

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 / 4204 Belvieu Avenue		

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

DATE: November 29, 2010

REQUEST

The Department of Planning has received James Cann's Board of Municipal and Zoning Appeals (BMZA) application to continue to use the property as four dwelling units. We understand that this appeal is scheduled for hearing on December 7, 2010.

SITE

4204 Belvieu Avenue is located on the north side of the street, approximately 250' west of the intersection with Eldorado Avenue. This property measures approximately 66'9" by 150' and is currently improved with a two-story-plus-attic detached residential building measuring approximately 45' by 48'. This site is zoned R-2 and is located within the Rogers Avenue Transit Station Urban Renewal Plan area.

ANALYSIS

Conditional Use: In this zoning district, multiple-family detached dwellings are a conditional use, requiring approval by the Board (§4-503).

Insufficient Lot Area: In this zoning district, multiple-family detached dwellings require 7,300 square feet of lot area per dwelling unit (§4-506.c). In this case, for four dwelling units, 25,550 square feet of lot area is required. The lot only encloses 10,012.5 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 61%. The variance requested exceeds the discretionary range of the Board and so should not 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 Rogers Avenue Transit Station Urban Renewal Plan, which does allow this use in this district.

Off-Street Parking: In this zoning district, multiple-family dwellings require one off-street parking space per dwelling unit (§10-405.1.iv). For four dwelling units, four parking spaces are required; four can be provided at the rear of the property.

RECOMMENDATION

The Department of Planning recommends disapproval of the appeal, because the lot area variance which would be required for approval of the applicant's request exceeds the discretionary authority provided to the Board in the Zoning Code.

TJS/wya/mf

cc: James Cann, Appellant