


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 / 5005-5007 York Road		

TO

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

DATE: March 20, 2015

REQUEST

The Department of Planning has received Lisa Junker's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of Taxi LLC, to convert the residential portion of the premises to seven efficiency units, and the remainder of the premises to a first floor office and retail space, and a third floor office. The Zoning Administrator has determined that this is a conditional use conversion of a single-family dwelling in a B-2 Zoning District, and that a variance of lot area requirements of the Zoning Code is needed for approval. We understand that this appeal is scheduled for hearing on March 24, 2015.

SITE

5005-5007 York Road is located on the east side of the street, approximately 52'1" north of the intersection with Rossiter Avenue. This property measures approximately 42' by 89'8" and is currently improved with a combination one- and two-story building measuring approximately 42' by 86'. This site is zoned B-2-2 and is located within the York Road Community Strategic Neighborhood Action Plan area.

ANALYSIS

Conversion of Dwellings: In all districts except the R-2, R-4, R-5, and R-6 Districts, the Board may authorize, as a conditional use, the conversion of a building for use by more than one family, as long as the number of families permitted conforms with the applicable bulk regulations for the district in which the building is located (§3-305.b.1). In this case, the property was last authorized for use as a single-family dwelling and professional offices for non-resident physicians, which are permitted uses in this B-2 Community Business District.

Insufficient Lot Area: In this zoning district, multiple-family dwellings require 750 square feet of lot area per efficiency unit (§6-311.c.). In this case, for seven efficiency units, 5,250 square feet of lot area is required. The lot only encloses 3,766 square feet, and so does not meet this requirement. Five efficiency units could be provided on the premises by right, as they would require 3,750 square feet of lot area. However, the lot area computation specified in §6-105.c. yields 0.84 for six efficiency units, allowing one additional efficiency unit to be approved (§6-105.c.2).

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.

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 4 efficiency units (§10-405.1.iv). For seven efficiency units, two parking spaces are required; none are or can be provided. Use of the premises for a single-family dwelling unit would provide a credit of one parking space toward this requirement. As the first floor of the premises, previously used as offices, exceeds 3,000 square feet, and the parking requirement for offices in B-2-2 Zoning Districts is 1 space per 800 square feet in excess of 2,000 square feet, it may provide a credit toward the other parking space required. (The applicant would need to demonstrate this.) If it does not, a variance of off-street parking required would be needed.

Comprehensive Planning: The proposed floor plan for the upper floors of the premises shows division of the second floor into five efficiency units (labelled “Efficiency #2” through “Efficiency #6”) and the third floor into what are labelled as “Efficiency #7” and “Office”, this latter shown as containing 330 square feet (15 square feet less than the smaller efficiency units to be created) and a full kitchen and bathroom like the efficiency units. It is unclear how mere labelling distinguishes this “office” from the more appropriately labelled efficiency units. The applicant should explain to the Board how this space would not in fact be used as a residential space, particularly given its placement on the top floor of the structure.

In the context of plans to improve the York Road community, it would be more appropriate for residential use of this property to be less intensive than what is proposed by the applicant.

In the context of practical security considerations, access to the efficiency unit “#1” proposed at the rear of the first floor of the premises is only possible by use of the 5’ wide dead-ending walled pedestrian alley on the north side of the existing structure, which could pose risk for an occupant of the proposed unit.

TransForm Baltimore: This property would become part of the C-2 District (Proposed Zoning Map Area 3-A) in which multi-family dwellings, personal services establishments, and retail goods establishments – with or without alcohol sales, would be permitted uses (Table 10-301). The C-2 Districts would have off-street parking requirements of 1 space per dwelling unit (Table 16-406A).

RECOMMENDATION

The Department of Planning recommends approval of: (1) offices and retail space limited to the first floor of the premises, which with an appropriately redesigned store-front could help enliven the pedestrian experience in this vicinity, and (2) five efficiency units, or other permitted combination of residential units, on the upper two floors, as there is not unusual circumstance or hardship to justify variances for conversion of a single-family dwelling unit to multiple smaller residential units.

TJS/wya/mf

cc: Lisa Junker, Appellant