


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 #19-0417/ ZONING – CONDITIONAL USE CONVERSION TO 2 DWELLING UNITS IN THE R-8 ZONING DISTRICT – VARIANCES – 1410 WEST SARATOGA STREET		

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

DATE: September 13, 2019

At its regular meeting of September 12, 2019, the Planning Commission considered City Council Bill #19-0417, 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 1410 West Saratoga Street (Block 0152, Lot 056), as outlined in red on an accompanying plat; and granting variances from certain gross floor area, gross floor area per unit type, and off-street parking regulations.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended approval of City Council Bill #19-0417 and adopted the following resolution, five members being present (five 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 recommends that City Council Bill #19-0417 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
Mr. Derek Baumgardner, BMZA
Mr. Geoffrey Veale, Zoning Administration
Mr. Bob Pipik, 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. Mu Sok Lee, Applicant



Bernard C. "Jack" Young
Mayor

PLANNING COMMISSION

Sean D. Davis, Chairman

STAFF REPORT



Chris Ryer
Director

September 12, 2019

REQUEST: City Council Bill #19-0417/ Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District – Variances – 1410 West Saratoga 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 1410 West Saratoga Street (Block 0152, Lot 056), as outlined in red on the accompanying plat; and granting variances from certain gross floor area, gross floor area per unit type, and off-street parking regulations.

RECOMMENDATION: Approval

STAFF: Martin French

PETITIONER: Councilmember Bullock, at the request of Mu Sok Lee

OWNER: Mu Sok Lee

SITE/GENERAL AREA

Site Conditions: 1410 West Saratoga Street is located on the north side of the street, approximately 125'9" east of the intersection with Stricker Street. This property measures approximately 14'9" by 107'7" and is currently improved with a two-story attached residential building measuring approximately 14'9" by 50'. The site is zoned R-8 and is located in the Franklin Square community and the Franklin Square National Register Historic District.

General Area: Most of the housing in this area was originally developed in the mid-19th Century. There are also scattered nonresidential uses such as offices, churches and small businesses in the area. Directly opposite this property is Franklin Square Elementary School. During the 20th Century there was much conversion of single-family dwellings to multi-family or residential mixed-use structures.

HISTORY

There is no legislative action of record concerning this property specifically. 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. The Franklin Square District was certified to the National Register of Historic Places on December 10, 1982.

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.

ANALYSIS:

Background: This legislation would allow the petitioner to use the existing structure as two dwelling units, with a 1-bedroom unit on each floor level of the structure. Approving 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 a middle-of-group residential structure containing approximately 1,475 square feet of gross floor area. This bill would encourage re-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 1,580 square feet and thus meets the lot area requirement for conversion.
- The Zoning Code requires, for conversion of a single-family dwelling in the R-8 District, 1,500 square feet of floor area in the structure (BCZC subsection 9-703.b.). The existing structure contains approximately 1,475 square feet of gross floor area on its two levels, thus not meeting this requirement. A variance of this floor area requirement (amounting to approximately 2%) is therefore included in this bill.
- The Zoning Code requires, for conversion of a single-family dwelling 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 700 square feet of floor area on each of its two levels, thus not meeting this requirement. A variance of this floor area per unit type requirement is therefore included in this bill.
- The maximum lot coverage allowed is 80% (Zoning Code Table 9-401). This structure covers approximately 45% of the lot. No variance of this requirement is needed.
- One additional off-street parking space is required to serve the newly-created dwelling unit (BCZC subsection 9-703.f.). This property could provide one off-street parking space meeting Zoning Code standards for accessibility, as the lot width is 14' and the rear alley is 20' wide; however, a variance of this requirement is included in this bill in order to preserve green space in the rear yard.

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, and there is no Urban Renewal Plan for this area. 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). 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.
- While a variance of one off-street parking space meeting Zoning Code standards is included in this bill, the site is located in a dense, walkable neighborhood that is served by public transportation.
- There is a practical difficulty with complying with the conversion 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. Conditions on which this bill is based are unique to this property and are not generally applicable to other property within the same zoning classification, while practical difficulty has not been created by intentional action or inaction of a person with a present interest in the property. The purpose of the variances requested is not based exclusively on a desire to increase the value or income potential of the property. 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 and related considerations of public health, safety, and general welfare.

Notification: The Franklin Square Community Association, Southwest Partnership, and Councilman Bullock have been notified of this matter.



Chris Ryer
Director