


<b>FROM</b>	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR <i>MS</i>	CITY of BALTIMORE <b>MEMO</b>	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8 <sup>TH</sup> FLOOR		
	SUBJECT	BMZA / 4108 Montana Avenue		

**TO**

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

DATE: November 12, 2015

**REQUEST**

The Department of Planning has received Rita Foos' Board of Municipal and Zoning Appeals (BMZA) application to retain a new concrete 20' by 30' parking pad in the front yard of the property. The Zoning Administrator has determined that a variance of front yard setback and related requirements is needed for approval. We understand that this appeal is scheduled for hearing on November 17, 2015.

**SITE**

4108 Montana Avenue is located on the northwest corner of the intersection with Benton Heights Avenue. This property measures approximately 170' along Montana Avenue by 150' and is currently improved with a two-story detached residential building measuring approximately 34' by 32'. However, a significant portion of this dimensioned area is taken up by a separate lot denominated as "Carters Graveyard" on both the plat map and the State Department of Assessment and Taxation records, where it appears as a tax-exempt property, which suggests that its area must not be used for taxable residential purposes, including off-street parking accessory to a residential use. This site is zoned R-4.

**ANALYSIS**

Use: In this zoning district, single-family detached dwellings and accessory off-street parking are permitted uses, and so are allowed (§4-701 and 4-702). In this case, the property was last authorized for use as a single-family detached dwelling. Aerial photography of this property appears to show a curb cut on Montana Avenue which would give access to the concrete parking pad that is the subject of this application. However, the plan included with the application does not show the lot line between this property and Carters Graveyard, which would be needed for the Board to determine that the parking area was not on a separate lot, where off-street parking could not be a principal use, but could be an accessory use to conditional use as a cemetery, for which a separate application by that property owner would be appropriate.

Required Yard: In this zoning district, a minimum front yard setback of 25' is required for single-family detached dwellings (§4-707.a.). In this case, the proposed (already constructed) parking pad will project to within 9' of the front lot line, according to the plan included with the application.

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 Board should not approve the requested variance until the applicant has provided a dimensioned site plan showing that the parking pad would not extend over the lot line separating this property from Carters Graveyard.

Mr. David Tanner, BMZA  
Executive Director  
Page 2  
Re: 4108 Montana Avenue

**RECOMMENDATION**

The Department of Planning recommends deferral of a complete hearing of this appeal, to provide the applicant time to provide the Board a properly dimensioned site plan demonstrating that the parking pad would be contained entirely within the property that is subject to this appeal.

TJS/wya/mf

cc: Rita Foos, Appellant