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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 / 20 East Read Street   |                                     |   |

TO

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

DATE: August 12, 2013

**REQUEST**

The Department of Planning has received AB Associates' Board of Municipal and Zoning Appeals (BMZA) conditional use application, on behalf of Dellis & Petillo LLC, to use the premises as four dwelling units and two efficiency units. The Zoning Administrator has determined that this is a conditional use conversion in a O-R District, and that a variance of Zoning Code parking requirements is needed for approval of this application. We understand that this appeal is scheduled for hearing on August 20, 2013.

**SITE**

20 East Read Street is located on the northwest corner of the intersection with Saint Paul Street. This property measures approximately 114'3" by 20'7" and is currently improved with a three-story semi-detached residential building covering the entire lot. This site is zoned O-R-3 and is located within the Mount Vernon Urban Renewal Plan area and the Mount Vernon Historic District.

**ANALYSIS**

Use: In this zoning district, dwellings are a permitted use, and so are allowed (§5-201). In this case, the property was last authorized for use as a single-family attached dwelling and offices.

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, multiple-family dwellings require 200 square feet of lot area per dwelling unit and 135 square feet of lot area per efficiency unit (§5-206 (d)). In this case, for four dwelling units, 800 square feet of lot area is required; for two efficiency units, 270 square feet of lot area is required. The lot encloses 2,348 square feet, and so does meet this requirement.

Urban Renewal Plan: This property is located in the Mount Vernon Urban Renewal Area, where the Urban Renewal Plan does not prohibit or further restrict the proposed use in this district. However, the Urban Renewal Plan does include off-street parking requirements applicable to this appeal (see below).

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). ... 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 dwellings require one off-street parking space per 2 dwelling units and one off-street parking space per 4 efficiency units (§10-405.1.iv). For four dwelling units, two parking spaces are required; for 2 efficiency units, one parking space is required; none are or can be provided.

The Mount Vernon Urban Renewal Plan, in its Land Use and Off-Street Parking Provisions (Plan, B.5.) for Office-Residential land use, states: “The following off-street parking requirements must be provided in all the Office-Residential Land Use districts in this Plan: 1 off-street parking space for every 2 dwelling units/ 1 off-street space for every 2 efficiency units in multiple-family dwellings ....” This requirement is not subject to variance or waiver by the Board. The applicant thus must demonstrate provision of a minimum of three (3) off-street parking spaces meeting Zoning Code requirements in order to satisfy the Urban Renewal Plan provisions.

TransForm Baltimore: This property would become part of the O-R-2 District (Proposed Zoning Map Area 7-A) in which multi-family dwellings would be permitted uses (Table 12-301). The O-R Districts would have off-street parking requirements of 1 space per dwelling unit (Table 16-406A).

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 their project.

#### **RECOMMENDATION**

The Department of Planning recommends that approval of this appeal, if granted, be conditional upon the applicant providing at least three off-street parking spaces meeting Zoning Code requirements to serve the residents of this property.

TJS/wya/mf

cc: AB Associates, Appellant