


| | | | | |
|------|-----------------------|--|---|---|
| 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 / 201-231 South Conkling Street | | |

TO

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

DATE: February 2, 2015

REQUEST

The Department of Planning has received Caroline Hecker's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of Urban Phoenix LLC, to subdivide the existing lot in order to separate a school building from a religious institutional structure for purposes of developing 28 dwelling units in a multiple-family attached structure with ten off-street parking spaces. The Zoning Administrator has determined that variances of lot area and off-street parking requirements of the Zoning Code are needed for approval of this application. We understand that this appeal is scheduled for hearing on February 10, 2015.

SITE

201-231 South Conkling Street is located on the southeast corner of the intersection with Pratt Street, and occupies a lot bounded by Pratt, Dean, Claremont, and Conkling Streets. This property measures approximately 233'4" by 150' and is currently improved with three connected two-story buildings covering approximately 75% of the lot. This site is zoned R-8 and is located within the Patterson Park – Highlandtown National Register Historic District.

ANALYSIS

Use: In this zoning district, multiple-family attached dwellings are a permitted use, and so are allowed (§4-1101). In this case, the property was last authorized for use as an elementary school, church and offices, which is a permitted use in this R-8 General Residence District. The applicant is proposing to convert the school building to apartments: two efficiency units, 22 one-bedroom units, and 4 two-bedroom units.

Insufficient Lot Area: In this zoning district, multiple-family dwellings require 750 square feet of lot area per dwelling unit and 500 square feet of lot area per efficiency unit (§4-1106.a.). In this case, for two efficiency units, 1,000 square feet of lot area is required; and for 26 dwelling units, 19,125 square feet of lot area is required. While the existing lot encloses 35,000 square feet, the proposed lot to be created by subdivision only encloses 14,437.5 square feet, and so would not meet the requirement to provide 20,125 square feet of lot area.

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 28%. The variance requested exceeds the discretionary range of the Board and so should not be allowed. As the applicant is proposing a conversion and rehabilitation of an existing structure, a reduction of one dwelling unit in the floor plan for the elementary school building would serve to amend this application to one that would be within the Board's discretionary authority to consider.

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 dwellings require one off-street parking space per dwelling unit (§10-405.1.iv). For 28 dwelling units, 28 parking spaces are required; 10 would be provided in a courtyard between the south wall of the school building to be subdivided from the existing lot and the remaining religious institutional property.

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 64%, which is within the variable amount the Board may authorize.

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 remain in contact with the Baltimore Commission for Historical and Architectural Preservation before proceeding with any improvements which may be authorized as a result of this appeal.

Land Use and Urban Design: Subdivision of this property requires approval by the Planning Commission. The applicant's subdivision plan is currently under review by City of Baltimore agencies preparatory to presentation of the subdivision request to the Commission.

TransForm Baltimore: This property would remain part of the R-8 District (Proposed Zoning Map Area 8-C) in which multi-family dwellings would be permitted uses (Table 9-301). The R-8 Districts would have off-street parking requirements of one space per dwelling unit (Table 16-406A).

RECOMMENDATION

The Department of Planning would have no objection to approval of this appeal if it is amended to provide 27 apartments (2 efficiency units and 25 dwelling units), subject to the condition that subdivision of the property to create the proposed lot is approved by the Planning Commission.

TJS/wya/mf

cc: Caroline Hecker, Appellant