


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 / 1728-1734 Eastern Avenue & 421 Regester Street		

TO

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

DATE: May 9, 2013

REQUEST

The Department of Planning has received Eric Dashner's Board of Municipal and Zoning Appeals (BMZA) conditional use application to use the consolidated property as 9 dwelling units. The Zoning Administrator has determined that a variance of lot area requirements of the Zoning Code would be required for approval of this application. We understand that this appeal is scheduled for hearing on May 14, 2013.

SITE

1728-1734 Eastern Avenue is located on the north side of the street, approximately 54' east of the intersection with Regester Street. This property measures approximately 60' by 110' and is currently improved with a religious institutional building measuring approximately 60' by 95'. 421 Regester Street is located on the east side of the street, approximately 74' north of the intersection with Eastern Avenue. This property measures approximately 36' by 54' and is currently improved with a two-story religious institutional building covering the entire lot. This site is zoned B-2-2 and R-8 and is located within the Fells Point Historic District.

ANALYSIS

Use: In this zoning district, dwellings are a permitted use, and so are allowed (§6-306).

Insufficient Lot Area: In this zoning district, multiple-family dwellings require 1,100 square feet of lot area per dwelling unit (§6-311.c). In this case, for 9 dwelling units, 9,350 square feet of lot area is required. The consolidated lots only enclose 8,544 square feet, and so do 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 8.6%. The variance requested is within the discretionary range of the Board and so may be allowed.

Off-Street Parking: ... whenever the existing use of a structure is changed to a new use, off-street parking facilities must be provided, as required by this title, for that new use (§10-203.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). In this zoning district, multiple-family dwellings require one off-street parking space per 2 dwelling units (§10-405.1.iv). For nine dwelling units, five parking spaces are required; ten would be provided.

Required Access, To Street Or Alley: Each parking space must be designed with safe and efficient means of vehicular access to: (1) a street; or (2) an alley at least 15 feet wide (§10-306.a). The parking spaces to be created by "hollowing out" street level portions of the combined structures will be accessible directly from Regester Street or Portugal Street.

Land Use and Urban Design: This applicant has worked with the Site Plan Review Committee to develop a parking space layout that provides necessary spaces while not unnecessarily impeding traffic flow around the rear of the building. The revised development plan with ten off-street parking spaces built into the street level of the rear of the building was approved on May 9, 2013.

Historic District: The subject property is located within the Fells Point District, a locally and nationally 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). The property is located in a designated historic district, and so may be eligible for historic tax credits for restoration and renovation. It is recommended that the applicant remain in contact with CHAP to complete the review process applicable to their project.

TransForm Baltimore: This property (as consolidated) would continue to be partly in a R-8 District on Regester Street, where multi-family dwellings would continue to be permitted, while the portion nearer Eastern Avenue would become part of a C-1 Neighborhood Business District (Proposed Zoning Map Area 7-D) in which multi-family dwellings would be a conditional use (Table 10-301).

RECOMMENDATION

The Department of Planning recommends approval of this appeal, subject to the applicant obtaining a Notice To Proceed from the Commission for Historical and Architectural Preservation.

TJS/wya/mf

cc: Eric Dashner, Appellant