


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 / 2022-2024 Eastern Avenue		

TO

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

DATE: March 20, 2015

REQUEST

The Department of Planning has received Nate Pretl's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of D & J Development LLC and Mary Zadroga and Eileen Sisk, to subdivide the lot into two parcels, and use each new lot as an attached single-family dwelling with construction of a two-story rear addition and rooftop deck on each. The Zoning Administrator has determined that variances of lot area, floor area ratio, and rear yard setback requirements are needed for this. We understand that this appeal is scheduled for hearing on March 24, 2015.

SITE

2022-2024 Eastern Avenue is located on the north side of the street, approximately 60' west of the intersection with Castle Street. This property measures approximately 24'4" by 51' and is currently improved with a three-story attached residential mixed-use building measuring approximately 24'4" by 47'. This site is zoned B-1-2 and is located within the Fells Point Historic District.

ANALYSIS

Use: In this zoning district, dwellings are a permitted use, and so are allowed (§6-206). In this case, the property was last authorized for use as a single-family dwelling and a household appliance store, which are permitted uses in this B-1 Neighborhood Business District.

Insufficient Lot Area: In this zoning district, single-family dwellings require 1,100 square feet of lot area (§6-211.c.). The proposed lots only enclose 612 and 629 square feet respectively, and so neither would 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 44% and 43% respectively. The variances requested exceed the discretionary range of the Board and so ordinarily should not be allowed. However, the purpose of the proposed subdivision is to reverse a lot consolidation made in 1938, and the proposed new lot line would be the original party wall and common lot line of the original lots known as 2022 and 2024 Eastern Avenue respectively.

Floor Area Ratio Variance: The Board may grant a variance to increase a basic floor area ratio factor by no more than 75% of the applicable regulation (§15-204.b). In this case, the proposed floor area ratio is approximately 2.6 which exceeds the permitted ratio of 2.5 by 4%. As the request is within the variable range the Board may apply, the appeal may be approved.

Required Yard: In this zoning district, a minimum rear yard setback of 30' is required (§6-212.e.). In this case, the proposed rear addition will project to within 0' of the rear lot line.

Rear Yard Reduction: (a) In general. For a lot that is less than 100 feet deep, the depth of a rear yard required for a dwelling may be reduced 1% for each 1 foot that the lot is less than 100 feet deep, subject to the limitations and requirements of this section. (b) Maximum reduction. A reduction under this section may not exceed the following: (1) in the case of an existing detached or semidetached dwelling that is located in a business district, $\frac{2}{3}$ of the required depth; and (2) in all other cases, $\frac{1}{4}$ of the required depth. (c) Compliance with other regulations. A reduction may only be taken under this section if all other bulk regulations are complied with. (§3-208). Thus a minimum rear yard setback of 22.5' is required in this case.

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).

Historic District: The subject property is located within the Fells Point District, a locally and nationally designated Baltimore City historic district. All exterior changes, including additions, demolitions, and alterations, are subject to review and approval by the Commission for Historical and Architectural Preservation (CHAP). It is recommended that the applicant contact CHAP to determine the review process applicable to their project.

TransForm Baltimore: This property would become part of the C-1 District (Proposed Zoning Map Area 7-D) in which rowhouse dwellings would be permitted uses (Table 10-301).

RECOMMENDATION

The Department of Planning recommends that approval of this appeal, if granted, be subject to the conditions that the subdivision of the property receive approval from the Planning Commission, and that all exterior alterations, additions, and demolition receive approval from, and be completed in accordance with Notices To Proceed issued by, the Commission for Historical and Architectural Preservation

TJS/wya/mf

cc: Nate Pretl, Appellant