


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 / 900 South East Avenue		

TO

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

DATE: December 10, 2014

REQUEST

The Department of Planning has received Nate Pretl's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of the Roman Catholic Archbishop of Baltimore and a contract purchaser of this property, to construct a third floor addition and use the enlarged existing structure as 37 dwelling units; and to construct four single-family attached dwelling units in the rear area of the property. The Zoning Administrator has determined that approval of multiple structures on a residential lot, and variances of Zoning Code lot area, lot coverage, and floor area ratio requirements are needed for approval of this application. We understand that this appeal is scheduled for hearing on December 16, 2014.

SITE

900 South East Avenue is located on the southwest corner of the intersection with Hudson Street, and extends 150' along the south side of Hudson Street to Robinson Street. This L-shaped property measures approximately 164'10" along East Avenue and 215'10" along Robinson Street, and is currently improved with an L-shaped two- and three-story detached parochial school building measuring approximately 150' along Hudson Street and 64' along Robinson Street and 150' along East Avenue. This site is zoned R-8 and is located within the Canton National Register Historic District.

ANALYSIS

Use: In this zoning district, dwellings, single-family attached and multiple-family, are permitted uses, and so are allowed (§4-1101). In this case, the property was last authorized for use as a school and a day care center for 120 children by Board approval of appeal no. 810-07. The owner of the property anticipates sale of this site to allow its redevelopment as housing.

Number of Principal Structures on a Residential Lot: No more than one principal detached structure may be located on: (i) any residential lot ... (§3-301.a). Notwithstanding subsection (a) of this section, the Zoning Administrator must approve construction of more than one principal detached structure or other free-standing structure on a residential lot ... if, in a specific case: (1) the development otherwise would conform to the requirements of this article; and (2) the Planning Commission approves the design of the development (§3-301.b). In this case, more than one structure is proposed for this site, and so Planning Commission approval is required for this development. The applicant intends to retain and enlarge the existing structure, while constructing a group of four single-family attached dwellings on a portion of the property. For this reason, the applicant has already met and conferred with Planning staff in anticipation of presenting this proposal to the Planning Commission.

Insufficient Lot Area: In this zoning district, multiple-family dwellings and single-family attached dwellings each require 750 square feet of lot area per dwelling unit (§4-1106.a.).

In this case, for 41 dwelling units, 30,375 square feet of lot area is required. The lot only encloses approximately 28,030 square feet, and so does 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 7.8%. The variance requested is within the discretionary range of the Board and so may be allowed.

Lot Coverage: The existing structure covers approximately 57% of the property. A structure may not cover more than 60% of the lot area (§4-1106.a.). In this case, the proposed four new attached dwelling units' structure would result in the two structures covering approximately 70% of the property, 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).

Floor Area Ratio Variance: The Board may grant a variance to increase a basic floor area ratio factor by no more than 75% of the applicable regulation (§15-204.b). In this case, the proposed floor area ratio is 2.1 which exceeds the permitted ratio of 2.0 by 5%. As the request is within the variable range the Board may apply, the appeal may be approved.

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 41 dwelling units, 41 parking spaces are required; 57 are planned to be provided.

Historic District: The property is located in a designated historic district, and so the portion of this project related to conversion of the existing building may be eligible for historic tax credits for restoration and renovation. The appellant is encouraged to contact the Baltimore Commission for Historical and Architectural Preservation before proceeding with any improvements which may be authorized as a result of this appeal.

TransForm Baltimore: This property would remain part of the R-8 District (Proposed Zoning Map Area 8-C) in which dwellings: multi-family and rowhouse, would be permitted uses (Table 9-301). The R-8 Districts would have off-street parking requirements of 1 space per dwelling unit (Table 16-406A).

RECOMMENDATION

The Department of Planning recommends approval of this appeal subject to the condition that the Planning Commission approves creation of multiple principal structures on a residential lot.

TJS/wya/mf

cc: Nate Pretl, Appellant

East