


FROM	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 / 100 East 21 <sup>st</sup> Street		

TO

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

DATE:

June 12, 2014

**REQUEST**

The Department of Planning has received Ebenezer Olarewaju's Board of Municipal and Zoning Appeals (BMZA) application to use the premises as an office and two dwelling units. The Zoning Administrator has determined that this is a conditional use conversion and that a variance of Zoning Code off-street parking requirements is needed for approval of this application. We understand that this appeal is scheduled for hearing on June 17, 2014.

**SITE**

100 East 21<sup>st</sup> Street is located on the northeast corner of the intersection with Hargrove Street. This property measures approximately 14' by 84' and is currently improved with a three-story semi-detached residential building measuring approximately 14' by 63'. This site is zoned O-R-2 and is located within the Barclay Urban Renewal Plan area.

**ANALYSIS**

Use: In this zoning district, offices and dwellings are permitted uses, and so are allowed (§5-201). In this case, the property was last authorized for use as a single-family dwelling, which is a permitted use in this O-R Office-Residence 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).

Lot Area: In this zoning district, dwellings require 550 square feet of lot area per dwelling unit (§5-206.c.). In this case, for two dwelling units, 1,100 square feet of lot area is required. The lot encloses 1,176 square feet, and so does meet this requirement.

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

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 two dwelling units, one parking space is required; none are or can readily 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 100%, which is greater than the variable amount the Board may authorize. However, given the historic pattern of development of this neighborhood and the fact that this property was left without a back alley for access to a possible rear yard parking pad, it would be a practical difficulty for the applicant to provide on-site parking for one vehicle, and thus a variance of 75% would be reasonable.

Historic District: The property is located in a designated historic district, and so may be eligible for historic tax credits for restoration and renovation. The appellant is encouraged to contact the Baltimore Commission for Historical and Architectural Preservation before proceeding with any improvements which may be authorized as a result of this appeal.

TransForm Baltimore: This property would become part of the R-8 District (Proposed Zoning Map Area 7-A) in which multi-family dwellings would be permitted uses (Table 9-301). The R-8 Districts would have conversion requirements that include having a gross floor area of 750 square feet per 1-bedroom unit if the building was previously a single-family dwelling (§9-703), and would require one off-street parking space per dwelling (Table 16-406A).

## **RECOMMENDATION**

The Department of Planning recommends approval of this appeal.

TJS/wya/mf

cc: Ebenezer Olarewaju, Appellant