


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 / 1563-1567 North Fulton Avenue		

TO

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

DATE: December 10, 2014

REQUEST

The Department of Planning has received Adam Carballo's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of Gateway Church, Samuel Perez and Ana Zambrano, to use the first floor of the premises as a food store and the second floor of the premises as four dwelling units. The Zoning Administrator has determined that this is a conditional use conversion in a B-1 Zoning District, and a variance of Zoning Code off-street parking requirements is needed for approval of this application. We understand that this appeal is scheduled for hearing on December 16, 2014.

SITE

1563-1567 North Fulton Avenue is located on the southeast corner of the intersection with Baker Street. This property measures approximately 37'6" by 142' and is currently improved with the vacant shell of a two-story building covering the entire lot. This site is zoned B-1-2 and is located within the Sandtown-Winchester Urban Renewal Plan area and the Old West Baltimore National Register Historic District.

ANALYSIS

Use: In this zoning district, food stores and dwellings are permitted uses, and so are allowed (§6-206). In this case, the property was last authorized for use as a religious institution, which is a prohibited use in this B-1 Neighborhood Business 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).

Lot Area: In this zoning district, multiple-family dwellings require 1,100 square feet of lot area per dwelling unit (§6-211.c.). In this case, for four dwelling units, 4,400 square feet of lot area is required. The lot encloses 5,325 square feet, and so does meet this requirement.

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

Off-Street Parking: ... whenever the existing use of a structure is changed to a new use, off-street parking facilities must be provided, as required by this title, for that new use (§10-203.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 dwellings require one off-street parking space per 2 dwelling units (§10-405.1.iv). For four dwelling units, two parking spaces are required; none are provided, nor would be if the present outline of the structure is maintained.

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. However, the previous use of the property did not provide any off-street parking, and this situation would not be changed by the proposed use.

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.

TransForm Baltimore: This property would become part of the C-1 District (Proposed Zoning Map Area 6-A) in which dwellings: above the ground floor, and retail goods establishments – no alcohol sales, would be permitted uses (Table 10-301). The C-1 Districts would have off-street parking requirements of 1 space per dwelling (Table 16-406A).

RECOMMENDATION

The Department of Planning has no objection to this appeal.

TJS/wya/mf

cc: Adam Carballo, Appellant