


<b>FROM</b>	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 / 403 East Lafayette Avenue		

**TO**

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

DATE: November 24, 2009

**REQUEST**

The Department of Planning has received Josh Nicodemus' Board of Municipal and Zoning Appeals (BMZA) application to use the premises as two dwelling units: one dwelling unit in the basement and on the first floor, and one dwelling unit on the second and third floors. We understand this appeal is scheduled for hearing on November 24, 2009.

**SITE**

403 East Lafayette Avenue is located on the south side of the street, approximately 18' east of the intersection with Barclay Street. This property measures approximately 16' by 95' and is currently improved with a three-story attached dwelling. This site is zoned R-8.

**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 1,100 square feet of lot area per dwelling unit (§4-1106). In this case, for two dwelling units, 2,200 square feet of lot area is required. The lot only encloses 1,520 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 31%. The variance requested exceeds the discretionary range of the Board and so should not be allowed.

Off-Street Parking: 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 shown to be provided.

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.

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**RECOMMENDATION**

The Department of Planning recommends disapproval of the appeal, as the variance request lies outside of the Board's authorized limit.

TJS/ewt

cc: Josh Nicodemus, Appellant