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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 / 2101 Belair Road		

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

DATE: September 9, 2010

REQUEST

The Department of Planning has received Lylydia Stokes' Board of Municipal and Zoning Appeals (BMZA) application to erect a 6' high fence in the front and street corner side yards of the property. We understand that this appeal is scheduled for hearing on September 14, 2010.

SITE

2101 Belair Road is located on the northeast corner of the intersection with Elmora Avenue. This triangular property measures approximately 70' along Belair Road by 104'9" along Elmora Avenue and is currently improved with a two-story end-of-row building measuring approximately 20' by 35'. This site is zoned R-8.

ANALYSIS

Projections and Obstructions into Required Yards: (a) *In general.* Except for the specified projections and obstructions listed in this section, every part of a required yard or of any other required open space must be open and unobstructed from the ground to the sky (§3-209). In this case, the proposed 6' high fence is not listed among the permitted projections and obstructions into required yards.

Height Variance: The Board may grant a variance to authorize a height that is more or less than that otherwise allowed by the applicable regulation (§15-204.a). In this case, the proposed height is 6' which exceeds the permitted height of 3'6" (3.5 feet) by over 70%.

Comprehensive Planning: If the applicant's proposed fence was to be placed at or near the lot line it would border the sidewalks along Belair Road and Elmora Avenue. The fence would then be approximately 18' distant from the front of the house and 8' distant from the end wall of the house. The application does not disclose a compelling reason for a 6' high fence at this location.

RECOMMENDATION

The Department of Planning recommends disapproval of the appeal, because the applicant has not demonstrated a compelling reason for a 6' high fence either in front of the property along Belair Road or alongside the property along Elmora Avenue.

TJS/wya/mf

cc: Lylydia Stokes, Appellant