


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 / 3427 Foster Avenue		

TO

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

DATE: August 14, 2015

REQUEST

The Department of Planning has received Joseph Woolman's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of Nategeh (Nora) Dabestani, to use the premises as four dwelling units. The Zoning Administrator has determined that variances of lot area and lot coverage requirements are needed for approval. We understand that this appeal is scheduled for hearing on August 25, 2015.

SITE

3427 Foster Avenue is located on the southwest corner of the intersection with Baylis Street. This property measures approximately 15' by 85' and is currently improved with a two-story end-of-row residential building covering the entire lot. This site is zoned R-8 and is located within the Canton National Register Historic District.

ANALYSIS

Use: In this zoning district, multiple-family attached dwellings are a permitted use, and so are allowed (§4-1101). In this case, the property was last authorized for use as a multiple-family dwelling. Historic zoning records show that this premises was issued a certificate of occupancy in 1963 for a beauty shop in the first floor front portion, and for two dwelling units and four rooming units in the remainder of the premises. There was no record available to Planning staff indicating when the nonconforming commercial use was discontinued or abandoned and converted to residential use, nor when the rooming units were converted into an additional dwelling unit.

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 four dwelling units, 2,625 square feet of lot area is required. The lot only encloses 1,275 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 51%. The variance requested exceeds the discretionary range of the Board and so should not be allowed. However, if the property's past use as two dwelling units and four rooming units creates a credit of 500 square feet of lot area per rooming or efficiency unit, or 2,000 square feet, against the 1,500 additional square feet of lot area needed for approval of two additional dwelling units, then no lot area variance would be required.

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). In this zoning district, multiple-family attached dwellings require one off-street parking space per dwelling unit, efficiency unit, or rooming unit (§10-405.1.iv). For four dwelling units, four parking spaces are required; none are or can be provided. However, the property receives a credit for parking spaces for two dwelling units and four rooming units, a total of six spaces, which should have been provided but were not required because that multiple-family use predated the effective date of the current Zoning Code. As a result, no new parking spaces are required in this instance.

Lot Coverage: The existing structure covers approximately 100% of the property. A multiple-family dwelling structure may not have more than twice its lot area for floor area in the R-8 zoning district (§4-1106.a.). In this case, there is no proposed addition which would result in the structure having a larger FAR than 2.0, which would exceed this standard.

Lot Coverage Variance: The Board may grant a variance to authorize a lot coverage that is more than that otherwise allowed by the applicable regulation (§15-202.b). There is no variance needed in this case.

TransForm Baltimore: This property would remain part of the R-8 District (Proposed Zoning Map Area 8-C) in which multi-family dwellings would be permitted uses (Table 9-301). The R-8 Districts would have residential conversion standards, including requirements of specific floor area amounts per dwelling unit type (§9-703).

RECOMMENDATION

The Department of Planning has no objection to this appeal.

TJS/wya/mf

cc: Joseph Woolman, Appellant