



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 #19-0348/ ZONING – CONDITIONAL USE CONVERSION – VARIANCES – 343 ROBERT STREET		

TO

DATE:

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

April 22, 2019

At its regular meeting of April 18, 2019, the Planning Commission considered City Council Bill #19-0348, for the purpose of permitting, subject to certain conditions, the conversion of a single-family dwelling unit to 2 dwelling units in the R-7 Zoning District on the property known 343 Robert Street (Block 0331, Lot 020), as outlined in red on the accompanying plat; and granting variances from certain bulk 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 #19-0348, and adopted the following resolution, eight members being present (eight in favor):

RESOLVED, That the Planning Commission finds, in accordance with §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; 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 #19-0348 be passed by the City Council.

If you have any questions, please contact Mr. Martin French in the Land Use and Urban Design Division at 410-396-1354.

CR/ewt

Attachment

cc: Mr. Pete Hammen, Chief Operating Officer
Ms. Karen Stokes, Mayor's Office
Mr. Colin Tarbert, Mayor's Office
Mr. Jeff Amoros, Mayor's Office
The Honorable Edward Reisinger, Council Rep. to Planning Commission
Mr. William H. Cole IV, BDC
Mr. Derek Baumgardner, BMZA
Mr. Geoffrey Veale, Zoning Administration
Ms. Sharon Daboin, DHCD
Mr. Tyrell Dixon, DCHD
Ms. Elena DiPietro, Law Dept.
Mr. Francis Burnszynski, PABC
Mr. Frank Murphy, DOT
Ms. Eboni Wimbush, DOT
Ms. Natawna Austin, Council Services
Mr. Ervin Bishop, Council Services
Ms. Markeese Freeland



Catherine E. Pugh
Mayor

PLANNING COMMISSION

Sean D. Davis, Chairman

STAFF REPORT



Chris Ryer
Director

April 18, 2019

REQUEST: City Council Bill 19-0348/ Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-7 Zoning District – Variances – 343 Robert 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-7 Zoning District on the property known as 343 Robert Street (Block 0331, Lot 020), as outlined in red on the accompanying plat; and granting variances from certain bulk and off-street parking regulations.

RECOMMENDATION: Approval

STAFF: Martin French

PETITIONERS: Councilmember Costello, at the request of Markeese Freeland

OWNER: Markeese Freeland

SITE/ GENERAL AREA

Site Conditions: 343 Robert Street is located on the south side of Robert Street, approximately 18' west of the intersection with Morris Street. This property measures approximately 18' by 69' and is currently improved with a three-story attached residential building (the middle of a group of three) measuring approximately 18' by 42'. The site is zoned R-7. The building on the lot is presently used as a single-family dwelling.

General Area: Most of the housing closest to this property was originally developed in the second half of the 19th Century, and comprises part of the Madison Park Local and the Old West Baltimore National Register Historic Districts. In the first half of the 20th Century some single-family residential buildings in the area were converted to either multi-family dwellings or residential mixed-use. This property is also in the southwestern portion of the Madison-Park North Urban Renewal Area. From before its origins in 1963 to the present, this urban renewal area has been characterized by a mix of mid- to late-19th Century row-houses, with multi-family, religious and institutional uses and scattered commercial uses in various locations.

HISTORY

The Madison-Park North Urban Renewal Plan was established by Ordinance no. 1594 in 1963 and last amended by Ordinance no. 85-281 in 1985. The Planning Commission recommended repeal of this Urban Renewal Plan on April 19, 2018; City Council Bill 18-0202 to accomplish that purpose remains in committee at this moment. The Madison Park Historic District was

created by Ordinance no. 503 on September 29, 1977; the Old West Baltimore Historic District was certified to the National Register of Historic Places on December 23, 2004. This property was rezoned from R-8 to R-7 during the comprehensive rezoning accompanying adoption of the new (current) Zoning Code on June 5, 2017.

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. Adaptive re-use as a two-family multi-family dwelling would allow preservation of a piece of the historic district'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 mid-row residential structure containing approximately 1,512 square feet of gross floor area. This bill would encourage re-use of a structure consistent with current zoning.

- The Zoning Code requires, for conversion of a single-family property in the R-7 District, 1,150 square feet of lot area per dwelling unit (BCZC §9-703.d., citing Table 9-401). A lot area of 2,200 square feet is thus required for the proposed use. This lot has 1,242 square feet and thus does not meet the lot area requirement for conversion. A variance of this requirement is therefore included in this bill.
- A rear yard setback of 25' is required. This property has a rear yard setback of 25' and thus meets this requirement.
- The maximum lot coverage allowed is 80%. This structure covers approximately 63% of the lot. No variance of this requirement is needed.
- The Zoning Code requires, for conversion of a single-family property in the R-7 District, gross floor area of 750 square feet per 1-bedroom unit created, and 1,000 square feet per 2-bedroom unit created (BCZC §9-703.c.). The existing structure contains approximately 756 gross square feet on each of its two above-grade levels, thus no variance of this requirement is needed to allow two 1-bedroom dwelling units at this location.
- One additional off-street parking space is required to serve the one newly-created dwelling unit (BCZC §9-703.f.). This property cannot provide any off-street parking spaces meeting Zoning Code standards for accessibility, and therefore a variance of this requirement is included in this bill.

Conditional Use: Per §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, including the Madison-Park North Urban Renewal Plan. The proposed authorization would not be contrary to the public interest (in fact, it would advance the public interest by creating more 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 §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 would 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 Charles/ 25th 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 2-family dwelling would be consistent with other residential use in the area and would allow continuing use of a structure that contributes to the Madison Park Historic District and the Old West Baltimore National Register Historic District. While the lot area requirement is not satisfied without a variance, this is in part offset by the size of the existing residential building.

- While no off-street parking meeting Zoning Code standards can be provided on this property, the site is located in a dense, walkable neighborhood that is served by several bus lines.
- The amount of lot coverage of this property is essentially unique to the property and is not generally applicable to other property within the R-7 zoning district (as others in this area and R-7 districts generally meet Zoning Code bulk standards).
- There is a practical difficulty with complying with the bulk standards in the Zoning Code that has not been caused by action or inaction of any person with a present interest in this property. The purpose of the variances requested is not based exclusively on a desire to increase the value or income potential of the property. Staff understands that the property was purchased by the applicant with two dwelling units already existing in the building, though this property had not been formally approved for two units.
- 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. Maintaining this property in full occupancy would actually help improve property values in the Madison Park Historic District. The variances are in harmony with the Comprehensive Master Plan, the Madison Park Historic District, the Old West Baltimore National Register Historic District, and the Madison-Park North Urban Renewal Plan, and related considerations of public health, safety, and general welfare.

Notification: The Madison Park Improvement Association and Councilman Costello have been notified of this action.



Chris Ryer
Director