2010-451

TJS

FROM		
NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE **MEMO**
AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8TH FLOOR	
SUBJECT	BMZA / 519 Mosher Street	DATE: November 15, 2010

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

REQUEST
The Department of Planning has received Nathaniel Greene's Board of Municipal and Zoning Appeals (BMZA) application to continue to use the premises as three dwelling units. We understand that this appeal is scheduled for hearing on November 23, 2010.

SITE
519 Mosher Street is located on the south side of the street, approximately 66' east of the intersection with Division Street. This property measures approximately 16'3" by 120' and is currently improved with a three-story attached residential building measuring approximately 16'3" by 45'. This site is zoned R-8 and is located within the Upton Urban Renewal Plan area and the Old West Baltimore National Register Historic District.

ANALYSIS
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, multiple-family dwellings require 750 square feet of lot area per dwelling unit (§4-1106.a). In this case, for three dwelling units, 1,875 square feet of lot area is required. The lot encloses 1,950 square feet, and so does meet this requirement.

Renewal Plans: Ordinance #01-0165 was approved May 14, 2001 for the purpose of, among other things, clarifying the relationship between conditions or requirements imposed by an Urban Renewal Plan or Conservation Plan, such that the condition or requirement that is more restrictive will govern. Additionally, the ordinance prohibits the approval of a conditional use or a variance if that conditional use or variance is precluded by an applicable renewal plan or master plan.

Required Findings: The Board may not approve a conditional use unless, after public notice and hearing and on consideration of the standards prescribed in this title, it finds that: … (2) the use is not in any way precluded by any other law, including an applicable urban renewal plan; (§14-204). For this reason, the Board must consider the requirements of the Upton Urban Renewal Plan, which does allow this use in this district.

Off-Street Parking: In this zoning district, multiple-family attached dwellings require one off-street parking space per dwelling unit (§10-405.1.iv). For three dwelling units, three parking spaces are required; none can be provided due to the narrow width of the alley at the rear of

the property. As 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).

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.

Computation of spaces: (a) Fractional spaces. When the application of this subtitle results in a requirement for a fractional space: (1) any fraction less than ½ may be disregarded; and (2) any fraction of ½ or more counts as 1 parking space (§10-402). Granting of a 75% parking variance would result in a requirement for one off-street parking space.

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, provided that the applicant identifies an off-street parking space to serve one of the dwelling units proposed to be added.

TJS/wya/mf

cc: Nathaniel Greene, Appellant