


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 / 5204 Tramore Road		

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 Cory Braxton's Board of Municipal and Zoning Appeals (BMZA) application to construct a detached two-story 35' by 24' garage in the rear of the property. The Zoning Administrator has determined that a variance of building height requirements for an accessory structure in 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

5204 Tramore Road is located on the west side of the street, approximately 80' north of the intersection with Strathmore Avenue. This property measures approximately 125' by 125' and is currently improved with a two-story detached residential building measuring approximately 28' by 48' and a detached garage measuring approximately 15' by 21'. This site is zoned R-3.

ANALYSIS

Use: In this zoning district, garages are permitted as an accessory use, and so are allowed (§4-603). The maximum height permitted for an accessory use is 20 feet (§4-608.b). As noted above, this property already has a detached accessory garage in the rear of the property, and there is a curb cut and driveway from Tramore Road to it.

Height Variance: The Board may grant a variance to authorize a height that is more or less than that otherwise allowed by the applicable regulation (§15-204.a). In this case, the proposed height is 23' which exceeds the permitted height of 20' by 15%.

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 if the upper level of the proposed structure would be used for living purposes. Typically, the Commission does not approve requests of this type, as provision for the development of existing carriage houses are addressed through the subdivision of property, as detailed in §4-106. For this reason, approval of this appeal should be conditioned upon use of the new garage being non-residential, and specifically use of the second floor excluding use as a form of living space (dwelling unit, efficiency unit, or rooming unit).

Mr. David Tanner, BMZA
Executive Director
Page 2
Re: 5204 Tramore Road

TransForm Baltimore: This property would remain part of a R-3 District (Proposed Zoning Map Area 4-A) in which detached garages (1) must be accessed from the rear of the lot if rear access is available, and (2) on lots of 7,300 square feet or less in area, detached garages are limited to 660 square feet in area (§15-511.B). This property has a 15' wide rear alley, so the proposed garage would need to be oriented toward it. The lot size exceeds the 7,300 square feet threshold for using the second criterion.

RECOMMENDATION

The Department of Planning recommends that approval of this appeal, if granted, be conditioned upon the new garage being used only for non-residential purposes.

TJS/wya/mf

cc: Cory Braxton, Appellant