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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 / 5624 Belair Road		

TO

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

DATE: February 5, 2014

### REQUEST

The Department of Planning has received Donald Canham's Board of Municipal and Zoning Appeals (BMZA) application to use the premises as two dwelling units. The Zoning Administrator has determined that a variance of Zoning Code lot area requirements is needed for approval of this application. We understand that this appeal is scheduled for hearing on February 11, 2014.

### SITE

5624 Belair Road is located on the west side of the street, approximately 140' northeast of the intersection with Arizona Avenue. This property measures approximately 15' by 110' and is currently improved with a two-story attached residential mixed-use building measuring approximately 15' by 54'. This site is zoned B-3-1.

### ANALYSIS

Use: In this zoning district, dwellings are a permitted use, and so are allowed (§6-406). In this case, the property was last authorized for use as a dwelling and a beauty shop, which are permitted uses in this B-3 Community Commercial District.

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 5,000 square feet of lot area per dwelling unit or 3,350 square feet of lot area per efficiency unit (§6-411.b). In this case, for two dwelling units, 10,000 square feet of lot area is required; for a dwelling unit and an efficiency unit, 8,350 square feet of lot area is required. The lot only encloses 1,650 square feet, and so does not meet either of these requirements. The existing dwelling unit is actually a nonconforming use of this property due to insufficient lot area.

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 at least 80%. The variance requested exceeds the discretionary range of the Board and so should not be allowed.

TransForm Baltimore: This property would become part of the C-1 District (Proposed Zoning Map Area 4-D) in which multi-family dwellings would be conditional uses (Table 10-301). The C-1 Districts would have lot area requirements of 550 square feet per dwelling unit (Table 10-401), which would allow the proposed use of this property.

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**RECOMMENDATION**

The Department of Planning recommends disapproval of this appeal, because the amount of lot area variance that would be required exceeds the Board's discretionary authority provided in the Zoning Code.

TJS/wya/mf

cc: Donald Canham, Appellant