


FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE <b>MEMO</b>	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8 <sup>TH</sup> FLOOR		
	SUBJECT	BMZA / 464 Hornel Street		

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

DATE: May 5, 2010

### REQUEST

The Department of Planning has received Miryan Quezada's Board of Municipal and Zoning Appeals (BMZA) application to use the premises for two dwelling units. We understand that this appeal is scheduled for hearing on May 11, 2010.

### SITE

464 Hornel Street is located on the west side of the street, approximately 16' north of the intersection with Eastern Avenue. This property measures approximately 14' by 92' and is currently improved with a two-story row-house building measuring approximately 14' by 44'. This site is zoned R-7 and is located within the Southeast Neighborhoods Development Action Plan area.

### ANALYSIS

Use: In this zoning district, multiple-family attached dwellings are listed as a permitted use, and so are allowed (§4-1001). In this case, the property was last authorized for use as a multiple-family dwelling and a beauty shop, which is a nonconforming use in this R-7 General Residence District.

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 1,288 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 41%. The variance requested exceeds the discretionary range of the Board and so should not be allowed.

### RECOMMENDATION

The Department of Planning recommends disapproval of the appeal, as the amount of lot area variance which would be required for approval of this application exceeds the discretionary authority of the Board provided in the Zoning Code, unless the applicant can demonstrate that the nonconforming multiple-family use of the building has continued uninterrupted.

TJS/ewt/mf

cc: Miryan Quezada, Appellant