

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 / 2031 Saint Paul Street		

TO

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

DATE: October 25, 2013

REQUEST

The Department of Planning has received AB Associates' Board of Municipal and Zoning Appeals (BMZA) application, on behalf of Poverni Ventures, to use the premises as four dwelling units and two efficiency units, with two off-street parking spaces in the rear and an additional parking space off-site. The original application indicates that all parking spaces would be off-site. The Zoning Administrator has determined that this is a conversion in a O-R District, and that a variance of Zoning Code lot area and off-street parking requirements is needed for approval of this application. We understand that this appeal is scheduled for hearing on October 29, 2013.

SITE

2031 Saint Paul Street is located on the southeast corner of the intersection with 21st Street. This property measures approximately 20' by 120' and is currently improved with a three-story semi-detached residential mixed-use building and attached one-story rear additions covering the entire lot. This site is zoned O-R-2 and is located within the Charles North Urban Renewal Plan area and the Old Goucher College National Register Historic District.

ANALYSIS

Use: In this zoning district, dwellings are a permitted use, and so are allowed (§5-201). In this case, the property was last authorized for use as a multiple-family dwelling, a permitted use, and a wearing apparel shop, which is a nonconforming use in this O-R Office-Residence District. The proposed use would extinguish the nonconforming use.

Urban Renewal Plan: This property is located in the Charles North Urban Renewal Area, where the Urban Renewal Plan does not prohibit or further restrict the proposed use in this district. However, the Plan does impose off-street parking requirements (see below).

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 550 square feet of lot area per dwelling unit and 375 square feet per efficiency unit (§5-206 (c)). In this case, for 4 dwelling units, 2,200 square feet of lot area is required; and for 2 efficiency units, 750 square feet of lot area is required. The lot only encloses 2,400 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 19%. The variance requested is within the discretionary range of the Board and so may 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)... 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 dwellings require one off-street parking space per 2 dwelling units and one space per 4 efficiency units (§10-405.1.iv). For 4 dwelling units, 2 parking spaces are required; for 2 efficiency units, 1 space is required; none are proposed to be provided on-site and 3 are proposed to be provided off-site. There is no statement in the application concerning the location of the off-site parking spaces, nor any lease or other document providing them as required by the Zoning Code.

The Charles North Urban Renewal Plan designates this property as part of an Office-Residential District in its Land Use map (Exhibit 1 of the Plan). In Office-Residential Land Use Districts, 1 off-street parking space must be provided for every 2 dwelling units, and 1 off-street parking space must be provided for every 2 efficiency units in multiple-family dwellings and apartment hotels (Plan, B.2.a.(4)). For the proposed 4 dwelling units and 2 efficiency units, a total of 3 off-street parking spaces are required.

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 become part of the R-8 District (Proposed Zoning Map Area 7-A) in which multi-family dwellings would be permitted uses (Table 9-301). If this was a conversion of a single-family dwelling to a multi-family dwelling it require gross floor area of 1,500 square feet (§9-703.b.); this premises has approximately 4,500 square feet of gross floor area, and so would qualify for consideration. Each dwelling would need to meet gross floor area requirements separately also: 750 square feet for each 1-bedroom unit, 1,000 square feet for each 2-bedroom unit (§9-703.c.). Floor plans attached to this application appear to show two first floor 1-bedroom units of approximately 760 and 920 square feet, a 2-bedroom unit of 820 square feet, and three upper floor 1-bedroom units, one approximately 820 square feet in floor area and third-floor units approximately 520 and 400 square feet in floor area. The third floor 1-bedroom units and 2-bedroom unit would thus require variances to be approvable. The R-8 Districts would have off-street parking requirements of 1 space per dwelling unit (Table 16-406A). The minimum 50% parking variance that would be required under the proposed zoning code after rezoning of this block would be a major variance for which the applicant has not presented information to justify that amount of variance.

RECOMMENDATION

The Department of Planning recommends disapproval of this appeal, as the premises is a row dwelling (attached residential structure) with no unique circumstance present to justify the requested variances.

TJS/wya/mf

cc: AB Associates, Appellant
Central