

FROM	NAME & TITLE	CHRIS RYER, DIRECTOR <i>Chris Ryer</i>	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #24-0515 / ZONING - CONDITIONAL USE CONVERSION OF A SINGLE-FAMILY DWELLING UNIT TO 2 DWELLING UNITS IN THE R-8 ZONING DISTRICT - VARIANCES - 223 SOUTH STRICKER STREET		

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

DATE: August 2, 2024

At its regular meeting of August 1, 2024, the Planning Commission considered City Council Bill #24-0515, 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 know as 223 South Stricker Street (Block 264, Lot 19) as outlined in red on the accompanying plat; granting variances to 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 #24-0515 and adopted the following resolutions, with nine members being present (nine in favor):

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, adopts the findings and equity analysis outlined in the staff report, with consideration for testimony and facts presented in the meeting, and recommends that City Council Bill #24-0515 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

August 1, 2024

REQUEST: City Council Bill #24-0515/ Zoning - Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District - Variances - 223 South Stricker 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 know as 223 South Stricker Street (Block 264, Lot 19) as outlined in red on the accompanying plat; granting variances to certain bulk regulations (lot area size) and off-street parking requirements; and providing for a special effective date.

RECOMMENDATION: Approval

STAFF: Eric Tiso

PETITIONER: Andy Charles

OWNER: Andy Charles

SITE/GENERAL AREA

Site Conditions: 223 South Stricker Street is located on the east side of the street, approximately 127'6" north of the intersection with McHenry Street. This property measures approximately 14' by 85' and is currently improved with a three-story rowhome measuring approximately 14' by 51'. This site is zoned R-8.

General Area: This property is located in the New Southwest/Mount Clare neighborhood, which is predominantly residential in nature, with scattered commercial and institutional uses throughout. The Mount Clare Junction shopping center and the B&O museum are three blocks to the east.

HISTORY

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

ANALYSIS

Use: In this Rowhouse and Multi-Family Residential zoning district, multi-family 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.

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).

Lot Area Requirement and Measurement of Density: In this zoning district, multi-family dwellings require 750 square feet of lot area per dwelling unit (Table 9-401). In this case, for two dwelling units, 1,500 square feet of lot area is required. The lot encloses 1,190 square feet, which requires a variance of 20.6% that is included in the bill.

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 since the rear of the property is only accessible by a pedestrian alley. A 100% variance of the parking requirement is needed, and is included in the bill.

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 2,247 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.). In this case, the proposal is for a two-bedroom dwelling unit with 1,055 square feet and a second two-bedroom dwelling unit with 1,192 square feet, each of which meets the requirement.

Conditional Use Approval Standards: *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. (§5-406 (b))

Staff believes that there will not be any detrimental impact to the surrounding community as a result of this request, and instead a home will be renovated and kept in productive use. We are not aware of any other law or plan that would preclude this application. The public interest is served by encouraging naturally occurring affordable housing. Lastly, the variance for the insufficient lot area requirement is reasonable when balanced against the size of the home on the property. Similarly, the variance for the one parking space is reasonable since the rear of the property is not accessible, and so meeting that requirement is not possible due to the historic development pattern in the area. For these reasons, staff believes that the conditional use should be approved.

Variance Approval Standards:

Per § 5-308, the following standards apply for the approval of variances:

- (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.

For the variance needed for the one additional parking space that can't be provided, staff finds the following: Providing parking in the rear yard is a practical difficulty in that it isn't accessible to vehicles, only by a winding pedestrian alley. The variance for lot area is reasonable when the ratio of the relatively large home is considered against the relatively small lot on which it is built that cannot be enlarged. We are not aware of any other law or plan that would impact this request, and we do not believe that granting of these variances will negatively impact the surrounding community. For all of these reasons, staff believes approval of the parking and lot area variances are reasonable and the bill should be approved.

Equity:

There will be no discernible negative impacts to the surrounding community from this project. The renovation of this home will support the tax base, increase the population of the neighborhood, and possibly create naturally-occurring affordable housing units. Staff does not anticipate any impact to staff time or resources devoted to this project beyond routine requirements of development review.

Notification: The Mount Clare Community Council and the Southwest Partnership have been notified of this action.


Chris Ryer
Director