


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 / 1204-1212 North Dallas Street		

TO

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

DATE: January 7, 2014

REQUEST

The Department of Planning has received Lisa Junker's Board of Municipal and Zoning Appeals (BMZA) conditional use application, on behalf of TRF DP Holdings LLC, to use the first floor of the premises as a neighborhood multi-purpose center, and use the second floor as eight dwelling units. The Zoning Administrator has determined that the neighborhood multi-purpose center is a conditional use in a R-8 District, and that a variance of Zoning Code lot area, lot coverage, and off-street parking requirements is needed for approval of this application. We understand that this appeal is scheduled for hearing on January 14, 2014.

SITE

1204-1212 North Dallas Street is located on the west side of the street, approximately 114'6" north of the intersection with Biddle Street. This property measures approximately 82' by 70' and is currently improved with a two-story detached commercial building covering the entire lot. This site is zoned R-8 and is located within the Oliver Neighborhood Development Program (NDP) Urban Renewal Plan area and the Old East Baltimore National Register Historic District.

ANALYSIS

Conditional Use: In this zoning district, multi-purpose neighborhood centers are a conditional use, requiring approval by the Board (§4-1103). In this case, the property was last authorized for use as a multiple-family attached dwelling, which is a permitted use in this R-8 General Residence 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). In this R-8 zoning district, multiple-family dwellings require 750 square feet of lot area per dwelling unit (§4-1106.a). In this case, for eight dwelling units, 5,625 square feet of lot area is required. The lot encloses 5,740 square feet, and so does meet this requirement. However, in the R-8 Districts, the conversion of a 1- or 2-family dwelling to additional dwelling units may be authorized, but only by a conditional-use ordinance. The Board does not have discretionary authority to approve this application unless the applicant demonstrates that the property is in use as a multiple-family dwelling containing more than 2 dwelling units.

Urban Renewal Plan: This property is located in the Oliver NDP Urban Renewal Area, where the Urban Renewal Plan does not prohibit the proposed use in this district. However, multiple-family dwellings are required to have a minimum of 1,100 square feet of lot area per dwelling unit (Urban Renewal Plan, Land Use Plan, Permitted Uses, Residential (B.1.a.)). This requirement is not subject to variance or waiver. (Plan was approved May 17, 1971.)

The 5,625 square feet of lot area would only allow five dwelling units, using a total of 5,500 square feet of its available square footage.

Insufficient Lot Area: In this zoning district, multi-purpose neighborhood centers require 5,000 square feet of lot area (§4-1106.c.). In this case, for 8 dwelling units and a multi-purpose neighborhood center, 10,625 square feet of lot area is required. The lot only encloses 5,740 square feet, and so does 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 46%. The variance requested exceeds the discretionary range of the Board and so should not be allowed.

Lot coverage: The proposed use would not result in any increase in lot coverage. The dwelling units and the multi-purpose neighborhood center would be created entirely within the existing structure, which exceeds the allowable 40% lot coverage maximum for the R-8 District, but which was constructed prior to 1971.

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). The amount of off-street parking for a multi-purpose neighborhood center will be as required by the Board after considering written recommendation by the Department of Public Works (§10-405.22.iii).

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 a R-8 District (Proposed Zoning Map Area 7-B) in which multi-family dwellings would be permitted uses and community centers would be conditional uses (Table 9-301). "Community center" means "a facility in which people who live in the same neighborhood or community are able to meet and carry on cultural, social, or recreational activities" (§1-304 (G)).

RECOMMENDATION

The Department of Planning recommends approval of this appeal if it is amended to provide four dwelling units and a multiple-purpose neighborhood center. This reduced number would reduce the lot area variance required for approval to an amount within the discretionary authority provided to the Board by the Zoning Code. The application currently is unapprovable under the terms of the Oliver NDP Urban Renewal Plan, because it would provide more units than the available lot area could support.

TJS/wya/mf

cc: Lisa Junker, Appellant