


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 / 5329 Nelson 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 John Gray's Board of Municipal and Zoning Appeals (BMZA) application to continue to use the premises as two dwelling units. The Zoning Administrator has determined that this is a prohibited residential conversion in a R-6 District. We understand that this appeal is scheduled for hearing on April 8, 2014.

SITE

5329 Nelson Avenue is located on the east side of the street, approximately 250' southeast of the intersection with Lewiston Avenue. This property measures approximately 21'3" by 110' and is currently improved with a two-story attached residential building measuring approximately 21'3" by 32'. This site is zoned R-6 and is located within the Park Heights Urban Renewal Plan area.

ANALYSIS

Use: In this zoning district, multiple-family detached dwellings are a permitted use, and so are allowed; multiple-family attached dwellings are not allowed (§4-901 to §4-904). In this case, the property was last authorized for use as a single-family attached dwelling, which is a permitted use 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). For this application to be approvable, the applicant must demonstrate that the property has been previously authorized for use as a multiple-family attached dwelling, or that lawful multiple-family use predates adoption of the current Zoning Code.

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

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.

Mr. David Ianner, BMZA
Executive Director
Page 2
Re: 5329 Nelson Avenue

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: John Gray, Appellant