



**BALTIMORE CITY COUNCIL  
COMMITTEE ON ECONOMIC AND COMMUNITY  
DEVELOPMENT**

*Mission Statement*

*On behalf of the Citizens of Baltimore City*, the Committee on Economic and Community Development (ECD) is responsible for supporting strong thriving communities ECD will review proposed zoning and land use changes, tackle issues related to economic development, oversee housing policy, and promote equitable economic opportunity for all Baltimore residents.

**The Honorable Sharon Green Middleton**

**PUBLIC HEARING**

**March 2, 2021**

**2:00 PM**

**Virtual Webex Meeting**

**City Council Bill #21-0005**

**Zoning - Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-7 Zoning District - Variances - 810 Argonne Drive**

## CITY COUNCIL COMMITTEES

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Ryan Dorsey  
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Eric Costello  
Sharon Green Middleton  
Odette Ramos  
James Torrence  
*Staff: Richard Krummerich*



## BILL SYNOPSIS

**Committee: Economic and Community Development**

**Bill: 21-0005**

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### Zoning - Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-7 Zoning District - Variances - 810 Argonne Drive

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**Sponsor:** Councilmember Conway

**Introduced:** January 11, 2021

**Purpose:**

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 810 Argonne Drive (Block 3913C, Lot 021), as outlined in red on the accompanying plat; providing for a special effective date; and granting variances from certain bulk regulations (lot area size), gross floor area per unit type, and off-street parking requirements.

**Effective:** The date it is enacted.

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### Agency Reports

Planning Commission	Favorable
Board of Municipal and Zoning Appeals	
Department of Transportation	No Objection
City Solicitor	Favorable with Comments
Department of Housing and Community Development	
Baltimore Development Corporation	Favorable
Fire Department	No Objection
Parking Authority of Baltimore City	Not Opposed

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## Analysis

### Current Law

Article 32 – Zoning, Sections 5-201(a), 5-305(a), 5-308, 9-401 (Table 9-401), 9-701(2), 9-703(c), 9-703(f), 16-203, and 16-602 (Table 16-406). Baltimore City Revised Code (Edition 2000).

### Background

The bill would authorize the conversion of a single-family dwelling unit to 2 dwelling units in the R-7 Zoning District on the property known as 810 Argonne Drive. The bill would also grant variances from the lot area size, gross floor area per unit type, and off-street parking requirements of the Zoning Code.

The property is located on the north side of Argonne Drive approximately 98' 3" northeast of the intersection with Wilsby Avenue. It is currently improved with a two-story attached residential structure measuring approximately 20' by 32', behind which lies the junction of two alleys at least 10' wide. The structure, built in 1940, is a mid-block rental property in a group of eight dwellings. The same owners also own and rent two dwelling units in 812 Argonne Drive, next door to this property. Five dwellings in this row are listed as owner-occupied and three (including this one) are not. The site is zoned R-7.

The block is at the southern edge of the Pen Lucy Area Master Plan area and the Pen Lucy community. The area is predominantly residential, with a large garden apartment building approximately 40' northeast of this property and with scattered uses such as religious institutions and small commercial uses found several blocks to the west along Old York Road.

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## Additional Information

**Fiscal Note:** Not Available

**Information Source(s):** Statement of Intent, Reporting Agencies, Bill 21-0005

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Analysis by: Jennifer L. Coates

Direct Inquiries to: 410-396-1260

Analysis Date: February 25, 2021

**CITY OF BALTIMORE  
COUNCIL BILL 21-0005  
(First Reader)**

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Introduced by: Councilmember Conway

At the request of: 810 Argonne, LLC

Address: c/o Carine Todmia, 3114 Lavall Court, Glenarden, Maryland 20774

Telephone: 310-916-2380

Introduced and read first time: January 11, 2021

Assigned to: Economic and Community Development Committee

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REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Board of Municipal and Zoning Appeals, Planning Commission, Department of Housing and Community Development, Fire Department, Baltimore Development Corporation, Baltimore City Parking Authority Board, Department of Transportation

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A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to**  
3 **2 Dwelling Units in the R-7 Zoning District – Variances –**  
4 **810 Argonne Drive**

5 FOR the purpose of permitting, subject to certain conditions, the conversion of a single-family  
6 dwelling unit to 2 dwelling units in the R-7 Zoning District on the property known as 810  
7 Argonne Drive (Block 3913C, Lot 021), as outlined in red on the accompanying plat;  
8 providing for a special effective date; and granting variances from certain bulk regulations  
9 (lot area size), gross floor area per unit type, and off-street parking requirements.

10 BY authority of

11 Article 32 - Zoning

12 Sections 5-201(a), 5-305(a), 5-308, 9-401 (Table 9-401), 9-701(2), 9-703(c), 9-703(f),  
13 16-203, and 16-602 (Table 16-406)

14 Baltimore City Revised Code  
15 (Edition 2000)

16 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE**, That  
17 permission is granted for the conversion of a single-family dwelling unit to 2 dwelling units in  
18 the R-7 Zoning District on the property known as 810 Argonne Drive (Block 3913C, Lot 021), as  
19 outlined in red on the plat accompanying this Ordinance, in accordance with Baltimore City  
20 Zoning Code §§ 5-201(a) and 9-701(2), subject to the condition that the building complies with  
21 all applicable federal, state, and local licensing and certification requirements.

22 **SECTION 2. AND BE IT FURTHER ORDAINED**, That pursuant to the authority granted by §§ 5-  
23 305(a) and 5-308 of Article 32 - Zoning, permission is granted from the requirements of § 9-401  
24 (Table 9-401: Rowhouse and Multi-Family Residential Districts - Bulk and Yard Regulations), as  
25 the minimum lot size requirement for 2 dwelling units, in the R-7 Zoning District, is 2,200  
26 square feet, and the lot area size is 1,736 square feet.

EXPLANATION: CAPITALS indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.

**Council Bill 21-0005**

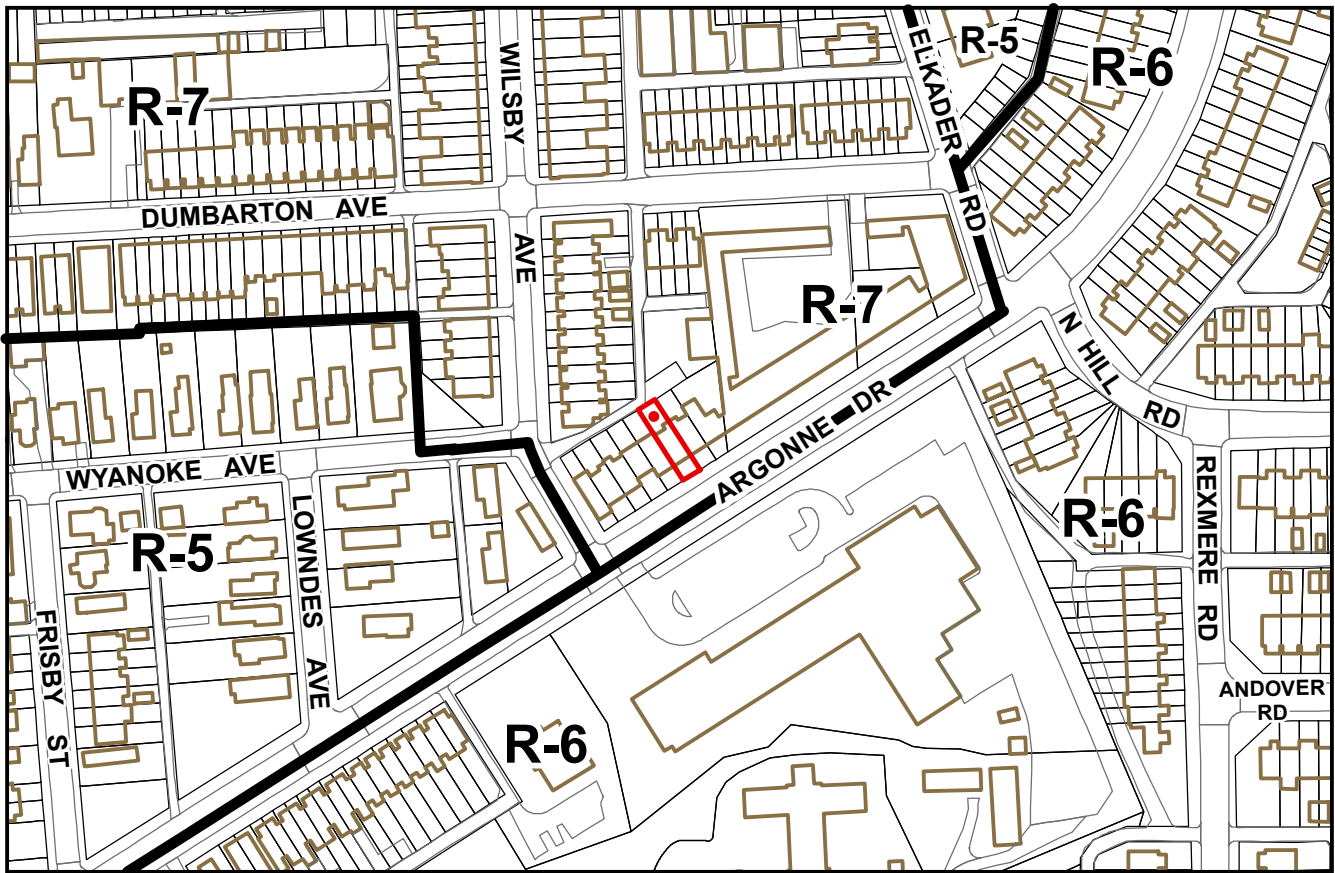
1       **SECTION 3. AND BE IT FURTHER ORDAINED,** That pursuant to the authority granted by §§ 5-  
2 305(a) and 5-308 of Article 32 - Zoning, permission is granted for a variance from the  
3 requirements of § 9-703(c) for gross floor area per unit type, as 750 square feet are required for  
4 each 1-bedroom unit, and one of the proposed bedroom units will be less than 750 square feet of  
5 floor area.

6       **SECTION 4. AND BE IT FURTHER ORDAINED,** That pursuant to the authority granted by §§ 5-  
7 305(a) and 5-308 of Article 32 - Zoning, permission is granted for a variance from the  
8 requirements of §§ 9-703(f), 16-203, and 16-602 (Table 16-406: Required Off-Street Parking) for  
9 off-street parking.

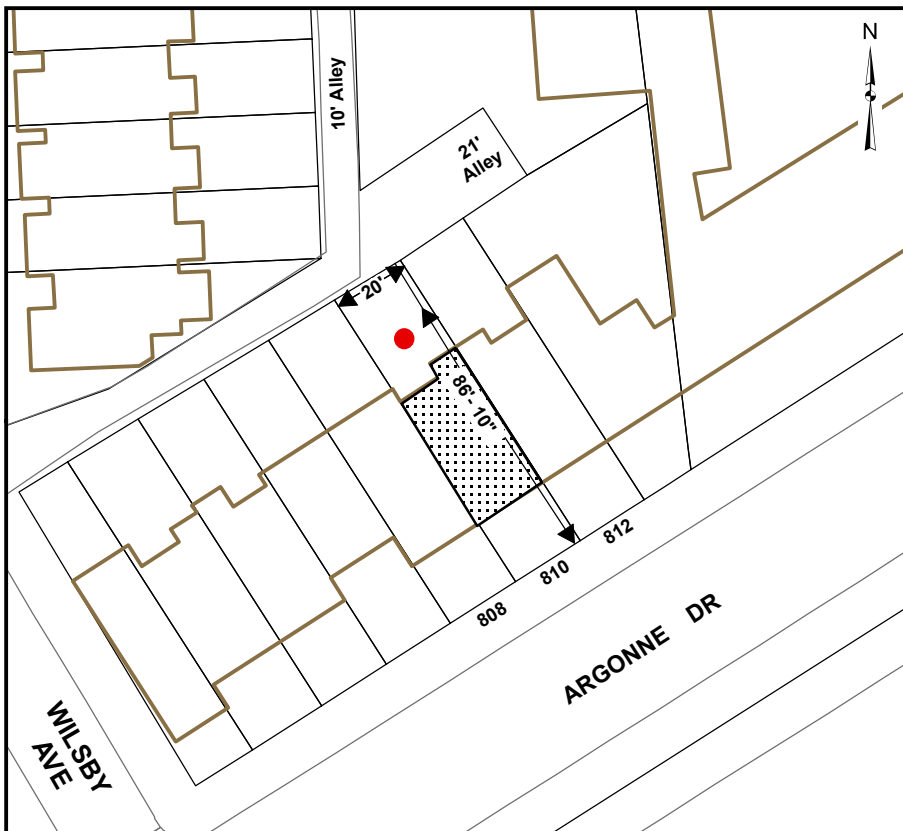
10       **SECTION 5. AND BE IT FURTHER ORDAINED,** That as evidence of the authenticity of the  
11 accompanying plat and in order to give notice to the agencies that administer the City Zoning  
12 Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council  
13 shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat;  
14 and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the  
15 Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of  
16 Housing and Community Development, the Supervisor of Assessments for Baltimore City, and  
17 the Zoning Administrator.

18       **SECTION 6. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it is  
19 enacted.

**SHEET NO. 26 OF THE ZONING MAP OF  
THE ZONING CODE OF BALTIMORE CITY**



Scale: 1" = 200'



Scale: 1" = 50'

**Note:**

In Connection With The Property Known As No. 810 ARGONNE DRIVE. The Applicant Wishes To Request The Conditional Use Conversion Of The Aforementioned Property From A Single-Family Dwelling Unit To Two Dwelling Units In The R-7 Zoning District, As Outlined In Red Above.

WARD 9 SECTION 1

BLOCK 3913C LOT 21

\_\_\_\_\_

MAYOR

\_\_\_\_\_



PRESIDENT CITY COUNCIL

# **COMMITTEE ON ECONOMIC AND COMMUNITY DEVELOPMENT**

## **21-0005 AGENCY REPORTS**

Planning Commission	Favorable
Board of Municipal and Zoning Appeals	
Department of Transportation	No Objection
City Solicitor	Favorable with Comments
Department of Housing and Community Development	
Baltimore Development Corporation	Favorable
Fire Department	No Objection
Parking Authority of Baltimore City	Not Opposed



<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 #21-0005 / Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-7 Zoning District – Variances – 810 Argonne Drive		

**TO**

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

DATE: January 15, 2021

At its regular meeting of January 14, 2021, the Planning Commission considered City Council Bill #21-0005, 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 810 Argonne Drive (Block 3913C, Lot 021), as outlined in red on the accompanying plat; providing for a special effective date; and granting variances from certain bulk regulations (lot area size), gross floor area per unit type, and off-street parking requirements.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended approval of City Council Bill #21-0005 and adopted the following resolutions; six members being present (six in favor):

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, adopts the findings outlined in the previous staff report, with consideration for testimony and facts presented in that meeting, and recommends that City Council Bill #21-0005 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  
The Honorable Eric Costello, Council Rep. to Planning Commission  
Mr. Colin Tarbert, BDC  
Ms. Livhu Ndou, 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 McAily, Council Services

FROM	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 #20-0611 / ZONING – CONDITIONAL USE CONVERSION of a Single-Family Dwelling Unit to 2 Dwelling Units In the R-7 Zoning District – Variances – 810 ARGONNE DRIVE		

DATE:

TO

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

October 9, 2020

At its regular meeting of October 8, 2020, the Planning Commission considered City Council Bill #20-0611, 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 810 Argonne Drive (Block 3913C, Lot 021), as outlined in red on the accompanying plat; and granting variances from certain bulk regulations (lot area size), gross floor area per unit type, and off-street parking requirements.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended approval of City Council Bill #20-0611 and adopted the following resolution, nine members being present (nine in favor):

RESOLVED, That the Planning Commission finds, in accordance with §5-406 {“Approval standards”} of Article 32 – *Zoning*, 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 recommends adoption of the findings contained in the attached report; and further

RESOLVED, that the Planning Commission recommends that City Council Bill #20-0611 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/mf

attachment

cc: Mr. Nicholas Blendy, Mayor's Office  
Mr. Matthew Stegman, Mayor's Office  
Ms. Nina Themelis, Mayor's Office  
The Honorable Edward Reisinger, Council Rep. to Planning Commission  
Mr. Colin Tarbert, BDC  
Ms. Livhu Ndou, 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  
Ms. Carine Todmia, for 810 Argonne LLC



Bernard C. "Jack" Young  
Mayor

## PLANNING COMMISSION

Sean D. Davis, Chairman

### STAFF REPORT



Chris Ryer  
Director

October 8, 2020

**REQUEST:** City Council Bill #20-0611/ Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-7 Zoning District – Variances – 810 Argonne Drive:

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 810 Argonne Drive (Block 3913C, Lot 021), as outlined in red on the accompanying plat; and granting variances from certain bulk regulations (lot area size), gross floor area per unit type, and off-street parking requirements.

**RECOMMENDATION:** Approval

**STAFF:** Martin French

**PETITIONER:** Councilmember Henry, at the request of 810 Argonne LLC

**OWNER:** 810 Argonne LLC

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

Site Conditions: This property is located on the north side of Argonne Drive approximately 98'3" northeast of the intersection with Wilsby Avenue, and is currently improved with a two-story attached residential structure measuring approximately 20' by 32', behind which lies the junction of two alleys at least 10' wide. This structure, built in 1940, is a mid-block rental property in a group of eight dwellings. The same owners also own and rent two dwelling units in 812 Argonne Drive, next door to this property. Five dwellings in this row are listed as owner-occupied and three (including this one) are not. The site is zoned R-7.

General Area: This is a predominantly residential area, with a large garden apartment building approximately 40' northeast of this property, and with scattered uses such as religious institutions and small commercial uses found several blocks to the west along Old York Road. This block is at the southern edge of the Pen Lucy Area Master Plan area and Pen Lucy community.

#### **HISTORY**

The Pen Lucy Area Master Plan was adopted by the Planning Commission on March 9, 2006. The row of houses of which this property is a part was rezoned from R-6 to R-7 during the comprehensive rezoning process associated with adoption of the current Zoning Code which became effective on June 5, 2017.

## CONFORMITY TO PLANS

The proposed action may be considered 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.

## ANALYSIS

### Zoning Analysis:

- The Zoning Code requires, for a property in the R-7 zoning district, 1,100 square feet of lot area per dwelling unit (Table 9-401). A lot area of 2,200 square feet is thus required for two dwelling units. As this lot has 1,736 square feet, a 464 square foot lot area size variance, amounting to approximately 21%, has been included in the bill.
- The portion of the house above grade contains approximately 1,240 gross square feet. The Zoning Code's conversion standards, contained in §9-703, require 750 square feet of gross floor area for each one-bedroom dwelling unit. The floor plans provided by the petitioner show two one-bedroom dwelling units, one on each of the two levels of the existing structure. This variance would be approximately 17.3% based on the floor area of the existing structure.
- One off-street parking space is required to serve the newly-created dwelling unit. Since the property could provide two parking spaces meeting Zoning Code standards, no parking variance is technically needed in order to meet this requirement.

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

- *Required finding of unnecessary hardship or practical difficulty:* The variances for this request are significant in scope. In order to comply with the bulk requirements, the applicant would need to build an addition onto the house in order to meet the unit size requirement. That addition would need to go into the rear yard area, where the required two parking spaces would be. Similarly, while there may be enough room remaining for the two required parking spaces, there would be little to no green space left for the use of the residents. Meeting the strict requirements of the district would be unreasonable in comparison to the granting of these variances.
- *Other required findings:* Conditions on which this application is based are unique to the property for which the variances are sought and not generally applicable to other property within the same zoning classification, as this is a multi-family dwelling structure in the middle of a group of eight rowhouse structures. The property was previously converted to a two-dwelling unit multi-family dwelling, as shown by its continued occupancy and utility meters, one for gas and one for electricity, for each of the two units. Historically, the City has accepted the existence of BGE meters as evidence of lawful establishment of units, since BGE normally requires proof that the multi-family use is approved before they will install additional meters. Because multi-family use was a condition that was pre-existing in 2019, when the property was sold to the current owners, unnecessary hardship or practical difficulty is not being created by the intentional action of a person with a present interest in the property; nor that the purpose of the variances is not based

exclusively on a desire to increase the value or income potential of the property. Planning staff further recommend that the Commission find that the variances would not be injurious to the use and enjoyment of other property in the immediate vicinity; nor substantially diminish and impair property values in the neighborhood; nor adversely affect the City's Comprehensive Master Plan, any Urban Renewal Plan, or Historical and Architectural Preservation District; nor be detrimental to or endanger the public health, safety, or welfare, or be in any way contrary to the public interest.

Conditional Use: Per §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; *Establishment, location, construction, maintenance, and operation of a multi-family dwelling at 810 Argonne Drive would not be detrimental to or endanger public health, safety, or welfare, as it is a continuing use that has not had an obvious deleterious effect on the block or its surrounding community.*
- (2) the use would not be precluded by any other law, including an applicable Urban Renewal Plan; *The proposed use is not precluded by any other law, including an Urban Renewal Plan, as it is authorized by the Zoning Code in this Residential district and there is no Urban Renewal Plan for this area.*
- (3) the authorization would not be contrary to the public interest; *Use of this property for a multi-family dwelling is not otherwise in any way contrary to the public interest, as it would allow the current provision of two dwelling units on this property to continue;* and
- (4) the authorization would be in harmony with the purpose and intent of this Code. *The authorization would allow multi-family dwelling use of this property to continue in a district in which it is permitted, thereby providing housing resources for the residents of Baltimore.*

Below is staff's review of §5-406(b) {"Required considerations"} of Article 32 – Zoning:

(b) *Required considerations.*


As a further guide to its decision on the facts of each case, the Board of Municipal and Zoning Appeals must consider the following, where appropriate:

- (1) the nature of the proposed site, including its size and shape and the proposed size, shape, and arrangement of structures;
- (2) the resulting traffic patterns and adequacy of proposed off-street parking and loading;
- (3) the nature of the surrounding area and the extent to which the proposed use might impair its present and future development;
- (4) the proximity of dwellings, churches, schools, public structures, and other places of public gathering;
- (5) accessibility of the premises for emergency vehicles;
- (6) accessibility of light and air to the premises and to the property in the vicinity;

- (7) the type and location of adequate utilities, access roads, drainage, and other necessary facilities that have been or will be provided;
- (8) the preservation of cultural and historic landmarks and structures;
- (9) the character of the neighborhood;
- (10) the provisions of the City's Comprehensive Master Plan;
- (11) the provisions of any applicable Urban Renewal Plan;
- (12) all applicable standards and requirements of this Code;
- (13) the intent and purpose of this Code; and
- (14) any other matters considered to be in the interest of the general welfare.


Staff finds that the site, including its size and shape, is appropriate for the proposed use. There would be no change to traffic patterns if this use would be authorized. The surrounding area is one in which the predominant residential type was originally single-family owner-occupancy rowhousing, semi-detached housing, or single-family detached housing, but in which some conversions of single-family to multi-family dwellings occurred during the second half of the 20<sup>th</sup> Century. For this reason, it is unlikely that the proposed multi-family use would impair present or future development by itself alone. There is reasonable proximity of other dwellings, churches and other places of worship, schools, public structures, and places of public gathering. There is adequate accessibility for emergency vehicles, and of light and air to the premises and to other properties in the vicinity. There are adequate utilities, roads, drainage, and other necessary facilities. The proposed use of the existing structure would not affect preservation of cultural and historic landmarks and structures. Approval of the proposed use as a multi-family dwelling would not affect the existing character of the neighborhood, as noted above. While consistent with the provisions of the City's Comprehensive Master Plan, the proposed use is not prevented or limited by any Urban Renewal Plan. Multi-family use would meet all applicable standards and requirements of the Zoning Code upon granting of variances discussed previously, and would be consistent with the intent and purpose of the Zoning Code.

Notification: The Pen Lucy Neighborhood Association, Pen Lucy Action Network, and Councilman Henry have been notified of this action.



**Chris Ryer**  
**Director**



<b>F R O M</b>	NAME & TITLE	Steve Sharkey, Director	CITY of BALTIMORE	
	AGENCY NAME & ADDRESS	Department of Transportation (DOT) 417 E Fayette Street, Room 527		
	SUBJECT	City Council Bill 21-0005	M E M O	

TO: Mayor Brandon M. Scott  
TO: Economic & Community Development Committee  
FROM: Department of Transportation  
POSITION: **No Objection**  
RE: Council Bill – 21-0005

DATE: 2/18/21

**INTRODUCTION** – Zoning - Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-7 Zoning District - Variances - 810 Argonne Drive

**PURPOSE/PLANS** – 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 810 Argonne Drive (Block 3913C, Lot 021), as outlined in red on the accompanying plat; providing for a special effective date; and granting variances from certain bulk regulations (lot area size), gross floor area per unit type, and off-street parking requirements.

**COMMENTS** – Council Bill 21-0005 seeks to convert 810 Argonne Drive from a single-family dwelling to a two-family dwelling. 810 Argonne Drive is currently located within the R-7 Zoning District, which is classified as being mixed-residential, including single-family homes, duplexes, rowhomes, and larger scale multi-family developments.

**AGENCY/DEPARTMENT POSITION** – The Department of Transportation foresees no immediate direct fiscal or operational impact resulting from the advancement of Council Bill 21-0005. The Department of Transportation has **no objection** to Council Bill 21-0005.

If you have any questions, please do not hesitate to contact Liam Davis at [Liam.Davis@baltimorecity.gov](mailto:Liam.Davis@baltimorecity.gov) or at 410-545-3207.

Sincerely,

Steve Sharkey  
Director

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CITY OF BALTIMORE

BRANDON M. SCOTT  
Mayor



DEPARTMENT OF LAW

JAMES L. SHEA  
100 N. HOLLIDAY STREET  
SUITE 101, CITY HALL  
BALTIMORE, MD 21202

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February 16, 2021

The Honorable President and Members  
of the Baltimore City Council  
Attn: Natawna B. Austin, Executive Secretary  
Room 409, City Hall, 100 N. Holliday Street  
Baltimore, Maryland 21202

Re: City Council Bill 21-0005 - Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-7 Zoning District – Variances – 810 Argonne Drive

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 20-0005 for form and legal sufficiency. The bill permits, 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 810 Argonne Drive. The bill also grants granting variances from certain bulk regulations (lot area size), gross floor area per unit type, and off-street parking requirements. The bill has an immediate effective date.

#### Conditional Use Standards

Under the Zoning Article of the City Code, the conversion of a single-family dwelling to a multi-family dwelling in an R-7 District requires conditional-use approval by ordinance. Baltimore City Code, Art. 32, § 9-701(2). Further, approval of a conditional use must be based on the following findings:

(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.

§ 5-406(a). Moreover, the above findings must be guided by 14 “considerations” involving, for example, such things as the “nature of the surrounding area and the extent to which the proposed use might impair its present and future development,” “the character of the neighborhood,” and “the resulting traffic patterns and adequacy of proposed off-street parking.” Art. 32, § 5-406(b).

#### Variance Standards

The bill also contains variances from lot size area requirements. For a 2-bedroom unit in an R-7 Zoning District 1,100 square feet is required per dwelling unit. Art. 32, § 9-401 (Table 9-401: Rowhouse and Multi-Family Residential Districts - Bulk and Yard Regulations). The property thus requires a lot size of 2,200 square feet to support a conversion, although the lot size is only 1,736 square feet. In order to proceed with a conversion a variance is therefore required.

Similarly, a variance for floor area is required. A conversion requires 750 square feet of floor area for each one-bedroom unit. Art. 32, § 9-703. Thus, the property must have 1500 square feet for a conversion to be lawful. The property contains only 1,240 square feet of gross floor area. A variance therefore is required.

Finally, a variance is required for off-street parking. The City Code requires at least 1 off-street parking space for each dwelling unit. Art. 32, § 9-703(f). The bill provides for a variance for off-street parking, but the Planning Commission Report dated January 15, 2021 (“Report”) states that the property contains space enough for 2 off-street parking spaces. Page 2.

To grant a variance, the City Council must find that, “because of the particular physical surroundings, shape, or topographical conditions of the specific structure or land involved, an unnecessary hardship or practical difficulty, as distinguished from a mere inconvenience, would result if the strict letter of the applicable requirement were carried out.” Art. 32, § 5-308(a). The City Council must also make seven other findings:

- (1) the conditions on which the application is based are unique to the property for which the variance is sought and are not generally applicable to other property within the same zoning classification;
- (2) the unnecessary hardship or practical difficulty is caused by this Code and has not been created by the intentional action or inaction of any person who has a present interest in the property;
- (3) the purpose of the variance is not based exclusively on a desire to increase the value or income potential of the property;
- (4) the variance will not: (i) be injurious to the use and enjoyment of other property in the immediate vicinity; or (ii) substantially diminish and impair property values in the neighborhood;
- (5) the variance is in harmony with the purpose and intent of this Code;
- (6) the variance is not precluded by and will not adversely affect: (i) any Urban Renewal Plan; (ii) the City’s Comprehensive Master Plan; or (iii) any Historical and Architectural Preservation District; and
- (7) the variance will not otherwise: (i) be detrimental to or endanger the public health, safety, or welfare; or (ii) be in any way contrary to the public interest.

Art. 32, § 5-308(b).

### Hearing Requirements


The Land Use and Transportation Committee (the “Committee”) must consider the above law at the scheduled public hearing wherein it will hear and weigh the evidence as presented in: (1) the Planning Report and other agency reports; (2) testimony from the Planning Department and other City agency representatives; and (3) testimony from members of the public and interested persons. After weighing the evidence presented and submitted into the record before it, the Committee is required to make findings of fact with respect to the factors and considerations

outlined above. If, after its investigation of the facts, the Committee makes findings which support the conditional use and the four variances sought, it may adopt these findings and the legal requirements will be met.

The Law Department notes that the Report provides facts sufficient to approve both the conditional use and the variances. Law Department notes further that a bill authorizing a conditional use is classified as a "legislative authorization." Art. 32, § 5-501. Legislative authorizations require that certain procedures be followed in the bill's passage. Specifically, certain notice requirements apply to the bill. See Art 32, § 5-602. The bill must be referred to certain City agencies, which are obligated to review the bill in a specified manner. See Art. 32, §§ 5-504, 5-506, 5-604. Finally, certain limitations on the City Council's ability to amend the bill apply. See Art. 32 § 5-507.

Assuming all the procedural requirements are satisfied, the Law Department is prepared to approve the bill for form and legal sufficiency.

Sincerely,

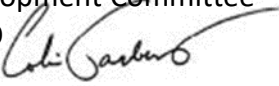
A handwritten signature in black ink that reads "Victor K. Tervala". The signature is written in a cursive, slightly slanted style.

Victor K. Tervala  
Chief Solicitor

cc: James L. Shea, City Solicitor  
Nina Themelis, Mayor's Office of Government Relations  
Nikki Thompson, Director of Legislative Affairs  
Matthew Stegman, Director of Fiscal and Legislative Services  
Elena DiPietro, Chief Solicitor, General Counsel Division  
Hilary Ruley, Chief Solicitor  
Ashlea Brown, Assistant Solicitor



## MEMORANDUM

**DATE:** January 28, 2021  
**TO:** Economic and Community Development Committee  
**FROM:** Colin Tarbert, President and CEO   
**POSITION:** Support  
**SUBJECT:** City Council Bill 21-0005 - Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-7 Zoning District – Variances – 810 Argonne Drive

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### **INTRODUCTION**

The Baltimore Development Corporation (BDC) is reporting on City Council Bill 21-0005, introduced by Councilmember Conway, at the request of 810 Argonne LLC. Introduced and read for the first time on January 11, 2021, and subsequently referred to BDC.

### **PURPOSE**

This Bill proposes to allow the conversion of a single-family dwelling unit to 2 dwelling units in the R-7 Zoning District on the property known as 810 Argonne Drive (Block 3913C, Lot 021), and granting variances from certain bulk regulations (lot area size), gross floor area per unit type, and off-street parking requirements.

### **BRIEF HISTORY**

The property owner, 810 Argonne, LLC, proposes to create two rental dwelling units in a home which currently serves as one dwelling unit.

### **FISCAL IMPACT**


None

### **AGENCY POSITION**

The BDC supports passage of City Council Bill No. 21-0005.

If you have any questions, please do not hesitate to contact Kim Clark at [KClark@baltimoredevelopment.com](mailto:KClark@baltimoredevelopment.com) and 410-837-9305.

[mf]

<b>FROM</b>	NAME & TITLE	Niles R. Ford, PhD, Chief of Fire Department <i>NRF</i>	CITY of BALTIMORE <b>MEMO</b>	
	AGENCY NAME & ADDRESS	Baltimore City Fire Department 401 East Fayette St. 21202		
	SUBJECT	City Council Bill #21-0005 Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-7 Zoning District – Variances – 810 Argonne Drive		

**TO**                      **The Honorable Nick J. Mosby, President**  
**And All Members of the Baltimore City Council**  
**City Hall, Room 408**

DATE: **January 19, 2021**

**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 810 Argonne Drive (Block 3913C, Lot 021), as outlined in red on the accompanying plat; providing for a special effective date; and granting variances from certain bulk regulations (lot area size), gross floor area per unit type, and off-street parking requirements.**

**The Baltimore City Fire Department has no objections to City Council Bill 21-0005-Zoning-Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-7 Zoning District -Variances -810 Argonne Drive. The locations must comply with all applicable codes, ordinances, and laws and shall be required to obtain all required approvals. The location shall comply with the Building, Fire, and Related Codes of Baltimore City 2020 Edition (As Enacted by Ord. 15-547, and Last Amended by Ord. 18-1830) and applicable Maryland laws.**

**The above does not negate any requirements for submission of plans to the Office of the Fire Marshal for review of construction, Fire Detection/Notification/Suppression Systems, and Automatic Sprinkler installation. The location may be subject to an annual fire inspection and/or permits from the Office of the Fire Marshal.**

# TRANSMITTAL MEMO

TO: Council President Nick J. Mosby  
FROM: Peter Little, Executive Director  
Date: January 27, 2021  
RE: City Council Bill 21-0005



I am herein reporting on City Council Bill 21-0005 introduced by Councilmember Conway at the request of 810 Argonne, LLC.

The purpose of this bill is to permit, subject to certain conditions, the conversion of a single-family dwelling unit to 2 dwelling units in the Mixed Residential (R-7) Zoning District on the property known as 810 Argonne Drive (Block 3913C, Lot 021), and granting variances from certain bulk regulations (lot area size), gross floor area per unit type, and off-street parking requirements.

The Parking Authority of Baltimore City (PABC) has reviewed the proposed legislation. This property is not located where PABC administers any on-street parking programs. It is our understanding that the request of the conversion would allow the existing use(s) to continue, therefore parking impacts have already been realized. If there are any changes to the use(s) the parking requirements will be based on the underlying zoning and the standards in the Zoning Code. PABC investigated parking availability around the property. Upon visiting the site, parking is available around the area along Wilsby Avenue and Elkader Road. Considering the available parking in the neighborhood, and the requested parking variance, PABC has determined that the passage of this bill will not negatively impact parking in the area.

Based on the comments above, the PABC does not oppose the passage of City Council Bill 21-0005.