

<b>FROM</b>	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 / 215 East Preston Street		

**TO**

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

DATE: September 18, 2014

**REQUEST**

The Department of Planning has received Fatemah Brown's Board of Municipal and Zoning Appeals (BMZA) application to use the premises as three dwelling units. The Zoning Administrator has determined that this is a conditional use conversion in a O-R Zoning District and that a variance of Zoning Code off-street parking requirements is needed for approval of this application. We understand that this appeal is scheduled for hearing on September 23, 2014.

**SITE**

215 East Preston Street is located on the south side of the street, approximately 60'7" west of the intersection with Guilford Avenue. This property measures approximately 15' by 100' and is currently improved with a three-story attached residential mixed-use building measuring approximately 15' by 70'. This site is zoned O-R-4 and is located within the Mount Vernon Urban Renewal Plan area and the Mount Vernon Historic District.

**ANALYSIS**

Use: In this zoning district, dwellings are a permitted use, and so are allowed (§5-201). In this case, the property was last authorized for use as a two-family dwelling and offices, which are both permitted uses in this O-R-4 Office-Residence District.

Urban Renewal Plan: This property is located in the Mount Vernon Urban Renewal Area, where the Urban Renewal Plan does not prohibit or further restrict the proposed use in this 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).

Lot Area: In this zoning district, multiple-family dwellings require 200 square feet of lot area per dwelling unit (§5-206.d.). In this case, for three dwelling units, 600 square feet of lot area is required. The lot encloses 1,500 square feet, and so does meet this requirement.

Off-Street Parking: ... if the intensity in use of a structure or premises is increased through the addition of dwelling, efficiency, or rooming units, floor area, seating capacity, or other units of measurement, off-street parking facilities must be provided for that increased intensity, as required by this title (§10-202.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 three dwelling units, one parking space is required; one is provided, but its access is via a 10' wide alley which does not meet Zoning Code requirements stated in §10-306.a.

The Mount Vernon Urban Renewal Plan requires 1 off-street parking space for every 2 dwelling units in Office-Residential Land Use districts established by the Plan. This property is located in such a district, and thus must provide 2 parking spaces for 3 dwelling units. The Plan does not include a provision for waiver or variance of this requirement. The applicant thus must identify an additional off-street parking space to serve the proposed additional dwelling unit that would be created by conversion of the office space to residential use.

Historic District: The subject property is located within the Mount Vernon District, a locally designated Baltimore City historic district. All exterior changes, including additions, demolitions, and alterations are subject to review and approval by the Commission for Historical and Architectural Preservation (CHAP). It is recommended that the applicant contact CHAP to determine the review process applicable to their project.

TransForm Baltimore: This property would become part of the O-R-2 District (Proposed Zoning Map Area 7-A) in which multi-family dwellings would be permitted uses (Table 12-301). The O-R 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 applicant obtaining a Notice To Proceed from the Commission for Historical and Architectural Preservation for any exterior changes which may be required as a result of changing an office to a dwelling unit, and only if the applicant provides one additional off-street parking space meeting the requirements of the Zoning Code.

TJS/wya/mf

cc: Fatemah Brown, Appellant