


<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 / 5007 LIBERTY HEIGHTS AVENUE		

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

DATE: May 29, 2009

### REQUEST

The Department of Planning has received Yvonne Forrester's Board of Municipal and Zoning Appeals (BMZA) application to use the property known as 5007 Liberty Heights Avenue as one dwelling unit (basement efficiency), one office on the first floor, and five rooming units (three on the second floor, and two on the third floor). We understand that this appeal has not yet been scheduled for hearing.

### SITE

5007 Liberty Heights Avenue is located on the south side of the street, approximately 110' east of the intersection with Milford Avenue. This property measures approximately 55' by 183' and is currently improved with a three-story detached dwelling. This site is split-zoned B-2-1 and R-4.

### ANALYSIS

Permitted Use: In this zoning district, offices and rooming houses are listed as permitted uses, and so are allowed (§6-306). In this case, the property was last authorized for use as three dwelling units.

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).

Comprehensive Planning: The Department of Planning typically will only support one dwelling unit per floor, and normally does not support units in basements. The Baltimore City Comprehensive Master Plan: LIVE, EARN, PLAY, LEARN calls for better land use and urban design standards in order to improve the neighborhoods in our City. To further encourage the excessive conversion of residences, or by maintaining properties in a nonconforming status, confounds this process.

Insufficient Lot Area: The building lies on the portion of the property that is zoned B-2-1. Multiple-family dwellings require 5,000 square feet of lot area per dwelling unit, and 2,500 square feet of lot area per rooming unit (§6-311.b). In this case, for one dwelling unit and five rooming units, 16,250 square feet of lot area is required. The lot only encloses 10,065 square feet, and so does not meet this requirement.

Mr. David Tanner, BMZA  
Executive Director  
Page 2  
Re: 333-09X 5007 Liberty Heights Avenue

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 38%. The variance requested exceeds the discretionary range of the Board and so should not be allowed.

Off-Street Parking: In this zoning district, multiple-family attached dwellings require one off-street parking space per two dwelling units and one off-street parking space per six rooming units (§10-405.1.iv). For one dwelling unit and five rooming units, two parking spaces are required; more than two parking spaces are provided in the rear yard.

### **RECOMMENDATION**

The Department of Planning recommends disapproval of the appeal.

TJS/ewt

cc: Ms. Yvonne Forrester, Appellant