


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 / 1601-1605 Frederick Avenue		

TO

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

DATE:

June 12, 2014

REQUEST

The Department of Planning has received William Broadus' Board of Municipal and Zoning Appeals (BMZA) application to convert the premises from one commercial space (use) and two dwelling units to two commercial spaces (uses) and three dwelling units. The Zoning Administrator has determined that this is a conditional use conversion and that a variance of Zoning Code lot area requirements is needed for approval of this application. We understand that this appeal is scheduled for hearing on June 17, 2014.

SITE

1601-1605 Frederick Avenue is located on the southwest corner of the intersection with Gilmore Street. This nearly-triangular property measures approximately 96' along Frederick Avenue by 39' along Gilmore Street and is currently improved with a three-story building measuring approximately 40' along Frederick Avenue by 38' along Gilmore Street. This site is zoned B-3-2 and is located within the Franklin Square Urban Renewal Plan area and the Union Square Historic District.

ANALYSIS

Use: In this zoning district, dwellings are a permitted use, and so are allowed, as are numerous commercial uses (§6-406). In this case, the property was last authorized for use as a multiple-family dwelling and a restaurant and carry-out food shop, which are permitted uses in this B-3 Community Commercial District.

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). The applicant is proposing to convert the upper floors of the premises from two dwelling units to three dwelling units.

Urban Renewal Plan: This property is located in the Franklin Square Urban Renewal Area, where the Urban Renewal Plan does not prohibit or further restrict the proposed use in this district.

Insufficient Lot Area: In this zoning district, dwellings require 1,100 square feet of lot area per dwelling unit (§6-411.c.). In this case, for three dwelling units, 3,300 square feet of lot area is required. The lot only encloses approximately 1,700 square feet, and so does not meet this requirement.

Business Districts – Lot area – Computations: (1) The maximum number of permitted dwelling units on a lot is determined by dividing the total area of the lot by the lot area requirement that applies to the subdistrict in which the lot is located. (2) A fraction of the total area that is 50% or more of the required lot area factor counts as an additional permitted dwelling unit (§6-105). This division results in a product of 0.51, which would allow the additional dwelling unit requested by the application.

Historic District: The subject property is located within the Union Square District, a locally and nationally designated Baltimore City historic district. All exterior changes, including additions, demolitions, and alterations are subject to review and approval by the Commission for Historical and Architectural Preservation (CHAP). It is recommended that the applicant contact CHAP to determine the review process applicable to their project.

TransForm Baltimore: This property would become part of the R-8 District (Proposed Zoning Map Area 6-D) in which multi-family dwellings would be permitted uses and Neighborhood Commercial Establishments would be conditional uses (Table 9-301). The R-8 Districts would have lot area requirements of 750 square feet per dwelling unit (Table 9-401).

RECOMMENDATION

The Department of Planning has no objection to this appeal.

TJS/wya/mf

cc: William Broadus, Appellant