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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 / 1419 West Baltimore Street		

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

DATE: December 14, 2010

REQUEST

The Department of Planning has received Greg Murad's Board of Municipal and Zoning Appeals (BMZA) application to use the premises as three dwelling units and for retail clothing sales. We understand that this appeal is scheduled for hearing on December 21, 2010.

SITE

1419 West Baltimore Street is located on the south side of the street, approximately 141' east of the intersection with Stricker Street. This property measures approximately 18' by 120' and is currently improved with a three-story attached building measuring approximately 18' by 80' and a one-story building covering the balance of the lot at the rear of the principal building. This site is zoned B-2-3 and is located within the Franklin Square Urban Renewal Plan area and the Union Square Historic District.

ANALYSIS

Use: In this zoning district, dwellings and clothing shops are listed as permitted uses, and so are allowed (§6-306). In this case, the property was last authorized for use as a multiple-family dwelling, which is a permitted use in this B-2 Community 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). In this appeal, the applicant is proposing to increase the number of dwellings on the premises from two to three.

Lot Area: In this zoning district, multiple-family dwellings require 550 square feet of lot area per dwelling unit (§6-311.d). In this case, for three dwelling units, 1,375 square feet of lot area is required. The lot encloses 2,160 square feet, and so does meet this requirement.

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 Franklin Square Urban Renewal Plan, which does allow this use in this district.

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). In this zoning district, multiple-family attached dwellings require one off-street parking space per dwelling unit (§10-405.1.iv). For three dwelling units, three parking spaces are required. 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).

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.

Historic District: The subject property is located within the Union Square 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 this project, and that the applicant consider applying for a property tax credit if substantial amounts of restoration and renovation would be needed if this appeal is approved.

RECOMMENDATION

The Department of Planning has no objection to approval of this appeal subject to requirements that the applicant obtain a CHAP Notice To Proceed before beginning any exterior work on the property, and that the applicant provide at least one off-street parking space at the rear of the property.

TJS/wya/mf

cc:Greg Murad, Appellant