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|------|-----------------------|--|-------------------------------------|---|
| FROM | NAME & TITLE          | THOMAS J. STOSUR, DIRECTOR   | CITY of<br>BALTIMORE<br><b>MEMO</b> |  |
|      | AGENCY NAME & ADDRESS | DEPARTMENT OF PLANNING<br>417 EAST FAYETTE STREET, 8 <sup>TH</sup> FLOOR |                                     |   |
|      | SUBJECT               | BMZA / 6608-6616 Holabird Avenue   |                                     |   |

TO

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

DATE: December 31, 2013

**REQUEST**

The Department of Planning has received Frank Scarfield's Board of Municipal and Zoning Appeals (BMZA) application to use the second floor of the premises as 12 dwelling units, with commercial uses continuing below. The Zoning Administrator has determined that a variance of Zoning Code lot area requirements is needed for approval of this application. We understand that this appeal is scheduled for hearing on January 14, 2014.

**SITE**

6608-6616 Holabird Avenue is located on the northwest corner of the intersection with Manor Avenue. This property measures approximately 150' by 125' and is currently improved with a two-story detached commercial building measuring approximately 120' by 50'. This site is zoned B-3-1 and is located within the Southeast Neighborhoods Development (SEND) Strategic Neighborhood Action Plan area.

**ANALYSIS**

Use: In this zoning district, dwellings are a permitted use, and so are allowed (§6-406). In this case, the property was last authorized for use as a restaurant and a carry-out food shop, which are permitted uses in this B-3 Community Commercial 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).

Insufficient Lot Area: In this zoning district, multiple-family dwellings require 5,000 square feet of lot area per dwelling unit (§6-411.b.). In this case, for 12 dwelling units, 57,500 square feet of lot area is required. The lot only encloses 18,750 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 67%. The variance requested exceeds the discretionary range of the Board and so should not be allowed.

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). Accessory off-street parking facilities that existed on April 20, 1971, and still serve a structure or use may not be reduced below – or if already below, may not be further reduced below – the minimum requirements of this title for a similar new structure or use (§10-204).

The property currently has 25 parking spaces serving the commercial uses which are expected to remain in place on the first floor. As the first floor has an approximate gross floor area of 6,000 square feet, for which 30 off-street parking spaces would be required pursuant to §10-405 (21)(i.) of the Zoning Code, the applicant may not reduce the number of these spaces dedicated to serving the commercial uses in order to provide spaces for the proposed use.

**RECOMMENDATION**

The Department of Planning recommends disapproval of this appeal, because the amount of lot area variance that would be required for approval of the application exceeds the Board's discretionary authority provided in the Zoning Code, and because the applicant has not indicated where off-street parking would be provided to serve the proposed use.

TJS/wya/mf

cc: Frank Scarfield, Appellant