


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 / 3406 Eastern Avenue *		

TO

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

DATE: December 31, 2013

### REQUEST

The Department of Planning has received Neil Cruikshank's Board of Municipal and Zoning Appeals (BMZA) conditional use application to use a portion of the premises as 4 dwelling units. \*This application has been amended to cover 3408-3410 Eastern Avenue and 3412 Eastern Avenue only, to consolidate those two lots and use the second floor of the combined premises as 4 dwelling units in a mixed-use multiple-family dwelling. Commercial use of the first floor (street level) would continue. The Zoning Administrator has determined that this is a conditional use conversion in a B-2 District, and that a variance of Zoning Code off-street parking requirements is needed for approval of this application. We understand that this appeal is scheduled for hearing on January 14, 2014.

### SITE

3408-3410 Eastern Avenue is located on the north side of the street, approximately 63'6" east of the intersection with Highland Avenue. This property measures approximately 30' by 97'6" and is currently improved with a two-story attached commercial building covering the entire lot. 3412 Eastern Avenue is located on the north side of the street, approximately 93'6" east of the intersection with Highland Avenue. This property measures approximately 14' by 97'6" and is currently improved with a two-story attached commercial building covering the entire lot. This site is zoned B-2-3 and is located within the Highlandtown Business Area Urban Renewal Plan area and the Patterson Park – Highlandtown National Register Historic District.

### ANALYSIS

Use: In this zoning district, dwellings are a permitted use, and so are allowed (§6-306).

Conversion of Dwellings: In all districts except the R-2, R-4, R-5, and R-6 Districts, the Board may authorize, as a conditional use, the conversion of a building for use by more than one family, as long as the number of families permitted conforms with the applicable bulk regulations for the district in which the building is located (§3-305.b.1).

Lot Area: In this zoning district, multiple-family dwellings require 550 square feet of lot area per dwelling unit (§6-311.d.). In this case, for four dwelling units, 2,200 square feet of lot area is required. The consolidated lot would enclose 4,290 square feet, and so would meet this requirement.

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

**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.

**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, multiple-family dwellings require one off-street parking space per 2 dwelling units (§10-405.1.iv). For four dwelling units, two parking spaces are required; none are or can be provided.

**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 authorize. However, the pattern of development in this historic neighborhood prevents the applicant from providing off-street parking on this property or on adjacent properties. The applicant would encounter practical difficulty if required to meet this requirement of the Zoning Code.

**TransForm Baltimore:** This property would become part of the C-1 District (Proposed Zoning Map Area 8-C) in which dwellings above the ground floor (as proposed in this application) would be permitted uses, but multi-family dwellings would be conditional uses (Table 10-301).

## **RECOMMENDATION**

The Department of Planning has no objection to this appeal.

TJS/wya/mf

cc: Neil Cruikshank, Appellant