


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 / 3401 Fairview Avenue		

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

DATE: October 29, 2015

REQUEST

The Department of Planning has received Carol Tillman's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of Jamie and Patricia Schnick, to use the premises as a multiple-family dwelling with 13 dwelling units. The Zoning Administrator has determined that this is a modification of a conditional use in a R-5 zoning district. We understand that this appeal is scheduled for hearing on November 3, 2015.

SITE

3401 Fairview Avenue is located on the southwest corner of the intersection with Denison Street. This property measures approximately 65' by 150' and is currently improved with a three-story detached multiple-family dwelling building measuring approximately 40' by 90'. This site is zoned R-5 and is located within the Greater Northwest Community Coalition Strategic Neighborhood Action Plan area.

ANALYSIS

Conditional Use: In this zoning district, multiple-family detached dwellings are a conditional use, requiring approval by the Board (§4-803). In this case, the property was last authorized for use as a multiple-family detached dwelling. The applicant is proposing to add a thirteenth dwelling unit in the basement of the premises.

Insufficient Lot Area: In this zoning district, multiple-family dwellings require 2,500 square feet of lot area per dwelling unit (§4-806.c.). In this case, for 13 dwelling units, 31,250 square feet of lot area is required. The lot only encloses 9,750 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 69%. The variance requested exceeds the discretionary range of the Board and so should not be allowed.

TransForm Baltimore: This property would remain part of the R-5 District (Proposed Zoning Map Area 5-B) in which multi-family dwellings would be permitted uses (Table 9-301).

RECOMMENDATION

The Department of Planning recommends disapproval of this appeal, because the amount of lot area variance needed for approval exceeds the discretionary authority provided to the Board in the Zoning Code.

TJS/wya/mf

cc: Carol Tillman, Appellant
West