


FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE <b>MEMO</b>	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8 <sup>TH</sup> FLOOR		
	SUBJECT	BMZA / 4652 York Road		

TO

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

DATE: November 27, 2015

**REQUEST**

The Department of Planning has received Sadiq Sadiq's Board of Municipal and Zoning Appeals (BMZA) application to use the premises as two dwelling units and a commercial space. The Zoning Administrator has determined that this includes a conditional use conversion in a B-3 zoning district, and a variance of the lot area requirement is needed for approval. We understand that this appeal is scheduled for hearing on December 1, 2015.

**SITE**

4652 York Road is located on the west side of the street, approximately 61'6" north of the intersection with Willow Avenue. This property measures approximately 14'3" by 117'8" and is currently improved with a two-story attached residential mixed-use building measuring approximately 14'3" by 82'. This site is zoned B-3-2 and is located within the York Road Community Strategic Neighborhood Action Plan area.

**ANALYSIS**

Use: In this zoning district, dwellings are a permitted use, and so are allowed (§6-406). In this case, the property was last authorized for use as a multiple-family dwelling, an art and school supply store, and a wearing apparel shop, which are permitted uses in this B-3 Community Commercial District. However, over twelve months prior to the filing of this application, the previous owner's representative stated that the residential use was a single-family dwelling. The applicant is requesting reinstatement of the previous multiple-family dwelling use.

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 1,100 square feet of lot area per dwelling unit (§6-411.c.). In this case, for two dwelling units, 2,200 square feet of lot area is required. The lot only encloses 1,677 square feet, and so does not meet this requirement.

Business Districts – Lot area – Computations: (1) The maximum number of permitted dwelling units on a lot is determined by dividing the total area of the lot by the lot area requirement that applies to the subdistrict in which the lot is located. (2) A fraction of the total area that is 50% or more of the required lot area factor counts as an additional permitted dwelling unit (§6-105). Dividing 577 by 1,100 yields 0.53 or 53%, allowing the additional proposed dwelling unit to be approved.

Mr. David Tanner, BMZA  
Executive Director  
Page 2  
Re: 4652 York Road

**TransForm Baltimore:** This property would become part of a R-6 with R-MU (Rowhouse Mixed-Use Overlay) District (Proposed Zoning Map Area 3-C) in which multi-family dwellings would be permitted uses (Table 9-301). Non-residential uses permitted would be specified for the ground floor of the rowhouse structure (§12-1003).

**RECOMMENDATION**

The Department of Planning has no objection to this appeal.

TJS/wya/mf

cc: Sadiq Sadiq, Appellant