


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 / 3607 Fleet Street + Block 6433, Lot 22A		

TO

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

DATE:

May 30, 2014

**REQUEST**

The Department of Planning has received Nate Pretl's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of H&I OTT Real Estate LLC, to consolidate two lots known as 3607 Fleet Street (Block 6433, Lot 23) and Block 6433, Lot 22A, and then subdivide the consolidated lot into eleven lots and construct ten single-family attached dwellings with rooftop decks and stairway enclosures (and rear-loading garages on their street level). The Zoning Administrator has determined that variances of Zoning Code lot area, floor area ratio, and yard setback requirements are needed for approval of this application. We understand that this appeal is scheduled for hearing on June 3, 2014.

**SITE**

3607 Fleet Street is located on the southwest corner of the intersection with Dean Street. This property measures approximately 85' by 140' and is currently improved with a one-story semi-detached commercial structure measuring approximately 32' by 70' which would be razed. The property known as Block 6433, Lot 22A adjoins 3607 Fleet Street on its west and measures approximately 10' by 70' and is currently improved with a one-story side addition to the commercial structure noted previously. This site is zoned B-2-2 and is located within the Highlandtown Business Area Urban Renewal Plan area.

**ANALYSIS**

Use: In this zoning district, dwellings are a permitted use, and so are allowed (§6-306). In this case, the property was last authorized for use as a tavern and a bank, which are permitted uses in this B-2 Community Business District.

Urban Renewal Plan: This property is located in the Highlandtown Business Area Urban Renewal Area, where the Urban Renewal Plan does not prohibit or further restrict the proposed use in this district.

Insufficient Lot Area: In this zoning district dwellings require 1,100 square feet of lot area per dwelling unit (§6-311.c.1.). In this case, the ten building lots each would only enclose 950 square feet, which 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 13%. The variance requested is within the discretionary range of the Board and so may be allowed.

Floor Area Ratio Variance: The Board may grant a variance to increase a basic floor area ratio factor by no more than 75% of the applicable regulation (§15-204.b). In this case, the proposed floor area ratio for each of the single-family attached dwellings fronting on Fleet Street would be approximately 2.6 (as related to the proposed lots to be created by subdivision) which exceeds the permitted ratio of 2.5 by 4%. As the request is within the variable range the Board may apply, the appeal may be approved.

Required Yard: In this zoning district, a minimum rear yard setback of 30' is required (§6-312.e.). In this case, the proposed five attached single-family dwellings as a group will project to within 3' or 16', respectively, of the proposed rear lot lines.

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). The reduced rear yard setback required would be 22.5' as each building lot created by subdivision would be either 42' deep or 60' deep. The variances of rear yard setbacks would be 87% for the dwellings to front on Fleet Street and 29% for the dwellings to face the eleventh lot which would function as a common driveway behind and for the houses on Fleet Street.

Land Use and Urban Design: The proposed subdivision will require approval by the Planning Commission. The applicant is working with the Site Plan Review Committee to develop an approvable subdivision plan for these properties as consolidated.

TransForm Baltimore: This property would become part of the C-1 District (Proposed Zoning Map Area 8-C) in which rowhouse dwellings would be permitted uses (Table 10-301). The C-1 Districts rear yard requirements would be 20' setback unless the rear yard abuts an alley, in which case no rear yard would be required (Table 10-401).

## **RECOMMENDATION**

The Department of Planning recommends approval of this appeal conditional upon approval of the proposed subdivision of the lots by the Planning Commission.

TJS/wya/mf

cc: Nate Pretl, Appellant