


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 #24-0514/ ZONING - CONDITIONAL USE CONVERSION OF SINGLE-FAMILY DWELLING UNITS TO 2 DWELLING UNITS IN THE R-7 ZONING DISTRICT - VARIANCES - 3040 BARCLAY STREET		

TO

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

DATE: May 10, 2024

At its regular meeting of May 10, 2024, the Planning Commission considered City Council Bill #24-0514, for the purpose of permitting, subject to certain conditions, the conversion of certain single-family dwelling units to 2 dwelling units in the R-7 Zoning District on the property known as 3040 Barclay Street (Block 357A8, Lot 033), as outlined in red on the accompanying plat; granting variances from certain bulk regulations (lot area size) and off-street parking requirements; and providing for a special effective date.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended approval of City Council Bill #24-0514, and adopted the following resolution, with eight members being present (eight in favor):

RESOLVED, That the Planning Commission finds, in accordance with §5-406 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; and
- would be in harmony with the purpose and intent of this Code; and
- meets all criteria for approval specified in §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 therefore recommends that City Council Bill #24-0514 be **approved** 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



Brandon M. Scott
Mayor

PLANNING COMMISSION

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

STAFF REPORT



Chris Ryer
Director

May 9, 2024

REQUEST: City Council Bill #24-0514/ Zoning – Conditional Use Conversion of Single-Family Dwelling Units to 2 Dwelling Units in the R-7 Zoning District – Variances – 3040 Barclay Street:

For the purpose of permitting, subject to certain conditions, the conversion of certain single-family dwelling units to 2 dwelling units in the R-7 Zoning District on the property known as 3040 Barclay Street (Block 357A8, Lot 033), as outlined in red on the accompanying plat; granting variances from certain bulk regulations (lot area size) and off-street parking requirements; and providing for a special effective date.

RECOMMENDATION: Approval

STAFF: Marie McSweeney Anderson

PETITIONER: Sindbad Fennimore

OWNER: Sindbad Fennimore

SITE/GENERAL AREA

Site Conditions: 3040 Barclay Street is located on the west side of the street approximately 111' south of the intersection with East 31st Street, and the lot measures approximately 14'8" by 95'. The property is currently zoned R-7 and is improved with an end-of-row attached dwelling measuring 14'8" by 60'.

General Area: This property is in the center of the Abell neighborhood which is predominantly residential in nature. Barclay Street is one block to the west of and runs parallel to Greenmount Avenue, a commercial corridor. Large sites and amenities in the area include, Barclay Elementary School and the 29th Street Community Center, Peabody Heights Brewery, the Salvation Army site, and the Waverly Market and Main Street to the north.

HISTORY

There are no previous legislative or Planning Commission actions regarding this site.

ANALYSIS

Background: 3040 Barclay Street is an end of unit row home. The property owner seeks to gain approval for an additional unit on the lower level/basement of the property. The main and upper floor would be one unit and the basement/lower floor would be a second, separate unit.

Historically, the basement was used as a semi-independent dwelling unit with separate entrances and a kitchen. Approval would codify historical use of 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).

Insufficient Lot Area and Variance: In this zoning district, multi-family dwellings require 1,100 square feet of lot area per dwelling unit (Table 9-401). In this case, for two dwelling units, 2,200 square feet of lot area is required. The lot only encloses about 1,406 square feet, and so does not meet this requirement. The City Council may grant a variance to reduce the applicable minimum lot area requirements. In this case, the proposed amount of variance would be 36%, which has been included in the bill. While this variance is significant in relation to the amount required by Table 9-401, the proposed square footage for Unit 1 is 1,470 square feet and the proposed square footage for Unit 2 is 830 square feet. Multi units in this type of dwelling is not unique for this area: Neighboring properties with 3 dwelling units on similar lots include 339, 403, and 419 E. 31st Street, and 411 E. 31st is a 2-unit.

Off-Street Parking: In this zoning district, multi-family dwellings require one off-street parking space per dwelling unit (Table 16-406). For two dwelling units, one additional parking space is required to serve the new dwelling unit; none are to be provided. Therefore, a 100% variance for parking will be needed, and has been included in the bill. This block lies outside of the Residential Permit Parking required blocks and does not have a history of competitive parking. As the block is adjacent to the commercial corridor, many of the nearby properties are commercial or industrial in use and business hours differ from residential demand. Additionally, due to immediate adjacent access to bus transit on York Road, tenants or property owners may not find need of a vehicle.

Conditional Use: Per §5-406 {“Approval standards”} of Article 32 – *Zoning*:

(b) *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 building plans provided by the property owner do not cause concern of cramped living spaces or inadequate public health. Due to the location of the property at the end of row, there is access to the property on all three sides, including windows and doors to the lower level. One recommendation is to transition one of the bedrooms in Unit 2 to a living area versus a secondary bedroom, but that is a decision of the potential future tenants as well. There is record of other properties with multiple units in the area without stress to the community and detriment to the area. The block remains predominantly residential and well organized. There are no Urban Renewal Plans for the area and there are no plans preventing this conversion. The property owner has communicated with adjacent property owners and has demonstrated support for this request.

In the staff's review of §5-406(a) {"Required considerations"} of Article 32 – *Zoning*, we find that the proposed conversion will not create any negative impacts in the required findings list below, and so we offer our favorable recommendation.

(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.

Equity:

- **Impact:** Approval would increase opportunity for housing in an area rich in access to commercial, educational, and transit amenities.
- **Engagement:** The property owner lived in the property as primary residence for twelve years and has developed relationships with adjacent neighbors. In addition, the property owner served on the board of the Abell Improvement Association for over ten years. There were no objections to the conversion and there was universal board support for the request as it will infuse capital into a keystone property on the block.
- **Internal Operations:** If approval is granted, this will prevent the property owner from seeking a variance at the Board of Municipal Zoning Appeals and reduce staff time dedicated to creating a report for this property.

Notification: The Abell Improvement Association provided a letter of support for the request. The Northern District Planner sent multiple notifications of this property at Planning Commission to 800+ recipients of their virtual newsletter, including leadership from the Charles Village Civic Association, Abell, Barclay, Better Waverly, and Harwood.

A handwritten signature in blue ink, consisting of a series of loops and a long horizontal stroke extending to the right.

Chris Ryer
Director