


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 / 5624 Belair Road		

TO

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

DATE:

May 15, 2015

REQUEST

The Department of Planning has received Hossein Marzooghian's Board of Municipal and Zoning Appeals (BMZA) application to use the premises as a basement office and two dwelling units. The Zoning Administrator has determined that this is a conversion of the premises to additional dwelling units, and 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

5624 Belair Road is located on the northwest side of the street, approximately 140' northeast of the intersection with Arizona Avenue. This property measures approximately 15' by 110' and is currently improved with a two-story attached residential mixed-use building measuring approximately 15' by 48'. This site is zoned B-3-1.

ANALYSIS

Use: In this zoning district, dwellings and offices: business, governmental, and professional – but not including sales and bulk storage of merchandise on the premises, are permitted uses, and so are allowed (§6-406). In this case, the property was last authorized for use as a beauty shop and a single-family attached dwelling, which are permitted uses in this B-3 Community Commercial District.

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 5,000 square feet of lot area per dwelling unit (§6-411.b.). In this case, for two dwelling units, 10,000 square feet of lot area is required. The lot only encloses 1,650 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 over 80%. The variance requested exceeds the discretionary range of the Board and so should not be allowed.

TransForm Baltimore: This property would become part of a C-1 District (Proposed Zoning Map Area 4-D) in which multi-family dwellings would be conditional uses (Table 10-301). Conversion of a single-family dwelling to a multi-family dwelling would be allowed only in R-7 through R-10 Districts (§9-701).

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RECOMMENDATION

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

TJS/wya/mf

cc: Hossein Marzooghian, Appellant