


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 / 2211 West Rogers Avenue		

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

DATE: April 15, 2014

### REQUEST

The Department of Planning has received William Shaughnessy's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of Age Wave Properties LLC, to continue to use the premises as an assisted living/ independent living/ nursing home with the total number of units not to exceed 253; with approximately 103 units in a proposed 3-4 story building and the remainder in reconfigured units in the existing building. The Zoning Administrator has determined that this is a conditional use in a R-1 District, and that a variance of Zoning Code building height requirements is needed for approval of this application. We understand that this appeal is scheduled for hearing on April 22, 2014.

### SITE

2211 West Rogers Avenue is located on the southwest corner of the intersection with Wexford Road. This property measures approximately 830' by 710' and contains approximately 13.549 acres, and is currently improved with a four-story detached building used as a senior living facility. This site is zoned R-1-B.

### ANALYSIS

Conditional Use: In this zoning district, convalescent, nursing, and rest homes are a conditional use, requiring approval by the Mayor and City Council (§4-404). In this case, the property was last authorized for use as a convalescent, nursing and rest home, originally known as the Home for the Aged of the Methodist Episcopal Church established here in 1931. This application comes to the Board for approval of modifications to an existing conditional use.

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). This application does not propose any expansion of the number of units in the existing facility, but does propose an additional structure which would share the existing number of units with the existing building.

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 0.54 which exceeds the permitted ratio of 0.4 by 35%. As the request is within the variable range the Board may apply, the appeal may be approved.

Height: There is no height limit imposed on conditional use structures in the R-1-B District (§4-408.c.).

Number of Principal Structures on a Residential Lot: No more than one principal detached structure may be located on: (i) any residential lot ... (§3-301.a). Notwithstanding subsection (a) of this section, the Zoning Administrator must approve construction of more than one principal detached structure or other free-standing structure on a residential lot ... if, in a specific case: (1) the development otherwise would conform to the requirements of this article; and (2) the Planning Commission approves the design of the development (§3-301.b). In this case, more than one structure is proposed for this site, and so Planning Commission approval is required for this development. The design has been reviewed by the Urban Design and Architectural Review Panel and received positive feedback. The applicant is continuing to work with Planning design staff to complete the review.

Alternatively, the applicant may seek subdivision of the property prior to construction of the proposed additional structure, in which case approval of the subdivision by the Planning Commission would be required.

TransForm Baltimore: This property would become part of the R-1-C District (Proposed Zoning Map Area 2-A) in which Residential Care Facilities would be permitted uses (Table 8-301). Residential Care Facilities would have to meet general requirements, including bulk regulations, of the zoning district where they were located (§14-333 (B)).

#### **RECOMMENDATION**

The Department of Planning recommends approval of this appeal, conditional upon approval by the Planning Commission of multiple structures on a Residential lot.

TJS/wya/mf

cc: William Shaughnessy, Appellant