


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 / 3649 Keswick Road		

TO

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

DATE: October 22, 2009

REQUEST

The Department of Planning has received Eric Dashner's Board of Municipal and Zoning Appeals (BMZA) application to use the premises for five dwelling units. We understand that this appeal is scheduled for hearing on October 27, 2009.

SITE

3649 Keswick Road is located on the southeast corner of the intersection with West 37th Street. This property measures approximately 30' by 140' and is currently improved with a combination two-story building measuring approximately 30' by 95'. This site is zoned R-7.

ANALYSIS

Use: In this zoning district, warehousing and storage facilities are not listed as a permitted or conditional use, and so are not allowed (§4-1001 to §4-1004). In this case, the property was last authorized for use as a dog day care facility, which is a nonconforming use in this R-7 General Residence District, by BMZA approval of appeal 446-04X. Multiple-family attached dwellings are a permitted use (§4-1001). This appeal proposes discontinuance of the non-conforming use, with which the Planning Department is in full agreement.

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).

Insufficient Lot Area: In this zoning district, multiple-family dwellings require 1,100 square feet of lot area per dwelling unit (§4-1006). In this case, for five dwelling units, 4,950 square feet of lot area is required. The lot only encloses 4,200 square feet, and so does not meet this requirement.

Lot Area Variance: The Board may grant a variance to reduce the applicable minimum lot area requirements by no more than: (1) 25% of the applicable regulation (§15-202). In this case, the proposed amount of variance would be 15%. The variance requested is within the discretionary range of the Board and so may be allowed.

Change in Nonconforming Use: In accordance with Subtitle 7 {"Modifications and Continuances by Board"} of this title, the Board may authorize a Class III nonconforming use in a Residence or Office-Residence District to be changed to a use permitted in a B-1 District (§13-405.b). Dwellings are listed as a permitted use in the B-1 District, and so are eligible for a change in nonconforming use (§6-206).

Required Yard: In this zoning district, a minimum interior side yard setback of 10' is required (§4-1007). In this case, the proposed multi-family dwelling will project to within 0' of the interior side lot line.

Yard Variance: The Board may grant a variance to authorize a yard or setback that is less than that otherwise required by the applicable regulation (§15-203).

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 40%, which is within the variable amount the Board may authorize.

RECOMMENDATION

The Department of Planning has no objection to this appeal.

TJS/ewt/mf

cc: Eric Dashner, Appellant