


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 / 3425-3427 Keswick Road		

TO

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

DATE: December 11, 2014

REQUEST

The Department of Planning has received Stephanie Miller's Board of Municipal and Zoning Appeals (BMZA) application to use the premises as three dwelling units. The Zoning Administrator has determined that this is a conditional use conversion in a R-7 Zoning District. We understand that this appeal is scheduled for hearing on December 16, 2014.

SITE

3425-3427 Keswick Road is located on the east side of the street, approximately 151' north of the intersection with 34th Street. This property measures approximately 35' by 140' and is currently improved with a two-story semi-detached residential building measuring approximately 15' by 77' and an accessory garage-type structure measuring approximately 22' by 20'. This site is zoned R-7 and is located within the Hampden National Register Historic District.

ANALYSIS

Use: In this zoning district, multiple-family dwellings are a permitted use, and so are allowed (§4-1001). In this case, the property was last authorized for use as a single-family attached dwelling, which is a permitted use in this R-7 General Residence District. The commercial use of the premises alluded to in the application as contained in the first floor front portion of the premises was discontinued as of August 2000, and thus nonconforming use of the property has been discontinued and abandoned.

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). In this R-7 zoning district, multiple-family dwellings require 1,100 square feet of lot area per dwelling unit (§4-1006.a). In this case, for three dwelling units, 2,750 square feet of lot area is required. The lot encloses 4,900 square feet, and so does meet this requirement. In the R-7 and R-8 Districts, the conversion of a 1- or 2-family dwelling to additional dwelling units may be authorized, but only by a conditional-use ordinance. Based upon the statement in the application, that the applicant proposes to convert a nonconforming commercial space (which no longer exists) in the first floor front portion of the premises to an additional dwelling unit, the Board does not have discretionary authority to approve this application.

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 attached dwellings require one off-street parking space per dwelling unit (§10-405.1.iv). For three dwelling units, three parking spaces are required. The application states that two will be provided in the rear garage and a third would be created on a parking pad next to the garage.

TransForm Baltimore: This property would become part of the R-6 District (Proposed Zoning Map Area 2-D) in which multi-family dwellings would be permitted uses (Table 9-301). Conversion of a single-family dwelling to a multi-family dwelling would not be allowed in a R-6 District (§9-701).

RECOMMENDATION

The Department of Planning recommends disapproval of this appeal, because the Zoning Code does not provide the Board discretionary authority to approve conversion of a 1- or 2-family dwelling to additional dwelling units in a R-7 Zoning District, where this property is located.

TJS/wya/mf

cc: Stephanie Miller, Appellant