


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 / 2702 Keyworth Avenue		

TO

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

DATE: May 10, 2013

REQUEST

The Department of Planning has received Ryan Potter's Board of Municipal and Zoning Appeals (BMZA) conditional use application, on behalf of Alcott Place Limited Partnership/Pax-Edwards LLC, to continue to use the premises as housing for the elderly and increase the number of dwelling units from 44 to 51 by permitting construction of 7 additional dwelling units within the existing structure. The Zoning Administrator has determined that this is a conditional use in a R-6 District, and that a variance of lot area and lot coverage requirements of the Zoning Code would be required for approval of this application. We understand that this appeal is scheduled for hearing on May 14, 2013.

SITE

2702 Keyworth Avenue is located on the northeast corner of the intersection with Reisterstown Road. This property measures approximately 181' by 88'5" and contains approximately 0.497 acre, and is currently improved with a four-story-plus-attic detached building measuring approximately 150' by 82'. This site is zoned R-6 and is located within the Park Heights Urban Renewal Plan area and the Park Circle National Register Historic District. The building on this property was formerly the Louisa M. Alcott Elementary School and was converted to residential use in 1990.

ANALYSIS

Conditional Use: In this zoning district, housing for the elderly is a conditional use, requiring approval by the Mayor and City Council (§4-904). This property was authorized for use as housing for the elderly by Ordinance 458 in 1990; companion Ordinance 459 authorized open air off-street parking for this use. The applicant is requesting the Board approve a modification of the existing conditional use. Ordinance 458 did not specify a maximum number of dwelling units nor their category (as 1-bedroom or efficiency, for example). The actual current use of the property is for 32 dwelling units and 12 efficiency units.

Change in 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). The applicant has submitted plans that provide for interior demolition and reconstruction of the apartments that would result in an increase of 7 units, including an additional UFAS unit (there are now 3).

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, housing for the elderly requires 550 square feet of lot area per dwelling unit and 370 square feet of lot area per efficiency unit (§4-906.c). In

this case, for 37 dwelling units, 20,075 square feet of lot area is required; for 14 efficiency units, 5,180 square feet of lot area is required. The lot only encloses 21,649 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 14.3%. The variance requested is within the discretionary range of the Board and so may be allowed.

Lot Coverage: The existing structure covers approximately 77% of the property, but is governed by floor area ratio. 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 existing and proposed floor area ratio is 3.1 which exceeds the permitted ratio of 2.0 by 55%. As the request is within the variable range the Board may apply, the appeal may be approved.

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 dwellings require one off-street parking space per dwelling unit (§10-405.1.iv). For 7 additional dwelling units, 7 parking spaces are required; no additional spaces are or can be provided on the property, though additional spaces may be available at 2701 Keyworth Avenue, which was authorized to be used for an open off-street parking area by Ordinance 459.

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 on-site reduction proposed is 100%, which is greater than the variable amount the Board may authorize; however, parking spaces may be provided at 2701-2705 Keyworth Avenue, an 84' by 110' consolidated lot under common ownership.

TransForm Baltimore: This property would remain in a R-6 District (Proposed Zoning Map Area 2-C) in which multi-family dwellings would be a permitted use (Table 9-301). Housing for the elderly would no longer be a separate use category.

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 approval of this appeal conditional upon continuation of common ownership of this property and 2701-2705 Keyworth Avenue and upon the applicant providing at least two additional parking spaces to serve the additional dwelling units.

TJS/wya/mf

cc: Ryan Potter, Appellant
Park Heights