


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 / 3800 Dillon Street		

TO

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

DATE: August 20, 2013

REQUEST

The Department of Planning has received Lisa Junker's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of Merchant Hill LLC, to subdivide the lot in order to construct 25 fee-simple single-family attached dwellings with parking. The Zoning Administrator has determined that variances of lot coverage, side yard setback, building height, and parking access requirements of the Zoning Code would be required for approval of this application. We understand that this appeal is scheduled for hearing on August 20, 2013.

SITE

3800 Dillon Street is located on the north side of the street between Eaton and Fagley Streets. This property measures approximately 214' along Dillon Street by 150' along Fagley Street and 218' along Eaton Street, and contains approximately 0.940 acre, and is currently improved with a one-story vacant non-residential building measuring approximately 100' by 170' and associated off-street parking areas. This site is zoned R-8.

ANALYSIS

Use: In this zoning district, single-family attached dwellings are a permitted use, and so are allowed (§4-1101). In this case, replacement of the nonconforming non-residential structure with new dwelling units would make use of the property residential.

Lot Coverage: The existing structure covers approximately 40% of this property. A single-family attached structure may not cover more than 60% of the lot area (§4-1106.a). In this case, while three of the proposed townhouses would cover approximately 48%, 50%, and 58% of their individual lots to be created by subdivision, 22 would exceed this standard, with five at 67%, one at 68%, six at 69%, two at 71%, three at 72%, and five at 77% 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).

Required Yard: In this zoning district, a minimum side yard setback of 10' for end-of-group houses is required (§4-1107.a). In this case, the proposed end-of-group single-family attached dwellings will project to within 0' of the side lot line for each.

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).

Building height: Single-family dwellings are limited to a maximum building height of 35' (§4-1108.a). Building elevation drawings provided by the applicant show a mix of 3- and 4-story townhouses ranging in height from 35'7" to 49'8". The applicant stated to Planning staff that additional height is needed due to architectural considerations and marketability.

This site lies between larger-scale industrial-type buildings to its south and west, and smaller-scale 2-story row-homes to its north. Therefore, a building massing that creates more of a transition to the Brewers Hill residential community would be more appropriate. For this reason, at this time Planning notes that this development project has yet to complete design review related to the applicant's pending subdivision application. Planning staff will continue to work with the applicant to address the unit heights which may be incongruous with the surrounding neighborhood.

Height variance: A variance may authorize a height that is more or less than that otherwise allowed by the applicable regulation (§15-204.a.).

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.iv). For 25 dwelling units proposed, 25 parking spaces are required; 17 are to be provided in garages built into the dwelling units, and a row of 8 attached garages is to be built behind 8 of the three-story townhouses. Access to part of this off-street parking would be via two proposed 20' wide curb cuts and internal access cross-easements to be created within this property; the 8 garages and four of the townhouses would have access via a 20' wide entrance from the 12' wide alley at the north of the property.

Land Use and Urban Design: Planning Commission approval is required for the proposed subdivision of this property, which would be considered a major subdivision. The site plan presented was approved with comments by the Site Plan Review Committee on July 10, 2013. Final site plan approval is contingent on submission by the applicant of the final site plan which would be influenced by the Board's decision concerning this application.

TransForm Baltimore: This property would become part of a I-MU (Industrial Mixed-Use) District (Proposed Zoning Map Area 8-C) in which single-family attached dwellings (to be known as "rowhouse dwellings") would be prohibited uses, but Live-Work Dwellings and Dwellings Above the Ground Floor would be permitted uses (Table 11-301).

RECOMMENDATION

The Department of Planning has no objection to approval of the requested amended variances, conditional upon Site Plan Review Committee approval of the final site plan and Planning Commission approval of subdivision of this property. As the pending subdivision process includes design review, a key focus will be addressing the maximum height of the tallest dwelling units to be constructed on this property.

TJS/wya/mf

cc: Lisa Junker, Appellant