


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 #21-0098 / Zoning – Conditional Use Conversion to 5 Dwelling Units in the R-8 Zoning District - - Variances – 1100 West Lafayette Avenue		

TO

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

DATE:

August 27, 2021

At its regular meeting of August 26, 2021, the Planning Commission considered City Council Bill #21-0098, for the purpose of permitting, subject to certain conditions, the conversion of a single-family dwelling unit to 5 dwelling units in the R-8 Zoning District on the property known as 1100 West Lafayette Avenue (Block 0079, Lot 001), as shown on the accompanying plat with the lot number circled.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended amendment and approval of City Council Bill #21-0098, and adopted the following resolution, nine members being present (nine in favor):

RESOLVED, That the Planning Commission concurs with the recommendation of its Departmental staff to delete a variance of conversion floor area regulations from this bill, adopts the findings of fact outlined in the attached staff report and its equity findings, with consideration for testimony and facts presented in this meeting, and recommends that City Council Bill #21-0098 be amended to delete a variance of conversion regulations, and as amended be passed 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. Natasha Mehu, Mayor's Office
 Ms. Nina Themelis, Mayor's Office
 Mr. Ted Carter, Mayor's Office
 The Honorable Eric Costello, Council Rep. to Planning Commission
 Mr. Matthew Stegman, City Council President's Office
 Ms. Nikki Thompson, City Council President's Office
 Mr. Colin Tarbert, BDC
 Ms. Kathleen Byrne, 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. Dominic McAlily, Council Services
 Mr. Avery Aisenstark, Legislative Reference
 Mr. Howard Folkes



Brandon M. Scott
Mayor

PLANNING COMMISSION

Sean D. Davis, Chairman

STAFF REPORT



Chris Ryer
Director

August 26, 2021

REQUEST: City Council Bill 21-0098/ Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to 5 Dwelling Units in the R-8 Zoning District – Variances – 1100 West Lafayette Avenue

For the purpose of permitting, subject to certain conditions, the conversion of a single-family dwelling unit to 5 dwelling units in the R-8 Zoning District on the property known as 1100 West Lafayette Avenue (Block 0079, Lot 001), as shown on the accompanying plat with the lot number circled.

RECOMMENDATION: Amendment, and Approval as amended

Amendment: delete Section 2 of the bill (lines 21-23) which authorizes a variance.

STAFF: Martin French

PETITIONERS: Councilmember Bullock, at the request of Howard Folkes

OWNER: Howard Folkes

SITE/ GENERAL AREA

Site Conditions: This property is located on the northwest corner of the intersection of Lafayette Avenue and Arlington Avenue, and is currently improved with a three-story semi-detached dwelling structure measuring approximately 25' by 67' with a second-floor enclosed rear porch measuring approximately 18' by 8', on a lot measuring approximately 25' by 150' that extends through to Small Street. This structure, built in the middle of the 19th Century, is now a single-family residential property. The site is zoned R-8 and is in the Sandtown-Winchester community.

General Area: This is a primarily residential area, with scattered non-residential uses such as religious institutions and small street-corner commercial uses located several blocks in either direction along Arlington Avenue and along Lafayette Avenue. This property is in the Old West Baltimore National Register Historic District. Lafayette Square Park is across Lafayette Avenue from this property. Lafayette Avenue divides the Sandtown-Winchester community, which contains this property, from the Harlem Park community across the street from this property.

HISTORY

The Old West Baltimore Historic District was listed on the National Register of Historic Places on December 23, 2004. The area around this property retained its R-8 zoning during the

comprehensive rezoning process associated with adoption of the current Zoning Code which became effective on June 5, 2017.

ANALYSIS

Zoning Analysis:

- The Zoning Code requires, for a property in the R-8 zoning district, 750 square feet of lot area per dwelling unit (Table 9-401). A lot area of 3,375 square feet is thus required for five dwelling units. As this lot has approximately 3,750 square feet of area, it meets this requirement.
- Four off-street parking spaces are required to serve the newly-created dwelling units. Since the property can provide four parking spaces meeting Zoning Code standards in its rear yard, which now has a four-bay parking garage, it meets this requirement.
- Original floor plans filed with the Statement of Intent by the owner proposed creation of a two-bedroom dwelling unit and a one-bedroom dwelling unit on the first floor level of the existing structure, two two-bedroom dwelling units on the second floor level of the structure, and a one-bedroom dwelling unit on the third floor level of the structure. A two-bedroom dwelling unit requires 1,000 square feet of gross floor area; a one-bedroom dwelling unit requires 750 square feet of gross floor area. The first floor level has a gross floor area of approximately 1,675 square feet, and cannot provide the 1,750 square feet needed for both a one-bedroom unit and a two-bedroom unit. Similarly, the second floor level has a gross floor area of approximately 1,820 square feet, and cannot provide the 2,000 square feet needed for two two-bedroom units. The third floor, which contains approximately 800 gross square feet of floor area, can provide the necessary floor area for a one-bedroom unit. Variances of the residential conversion standards contained in §9-703.c. of the Zoning Code were therefore included in this bill.
- Revised floor plans filed by the owner propose creation of two one-bedroom dwelling units on the first floor level of the structure; a one-bedroom dwelling unit and a two-bedroom dwelling unit on the second floor level of the structure; and a one-bedroom dwelling unit on the third floor level of the structure. These amendments to the floor plans remove the need to authorize a variance of §9-703.c. of the Zoning Code.

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.

Establishment, location, construction, maintenance, and operation of a multi-family dwelling at 1100 West Lafayette Avenue would not be detrimental to or endanger public health, safety, or welfare. The proposed use is not precluded by any other law, including an Urban Renewal Plan. Use of this property for a multi-family dwelling is not otherwise in any way contrary to the public interest. The authorization would be in harmony with the purpose and intent of the Zoning Code.

Below is staff's review of §5-406(b) {"Required considerations"} of Article 32 – *Zoning*:

(b) *Required considerations.*

As a further 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.

Staff finds that the site, including its size and shape, is appropriate for the proposed use. There would be no change to traffic patterns if this use would be authorized. The surrounding area is one in which the predominant residential type was originally single-family owner-occupancy rowhousing but in which some conversions of single-family to multi-family dwellings occurred during the 20th Century. For this reason, it is unlikely that the proposed multi-family use would impair present or future development. There is reasonable proximity of other dwellings, churches and other places of worship, schools, public structures, and places of public gathering. There is adequate accessibility for emergency vehicles, and of light and air to the premises and to other properties in the vicinity. There are adequate utilities, roads, drainage, and other necessary facilities. The proposed use of the existing structure would not affect preservation of cultural and historic landmarks and structures. Approval of the proposed use as a multi-family dwelling would not affect the existing character of the neighborhood, as noted above. While consistent with provisions of the City's Comprehensive Master Plan, the proposed use is not prevented or limited by any Urban Renewal Plan. Multi-family use would meet all applicable standards and requirements of the Zoning Code upon granting of variances discussed previously, and would be consistent with the intent and purpose of the Zoning Code.

Equity considerations: This property is located within a part of Baltimore City that has low real estate market values and a proportion of non-whites that is above the City-wide average. The Sandtown-Winchester and Harlem Park communities, as part of the larger West Baltimore area, have suffered from significant net disinvestment, combined with population losses, for several decades. While there would be no apparent or predictable changes to the quality of life in the Sandtown-Winchester community that would result from disapproval of the proposed action, there is a predictable, though limited, improvement that could result from completion of renovation and re-use of this property, reinforced by creation of additional housing options for residents. By itself, the proposed action would not change existing patterns of inequity that persist in Baltimore. However, if the proposed action would be accompanied by other similar actions generating both investment in and re-activation of significant parts of West Baltimore, it could be part of a beginning to counteract patterns of inequity. There would be no effect on internal operations of the Department of Planning that would result from approval of the proposed action.

Notification: The Sandtown-Winchester Improvement Association, Sandtown-Winchester Harlem Park Master Plan Collective, Sandtown South Neighborhood Alliance, Lafayette Square Association, and Councilman Bullock have been notified of this action.



Chris Ryer
Director