


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 / 801 Stoll Street		

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 David Braun's Board of Municipal and Zoning Appeals (BMZA) application to use the premises as two dwelling units. The Zoning Administrator has determined that this is a conditional use conversion in a R-6 District. We understand that this appeal is scheduled for hearing on June 3, 2014.

SITE

801 Stoll Street is located on the south side of the street, approximately 115' east of the intersection with 8th Street. This property measures approximately 43' by 100' and is currently improved with a two-story end-of-row building measuring approximately 18' by 33'. This site is zoned R-6 and is located within the Brooklyn and Curtis Bay Strategic Neighborhood Action Plan area.

ANALYSIS

Use: In this zoning district, multiple-family attached dwellings are not listed as a permitted or conditional use, and so are not allowed (§4-901 to §4-904). In this case, the property was last authorized for use as a multiple-family attached dwelling, which is a nonconforming use in this R-6 General Residence District. The application indicates that this property has been vacant for over a year.

Determination of nonconformity or noncompliance: (a) Whether a nonconforming use, noncomplying density or other form of nonconformity exists is a question of fact that, except as specified in subsection (b) of this section, must be decided by the Board after public notice and hearing in accordance with the rules of the Board (§13-107). The application indicates that the premises has been vacant for over a year, which may indicate abandonment of the nonconforming use.

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).

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).

TransForm Baltimore: This property would remain part of the R-6 District (Proposed Zoning Map Area 13-A) in which multi-family dwellings would be permitted uses (Table 9-301).

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RECOMMENDATION

The Department of Planning recommends disapproval of this appeal, because the Board is not authorized to approve conversion of a 1-family dwelling to a 2-family dwelling in a R-6 Zoning District, where this property is located, unless the applicant demonstrates that nonconforming use of the property as a multiple-family attached dwelling has not been discontinued and abandoned.

TJS/wya/mf

cc: David Braun, Appellant