


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 / 411 North Charles Street		

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

DATE: September 15, 2015

REQUEST

The Department of Planning has received Caroline Hecker's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of OZ Homes Enterprise LLC, to continue to use the first floor of the premises as commercial space, and convert the upper three floors to 8 or 9 dwelling units. The Zoning Administrator has determined that a variance of off-street parking requirements is needed for approval. We understand that this appeal is scheduled for hearing on September 22, 2015.

SITE

411 North Charles Street is located on the east side of the street, approximately 131'2" north of the intersection with Mulberry Street. This property measures approximately 26' by 126' and is currently improved with a four-story attached commercial building with rear additions covering the entire lot. This site is zoned B-4-2 and is located within the Central Business District Urban Renewal Plan area and the Cathedral Hill National Register Historic District.

ANALYSIS

Use: In this zoning district, dwellings are a permitted use, and so are allowed (§6-506). In this case, the property was last authorized for use as a beauty shop, gift shop, clothing shop, and offices, which are permitted uses in this B-4 Central Business 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). There is no lot area requirement for dwellings in a B-4 zoning district (§6-511).

Urban Renewal Plan: This property is located in the Central business District Urban Renewal Area, where the Urban Renewal Plan does not prohibit or further restrict the proposed use in this district. The Plan includes an objective to "recognize the cultural and architectural value of the buildings in the Project Area and encourage adaptive reuse, particularly ... buildings that contribute to the character of designated local and National Register historic districts", with which this application would be consistent.

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 dwellings require one off-street parking space per 4 dwelling units (§10-405.1.iv). For 8 or 9 dwelling units, two parking spaces are required; none are or can be provided.

Off-Street Parking Variance: ... the Board may grant a variance to reduce by no more than 75% the number of off-street parking spaces otherwise required by the applicable regulation (§15-208.b). In this case the reduction proposed is 100%, which is greater than the variable amount the Board ordinarily may authorize. However, given the existing long-standing lot coverage of the property, and the historic development pattern of the Cathedral Hill Historic District, there is a practical difficulty associated with compliance with requirements for off-street parking on this site or adjacent properties.

TransForm Baltimore: This property would become part of the C-5-HT (Downtown Historic and Traditional) District (Proposed Zoning Map Area 14-A) in which dwellings above the ground floor and numerous commercial uses would be permitted uses (Table 10-301). The C-5 Districts would be exempted from off-street parking requirements (§10-503 (I)).

RECOMMENDATION

The Department of Planning recommends approval of this appeal.

TJS/wya/mf

cc: Caroline Hecker, Appellant