


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 / 920 West Franklin Street		

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

DATE: September 30, 2015

REQUEST

The Department of Planning has received Pedro Guzman Diaz's Board of Municipal and Zoning Appeals (BMZA) application to use the premises as two dwelling units. The Zoning Administrator has determined that this is not a conditional use conversion in a R-8 zoning district, as the property has remained a multiple-family attached dwelling, but that variances of lot area and lot coverage are needed for approval. We understand that this appeal is scheduled for hearing on October 6, 2015.

SITE

920 West Franklin Street is located on the north side of the street, approximately 205' west of the intersection with Fremont Avenue. This property measures approximately 14' by 75' and is currently improved with a three-story semi-detached residential building measuring approximately 14' by 56'. This site is zoned R-8 and is located within the Harlem Park II Urban Renewal Plan area and the Old West Baltimore National Register Historic District.

ANALYSIS

Use: In this zoning district, multiple-family semi-detached 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 attached dwelling.

Insufficient Lot Area: In this zoning district, multiple-family dwellings require 750 square feet of lot area per dwelling unit (§4-1106.a.). In this case, for two dwelling units, 1,500 square feet of lot area is required. The lot only encloses 1,050 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 30%. The variance requested exceeds the discretionary range of the Board and so ordinarily should not be allowed. However, previous and continuing use of the property as a multiple-family dwelling has been documented by the applicant as pre-dating the current Zoning Code.

Lot Coverage: The existing structure covers approximately 75% of the property. A multiple-family dwelling structure may not have a floor area ratio of more than 2.0 in lieu of lot coverage limit (§4-1106.a.). In this case, the existing structure has a FAR of approximately 2.5, which exceeds 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).

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 (§10-405.1.iv). For two dwelling units, two parking spaces are required; none are or can be provided, due to the development pattern of this historic area. Previous pre-1971 use of this property as two dwelling units, as documented in the application, provides relief from this requirement.

Urban Renewal Plan: This property is located in the Harlem Park II Urban Renewal Area, where the Urban Renewal Plan does not prohibit or further restrict the proposed use in this district. The applicant will be required to complete renovation of this property in accordance with these Plan requirements:

- (a) Property rehabilitation shall comply with the codes and ordinances of the City of Baltimore. In addition, the following standards must be observed:
 - i. Windows and frames shall be repaired and painted if salvageable. If windows (sash and frame) are to be replaced, they must be of a size and configuration to match the original masonry opening. Black metal or iron vertical security grilles may be used on basement windows. Boards may be used only in cases of active rehabilitation on properties.
 - ii. New doors shall fit existing masonry openings. Where possible, existing architectural details such as marble base, lintels, door surrounds and steps must be retained.
 - iii. Property exteriors shall not be covered with vinyl, aluminum or other inappropriate material.
 - iv. Property exteriors shall be chemically cleaned, not sandblasted.

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.

TransForm Baltimore: This property would remain part of the R-8 District (Proposed Zoning Map Area 6-D) in which multi-family dwellings would be permitted uses (Table 9-301).

RECOMMENDATION

The Department of Planning recommends approval of this appeal.

TJS/wya/mf

cc: Pedro Guzman Diaz, Appellant