2010-438

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 / 1634 East 31st Street	

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 Peggy Robinson and Brandon Robinson's Board of Municipal and Zoning Appeals (BMZA) application to use the premises as two dwelling units (one dwelling unit plus a basement efficiency unit). We understand that this appeal is scheduled for hearing on November 23, 2010.

SITE
1634 East 31st Street is located on the northwest corner of the intersection with Tivoly Avenue. This property measures approximately 21' by 95' and is currently improved with a two-story end-of-row building measuring approximately 18' by 54' and a masonry garage close to the rear of the principal building. This site is zoned R-6 and is located within the Coldstream-Homestead-Montebello Urban Renewal Plan area.

ANALYSIS
Use: Any use that is not expressly allowed in a district is prohibited (§3-106). In this zoning district, multiple-family attached dwellings are not listed as a permitted or conditional use, and so are not allowed (§4-901 to §4-904). In this case, the property was last authorized for use as a grocery store and delicatessen, which is a nonconforming use in this R-6 General Residence District.

Comprehensive Planning: The Department of Planning 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. Although the Coldstream-Homestead-Montebello Urban Renewal Plan designates the area in which this property is located as residential, in this premises the proposed basement efficiency unit can not be approved due to its lack of adequate light and ventilation resulting from lack of adequate basement windows.

RECOMMENDATION
The Department of Planning recommends disapproval of the appeal, because the Zoning Code does not authorize approval of multiple-family attached dwellings in R-6 Zoning Districts.

TJS/wya/mf

Northeast

cc: Peggy Robinson and Brandon Robinson, Appellants