


<b>FROM</b>	NAME & TITLE	CHRIS RYER, DIRECTOR	CITY of BALTIMORE <b>MEMO</b>	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 <sup>TH</sup> FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #19-0415 / ZONING – CONDITIONAL USE CONVERSION TO 2 DWELLING UNITS – VARIANCES – 1700 WEST FRANKLIN STREET		

**TO**

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

DATE: August 23, 2019

At its regular meeting of August 22, 2019, the Planning Commission considered City Council Bill #19-0415, for the purpose of permitting, subject to certain conditions, the conversion of a single-family dwelling unit to 2 dwelling units in the R-8 Zoning District on the property known as 1700 West Franklin Street (Block 0121, Lot 069), as outlined in red on the accompanying plat; and granting variances from certain bulk (lot area) and off-street parking regulations.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended amendment and approval of City Council Bill #19-0415 and adopted the following resolution, six members being present (six in favor):

RESOLVED, That the Planning Commission finds, in accordance with subsections 5-406(a) and 5-406(b) of the Zoning Code of Baltimore City, that the proposed use provided in this bill:

- would not be detrimental to or endanger the public, health, safety, or welfare;
- would not be precluded by any other law, including an applicable Urban Renewal Plan;
- would not be contrary to the public interest;
- would be in harmony with the purpose and intent of this Code; and
- meets all criteria for approval specified in subsection 5-406(b) of the Zoning Code of Baltimore City, as described in the Departmental staff report; and further

RESOLVED, That the Planning Commission concurs with the recommendation of its Departmental staff, and finds that because of its particular surroundings and shape of the specific structure, a practical difficulty would result if the strict letter of the applicable Zoning Code requirements were carried out; and further recommends that City Council Bill #19-0415 be amended and approved by the City Council.

If you have any questions, please contact Mr. Martin French of the Land Use and Urban Design Division at 410-396-1354.

CR/ewt

Attachment

cc: Mr. Nicholas Blendy, Mayor's Office  
The Honorable Edward Reisinger, Council Rep. to Planning Commission  
Mr. Colin Tarbert, BDC  
Mr. Derek Baumgardner, BMZA  
Mr. Geoffrey Veale, Zoning Administration  
Mr. Bob Pipik, DCHD  
Ms. Elena DiPietro, Law Dept.  
Mr. Francis Burnszynski, PABC  
Mr. Liam Davis, DOT  
Ms. Natawna Austin, Council Services  
Mr. Dominic McAlily, Council Services  
Mr. Derrick Shaw, Applicant



Bernard C. "Jack" Young  
Mayor

## PLANNING COMMISSION

Sean D. Davis, Chairman

### STAFF REPORT



Chris Ryer  
Director

August 22, 2019

**REQUEST:** City Council Bill #19-0415/ Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District – Variances – 1700 West Franklin Street

For the purpose of permitting, subject to certain conditions, the conversion of a single-family dwelling unit to 2 dwelling units in the R-8 Zoning District on the property known as 1700 West Franklin Street (Block 0121, Lot 069), as outlined in red on the accompanying plat; and granting variances from certain bulk (lot area) and off-street parking regulations.

**RECOMMENDATION:** Amendment, and Approval as amended

Amendment: Add a variance of floor area standards for conversion of a single-family dwelling to a multi-family dwelling.

**STAFF:** Martin French

**PETITIONER:** Councilmember Bullock, at the request of Derrick Shaw

**OWNERS:** Derrick Shaw and Trina Smiley

#### **SITE/GENERAL AREA**

Site Conditions: 1700 West Franklin Street is located on the northwest corner of the intersection with Mount Street. This property measures approximately 13'11" by 74' and is currently improved with a two-story semi-detached formerly residential mixed-use building measuring approximately 13'11" by 55'. The site is zoned R-8 and is located in the Harlem Park II Urban Renewal Plan area and the Old West Baltimore National Register Historic District.

General Area: Most of the housing in this area was originally developed in the mid-19<sup>th</sup> Century. This property is at the southern border of the Harlem Park II Urban Renewal Area. There are also nonresidential uses such as offices, churches and small businesses in the area. During the 20<sup>th</sup> Century there was much conversion of single-family dwellings to multi-family or residential mixed-use structures. This site is an example of that former trend.

#### **HISTORY**

The Harlem Park II Urban Renewal Plan was established by Ordinance no. 419 dated July 6, 1960, and was last amended by Ordinance no. 10-264 dated March 24, 2010. The Old West Baltimore Historic District was certified to the National Register of Historic Places on

December 23, 2004. This block retained its R-8 zoning during the comprehensive rezoning mapping process associated with the effective date of the current Zoning Code on June 5, 2017.

### **CONFORMITY TO PLANS**

The proposed action is consistent with LIVE EARN PLAY LEARN, the Comprehensive Master Plan for Baltimore, Live Goal 1: Build Human and Social Capital by Strengthening Neighborhoods, Objective 1: Expand Housing Choices for all Residents. The proposed action also furthers two of the objectives of the Harlem Park II Urban Renewal Plan, to provide housing resources for families of all income levels through rehabilitation and new construction, and to address the growing number of vacant and deteriorated properties.

### **ANALYSIS:**

Background: This legislation would allow the petitioner to use the existing structure as two dwelling units, each a 1-bedroom unit on each floor level of the structure. This would include re-converting the first floor level from 20<sup>th</sup> Century commercial to residential use. (The first floor level had been the Franklin Street Grocery from 1940 through the late 1960s.) Approving new use as a two-family multi-family dwelling would allow preservation of a piece of the community's traditional architectural fabric while responding to more contemporary, smaller-scale residential needs in a location with convenient access to downtown for residents of the two dwelling units.

Zoning Analysis: This property is functionally an end-of-group residential structure containing approximately 1,400 square feet of gross floor area. This bill would encourage re-use (or continuing use) of a structure consistent with its current zoning.

- The Zoning Code requires, for conversion of a single-family dwelling property in the R-8 District, 750 square feet of lot area per dwelling unit (BCZC subsection 9-703.d., citing Table 9-401). A lot area of 1,500 square feet is thus required for the proposed use. This lot has 1,036 square feet and thus does not meet the lot area requirement for conversion. A variance of this requirement is therefore included in this bill. The variance amounts to approximately 31% of the Zoning Code requirement.
- The Zoning Code requires, for conversion of a single-family dwelling property in the R-8 District, 750 square feet of floor area per 1-bedroom dwelling unit (BCZC subsection 9-703.c.). The existing structure contains approximately 1,400 square feet of floor area on its two levels. A variance of this floor area requirement should therefore be added to this bill, in order to authorize two 1-bedroom dwelling units.
- The maximum lot coverage allowed is 80% (Zoning Code Table 9-401). This structure covers approximately 75% of the lot. No variance of this requirement is needed.
- One additional off-street parking space is required to serve the one newly-created dwelling unit (BCZC subsection 9-703.f.). This property cannot provide any off-street parking spaces meeting Zoning Code standards for accessibility, as the rear yard is 19' deep but the rear alley is only 8' wide, and therefore a variance of this requirement is included in this bill.

Conditional Use: Per subsection 5-406 {"Approval standards"} of Article 32 – *Zoning*:

(a) *Limited criteria for denying.*

Neither the Board of Municipal and Zoning Appeals, nor the City Council, as the case may be, may approve a conditional use unless, after public notice and hearing and on consideration of the standards required by this subtitle, it finds that:

- (1) The establishment, location, construction, maintenance, or operation of the conditional use would not be detrimental to or endanger the public health, safety, or welfare;
- (2) The use would not be precluded by any other law, including an applicable Urban Renewal Plan;
- (3) The authorization would not be contrary to the public interest; and
- (4) The authorization would be in harmony with the purpose and intent of this Code.

The establishment, location, and operation of this property as a multi-family dwelling containing two dwelling units would not be detrimental to or endanger public health, safety, or welfare. The proposed use is not precluded by any other law, including the Harlem Park II Urban Renewal Plan. The proposed authorization would not be contrary to the public interest (in fact, it could advance the public interest by creating housing affordable to moderate-income families, as well as converting a vacant commercial space to residential use). Therefore, Planning staff conclude that the authorization would be in harmony with the purpose and intent of the Zoning Code.

In making the above recommendation, Planning staff reviewed subsection 5-406(b) {"Required considerations"} of Article 32 – *Zoning*, and finds that the proposed use meets these additional criteria for approval of a conditional use:

1. The nature of the proposed site, including its size and shape, are adequate for the proposed use;
2. There will be no negative impact to traffic patterns;
3. The proposed use will not impair the present and future development of this lot or the surrounding area;
4. There will be no negative impact resulting from proximity to dwellings, churches, schools, public structures, and other places of public gathering;
5. There is adequate accessibility of the premises to emergency vehicles;
6. There is adequate light and air to the premises and to properties in the vicinity;
7. Adequate utilities, access roads, drainage, and other necessary facilities have been or will be provided;
8. The proposed use will not interfere with preservation of cultural and historic landmarks and structures;
9. The proposed use would not alter the character of the neighborhood;
10. The proposed use is consistent with provisions of the City's Comprehensive Master Plan;
11. The proposed use is consistent with the provisions of the applicable urban renewal plan;

12. The proposed use meets all other applicable standards and requirements of the Zoning Code;
13. The proposed use is consistent with the intent and purpose of the Zoning Code; and
14. Is consistent with any other matters that may be considered to be in the interest of the general welfare.

Planning staff recommend that the Planning Commission also find:

- The proposed use as a two-family dwelling would be consistent with other residential use in the area, and would allow continuing use of a structure that can contribute to the Old West Baltimore Historic District.
- While no off-street parking meeting Zoning Code standards can be provided on this property, the site is located in a dense, walkable neighborhood that is served by public transportation.
- There is a practical difficulty with complying with the bulk standards in the Zoning Code that has not been caused by the action or inaction of any person with a present interest in this property. The purpose of the variances requested is not based exclusively on a desire to increase the value or income potential of the property. Staff understands that the property was purchased by the applicant with one dwelling unit already existing in the building, above the abandoned grocery store. Each of these units has a separate entrance: for the lower unit, from Franklin Street; and for the upper unit, from the Mount Street side of the building, by way of a separate door leading to a stairway inside the building.
- Each of the variances that would be granted would not be injurious to use and enjoyment of other property in the immediate vicinity, nor substantially diminish or impair property values in the neighborhood. The variances are in harmony with the Comprehensive Master Plan, the Old West Baltimore Historic District, the Harlem Park II Urban Renewal Plan, and related considerations of public health, safety, and general welfare.

Notification: The Harlem Park Neighborhood Council, the Lafayette Square Association, the West Harlem Park Neighborhood Association, and Councilman Bullock have been notified of this matter.



**Chris Ryer**  
**Director**