


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 #23-0469 / ZONING - CONDITIONAL USE CONVERSION OF A SINGLE-FAMILY DWELLING UNIT TO 2 DWELLING UNITS IN THE R-8 ZONING DISTRICT – VARIANCES – 1014 EDMONDSON AVENUE		

DATE:

April 1, 2024

TO

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

At its regular meeting of March 28, 2024, the Planning Commission considered City Council Bill #23-0469, 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 1014 Edmondson Avenue (Block 0115, Lot 037), as outlined in red on the accompanying plat; and granting a variance from certain bulk regulations (lot area size); 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 #23-0469 and adopted the following resolutions, with six members being present (six 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 #23-0469 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

March 28, 2024

REQUEST: City Council Bill #23-0469/ Zoning - Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District - Variances - 1014 Edmondson Avenue:

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 1014 Edmondson Avenue (Block 0115, Lot 037), as outlined in red on the accompanying plat; and granting a variance from certain bulk regulations (lot area size); and providing for a special effective date.

RECOMMENDATION: Approval

STAFF: Eric Tiso

PETITIONER: AMG Investing LLC, c/o Althea Granger

OWNER: AMG Investing LLC, c/o Althea Granger

SITE/GENERAL AREA

Site Conditions: 1014 Edmondson Avenue is located on the north side of the street, approximately 99'6" west of the intersection with North Schroeder Street. This property is zoned R-8, measures 16' by 85', and is currently improved with a vacant three-story attached dwelling, measuring approximately 16' by 62'.

General Area: This property is located in the Harlem Park neighborhood, which is predominantly residential in nature, with several institutional uses throughout the neighborhood. Rowhomes comprise the majority of housing stock in the area.

HISTORY

- This site is located within the Harlem Park II Urban Renewal Plan area, which was established on July 6, 1960.
- Amendment #6, dated December 10, 2009, the latest amendment to this plan was approved by the Mayor and City Council by Ordinance #10-264, March 24, 2010.

ANALYSIS

Residential Conversions: In this Rowhouse and Multi-Family Residential zoning district, multi-family dwellings are listed as a permitted use, and so are generally allowed (Article 32 – Zoning, Table 9-301). In this case, the property was last authorized for use as a single-family attached dwelling, which is a permitted use in this R-8 District. 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). As this property is zoned R-8 residential, this proposed ordinance is required for approval.

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 does not believe that this request is unreasonable, nor that it would impose any greater impact on this property than if it were located on any other similarly zoned property in the area. This property is located within the boundaries of the Harlem Park II Urban Renewal Plan (URP) area, which designates this portion of the community for residential use. There are no additional restrictions or controls placed on these properties, aside from what is permitted by the underlying zoning district, and so the proposed conversion is not limited or precluded in any way by the plan. As the proposed conversion will allow for the existing vacant building to be renovated and returned to productive use, it would be in the public's interest to allow the conversion. The proposal generally complies with the requirements of Article 32 – *Zoning* with the exception of the needed lot area variance, discussed below.

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 3,504 square feet in gross floor area, and so this application is approvable. 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 a three-bedroom unit on the basement and first floor (1,856 sqft), and a second three-bedroom unit on the second and third floors (1,648 sqft). Both proposed units will meet the floor area requirements.

Off-Street Parking: The amount of off-street parking required for multi-family dwellings is one parking space per unit (Table 16-406). In this case, for two dwelling units, one parking space is required to serve the new dwelling unit, and can be provided in the rear yard.

Variance Approval Standards: The standards for approving variances are listed in article 32 – *Zoning* §5-308:

- (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.

Insufficient Lot Area and Variance: 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 only encloses 1,360 square feet, and so does not meet this requirement. The Board may grant a variance to reduce the applicable minimum lot area requirements. In this case, the proposed amount of variance would be 9.3%. The variance requested and the amount of lot area variance needed for approval is reasonable in relation to the amount required by Table 9-401.

Equity: Staff believes that this conversion is reasonable, that the proposed units will be of a reasonable size, and that approval of this bill will allow for the renovation of this vacant and boarded property. Staff notes a letter of support from the Harlem Park Neighborhood Council has been received. This action will not have any significant impact on staff time or resources.

Notification: The Harlem Park Neighborhood Council (HPNC), and the Lafayette Square Homeowner Association have been notified of this action.



Chris Ryer
Director