


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 / 2114-16 Edmondson Avenue		

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

DATE: March 24, 2010

REQUEST

The Department of Planning has received John Hailey's Board of Municipal and Zoning Appeals (BMZA) application to use the first floor and basement for a multi-purpose center and to use the second floor for three dwelling units. We understand that this appeal is scheduled for hearing on March 30, 2010.

SITE

2114-16 Edmondson Avenue is located on the north side of the street, approximately 110' west of the intersection with Pulaski Street. This property measures approximately 32' by 95' and is currently improved with a two-story building measuring approximately 26' by 95'. This site is zoned B-2-2 and is located within the Rosemont Urban Renewal Plan area.

ANALYSIS

Use: In this zoning district, multi-purpose neighborhood centers and dwellings are listed as permitted uses, and so are allowed (§6-306).

Insufficient Lot Area: In this zoning district, multiple-family dwellings require 1,100 square feet of lot area per dwelling unit (§6-311.c). In this case, for three dwelling units, 3,300 square feet of lot area is required. The lot only encloses 3,040 square feet, and so does not meet this requirement.

Lot Area Variance: The Board may grant a variance to reduce the applicable minimum lot area requirements by no more than: (1) 25% of the applicable regulation (§15-202). In this case, the proposed amount of variance would be approximately 8%. The variance requested is within the discretionary range of the Board and so may be allowed.

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).

Off-Street Parking: In this zoning district, multiple-family attached dwellings require one off-street parking space per two dwelling units (§10-405.1.iv). For three dwelling units, two parking spaces are required; none are or can be provided on the premises.

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.

Renewal Plans: Ordinance #01-0165 was approved May 14, 2001 for the purpose of, among other things, clarifying the relationship between conditions or requirements imposed by an Urban Renewal Plan or Conservation Plan, such that the condition or requirement that is more restrictive will govern. Additionally, the ordinance prohibits the approval of a conditional use or a variance if that conditional use or variance is precluded by an applicable renewal plan or master plan.

Required Findings: The Board may not approve a conditional use unless, after public notice and hearing and on consideration of the standards prescribed in this title, it finds that: ... (2) the use is not in any way precluded by any other law, including an applicable urban renewal plan; (§14-204). For this reason, the Board must consider the requirements of the Rosemont Urban Renewal Plan, which does allow this use in this district.

RECOMMENDATION

The Department of Planning has no objection to the appeal.

TJS/ewt/mf

cc: John Hailey, Appellant