


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 / 2409-2411 Foster Avenue		

TO

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

DATE:

May 15, 2014

**REQUEST**

The Department of Planning has received Julie Tice's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of David Tobash, to subdivide the lot and convert the existing club into two separate single-family dwellings, and construct additions to each separate dwelling. 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 20, 2014.

**SITE**

2409-2411 Foster Avenue is located on the southwest corner of the intersection with Port Street. 2409 Foster Avenue measures approximately 13' by 81' and is currently improved with a two-story building measuring approximately 13' by 65'. 2411 Foster Avenue measures approximately 15' by 81' and is currently improved with a two-story building and attached one-story garage covering the entire lot. Although these two lots appear separately on the plat map, they were consolidated on June 12, 2013 into a single 28' by 81' lot. 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 non-profit club, which is also a permitted use in this R-8 General Residence District. The proposed subdivision would undo the consolidation accomplished less than a year ago, re-creating the single-family attached residences that were present before the property became a club.

Lot Area: In this zoning district, single-family attached dwellings require 750 square feet of lot area (§4-1106.a.). In this case, 2409 Foster Avenue encloses 1,053 square feet, and 2411 Foster Avenue encloses 1,215 square feet, and so both lots meet this requirement after subdivision.

Lot Coverage: The existing structure to be known again as 2409 Foster Avenue covers approximately 80% of the lot to be re-created under it, and the existing structure to be known again as 2411 Foster Avenue covers all of its lot to be re-created. A single-family attached structure may not cover more than 60% of the lot area (§4-1106.a.). In this case, the proposed building additions would not result in increased lot coverage.

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 amounts of lot coverage for each lot predate the current Zoning Code, and thus may be approved.

**Required Yard:** In this zoning district, a minimum rear yard setback of 25' is required (§4-1107.a.). In this case, the existing structure to be known again as 2409 Foster Avenue will continue to project to within 16' of the rear lot line and the existing structure to be known again as 2411 Foster Avenue will continue to project to within 0' 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). The amounts of rear yard setback predate the current Zoning Code, and thus may be approved.

**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). If 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). In this zoning district, single-family attached dwellings require one off-street parking space (§10-405.1.iii). For each proposed dwelling unit, a parking space is required; none are or can be provided, due to the form of historic development of this neighborhood.

**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 is needed due to the pattern of development in this area, as the applicant would have practical difficulty complying with the Zoning Code requirement.

**Land Use and Urban Design:** The proposed subdivision of this property, to undo the lot consolidation accomplished less than a year ago, requires approval by the Planning Commission. The applicant is encouraged to contact the Department of Planning concerning this matter.

**TransForm Baltimore:** This property would remain part of the R-8 District (Proposed Zoning Map Area 7-D) in which rowhouse (single-family attached) dwellings would be permitted uses (Table 9-301). The R-8 Districts would have a minimum lot area requirement equal to that in the current Zoning Code, but would reduce the rear yard setback requirement to 20' (Table 9-401).

## **RECOMMENDATION**

The Department of Planning recommends approval of this appeal, subject to approval of the proposed minor subdivision by the Planning Commission.

TJS/wya/mf

cc: Julie Tice, Appellant