


FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE <b>MEMO</b>	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8 <sup>TH</sup> FLOOR		
	SUBJECT	BMZA / 6321-6325 Belair Road		

TO

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

DATE:

August 11, 2014

**REQUEST**

The Department of Planning has received Stephen and Suzanne Cromwell's Board of Municipal and Zoning Appeals (BMZA) application to continue to use the first floor of the premises as a barber shop and a day care center, and to use the second floor of the premises as six dwelling units. The Zoning Administrator has determined that this is a conditional use conversion and that a variance of Zoning Code off-street parking requirements is needed for approval of this application. We understand that this appeal is scheduled for hearing on August 12, 2014.

**SITE**

6321-6325 Belair Road is located on the east side of the street, approximately 207' northeast of the intersection with Glenmore Avenue. This property measures approximately 53'4" by 141'6" and is currently improved with a two-story detached building measuring approximately 50' by 115'. This site is zoned B-2-2.

**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 barber shop and a day nursery (day care center), permitted uses in this B-2 Community Business District. The applicant is proposing to add dwelling units above the street-level commercial space in the premises.

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).

Business Districts – Lot area – Computations: (1) The maximum number of permitted dwelling units on a lot is determined by dividing the total area of the lot by the lot area requirement that applies to the subdistrict in which the lot is located. (2) A fraction of the total area that is 50% or more of the required lot area factor counts as an additional permitted dwelling unit (§6-105). In this case, the lot encloses over 7,500 square feet, and so allows up to seven dwelling units.

Off-Street Parking: ... if the intensity in use of a structure or premises is increased through the addition of dwelling, efficiency, or rooming units, floor area, seating capacity, or other units of measurement, off-street parking facilities must be provided for that increased intensity, as required by this title (§10-202.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).

Off-Street Parking: 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. Up to three parking spaces could be provided in the rear of the property using existing detached accessory structures originally constructed as automobile garages. To meet the demand for off-street parking at the address immediately south of this property (see appeal no. 2014-285 for 6317-6319 Belair Road by the same applicants) the applicant could remove the existing accessory structures to provide an open-air parking area that would accommodate up to five spaces, three designated for occupants of this property and two designated for occupants of the adjoining property. Such an arrangement would be described more fully in a recorded commercial lease for the two spaces that would meet the standards of §10-304.b. of the Zoning Code.

Land Use and Urban Design: The conversion of the upper floor of this property and its neighbor now under common ownership to a group of eleven multiple-family dwelling units may require removal of the existing accessory rear structures in order to allow access to or residents' egress from the rear of both properties in the event of fire or other life-safety emergency. The applicants should discuss this in detail with staff of the Plans Examining office in Room 101 of 417 E. Fayette Street, Baltimore.

TransForm Baltimore: This property would become part of the C-1 District (Proposed Zoning Map Area 4-B) 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 subject to the applicant providing at least three parking spaces on site for use by residents of the proposed dwelling units, and compliance with all requirements of fire and safety codes.

TJS/wya/mf

cc: Stephen and Suzanne Cromwell, Appellant