2010-456

TJS

FROM		
NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE **MEMO**
AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8TH FLOOR	
SUBJECT	BMZA / 529 – 537 Orchard Street	DATE: November 15, 2010

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

REQUEST
The Department of Planning has received Mico Milanovic's Board of Municipal and Zoning Appeals (BMZA) application to construct a 6' high fence to enclose the entire property. We understand that this appeal is scheduled for hearing on November 23, 2010.

SITE
529 – 537 Orchard Street is located on the south side of the street, approximately 230' west of the intersection with Druid Hill Avenue. This property collectively measures approximately 60' along Orchard Street by 34' deep, except for Block 499, Lot 85 (designated as 535 Orchard Street) which is over 60' deep, and is currently unimproved. This site is zoned R-9 and is located within the Orchard-Biddle Urban Renewal Plan area and the Seton Hill Historic District.

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 front 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 of the perimeter fence is 6' which exceeds the permitted height of 3.5' in front yards by 71%.

Historic District: The subject property is located within the Seton Hill District, a locally designated Baltimore City historic district. All exterior changes, including additions, demolitions, and alterations are subject to review and approval by the Commission for Historical and Architectural Preservation (CHAP). It is recommended that the applicant remain in contact with CHAP to obtain approval of the proposed fence.

RECOMMENDATION
The Department of Planning recommends approval of the appeal, conditional upon the applicant receiving a Notice To Proceed from the Commission for Historical and Architectural Preservation (CHAP).

TJS/wya/mf

Central

cc: Mico Milanovic, Appellant