

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 / 1613 Division Street		

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

DATE: June 15, 2010

REQUEST

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

SITE

1613 Division Street is located on the east side of the street, approximately 92' north of the intersection with McMechen Street. This property measures approximately 16' by 85' and is currently improved with a three-story row-house building measuring approximately 16' by 62'. This site is zoned R-8 and is located within the Upton Urban Renewal Plan area and the Old West Baltimore National Register Historic District.

ANALYSIS

Conversion of Dwellings: In the R-7 and R-8 Districts, the Board may approve the conversion of a single-family dwelling to a two-family dwelling only if the property meets the minimum lot size requirements (§3-305.b.3.i).

Insufficient Lot Area: In this zoning district, multiple-family dwellings require 750 square feet of lot area per dwelling unit (§4-1106.a). In this case, for two dwelling units, 1,500 square feet of lot area is required. The lot only encloses 1,360 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 9.3%. The variance requested is within the discretionary range of the Board and so may be allowed.

Renewal Plans: Ordinance #01-0165 was approved May 14, 2001 for the purpose of, among other things, clarifying the relationship between conditions or requirements imposed by an Urban Renewal Plan or Conservation Plan, such that the condition or requirement that is more restrictive will govern. Additionally, the ordinance prohibits the approval of a conditional use or a variance if that conditional use or variance is precluded by an applicable renewal plan or master plan.

Required Findings: The Board may not approve a conditional use unless, after public notice and hearing and on consideration of the standards prescribed in this title, it finds that: ... (2) the use is not in any way precluded by any other law, including an applicable urban renewal plan; (§14-204). For this reason, the Board must consider the requirements of the Upton Urban Renewal Plan, which does allow this 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). 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). In this zoning district, multiple-family attached dwellings require one off-street parking space per dwelling unit (§10-405.1.iv). For two dwelling units, two parking spaces are required; one can be provided at the rear of the property.

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.

RECOMMENDATION

The Department of Planning recommends approval of the appeal.

TJS/wya/mf

cc: Abraham Hegazi, Appellant