


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 / 2034 Madison Avenue		

TO

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

DATE: October 10, 2013

**REQUEST**

The Department of Planning has received Sharon Jones' Board of Municipal and Zoning Appeals (BMZA) application to use the premises as two dwelling units. We understand that this appeal is scheduled for hearing on October 15, 2013.

**SITE**

2034 Madison Avenue is located on the southwest corner of the intersection with Bloom Street. This property measures approximately 19'3" by 96' and is currently improved with a three-story end-of-row residential building measuring approximately 19'3" by 70'. This site is zoned R-9 and is located within the Madison Park Historic District and the Old West Baltimore National Register Historic District.

**ANALYSIS**

Use: In this zoning district, multiple-family dwellings are a permitted use, and so are allowed (§4-1201). In this case, the property was last authorized for use as a multiple-family dwelling conditional upon the applicant acquiring the property known as Block 316, Lot 19 (currently occupied by a garage) and consolidating it with this property for purposes of providing off-street parking in support of the dwelling units thus approved. This decision, in appeal no. 885-07, was extended on November 8, 2010 to a new due date of October 26, 2011. As the required action had not occurred by that date, the property's status became a single-family dwelling at that time, and this application is now to convert the property to multiple-family dwelling use. This applicant's previous application, to use the property for four dwelling units (refer to BMZA appeal no. 2012-335), has languished since being postponed on September 18, 2012, and should be dismissed in the hearing of this latest application.

Conversion of Dwellings: In all districts except the R-2, R-4, R-5, R-6, and R-8 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 550 square feet of lot area per dwelling unit (§4-1206). In this case, for two dwelling units, 1,100 square feet of lot area is required. The lot encloses 1,848 square feet, and so does meet this requirement.

Land Use and Urban Design: The application for two dwelling units is accompanied by drawings which show use of the third floor of the premises for a bedroom, full bathroom, and lounge, which is inconsistent with the application's description of "closing off the 3<sup>rd</sup> floor by placing a wall at the top of the 2<sup>nd</sup> floor landing". The applicant could be authorized to use the second and third floors together as a single dwelling unit of two or three bedrooms.

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 attached dwellings require one off-street parking space per dwelling unit (§10-405.1.iv). For two dwelling units, two parking spaces are required; none are or can be provided. As noted above, the only alternative in the absence of off-street surface parking in this vicinity is (or continues to be) consolidation of this property with the garage property to its rear.

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 75%, which is within the variable amount the Board may authorize.

Historic District: The subject property is located within the Madison Park 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. The property is also located in a designated National Register historic district, and so may be eligible for historic tax credits for restoration and renovation. The appellant is therefore also encouraged to contact CHAP 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 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). Conversion of a single-family dwelling to a multi-family dwelling would require a one-bedroom unit to have 750 square feet of floor area, and a two-bedroom unit to have 1,000 square feet of floor area (§9-703.C). This property could thus be used as two dwelling units if a parking variance would be approved.

#### **RECOMMENDATION**

The Department of Planning has no objection to this application. It is this Department's determination that, although the applicant has not provided any off-street parking to support the proposed additional dwelling unit, a practical difficulty does exist with regard to this property because the applicant does not have control of the only available off-street parking resource in the immediate vicinity, and has no likelihood of gaining that control within the near future.

TJS/wya/mf

cc: Sharon Jones, Appellant