

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 / 805 North Calhoun Street		

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

DATE: June 1, 2010

### REQUEST

The Department of Planning has received James Shelter's Board of Municipal and Zoning Appeals (BMZA) application to use the premises for two dwelling units. We understand that this appeal is scheduled for hearing on June 8, 2010.

### SITE

805 North Calhoun Street is located on the east side of the street, approximately 110' north of the intersection with Lanvale Street. This property measures approximately 14' by 90' and is currently improved with a three-story end-of-row building measuring approximately 14' by 52'. This site is zoned R-8 and is located within the Harlem Park II Urban Renewal Plan area and the Old West Baltimore National Register Historic District.

### ANALYSIS

Use: In this zoning district, multiple-family attached dwellings are listed as a permitted use, and so are allowed (§4-1101). This property is currently vacant and condemned.

Conversion of Dwellings: In the R-7 and R-8 Districts, the Board may approve the conversion of a single-family dwelling to a two-family dwelling only if the property meets the minimum lot size requirements (§3-305.b.3.i). The Board may waive the requirements of item (i) of this paragraph (3) for carriage houses, nonconforming uses, and vacant buildings (§3-305.b.3.ii).

Insufficient Lot Area: In this zoning district, multiple-family dwellings require 5,000 square feet of lot area (§4-1106.c). In this case, the lot only encloses 1,282.5 square feet, and so does not meet this requirement. The Board may waive this requirement (§3-305.b.3.ii).

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). As 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).

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 is 100%, which is greater than the variable amount the Board may authorize.

Renewal Plans: Ordinance #01-0165 was approved May 14, 2001 for the purpose of, among other things, clarifying the relationship between conditions or requirements imposed by an Urban Renewal Plan or Conservation Plan, such that the condition or requirement that is more restrictive will govern. Additionally, the ordinance prohibits the approval of a conditional use or a variance if that conditional use or variance is precluded by an applicable renewal plan or master plan.

Required Findings: The Board may not approve a conditional use unless, after public notice and hearing and on consideration of the standards prescribed in this title, it finds that: ... (2) the use is not in any way precluded by any other law, including an applicable urban renewal plan; (§14-204). For this reason, the Board must consider the requirements of the Harlem Park II Urban Renewal Plan, which does allow this use in this district.

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.

#### **RECOMMENDATION**

The Department of Planning recommends approval of the appeal.

TJS/wya/mf

cc: James Shelter, Appellant