


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 / 1730-1732 Bank Street		

TO

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

DATE: December 10, 2014

REQUEST

The Department of Planning has received Nate Pretl's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of Stone I LLC, to use the entire premises as eight efficiency units, or alternatively as six efficiency units and two dwelling units. The Zoning Administrator has determined that variances of Zoning Code lot area and off-street parking requirements are needed for approval of this application. We understand that this appeal is scheduled for hearing on December 16, 2014.

SITE

1730-1732 Bank Street is located on the northwest corner of the intersection with Regester Street. This property measures approximately 40'9" by 74'2" and contains approximately 0.082 acre, and is currently improved with a two-story detached building covering the entire lot. This site is zoned R-8 and is located within the Fells Point National Register Historic District.

ANALYSIS

Use: In this zoning district, efficiency dwelling units and multiple-family dwelling units are a permitted use, and so are allowed (§4-1101). In this case, the property was last authorized for use as offices and an art gallery, which are nonconforming uses in this R-8 General Residence District. This application proposes to extinguish nonconforming use of this property.

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 750 square feet of lot area per dwelling unit and 500 square feet of lot area per efficiency unit (§4-1106.a.). In this case, for eight efficiency units, 4,000 square feet of lot area is required; alternatively for two dwelling units, 1,500 square feet of lot area is required, and for six efficiency units, 3,000 square feet of lot area is required, or a total of 4,500 square feet. The lot only encloses 3,022.25 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% for eight efficiency units; alternatively, the proposed amount of variance would be 32.8% for six efficiency units and two dwelling units. The alternative variance requested exceeds the discretionary range of the Board and so should not be allowed. The variance requested for eight efficiency units is within the discretionary range of the Board and so may be allowed.

Off-Street Parking: ... 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 efficiency unit or dwelling unit (§10-405.1.iv). For eight efficiency or dwelling units (or any combination thereof), eight parking spaces are required; two are provided on the adjoining 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 75%, which is within 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.

TransForm Baltimore: This property would remain part of the R-8 District (Proposed Zoning Map Area 7-D) in which multi-family dwellings would be permitted uses (Table 9-301). The R-8 Districts would have off-street parking requirements of 1 space per dwelling unit (Table 16-406A).

RECOMMENDATION

The Department of Planning has no objection to this appeal as originally filed for a total of eight efficiency units.

TJS/wya/mf

cc: Nate Pretl, Appellant