


FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8 TH FLOOR		
	SUBJECT	BMZA / 4609 Pennington Avenue		

TO

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

DATE: November 25, 2015

REQUEST

The Department of Planning has received Tulio Flores Panuera's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of Nelson Flores Milla, to use the premises as two dwelling units (basement and second levels) and a commercial space (first level). The Zoning Administrator has determined that this is a conditional use conversion in a B-2 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

4609 Pennington Avenue is located on the east side of the street, approximately 61'6" south of the intersection with Elmtree Street. This property measures approximately 13'9" by 85' and is currently improved with a two-story attached residential building measuring approximately 13'9" by 52'. This site is zoned B-2-2 and is located within the Brooklyn and Curtis Bay Business Area Urban Renewal Plan area.

ANALYSIS

Use: In this zoning district, dwellings are a permitted use, and so are allowed (§6-306). In this case, the property was last authorized for use as a single-family attached dwelling, which is a permitted use in this B-2 Community Business District.

Urban Renewal Plan: This property is located in the Brooklyn and Curtis Bay Business Area Urban Renewal Area, where the Urban Renewal Plan does not prohibit or further restrict the proposed use in this district.

Insufficient Lot Area: In this zoning district, multiple-family dwellings require 1,100 square feet of lot area per dwelling unit (§6-311.c.). In this case, for two dwelling units, 2,200 square feet of lot area is required. The lot only encloses 1,169 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 69 by 1,100 yields 0.063 or less than 7%, not allowing the additional proposed dwelling unit to be approved.

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 43%. The variance requested exceeds the discretionary range of the Board and so should not be allowed.

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TransForm Baltimore: This property would become part of the R-7 District (Proposed Zoning Map Area 13-A) in which multi-family dwellings would be permitted uses, and Neighborhood Commercial Establishments would be conditional uses (Table 9-301). "Neighborhood commercial establishment" means "a commercial use that is within a residential neighborhood, but in a structure that is non-residential in its construction and original use" (§1-310 (I)). The R-7 Districts would have specific residential conversion standards (§9-703).

RECOMMENDATION

The Department of Planning recommends disapproval of this appeal, because the amount of lot area variance needed for approval would exceed the Board's discretionary authority provided in the Zoning Code.

TJS/wya/mf

cc: Tulio Flores Panuera, Appellant