


FROM	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 / 3601 Chestnut Avenue		

TO

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

DATE: September 25, 2013

### REQUEST

The Department of Planning has received Joe Preller's Board of Municipal and Zoning Appeals (BMZA) conditional use application, on behalf of Chestnut Flower LLC, to continue to use the first floor of the premises as a florist shop, and to use the second floor front of the structure as an office, and the second floor rear and the third floor of the structure as two dwelling units. The Zoning Administrator has determined that this is a conditional use conversion of a single-family dwelling unit in a B-1 District, and that a variance of Zoning Code lot area and off-street parking requirements is needed for approval of this application. We understand that this appeal is scheduled for hearing on October 1, 2013.

### SITE

3601 Chestnut Avenue is located on the northeast corner of the intersection with 36<sup>th</sup> Street. This consolidated property measures approximately 32' by 76' and is currently improved with a three-story semi-detached residential mixed use building measuring approximately 18' by 76' and a two-story attached residential mixed use building measuring approximately 14' by 50'. This site is zoned B-1-2 and is located within the Hampden Business Area Urban Renewal Plan area and the Hampden National Register Historic District.

### ANALYSIS

Use: In this zoning district, florist shops, offices: business, governmental, and professional, and dwellings are all permitted uses (§6-206). In this case, the property was last authorized for use as a single-family dwelling, an office, and a florist shop.

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, dwellings require 1,100 square feet of lot area per dwelling unit (§6-211.c.). In this case, for two dwelling units, 2,200 square feet of lot area is required. The lot encloses 2,432 square feet, and so does meet this requirement.

Urban Renewal Plan: This property is located in the Hampden Business Area Urban Renewal Area, where the Urban Renewal Plan does not prohibit or further restrict the proposed use in this district.

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 2 dwelling units (§10-405.1.iv). For two dwelling units, one parking space is required; one is provided.

TransForm Baltimore: This property would become part of the C-1 District (Proposed Zoning Map Area 2-D) in which dwellings above the ground floor, offices, and retail goods establishments would be permitted uses, while multi-family dwellings would be conditional uses (Table 10-301).

#### **RECOMMENDATION**

The Department of Planning has no objection to this appeal.

TJS/wya/mf

cc: Joe Preller, Appellant