

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 / 700-726 South Ann Street		

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

DATE: August 27, 2010

REQUEST

The Department of Planning has received the Urban Design Group's Board of Municipal and Zoning Appeals (BMZA) application to subdivide the lot into 22 lots, retaining existing structures, and construct 19 new four-story single-family attached dwelling units and retain an existing dwelling unit. We understand that this appeal is scheduled for hearing on August 31, 2010.

SITE

700-726 South Ann Street is located on the southwest corner of the intersection with Aliceanna Street. This property measures approximately 256' by 208'6" and is currently improved with a church building, a three-story school building, and a three-story historic building known as the Four-Bay House. This site is zoned B-2-2 and is located within the Fells Point Historic District.

ANALYSIS

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

Insufficient Lot Area: In this zoning district, multiple-family dwellings require 1,100 square feet of lot area per dwelling unit (§6-311.c). In this case, for nine of the dwelling units, 960 square feet of lot area is proposed, and for one of the dwelling units, 1,016 square feet of lot area is proposed. These ten lots only do not meet this requirement for 1,100 square feet.

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 for nine of the dwelling units would be 12.7%, and for the tenth dwelling unit with insufficient lot area would be 7.6%. The variances requested are 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 is 2.6 for ten of the dwelling units, which exceeds the permitted ratio of 2.5 (§6-313.c) by 4%; and 3.13 for six of the dwelling units, which exceeds the permitted ratio by 25.2%. As these requests are within the variable range the Board may apply, the appeal may be approved. These requests are required because location of the site, partly in the flood plain, requires construction of the living quarters portions of each townhouse to be above the flood plain elevation, so the ground floor level thus is to be used for parking space.

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).

Required Yard: In this zoning district, a minimum rear yard setback of 30' is required (§6-312.e). The reduction authorized by §3-208 referenced above sets a minimum required rear yard setback of 22.5'. In this case, 11 of the proposed townhouses will project to within 5' 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).

Historic District: The subject property is located within the Fells Point District, a locally designated Baltimore City historic district. All exterior changes, including additions, demolitions, alterations, and new construction, are subject to review and approval by the Commission for Historical and Architectural Preservation (CHAP). This project is scheduled for hearing by CHAP on September 13, 2010.

Off-Street Parking: In this zoning district, single-family attached dwellings require one off-street parking space per dwelling unit (§10-405.1.iv). For 19 dwelling units, 19 parking spaces are required; at least 19 are to be provided according to the site plans filed with this Department.

RECOMMENDATION

The Department of Planning recommends that approval of this appeal, if granted, be conditional upon the applicant receiving CHAP approval for all additions, demolition, alterations, and new construction on the property, and receiving Planning Commission approval for the subdivision of the property into residential lots and for the development plan for the property.

TJS/wya/mf

cc: Urban Design Group, Appellant