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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 / 2228 Callow Avenue | | |

TO

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

DATE: January 4, 2013

REQUEST

The Department of Planning has received Jacob Denyali's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of Casa de Callow LLC, to use the premises as four dwelling units. We understand that this appeal is scheduled for hearing on January 8, 2013.

SITE

2228 Callow Avenue is located on the southwest corner of the intersection with Newington Avenue. This property measures approximately 20'5" by 114'3" and is currently improved with a three-story end-of-row residential building measuring approximately 20'5" by 70' with a 12' by 8' two-story rear addition, and a separate two-car garage measuring approximately 20' by 21' at the rear of the property. 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 dwellings are a permitted use, and so are allowed (§4-1101). In this case, the property was last authorized for use as a multiple-family dwelling, so the proposed use could be approvable by the Board (§3-305.a (2)) unless a Vacant Building Notice or a Vacant House Notice was issued for this property. If such a notice was issued, the status of the property has become a single-family dwelling according to the terms of the Zoning Code (§3-305.a). In that case, the Board would not have discretion to approve the requested multiple-family dwelling as a conversion of a single-family dwelling in a R-8 District, and the applicant would need to obtain an ordinance approving the conversion according to the terms of Ordinance 12-40.

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.

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 four dwelling units, 2,625 square feet of lot area is required. The lot only encloses approximately 2,330 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 11%. The variance requested is within the discretionary range of the Board and so may be allowed, provided that the applicant demonstrates that unnecessary hardship or practical difficulty exists that justifies approval (§15-218). As this property was originally constructed as a six-bedroom row-house and is

part of a larger neighborhood similarly improved, there appear to be no unusual characteristics of this property sufficient to meet the standard of §15-218 of the Zoning Code.

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 four dwelling units, four parking spaces are required; two can be provided in the garage at the rear of the property.

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 two spaces, allowing for the initial spaces for the original single-family dwelling on the property, which is within the variable amount the Board may authorize. However, as this property is part of a larger neighborhood similarly improved, there appear to be no unusual characteristics of this property sufficient to meet the standard of §15-218 of the Zoning Code.

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 contact 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 recommends disapproval of this appeal, unless the applicant demonstrates that an unnecessary hardship or practical difficulty exists that requires the number and type of dwelling units requested in the application. If the structure has the status of a single-family dwelling, conversion to additional dwelling units cannot be authorized by the Board, but must be authorized by ordinance.

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TJS/wya/mf

cc: Jacob Denyali, Appellant