


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 / 1759 East Preston Street		

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

DATE: September 21, 2015

REQUEST

The Department of Planning has received Nate Pretl's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of East Baltimore Historic II LLC, to use the first floor of the premises as an office for a non-profit organization, and the upper two floors as two dwelling units. The Zoning Administrator has determined that this is a conditional use conversion in a B-3 zoning district. We understand that this appeal is scheduled for hearing on September 22, 2015.

SITE

1759 East Preston Street is located on the southwest corner of the intersection with Gay Street. This nearly triangular property measures approximately 39'5" along Preston Street by 53' maximum depth and is currently improved with a three-story building covering approximately 90% of the lot. This site is zoned B-3-2 and is located within the Broadway East Urban Renewal Plan area and the Baltimore East/ South Clifton Park National Register Historic District.

ANALYSIS

Use: In this zoning district, offices and dwellings are permitted uses, and so are allowed (§6-406). In this case, the property was last authorized for use as a liquor store and a multiple-family attached dwelling containing four efficiency units, which are permitted uses in this B-3 Community Commercial District. However, four years' vacancy has given the premises the status of a single-family dwelling under provisions of the Zoning Code.

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 (§6-411.c.). In this case, for two dwelling units, 2,200 square feet of lot area is required. The lot only encloses approximately 1,374 square feet, and so does not meet this requirement. Dividing the lot area for the second unit (274 sq. ft.) by the additional lot area required for it yields 0.25, not enough to permit an additional dwelling unit according to the Zoning Code (§6-105.b.).

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 16.8% (1,374/ 1,651). The variance requested is within the discretionary range of the Board and so may be allowed.

Off-Street Parking: 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). Previous use of this property as a multiple-family attached dwelling provides a credit that equals the amount of off-street parking required to serve the proposed two dwelling units. The office space does not have enough floor area to surpass the threshold requirement of 2,000 square feet of floor area for a parking space to be required for it.

Urban Renewal Plan: This property is located in the Broadway East Urban Renewal Area, where the Urban Renewal Plan does not prohibit the proposed use in this district. The Plan identifies this property as one for acquisition and disposition for rehabilitation or redevelopment, which would be implemented for this property if this application would be approved.

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 become part of the R-8 District (Proposed Zoning Map Area 7-B) in which Neighborhood Commercial Establishments would be conditional uses (Table 9-301). "Neighborhood commercial establishment" means "a commercial use that is within a residential neighborhood, but in a structure that is non-residential in its construction and original use" (§1-310 (I)).

RECOMMENDATION

The Department of Planning has no objection to this appeal.

TJS/wya/mf

cc: Nate Pretl, Appellant