


FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE <b>MEMO</b>	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8 <sup>TH</sup> FLOOR		
	SUBJECT	BMZA / 1276 Glyndon Avenue		

TO

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

DATE: August 2, 2013

### REQUEST

The Department of Planning has received William Schwab's Board of Municipal and Zoning Appeals (BMZA) application to continue to use the premises for two dwelling units. The Zoning Administrator has determined that a variance of lot area Zoning Code requirements is needed for approval of this application. We understand that this appeal is scheduled for hearing on August 6, 2013.

### SITE

1276 Glyndon Avenue is located on the northeast corner of the intersection with Carey Street. This property measures approximately 15' by 60' and is currently improved with a two-story end-of-row residential building measuring approximately 15' by 54'. This site is zoned R-8 and is located within the Washington Village Urban Renewal Plan area and the Pigtown National Register Historic District.

### ANALYSIS

Use: This property was last authorized for use as a single-family attached dwelling. The exterior appearance of the property indicates that at one time the first floor was used for a commercial nonconforming use, which may have been discontinued or abandoned.

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 two dwelling units, 1,500 square feet of lot area is required. The lot only encloses 900 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. The Board only has discretionary authority to approve this application as a continuation of an existing multiple-family dwelling, or as a conversion of a nonconforming first-floor commercial use to a nonconforming first-floor residential use. The applicant needs to demonstrate that multiple-family use of the property currently exists or has not been discontinued or abandoned, or that nonconforming commercial use of the property has not been discontinued or abandoned.

Urban Renewal Plan: This property is located in the Washington Village Urban Renewal Area, where the Urban Renewal Plan does not prohibit or further restrict the proposed use in this district.

Historic District: The property is located in a designated historic district, and so may be eligible for historic tax credits for restoration and renovation. The appellant is encouraged to contact the Baltimore Commission for Historical and Architectural Preservation before proceeding with any improvements which may be authorized as a result of this appeal.

TransForm Baltimore: This property would remain part of the R-8 District (Proposed Zoning Map Area 6-D) in which multi-family dwellings would be permitted uses (Table 9-301). The R-8 Districts would have off-street parking requirements of one space per dwelling unit in multi-family structures (Table 16-406A).

### **RECOMMENDATION**

The Department of Planning has no objection to this appeal if it involves a conversion of a nonconforming commercial use to a nonconforming residential use. If the applicant does not demonstrate that a nonconforming use currently exists on this property, the Department recommends disapproval of this appeal, because the Board is not authorized to approve conversion of a 1-family dwelling to a 2-family dwelling in a R-8 Zoning District, where this property is located, where the property does not meet lot area requirements for the proposed multiple-family use.

TJS/wya/mf

cc: William Schwab, Appellant