


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 / 5603-5607 Govane Avenue		

TO

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

DATE:

March 31, 2014

REQUEST

The Department of Planning has received Jolene Smith's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of Richard Smith, to continue to use the premises as two dwelling units. The Zoning Administrator has determined that this is a prohibited residential use in a R-3 District. We understand that this appeal is scheduled for hearing on April 8, 2014.

SITE

5603-5607 Govane Avenue is located on the east side of the street, approximately 54' north of the intersection with Harwood Avenue. This property measures approximately 75' by 147' and is currently improved with a two-story detached residential building measuring approximately 18 by 44'. This site is zoned R-3.

ANALYSIS

Use: In this zoning district, multiple-family detached dwellings are neither a permitted use nor a conditional use, and so are not allowed (§4-601 to §4-604). In this case, the property was last authorized for use as a single-family detached dwelling, which is a permitted use in this R-3 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). However, because R-3 District regulations do not authorize multiple-family dwelling structures, the Board would be authorizing creation of a nonconforming use if it approved this application as a residential conversion. For this application to be approvable, the applicant must demonstrate that lawful multiple-family use predates adoption of the current Zoning Code. 5

TransForm Baltimore: This property would remain part of the R-6 District (Proposed Zoning Map Area 1-D) in which multi-family dwellings would be permitted uses (Table 9-301). The R-6 Districts would have off-street parking requirements of 1 space per dwelling unit (Table 16-406A). This property could comply with this standard.

RECOMMENDATION

The Department of Planning recommends disapproval of this appeal unless the applicant demonstrates to the Board that multiple-family dwelling use of the property has previously been lawfully established and has not been discontinued or abandoned.

TJS/wya/mf

cc: Jolene Smith

Northern