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| 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 / 2600 and 2602-2604 Huntingdon Avenue | | |

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 Ben Frederick's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of Joan Lefaiivre LLC, to consolidate lots known as 2600 Huntingdon Avenue and 2602-2604 Huntingdon Avenue and use the premises as eight dwelling units (four dwelling units per floor) with off-street parking provided across 26th Street on vacant property designated as Block 3630A, Lots 57 and 57A. The Zoning Administrator has determined that this is a conditional use conversion of an office building, and that variances of lot area and lot coverage requirements are needed for approval. We understand that this appeal is scheduled for hearing on September 8, 2015.

SITE

2600 Huntingdon Avenue is located on the northwest corner of the intersection with 26th Street. This property measures approximately 9'11" by 70' and is currently improved with a two-story semi-detached commercial building measuring approximately 9'11" by 50'. 2602-2604 Huntingdon Avenue is located on the west side of the street, approximately 9'11" northwest of the intersection with 26th Street. This property measures approximately 50'4" by 80' and is currently improved with a two-story attached commercial building measuring approximately 50'4" by 78'. This site is zoned R-8.

ANALYSIS

Use: In this zoning district, multiple-family attached dwellings are a permitted use, and so are allowed (§4-1101). In this case, the property was last authorized for use as offices, which is a nonconforming use in this R-8 General Residence District. The proposed use would extinguish the nonconforming use of these properties.

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 eight dwelling units, 5,625 square feet of lot area is required. The consolidated lot will only enclose 4,820 square feet, and so would 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 14.3%. The variance requested is within the discretionary range of the Board and so may be allowed.

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Lot Coverage: The existing structure following consolidation would cover approximately 90% of the property. A structure may not cover more than twice the lot area, i.e., have a floor area ratio exceeding 2.0 (§4-1106.a.). In this case, there are no proposed additions which would increase lot coverage. As the current structure is two floors in height, the FAR would remain below 2.0 on the consolidated property.

Off-Street Parking: ... whenever the existing use of a structure is changed to a new use, off-street parking facilities must be provided, as required by this title, for that new use (§10-203.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 eight dwelling units, eight parking spaces are required; at most one could be provided at the rear of the property now known as 2600 Huntingdon Avenue.

Off-Street Parking: Required control of off-site facilities. ... (i) The off-site parking facilities must be on a lot possessed by the record title holder of the lot occupied by the structure or use to be served by the parking facilities. (ii) Possession of the facilities for purposes of this section may be: (A) by deed; or (B) by long-term lease, the term of which must be equal to or greater than the useful economic and physical life of the structure served (§10-304.b). The applicant is proposing to use two lots on the south side of 26th Street, opposite 2600 Huntingdon Avenue's side wall, to provide parking to serve the proposed use of the consolidated property as eight dwelling units. The applicant should provide evidence that these lots are leased for at least 20 years, or deeded to exclusive use by residents of 2600-2604 Huntingdon Avenue.

TransForm Baltimore: This property would remain part of the R-8 District (Proposed Zoning Map Area 6-B) in which multi-family dwellings would be permitted uses (Table 9-301). The R-8 Districts would have off-street parking requirements of 1 space per dwelling unit (Table 16-406A).

RECOMMENDATION

The Department of Planning recommends approval of this appeal subject to the condition that the applicant provide parking spaces meeting Zoning Code requirements for off-street parking in residential zones.

TJS/wya/mf

cc: Ben Frederick, Appellant