


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 / 3811 4 <sup>th</sup> Street		

TO

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

DATE: June 25, 2012

### REQUEST

The Department of Planning has received Lisa Junker's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of the Children's Guild, Inc., to continue to use the property as a school and erect building additions and modular classrooms. We understand that this appeal is scheduled for hearing on June 26, 2012.

### SITE

3811 4<sup>th</sup> Street is located on the southeast corner of the intersection with Talbott Street and extends the eastern block face of 4<sup>th</sup> Street to its intersection with Jeffrey Street. This property measures approximately 150' by 270' and is currently improved with a three-story detached school building measuring approximately 64' by 140'. This site is zoned R-4 and is located within the Brooklyn – Curtis Bay Strategic Neighborhood Action Plan area.

### ANALYSIS

Use: In this zoning district, elementary and secondary schools (nonprofit or publicly owned) are a permitted use, and so are allowed (§4-701). In this case, the property was last authorized for use as an elementary school. The applicant is proposing to use the property for a combined elementary and secondary school, and to construct building additions and erect modular classrooms to accommodate more students than the existing structure would allow when converted for use by special-needs students.

Expansion of Noncomplying Structure: A noncomplying structure may not be expanded if the expansion would either: (1) create a new noncompliance; or (2) increase the degree of noncompliance of any part of the structure (§13-506). The existing school building has a floor area ratio (FAR) of 0.66; the proposed additional floor area to be created would add 0.19 FAR to that amount.

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 0.85 which exceeds the permitted ratio of 0.4 by 112%. As the request exceeds the variable range the Board may apply, the appeal ordinarily should be disapproved. Taken in relation to the existing noncomplying structure, the proposed FAR exceeds that ratio by 28.8%, which is within the variable range the Board may apply.

Required Yard: In this zoning district, a minimum front yard setback of 40' is required; a minimum street corner side yard setback of 30' is required; and a rear yard setback of 40' is required (§4-707). In this case, the proposed building addition and portable classrooms will project to within 7' of the front lot line; 8' of the street corner side lot line; and 10' of the rear lot line, respectively.

Yard Variance: The Board may grant a variance to authorize a yard or setback that is less than that otherwise required by the applicable regulation (§15-203).

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). The amount of off-street parking required for an elementary and middle school is one parking space per two teachers and employees, plus 1 per 12 auditorium seats (§10-405.27.i.); for a high school, 1 per 2 teachers and employees, plus 1 per 12 students (based on the greatest number of students on the premises at any one time) (§10-405.27.ii.). In this case, for 53 staff members and 40 high school students, 30 parking spaces are required; 19, including a handicap-reserved space, will be 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 37%, which is within the variable amount the Board may authorize.

Comprehensive Planning: The Concerned Citizens for a Better Brooklyn (CCBB) has advised the Department that they have met with the applicant and nearby residents, and have communicated several concerns to Planning staff. Though CCBB initially supported this project, there is now concern about whether the number of persons to be associated with the proposed school will have adequate off-street parking, rather than using on-street parking. The CCBB has also indicated that there may be social problems with some of the students that are affecting the neighborhood, and thus these issues should be addressed before expansion plans are considered.

## **RECOMMENDATION**

The Department of Planning notes that while the Site Plan Review Committee has determined that this property can provide 19 off-street parking spaces, the lot coverage proposed for this property, and setbacks, are not reasonably accommodated by the location, size, and proposed configuration of improvements on this site. The Department urges the applicant to continue to work with the community to devise a more acceptable plan for this site.

TJS/wya/mf

cc: Lisa Junker, Appellant