


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 / 509 North Chester Street		

TO

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

DATE:

June 27, 2014

REQUEST

The Department of Planning has received William Broaddus' Board of Municipal and Zoning Appeals (BMZA) application to use the premises as two 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 July 1, 2014.

SITE

509 North Chester Street is located on the east side of the street, approximately 53'10" north of the intersection with Jefferson Street. This property measures approximately 13'6" by 70' and is currently improved with a two-story attached residential building measuring approximately 13'6" by 53'. This site is zoned B-2-2 and is located within the Middle East Urban Renewal Plan area and the East Monument National Register Historic District.

ANALYSIS

Use: In this zoning district, dwellings are a permitted use, and so are allowed (§6-306). In this case, the property was last authorized for use as a laundrette, which is a permitted use in this B-2 Community Business 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).

Insufficient Lot Area: In this zoning district, multiple-family dwellings require 1,100 square feet of lot area per dwelling unit (§6-311.c.). In this case, for two dwelling units, 2,200 square feet of lot area is required. The lot only encloses 945 square feet, and so does not meet this requirement. Zoning Code §6-105.b.(2) states that 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, with a fraction of the total area that is 50% or more of the required lot area factor counting as an additional permitted dwelling unit. Division in this case yields 43% so the proposed conversion is unapprovable without variance of the lot area 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 24%. The variance requested is within the discretionary range of the Board and so may be allowed.

Urban Renewal Plan: This property is located in the Middle East 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).

Off-Street Parking: ... whenever the existing use of a structure is changed to a new use, off-street parking facilities must be provided, as required by this title, for that new use (§10-203.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 be provided, as the rear alley is only 4' wide.

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.

TransForm Baltimore: This property would become part of the C-1 District (Proposed Zoning Map Area 7-D) in which multi-family dwellings would be conditional uses (Table 10-301). The C-1 Districts would have off-street parking requirements of one space per dwelling unit (Table 16-406A).

RECOMMENDATION

The Department of Planning has no objection to this appeal.

TJS/wya/mf

cc: William Broaddus, Appellant