


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 / 621 South Patterson Park Avenue		

TO

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

DATE:

June 12, 2014

**REQUEST**

The Department of Planning has received Jason Neal's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of Mohammad Jishi, to extend an existing garage from 271 square feet to 467 square feet of floor area including adding a second story. The Zoning Administrator has determined that a variance of Zoning Code lot area requirements is needed for approval of this application. We understand that this appeal is scheduled for hearing on June 17, 2014.

**SITE**

621 South Patterson Park Avenue is located on the east side of the street, approximately 133' north of the intersection with Essex Street. This property measures approximately 15' by 155' and is currently improved with a three-story attached residential building measuring approximately 15' by 83' and a separate accessory garage, accessible from Bradford Street, measuring approximately 15' by 20'. This lot and its adjoining property known as 623 South Patterson Park Avenue are the only lots that extend from Patterson Park Avenue to Bradford Street. This site is zoned R-8 and is located within the Canton National Register Historic District.

**ANALYSIS**

**Use:** Any use that is not expressly allowed in a district is prohibited (§3-106). The application included architectural drawings which labelled the proposed second story to be added above the replacement enlarged garage as "proposed work space". The Zoning Code permits, as accessory uses in Residential Districts, garages and home occupations. The application does not specify whose "work space" the 329 square feet of new second floor is intended to be. As presently labelled, the proposed space would be available for rental to and use by persons not living in the principal residential structure, which would introduce office and other business and professional uses into a residential area where they are not currently permitted. Any approval of this application should be conditioned upon the second story being used only by the resident(s) of the principal residential structure on the property.

**Number of Principal Structures on a Residential Lot:** No more than one principal detached structure may be located on: (i) any residential lot ... (§3-301.a). Notwithstanding subsection (a) of this section, the Zoning Administrator must approve construction of more than one principal detached structure or other free-standing structure on a residential lot ... if, in a specific case: (1) the development otherwise would conform to the requirements of this article; and (2) the Planning Commission approves the design of the development (§3-301.b). In this case, more than one structure is proposed for this site, as expansion of the existing accessory garage from approximately 300 square feet to 467 square feet, and addition of a 329 square feet second story above it, would increase the total square footage of the structure fronting on Bradford Street from 300 to approximately 800 square feet. Planning Commission approval is thus required for this development.

Lot Coverage: The existing structures cover approximately 59% of the property. A structure may not cover more than 60% of the lot area (§4-1106). In this case, the proposed extension of the garage would result in the principal and other structure together covering approximately 69% 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).

TransForm Baltimore: This property would remain part of a R-8 District (Proposed Zoning Map Area 7-D) in which rowhouse dwellings and home occupations would be permitted uses (Table 9-301). “Home occupation” means an occupation “carried on in a dwelling unit by a resident of the dwelling unit” that is “secondary to the use of the dwelling unit for residential purposes” (§1-307 (M)).

#### **RECOMMENDATION**

The Department of Planning recommends that approval of this appeal, if granted, be conditional upon the applicant receiving approval from the Planning Commission for multiple principal structures on a residential lot, and subject to use of the second principal structure’s “work space” only by a resident of the dwelling known as 621 South Patterson Park Avenue, and subject to continuing use of the parking garage to provide off-street parking.

TJS/wya/mf

cc: Jason Neal, Appellant