


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 / 5005 Eugene Avenue		

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

DATE: September 30, 2015

REQUEST

The Department of Planning has received Tolicia Butler's Board of Municipal and Zoning Appeals (BMZA) application to erect a 24' tall 28' by 30' garage in the rear yard of the property. The Zoning Administrator has determined that variances of building height and floor area ratio limits are needed for approval. We understand that this appeal is scheduled for hearing on October 6, 2015.

SITE

5005 Eugene Avenue is located on the south side of the street, approximately 231'4" east of the intersection with Ridgcroft Road. This property measures approximately 45'8" by 157' and is currently improved with a two-story detached residential building measuring approximately 26' by 40'. This site is zoned R-3.

ANALYSIS

Use: In this zoning district, detached garages are a permitted accessory use (§4-602). In this case, the property was last authorized for use as a single-family detached dwelling, which is a permitted use in this R-3 General Residence District.

Building height and floor area ratio: (1) The maximum height of a structure accessory to a dwelling is 20 feet; and (2) the floor area of all accessory uses, together with the floor area of the principal use, may not exceed the total floor area permitted for the principal use under subsection (a) and (c) of this section (§4-608). The approximate floor area of the existing principal structure (the dwelling) is 1,100 square feet; the approximate floor area of the proposed two-level garage would be 840 square feet. The maximum floor area ratio is 0.4 in a R-3 zoning district (§4-608). The lot area is approximately 7,166 square feet, thus the maximum floor area of the dwelling and proposed two-level garage could not exceed 2,866 square feet. The upper level of the garage would bring the floor area ratio for this property to 0.27, within the limit allowed by the Zoning Code. The garage's building height of 24' would exceed the maximum 20' height by 4' or 20%.

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). As the application states that the "additional overhead storage" level would contain "no plumbing or water lines ... to create an apartment, this is strictly for storage" approval of this variance should be conditioned upon compliance with these restrictions on construction and use of the accessory structure.

TransForm Baltimore: This property would remain part of the R-3 District (Proposed Zoning Map Area 4-C) in which lot coverage would be limited to 35% (Table 8-401).

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RECOMMENDATION

The Department of Planning recommends that approval of this appeal, if granted, be subject to the conditions that the upper level of the garage be constructed and used only for overhead storage, and contain no plumbing or other utilities or services needed for residential use of the garage.

TJS/wya/mf

cc: Tolicia Butler, Appellant