2010-452

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 / 1912 McCulloh 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 four dwelling units. We understand that this appeal is scheduled for hearing on November 23, 2010.

SITE
1912 McCulloh Street is located on the west side of the street, approximately 96' northwest of the intersection with Robert Street. This property measures approximately 18' by 120' and is currently improved with a three-story attached residential building measuring approximately 18' by 50'. This site is zoned R-8 and is located within the Druid Heights 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).

Insufficient 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 four dwelling units, 2,625 square feet of lot area is required. The lot only encloses 2,160 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 18%. The variance requested is within the discretionary range of the Board and so may be allowed.

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 Druid Heights Urban Renewal Plan, which does allow this 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). 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). In this zoning district, multiple-family attached dwellings require one off-street parking space per dwelling unit (§10-405.1.iv). For four dwelling units, three parking spaces are actually required; two can be provided at the rear of the property, off Stoddard Alley.

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 33%, which is within the variable amount the Board may authorize.

Comprehensive Planning: The Department of Planning typically will only support one dwelling unit per floor, and normally does not support units in basements. The Baltimore City Comprehensive Master Plan: LIVE, EARN, PLAY, LEARN calls for better land use and urban design standards in order to improve the neighborhoods in our City. To further encourage the excessive conversion of residences impedes this process. In this premises, the proposed basement dwelling unit can not be approved due to its lack of adequate light and ventilation resulting from undersized front basement windows.

RECOMMENDATION
The Department of Planning recommends approval of three dwelling units at this property, and disapproval of use of the basement as a separate dwelling unit.

TJS/wya/mf

cc: Nathaniel Greene, Appellant