

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 / 2101 Saint Paul Street		

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

DATE: August 27, 2009

REQUEST

The Department of Planning has received Alan Mlinarchik's Board of Municipal and Zoning Appeals (BMZA) application to use the premises for seven dwelling units and one office. We understand that this appeal is scheduled for hearing on September 1, 2009.

SITE

2101 Saint Paul Street is located on the northeast corner of the intersection with 21st Street. This property measures approximately 20' by 123' and is currently improved with a three-story building measuring approximately 20' by 123'. This site is zoned O-R-2 and is located within the Charles/ North Revitalization Urban Renewal Plan area and the Old Goucher College National Register Historic District.

ANALYSIS

Use: In this zoning district, dwellings and offices are listed as permitted uses, and so are allowed (§5-201). In this case, the property was last authorized for use as seven dwelling units and an office (refer to previous appeal 238-04X). This appeal is consistent with the requirements of §13-512 of the Zoning Code, which provides for a reduction of one dwelling unit allowed to continue in a noncomplying multiple-family structure whenever the active and continuous use of a dwelling unit in that structure has been discontinued for 12 consecutive months.

Renewal Plans: Ordinance #01-0165 was approved May 14, 2001 for the purpose of, among other things, clarifying the relationship between conditions or requirements imposed by an Urban Renewal Plan or Conservation Plan, such that the condition or requirement that is more restrictive will govern. Additionally, the ordinance proscribes the approval of a conditional use or a variance if that conditional use or variance is precluded by an applicable renewal plan or master plan.

Required Findings: The Board may not approve a variance unless, after public notice and hearing and on consideration of the standards prescribed in this title, it finds that because of the particular physical surroundings, shape, or topographical conditions of the specific structure or land involved, an unnecessary hardship or practical difficulty would result, as distinguished from a mere inconvenience, if the strict letter of the applicable requirement were carried out (§15-218). For this reason, the Board must consider the requirements of the Charles/ North Revitalization Urban Renewal Plan, part B, Land Use Plan, Land Use Provisions and Standards, 2.a.(4)(c), which require that one off-street parking space be provided for every two dwelling units in this district. The seven dwelling units proposed would require three off-street parking spaces; none can be provided on site because the existing building occupies the entire lot. Although the western half of the building was

constructed in the late 19th Century, it was enlarged in 1917 to create the Victoria Apartments, containing eight dwelling units. Since 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). The proposed office would only have been subject to the requirement to provide one off-street parking space per 800 sq ft of floor area in excess of 2,000 sq ft. if it were larger.

Insufficient Lot Area: In this zoning district, multiple-family dwellings require 550 square feet of lot area per dwelling unit (§5-206). In this case, for seven dwelling units, 3,575 square feet of lot area is required. The lot only encloses 2,460 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 31%. The variance requested exceeds the discretionary range of the Board and so ordinarily should not be allowed. However, as noted above, the existing building was constructed as the Victoria Apartments, containing eight apartments, before 1971, and so is a noncomplying multiple-family dwelling structure.

Required Yard: In this zoning district, a minimum street corner side yard setback of 10' is required, and a minimum rear yard setback of 10' is required (§5-207). In this case, the existing building projects to within 0' of the side and rear lot lines.

Yard Variance: The Board may grant a variance to authorize a yard or setback that is less than that otherwise required by the applicable regulation (§15-203).

Historic District: The property is located in a designated historic district, and so may be eligible for historic tax credits for restoration and renovation. The appellant is encouraged to contact the Baltimore Commission for Historical and Architectural Preservation before proceeding with any improvements which may be authorized as a result of this appeal.

RECOMMENDATION

The Department of Planning recommends approval of the appeal.

TJS/ewt/mf

cc: Alan Mlinarchik, Appellant