2011-497

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 / 2537 Ashton Street	

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

DATE: December 8, 2011

REQUEST
The Department of Planning has received Omira Lee's Board of Municipal and Zoning Appeals (BMZA) application to continue to use the premises as three dwelling units. We understand that this appeal is scheduled for hearing on December 20, 2011.

SITE
2537 Ashton Street is located on the south side of the street, approximately 90' east of the intersection with Millington Avenue. This property measures approximately 14' by 100' and is currently improved with a three-story attached residential building measuring approximately 14' by 57'. This site is zoned R-8 and is located within the Operation Reach Out Southwest (OROSW) Strategic Neighborhood Action 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). The property has been vacant for at least one year, and thus may have reverted to single-family status for Zoning Code purposes; the property was last authorized for use as a multiple-family attached dwelling by the Board in 1993.

Lot Area: In this zoning district, multiple-family dwellings require 550 square feet of lot area per dwelling unit (§4-1206.a.). In this case, for three dwelling units, 1,375 square feet of lot area is required. The lot encloses 1,400 square feet, and so does meet this requirement.

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 attached dwellings require one off-street parking space per dwelling unit (§10-405.1.iv). For 3 dwelling units, 3 parking spaces are required; none are or can be provided, due to lack of accessibility for the rear yard.

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. However, with credit for the one space related to the existing dwelling, the applicant could receive a 75% variance and meet this requirement.

RECOMMENDATION
The Department of Planning has no objection to this appeal.

TJS/wya/mf

cc: Omira Lee, Appellant