


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 / 1517 Elmtree Street		

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

DATE: September 3, 2015

REQUEST

The Department of Planning has received Bradley Beutel's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of 1613 Elmtree LLC, to use the premises as three dwelling units. The Zoning Administrator has determined that this is a prohibited conversion of a single-family dwelling in a R-6 zoning district. We understand that this appeal is scheduled for hearing on September 8, 2015.

SITE

1517 Elmtree Street is located on the south side of the street, approximately 131' west of the intersection with Pennington Avenue. This property measures approximately 53' by 100' and is currently improved with a two-story semi-detached residential building measuring approximately 20' by 48'. This site is zoned R-6 and is located within the Brooklyn – Curtis Bay Strategic Neighborhood Action Plan area.

ANALYSIS

Use: In this zoning district, multiple-family attached dwellings are not listed as a permitted or conditional use, and so are not allowed (§4-901 to §4-904). In this case, the property was last authorized for use as a single-family attached dwelling, which is a permitted use in this R-6 General Residence 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). The Board is thus not authorized to approve this application.

The applicant has provided floor plans indicating that there are three levels (basement, first floor, and second floor) of the premises previously modified for use as separate dwelling units. The applicant would need to demonstrate that these dwelling units were authorized or created prior to enactment of the Zoning Code for this application to be approvable.

TransForm Baltimore: This property would remain part of the R-6 District (Proposed Zoning Map Area 13-A) in which multi-family dwellings would be permitted uses (Table 9-301). The R-6 Districts would have off-street parking requirements of 1 space per dwelling unit (Table 16-406A).

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RECOMMENDATION

The Department of Planning recommends disapproval of this appeal unless the applicant demonstrates that multiple-family dwelling use of the premises existed prior to April 1971 when the current Zoning Code was adopted, as use of the premises as a multiple-family attached dwelling would be a nonconforming use in a R-6 zoning district, where the property is located; and that such use has continued uninterrupted since then.

TJS/wya/mf

cc: Bradley Beutel, Appellant