


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 / 3710 Pinewood Avenue		

TO

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

DATE: January 18, 2012

REQUEST

The Department of Planning has received Bernie Emery, Jr.'s Board of Municipal and Zoning Appeals (BMZA) application to use the premises as three dwelling units. We understand that this appeal is scheduled for hearing on January 24, 2012.

SITE

3710 Pinewood Avenue is located on the north side of the street, approximately 115' west of the intersection with Brook Avenue. This property measures approximately 209'6" by 145' and contains approximately 0.724 acre, and is currently improved with a one-story detached residential building measuring approximately 52' by 38'. This site is zoned R-4.

ANALYSIS

Use: In this zoning district, multiple-family detached dwellings are listed as a conditional use, and so may be allowed (§4-703). In this case, the property was last authorized for use as a single-family detached dwelling, which is a permitted use in this R-4 General Residence District.

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). As this property is authorized for use as a single-family dwelling, the Board does not have authority under the Zoning Code to consider this application unless the applicant establishes that there is an existing lawfully established use of the premises as a multiple-family detached dwelling.

RECOMMENDATION

The Department of Planning recommends disapproval of this appeal, because the Zoning Code does not provide the Board authority to consider conversion of this property for use by more than one family, unless the applicant demonstrates that use of this property as a multiple-family dwelling has been lawfully established and is continuing.

TJS/wya/mf

cc: Bernie Emery, Jr., Appellant
Northeast