


<b>FROM</b>	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 / 857 North Howard Street		

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

DATE: November 29, 2010

### REQUEST

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

### SITE

857 North Howard Street is located on the east side of the street, approximately 460' south of the intersection with Read Street. This property measures approximately 15'1" by 109'11" and is currently improved with a three-story attached building measuring approximately 15'1" by 93'. This site is zoned B-5-1 and is located within the Mount Vernon Urban Renewal Plan area and the Mount Vernon Historic District.

### ANALYSIS

Use: In this zoning district, dwellings are listed as a permitted use, and so are allowed (§6-606). In this case, the property was last authorized for use as a retail sales establishment, which is a permitted use in this B-5 Central Commercial District.

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). There are no minimum lot area requirements per dwelling unit in a B-5 zone, and this property is well below the 8.0 Floor: Area Ratio (FAR) for the B-5-1 zone.

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 dwellings require one off-street parking space per four dwelling units (§10-405.1.iv). For three dwelling units, one parking space is required; none can be provided due to the absence of an alley behind this property.

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 100%, which is greater than the variable amount the Board may authorize, but pursuant to §10-402 (a) of the Zoning Code the Board may grant the maximum variance and the ¼ space minimum required may be disregarded.

Historic District: The subject property is located within the Mount Vernon District, a locally designated Baltimore City historic district. All exterior changes, including additions, demolitions, and alterations are subject to review and approval by the Commission for Historical and Architectural Preservation (CHAP). It is recommended that the applicant contact CHAP to determine the review process applicable to their project, and to seek property tax credits for restoration and renovation which may be required after approval of this application.

### **RECOMMENDATION**

The Department of Planning recommends approval of this appeal conditional upon the applicant obtaining a Notice To Proceed from the Commission for Historical and Architectural Preservation for all exterior restoration, renovation, or remodelling which may be required for approval of occupancy of the building as three dwelling units.

TJS/wya/mf

cc: Samuel Bowden, Appellant