


<b>FROM</b>	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 / 800 NORTH FULTON AVENUE		

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

DATE: May 28, 2009

### REQUEST

The Department of Planning has received Robert Campbell's Board of Municipal and Zoning Appeals (BMZA) application to use the premises for two dwelling units (one dwelling unit on the second floor, and one dwelling unit on the third floor), and to continue to use the first floor for a grocery and office. We understand this appeal is scheduled for hearing on June 9, 2009.

### SITE

800 North Fulton Avenue is located on the northwest corner of the intersection with West Lanvale Street. This property measures approximately 20' by 124' and is currently improved with a three-story end-of-row attached dwelling. This site is zoned R-8 and is located within the Harlem Park Urban Renewal Plan area.

### ANALYSIS

Use: In this zoning district, grocery stores and offices are not listed as a permitted or conditional use, and so are not allowed (§4-1101 to §4-1104). In this case, the property was last authorized for use as one dwelling unit, a grocery store, and an office. The grocery store and office uses are nonconforming uses in this R-8 General Residence District.

Discontinuance of Use: Whenever the active and continuous operation of any Class III nonconforming use, or any part of that use, has been discontinued for 12 consecutive months: (i) the discontinuance constitutes an abandonment of the discontinued nonconforming use, or discontinued part of that use... (§13-407.a.1). This section does not apply to any Class III nonconforming uses in an R-6, R-7, R-8, R-9, or R-10 District (§13-407.c).

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).

Lot Area Requirement: In this zoning district, multiple-family dwellings require 750 square feet of lot area per dwelling unit (§4-1106). In this case, for two dwelling units, 1,500 square feet of lot area is required. The lot encloses 2,480 square feet, and so meets this requirement.

Off-Street Parking: In this zoning district, multiple-family attached dwellings require one off-street parking space per dwelling unit (§10-405.1.iv). For two dwelling units, two parking spaces are required; none are shown to be provided.

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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.

**RECOMMENDATION**

The Department of Planning recommends approval of the appeal, only if the appellant can provide one off-street parking space to serve the new dwelling unit.

TJS/ewt

cc: Mr. Robert Campbell, Appellant