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| 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 / 2018 North Payson Street | | |

TO

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

DATE: December 3, 2009

REQUEST

The Department of Planning has received Otis McKoy's Board of Municipal and Zoning Appeals (BMZA) application to use the premises for two dwelling units. We understand that this appeal is scheduled for hearing on December 8, 2009.

SITE

2018 North Payson Street is located on the west side of the street, approximately 80' south of the intersection with Clifton Avenue. This property measures approximately 13' by 70' and is currently improved with a three-story building measuring approximately 13' by 50'. This site is zoned R-7.

ANALYSIS

Conversion of Dwellings: In the R-7 and R-8 Districts, the Board may approve the conversion of a single-family dwelling to a two-family dwelling only if the property meets the minimum lot size requirements (§3-305.b.3.i).

Insufficient Lot Area: In this zoning district, multiple-family dwellings require 1,100 square feet of lot area per dwelling unit (§4-1006(a)). In this case, for two dwelling units, 2,200 square feet of lot area is required. The lot only encloses approximately 910 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 approximately 142%. The variance requested exceeds the discretionary range of the Board and so should not be allowed.

RECOMMENDATION

The Department of Planning recommends disapproval of the appeal, because the property has insufficient lot area and the amount of lot area variance which would be required for approval exceeds the Board's authority under the Zoning Code.

TJS/ewt/mf

cc: Otis McKoy, Appellant