


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 / 1813 WALBROOK AVENUE		

TO

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

DATE: May 20, 2009

REQUEST

The Department of Planning has received Reta Mekonen's Board of Municipal and Zoning Appeals (BMZA) application to use the premises for two dwelling units and one commercial space: one dwelling unit on the first floor, one dwelling unit on the second floor, and one commercial space (barbershop). We understand that this appeal has not yet been scheduled for hearing.

SITE

1813 Walbrook Avenue is located on the southwest corner of the intersection with McKean Avenue. This property measures approximately 14'1" by 82' and is currently improved with a two-story end-of-row attached dwelling. This site is zoned R-7.

ANALYSIS

Use: In this zoning district, dwellings are listed as a permitted use. However, barbershops are not listed as a permitted or conditional use and so are not allowed (§4-1001 to §4-1004). In this case, the property was last authorized for use as one dwelling unit and a barbershop. The barbershop is a nonconforming use in this R-7 General Residence District.

Discontinuance of Use: Whenever the active and continuous operation of any Class III nonconforming use, or any part of that use, has been discontinued for 12 consecutive months: (i) the discontinuance constitutes an abandonment of the discontinued nonconforming use, or discontinued part of that use... (§13-407.a.1). This section does not apply to any Class III nonconforming uses in an R-6, R-7, R-8, R-9, or R-10 District (§13-407.c).

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 (§4-1006). In this case, for two dwelling units, 2,200 square feet of lot area is required. The lot only encloses 1,155 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 47.5%. The variance requested exceeds the discretionary range of the Board, and so the appeal should be denied.

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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 one additional dwelling unit, one parking space is required; none are shown to be 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.

RECOMMENDATION

The Department of Planning recommends disapproval of the appeal.

TJS/ewt

cc: Reta Mekonen, Appellant