


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 / 2419-2421 Greenmount Avenue		

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

DATE: February 21, 2014

REQUEST

The Department of Planning has received Nate Pretl's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of JMAG LLC, to continue to use the property as ten dwelling units and two efficiency units. The Zoning Administrator has determined that a variance of Zoning Code lot area and off-street parking requirements is needed for approval of this application. We understand that this appeal is scheduled for hearing on February 25, 2014.

SITE

2419-2421 Greenmount Avenue is located on the east side of the street, approximately 189'5" south of the intersection with 25th Street. This property measures approximately 46' by 200' and is currently improved with a two-story semi-detached residential building measuring approximately 35' by 200'. There is no alley behind or beside this property. This site is zoned B-3-2 and is located within the East Baltimore Midway Urban Renewal Plan area.

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 multiple-family attached dwelling and a gift shop in a portion of Unit #4, which are permitted uses in this B-3 Community Commercial District. The last authorized number of residential units was seven: six dwelling units and one efficiency unit (Board approval in appeal no. 570-82X, approved 11/23/1982), with no off-street parking.

Insufficient Lot Area: In this zoning district, multiple-family dwellings require 1,100 square feet of lot area per dwelling unit and 750 square feet per efficiency unit (§6-411.c.). In this case, for ten dwelling units, 10,450 square feet of lot area is required; for two efficiency units, 1,500 square feet of lot area is required. The lot only encloses 9,200 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 23%. The variance requested is within the discretionary range of the Board and so may be allowed.

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 dwellings require one off-street parking space per 2 dwelling units and one space per 4 efficiency units (§10-405.1.iv). For ten dwelling units, five parking spaces are required; for two efficiency units, one space is required. None are or can be provided on site. The previously approved use of the property for seven residential units leaves the proposed more intense use needing to provide two off-street parking spaces.

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 ordinarily may authorize. However, if a 50% variance would be approved by the Board, the applicant would be required to provide one off-street parking space meeting Zoning Code requirements for off-site parking spaces. The mid-block location of this property on a major street makes approval of a curb cut to allow a driveway inadvisable, as a parked vehicle leaving this site would be required to back out into oncoming traffic and the curb cut would remove one on-street parking space.

TransForm Baltimore: This property would become part of the C-1 District (Proposed Zoning Map Area 7-A) in which multi-family dwellings would be conditional uses (Table 10-301). The C-1 Districts would have minimum lot area requirements of 550 square feet per dwelling unit (Table 10-401). This property would comply with this requirement. The off-street parking requirement would be one space per dwelling (Table 16-406A), which would in this situation result in an identical requirement for spaces in addition to those credited to the previously approved use of the property.

RECOMMENDATION

The Department of Planning recommends approval of this appeal conditional upon the applicant providing at least one off-street parking space to support the added dwelling units and efficiency unit.

TJS/wya/mf

cc: Nate Pretl, Appellant