


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 / 501 North Washington 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, on behalf of Georgia Riley, to rehabilitate the existing structure and add a fourth floor addition measuring 15' by 70' with balconies at the rear of the second, third, and fourth floors, and use the property as a multiple-family dwelling. The Zoning Administrator has determined that this is a conditional use conversion and that variances of Zoning Code lot area, floor area ratio, and off-street parking requirements are needed for approval of this application. We understand that this appeal is scheduled for hearing on July 1, 2014.

SITE

501 North Washington Street is located on the northeast corner of the intersection with Jefferson Street. This property measures approximately 15' by 90' and is currently improved with a three-story semi-detached residential mixed-use building measuring approximately 15' by 50'. This site is zoned R-8 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, multiple-family dwellings are a permitted use, and so are allowed (§4-1101). In this case, the property was last authorized for use as a grocery store, which is a nonconforming use in this R-8 General Residence District, and a single-family attached dwelling. Rehabilitating the existing structure for residential use only would extinguish the nonconforming use.

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.

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). In this R-8 zoning district, multiple-family dwellings require 750 square feet of lot area per dwelling unit (§4-1106.a). In this case, for four dwelling units (one per floor as suggested in the architectural elevation attached to this application), 2,625 square feet of lot area is required. The lot only encloses 1,350 square feet, and so does not meet this requirement. In the R-7 and R-8 Districts, the conversion of a 1- or 2-family dwelling to additional dwelling units may be authorized, but only by a conditional-use ordinance. Based upon the statement in the application, and the previous authorized use of the property only for one dwelling unit, the Board does not have discretionary authority to approve this application.

Floor Area Ratio Variance: The Board may grant a variance to increase a basic floor area ratio factor by no more than 75% of the applicable regulation (§15-204.b). In this case, the proposed floor area ratio is 3.1 which exceeds the permitted ratio of 2.0 by 55.5%. As the request is within the variable range the Board may apply, this portion of the appeal would be approvable.

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 attached dwellings require one off-street parking space per dwelling unit (§10-405.1.iv). For four dwelling units, four parking spaces are required; none are 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.

TransForm Baltimore: This property would remain part of the R-8 District (Proposed Zoning Map Area 7-D) in which multi-family dwellings would be permitted uses (Table 9-301). The R-8 Districts would have conversion requirements related to both lot area and floor area (§9-703).

RECOMMENDATION

The Department of Planning recommends disapproval of this appeal, because the Board is not authorized by the Zoning Code to approve conversions of single-family dwellings to multiple-family dwellings in the R-8 Zoning District, where this property is located.

TJS/wya/mf

cc: William Broaddus, Appellant