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| <b>FROM</b> | NAME & TITLE          | THOMAS J. STOSUR, DIRECTOR   | CITY of<br>BALTIMORE<br><br><b>MEMO</b> |  |
|             | AGENCY NAME & ADDRESS | DEPARTMENT OF PLANNING<br>417 EAST FAYETTE STREET, 8 <sup>TH</sup> FLOOR |   |   |
|             | SUBJECT               | BMZA / 406 East Lanvale Street   |   |   |

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

DATE: November 1, 2010

### REQUEST

The Department of Planning has received Ibrahim Sheikh's Board of Municipal and Zoning Appeals (BMZA) application to use the premises for two dwelling units. We understand that this appeal is scheduled for hearing on November 9, 2010.

### SITE

406 East Lanvale Street is located on the north side of the street, approximately 28' west of the intersection with Brentwood Avenue. This property measures approximately 14' by 81' and is currently improved with a three-story attached residential building measuring approximately 14' by 58'. This site is zoned R-8 and is located within the Greenmount West Urban Renewal Plan area and the North Central National Register Historic District.

### ANALYSIS

Conversion of Dwellings: In the R-7 and R-8 Districts, the Board may approve the conversion of a single-family dwelling to a two-family dwelling only if the property meets the minimum lot size requirements (§3-305.b.3.i).

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 2 dwelling units, 1,500 square feet of lot area is required. The lot only encloses 1,134 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 24.4%. The variance requested is within the discretionary range of the Board and so may be allowed.

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 prohibits 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 conditional use unless, after public notice and hearing and on consideration of the standards prescribed in this title, it finds that: ... (2) the use is not in any way precluded by any other law, including an applicable urban renewal

plan; (§14-204). For this reason, the Board must consider the requirements of the Greenmount West Urban Renewal Plan, which does allow this use in this district.

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). In this zoning district, multiple-family attached dwellings require one off-street parking space per dwelling unit (§10-405.1.iv). For 2 dwelling units, 2 parking spaces are required; none can be provided. As 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).

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 100%, which is greater than the variable amount the Board may authorize.

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 disapproval of the appeal, because the off-street parking variance which would be required, due to the fact that the alley at the rear of this property is only 10' wide, exceeds the Board's discretionary authority provided in the Zoning Code.

TJS/wya/mf

cc: Ibrahim Sheikh, Appellant