


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 / 1308 West Lombard Street		

TO

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

DATE: March 14, 2012

REQUEST

The Department of Planning has received Abdoul-Azziz Housseini's Board of Municipal and Zoning Appeals (BMZA) application to use the premises as two dwelling units. We understand that this appeal is scheduled for hearing on March 20, 2012.

SITE

1308 West Lombard Street is located on the north side of the street, approximately 66' west of the intersection with Carey Street. This property measures approximately 16'6" by 86' and is currently improved with a three-story attached residential building measuring approximately 16'6" by 60'. This site is zoned R-8 and is located within the Union Square Historic District.

ANALYSIS

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

Determination of nonconformity or noncompliance: (a) Whether a nonconforming use, noncomplying density or other form of nonconformity exists is a question of fact that, except as specified in subsection (b) of this section, must be decided by the Board after public notice and hearing in accordance with the rules of the Board (§13-107). The applicant has indicated that this property is currently vacant, which if a condition that has existed for at least 12 consecutive months, results in the property becoming reclassified as a single-family dwelling.

Conversion of Dwellings: In all districts except the R-2, R-4, R-5, R-6, and R-8 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). As this property is located in a R-8 District, the Board is not authorized to approve conversion of this building for use by more than one family.

Discontinuance of Use: Whenever the active and continuous operation of any Class III nonconforming use, or any part of that use, has been discontinued for 12 consecutive months: (i) the discontinuance constitutes an abandonment of the discontinued nonconforming use, or discontinued part of that use... (§13-407.a.1). For the Board to approve this application, the applicant must demonstrate that multiple-family dwelling use of this property has not been discontinued or abandoned. This applicant has owned this property since 2009.

Historic District: The subject property is located within the Union Square District, a locally and Federally 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 contact CHAP to determine the review process applicable to their project.

RECOMMENDATION

The Department of Planning has no objection to this appeal, provided that the applicant demonstrates that multiple-family use of this property has not been discontinued or abandoned.

TJS/wya/mf

cc: Abdoul-Azziz Housseini, Appellant