



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 #24-0587 / ZONING - CONDITIONAL USE CONVERSION OF A SINGLE-FAMILY DWELLING UNIT TO 4 DWELLING UNITS IN THE R-8 ZONING DISTRICT - VARIANCES 1817 NORTH BROADWAY		

TO

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

DATE: November 8, 2024

At its regular meeting of November 8, 2024, the Planning Commission considered City Council Bill #24-0587, for the purpose of permitting, subject to certain conditions, the conversion of a single-family dwelling unit to 4 dwelling units in the R-8 Zoning District on the property known as 1817 North Broadway (Block 1446, Lot 009), as outlined in red on the accompanying plat; and providing for a special effective date.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended disapproval of City Council Bill #24-0587 and adopted the following resolution, with eight members being present (eight in favor):

RESOLVED, That the Planning Commission does not concur with the recommendation of its departmental staff, and instead recommends that City Council Bill #24-0587 be **amended and approved for three dwelling units instead** 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. Nina Themelis, Mayor's Office
The Honorable Eric Costello, Council Rep. to Planning Commission
Mr. Colin Tarbert, BDC
Ms. Rebecca Witt, 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. Arod Womack, applicant



Brandon M. Scott
Mayor

PLANNING COMMISSION

Sean D. Davis, Chair; Eric Stephenson, Vice Chair

STAFF REPORT



Chris Ryer
Director

November 7, 2024

REQUEST: City Council Bill #24-0587/ Zoning - Conditional Use Conversion of a Single-Family Dwelling Unit to 4 Dwelling Units in the R-8 Zoning District - Variances 1817 North Broadway:

For the purpose of permitting, subject to certain conditions, the conversion of a single-family dwelling unit to 4 dwelling units in the R-8 Zoning District on the property known as 1817 North Broadway (Block 1446, Lot 009), as outlined in red on the accompanying plat; and providing for a special effective date.

RECOMMENDATION: Disapproval

STAFF: Justin Walker

PETITIONER: Antonio Womack, Dreambuilders Residential Solutions, LLC

OWNER: Antonio Womack, Dreambuilders Residential Solutions, LLC

SITE/GENERAL AREA

Site Conditions: 1817 North Broadway is located on the east side of the street, approximately 125'4" north of the intersection with East Lafayette Avenue. This property measures approximately 15'8" by 80' and is currently improved with a three-story rowhome measuring approximately 15'8" by 55'. This site is zoned R-8 and is located within the Broadway East Urban Renewal Plan (URP) area.

General Area: This property is located in the northwestern corner of the Broadway East neighborhood, which is predominantly residential in nature, with scattered commercial and institutional uses throughout the area.

HISTORY

Staff notes that this part of the neighborhood was zoned R-7 under the prior zoning code, and after the Comprehensive Rezoning of the City in 2017, this area was rezoned to R-8.

ANALYSIS

Background: The applicant proposes converting the existing single-family rowhome located at 1817 North Broadway into a multifamily building with four residential units. Located on the east side of North Broadway, approximately 125 feet north of the intersection with East Lafayette Avenue, the property measures about 15 feet 8 inches by 80 feet. The three-story structure currently spans approximately 15 feet 8 inches by 55 feet, with a total square footage of around 2,400.

Zoned R-8 and within the Broadway East Urban Renewal Plan (URP) area, this project seeks a variance for insufficient lot area and off-street parking, as well as a conditional use for the residential conversion to multifamily.

Use: In this Rowhouse and Multi-Family Residential zoning district, multifamily dwellings are listed as a permitted use, and so are generally allowed (Table 9-301). In this case, the property was last authorized for use as a single-family dwelling, which is a permitted use in this R-8 District.

Insufficient Lot Area: In this zoning district, multi-family dwellings require 750 square feet of lot area per dwelling unit (Table 9-401). In this case, for four dwelling units, 2,625 square feet of lot area is required. The lot only encloses 1,253 square feet, and so does not meet this requirement. In the residential districts, the maximum number of permitted dwelling units on a lot is determined by dividing the total area of the lot by the lot area requirement that applies to the district in which the lot is located. On a lot with 3 or more dwelling units, a fraction of the total area that is 50% or more of the required lot area factor counts as an additional permitted dwelling unit (§15-302).

Lot Area Variance: The Board may grant a variance to reduce the applicable minimum lot area requirements. In this case, the proposed amount of variance would be 52.2%. The variance requested and the amount of lot area variance needed for approval is excessive in relation to the amount required by Table 9-401.

Off-Street Parking and Variance: In this zoning district, multi-family dwellings require one off-street parking space per dwelling unit (Table 16-406). For four dwelling units, three parking spaces are required to serve the proposed new units; none are to be provided, so a 100% variance is needed. The rear of this parcel is only accessible from a 10' alley, which means that the rear yard is not practically accessible by vehicles, and so parking cannot be provided on the property.

Residential Conversions: In the Residence Districts, the conversion of a single-family dwelling to a multi-family dwelling is allowed only in the R-7, R-8, R-9, and R-10 Districts, subject to: (1) the requirements of this subtitle; and (2) in the R-7 and R-8 Districts, conditional-use approval by Ordinance of the Mayor and City Council (§9-701).

Conversion standards: The existing dwelling must be: (i) a structure originally constructed as a single-family dwelling; and (ii) 1,500 square feet or more in gross floor area, not including any basement area (§9-703.b.). The existing structure contains approximately 2,400 square feet in gross floor area, which meets this requirement.

The converted dwelling must meet the following gross floor area per unit type: (1) 1-bedroom unit: 750 square feet; (2) 2-bedroom unit: 1,000 square feet; (3) 3- or more bedroom unit: 1,250 square feet (§9-703.c.). This proposal is for four one-bedroom units, each containing 600, 300, 600, and 900 sqft of gross floor area respectively. For that reason, only the 900 sqft unit meets this requirement. Variances are therefore required for the two 600 sqft units (20% variance each) and for the 300 sqft unit (60% variance).

Conditional Use Approval Standards:

§ 5-406. Approval standards.

(a) *Evaluation criteria.*

As a 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.

(b) *Limited criteria for denying.*

The Board of Municipal and Zoning Appeals or the City Council, may not approve a conditional use or sign unless, after public notice and hearing and on consideration of the standards required by this subtitle, the Board or Council finds that:

- (1) the establishment, location, construction, maintenance, or operation of the conditional use or sign would not be detrimental to or endanger the public health, safety, or welfare;
- (2) the use or sign 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.

Below is the staff's review of Article 32 – *Zoning*, §5-406 {"Approval standards"}: Staff believes that the conditional use would pose a greater impact on this lot than it would on a similar zoned property. The property is located in the Broadway East Neighborhood, which is predominantly residential. The proposed conversion will allow for the existing vacant building to be renovated and returned to productive use, however, the significant variances requested would result in units much smaller than what the code requires for conversions (§9-703.c.) The proposal generally fails to comply with the requirements of Article 32 – *Zoning* due to the needed variances, discussed below.

Variance Approval Standards:

§ 5-308. Approval standards.

(a) Required finding of unnecessary hardship or practical difficulty.

In order to grant a variance, the Zoning Administrator, the Board of Municipal and Zoning Appeals, or the City Council, as the case may be, 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.

(b) Other required findings.

The Zoning Administrator, the Board of Municipal and Zoning Appeals, or the City Council, as the case may be, must also find that:

- (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.

Below is the staff's review of Article 32 – *Zoning*, §5-308 {“Approval standards”}: For the lot area variance of 52%, staff finds the following: In an R-8 district, multi-family dwelling must have a lot area of 750 square feet per unit. In this case, four units would require 2,625 square feet as on a lot with 3 or more dwelling units, a fraction of the total area that is 50% or more of the required lot area factor counts as an additional permitted dwelling unit (§15-302). The lot covers 1,253 square feet, which does not meet his requirement. The variance requested is 1,372 feet, or 52%, which is excessive in relation to the requirements of table 9-401.

For the conversion standards variance of 20% and 60%, staff finds that two of the units provided will contain 600 square feet where the zoning code requires 750 square feet therefore requiring a 20% variance. Such a variance is reasonable in relation the requirements of § 9-703.c. One of the units will contain 300 square feet requiring a variance of 450 square feet or 60%. The variance of 60% is excessive in relation to the requirements of §9-703.c. As the number of units requested results from the applicant's conversion choices, the variance standard of § 5-308.b.2. is not met.

For the variance needed for the three additional parking spots that cannot be provided, staff finds the following: The rear of the property is inaccessible to vehicular traffic and therefore cannot be used to provide the required parking. Inaccessibility results from the narrow width of the alley, making the conditions applicable to all properties on the block. The 100% variance requested is significant and the conditions are not unique to this property, therefore disapproval is recommended.

Equity: Staff believes that the conversion to four units, including one of just 300 square feet, will create units that are smaller than what the Zoning Code of Baltimore City establishes as it will require significant variances. Staff notes that a letter of support from the district Councilperson was received. This action will not have any significant impact on staff time or resources.

Notification: Broadway East and Oliver community associations have been notified of this action.

Chris Ryer

Chris Ryer
Director