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| 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 / 4300 Liberty Heights Avenue | | |

TO

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

DATE:

June 5, 2013

REQUEST

The Department of Planning has received Nate Pretl's Board of Municipal and Zoning Appeals (BMZA) conditional use application, on behalf of 4300 Liberty LLC, to use the property as 14 dwelling units. The Zoning Administrator has determined that this is a modification of an existing conditional use in a R-4 District, and that a variance of lot area and off-street parking requirements of the Zoning Code would be required for approval of this application. We understand that this appeal is scheduled for hearing on June 11, 2013.

SITE

4300 Liberty Heights Avenue is located on the northeast corner of the intersection with Fordney Lane. This property measures approximately 151'1" along Liberty Heights Avenue by 199'1" and contains approximately 0.649 acre, and is currently improved with a horse-shoe shaped two-story garden apartment building measuring approximately 104' along Liberty Heights Avenue by 92' along Fordney Lane. The building contains 13 dwelling units and a professional (non-resident physician's) office. This site is zoned R-4 and is located within the Greater Northwest Community Coalition Strategic Neighborhood Action Plan area.

ANALYSIS

Conditional Use: In this zoning district, multiple-family detached dwellings are a conditional use, requiring approval by the Board (§4-703). In this case, the property was last authorized (in 1969) for use as a professional office, which is a nonconforming use in this R-4 General Residence District, and 13 dwelling units. The applicant is proposing to convert the nonconforming office into an additional dwelling unit.

Insufficient Lot Area: In this zoning district, multiple-family detached dwellings require 5,000 square feet of lot area per dwelling unit (§4-706.c). In this case, for 14 dwelling units, 67,500 square feet of lot area is required. The lot only encloses approximately 28,270 square feet, and so does not meet this requirement.

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 58%. The variance requested exceeds the discretionary range of the Board and so ordinarily should not be allowed. However, the proposed use would remove a nonconforming use, namely the professional office. The structure on this property was constructed in 1951 and there is no change to the building proposed other than the interior renovations required to create the additional dwelling unit.

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 dwelling unit (§10-405.1.iv). For 14 dwelling units, 14 parking spaces are required; 14 could be provided with access from Fordney Lane. Currently there is no on-site paved parking area.

TransForm Baltimore: This property would become part of a R-5 District (Proposed Zoning Map Area 1-C) in which multi-family dwellings would be a permitted use (Table 9-301). An existing multi-family building not meeting the 2,500 sq. ft./DU lot area requirement (Table 9-401) would be “grand-fathered”. In this case, the 28,270 sq. ft. lot area of 4300 Liberty Heights Avenue would not satisfy the new lot area requirement of 35,000 sq. ft., and so the 14-unit structure would remain nonconforming with regard to lot area.

RECOMMENDATION

The Department of Planning recommends that approval of this appeal, if granted, be conditioned upon the applicant providing on-site parking for all 14 dwelling units proposed, with the lay-out of this off-street parking area being approved by the Department of Planning.

TJS/wya/mf

cc: Nate Pretl, Appellant