


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 / 1809 Eastern Avenue		

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

DATE: July 23, 2015

REQUEST

The Department of Planning has received Martin Cadogan's Board of Municipal and Zoning Appeals (BMZA) application to use the upstairs portion of the premises as two dwelling units on the second floor and one dwelling unit on the third floor. (The first floor would remain non-residential.) The Zoning Administrator has determined that a variance of lot area requirements is needed for approval. We understand that this appeal is scheduled for hearing on July 28, 2015.

SITE

1809 Eastern Avenue is located on the southwest corner of the intersection with Durham Street. This property measures approximately 13'6" along Eastern Avenue by 60'3" along Durham Street and contains approximately 1,220 sqft, and is currently improved with a three-story semi-detached building. This site is zoned B-2-2 and is located within the Fells Point 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 multiple-family attached dwelling and offices, which are permitted uses in this B-2 Community Business District.

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 three dwelling units, 3,300 square feet of lot area is required. The lot only encloses 1,220 square feet, and so does not meet this requirement. The formula specified in §6-105.b. of the Zoning Code allows two dwelling units, but no additional residential units (dwelling unit, efficiency unit, or rooming unit).

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 63%. The variance requested exceeds the discretionary range of the Board and so should not be allowed.

Historic District: The subject property is located within the Fells Point District, a locally and nationally designated Baltimore City historic district. All exterior changes, including additions, demolitions, and alterations are subject to review and approval by the Commission for Historical and Architectural Preservation (CHAP). It is recommended that the applicant contact CHAP to determine the review process applicable for any future work.

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TransForm Baltimore: This property would become part of a C-1 District (Proposed Zoning Map Area 7-D) in which dwelling above the ground floor would be a permitted use and multi-family dwellings would be a conditional use (Table 10-301).

RECOMMENDATION

The Department of Planning recommends disapproval of this appeal, because the amount of lot area variance required for approval exceeds the Board's discretionary authority provided in the Zoning Code.

TJS/wya/mf

cc: Martin Cadogan, Appellant