


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 / 4003 Eastern 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 Hal Arnold's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of Elliott Morales, to use the premises as two dwelling units and a commercial space. The Zoning Administrator has determined that a variance of Zoning Code floor area ratio requirements is needed for approval of this application. We understand that this appeal is scheduled for hearing on April 8, 2014.

SITE

4003 Eastern Avenue is located on the south side of the street, approximately 16' east of the intersection with Grundy Street. This property measures approximately 14' by 90' and is currently improved with an attached two-story building measuring approximately 14' by 30'. This site is zoned B-2-3 and is located within the Highlandtown Business Area Urban Renewal Plan area.

ANALYSIS

Use: In this zoning district, multiple-family dwellings are a permitted use, and so are allowed (§6-306). In this case, the property was last authorized for use as a furniture store, which is a permitted use in this B-2 Community Business 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). The applicant is proposing to add a third level to the existing structure in order to have floor area sufficient for two dwellings above the existing commercial space that is at street level.

Urban Renewal Plan: This property is located in the Highlandtown Business Area Urban Renewal Area, where the Urban Renewal Plan does not prohibit or further restrict the proposed use in this district.

Lot Area: In this zoning district, multiple-family dwellings require 550 square feet of lot area per dwelling unit (§6-311.d.). In this case, for two dwelling units, 1,100 square feet of lot area is required. The lot encloses 1,260 square feet, and so does meet this requirement.

Floor Area Ratio Variance: The Board may grant a variance to increase a basic floor area ratio factor by no more than 75% of the applicable regulation (§15-204.b). In this case, the proposed floor area ratio is less than 3.0 which is within the permitted ratio of 5.0 (§6-313.d.). No variance is required for approval of 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 dwellings require one off-street parking space per two dwelling units (§10-405.1.iv). For two dwelling units, one parking space is required; one is or can be provided, subject to a variance of the minimum width requirement for alley access to it. The existing alley behind this property is only 10' wide, which does not meet the Zoning Code requirement for a 15' wide alley. Due to the century-old development pattern of the Highlandtown area, this alley cannot be widened to accommodate this zoning standard.

TransForm Baltimore: This property would become part of the C-1 District (Proposed Zoning Map Area 8-C) in which dwellings above the ground floor of a structure would be permitted uses (Table 10-301). The C-1 Districts would have off-street parking requirements of 1 space per dwelling unit above the ground floor (Table 16-406A).

RECOMMENDATION

The Department of Planning has no objection to this appeal.

TJS/wya/mf

cc: Hal Arnold, Appellant