

<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 / 1226 West Lafayette Avenue		

**TO**

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

DATE: August 22, 2012

**REQUEST**

The Department of Planning has received Guy Farrison's Board of Municipal and Zoning Appeals (BMZA) application to use the premises as three dwelling units. We understand that this appeal is scheduled for hearing on September 4, 2012.

**SITE**

1226 West Lafayette Avenue is located on the north side of the street, approximately 88' east of the intersection with Carey Street. This property measures approximately 17'9" by 120' and is currently improved with a three-story attached residential building measuring approximately 17'9" by 67'. This site is zoned R-8 and is located within the Sandtown-Winchester Urban Renewal Plan area 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 (§4-1101). In this case, the property was last authorized for use as a multiple-family dwelling in the Board's decision to approve appeal no. 903-07 (March 4, 2008). However, the application indicates that the property is currently vacant. If this property has been vacant for at least 12 consecutive months its status would have reverted to single-family dwelling under the terms of the Zoning Code.

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). In the R-7 and R-8 Districts, the conversion of a 1- or 2-family dwelling to additional dwelling units may be authorized, but only by a conditional-use ordinance.

Urban Renewal Plan: This property is located in the Sandtown-Winchester 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). These requirements would only apply to this application if the property had resumed the status of a single-family dwelling.

In this zoning district, multiple-family attached dwellings require one off-street parking space per dwelling unit (§10-405.1.iv). For 3 dwelling units, 3 parking spaces are required; none are or can be provided that would meet Zoning Code requirements due to the narrow (10') width of the alley at the rear of the property.

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 may authorize.

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.

#### **RECOMMENDATION**

The Department of Planning has no objection to this appeal if the applicant can demonstrate that multiple-family dwelling use of the property has not been discontinued or abandoned. If the applicant is unable to demonstrate this, the Department recommends disapproval of the appeal, because the Zoning Code does not authorize the Board to approve conversion of single-family dwellings to multiple-family dwellings in R-8 Districts.

TJS/wya/mf

cc: Guy Farrison, Appellant