


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 / 4101 Old York Road		

TO

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

DATE: November 7, 2013

REQUEST

The Department of Planning has received AB Associates' Board of Municipal and Zoning Appeals (BMZA) conditional use application, on behalf of Marian House, to subdivide the property, retain the existing church and convent structures, and use the existing school building as 26 dwelling units. The applicant has amended this latter to a request to use the existing school building as 24 dwelling units. The Zoning Administrator has determined that this is a conditional use in a R-5 District, and that variances of Zoning Code lot area and off-street parking requirements are needed for approval of this application. We understand that this appeal is scheduled for hearing on November 12, 2013.

SITE

4101 Old York Road is located on the southeast corner of the intersection with Springfield Avenue and the northeast corner of the intersection with 41st Street. This property measures approximately 205'6" along the east side of Old York Road and contains approximately 1.258 acre, and is currently improved with a group of religious institutional buildings, including a church near the corner of Old York Road and Springfield Avenue, a convent currently used as transitional housing at the corner of Old York Road and 41st Street, and a three-story school building between these two that is the subject of this application for conversion to dwelling units. This site is zoned R-5 and is located within the Pen Lucy Area Master Plan area and the York Road Strategic Neighborhood Action Plan area.

ANALYSIS

Conditional Use: In this zoning district, multiple-family detached dwellings are a conditional use, requiring approval by the Board (§4-803). The applicant is proposing to use the existing structure, without additions other than those required for fire and safety code reasons, as 24 dwelling units. Floor plans provided with the application show a mix of 1-bedroom and 2-bedroom units on two floors of the existing building. Common areas would be located primarily in the basement of the building.

Insufficient Lot Area: In this zoning district, multiple-family dwellings require 2,500 square feet of lot area per dwelling unit (§4-806.c.). In this case, for 24 dwelling units, 58,750 square feet of lot area is required. The proposed lot B to be created by subdivision of the property would only enclose 0.938 acre or 40,859 square feet, and so would 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 30%. The variance requested exceeds the discretionary range of the Board and so ordinarily should not be allowed. However, this is a property with unusual characteristics, one of which is that the proposed lot subdivision line

could not be drawn alternatively to encompass a larger area for lot B due to the placement of the church on the undivided property, hence there exists a practical difficulty with requiring the applicant to provide a larger lot in order to reduce the amount of variance needed. Reducing the number of dwelling units would leave portions of the school building floors unused, or would call for creation of larger bedroom-size units which would not support the intended use of the entire property as housing for disadvantaged small families.

Off-Street Parking: ... whenever the existing use of a structure is changed to a new use, off-street parking facilities must be provided, as required by this title, for that new use (§10-203.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 attached dwellings require one off-street parking space per dwelling unit (§10-405.1.iv). For 24 dwelling units, 24 parking spaces are required; 23 are proposed to be provided on the lot at the rear of the school building.

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 4%, which is within the variable amount the Board may authorize.

TransForm Baltimore: This property would remain part of the R-4 District (Proposed Zoning Map Area 3-C) in which multi-family dwellings would be prohibited uses (Table 8-301). The off-street parking requirement would be 1 space per dwelling unit, regardless of type, in all Residential Districts (Table 16-406A).

RECOMMENDATION

The Department of Planning recommends approval of this appeal.

TJS/wya/mf

cc: AB Associates, Appellant