


<b>FROM</b>	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 / 5425 The Alameda		

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

DATE:

August 27, 2010

**REQUEST**

The Department of Planning has received Forest Levi Webb and Nova Hester Moore's Board of Municipal and Zoning Appeals (BMZA) application to use the premises as two dwelling units. We understand that this appeal is scheduled for hearing on August 31, 2010.

**SITE**

5425 The Alameda is located on the east side of the street, approximately 283' south of the intersection with Northwood Drive. This property measures approximately 19' by 115' and is currently improved with a two-story row-house building measuring approximately 19' by 28'. This site is zoned R-5.

**ANALYSIS**

Conditional Use: In this zoning district, multiple-family detached dwellings are a conditional use, requiring approval by the Board (§4-803). In this zoning district, multiple-family attached dwellings are not listed as a permitted or conditional use, and so are not allowed (§4-801 to §4-804). In this case, the property was last authorized for use as a single-family attached dwelling, which is a conforming use in this R-5 General Residence District.

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). It would be possible for the applicant to provide two parking spaces accessible from the 16' wide alley at the rear of the property.

**RECOMMENDATION**

The Department of Planning recommends disapproval of the appeal, because the Zoning Code does not authorize the creation of new nonconforming uses in Residential zoning districts, unless the applicant can demonstrate that a legally-established nonconforming use of this property already exists.

TJS/wya/mf

cc: Forest Levi Webb and Nova Hester Moore, Appellants