


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 / 1129 North Caroline Street		

TO

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

DATE:

May 15, 2014

**REQUEST**

The Department of Planning has received Nate Pretl's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of TRF DP Holdings LLC, to use the premises as an office and two dwelling units. The Zoning Administrator has determined that this is a conditional use conversion in a R-8 District. We understand that this appeal is scheduled for hearing on May 20, 2014.

**SITE**

1129 North Caroline Street is located on the southeast corner of the intersection with Biddle Street. This property measures approximately 29'6" by 150' and is currently improved with a three-story detached building measuring approximately 24' by 90' and a two-story detached building measuring approximately 28' by 36' with two garage doors accessible from Biddle Street. This site is zoned R-8 and is located within the Gay Street I Urban Renewal Plan area and the Old East Baltimore National Register Historic District.

**ANALYSIS**

Use: In this zoning district, offices 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 funeral parlor and undertaking establishment, which is a nonconforming use in this R-8 General Residence District. Multiple-family dwellings are a permitted use (§4-1101).

Change in Nonconforming Use: In accordance with Subtitle 7 {"Modifications and Continuances by Board"} of this title, the Board may authorize a Class III nonconforming use in a Residence or Office-Residence District to be changed to a use permitted in a B-1 District (§13-405.b). Offices: business, governmental, and professional – but not including sales and bulk storage of merchandise on the premises, is listed as a permitted use in the B-1 District, and so is eligible for a change in nonconforming use (§6-206).

Urban Renewal Plan: This property is located in the Gay Street I Urban Renewal Area, where the Urban Renewal Plan does not prohibit or further restrict the proposed use in this district.

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 dwelling unit (§10-405.1.iv). For two dwelling units, two parking spaces are required; two can be provided in the separate structure at the rear of the property.

Historic District: The property is located in a designated historic district, and so may be eligible for historic tax credits for restoration and renovation. The appellant is encouraged to contact the Baltimore Commission for Historical and Architectural Preservation before proceeding with any improvements which may be authorized as a result of this appeal.

TransForm Baltimore: This property would remain part of the R-8 District (Proposed Zoning Map Area 7-B) in which multi-family dwellings would be a permitted use, offices would be prohibited, and neighborhood commercial establishments would be conditional uses (Table 9-301). The R-8 Districts would continue to have off-street parking requirements for dwellings like those in the current Zoning Code (Table 16-406A).

#### **RECOMMENDATION**

The Department of Planning recommends approval of this appeal.

TJS/wya/mf

cc: Nate Pretl, Appellant