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| 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 / 3414-3420 Gunther Way | | |

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 Lisa Junker's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of Colbert Matz Rosenfelt Inc., itself acting on behalf of the four owners of condominium units now known as 3414, 3416, 3418, and 3420 Gunther Way, to subdivide the property now known as 3414-3420 Gunther Way into four single-family attached dwelling units. The Zoning Administrator has determined that variances of lot area and lot coverage standards are required for approval. We understand that this appeal is scheduled for hearing on March 24, 2015.

SITE

3414-3420 Gunther Way is located on the north side of the street, approximately 70' east of the intersection with Highland Avenue. This property measures approximately 68' by 65' and contains approximately 0.099 acre, and is currently improved with a three-story detached multiple-family residential building measuring approximately 68' by 42'. This site is zoned R-8 and is located within the Canton National Register Historic District (to which this property is non-contributing, the structure having been built in 2011).

ANALYSIS

Use: In this zoning district, single-family attached dwellings are a permitted use, and so are allowed (§4-1101). In this case, the property was last authorized for use as a multiple-family detached dwelling, which is also a permitted use in this R-8 General Residence District.

Determination of nonconformity or noncompliance: (a) Whether a nonconforming use, noncomplying density or other form of nonconformity exists is a question of fact that, except as specified in subsection (b) of this section, must be decided by the Board after public notice and hearing in accordance with the rules of the Board (§13-107). The noncomplying density forming the basis of this appeal was approved by the Board on March 8, 2011 in its decision concerning appeal no. 2010-365. There has been no new action that would add to the approved level of noncompliance with Zoning Code standards for lot area and lot coverage. The applicant is not proposing any additions to the existing structure that would be subdivided into single-family dwellings, and each lot created by subdivision would be 17' wide, thus there is no increase in noncompliance proposed.

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

RECOMMENDATION

The Department of Planning recommends that approval of this appeal be subject to the condition that the proposed subdivision receives approval from the Planning Commission.

TJS/wya/mf

cc: Lisa Junker, Appellant

East