


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 / 827 South Bond Street		

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

DATE: May 15, 2015

### REQUEST

The Department of Planning has received Shahin Niroomand's Board of Municipal and Zoning Appeals (BMZA) application to use the premises as five dwelling units. The Zoning Administrator has determined that a variance of lot area requirements is needed for approval. We understand that this appeal is scheduled for hearing on May 19, 2015.

### SITE

827 South Bond Street is located on the east side of the street, approximately 82'9" south of the intersection with Shakespeare Street. This property measures approximately 18'3" by 120'7" and is currently improved with a three-story attached multiple-family residential building measuring approximately 18'3" by 120'. This site is zoned B-1-2 and is located within the Fells Point Historic District.

### ANALYSIS

Use: In this zoning district, dwellings are a permitted use, and so are allowed (§6-206). In this case, the property was last authorized for use as a multiple-family dwelling, which is a permitted use in this B-1 Neighborhood Business District. The applicant is seeking approval to increase the number of dwelling units from four to five.

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 (§6-211.c.). In this case, for five dwelling units, 5,500 square feet of lot area is required. The lot only encloses 2,200 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 53%. The variance requested exceeds the discretionary range of the Board and so should not be allowed.

TransForm Baltimore: This property would become part of the R-8 District with R-MU (Residential Mixed Use) overlay (Proposed Zoning Map Area 7-D) in which multi-family dwellings would be permitted uses (Table 9-301).

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**RECOMMENDATION**

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

TJS/wya/mf

cc: Shahin Niroomand, Appellant