

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 / 2117-2119 Aiken Street		

TO

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

DATE: June 4, 2013

REQUEST

The Department of Planning has received Theo Davis' Board of Municipal and Zoning Appeals (BMZA) application to use the premises as two dwelling units. The Zoning Administrator has determined that this is a prohibited use in a M-1 District. We understand that this appeal is scheduled for hearing on June 11, 2013.

SITE

2117-2119 Aiken Street is located on the northeast corner of the intersection with Hargest Lane. This property measures approximately 26' by 49'7" and is currently improved with a two-story semi-detached residential building covering the entire lot. This site is zoned M-1-2 and is located within the East Baltimore Midway Urban Renewal Plan area.

ANALYSIS

Use: In this zoning district, dwellings are not listed as a permitted or conditional use, and so are not allowed (§7-206 to §7-209). In this case, the property was last authorized for use as a single-family attached dwelling, which is a nonconforming use in this M-1 Industrial District.

Determination of nonconformity or noncompliance: (a) Whether a nonconforming use, noncomplying density or other form of nonconformity exists is a question of fact that, except as specified in subsection (b) of this section, must be decided by the Board after public notice and hearing in accordance with the rules of the Board (§13-107). The application states that this property is currently used as a single-family dwelling.

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). There are no bulk regulations for residential uses in M-1 Districts because dwellings are not a permitted use in Industrial zones, hence the Board is not constrained by this consideration.

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). 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 (§10-405.1.iv). For 2 dwelling units, one parking space is required; none are or can be provided.

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 50%, which is within the variable amount the Board may authorize.

TransForm Baltimore: This property would become part of a R-7 District (Proposed Zoning Map Area 7-A) in which multi-family dwellings would be permitted (Table 9-301). Multi-family dwellings would be required to provide one off-street parking space per dwelling (Table 16-406A).

RECOMMENDATION

The Department of Planning has no objection to this appeal.

TJS/wya/mf

cc: Theo Davis, Appellant