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| 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 / 3006 Hamilton Avenue | | |

TO

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

DATE:

May 30, 2014

REQUEST

The Department of Planning has received Charles Lamasa's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of 3006 Hamilton Avenue LLC, to use the premises for six dwelling units. The Zoning Administrator has determined that this is a conditional use conversion in a B-2 District. We understand that this appeal is scheduled for hearing on June 3, 2014.

SITE

3006 Hamilton Avenue is located on the northwest corner of the intersection with Richard Avenue. This property measures approximately 80' by 125' and is currently improved with a two-story building measuring approximately 54' by 30' with a one-story rear wing. This site is zoned B-2-2 and is located within the Hamilton Business Area Urban Renewal Plan area.

ANALYSIS

Use: In this zoning district, dwellings are a permitted use, and so are allowed (§6-306). In this case, the property was last authorized for use as a trade school and offices, which are permitted uses in this B-2 Community Business District.

Urban Renewal Plan: This property is located in the Hamilton Business Area Urban Renewal Area, where the Urban Renewal Plan does not, in the interpretation of the Department of Planning, prohibit or further restrict the proposed use in this district. The URP contains this statement concerning permitted uses in areas designated as Community Business:

"Street-facing ground floor uses must be primarily retail or service establishments that deal directly with consumers, rely heavily on walk-in business and have regular daily hours."
(-- Urban Renewal Plan, B.2.a.(3)(c))

In the context of this existing structure, which was constructed as the Hamilton Branch of the Enoch Pratt Free Library in 1920, this could engender design conflicts with the Urban Renewal Plan's Property Rehabilitation Standards:

"Building Fronts and Sides Abutting Streets/ (1) All structural and decorative elements of building fronts and sides abutting streets shall be repaired or replaced in a workmanlike manner to match as closely as possible the original materials and construction of the building."
(-- Urban Renewal Plan, C.3.a.(1))

The fact that the existing structure was historically never designed for, or intended for use as, a commercial establishment would make its partial conversion to ground-floor retail or walk-in business use problematic. For this reason the Department does not consider the Urban Renewal Plan to prohibit or restrict the proposed use of this structure only for dwellings.

The Department of Planning further notes that Hamilton Avenue at this location is a relatively narrow three-lane side street when contrasted to the much wider commercial artery known as Harford Road, which is approximately 180' west of this property. This portion of Hamilton Avenue has not traditionally been a location for development of ground-floor retail or walk-in businesses, unlike Harford Road nearby.

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).

Lot Area: In this zoning district, dwellings require 1,100 square feet of lot area per dwelling unit (§6-311.c.). In this case, for six dwelling units, 6,600 square feet of lot area is required. The lot encloses approximately 10,000 square feet, and so does meet this requirement.

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 attached dwellings require one off-street parking space per 2 dwelling units (§10-405.1.iv). For six dwelling units, three parking spaces are required; at least six are provided.

TransForm Baltimore: This property would become part of the C-1 District (Proposed Zoning Map Area 4-A) in which multi-family dwellings would be conditional uses (Table 10-301). The C-1 Districts would have off-street parking requirements of 1 space per dwelling unit (Table 16-406A).

RECOMMENDATION

The Department of Planning recommends approval of this appeal.

TJS/wya/mf

cc: Charles Lamasa, Appellant