


<b>FROM</b>	NAME & TITLE	CHRIS RYER, DIRECTOR	CITY of <b>BALTIMORE</b> <b>MEMO</b>	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 <sup>TH</sup> FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	<del>CITY COUNCIL BILL #19-0475/ ZONING – CONDITIONAL USE</del> CONVERSION TO 2 DWELLING UNITS IN THE R-8 ZONING DISTRICT – 806 RESERVOIR STREET		

**TO**

DATE:

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

January 17, 2020

At its regular meeting of January 16, 2020, the Planning Commission considered City Council Bill #19-0475, 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 806 Reservoir Street (Block 3445, Lot 049), as outlined in red on an accompanying plat.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended approval of City Council Bill #19-0475 and adopted the following resolution, eight members being present (eight in favor):

**RESOLVED**, That the Planning Commission finds, in accordance with subsections 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;
- would be in harmony with the purpose and intent of this Code; and
- meets all criteria for approval specified in subsection 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 recommends that City Council Bill #19-0475 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/mf

attachment

cc: Mr. Nicholas Blendy, Mayor's Office  
Mr. Matthew Stegman, Mayor's Office  
Ms. Nina Themelis, Mayor's Office  
The Honorable Edward Reisinger, Council Rep. to Planning Commission  
Mr. Colin Tarbert, BDC  
Mr. Derek Baumgardner, 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. Nate Pretl for Whitestone Holdings Properties LLC, Applicant



Bernard C. "Jack" Young  
Mayor

**PLANNING COMMISSION**

*Sean D. Davis, Chairman*

**STAFF REPORT**



*Chris Ryer  
Director*

**January 16, 2020**

**REQUEST: City Council Bill #19-0475/ Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District – 806 Reservoir 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 known as 806 Reservoir Street (Block 3445, Lot 049), as outlined in red on the accompanying plat.

**RECOMMENDATION:** Approval

**STAFF:** Martin French

**PETITIONER:** Councilmember Pinkett, at the request of Whitestone Holdings Properties LLC

**OWNER:** Whitestone Holdings Properties LLC

**SITE/GENERAL AREA**

**Site Conditions:** 806 Reservoir Street is located on the north side of the street, approximately 111' east of the intersection with Brookfield Avenue. This property measures approximately 16'8" by 112'7" and is currently improved with a three-story end-of-row residential building measuring approximately 16'8" by 68'. The site is zoned R-8 and is located in the Reservoir Hill National Register Historic District.

**General Area:** Most of the housing in this area was originally developed in the late 19<sup>th</sup> Century. There are also scattered nonresidential uses such as offices, religious institutions, and small businesses in the area. During the mid-20<sup>th</sup> Century there was much conversion of single-family dwellings to multi-family or residential mixed-use structures in Reservoir Hill.

**HISTORY**

There is no legislative action of record concerning this property specifically. This block retained its R-8 zoning during the comprehensive rezoning mapping process associated with the effective date of the current Zoning Code on June 5, 2017. The Reservoir Hill District was certified to the National Register of Historic Places on December 23, 2004.

**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: two 4-bedroom units using the first and third floor levels of the structure and sharing or splitting the second floor level of the structure. Approving use as a two-family multi-family dwelling would allow preservation of a piece of the community'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 an end-of-group residential structure containing over 3,300 square feet of gross floor area. This bill would encourage re-use of a structure consistent with its current zoning.

- The Zoning Code requires, for conversion of a single-family dwelling property in the R-8 District, 750 square feet of lot area per dwelling unit (BCZC subsection 9-703.d., citing Table 9-401). A lot area of 1,500 square feet is thus required for the proposed use. This lot has approximately 1,876 square feet and thus meets the lot area requirement for conversion.
- The Zoning Code requires, for conversion of a single-family dwelling in the R-8 District, 1,500 square feet of floor area in the structure (BCZC subsection 9-703.b.). The existing structure contains approximately 3,386 square feet of gross floor area, thus meeting this requirement.
- The Zoning Code requires, for conversion of a single-family dwelling in the R-8 District, 1,250 square feet of floor area per 3-bedroom or larger dwelling unit (BCZC subsection 9-703.c.). The existing structure contains approximately 1,128 square feet of floor area on each of its three levels, thus meeting this requirement. The preliminary floor plan for this conversion shows approximately 1,800 square feet of gross floor area for one of the 4-bedroom units, and approximately 1,580 square feet of gross floor area for the other 4-bedroom unit.
- The maximum lot coverage allowed is 80% (Zoning Code Table 9-401). This structure covers approximately 60% of the lot. No variance of this requirement is needed.
- One additional off-street parking space is required to serve the newly-created dwelling unit (BCZC subsection 9-703.f.). This property could provide one off-street parking space meeting Zoning Code standards for size and accessibility, as the lot width is 16'8" and the rear alley is 10'9" wide..

**Conditional Use:** Per subsection 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, and there is no Urban Renewal Plan for this area. The proposed authorization would not be contrary to the public interest (in fact, it could advance the public interest by creating housing affordable to moderate-income families with children). 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 subsection 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, is 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 will 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 applicable 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 two-family dwelling would be consistent with other residential use in the area.
- The site is located in a dense, walkable neighborhood that is served by public transportation.

Notification: The Friends of Reservoir Hill, Mount Royal Terrace Historic District, Reservoir Hill Improvement Council, and Councilman Pinkett have been notified of this matter.



**Chris Ryer**  
**Director**