2010-446

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 / 2216 West North Avenue	

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

DATE: November 15, 2010

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

SITE
2216 West North Avenue is located on the north side of the street, approximately 132' west of the intersection with Smallwood Street. This property measures approximately 16'6" by 150' and is currently improved with a three-story attached building measuring approximately 16'6" by 63'. This site is zoned R-8.

ANALYSIS
Conversion of Dwellings: In the R-7 and R-8 Districts, the Board may approve the conversion of a single-family dwelling to a two-family dwelling only if the property meets the minimum lot size requirements (§3-305.b.3.i).

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 two dwelling units, 1,500 square feet of lot area is required. The lot encloses 2,475 square feet, and so does meet this requirement.

Use: In this zoning district, barber shops are not listed as a permitted or conditional use, and so are not allowed (§4-1101 to §4-1104). In this case, the property was last authorized for use as a beauty shop, which is a nonconforming use in this R-8 General Residence District.

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). A barber shop is listed as a permitted use in the B-1 District, and so is eligible for a change in nonconforming use (§6-206).

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). 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: 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; one can be provided at the rear of the property, off Herbert Street.

RECOMMENDATION
The Department of Planning recommends approval of the appeal.

TJS/wya/mf

cc: Marcia McMillian, Appellant