


FROM	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 / 2213 Annapolis Road		

TO

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

DATE: July 26, 2013

### REQUEST

The Department of Planning has received Michael Gallagher's Board of Municipal and Zoning Appeals (BMZA) conditional use application, on behalf of Tally Dvir, to use the premises as four dwelling units. The Zoning Administrator has determined that a variance of lot area Zoning Code requirements is needed for approval of this application. We understand that this appeal is scheduled for hearing on August 6, 2013.

### SITE

2213 Annapolis Road is located on the east side of the street, approximately 79' north of the intersection with Wenburn Street. This property measures approximately 24' by 87' and is currently improved with a two-story semi-detached residential building measuring approximately 12' by 57'. This site is zoned B-2-2 and is located within the Annapolis Road Urban Renewal Plan area.

### ANALYSIS

Use: In this zoning district, dwellings are a permitted use, and so are allowed (§6-306). In this case, the property was last authorized for use as a multiple-family semi-detached dwelling, which is a permitted use in this B-2 Community Business District.

Urban Renewal Plan: This property is located in the Annapolis Road 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).

Insufficient Lot Area: In this zoning district, multiple-family dwellings require 1,100 square feet of lot area per dwelling unit (§6-311.c). This lot contains approximately 2,088 square feet. In this case, at 1,100 square feet of lot area per dwelling unit, two dwelling units may be provided. This lot does not meet the lot area requirement for four dwelling units.

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 100%. The variance requested exceeds the discretionary range of the Board and so should not be allowed.

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 dwellings require one off-street parking space per 2 dwelling units (§10-405.1.iv). For 4 dwelling units, 2 parking spaces are required; 2 can be provided in the rear yard.

TransForm Baltimore: This property would become part of the C-2 District (Proposed Zoning Map Area 10-B) in which multi-family dwellings would be permitted uses (Table 10-301). One parking space would be required for each dwelling unit (Table 16-406A).

### **RECOMMENDATION**

The Department of Planning recommends disapproval of this appeal, because the number of additional dwelling units proposed requires a lot area variance which would exceed the Board's discretionary authority provided in the Zoning Code.

TJS/wya/mf

cc: Michael Gallagher, Appellant