2011-506

FROM		
NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE **MEMO**
AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8TH FLOOR	
SUBJECT	BMZA / 46 South Poppleton Street	

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

DATE: December 13, 2011

REQUEST

The Department of Planning has received Mihretu Ted Tadesse's Board of Municipal and Zoning Appeals (BMZA) application to construct a three-story single-family attached dwelling with detached garage and rooftop deck at this address. We understand that this appeal is scheduled for hearing on December 20, 2011.

SITE

46 South Poppleton Street is located on the west side of the street, approximately 44'6" south of the intersection with Boyd Street. This property measures approximately 13'6" by 73'2" and is currently unimproved. This site is zoned R-9 and is located within the Poppleton Urban Renewal Plan area.

ANALYSIS

Use: In this zoning district, single-family attached dwellings are a permitted use, and so are allowed (§4-1201).

Urban Renewal Plan: This property is located in the Poppleton Urban Renewal Area, where the Urban Renewal Plan does not prohibit or further restrict the proposed use in this district.

Minimum Dwelling Width: (1) Except as otherwise specified in this section, a person may not erect any new residential structure that is less than 16 feet wide. (2) This subsection does not prevent or restrict an otherwise lawful expansion of a lawful preexisting residential structure that already is less than 16 feet wide (§3-303.a). Exception – 14 feet in Renewal Project Areas: With the approval of the Planning Commission, a dwelling that is at least 14 feet wide may be erected in an area that has been designated as a Renewal Project Area under City Code Article 13, Subtitle 2 (§3-303.c). This property is located in the Poppleton Urban Renewal Area, originally approved by the Mayor and City Council on March 31, 1975 and recently amended in 2007.

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). In this zoning district, single-family attached dwellings require one off-street parking space per dwelling unit (§10-405.1.iv). For one dwelling unit, one parking space is required; one is proposed to be provided in a detached garage in the rear of the property. However, there is no alley of sufficient width behind this property to provide access to the proposed garage; hence, the applicant must either obtain an access agreement from the Mayor and City Council (owner of the property to the west of this address) or must request and receive a variance of the off-street parking requirement in the Zoning Code.

Land Use and Urban Design: This lot is only 13'6" wide but the application is for a 14' wide residential structure, which is unapprovable on this lot because a new building cannot be built to encroach on an adjoining property. As this application is made on behalf of the owner of both 44 South Poppleton Street and 46 South Poppleton Street, and as 44 South Poppleton Street is a 14'6" wide lot on which a similar 14' wide residential structure is being proposed, the applicant must consolidate the two lots (Block 219, Lot 50 and this lot, Block 219, Lot 51) and then subdivide the consolidated lot into two 14' wide lots. The two 14' wide lots would then be eligible for consideration by the Planning Commission for approval of construction of two 14' wide dwellings.

RECOMMENDATION

The Department of Planning recommends that approval of this appeal, if granted, be subject to these conditions:

- That the applicant obtain an access agreement in a form satisfactory to the Board for access to the proposed detached rear garage from Boyd Street, or that the applicant request and receive a variance of the off-street parking requirement contained in the Zoning Code and revise his application to delete the proposed garage; and,
- That the applicant consolidate this property with the adjoining property known as Block 219, Lot 50 or 44 South Poppleton Street and then obtain Planning Commission approval of a minor subdivision to create two 14' wide building lots for residential use, and approval from the Planning Commission for construction of the proposed 14' wide dwelling to be known as 46 South Poppleton Street.

TJS/wya/mf

cc: Mihretu Ted Tadesse, Appellant