


FROM	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 / 1801 Light Street		

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

DATE: May 29, 2015

### REQUEST

The Department of Planning has received Lisa Junker's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of 101 West Ostend Street LLC, to subdivide the lot into two parcels, retaining a grocery store and one dwelling unit on the western portion, and retaining an existing dwelling unit on the eastern portion to be known as 1800 Westphal Place. The Zoning Administrator has determined that variances of lot area, lot coverage, and rear yard setback requirements are needed for approval. We understand that this appeal is scheduled for hearing on June 2, 2015.

An identical request was made to the Board in appeal no. 1058-06, heard on December 19, 2006. The Board granted approval of that request on January 24, 2007, and extended the period for implementation of its decision on December 10, 2008. Due to unfortunate circumstances the applicant never completed the then-proposed subdivision of the property. This appeal is essentially a revival of that earlier request.

### SITE

1801 Light Street is located on the southeast corner of the intersection with Barney Street, and extends along the south side of Barney Street to its intersection with Westphal Place. This property measures approximately 14' by 120' and is currently improved with a pair of two-story buildings, one measuring approximately 14' by 48' and the other measuring approximately 14' by 36'. This site is zoned R-8 and is located within the Riverside National Register Historic District.

### ANALYSIS

Use: In this zoning district, grocery stores are not listed as a permitted or conditional use, and so are not allowed (§4-1101 to §4-1104). In this case, the property was last authorized for use as a grocery store, which is a nonconforming use in this R-8 General Residence District, and a multiple-family dwelling. The effect of the proposed subdivision would be to divide legally the "multiple-family dwelling" into its two physical parts.

Insufficient Lot Area: In this zoning district, single-family attached dwellings require 750 square feet of lot area (§4-1106.a.). The lot proposed to be created as 1800 Westphal Place would only enclose 665 square feet, and so would 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 11%. The variance requested is within the discretionary range of the Board and so may be allowed.

**Lot Coverage:** The existing structures cover approximately 70% of the property. A structure may not cover more than 60% of the lot area (§4-1106.a.). In this case, the proposed lot split would result in the structures covering approximately 69% of the property (1801 Light Street) and 76% of the property (1800 Westphal Place), 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 subdivision line will leave 1801 Light Street projecting to within 23' of its new rear lot line, and the property to be known as 1800 Westphal Place projecting to within 11' of its 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).

**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). If the structure was lawfully erected before April 20, 1971, additional off-street parking facilities are mandatory only in the amount by which the requirements for the new use exceed those for the existing use (§10-203.b). There is no increase in intensity of use or of dwelling units proposed by the applicant, and the existing off-street parking spaces will remain. The applicant should confirm that the curb cut for those spaces is approved prior to seeking Planning Commission approval of the proposed subdivision.

**Land Use and Urban Design:** The proposed subdivision requires approval by the Planning Commission. The applicant should contact the Department of Planning for more information.

**TransForm Baltimore:** This property would remain part of the R-8 District (Proposed Zoning Map Area 11-A) in which Neighborhood Commercial Establishments would be conditional uses (Table 9-301). "Neighborhood commercial establishment" means "a commercial use that is within a residential neighborhood, but in a structure that is non-residential in its construction and original use" (§1-310 (I)).

## **RECOMMENDATION**

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

TJS/wya/mf

cc: Lisa Junker, Appellant