


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 / 501 North Washington Street		

TO

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

DATE: March 10, 2014

### REQUEST

The Department of Planning has received William Broadus' Board of Municipal and Zoning Appeals (BMZA) application to use the premises as two dwelling units. The Zoning Administrator has determined that this is a conditional use conversion of a single-family dwelling in a R-8 District, and that a variance of Zoning Code lot area and lot coverage requirements is needed for approval of this application. We understand that this appeal is scheduled for hearing on March 11, 2014.

### SITE

501 North Washington Street is located on the northeast corner of the intersection with Jefferson Street. This property measures approximately 15' by 90' and is currently improved with a three-story semi-detached residential mixed-use building measuring approximately 15' by 50'. This site is zoned R-8 and is located within the Middle East Urban Renewal Plan area and the East Monument National Register Historic District.

### ANALYSIS

Use: In this zoning district, multiple-family attached dwellings are a permitted use, and so are allowed (§4-1101). In this case, the property was last authorized for use as a single-family attached dwelling and for a grocery store, which is a nonconforming use in this R-8 General Residence District. This application would remove the nonconforming use of this property.

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). In this R-8 zoning district, multiple-family dwellings require 750 square feet of lot area per dwelling unit (§4-1106.a). In this case, for two dwelling units, 1,500 square feet of lot area may be required. The lot only encloses 1,350 square feet, and so does not meet this requirement. In the R-7 and R-8 Districts, the conversion of a 1- or 2-family dwelling to additional dwelling units may be authorized, but only by a conditional-use ordinance. Based upon the statement in the application, the Board does not have discretionary authority to approve this application.

Urban Renewal Plan: This property is located in the Middle East Urban Renewal Area, where the Urban Renewal Plan does not prohibit or further restrict the proposed use in this district.

Lot Coverage and floor area ratio: The existing structure covers approximately 55% of the property. A structure may not cover more than 60% of the lot area, or for multiple-family dwellings, exceed a floor area ratio (FAR) of 2.0 (§4-1106.a. and 4-1108.a.). In this case, the proposed reconstruction of and addition to the existing structure would result in the structure

covering approximately 78% of the property, which would exceed this lot coverage standard if it remained a single-family dwelling; and have a FAR of approximately 2.33, which would exceed this floor area ratio standard if it were to become a multiple-family dwelling.

Lot Coverage Variance: The Board may grant a variance to authorize a lot coverage that is more than that otherwise allowed by the applicable regulation (§15-202.b).

Floor Area Ratio Variance: The Board may grant a variance to increase a basic floor area ratio factor by no more than 75% of the applicable regulation (§15-204.b). In this case, the proposed floor area ratio is 2.33 which exceeds the permitted ratio of 2.0 by 16.5%. As the request is within the variable range the Board may apply, the appeal may be approved.

Required Yard: In this zoning district, a minimum rear yard setback of 25' is required (§4-1107.a.). In this case, the proposed structure will project to within 20' of the rear lot line.

Yard Variance: The Board may grant a variance to authorize a yard or setback that is less than that otherwise required by the applicable regulation (§15-203).

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 two dwelling units, two parking spaces are required; one is provided.

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 50%, which is within the variable amount the Board may authorize.

TransForm Baltimore: This property would remain part of the R-8 District (Proposed Zoning Map Area 7-D) in which multi-family dwellings would be permitted uses (Table 9-301). The R-7 through R-10 Districts would have conversion requirements and standards, including gross floor area minima (§9-703), which the proposed enlargement of the existing structure would make approvable.

## **RECOMMENDATION**

The Department of Planning recommends disapproval of this appeal, because the Board does not have authority under the Zoning Code to approve this application.

TJS/wya/mf

cc: William Broadus, Appellant