


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 / 2708 Steele Road		

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

DATE: October 15, 2015

### REQUEST

The Department of Planning has received Lisa Junker's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of Joseph and Helaine Bondar, to subdivide the existing lot, retain the existing dwelling on one lot and construct a single-family detached dwelling on the other lot. The Zoning Administrator has determined that variances of minimum lot area and rear yard setback requirements are needed for approval. We understand that this appeal is scheduled for hearing on October 20, 2015.

### SITE

2708 Steele Road is located on the northwest corner of the intersection with Berkeley Avenue. This property measures approximately 100' by 200' and is currently improved with a one-story single-family detached residential building measuring approximately 50' by 52'. This site is zoned R-1 and is located within the Northwest Community Planning Forum Strategic Neighborhood Action Plan area.

### ANALYSIS

Use: In this zoning district, single-family detached dwellings are a permitted use, and so are allowed (§4-201).

Insufficient Lot Area: In this zoning district, single-family dwellings require 7,300 square feet of lot area (§4-206.a.). The proposed new second lot would only enclose 6,300 square feet, and so would 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 14%. The variance requested is within the discretionary range of the Board and so may be allowed. However, as this variance would allow the applicant to create an under-sized lot when such an outcome could be avoided by having the lot split line moved closer to the existing dwelling, the Department of Planning does not discern a valid reason for this variance proposal.

Required Yard: In this zoning district, a minimum rear yard setback of 30' is required (§4-207.a.). In this case, the proposed new single-family dwelling will project to within 20' of its rear lot line (which is currently part of the interior side lot line for the existing dwelling).

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). The Department of Planning would have no objection to a larger setback variance if it was granted for the purpose of ensuring that the new lot being created would meet Zoning Code requirements for a dwelling lot in the R-1 zoning district.

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Land Use and Urban Design: Subdivision of this property requires approval by the Planning Commission. The applicant should work with Planning staff to complete steps required for subdivision approval.

TransForm Baltimore: This property would remain part of the R-1 District (Proposed Zoning Map Area 1-B) in which detached dwellings would be permitted uses (Table 9-301). The R-1 Districts would continue to have the same lot area and setback requirements (8-401).

### **RECOMMENDATION**

The Department of Planning recommends disapproval of the proposed lot area variance, because it would be necessitated only by the action of a person having a present interest in the property, and is not justifiable according to the criteria contained in the Zoning Code. The Department further recommends that approval of the setback variance contained in this appeal be subject to the condition that the proposed subdivision receives approval from the Planning Commission.

TJS/wya/mf

cc: Lisa Junker, Appellant