


<b>FROM</b>	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 / 4329 Park Heights Avenue et al. *		

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

DATE: October 4, 2010

### REQUEST

The Department of Planning has received Lisa Junker's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of St. John's Development Corporation, to consolidate this lot known as 4329 Park Heights Avenue with 4331, 4333, and 4335 Park Heights Avenue \* and construct a fence, 6' in height, enclosing a portion of the lot. We understand that this appeal is scheduled for hearing on October 12, 2010.

\* This application is filed by the same entity, and is identical with, appeals 2010-372 for 4331 Park Heights Avenue, 2010-373 for 4333 Park Heights Avenue, and 2010-391 for 4335 Park Heights Avenue, in that each application requests consolidation of the lots and approval to construct a fence, 6' in height, enclosing a portion of each lot. The block/ lot designations of these lots are, respectively, Block 3304, Lot 1; Block 3304, Lot 2; Block 3304, Lot 3; and Block 3304, Lot 4.

Because of the identical nature of these appeals, this memorandum will comment on all of them as a group, because the Board has placed them on its docket in a group.

### SITE

4329 Park Heights Avenue is located on the northeast corner of the intersection with Boarman Avenue. This property measures approximately 15' by 126'3" and is currently unimproved. The adjoining lots which are numbered as 4331, 4333, and 4335 Park Heights Avenue are each approximately 14'4" by 126'5" and are located progressively northward from the northeast corner of the intersection of Park Heights and Boarman Avenues, and are likewise unimproved. This site is zoned R-6 and is located within the Park Heights Urban Renewal Plan area.

### ANALYSIS

Projections and Obstructions into Required Yards: (a) *In general.* Except for the specified projections and obstructions listed in this section, every part of a required yard or of any other required open space must be open and unobstructed from the ground to the sky (§3-209). In this case, the proposed 6' high fence is not listed among the permitted projections and obstructions into required yards.

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 6' which exceeds the permitted height of 3.5' by approximately 42%.

Structure: “Structure” includes any building, fence, wall, sign, or tower (§1-193.b). In this appeal the applicant proposes to construct a structure which does not have a use contained in §4-1101 through 4-1104 of the Zoning Code. The application does not provide either an explanation of the proposed use of the fence for which this application was made, or a site plan indicating where the proposed fence would be placed with relation to Park Heights and Boarman Avenues.

#### **RECOMMENDATION**

The Department of Planning recommends disapproval of the appeal, because the proposed fence would exceed the height limit for fences on front yards and street-corner side yards, and because there is no principal use of the property to which the proposed fence would become accessory. The companion appeals 2010-372, 2010-373, and 2010-391 should be likewise disapproved, because the proposed fence would exceed the height limit for fences on front yards, and because there is no principal use of the property to which the proposed fence would become accessory.

TJS/wya/mf

cc: Lisa Junker, Appellant