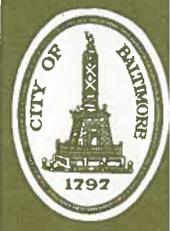


FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE <b>MEMO</b>	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8 <sup>TH</sup> FLOOR		
	SUBJECT	BMZA / 326 South Broadway		

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

DATE: March 31, 2015

### REQUEST

The Department of Planning has received William Bement's Board of Municipal and Zoning Appeals (BMZA) application to use the premises as an office and four dwelling units (or three existing dwelling units and a new efficiency unit created by conversion of a back office). The Zoning Administrator has determined that variances of Zoning Code requirements are needed for approval of this. We understand that this appeal is scheduled for hearing on April 7, 2015.

### SITE

326 South Broadway is located on the west side of the street, approximately 40' north of the intersection with Bank Street. This property measures approximately 16'8" by 66' and is currently improved with a three-story attached residential mixed-use building covering the entire lot (with exception of an air shaft on the north side of the rear portion of the structure). This site is zoned B-2-2 and is located within the Fells Point Historic District.

### ANALYSIS

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 1,100 square feet of lot area per dwelling unit, and 750 square feet of lot area per efficiency unit (§6-311.c). In this case, for three dwelling units, 3,300 square feet of lot area is required; and for the proposed new efficiency unit, an additional 750 square feet of lot area is required. The lot only encloses 1,100 square feet, and so does not meet this requirement. The current use of the existing structure as three dwelling units already renders it nonconforming with regard to 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 70%. The variance requested exceeds the discretionary range of the Board and so should not be allowed.

Land Use and Urban Design: The proposed new efficiency unit would appear to have no safe pathway to a public street or alley for a person making an emergency exit from it.

TransForm Baltimore: This property would become part of a C-1 District (Proposed Zoning Map Area 7-D) in which multi-family dwellings would be conditional uses (Table 10-301).

Mr. David Tanner, BMZA  
Executive Director  
Page 2  
Re: 326 South Broadway

**RECOMMENDATION**

The Department of Planning recommends disapproval of this appeal, because the amount of lot area variance needed for approval would exceed the discretionary authority provided to the Board in the Zoning Code.

TJS/wya/mf

cc: William Bement, Appellant