

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 / 841-847 Whitelock Street		

TO

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

DATE: December 21, 2012

REQUEST

The Department of Planning has received Martin Cadogan's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of VI Development LLC, to use the property as 20 dwelling units, and construct three fire stair additions for emergency egress. We understand that this appeal is scheduled for hearing on January 8, 2013.

SITE

841-847 Whitelock Street is located on the southeast corner of the intersection with Brookfield Avenue. This property measures approximately 87' by 105' and is currently improved with a three-story multiple-family detached residential building measuring approximately 80' by 60' and a three-story-plus-basement multiple-family residential building ("second building") measuring approximately 25' by 77'. This site is zoned R-8 and is located within the Reservoir Hill Urban Renewal Plan area and the Reservoir Hill National Register Historic District.

ANALYSIS

Use: In this zoning district, multiple-family detached dwellings are a permitted use, and so are allowed (§4-1101). In this case, the property was last authorized for use as a 16-dwelling unit multiple-family dwelling (actually 16 dwelling units in two buildings), a permitted use, and a barber shop, which is a nonconforming use in this R-8 General Residence District. The applicant is proposing to extinguish the nonconforming use by converting the barber shop space, in the basement of the second building at the rear of the property, to a dwelling unit. There would be four dwelling units per main floor in the front building, plus four efficiency units in the basement of the front building, and one dwelling unit per floor (including the basement) in the second building.

Urban Renewal Plan: This property is located in the Reservoir Hill Urban Renewal Area, where the Urban Renewal Plan does not prohibit or further restrict the proposed use in this district. The applicant is proposing to return two vacant multiple-family buildings to active residential use, which supports the Plan's housing objective of developing housing affordable to area residents, and environmental objective of eliminating blight.

Insufficient Lot Area: In this zoning district, multiple-family dwellings require 750 square feet of lot area per dwelling unit (§4-1106.a). In this case, for 16 dwelling units, 11,625 square feet of lot area is required; for four efficiency units, 1,500 square feet of lot area is required. The lot only encloses 9,135 square feet, and so does not meet this combined requirement for 13,125 square feet of lot area.

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 30%. The variance requested exceeds the discretionary range of the Board and so ordinarily should not be allowed. The Board

previously has granted a lot area variance in its decision on appeal no. 07-0006, which approved 16 dwelling units using a 21.4% variance of lot area requirements. The additional four efficiency units would be basement units in the front building.

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). If the structure was lawfully erected before April 20, 1971, additional off-street parking facilities are mandatory only in the amount by which the requirements for the new use exceed those for the existing use (§10-203.b). In this zoning district, multiple-family dwellings require one off-street parking space per dwelling unit (§10-405.1.iv). For 20 dwelling units, 20 parking spaces are required; none are or can be provided due to the layout of the two buildings on the property. If the property is credited with 16 parking spaces for the previously-approved use of the property, the four new efficiency units would require 4 spaces.

Off-Street Parking Variance: ... the Board may grant a variance to reduce by no more than 75% the number of off-street parking spaces otherwise required by the applicable regulation (§15-208.b). In this case the reduction proposed is 100%, which is greater than the variable amount the Board may ordinarily authorize. The area at the southeast corner of the property where one space could be created is also needed for placement of the new fire stairs at the rear of the second building, and thus it would be a practical difficulty imposed upon the applicant to require on-site off-street parking for the additional units. In TransForm Baltimore (the proposed new zoning code), structures over 50 years old are exempt from parking requirements if they have not historically provided parking and lack sufficient space to provide it (§16-601.g. in the proposed code). These buildings predate World War I, and so would qualify for this exemption if it was in force.

Required Yard: In this zoning district, a minimum side yard setback of 10' is required (§4-1106.a). In this case, the proposed fire stairs at the rear of the second building will project to within 2' of the side lot line.

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). This variance would be required in order for the emergency egress fire stairs to be erected in the existing 10' setback between the rear of the second building and the side lot line of the property. This design solution would allow a greater degree of retention of the historic appearance of the building.

Historic District: The property is located in a designated historic district, and so may be eligible for historic tax credits for restoration and renovation. The appellant is encouraged to remain in contact with the Baltimore Commission for Historical and Architectural Preservation before proceeding with any improvements which may be authorized as a result of this appeal.

RECOMMENDATION

The Department of Planning has no objection to this appeal.

TJS/wya/mf

cc: Martin Cadogan, Appellant