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FROM	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 / 916 North Broadway		

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

DATE: December 16, 2010

### REQUEST

The Department of Planning has received Om Tschand's Board of Municipal and Zoning Appeals (BMZA) application to use the premises for a commercial space on the first floor and two dwelling units on the upper two floors. We understand that this appeal is scheduled for hearing on December 21, 2010.

### SITE

916 North Broadway is located on the northwest corner of the intersection with Abbott Street. This property measures approximately 14' by 60' and is currently improved with a three-story end-of-row building measuring approximately 14' by 51'. This site is zoned R-8 and is located within the Gay Street I Urban Renewal Plan area and the Old East Baltimore National Register Historic District.

### ANALYSIS

Use: In this zoning district, commercial uses are not listed as a permitted or conditional use, and so are not allowed (§4-1101 to §4-1104). In this case, the property was last authorized for use as a residence, which is a permitted use in this R-8 General Residence District.

Conversion of Dwellings: In the R-7 and R-8 Districts, the Board may approve the conversion of a single-family dwelling to a two-family dwelling only if the property meets the minimum lot size requirements (§3-305.b.3.i).

Insufficient 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 two dwelling units, 1,500 square feet of lot area is required. The lot only encloses 840 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 44%. The variance requested exceeds the discretionary range of the Board and so should not be allowed.

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 recommends disapproval of the appeal, because the lot area variance which would be required for approval of this appeal exceeds the Board's discretionary authority provided in the Zoning Code.

TJS/wya/mf

cc: Om Tschand, Appellant