


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 / 123 West 29 th Street		

TO

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

DATE:

November 28, 2014

REQUEST

The Department of Planning has received Joshua Galloway's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of Pennrose Properties LLC, to increase occupancy of the premises from 168 dwelling units to 175 dwelling units, with no additions to the existing structure. The Zoning Administrator has determined that this is a conditional use conversion in a R-10 Zoning District. We understand that this appeal is scheduled for hearing on December 2, 2014.

SITE

123 West 29th Street is located on the southeast corner of the intersection with Howard Street. This property measures approximately 150' along the south side of 29th Street, extending to the southwest corner of the intersection with Mace Street, by 398' and contains approximately 0.856 acre, and is currently improved with a 16-story detached residential building known as Wyman House measuring approximately 125' by 80'. This site is zoned R-10.

ANALYSIS

Use: In this zoning district, multiple-family dwellings are a permitted use, and so are allowed (§4-1301). In this case, the property was last authorized for use as a multiple-family dwelling in 1972.

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).

Lot Area: In this zoning district, multiple-family dwellings require 200 square feet of lot area per dwelling unit (§4-1306.a.). In this case, for 175 dwelling units, 34,900 square feet of lot area is required. The lot encloses 37,287 square feet, and so does meet this requirement.

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 2 dwelling units (§10-405.1.iv). For 7 additional dwelling units, 4 parking spaces are required; no additional spaces are or can be provided due to the development pattern of the Charles Village and Remington neighborhoods which adjoin this property.

This property is currently used as low-income public housing, and was developed originally by the Housing Authority of Baltimore City for elderly and handicapped or disabled residents. Pennrose Properties LLC will continue this use as new owner of the property under terms of the U.S. Department of Housing & Urban Development's Rental Assistance Demonstration (RAD) Program. The Zoning Code includes a provision for public housing stating that no more than 1 vehicle parking space needs to be provided for every 2 dwelling units in dwellings erected by or developed for the use of the Housing Authority of Baltimore City (§10-207.c.). This equates to the R-10 requirement cited above.

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 in connection with the seven additional dwelling units proposed is 100%, which is greater than the variable amount the Board ordinarily may authorize. However, the proposed action would increase the number of dwelling units available to serve low-income residents of Baltimore, and the one parking space difference (between 75% variance and 100% variance) cannot readily be obtained by use of nearby properties.

TransForm Baltimore: This property would remain part of the R-10 District (Proposed Zoning Map Area 7-A) in which multi-family dwellings would be permitted uses (Table 9-301. The R-10 Districts would have off-street parking requirements of 1 space per 2 dwelling units for age-restricted housing (Table 16-406A).

RECOMMENDATION

The Department of Planning has no objection to this appeal.

TJS/wya/mf

cc: Joshua Galloway, Appellant