


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 / 1026 Olive Street		

TO

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

DATE: December 12, 2014

REQUEST

The Department of Planning has received Nate Pretl's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of Donovan Development Group LLC, to construct a three-story detached single-family dwelling with front-loading garage. The Zoning Administrator has determined that variances of Zoning Code lot area, lot coverage, and rear yard setback requirements are needed for approval of this application. We understand that this appeal is scheduled for hearing on December 16, 2014.

SITE

1026 Olive Street is located on the west side of the street, approximately 154' north of the intersection with Cross Street. This property measures approximately 14' by 45' and is currently unimproved. This site is zoned R-8 and is located within the Sharp-Leadenhall Urban Renewal Plan area and the Federal Hill National Register Historic District.

ANALYSIS

Use: In this zoning district, single-family detached dwellings are a permitted use, and so are allowed (§4-1101). This property is currently undeveloped and used for off-street parking.

Insufficient Lot Area: In this zoning district, single-family detached dwellings require 5,000 square feet of lot area per dwelling unit, while single-family attached dwellings require 750 square feet (§4-1101). The lot only encloses 630 square feet, and so does not meet either requirement. The proposed structure would technically be a detached dwelling, as there are only rear yards of Hanover Street houses next to this lot. However, both the style of the proposed structure and most existing dwellings in this area are attached structures.

Preexisting lot of record: On a lot that was established before April 20, 1971, a single-family dwelling may be established regardless of minimum lot area requirements imposed by this article, as long as all other requirements of this article are met (§3-306.d.(2)). This lot is recorded on a Baltimore City plat map dated December 1977 for Block 933 with the notation "Lots 33 [known as 1031 South Hanover Street] & 61 [this property] per Deed/ Ch[ange] Sh[ee]t 78-228" referring to a recording of this lot as of 1978. The plat map also shows this lot as formerly part of the aforementioned Lot 33. The applicant would need to substantiate with legal records the existence of this lot prior to 1978, and more importantly, prior to April 1971, for this application to be approved, as the amount of lot area variance otherwise required would be 87.4%.

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 over 87%. The variance requested exceeds the discretionary range of the Board and so should not be allowed unless the applicant can establish that this is a pre-existing lot of record, as defined in the Zoning Code.

Urban Renewal Plan: This property is located in the Sharp-Leadenhall Urban Renewal Area, where the Urban Renewal Plan does not prohibit the proposed use in this district, but does permit “flat or garden apartment, rowhouse, and multistory (walk-up or elevator)” residential structures (Plan, B.1.a., *Permitted Land Uses – Residential*), and imposes design standards for new residential construction. The exterior of the proposed structure would be brick facing Olive Street and cement siding (equivalent to the Plan’s requirements for brick in front and “fiber cement board” on other walls).

Lot Coverage: A single-family detached dwelling structure may not cover more than 40% of the lot area (§4-1106.a.). In this case, the proposed detached garage townhome would result in the structure covering approximately 92% of the property, which 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).

Required Yard: In this zoning district, a minimum rear yard setback of 25’ is required (§4-1107.a.). In this case, the proposed detached dwelling structure will project to within 3.5’ 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).

TransForm Baltimore: This property would remain part of the R-8 District (Proposed Zoning Map Area 11-A) in which detached dwellings would be permitted uses (Table 9-301).

RECOMMENDATION

The Department of Planning recommends that approval of this appeal, if granted, be subject to the condition that the final design and construction of the dwelling structure comply with the requirements and standards of the Sharp-Leadenhall Urban Renewal Plan.

TJS/wya/mf

cc: Nate Pretl, Appellant