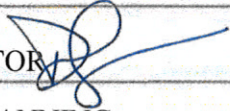



FROM	NAME & TITLE	CHRIS RYER, DIRECTOR 	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	City Council Bill #21-0171 / Zoning – Conditional Use Conversion to 2 Dwelling Units in the R-7 Zoning District - Variance – 811 Chauncey Avenue		

TO

The Honorable President and
Members of the City Council
City Hall, Room 400
100 North Holliday Street

DATE: December 17, 2021

At its regular meeting of December 16, 2021, the Planning Commission considered City Council Bill #21-0171, for the purpose of permitting, subject to certain conditions, the conversion of a single-family dwelling unit to 2 dwelling units on the property known as 811 Chauncey Avenue (Block 3463A, Lot 013C), as outlined in red on the accompanying plat; and granting a variance from bulk (lot area) requirements.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended disapproval of City Council Bill #21-0171, and adopted the following resolution, nine members being present (nine in favor):

RESOLVED, That the Planning Commission does not concur with the recommendation of its Departmental staff to disapprove this bill, and instead recommends approval with the required variance, adopts the equity findings contained in the staff report, and further finds that, as a matter of equity, multi-family dwelling units provide additional opportunity for residents to live in this neighborhood, with consideration for testimony and facts presented in this meeting, and therefore recommends that City Council Bill #21-0171 be **passed** by the City Council.

If you have any questions, please contact Mr. Eric Tiso, Division Chief, Land Use and Urban Design Division at 410-396-8358.

CR/ewt

attachment

- cc: Ms. Natasha Mehu, Mayor's Office
 Ms. Nina Themelis, Mayor's Office
 Mr. Ted Carter, Mayor's Office
 The Honorable Eric Costello, Council Rep. to Planning Commission
 Mr. Matthew Stegman, City Council President's Office
 Ms. Nikki Thompson, City Council President's Office
 Mr. Colin Tarbert, BDC
 Ms. Kathleen Byrne, BMZA
 Mr. Geoffrey Veale, Zoning Administration
 Ms. Stephanie Murdock, DHCD
 Ms. Elena DiPietro, Law Dept.
 Mr. Francis Burnszynski, PABC
 Mr. Liam Davis, DOT
 Ms. Natawna Austin, Council Services
 Mr. Dominic McAlily, Council Services
 Mr. Avery Aisenstark, Legislative Reference
 Mr. Mattheu Mabry



Brandon M. Scott
Mayor

PLANNING COMMISSION

Sean D. Davis, Chairman

STAFF REPORT



Chris Ryer
Director

December 16, 2021

REQUEST: City Council Bill #21-0171/ Zoning – Conditional Use Conversion of a Single-Family Dwelling to 2 Dwelling Units in the R-7 Zoning District – Variance – 811 Chauncey Avenue:

For the purpose of permitting, subject to certain conditions, the conversion of a single-family dwelling unit to 2 dwelling units in the R-7 Zoning District on the property known as 811 Chauncey Avenue (Block 3463A, Lot 013C), as outlined in red on the accompanying plat; and granting a variance from bulk (lot area) requirements.

RECOMMENDATION: Disapproval (does not satisfy BCZC §5-308.b.(1))

STAFF: Martin French

INTRODUCED BY: Councilmember Torrence, at the request of Matheu Mabry

OWNER: Matheu Mabry

SITE/GENERAL AREA

Site Conditions: 811 Chauncey Avenue is located on the south side of the street, west of the intersection with Brookfield Avenue. This property measures approximately 16' by 105' and is currently improved with a two-story porch-front attached residential building measuring approximately 16' by 63' that was constructed in 1916. This site is zoned R-7 and is located within the Reservoir Hill National Register Historic District and the Reservoir Hill community.

General Area: This property is in the north-central portion of the predominantly residential community known as Reservoir Hill that is between North Avenue and Druid Hill Park. This area was developed in the final decade of the 19th Century and first three decades of the 20th Century, and its architecture reflects some dramatic changes in consumer choices of housing that happened in that span of time. During the mid-20th Century there was much conversion of single-family dwellings to multi-family dwellings in Reservoir Hill. There are scattered religious, institutional, and small-scale commercial uses in the area, and residential uses range from single-family attached housing of various sizes to small and large apartment houses, including twin high-rise public housing buildings for the elderly and disabled on the north edge of Reservoir Hill along Druid Park Lake Drive. In the southeast of the community is the redevelopment site known as Madison Park North, where new townhouses are now being planned. Some vacant land near this property is being used for urban farming.

HISTORY

The Reservoir Hill Historic District was certified to the National Register of Historic Places on December 23, 2004. This portion of Reservoir Hill retained its R-7 zoning during the comprehensive rezoning mapping process associated with the effective date of the current Zoning Code on June 5, 2017.

ANALYSIS

Background: This legislation would allow the petitioner to use the existing structure as two dwelling units: a three-bedroom unit consisting of the entire first and second floors of the original rowhouse; and a one-bedroom unit in the basement of the original rowhouse.

Zoning analysis: This property is a mid-group residential structure containing approximately 1,600 square feet of habitable floor area currently. This bill would allow re-use of the structure consistent with its current zoning.

- The Zoning Code requires, for conversion of a single-family dwelling in the R-7 zoning district, 1,100 square feet of lot area per dwelling unit (BCZC §9-703.d., citing Table 9-401). A lot area of 2,200 square feet is thus required for the proposed use. This lot has approximately 1,680 square feet and thus does not meet this requirement for conversion. This lot area variance, which is approximately 24% of the amount otherwise required, is included in this bill.
- The Zoning Code requires, for conversion of a single-family dwelling in the R-7 district, 1,500 square feet of floor area in the structure (BCZC §9-703.b.). The existing structure contains approximately 1,600 square feet of floor area above ground level, thus meeting this requirement.
- The Zoning Code requires, for conversion of a single-family dwelling in the R-7 district, 750 square feet of floor area for each one-bedroom dwelling unit and 1,250 square feet of floor area for each three-bedroom dwelling unit (BCZC §9-703.c.). The preliminary floor plan for this conversion shows approximately 1,600 square feet for the three-bedroom dwelling unit on the two upper floor levels of the premises, and approximately 750 square feet in the proposed basement-level one-bedroom dwelling unit following a planned lowering of the basement floor (with associated underpinning of the foundations) to create a head clearance of 7'8" there.
- The maximum lot coverage allowed for a multi-family dwelling structure in the R-7 district is 70% (BCZC, Table 9-401). The existing structure covers approximately 60% of the lot and is not being enlarged. No variance of this requirement is needed.
- One additional off-street parking space is required to serve the newly-created dwelling unit (BCZC §9-703.f.). This property can provide the necessary off-street parking space, as the lot is 16' wide, has a rear yard approximately 18' deep, and has a public alley behind it. No variance of this requirement would be needed if the owner provides a paved parking area in the rear yard.

Variances: Per §5-308 {"Approval standards"} of Article 32 – *Zoning*:

- *Required finding of unnecessary hardship or practical difficulty:* This existing building is a middle-of-group rowhouse with no unusual construction features, large additions or other characteristics that would distinguish it from other single-family dwellings in the same row. As such, any unusual hardship or practical difficulty inherent in adhering to regulations contained in the Zoning Code may arise from the intended action of the current owner of the property and not from the Zoning Code itself.
- *Other required findings:* Planning staff are unable to conclude that conditions on which this application is based are unique to the property for which a variance is sought and not generally applicable to other property in the same zoning classification, as required by BCZC §5-308.b.(1), given that this is a mid-row rowhouse in a portion of the Reservoir Hill community that contains several groups of such dwellings of equal or similar size.

Basement conversion: The existing basement is accessible from inside the house by way of an interior stairway descending from the kitchen area. This stairway would be retained, with the existing concrete area around its base being made into a landing leading to the new lowered floor of the basement dwelling unit. However, since this stairway does not lead directly to the exterior of the building, it would not qualify as an emergency egress for the new basement dwelling unit. For fire separation of the two dwelling units, a fire-rated enclosure of the stairway with fire-rated doors would be needed. To provide one of two direct exits to the exterior in case of fire or other emergency, the existing window under the front porch would be enlarged and a new semi-circular pit would be dug immediately outside it, fitted with an emergency escape ladder allowing one to reach the front lawn. The existing rear door leading from the basement to the rear yard, which would become the primary emergency egress for the new dwelling unit, would be replaced with a larger and taller door meeting Building Code standards for exterior access to a dwelling unit. The area under the existing rear deck would be slightly excavated to create a covered patio for use by residents of the basement dwelling unit, and new masonry stairs would lead down from the patio level to the basement floor level outside the door. All work would be pursuant to plans prepared by a registered architect.

The appearance of the existing structure as seen from the front sidewalk along Chauncey Avenue would not appear changed significantly, as the only readily observable change would be a replacement window under the front porch, the bottom portion of which would not be visible as it would be below the plane of the front lawn. From the alley at the rear of the property, the only readily observable change would be a new and larger basement door leading into the new dwelling unit.

Equity considerations: This property is located within a part of Baltimore City that has stable real estate market values and a proportion of non-whites that is similar to the City-wide average. The Reservoir Hill community, as part of the larger West Baltimore area, did in the past suffer from significant net disinvestment, combined with population losses, for several decades at the end of the 20th Century and beginning of the 21st Century. Since then this real estate submarket has rebounded. There would be no apparent or predictable changes to the quality of life in the Reservoir Hill community that would result from approval or disapproval of this proposed

action. By itself, the proposed action would not change existing patterns of inequity that persist in Baltimore. However, the proposed action should be considered in the context of other actions generating both investment in and re-activation of significant parts of this portion of Baltimore. Southeast of this property is the Madison Park North revitalization project, which is bringing 120 planned townhouses with homeownership opportunities to a now-vacant tract of land on the north side of North Avenue. There would be no effect on internal operations of the Department of Planning that would result from approval of the proposed action.

Notification: The Friends of Reservoir Hill, Reservoir Hill Association, Reservoir Hill Improvement Council, St. Francis Neighborhood Center, Reservoir Hill Housing and Development Committee, and Councilman Torrence have been notified of this action.



Chris Ryer
Director