


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 / 5-7 South Carrollton Avenue		

TO

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

DATE:

August 25, 2014

REQUEST

The Department of Planning has received Jerry McCray's Board of Municipal and Zoning Appeals (BMZA) amended application, on behalf of Anarkalee Inc., to consolidate lots and use the combined premises as two dwelling units and a street-level commercial space, with construction of a two-story rear addition. The Zoning Administrator has determined that a variance of Zoning Code floor rear yard setback requirements is needed for approval of this application. We understand that this appeal is scheduled for hearing on September 9, 2014.

SITE

5-7 South Carrollton Avenue is located on the east side of the street, approximately 97' south of the intersection with Baltimore Street. Each property measures approximately 15' by 75' and is currently improved with a three-story vacant building measuring approximately 15' by 52'. This site is zoned B-2-3 and is located within the Poppleton Urban Renewal Plan area and the Union Square Historic District.

ANALYSIS

Use: In this zoning district, dwellings are a permitted use, and so are allowed (§6-301). In this case, the property was last authorized for use as a meat market, which is a permitted use in this B-2 Community Business District.

Urban Renewal Plan: This property is located in the Poppleton Urban Renewal Area, where the Urban Renewal Plan does not prohibit or further restrict the proposed use in this district.

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 proposed use of the property, once consolidated, as two dwelling units would meet all bulk requirements for a B-2-3 zoning district except for rear yard setback.

Required Yard: In this zoning district, a minimum rear yard setback of 30' is required (§6-312.e.). In this case, the proposed two-story rear additions will project to within 0' of the rear lot line.

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).

Off-Street Parking: ... 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 attached dwellings require one off-street parking space per 2 dwelling units (§10-405.1.iv). For two dwelling units, one parking space is required; none could be provided that would meet Zoning Code requirements for access as the side and rear alleys are both only 10' wide.

Off-Street Parking Variance: ... the Board may grant a variance to reduce by no more than 75% the number of off-street parking spaces otherwise required by the applicable regulation (§15-208.b). In this case the reduction proposed is 75%, which is within the variable amount the Board may authorize.

Historic District: The subject property is located within the Union Square District, a locally and nationally 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). Because the property is located in a designated historic district, it may also be eligible for historic tax credits for restoration and renovation. It is recommended that the applicant contact CHAP to determine the review process applicable to their project.

TransForm Baltimore: This property would become part of the C-1 District (Proposed Zoning Map Area 6-D) in which dwellings above the ground floor and numerous commercial uses would be permitted uses, while certain commercial uses would be conditional uses (Table 10-301). The C-1 Districts would have off-street parking requirements of 1 space per dwelling unit (Table 16-406A).

RECOMMENDATION

The Department of Planning has no objection to this appeal. If the Board decides to approve the application, approval should be conditional upon the applicant obtaining a Notice To Proceed from the Commission for Historical and Architectural Preservation for all exterior work that would be performed as a result of such approval.

TJS/wya/mf

cc: Jerry McCray, Appellant