


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 / 446 Elrino Street		

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

DATE: April 15, 2014

REQUEST

The Department of Planning has received Mrisostomos Balomas' Board of Municipal and Zoning Appeals (BMZA) application, on behalf of Balomas Properties LLC, to continue to use the premises for two dwelling units. The Zoning Administrator has determined that this would be a conditional use conversion in a R-7 District, and that a variance of Zoning Code lot area requirements would be needed for approval of this application. We understand that this appeal is scheduled for hearing on April 22, 2014.

SITE

446 Elrino Street is located on the east side of the street, approximately 91' north of the intersection with Eastern Avenue. This property measures approximately 15' by 95' and is currently improved with a two-story attached residential building measuring approximately 15' by 40'. This site is zoned R-7 and is located within the Southeast Neighborhoods Development (SEND) Strategic Neighborhood Action Plan area.

ANALYSIS

Use: In this zoning district, multiple-family attached dwellings are a permitted use, and so are allowed (§4-1001). In this case, the property was last authorized for use as a multiple-family attached dwelling, as evidenced by a Certificate of Occupancy issued to a previous owner in 1964.

Insufficient Lot Area: In this zoning district, multiple-family dwellings require 1,100 square feet of lot area per dwelling unit (§4-1006.a.). In this case, for two dwelling units, 2,200 square feet of lot area is required. The lot only encloses 1,125 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 49%. The variance requested exceeds the discretionary range of the Board and so should not be allowed.

TransForm Baltimore: This property would remain part of the R-7 District (Proposed Zoning Map Area 8-D) in which multi-family dwellings would be permitted uses (Table 9-301). The R-7 Districts would have conversion requirements for single-family residential dwellings (§9-703), including floor area of the existing dwelling (1,500 square feet minimum) that this particular premises, which has approximately 1,200 square feet of floor area (not including its occupied basement), would not meet. Off-street parking of 1 space per dwelling unit would also be required (Table 16-406A), which this property could not provide.

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RECOMMENDATION

The Department of Planning recommends disapproval of this appeal unless the applicant demonstrates that two-family use of the property has not been discontinued or abandoned.

TJS/wya/mf

cc: Mrisostomos Balomas, Appellant