


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 / 3912 West Cold Spring Lane		

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

DATE: June 25, 2015

REQUEST

The Department of Planning has received Lee Giroux's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of WAZ Properties LLC, to use the premises as two dwelling units. The Zoning Administrator has determined that this is a conditional use in a R-5 zoning district. We understand that this appeal is scheduled for hearing on June 30, 2015.

SITE

3912 West Cold Spring Lane is located on the north side of the street, approximately 409'6" east of the intersection with Garrison Boulevard. This property measures approximately 50' by 120' and is currently improved with a two-story-plus attic detached residential building measuring approximately 30' by 34'. This site is zoned R-5 and is located within the Greater Northwest Community Coalition Strategic Neighborhood Action Plan area.

ANALYSIS

Conditional Use: In this zoning district, multiple-family detached dwellings are a conditional use, requiring approval by the Board (§4-803). In this case, the property was last authorized for use as a single-family detached dwelling, which is a permitted use in this R-5 General Residence District. This application is required due to the premises having a Zoning Code status of a single-family dwelling, although the application states that the previous use was as a multiple-family dwelling.

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). The applicant must demonstrate to the Board that the proposed use does not require approval of a conditional use conversion for this appeal to proceed.

Off-Street Parking: 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). If the use proposed is a revival of the previously approved multiple-family dwelling use, with no increase in the number of dwelling units, there is no requirement to provide one additional off-street parking space. Planning staff note that the Maryland State Department of Assessment and Taxation (SDAT) record shows the premises contains two full bathrooms, suggesting that two dwelling units were previously established on this site.

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In this zoning district, multiple-family detached dwellings require one off-street parking space per dwelling unit (§10-405.1.iv). For two dwelling units, two parking spaces are required; two may be provided meeting Zoning Code requirements for accessibility because, while there is no alley behind this property, there is an existing curb cut for a driveway on the west side of the property.

TransForm Baltimore: This property would become part of the R-3 District (Proposed Zoning Map Area 1-D) in which multi-family dwellings would be prohibited uses (Table 8-301). This property would thus become a nonconforming use if two dwelling units were approved now.

RECOMMENDATION

The Department of Planning recommends disapproval of this appeal unless the applicant demonstrates that lawful multiple-family dwelling use of the premises exists, because the Zoning Code prohibits conversion of single-family dwellings to multiple-family dwellings in a R-5 zoning district, where this property is located. If the applicant demonstrates that use as a two-family dwelling was previously lawfully established and has not been discontinued, the Department would have no objection to approval of two dwelling units at this address.

TJS/wya/mf

cc: Lee Giroux, Appellant