


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 / 3900 Dillon Street and 910 Grundy Street		

TO

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

DATE: November 25, 2013

### REQUEST

The Department of Planning has received Lisa Junker's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of Dimitrios (Demetrios) Stavarakis, to consolidate lots known as 3900 Dillon Street and 910 Grundy Street, then to subdivide the new lot in order to construct 21 fee-simple single-family attached dwellings with parking. The Zoning Administrator has determined that variances of lot coverage, side and rear yard setbacks, building height, and parking access requirements of the Zoning Code would be required for approval of this application. We understand that this appeal is scheduled for hearing on November 26, 2013.

### SITE

3900 Dillon Street is located on the north side of the street between Fagley and Grundy Streets. This L-shaped property measures approximately 204' along Dillon Street by 150' 11" along Fagley Street and 36' along Grundy Street, and is currently improved as an off-street parking area. 910 Grundy Street is located on the west side of the street, approximately 36' north of the intersection with Dillon Street. This property measures approximately 115' by 125' and is currently improved as an off-street parking lot. This site is zoned R-8.

### ANALYSIS

Use: In this zoning district, single-family attached dwellings are a permitted use, and so are allowed (§4-1101). In this case, replacement of the open off-street parking areas with new dwelling units would make use of the property residential.

Lot Coverage: A single-family attached structure may not cover more than 60% of the lot area (§4-1106.a). In this case, 20 of the proposed townhomes would exceed this standard, with seven at 68-69%, one at 64% and one at 70%, five at 73%, three at 78%, two at 79%, and one at 81% lot coverage.

Lot Coverage Variance: The Board may grant a variance to authorize a lot coverage that is more than that otherwise allowed by the applicable regulation (§15-202.b).

Required Yard: In this zoning district, a minimum side yard setback of 10' for end-of-group houses is required (§4-1107.a). In this case, the proposed end-of-group single-family attached dwellings will project to within 0' (for 2 dwellings) or 6' (for 2 dwellings) of the side lot line for each. In this zoning district, a minimum rear yard setback of 25', which may be reduced based upon the length of a lot that is less than 100 feet deep (§3-208), is required (§4-1107.a). Five lots would provide 17.9' of depth in lieu of 19' required, and four lots would provide 15.5' of depth in lieu of 21' required.

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).

**Building height:** Single-family dwellings are limited to a maximum building height of 35' (§4-1108.a). Building elevation drawings provided by the applicant show 3-story townhouses ranging in height from approximately 38' to approximately 45', some with rooftop structures. Planning notes that this development project is undergoing design review related to the applicant's pending subdivision application. Planning staff will continue to work with the applicant concerning unit heights.

**Height variance:** A variance may authorize a height that is more or less than that otherwise allowed by the applicable regulation (§15-204.a.).

**Off-Street Parking:** ... if the intensity in use of a structure or premises is increased through the addition of dwelling, efficiency, or rooming units, floor area, seating capacity, or other units of measurement, off-street parking facilities must be provided for that increased intensity, as required by this title (§10-202.a). In this zoning district, single-family attached dwellings require one off-street parking space per dwelling unit (§10-405.1.iv). For 21 dwelling units proposed, 21 parking spaces are required; 17 are to be provided in garages built into the dwelling units, and a row of 4 attached garages is to be built behind 4 of the three-story townhouses. Access to part of this off-street parking would be via two proposed curb cuts, one 16' wide and one 20' wide, and internal access cross-easements to be created within this property; the 4 garages and four of the townhouses would have access via a 16' wide entrance from the 10' wide alley at the north of the property.

**Land Use and Urban Design:** Planning Commission approval is required for the proposed subdivision of this property, which would be considered a major subdivision. The preliminary site plan was presented to the Site Plan Review Committee on October 23, 2013. Final site plan approval is contingent on submission by the applicant of the final site plan which would be influenced by the Board's decision concerning this application and by other considerations.

**TransForm Baltimore:** This property would become part of a I-MU (Industrial Mixed-Use) District (Proposed Zoning Map Area 8-C) in which single-family attached dwellings (to be known as "rowhouse dwellings") would be prohibited uses, but Live-Work Dwellings and Dwellings Above the Ground Floor would be permitted uses (Table 11-301).

## **RECOMMENDATION**

The Department of Planning has no objection to approval of the requested variances, conditional upon Site Plan Review Committee approval of the final site plan, and Planning Commission approval of subdivision of this property. As the pending subdivision process includes design review, the maximum height of the tallest dwelling units to be constructed on this property will be addressed during that process.

TJS/wya/mf

cc: Lisa Junker, Appellant