


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 / 11 East Chase Street		

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

DATE: February 26, 2010

### REQUEST

The Department of Planning has received Daejan 11 E. Chase LLC's Board of Municipal and Zoning Appeals (BMZA) application to convert the premises from a 9-story office building to a multi-family dwelling with 56 apartments. We understand that this appeal is scheduled for hearing on March 16, 2010.

### SITE

11 East Chase Street is located on the southwest corner of the intersection with Saint Paul Street. This property measures approximately 120' by 66' and is currently improved with a nine-story building measuring approximately 120' by 65'. This site is zoned O-R-4 and is located within the Mount Vernon Urban Renewal Plan area and the Mount Vernon Historic District.

### ANALYSIS

Insufficient Lot Area: In this zoning district, multiple-family dwellings require 200 square feet of lot area per dwelling unit and 135 square feet of lot area per efficiency unit (§5-206.d.1). In this case, for 56 dwelling units, 11,200 square feet of lot area is required. The lot only encloses 7,990 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 approximately 28%. The variance requested exceeds the discretionary range of the Board and so should not be allowed. The applicant, by reconfiguring floor plans to provide 18 two-bedroom and 32 one-bedroom dwelling units and 6 efficiency units, could bring the variance of lot area within the discretionary range of the Board.

Renewal Plans: Ordinance #01-0165 was approved May 14, 2001 for the purpose of, among other things, clarifying the relationship between conditions or requirements imposed by an Urban Renewal Plan or Conservation Plan, such that the condition or requirement that is more restrictive will govern. Additionally, the ordinance prohibits the approval of a conditional use or a variance if that conditional use or variance is precluded by an applicable renewal plan or master plan.

Required Findings: The Board may not approve a variance unless, after public notice and hearing and on consideration of the standards prescribed in this title, it finds that: ... (1) the conditions on which the application is based are unique to the property for which the variance is sought; (§15-219). For this reason, the Board must consider the requirements of the Mount Vernon Urban Renewal Plan, which requires one off-street parking space for every 2 dwelling units, or every 2 efficiency units in multiple-family dwellings and apartment hotels (Mount Vernon URP, B. Land Use and Off-Street Parking Provisions, 5. Office-Residential).

Approval of the applicant's proposal to create 56 dwelling (dwelling and/or efficiency) units therefore required the applicant to demonstrate control of 28 off-street parking spaces which meet the requirements of the Zoning Code. However, under the terms of the Mount Vernon Urban Renewal Plan, part E, Interpretation, the Department of Planning determined that, because the applicant could reasonably provide only 23 off-street parking spaces meeting Zoning Code requirements for access to a public street, even though additional tandem parking spaces could be provided, and because the Mount Vernon neighborhood is served by an extensive network of public transportation, and because physical constraints of the lot and building at 11 East Chase Street make it incompatible with historic preservation goals to require creation of 5 additional off-street parking spaces on this site (Block 506, Lot 17), the applicant would be in compliance with Urban Renewal Plan criteria through provision of 23 off-street parking spaces as outlined in the appeal. This condition was included in approval of the redevelopment plans for 11 East Chase Street by the Site Plan Review Committee on February 16, 2010.

Off-Street Parking: *Required control of off-site facilities.* ... (i) The off-site parking facilities must be on a lot possessed by the record title holder of the lot occupied by the structure or use to be served by the parking facilities. (ii) Possession of the facilities for purposes of this section may be: (A) by deed; or (B) by long-term lease, the term of which must be equal to or greater than the useful economic and physical life of the structure served (§10-304.b).

Historic District: The subject property is located within the Mount Vernon District, a locally 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). It is recommended that the applicant remain in contact with CHAP concerning the review process applicable to their project, including possible property tax credits for restoration and renovation of an historic building, and final design approval for doors, windows, a handicap access ramp, signage, and other exterior details.

#### **RECOMMENDATION**

The Department of Planning recommends approval of the appeal, conditional upon compliance with the approved Site Plan, with off-street parking being provided at a minimum of 23 spaces on the adjacent parcel known as 1018-1022 Saint Paul Street, and with CHAP requirements.

TJS/ewt/mf

cc: Daejan 11 E. Chase LLC, Appellant