


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 / 3623 Springdale Avenue		

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

DATE: August 17, 2015

REQUEST

The Department of Planning has received Nathaniel Greene's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of Rose Godwin Support Services, Inc., to use the premises as three dwelling units. The Zoning Administrator has determined that this is a conditional use in a R-2 zoning district, and that variances of a lot area requirement and of lot coverage limits are needed for approval. We understand that this appeal is scheduled for hearing on August 25, 2015.

SITE

3623 Springdale Avenue is located on the south side of the street, approximately 50' east of the intersection with Callaway Avenue. This property measures approximately 50' by 150' and is currently improved with a two-story-plus-attic building measuring approximately 34' by 55'. This site is zoned R-2 and is located within the Greater Northwest Community Coalition Strategic Neighborhood Action Plan area.

ANALYSIS

Use: In this zoning district, multiple-family detached dwellings are a conditional use, and so can be allowed (§4-503). In this case, the property was last authorized for use as a multiple-family detached dwelling, but is currently vacant due to extensive fire damage.

Failure to exercise; abandonment: If any conditional use is discontinued for a continuous period of at least 2 years, the conditional use approval automatically lapses and is void. A new application and authorization is required before the use may be re-established (§14-104). This property was the subject of a Vacant Building Notice in 2011, and aerial photographs of the property suggest that the vacancy is continuing. This would establish a period of over two years' discontinuance of the conditional use of the premises as a multiple-family detached dwelling, and require any new conditional use conversion approval to be based upon the lot area requirements now in effect.

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).

Insufficient Lot Area: In this zoning district, multiple-family dwellings require 7,300 square feet of lot area per dwelling unit (§4-506.c.). In this case, for three dwelling units, 18,250 square feet of lot area is required. The lot only encloses 7,500 square feet, and so does not meet this requirement.

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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 95%. The variance requested exceeds the discretionary range of the Board and so should not be allowed.

Lot Coverage: The existing structure covers approximately 25% of the property. The floor area ratio limit for multiple-family dwellings in R-2 zoning districts is 0.4 (§4-506.c.). In this case, the proposed use as three dwelling units would result in the structure having a FAR of 0.75, which would exceed this standard.

Lot Coverage Variance: The Board may grant a variance to authorize a lot coverage that is more than that otherwise allowed by the applicable regulation (§15-202.b).

TransForm Baltimore: This property would remain part of a R-2 District (Proposed Zoning Map Area 5-B) in which multi-family dwellings would be prohibited uses (Table 8-301).

RECOMMENDATION

The Department of Planning recommends disapproval of this appeal, because the amount of lot area variance required for approval of a conditional use conversion of this property to multiple-family dwelling use exceeds the Board's discretionary authority provided in the Zoning Code.

TJS/wya/mf

cc: Nathaniel Greene, Appellant