


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 / 4831 Pennington Avenue		

TO

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

DATE: January 3, 2013

REQUEST

The Department of Planning has received Chenhong Lu's Board of Municipal and Zoning Appeals (BMZA) application to use the premises as a commercial space (store) on the first floor and two dwelling units on the upper two floors. We understand that this appeal is scheduled for hearing on January 8, 2013.

SITE

4831 Pennington Avenue is located on the northeast corner of the intersection with Cherry Street. This property measures approximately 15'6" by 85' and is currently improved with a three-story end-of-row residential building measuring approximately 15' by 56'. This site is zoned B-2-2 and is located within the Brooklyn and Curtis Bay Business Area Urban Renewal Plan area.

ANALYSIS

Use: In this zoning district, various retail commercial uses (stores) and dwellings are permitted uses, and so are allowed (§6-306). In this case, the property was last authorized for use as a single-family attached dwelling.

Urban Renewal Plan: This property is located in the Brooklyn and Curtis Bay Business Area Urban Renewal Area, where the Urban Renewal Plan does not prohibit or further restrict the proposed use in this district.

Insufficient Lot Area: In this zoning district, multiple-family dwellings require 1,100 square feet of lot area per dwelling unit (§6-311.c). In this case, for two dwelling units, 2,200 square feet of lot area is required. The lot only encloses 1,317.5 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 40%. The variance requested exceeds the discretionary range of the Board and so should not be allowed.

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 2 dwelling units

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(§10-405.1.iv). For two dwelling units, one parking space is required; one can be provided at the rear of the property.

RECOMMENDATION

The Department of Planning recommends disapproval of this appeal, because the amount of lot area variance that would be required for approval of two dwelling units would exceed the discretionary authority provided to the Board by the Zoning Code.

TJS/wya/mf

cc: Chenhong Lu, Appellant