


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 / 127 West Fort Avenue and 1500 Clarkson Street		

TO

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

DATE: June 6, 2013

REQUEST

The Department of Planning has received Nate Pretl's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of West Fort Avenue LLC, to consolidate lots and resubdivide the lot to construct 13 fee-simple single-family attached dwellings. The Zoning Administrator has determined that a variance of lot area, lot coverage, and rear yard setback requirements of the Zoning Code would be required for approval of this application. We understand that this appeal is scheduled for hearing on June 11, 2013.

SITE

127 West Fort Avenue is located on the southeast corner of the intersection with Race Street. This property measures approximately 91' by 120' and contains approximately 0.242 acre, and is currently unimproved. 1500 Clarkson Street is located on the southwest corner of the intersection with Fort Avenue, and adjoins 127 West Fort Avenue to its west. This property measures approximately 69' by 60' and is currently improved with a one-story vacant non-residential building covering the entire lot. This site is zoned R-8 and is located at the western edge of the Riverside National Register Historic District.

ANALYSIS

Use: In this zoning district, single-family attached dwellings are a permitted use, and so are allowed (§4-1101). In this case, replacement of the non-residential structure on 1500 Clarkson Street with new dwelling units would make use of the property entirely residential.

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). In this zoning district, multiple-family attached dwellings require one off-street parking space per dwelling unit (§10-405.1.iv). For 13 dwelling units proposed, 13 parking spaces are required; 16 are to be provided in garages built into the dwelling units. However, the number of units and spaces needs revision (see comments under "Land Use and Urban Design" below).

Lot Area: In this zoning district, single-family attached dwellings require 750 square feet of lot area per dwelling unit (§4-1106.a). In this case, for 13 dwelling units, 9,375 square feet of lot area is required. The consolidated lot will enclose 14,680 square feet, and so does meet this requirement. However, some of the individual lots proposed to be created by the resubdivision would contain 672 square feet, and would not meet the single-unit lot requirement of 750 square feet. As individual lots need revision (see comments under "Land Use and Urban Design" below), the applicant may ultimately present a revised site plan for the Board's consideration.

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 for four of the lots would be 10.4%. The variance requested is within the discretionary range of the Board and so could be allowed if the entire project met subdivision requirements. As it does not, a lot area variance at this time would be premature (see comments under “Land Use and Urban Design” below).

Lot Coverage: The existing structure at 1500 Clarkson Street covers approximately 100% of that property, while 127 West Fort Avenue is a vacant lot. A single-family attached structure may not cover more than 60% of the lot area (§4-1106.a). In this case, the proposed townhouses would result in the structures covering approximately 100% of each individual lot to be created by resubdivision, 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). A lot area variance at this time would also be premature (see comments under “Land Use and Urban Design” below).

Required Yard: In this zoning district, a minimum rear yard setback of 25’ is required (§4-1107.a). In this case, the proposed single-family attached dwellings will project to within 0’ of the rear lot line for each.

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: This property was the subject of a proposed 10-dwelling unit subdivision in 2011, but that site plan was never finalized. The “Concept Site Plan” attached to this application includes certain lots which would be unacceptable according to Baltimore City subdivision regulations. The applicant has not begun the pre-development process for this version of the proposed subdivision of the lots to be consolidated. Planning Commission approval is required for the proposed resubdivision of this property, which would be considered a major subdivision. The Concept Site Plan presented would not be approved.

TransForm Baltimore: This property would remain part of a R-8 District (Proposed Zoning Map Area 11-A) in which single-family attached dwellings (to be known as “rowhouse dwellings”) would remain permitted uses (Table 9-301). Lot area requirements would continue to be 750 sq. ft./ rowhouse, with 80% maximum lot coverage and 20’ rear yard setback required (Table 9-401). The proposed use of the property if resubdivided according to the concept plan attached to this application would thus require variance of these lot area, lot coverage, and rear yard setback standards.

RECOMMENDATION

The Department of Planning recommends deferral of a complete hearing of this appeal, to allow the applicant time to have a pre-development meeting, prepare a site plan and obtain Site Plan Review Committee approval of the site plan. The variances applied for at this time should be revised following SPRC review of the proposed site plan.

TJS/wya/mf

cc: Nate Pretl, Appellant