


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 / 4704-4718 Greenspring Avenue		

TO

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

DATE: March 14, 2013

REQUEST

The Department of Planning has received Lisa Junker's Board of Municipal and Zoning Appeals (BMZA) conditional use application, on behalf of Sinai Ridge LLC, to increase the number of dwelling units on the property from 54 to 75 by constructing a new three-story apartment building. The Zoning Administrator has determined that this is a modification of a conditional use in a R-5 District, and that a variance of lot area, lot coverage, and setback requirements of the Zoning Code would be required for approval of this application. We understand that this appeal is scheduled for hearing on March 19, 2013.

SITE

4704-4718 Greenspring Avenue is located on the southwest corner of the intersection with Woodland Avenue. This property measures approximately 800' along the west side of Greenspring Avenue from Woodland Avenue to Dupont Avenue, by 246' 4" along the south side of Woodland Avenue from Greenspring Avenue to Nurton Avenue, and contains approximately 3.21 acres and is currently improved with two 3-story walk-up garden apartment buildings. This site is zoned R-5 and is located within the Park Heights Urban Renewal Plan area.

ANALYSIS

Conditional Use: In this zoning district, multiple-family detached dwellings are a conditional use, requiring approval by the Board (§6-803). As there are already two such structures on this property, the applicant is proposing to increase the density of the existing conditional use. Any change to that use, including any expansion, relocation, or structural alteration, is subject to the procedures and requirements imposed by this article on conditional uses (§3-306.b.2).

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

Insufficient Lot Area: In this zoning district, multiple-family detached dwellings require 2,500 square feet of lot area per dwelling unit (§4-806.c). In this case, for 75 dwelling units, 186,250 square feet of lot area is required. The lot only encloses 139,828 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 25%. The variance requested is within the discretionary range of the Board and so may be allowed.

Lot Coverage/ Floor Area Ratio Variance: The Board may grant a variance to increase a basic floor area ratio factor by no more than 75% of the applicable regulation (§15-204.b). In this case, the proposed floor area ratio is 0.59 which is less than the permitted ratio of 0.7 (§4-806.c). No variance of FAR is needed for approval of this application.

Projections and Obstructions into Required Yards: (a) *In general.* Except for the specified projections and obstructions listed in this section, every part of a required yard or of any other required open space must be open and unobstructed from the ground to the sky (§3-209). In this case, the proposed new structure is not listed among the permitted projections and obstructions into required street-corner side yards for the existing structures facing Greenspring Avenue. Due to the fact that this property is bounded totally on its north by Woodland Avenue, and to accommodate the intended orientation of the new building to that street, a variance from this requirement would be appropriate.

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). Accessory off-street parking facilities that existed on April 20, 1971, and still serve a structure or use may not be reduced below – or if already below, may not be further reduced below – the minimum requirements of this title for a similar new structure or use (§10-204). In this zoning district, multiple-family attached dwellings require one off-street parking space per dwelling unit (§10-405.1.iv). For 75 dwelling units, 75 parking spaces are required; 54 are provided.

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 28%, which is within the variable amount the Board may authorize.

TransForm Baltimore: This property would remain in a R-5 District (Proposed Zoning Map Area 2-C) in which multi-family dwellings would be a permitted use (Table 9-301). The proposed use is thus consistent with future zoning for the area.

Land Use and Urban Design: The proposed additional development of this property has been approved by the Site Plan Review Committee. The additional dwelling units would provide additional housing resources for Baltimore residents.

RECOMMENDATION

The Department of Planning has no objection to this appeal, and recommends that approval of this appeal, if granted, be conditioned upon approval by the Planning Commission of multiple structures on a residential lot, and upon construction of all improvements and landscaping in accordance with plans approved by the Site Plan Review Committee.

TJS/wya/mf

cc: Lisa Junker, Appellant