2010-453

FROM		
NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE **MEMO**
AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8TH FLOOR	
SUBJECT	BMZA / 308 East 22nd Street	

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

DATE: November 15, 2010

REQUEST
The Department of Planning has received Ava Andrews and Winston Joseph's Board of Municipal and Zoning Appeals (BMZA) application to convert (increase occupancy of) a single-family building to three dwelling units (two dwelling units and an efficiency unit). We understand that this appeal is scheduled for hearing on November 23, 2010.

SITE
308 East 22nd Street is located on the north side of the street, approximately 60' east of the intersection with Guilford Avenue. This property measures approximately 15' by 80' and is currently improved with a three-story attached residential building measuring approximately 15' by 64'. This site is zoned R-9 and is located within the Barclay Urban Renewal Plan area.

ANALYSIS
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 370 square feet of lot area per efficiency unit (§4-1206.a). In this case, for two dwelling units, 1,100 square feet of lot area is required; adding the 370 square feet required for the proposed efficiency unit, the total lot area required is 1,470 square feet. The lot only encloses 1,200 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 18.4%. 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 Barclay 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). 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). In this zoning district, multiple-family attached dwellings require one off-street parking space per dwelling unit (§10-405.1.iv). For three dwelling units, two parking spaces are actually required; none can be provided at the rear of the property.

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.

RECOMMENDATION

The Department of Planning has no objection to approval of the appeal provided that the applicant identifies an off-street parking space to serve the proposed dwelling units.

TJS/wya/mf

cc: Ava Andrews and Winston Joseph, Appellants