


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 / 3242 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 to subdivide the lot, retain the existing tavern at 3242 Foster Avenue, and construct two dwelling units in a three-story building with rear-loading garage and rooftop deck on the new lot. The Zoning Administrator has determined that variances of Zoning Code floor area ratio 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**

3242 Foster Avenue is located on the northwest corner of the intersection with Clinton Street. This L-shaped property measures approximately 16' along Foster Avenue by 140'4" along Clinton Street and contains approximately 0.070 acre, and is currently improved with a two-story building measuring approximately 16' by 72' and a one-story building measuring approximately 30' by 33'. This site is zoned R-8 and is located within the Canton National Register Historic District.

**ANALYSIS**

Use: In this zoning district, multiple-family dwellings are a permitted use, and so are allowed (§4-1101). In this case, the property was last authorized for use as a tavern, which is a nonconforming use in this R-8 General Residence District. While the nonconforming use would remain on the lot that would be subdivided, the new lot would be used for a conforming use.

Lot Area: In this zoning district, multiple-family dwellings require 750 square feet of lot area per dwelling unit (§4-1106.a.). In this case, for two dwelling units, 1,500 square feet of lot area is required. The proposed 30' by 50' lot would enclose 1,500 square feet, and so would meet this requirement.

Floor Area Ratio: An existing one-story structure covers approximately 66% of the proposed new lot. A new multiple-family structure may not have a floor area ratio of more than 2.0 (§4-1108.a.). In this case, the proposed new building would have a floor area ratio of approximately 2.0, which would comply with this standard.

Required Yard: In this zoning district, a minimum interior side yard setback of 10' is required for detached structures (§4-1107.a.). In this case, the proposed two-dwelling unit building will project to within 5' of the side lot line, which would also be the subdivision line of the property. In this zoning district, a minimum rear yard setback of 25' is required for detached structures (§4-1107.a.). In this case, the proposed two-dwelling unit building will project to within 0' of the rear lot line, which would be established based on use of Clinton Street as the front of the new two-dwelling unit building.

Rear Yard Reduction: (a) In general. For a lot that is less than 100 feet deep, the depth of a rear yard required for a dwelling may be reduced 1% for each 1 foot that the lot is less than 100 feet deep, subject to the limitations and requirements of this section. (b) Maximum reduction. A reduction under this section may not exceed the following: (1) in the case of an existing detached or semidetached dwelling that is located in a business district,  $\frac{2}{3}$  of the required depth; and (2) in all other cases,  $\frac{1}{4}$  of the required depth. (c) Compliance with other regulations. A reduction may only be taken under this section if all other bulk regulations are complied with. (§3-208).

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: In this zoning district, multiple-family dwellings require one off-street parking space per dwelling unit (§10-405.1.iv). For two dwelling units, two parking spaces are required; two are to be provided within the new structure. Access to these spaces would be from the 20' wide alley behind the current 3242 Foster Avenue property. The garage doors would thus be on the side of the new building, which would face Clinton Street.

Land Use and Urban Design: Subdivision of this property requires approval by the Planning Commission. The applicant is encouraged to contact the Department of Planning for additional information concerning subdivision requirements.

TransForm Baltimore: This property would remain part of the R-8 District (Proposed Zoning Map Area 8-C) in which multi-family dwellings would be permitted uses (Table 9-301). The R-8 Districts would have maximum lot coverage requirements of 80% for multi-family dwellings (Table 9-401). Rear yard setbacks of 25' would be required (Table 9-401).

## **RECOMMENDATION**

The Department of Planning has no objection to this appeal. If approval is granted by the Board, it should be conditional upon approval of the proposed subdivision by the Planning Commission.

TJS/wya/mf

cc: Julie Tice, Appellant