. The Zoning Administrator has determined that a variance of lot area and lot coverage and setback requirements of the Zoning Code would be required for approval of this application. We understand that this appeal is scheduled for hearing on May 14, 2013.

SITE

903 South Decker Avenue is located on the east side of the street, approximately 58' south of the intersection with Hudson Street. This property measures approximately 29'6" by 50' and contains approximately 0.035 acre, and is currently unimproved. This site is zoned R-8 and is located within the Canton 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 contractor and construction shop (since demolished), which is a nonconforming use in this R-8 General Residence District. Construction of a dwelling on this property would remove a nonconforming use.

Lot Area: In this zoning district, single-family dwellings require 750 square feet of lot area per dwelling unit (§4-1106.a). The lot encloses approximately 1,525 square feet, and so does meet this requirement.

Lot Coverage: A structure may not cover more than 60% of the lot area (§4-1106.a). In this case, the proposed structure would cover approximately 85% 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). In this case, the proposed structure will project to within 8' of the 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). In this zoning district, single-family attached dwellings ~~require one off-street parking space per dwelling unit (§10-405.1.i).~~ The property currently has no approved access to Decker Avenue for purposes of providing an on-site parking space. There is also no public access to this property at its rear.

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 required is 75%, which is within the variable amount the Board may authorize. Given the facts that there is no accessibility to this lot from its rear and that a garage-front infill structure would be inappropriate (see below), the Department of Planning considers a variance a reasonable resolution of this situation.

Land Use and Urban Design: The applicant is proposing a two-car garage front for the street level of the structure. This is incompatible with the remainder of the housing in this block of Decker Avenue, as each house consists of a two-bay design with a front door and steps ending directly on the sidewalk. It would require approval of a curb cut from the Site Plan Review Committee to make the proposed garage-front design feasible, and there is no compelling reason for such an approval. In fact, the result of such an approval would be to remove two on-street parking spaces in order to create two private off-street parking spaces, which is contrary to the public interest. The applicant should revise the front elevation and ground floor plan to remove the garage feature.

TransForm Baltimore: This property would remain part of a R-8 District (Proposed Zoning Map Area 8-C) in which single-family dwellings would remain a permitted use (Table 9-301). The zoning status of this property would thus remain unchanged.

RECOMMENDATION

The Department of Planning recommends disapproval of the portion of this appeal related to construction of a two-car garage-front single-family dwelling, because there is no curb cut approved for this purpose and because the practical effect of creating a curb cut would be to remove two parking spaces on-street in order to create two private parking spaces. The Department has no objection to the remainder of this application to construct a single-family dwelling.

TJS/wya/mf

cc: Michael Knoepfle, Appellant