


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 / 801-809 Eastern Avenue		

TO

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

DATE: April 30, 2015

**REQUEST**

The Department of Planning has received Jon Laria's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of 801 Eastern Avenue LLC, to use the property for a 242-dwelling unit structure with ground-floor retail commercial uses and an off-street parking garage. The Zoning Administrator has determined that upon enactment of an ordinance to change the zoning of the property to B-2-4, variances of lot area requirements and floor area ratio limits would be needed for approval. We understand that this appeal is scheduled for hearing on May 5, 2015.

**SITE**

801-809 Eastern Avenue is located on the southeast corner of the intersection with President Street, and extends along the east side of President Street to Fleet Street and Albemarle Street. This property measures approximately 134' along Eastern Avenue and contains approximately 0.890 acre, and is currently improved with a one-story detached commercial building extending the length of the President Street frontage. This site is zoned M-2-2 currently.

**ANALYSIS**

Use: In the M-2 zoning district, dwellings are not listed as a permitted or conditional use, and so are not allowed (§7-406 to §7-409). In the B-2 zoning district, dwellings are a permitted use, and so are allowed (§6-306). In this case, the property was last authorized for use as a restaurant and a bakery, which are permitted uses in this M-2 Industrial District as well as in the proposed B-2 Community Business District zoning.

Insufficient Lot Area: In the B-2-4 zoning district, dwellings require 200 square feet of lot area per dwelling unit (§6-311.e.). In this case, for 242 dwelling units, 48,400 square feet of lot area is required. The lot only encloses 38,768 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 20%. The variance requested is within the discretionary range of the Board and so may be allowed.

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 7.88 which exceeds the permitted ratio of 7.0 by 12.5%. As the request is within the variable range the Board may apply, the appeal may be approved.

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Land Use and Urban Design: The Planning Commission voted to recommend approval of City Council bill 15-0478, which would rezone this property from M-2-2 to B-2-4, at its regular meeting on March 26, 2015. Approval was based upon, in part, a review of the proposed redevelopment of this property as a residential mixed-use development as described in this application.

TransForm Baltimore: This property would become part of the C-5 District (Proposed Zoning Map Area 7-C) in which dwellings, above the ground floor, multi-family dwellings, personal services establishments, retail goods establishments, restaurants, taverns, and numerous other retail-oriented businesses would be permitted uses (Table 10-301).

### **RECOMMENDATION**

The Department of Planning recommends approval of this appeal.

TJS/wya/mf

cc: Jon Laria, Appellant