


TAX

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 / 1840 GOUGH STREET		

TO

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

DATE: April 15, 2009

**REQUEST**

The Department of Planning has received Mengesha Gebremicael's Board of Municipal and Zoning Appeals (BMZA) application to increase from a grocery store and two dwelling units to a grocery and three dwelling units. We understand this appeal is scheduled for hearing on May 12, 2009.

**SITE**

1840 Gough Street is located on the northwest corner of the intersection with South Wolfe Street. This property measures approximately 21'6" by 75' and is currently improved with a three-story end-of-row attached building. This site is zoned R-8.

**ANALYSIS**

Use: In this zoning district, grocery stores are not listed as a permitted or conditional use, and so are not allowed (§4-1101 to §4-1104). In this case, the property was last authorized for use as a grocery store and two dwelling units. The grocery store is a nonconforming use in this R-8 General Residence District.

Discontinuance of Use: Whenever the active and continuous operation of any Class III nonconforming use, or any part of that use, has been discontinued for 12 consecutive months: (i) the discontinuance constitutes an abandonment of the discontinued nonconforming use, or discontinued part of that use... (§13-407.a.1). This section does not apply to any Class III nonconforming uses in an R-6, R-7, R-8, R-9, or R-10 District (§13-407.c).

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).

Insufficient Lot Area: In this zoning district, multiple-family dwellings require 750 square feet of lot area per dwelling unit (§4-1106). In this case, for three dwelling units, 1,875 square feet of lot area is required. The lot only encloses ±1,805 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 ±4%. The variance requested lies within the discretionary range of the Board.

Off-Street Parking and Variance: In this zoning district, multiple-family attached dwellings require one off-street parking space per dwelling unit (§10-405.1.iv). For three dwelling units, three parking spaces are required. An attached garage with one independently-functioning parking space is available. ... the Board may grant a variance to reduce by no more than 75% the number of off-street parking spaces otherwise required by the applicable regulation (§15-208.b).

Comprehensive Planning: The Department of Planning typically will only support one dwelling unit per floor, and normally does not support units in basements. The Baltimore City Comprehensive Master Plan: LIVE, EARN, PLAY, LEARN calls for better land use and urban design standards in order to improve the neighborhoods in our City. To further encourage the excessive conversion of residences, or by maintaining properties in a nonconforming status, confounds this process. In this case, the proposed third unit does not appear to be a well-designed unit, with windows that face interiors of other parcels and laundry facilities in the kitchen. Considering that this building already approved for a grocery and two dwelling units, adding another unit will add density that isn't warranted. On the other hand, if the appellant is interested in discontinuing the grocery store use, and wishes to replace it with a dwelling unit, Planning would support that change.

**RECOMMENDATION**

The Department of Planning recommends disapproval of the appeal.

TJS/ewt

cc: Mengesha Gebremicael, Appellant