


TJA

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 / 1226 North Calvert Street		

TO

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

DATE: November 21, 2012

**REQUEST**

The Department of Planning has received Nate Pretl's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of Baltimore Baptist Association LLC and Poverni Ventures LLC, to use the premises as eight dwelling units. We understand that this appeal has been amended to request approval to use the premises as six dwelling units, and is now scheduled for hearing on November 27, 2012.

**SITE**

1226 North Calvert Street is located on the west side of the street, approximately 57'10" south of the intersection with Preston Street. This property measures approximately 18'6" by 85' and is currently improved with a four-story attached residential building measuring approximately 18'6" by 67'. This site is zoned O-R-4 and is located within the Mount Vernon Urban Renewal Plan area and the Mount Vernon 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 non-profit home for rehabilitation of non-bedridden alcoholics.

Conversion of Dwellings: In all districts except the R-2, R-4, R-5, R-6, and R-8 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).

Lot Area: In this zoning district, multiple-family dwellings require 200 square feet of lot area per dwelling unit (§5-206.d). In this case, for 6 dwelling units, 1,100 square feet of lot area is required. The lot encloses 1,572.5 square feet, and so does meet this requirement.

Urban Renewal Plan: This property is located in the Mount Vernon 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 an off-street parking requirement (see below).

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 4 dwelling units

(§10-405.1.iv). For 6 dwelling units, two parking spaces are required; none are or can be provided that meet the accessibility requirements of the Zoning Code due to the narrow width of the alley behind the property. As this is a row-house structure, the alley does not create a unique circumstance justifying a finding that an unnecessary hardship exists.

The Mount Vernon Urban Renewal Plan, in its section B.5.b. (Land Use and Off-Street Parking Provisions, Office-Residential) requires 1 off-street parking space for every 2 dwelling units or every 2 efficiency units in multiple-family dwellings. This requirement is not subject to waiver or variance. The applicant must provide at least 3 off-street parking spaces meeting Zoning Code requirements in support of the proposed six dwelling units. The applicant has provided a copy of an agreement that would provide six parking spaces at 1021 Saint Paul Street, approximately two blocks south of this property. However, that property is currently used as a multiple-family dwelling, and the parking area in the rear of 1021 Saint Paul Street has been intended for use by occupants of the dwelling units contained in the structure at 1021 Saint Paul Street. As the effect of the proposed lease would be a reduction or possibly complete loss of off-street parking spaces for residents at 1021 Saint Paul Street, Planning staff do not consider the proposed off-site parking lease for 1226 North Calvert Street to be approvable under the terms of either §10-204 of the Zoning Code or the Mount Vernon Urban Renewal Plan.

Historic District: The subject property is located within the Mount Vernon District, a locally designated Baltimore City historic district. All exterior changes, including additions, demolitions, and alterations are subject to review and approval by the Commission for Historical and Architectural Preservation (CHAP). Because the property is located in a designated historic district, it may be eligible for historic tax credits for restoration and renovation. It is recommended that the applicant contact CHAP to determine the review process applicable to their project.

## **RECOMMENDATION**

The Department of Planning recommends disapproval of this appeal unless the applicant provides at least 3 off-street parking spaces meeting Zoning Code requirements, as this is a requirement imposed by the Mount Vernon Urban Renewal Plan that is not subject to waiver or variance, and subject to the condition that the applicant obtain a Notice To Proceed from CHAP for any exterior alterations, additions, or demolition related to the proposed use of the property.

TJS/wya/mf

cc: Nate Pretl, Appellant