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|------|-----------------------|--|-------------------------------------|---|
| FROM | NAME & TITLE          | THOMAS J. STOSUR, DIRECTOR   | CITY of<br>BALTIMORE<br><b>MEMO</b> |  |
|      | AGENCY NAME & ADDRESS | DEPARTMENT OF PLANNING<br>417 EAST FAYETTE STREET, 8 <sup>TH</sup> FLOOR |                                     |   |
|      | SUBJECT               | BMZA / 337-339 South Fremont Avenue                                      |                                     |   |

TO

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

DATE: February 4, 2014

### REQUEST

The Department of Planning has received Marcus Silva's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of Bruce and Ellin Levy, to use the premises as six 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 February 11, 2014.

### SITE

337-339 South Fremont Avenue is located on the east side of the street, approximately 97' north of the intersection with Penn Street. This property measures approximately 59'8" along Fremont Avenue and approximately 42'6" along Penn Street and contains approximately 0.074 acre, and is currently improved with a three-story semi-detached commercial building covering the entire lot. This site is zoned R-9 and is located within the Ridgely's Delight Urban Renewal Plan area and the Ridgely's Delight Historic District.

### ANALYSIS

Use: In this zoning district, multiple-family dwellings are a permitted use, and so are allowed (§4-1201). In this case, the property was last used as a lighting fixtures factory, which is a nonconforming use in this R-9 General Residence District, but has been vacant for several years.

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 six dwelling units, 3,025 square feet of lot area is required. The lot encloses 3,220 square feet, and so does meet this requirement.

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).

Off-Street Parking: 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 six dwelling units, six parking spaces are required; two are planned to be provided with access from Penn Street.

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 66%, which is within the variable amount the Board may authorize.

Comprehensive Planning: The Ridgely's Delight Association supports redevelopment of this property but is opposed to the proposed variance for off-street parking. The applicant should work with the neighborhood to resolve this issue to the greatest extent possible, since the dwelling units to be created would be rental units, and thus their occupants would be ineligible for Residential Permit Parking permits. The applicant is encouraged to consider leasing parking spaces in nearby lots or garages.

Historic District: The subject property is located within the Ridgely's Delight District, a locally and nationally 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.

TransForm Baltimore: This property would become part of the R-8 District (Proposed Zoning Map Area 6-D) in which multi-family dwellings would be permitted uses (Table 9-301). The R-8 Districts would have residential conversion requirements (§9-703) which this property would be able to meet due to the relatively large size of the existing historic factory building.

#### **RECOMMENDATION**

The Department of Planning recommends that approval of this appeal, if granted, be conditional upon the applicant obtaining a Notice To Proceed from the Commission for Historical and Architectural Preservation, and developing a plan to address the limited number of parking spaces to be provided on site.

TJS/wya/mf

cc: Marcus Silva, Appellant