


TJA

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 / 38 East 25 <sup>th</sup> Street		

TO

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

DATE:

May 29, 2015

**REQUEST**

The Department of Planning has received Ben Frederick's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of Szu Chen, to use the premises for a package goods liquor store and five dwelling units. The Zoning Administrator has determined that a variance of off-street parking requirements is needed for approval. We understand that this appeal is scheduled for hearing on June 2, 2015.

**SITE**

38 East 25<sup>th</sup> Street is located on the northwest corner of the intersection with Saint Paul Street. This property measures approximately 33'9" by 95' and is currently improved with a three-story attached and end-of-row (consolidated) residential mixed-use building with a one-story rear addition together covering the entire lot. This site is zoned B-2-3 and is located within the Charles/ 25<sup>th</sup> Urban Renewal Plan area and the Old Goucher College National Register Historic District.

**ANALYSIS**

Use: In this zoning district, dwellings and liquor stores: package goods, are permitted uses, and so are allowed (§6-306). In this case, the property was last authorized for use as a liquor store, tavern and office, which are permitted uses in this B-2 Community Business District.

Urban Renewal Plan: This property is located in the Charles/ 25<sup>th</sup> Urban Renewal Area, where the Urban Renewal Plan does not prohibit or further restrict the proposed use in this district.

Off-Street Parking: ... if the intensity in use of a structure or premises is increased through the addition of dwelling, efficiency, or rooming units, floor area, seating capacity, or other units of measurement, off-street parking facilities must be provided for that increased intensity, as required by this title (§10-202.a).

Off-Street Parking: ... whenever the existing use of a structure is changed to a new use, off-street parking facilities must be provided, as required by this title, for that new use (§10-203.a). If the structure was lawfully erected before April 20, 1971, additional off-street parking facilities are mandatory only in the amount by which the requirements for the new use exceed those for the existing use (§10-203.b). In this zoning district, multiple-family dwellings require one off-street parking space per 2 dwelling units or one space per 4 efficiency units (§10-405.1.iv). For 4 dwelling units, two parking spaces are required; for an additional residential unit, referred to in this application as a dwelling unit but shown in the floor plan attached to the application as an efficiency unit, ¼ of a space is required; none are or can be provided. The pattern of historic development of the neighborhood also minimizes opportunities for the applicant to obtain any off-street parking off-site.

**Off-Street Parking Variance:** ... the Board may grant a variance to reduce by no more than 75% the number of off-street parking spaces otherwise required by the applicable regulation (§15-208.b). In this case the reduction proposed appears 100%, which is greater than the variable amount the Board ordinarily may authorize. However, as the structure was created by consolidation of two former individual single-family attached dwellings over 100 years old, if two of the four dwelling units (distinguished from the first-floor efficiency unit proposed as "Studio Apartment 101") pre-date adoption of the present Zoning Code, the remaining off-street parking requirement may be reduced by variance within the 75% limit cited.

**Historic District:** The property is located in a designated historic district, and so may be eligible for historic tax credits for restoration and renovation. The appellant is encouraged to contact the Baltimore Commission for Historical and Architectural Preservation before proceeding with any improvements which may be authorized as a result of this appeal.

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

#### **RECOMMENDATION**

The Department of Planning has no objection to this appeal.

TJS/wya/mf

cc: Ben Frederick, Appellant