

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 / 1018 South Curley Street		

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

DATE: June 4, 2010

REQUEST

The Department of Planning has received Lisa Junker's Board of Municipal and Zoning Appeals (BMZA) application to remove the existing one-story garage and build a new 3 story single-family dwelling with rooftop deck. We understand that this appeal is scheduled for hearing on June 8, 2010.

SITE

1018 South Curley Street is located on the west side of the street, approximately 85' south of the intersection with Dillon Street. This property measures approximately 9' by 75' and is currently improved with a one-story nonresidential building covering approximately the entire lot. The northern boundary of the property lies along a 10' wide public alley, and a 3'6" alley lies to its rear. This site is zoned R-8 and is located within the Canton National Register Historic District.

ANALYSIS

Preexisting lot of record: On a lot established before April 20, 1971, a single-family dwelling may be established regardless of the minimum lot area requirements imposed by this article, as long as all other requirements of this article are met (§3-306.d.2). This lot appears on the Baltimore City plat map dated January 1929.

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). The proposed dwelling unit to be constructed in place of the existing garage will be less than 16' wide.

Lot Coverage: The existing structure covers approximately 100% of the property. A single-family semi-detached structure may not cover more than 40% of the lot area (§4-1106.a). In this case, the proposed new end-of-row building would result in the structure covering approximately 77% of the property, 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 new residential building will project to within 0' of the 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).

Land Use and Urban Design: It is noted that the architectural drawings submitted in support of this application use a lot width of 9'8". This represents an encroachment into the public alley which adjoins this property to its north. The footprint of the house to be constructed must correspond to the width of the lot as shown on the official plat map. The drawings also show an upper floor extension of the building to be constructed, beginning at 16' above the alley, with dimensions 3'4" by 30'1" extending to a height of 37'8" above street level. This 3'4" by 30'1" projection above the alley can not be finally approved without a franchise agreement between the property owner and the City of Baltimore.

Height Variance: The Board may grant a variance to authorize a height that is more or less than that otherwise allowed by the applicable regulation (§15-204.a). In this case, the proposed height is 37'8" which exceeds the permitted height of 35' by approximately 7.5%.

RECOMMENDATION

The Department of Planning has no objection to the appeal, provided that the following conditions are met by the applicant:

1. The lot width used for the building plans must be resolved to consistency with the official plat map for the lot on which the building would be constructed. The block plat indicates 9' lot width and a 10' alley along the north side of the property; the architectural drawings use a 9'8" lot width and a 9'4" alley along the north side of the property.
2. The City of Baltimore Department of Public Works must first approve a franchise agreement with the property owner to allow the second and third story portion of the proposed building to cantilever or project over a portion of the same 10' wide alley.
3. Following resolution of these two items by the owner, the applicant must file a site plan for the property indicating adequacy and safety of access to the ground floor parking facility to be contained in the new building.

TJS/wya/mf

cc: Lisa Junker, Appellant