



*Stephanie Rawlings-Blake*  
Mayor

## PLANNING COMMISSION

*Wilbur E. "Bill" Cunningham, Chairman*

### STAFF REPORT



*Thomas J. Stosur*  
Director

**March 26, 2015**

**REQUEST:** Major Subdivision Preliminary Plans/ 511 South Clinton Street

**RECOMMENDATION:** Disapproval

**STAFF:** Eric Tiso

**PETITIONER:** D. Carey Development, LLC

**OWNER:** D. Carey Development, LLC

#### **SITE/GENERAL AREA**

Site Conditions: 511 South Clinton Street is located on the east side of the street, 81'6" north of the intersection with Fleet Street. A 13'6" wide alley borders this lot on the southern side, and the rear of the lot is also bordered by a 4' alley. Across the 4' alley to the east are the rears of five townhomes that front on South Highland Avenue. This lot is currently zoned O-R-2, and measures approximately 68' wide by 137'6" deep, and is currently improved by a building that was previously used as a Salvation Army Boys and Girls Club, though it is now vacant.

General Area: This property is located in the northeastern corner of the Canton neighborhood, a half-block south of the commercial corridor of Eastern Avenue. Patterson Park is located four blocks to the west, and the Archbishop Borders School is located a block and a half to the southeast. This site is also located within the Canton National Register Historic District.

#### **HISTORY**

There are no previous legislative or Planning Commission actions regarding this site.

#### **ANALYSIS**

Project: The request is to demolish approximately 2/3 of the rear portion of the property, and then subdivide the lot into seven lots for development into six townhomes, plus a private driveway parcel from the 13'6" alley to provide access to the homes' garages. The remaining front portion of the existing building will be renovated for three units, while the rear portion of the property will have three newly-built homes.

In its consideration of the proposal, staff reviewed the following factors:

Subdivision Regulations:

- Per §3.2.e of the Regulations: “Subdivisions to create lot with no public or private frontage other than which may exist on an alley or lane are prohibited.” In this case, proposed lots 34, 35, and 35A do not have street frontage other than from alleys. For this reason alone, the subdivision should be disapproved.
- §3.3.b of the Regulations require that dedication of new private streets for residential use will have a right-of-way of at least 40’. In this case, the proposed private right-of-way (ROW) will be 40’ but it does not provide a connection of 40’ width to any City street, only to an alley.

Zoning Regulations:

- §1-156 of the Zoning Code defines a *Front lot line* as “the lot line that: (i) coincides with the right-of-way line of an existing or dedicated public street; or (ii) where no public street exists, coincides with the right-of-way line of a public or private way that, if it is not a dedicated street, is: (A) at least 50 feet wide, unless otherwise authorized by the Planning Commission under §2-123 of this article; or (B) if limited exclusively to pedestrian traffic, at least 30 feet wide, unless otherwise authorized by variance.” § 2-123 *Front lot line by streets*. Then provides that “For purposes of establishing front lot lines, as part of the process of subdivision or planned unit development approval, the Planning Commission may reduce the required width of the right-of-way of a local residential street by up to 10 feet.” As the proposed subdivision creates lots that only provide connection to an alley of 13’6” width, it does not meet these requirements, and should be disapproved.
- An appeal for this property was heard by the Board of Municipal and Zoning Appeals (BMZA) on July 29, 2014 in case #2014-263, which in turn amended their resolution in case #2013-462. Through these appeals, the Board approved yard setbacks and a request for conversion of dwellings.

Site Design:

- While the front three units may appear to be a fairly typical renovation of an existing building into rowhomes, the rear portion of the property is problematic. The three units and driveway parcel are proposed to be inner-block lots. The three new homes will have their sides on an adjacent property line or the 13’6” wide alley, and the rear of the homes will be right on the 4’ alley to the rear. The front of each unit will have a covered carport providing two parking spaces. The front doors will be accessed by stairs between each carport, and will face the garage rears of the renovated units that front on South Clinton Street.
- Staff does not support this design, as the new-construction homes are wedged in the middle of the block, without sufficient access to adequate public ways, and have no relief on any side from adjacent properties. The proposal appears to be an overly-assertive attempt to fit more fee simple units on this property than can be supported by its dimensions. In initial meetings, staff recommended an alternate solution for multi-family use of this building, but that concept was rejected by the applicant.
- Approval of this choice in layout would be devolution in design, and a return to a style of inner-block homes that are being slowly eradicated over time. For all of these reasons, staff recommends that this subdivision application be disapproved.

Community Notification: The Canton Community Association and the Highlandtown Community Association have been notified of this action.

A handwritten signature in blue ink that reads "Thomas J. Stosur". The signature is written in a cursive style with a large initial 'T' and 'S'.

**Thomas J. Stosur**  
**Director**