

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 / 1001 North Bentalou Street		

TO

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

DATE: February 20, 2015

REQUEST

The Department of Planning has received Jonathan Rountree's Board of Municipal and Zoning Appeals (BMZA) application to use the premises as four 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 February 24, 2015.

SITE

1001 North Bentalou Street is located on the northeast corner of the intersection with Mosher Street. This property measures approximately 36'10" by 80' and is currently improved with a two-story semi-detached/ end-of-row residential mixed-use building measuring approximately 36'10" by 42'. This site is zoned R-6 and is located within the Edmondson National Register Historic District.

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 shoe repair shop and a multiple-family attached dwelling, which are prohibited uses 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). This application is thus only approvable as a continuation of nonconforming use of the property, with a change of nonconforming use of a portion of the premises from commercial retail use to storage.

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 indicates that the structure was used for four dwelling units, but due to vacancy has acquired the status of single-family dwelling under the Zoning Code. The Zoning Administration office, in denying the application, noted a condemnation notice was issued against this property in March 2014.

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.

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TransForm Baltimore: This property would remain part of the R-6 District (Proposed Zoning Map Area 6-C) in which multi-family dwellings would be permitted uses (Table 9-301). Conversion of a single-family dwelling to a multi-family dwelling would be allowed only in the R-7, R-8, R-9, and R-10 Districts (§9-701).

RECOMMENDATION

The Department of Planning has no objection to this appeal if the applicant demonstrates to the Board that nonconforming use of the property has not been discontinued or abandoned.

TJS/wya/mf

cc: Jonathan Rountree, Appellant