


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 / 1226 North Charles Street		

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

DATE:

July 13, 2010

REQUEST

The Department of Planning has received Lee Giroux's Board of Municipal and Zoning Appeals (BMZA) application to use the first floor of the premises for a convenience store, and the upper floors (including the mezzanine) for 12 apartments. We understand that this appeal is scheduled for hearing on July 20, 2010.

SITE

1226 North Charles Street is located on the southwest corner of the intersection with Preston Street. This property measures approximately 43'4" by 110' and is currently improved with a four-story building measuring approximately 43' by 103'. This site is zoned B-4-2 and is located within the Mount Vernon Urban Renewal Plan area and the Mount Vernon Historic District.

ANALYSIS

Use: In this zoning district, dwellings, food stores and carry-out food shops are listed as permitted uses, and so are allowed (§6-506). In this case, the property was last authorized for use as a bank, which is a permitted use in this B-4 Central Business District.

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, there is no lot area requirement related to dwelling units. The floor-area ratio (FAR) for the B-4 District, 14.0, exceeds the amount of FAR for the existing building to be converted to dwellings and a food store and carry-out food shop.

Renewal Plans: Ordinance #01-0165 was approved May 14, 2001 for the purpose of, among other things, clarifying the relationship between conditions or requirements imposed by an Urban Renewal Plan or Conservation Plan, such that the condition or requirement that is more restrictive will govern. Additionally, the ordinance prohibits the approval of a conditional use or a variance if that conditional use or variance is precluded by an applicable renewal plan or master plan.

Required Findings: The Board may not approve a conditional use unless, after public notice and hearing and on consideration of the standards prescribed in this title, it finds that: ... (2) the use is not in any way precluded by any other law, including an applicable urban renewal plan; (§14-204). For this reason, the Board must consider the requirements of the Mount Vernon Urban Renewal Plan, which does allow this 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 attached dwellings require one off-street parking space per 4 dwelling units, and one off-street parking space per 8 efficiency units (§10-405.1.iv). For one dwelling unit and 11 efficiency units, two parking spaces are required; two can be provided behind 1226 North Charles Street but their access is via a 10' wide alley, which does not meet the Zoning Code minimum width requirement of 15'.

Off-Street Parking Variance: ... 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). In this case the reduction proposed is 100%, which is greater than the variable amount the Board may authorize.

Historic District: The subject property is located within the Mount Vernon District, a locally 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). It is recommended that the applicant contact CHAP to determine the review process applicable to this project. Because the property is located in a designated historic district, it may also 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.

RECOMMENDATION

The Department of Planning has no objection to this appeal.

TJS/wya/mf

cc: Lee Giroux, Appellant