


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 / 1401 Battery Avenue		

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

DATE: June 14, 2010

REQUEST

The Department of Planning has received John Kowalski's Board of Municipal and Zoning Appeals (BMZA) application to use the premises as 12 dwelling units and 3 efficiency units. We understand that this appeal is scheduled for hearing on June 22, 2010.

SITE

1401 Battery Avenue is located on the southeast corner of the intersection with Gittings Street. This property measures approximately 128'6" by 48' in street frontages (but includes a rear additional portion measuring approximately 38' by 27', and contains a total of 0.167 acre) and is currently improved with a three-story detached former monastery building measuring approximately 84' by 40'. This site is zoned R-8 and is located within the Federal Hill South National Register Historic District.

ANALYSIS

Insufficient Lot Area: In this zoning district, multiple-family dwellings require 750 square feet of lot area per dwelling unit and 500 square feet of lot area per efficiency unit (§4-1106.a). In this case, for 12 dwelling units, 8,625 square feet of lot area is required; for 3 efficiency units, 1,500 square feet of lot area is required. The lot only encloses 7,274.5 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 28%. The variance requested exceeds the discretionary range of the Board and so should not be allowed. If the proposed re-use of the building was amended to be 12 dwelling units and 2 efficiency units by removing one of the proposed basement efficiency units, the variance required would be 24.4%.

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). As 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). The former monastic use of the property was permitted as 24 rooming units, each of which would have required an off-street parking space (§10-405), but for the fact that the structure pre-dates 1971. As these 24 spaces exceed the 15 spaces which would be required for the proposed 12 dwelling units and 3 efficiency units, there is no off-street parking requirement to be imposed upon this re-use of the property.

Comprehensive Planning: Converting this property from a 24-rooming unit use to 12 dwelling units and 2 rooming units would reduce the parking demand associated with the residents of the structure from 24 to 14 off-street spaces. Given the shortage of off-street parking throughout South Baltimore, and particularly in the Federal Hill area where on-street parking is also not plentiful due to the narrowness of many of the public streets, it is important for the applicant to work with the community and neighboring property owners to provide a reasonable measure of off-street parking to accommodate future residents of this project who may bring their own personal motor vehicles with them.

RECOMMENDATION

The Department of Planning recommends disapproval of the application as presented, because the amount of lot area variance required for approval of this appeal exceeds the Board's discretionary authority provided in the Zoning Code. The Department would have no objection to an amended appeal to use the premises as 12 dwelling units and 2 efficiency units and recommends that the applicant seek to identify off-street parking facilities to serve the needs of the future residents of this property.

TJS/wya/mf

cc: John Kowalski, Appellant