


<b>FROM</b>	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 / 307 Lyndhurst Street		

**TO**

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

DATE: January 11, 2016

**REQUEST**

The Department of Planning has received Kay Whyte and Gregory Woingust's Board of Municipal and Zoning Appeals (BMZA) application to use the premises as two dwelling units. The Zoning Administrator has determined that this is a prohibited use in a R-6 zoning district. We understand that this appeal is scheduled for hearing on January 26, 2016.

**SITE**

307 Lyndhurst Street is located on the east side of the street, approximately 63' north of the intersection with Saratoga Street. This property measures approximately 21' by 105' and is currently improved with a two-story attached residential building measuring approximately 21' by 34'. This site is zoned R-6 and is located within the Edmondson Village Area Master Plan area.

**ANALYSIS**

Use: In this zoning district, multiple-family attached dwellings are not listed as a permitted or conditional use, and so are not allowed (§4-901 to §4-904). In this case, the property was last authorized for use as a single-family attached dwelling, which is a permitted use in this R-6 General Residence District.

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). As this property is located in a R-6 zoning district, the Board would not have discretionary authority to approve conversion of this premises from single-family to multiple-family use.

Determination of nonconformity or noncompliance: (a) Whether a nonconforming use, noncomplying density or other form of nonconformity exists is a question of fact that, except as specified in subsection (b) of this section, must be decided by the Board after public notice and hearing in accordance with the rules of the Board (§13-107). The application includes a statement that existing use of the premises is two dwelling units, one on each floor. The applicant would need to demonstrate to the Board that multiple-family dwelling use of this premises was lawfully established and has not since been discontinued or abandoned in order for the Board to be able to consider this application as one to continue an established nonconforming use of the property.

TransForm Baltimore: This property would remain part of the R-6 District (Proposed Zoning Map Area 5-D) in which multi-family dwellings would be permitted uses (Table 9-301).

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**RECOMMENDATION**

The Department of Planning recommends disapproval of this appeal unless the applicant demonstrates to the Board that previous use of this premises as two dwelling units was lawfully established, because the Zoning Code does not provide the Board discretionary authority to approve conversion of a single-family attached dwelling to a multiple-family attached dwelling in a R-6 zoning district, where this property is located.

TJS/wya/mf

cc: Kay Whyte and Gregory Woingust, Appellants