


<b>FROM</b>	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 / 3605 Seven Mile Lane		

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

DATE: November 3, 2010

### REQUEST

The Department of Planning has received Nathaniel Greene's Board of Municipal and Zoning Appeals (BMZA) application to construct a two-story single-family attached dwelling with built-in garage at the rear. We understand that this appeal is scheduled for hearing on November 9, 2010.

### SITE

3605 Seven Mile Lane is located on the south side of Seven Mile Lane, approximately 135'8" west of the intersection with Park Heights Avenue. This property measures approximately 18' by 96' and is currently unimproved. This site is zoned R-5 and is located within the Northwest Community Planning Forum Plan area.

### ANALYSIS

Use: In this zoning district, single family attached dwellings – not exceeding six in a row or group, are listed as a permitted use, and so are allowed (§4-801). The subject property will be developed as one of a group of six townhouses.

Required Access, To Street Or Alley: Each parking space must be designed with safe and efficient means of vehicular access to: (1) a street; or (2) an alley at least 15 feet wide (§10-306.a). According to the development plan approved by the Site Plan Review Committee on November 7, 2007, a common driveway 20' wide will be provided at the rear of this and the other attached single-family dwellings proposed for 3603 – 3609 Seven Mile Lane. Each dwelling will be provided with one parking space, the amount required by §10-405.1.iv. of the Zoning Code.

Insufficient Lot Area: In this zoning district, single-family attached dwellings require 2,500 square feet of lot area per dwelling unit (§4-806.a). The lot only encloses 1,728 square feet, and so does not meet this requirement.

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 would be 30.9%. The variance requested exceeds the discretionary range of the Board but because this is an existing lot of record may be allowed (see, for example, §3-306).

Lot Coverage: The proposed structure would cover approximately 43% of the property. A structure may not cover more than 40% of the lot area (§4-806.a). In this case, the proposed townhouse would exceed this standard.

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).

Land Use and Urban Design: This subdivision, of which this property is a part, was approved in 2004 by the Planning Commission on the basis of construction of ten townhouses on a consolidated lot which could provide at least 2,500 square feet of lot area per dwelling, as required by the Zoning Code. The later creation of the Home Owners Association lot in the rear of the four already-built and these six proposed townhouses reduced this property's lot area available to meet the requirements of §4-806.a. below the level attainable with a 25% lot area variance. This re-subdivision was nonetheless subsequently approved by both the Board and the Planning Commission. The applicant should resubmit the proposed development site plan to the Site Plan Review Committee for approval according to current design criteria and accessibility requirements, and confirm the ingress/egress easement on Block 4218, Lot 16C.

### **RECOMMENDATION**

The Department of Planning recommends, because of the prior approval of the existing lot as a building lot by the Board, approval of the appeal subject to the applicant receiving a new Site Plan Review Committee approval for the development plans for this site.

TJS/wya/mf

cc: Nathaniel Greene, Appellant