


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 / 2526 Harford Road		

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

DATE: June 3, 2010

REQUEST

The Department of Planning has received Lisa Junker's Board of Municipal and Zoning Appeals (BMZA) application to use the premises as 3 dwelling units, with parking in the rear of the property. We understand that this appeal is scheduled for hearing on June 8, 2010.

SITE

2526 Harford Road is located on the southwest corner of the intersection with Montpelier Street. This property measures approximately 20'6" by 100' and is currently improved with a two-story end-of-row building measuring approximately 20' by 33'. This site is zoned R-7 and is located within the Coldstream-Homestead-Montebello Urban Renewal Plan area.

ANALYSIS

Insufficient Lot Area: In this zoning district, multiple-family dwellings require 1,100 square feet of lot area per dwelling unit (§4-1006.a). In this case, for 3 dwelling units, 2,750 square feet of lot area is required. The lot only encloses 2,050 square feet, and so does 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 25.5%. The variance requested exceeds the discretionary range of the Board and so should not be allowed.

Renewal Plans: Ordinance #01-0165 was approved May 14, 2001 for the purpose of, among other things, clarifying the relationship between conditions or requirements imposed by an Urban Renewal Plan or Conservation Plan, such that the condition or requirement that is more restrictive will govern. Additionally, the ordinance prohibits the approval of a conditional use or a variance if that conditional use or variance is precluded by an applicable renewal plan or master plan.

Required Findings: The Board may not approve a conditional use unless, after public notice and hearing and on consideration of the standards prescribed in this title, it finds that: ... (2) the use is not in any way precluded by any other law, including an applicable urban renewal plan; (§14-204). For this reason, the Board must consider the requirements of the Coldstream-Homestead-Montebello Urban Renewal Plan, which does allow this use in this district.

RECOMMENDATION

The Department of Planning recommends disapproval of the appeal, because the amount of lot area variance required for approval of the proposed use exceeds the Board's discretionary authority provided in the Zoning Code.

TJS/wya/mf

cc: Lisa Junker, Appellant

Northeast