


FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE <b>MEMO</b>	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8 <sup>TH</sup> FLOOR		
	SUBJECT	BMZA / 604 Eislen Street		

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

DATE: December 29, 2011

### REQUEST

The Department of Planning has received Daniel Slear's Board of Municipal and Zoning Appeals (BMZA) application to convert an existing garage building into a single-family dwelling with a roof-top deck. We understand that this appeal is scheduled for hearing on January 10, 2012.

### SITE

604 Eislen Street is located on the north side of the street, approximately 28' west of the intersection with Warner Street. This property measures approximately 9' along Eislen Street by 50' deep and contains approximately 0.021 acre, and is currently improved with a one-story building covering the entire lot. This site is zoned R-9 and is located within the Ridgely's Delight Urban Renewal Plan area and the Ridgely's Delight Historic District.

### ANALYSIS

Use: In this zoning district, single-family dwellings are a permitted use, and so are allowed (§4-1201). In this case, the property was last authorized for use as a garage, which is a nonconforming use in this R-9 General Residence District. The applicant is proposing to extinguish the nonconforming use by converting the building to a residence.

Urban Renewal Plan: This property is located in the Ridgely's Delight Urban Renewal Area, where the Urban Renewal Plan does not prohibit or further restrict the proposed use in this district.

Land Use and Urban Design: The applicant met with Department of Planning staff who reviewed the proposed conversion and determined that it would not be inconsistent with the predominant land use in the Ridgely's Delight neighborhood. However, staff noted that the site drawing submitted with the application was not consistent in dimensions with the plat map for this property, and recommended that the site drawing be revised to be consistent with the plat map representation of this lot.

Historic District: The subject property is located within the Ridgely's Delight District, a locally and nationally designated Baltimore City historic district. All exterior changes, including additions, demolitions, and alterations are subject to review and approval by the Commission for Historical and Architectural Preservation (CHAP). It is recommended that the applicant contact CHAP to determine the review process applicable to their project.

Off-Street Parking: ... whenever the existing use of a structure is changed to a new use, off-street parking facilities must be provided, as required by this title, for that new use (§10-203.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, single-family attached dwellings require one off-street parking space per dwelling unit (§10-405.1.iv). For the proposed dwelling unit, one parking space is required; none are provided, as a result of the existing lot coverage, and none can be provided because the lot's pan-handle frontage on Eislen Street is too narrow to serve as a garage doorway if the front portion of the building would be retained as non-residential space.

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 75%, which is within the variable amount the Board may authorize. As noted above, there is practical difficulty with retaining the front pan-handle portion of the existing building for use for off-street parking, and thus a variance would be appropriate in this instance.

#### **RECOMMENDATION**

The Department of Planning has no objection to approval of this appeal, because the proposed use would eliminate a nonconforming use of the property and the unique lot configuration would not allow any parking spaces to be provided on site.

TJS/wya/mf

cc: Daniel Slear, Appellant