


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 / 1102 West 40 <sup>th</sup> Street		

TO

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

DATE: September 3, 2013

### REQUEST

The Department of Planning has received Scott Landis' Board of Municipal and Zoning Appeals (BMZA) application, on behalf of 2812 Strathmore Ave, LLC, to subdivide the lot into three parcels, retaining the existing semi-detached dwelling on one parcel and constructing two two-story single-family attached dwellings on the other two parcels. The Zoning Administrator has determined that variances of Zoning Code setback and off-street parking requirements are needed for approval of this application. We understand that this appeal is scheduled for hearing on September 3, 2013.

### SITE

1102 West 40<sup>th</sup> Street is located on the northwest corner of the intersection with Hickory Avenue. This property measures approximately 47'6" by 99' and is currently improved with a two-story semi-detached residential building measuring approximately 13'5" by 50'. This site is zoned R-7.

### ANALYSIS

Use: In this zoning district, single-family attached dwellings are a permitted use, and so are allowed (§4-1001). The applicant is proposing to construct two such dwellings on the two new lots to be created by subdivision of the existing lot.

Required Yard: In this zoning district, a minimum street corner side yard setback of 15' is required (§4-1007.a.). In this case, the proposed new dwelling at the street corner will project to within 3' of the street corner side lot line (this may need to be reduced following site plan review or subdivision plan review).

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 Department of Planning has no objection to granting of the requested variance.

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). While the applicant is proposing to create a parking pad in the rear of the corner lot to be created along Hickory Avenue, the applicant is not proposing to provide off-street parking on the next lot to be created. The application is accompanied by a preliminary site plan which does not indicate creation or reservation of any parking area for the dwelling to be created between the existing house and the proposed corner lot.

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 proposed if the applicant is unable to create a parking easement at the rear of the proposed street-corner lot is 50%, which is within the variable amount the Board may authorize.

Land Use and Urban Design: The proposed site plan has been reviewed as a preliminary plan. The applicant is proposing to create a new lot which is less than 16' wide (the lot which would be used for the existing semi-detached dwelling), and would need to close the existing structure's side wall windows in order to construct a new attached dwelling adjoining the existing structure. A formal application for subdivision approval is expected following the Board's decision on the variances requested.

TransForm Baltimore: This property would remain part of the R-7 District (Proposed Zoning Map Area 2-D) in which semi-detached dwellings and rowhouse dwellings would be permitted uses (Table 9-301). The R-7 Districts would have maximum lot coverage and maximum impervious surface requirements matching current requirements, and require a 15' street-corner side yard setback (Table 9-401).

## **RECOMMENDATION**

The Department of Planning recommends that approval of this application, if granted, be conditional upon Planning Commission approval of subdivision of the property.

TJS/wya/mf

cc: Scott Landis, Appellant