

FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8 TH FLOOR
	SUBJECT	BMZA / 1321 West North Avenue

CITY of
BALTIMORE
MEMO



TO

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

DATE: November 12, 2015

REQUEST

The Department of Planning has received Carl Barnes' Board of Municipal and Zoning Appeals (BMZA) application, on behalf of Alvin Smith, to use the premises as three dwelling units and a commercial space. The Zoning Administrator has determined that this is a conditional use conversion in a B-2 zoning district, and that a variance of lot area requirements is needed for approval. We understand that this appeal is scheduled for hearing on November 17, 2015.

SITE

1321 West North Avenue is located on the south side of the street, approximately 141' west of the intersection with Druid Hill Avenue. This property measures approximately 14' by 75' and is currently improved with a three-story attached residential building measuring approximately 14' by 58'. This site is zoned B-2-3 and is located within the Druid Heights Urban Renewal Plan area and the Old West Baltimore National Register Historic District.

ANALYSIS

Use: In this zoning district, dwellings and various commercial uses are permitted uses, and so are allowed (§6-306). In this case, the property was last authorized for use as a single-family attached dwelling, which is a permitted use in this B-2 Community Business District.

Urban Renewal Plan: This property is located in the Druid Heights 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).

Insufficient Lot Area: In this zoning district, multiple-family dwellings require 550 square feet of lot area per dwelling unit (§6-311.d.). In this case, for three dwelling units, 1,650 square feet of lot area is required. The lot only encloses 1,050 square feet, and so does not meet this requirement. However, dividing the total area of the lot by the lot area requirement produces a number greater than 50%, thus allowing approval of an additional dwelling unit.

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 25%. The variance requested is within the discretionary range of the Board and so may be allowed.

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 three dwelling units, two parking spaces are required; none are or can be provided because the rear alley is only 10' wide and the rear yard has insufficient depth.

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 ordinarily may authorize. However, the facts that the historic development pattern of the area did not include off-street parking, and that the location of this property is near the junction of several cross-town and downtown-serving mass transit lines, would suggest that future residents of the proposed dwellings would not need all of the off-street parking that the Zoning Code would otherwise require.

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.

TransForm Baltimore: This property would become part of the R-9 District with R-MU (Rowhouse Mixed-Use Overlay District) (Proposed Zoning Map Area 6-B) in which multi-family dwellings would be permitted uses (Table 9-301) and commercial uses would be limited to one on the ground floor of a rowhouse structure (§12-1003).

RECOMMENDATION

The Department of Planning has no objection to this appeal.

TJS/wya/mf

cc: Carl Barnes, Appellant