

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 / 1016 North Eden Street		

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 Herbert de Leon's Board of Municipal and Zoning Appeals (BMZA) application to use the premises as two apartments (dwelling units). We understand that this appeal is scheduled for hearing on June 22, 2010.

SITE

1016 North Eden Street is located on the west side of the street, approximately 131' north of the intersection with Eager Street. This property measures approximately 15' by 90' and is currently improved with a three-story building measuring approximately 15' by 60'. This site is zoned R-8 and is located within the Johnston Square Urban Renewal Plan area.

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 2 dwelling units, 1,500 square feet of lot area is required. The lot only encloses 1,350 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 10%. 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 Johnston Square Urban Renewal Plan, which does allow this use in this district.

Off-Street Parking: In this zoning district, multiple-family attached dwellings require one off-street parking space per dwelling unit (§10-405.1.iv). For 2 dwelling units, 2 parking spaces are required; one can be provided. 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).

Community Planning: The Johnston Square Urban Renewal Plan lists, in its Appendix B titled Properties for Acquisition and Disposition for Rehabilitation, 1016 North Eden Street as property number 9 on that list. The applicant should obtain from the Department of Housing and Community Development confirmation of the urban renewal status of the property before proceeding with any improvements which may be authorized as a result of the Board's decision concerning this appeal.

RECOMMENDATION

The Department of Planning recommends approval of the appeal, conditioned upon the Department of Housing and Community Development releasing the property from its acquisition list for the Johnston Square Urban Renewal Area.

TJS/wya/mf

cc: Herbert de Leon, Appellant