


<b>FROM</b>	<b>NAME &amp; TITLE</b>	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE  <b>MEMO</b> 
	<b>AGENCY NAME &amp; ADDRESS</b>	DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8 <sup>TH</sup> FLOOR	
	<b>SUBJECT</b>	BMZA / 2408 Linden Avenue	

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

**DATE:** November 16, 2011

### REQUEST

The Department of Planning has received Daniel McCarthy's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of Episcopal Housing Services Corporation and the Druid Heights Community Development Corporation, to use the property for five dwelling units (rehabilitate the house as four dwelling units and use the carriage house as a fifth dwelling unit) with three parking spaces in the rear. We understand that this appeal is scheduled for hearing on December 6, 2011.

### SITE

2408 Linden Avenue is located on the west side of the street, approximately 58'3" northwest of the intersection with Whitelock Street. This property measures approximately 50' by 150' and is currently improved with a three-story semi-detached residential building measuring approximately 21' by 93' known as the Gertrude Stein House, and a separate two-story masonry structure measuring approximately 22' by 39'. This site is zoned R-8 and is located within the Reservoir Hill Urban Renewal Plan area and the Reservoir Hill National Register Historic District.

### ANALYSIS

Use: In this zoning district, multiple-family dwellings are a permitted use, and so are allowed (§4-1101). In this case, the property was last authorized for use as a multiple-family dwelling. The length of the principal structure and its many windows in its side wall make it acceptable for use with two dwelling units on its second floor.

Conversion of Dwellings: Notwithstanding §4-105(a) {"Lot area and coverage: In general"} of this subtitle, an accessory carriage house existing on April 20, 1971, in an R-7, R-8, R-9, or R-10 District may be subdivided and converted into a single-family dwelling, if: (1) the new lot area meets the minimum lot and yard requirements that apply to single-family attached dwellings in the applicable district; (2) the building contains at least 1,100 square feet of gross floor area; and (3) all other requirements of this article are met, or, with a variance obtained under Title 15 {"Variances"} of this article, can be met (§4-106.b). The applicant is not proposing to subdivide this property, but is proposing to convert an existing carriage house into a dwelling unit that will be physically separate from the other four dwelling units on the property. The carriage house building contains approximately 1,600 square feet of gross floor area, and thus exceeds the minimum requirement for its conversion into a separate dwelling unit.

Urban Renewal Plan: This property is located in the Reservoir Hill Urban Renewal Area, where the Urban Renewal Plan does not prohibit or further restrict the proposed use in this district.

Number of Principal Structures on a Residential Lot: No more than one principal detached structure may be located on: (i) any residential lot ... (§3-301.a). Notwithstanding subsection (a) of this section, the Zoning Administrator must approve construction of more than one principal detached structure or other free-standing structure on a residential lot ... if, in a specific case: (1) the development otherwise would conform to the requirements of this article; and (2) the Planning Commission approves the design of the development (§3-301.b). In this case, more than one structure is proposed for this site, and so Planning Commission approval is required for this development. Typically, the Commission does not approve requests of this type, as provisions for the development of existing carriage houses are addressed through the subdivision of property, as detailed in §4-106 (see previous page of this memorandum). The applicant should be prepared to work with Planning staff to document the basis for a possible Planning Commission approval of this redevelopment of this property.

Lot Area: In this zoning district, multiple-family dwellings require 750 square feet of lot area per dwelling unit (§4-1106.a.). In this case, for five dwelling units, 3,750 square feet of lot area is required. The lot encloses 7,500 square feet, and so does meet this requirement.

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). If 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 attached dwellings require one off-street parking space per dwelling unit (§10-405.1.iv). For five dwelling units, five parking spaces are required; three are provided in the rear of the property, accessible from Jordan Street.

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 25%, which is within the variable amount the Board may authorize.

Historic District: The property is located in a designated historic district, and so may be eligible for historic tax credits for restoration and renovation. The appellant is encouraged to contact the Baltimore Commission for Historical and Architectural Preservation before proceeding with any improvements which may be authorized as a result of this appeal.

## **RECOMMENDATION**

The Department of Planning has no objection to this appeal, provided that the applicant obtains Planning Commission approval for the proposed use of the existing carriage house as a separate dwelling, i.e., for multiple residential structures on a single lot.

TJS/wya/mf

cc: Daniel McCarthy, Appellant