


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 / 6317-6319 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 tavern, and to use the second floor of the premises as five 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**

6317-6319 Belair Road is located on the east side of the street, approximately 150' northeast of the intersection with Glenmore Avenue. This property measures approximately 56'11" by 142'2" and is currently improved with a two-story detached building measuring approximately 42' by 122'. 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 tavern with live entertainment and dancing by the Board's approval of appeal no. 2011-444 on April 20, 2012, which authorized a conditional use in this B-2 Community Business District. The applicant is proposing to add dwelling units above the tavern.

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 8,000 square feet, and so allows up to eight 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 five dwelling units, three parking spaces are required. The rear portion of this property is bordered by a 10' wide alley and is currently occupied by a one-story accessory structure which was at one time used as an automobile garage, which adjoins the one-story rear portion of the principal structure formerly used as a bakery. The applicant could remove the unattached accessory structure in order to create an open-air parking area at the rear of this property.

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 and on the adjoining property known as 6321-6325 Belair Road (see companion appeal no. 2014-286 by the same applicants) for use by residents of the proposed dwelling units. This would necessitate a commercial lease that would meet the standards of §10-304.b. of the Zoning Code.

TJS/wya/mf

cc: Stephen and Suzanne Cromwell, Appellant