


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 / 2437 Madison Avenue		

TO

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

DATE:

April 17, 2014

REQUEST

The Department of Planning has received Gideon Samson's Board of Municipal and Zoning Appeals (BMZA) conditional use application, on behalf of Nile Properties, to use the premises for five dwelling units. The Zoning Administrator has determined that this is a conditional use conversion in a R-8 District, and that a variance of Zoning Code lot area requirements is needed for approval of this application. We understand that this appeal is scheduled for hearing on April 22, 2014.

SITE

2437 Madison Avenue is located on the east side of the street, approximately opposite its intersection with Traction Street. This property measures approximately 20' by 150' and is currently improved with a three-story semi-detached (end-of-row) residential building measuring approximately 20' by 72'. This site is zoned R-8 and is located within the former Reservoir Hill Urban Renewal Plan area and in the Eutaw Place – Madison Historic District.

ANALYSIS

Use: In this zoning district, multiple-family attached dwellings are a permitted use, and so are allowed (§4-1101). In this case, the property was last authorized by the Board for use as a multiple-family dwelling with five apartments limited to a total occupancy of eight persons, but the application states that the premises is currently vacant. This vacancy, confirmed in compliance enforcement documents from 2009 through 2012, reduced the status of this property to a single-family dwelling according to the Zoning Code §3-305.a.2.

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). In this R-8 zoning district, multiple-family dwellings require 750 square feet of lot area per dwelling unit (§4-1106.a). In this case, for five dwelling units, 3,375 square feet of lot area is required. The lot only encloses 3,000 square feet, and so does not meet this requirement. In the R-7 and R-8 Districts, the conversion of a 1- or 2-family dwelling to additional dwelling units may be authorized, but only by a conditional-use ordinance. Based upon the statement of the existing condition of the property in the application and its confirmation in the City's records, the Board does not have discretionary authority to approve this application because the vacancy has lasted for over twelve consecutive months (in fact, for over four years).

Urban Renewal Plan: This property is located in the former Reservoir Hill Urban Renewal Area, where the Urban Renewal Plan did not prohibit or further restrict the proposed use in this district. This Plan expired in April 2012 in accordance with its provisions.

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). This structure was erected in 1907, and the Board approved the property for use as five apartments with four parking spaces in 1980. This application thus does not require additional off-street parking to be provided. However, the Department of Planning notes that because the lot is only 20' wide, only two parking spaces meeting Zoning Code requirements can be provided on site. The applicant would be required to provide the Board documentation of leasing of the two other parking spaces on nearby property.

Historic District: The subject property is located within the Eutaw Place – Madison District, a locally designated Baltimore City historic district. All exterior changes, including additions, demolitions, and alterations are subject to review and approval by the Commission for Historical and Architectural Preservation (CHAP). Because the property is located in a designated historic district, it may be eligible for historic tax credits for restoration and renovation. It is recommended that the applicant contact CHAP to determine the review process applicable to their project.

TransForm Baltimore: This property would become part of the R-7 District (Proposed Zoning Map Area 6-B) in which multi-family dwellings would be permitted uses (Table 9-301). The R-7 Districts would have residential conversion requirements including a minimum of 750 square feet of floor area per 1-bedroom dwelling unit (§9-703). As the structure has approximately 1,440 square feet per floor, at least two and up to four of the proposed dwelling units would require variances of this requirement. Parking required would be one space per dwelling unit (Table 16-406A). This property, being able to provide only two spaces, would need a variance of this requirement also.

RECOMMENDATION

The Department of Planning recommends disapproval of this appeal, because the Board is not authorized to approve conversion of a single-family dwelling to a 5-family dwelling in a R-8 Zoning District, where this property is located, where the property does not meet lot area requirements for the proposed multiple-family use.

TJS/wya/mf

cc: Gideon Samson, Appellant