


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 / 1518 Baldwin Street		

TO

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

DATE: September 25, 2013

### REQUEST

The Department of Planning has received Ian Sokoloski's Board of Municipal and Zoning Appeals (BMZA) application to construct a 3-story semi-detached dwelling with a front-access garage. The Zoning Administrator has determined that a variance of Zoning Code lot area, lot coverage, and yard set-back requirements is needed for approval of this application. We understand that this appeal is scheduled for hearing on October 1, 2013.

### SITE

1518 Baldwin Street is located on the north side of the street, approximately 19'6" west of the intersection with Everhart Street. This property measures approximately 19'6" by 63'8" and is currently unimproved. This site is zoned R-7 and is located within the Hampden National Register Historic District.

### ANALYSIS

Use: In this zoning district, semi-detached dwellings are a permitted use, and so are allowed (§4-1001).

Insufficient Lot Area: In this zoning district, single-family semi-detached dwellings require 3,000 square feet of lot area (§4-1006.a.). The lot only encloses 1,242 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 58%. The variance requested exceeds the discretionary range of the Board and so ordinarily should not be allowed. However, this is a pre-existing lot of record for which this variance limit may be waived (§3-306.d.(2), below).

Preexisting lot of record: On a lot that was 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)).

Lot Coverage: The property is currently vacant. A semi-detached dwelling structure may not cover more than 35% of the lot area (§4-1006.a.). In this case, the proposed semi-detached dwelling would result in the structure covering approximately 51% 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). The proposed structure's dimensions of 16' width by 40' length are modest, consistent with other housing footprints in the area, and a minimum reasonable amount of lot coverage for a new single-family home.

**Required Yard:** In this zoning district, a minimum front yard setback of 20' is required; a minimum interior side yard setback of 10' is required; and a minimum rear yard setback of 25' is required (§4-1007.a.). In this case, the proposed single-family semi-detached dwelling will project to within 5' of the front lot line; 3'6" of the interior side lot line; and 20' of the rear lot line.

**Rear Yard Reduction:** (a) In general. For a lot that is less than 100 feet deep, the depth of a rear yard required for a dwelling may be reduced 1% for each 1 foot that the lot is less than 100 feet deep, subject to the limitations and requirements of this section. (b) Maximum reduction. A reduction under this section may not exceed the following: (1) in the case of an existing detached or semidetached dwelling that is located in a business district,  $\frac{2}{3}$  of the required depth; and (2) in all other cases,  $\frac{1}{4}$  of the required depth. (c) Compliance with other regulations. A reduction may only be taken under this section if all other bulk regulations are complied with. (§3-208).

**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). Given the dimensions of the property, not granting these variances would leave the lot undevelopable for housing.

**Land Use and Urban Design:** The applicant is proposing to construct a garage-front semi-detached dwelling. While ordinarily this type of structure would be objectionable, the steep slope of this lot and the absence of paved alleys around it necessitates this design feature in order to provide the off-street parking required by the Zoning Code.

**TransForm Baltimore:** This property would become part of the R-6 District (Proposed Zoning Map Area 2-D) in which semi-detached dwellings would be permitted uses (Table 9-301). The R-6 Districts would have lot area requirements of 2,000 square feet per dwelling unit, a maximum of 35% lot coverage allowed, a maximum of 60% impervious surface allowed, and require 20' front yard setback or average of front yard depth of improved lots on the block face, whichever is less; and require 15' interior side yard setback (Table 9-401).

## **RECOMMENDATION**

Given that the applicant is proposing to develop an existing lot of record with a use permitted in the R-7 Zoning District where the lot is situated, the Department of Planning has no objection to this appeal.

TJS/wya/mf

cc: Ian Sokoloski, Appellant