

FROM

NAME & TITLE	Laurie R. Feinberg, Acting Director
AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET
SUBJECT	CITY COUNCIL BILL #18-0287/ ZONING – CONDITIONAL USE CONVERSION – VARIANCES – 1235 W. LAFAYETTE AVENUE

CITY of
BALTIMORE
MEMO



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

DATE: November 30, 2018

At its regular meeting of November 29, 2018, the Planning Commission considered City Council Bill #18-0287, for the purpose of permitting, subject to certain conditions, the conversion of a single-family dwelling unit to 3 dwelling units in the R-8 Zoning District on the property known as 1235 W. Lafayette Avenue (Block 0090, Lot 021), as outlined in red on the accompanying plat; and granting variances from certain bulk (lot area), gross floor area per unit type, and off-street parking regulations.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended amendment (to add a variance of lot coverage requirement for the subject property) and approval of City Council Bill #18-0287, and adopted the following resolution, seven members being present (seven 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, a practical difficulty would result if the strict letter of the applicable Zoning Code requirements would be carried out; and therefore recommends that City Council Bill #18-0287 be amended and 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.

LRF/mf

Attachment

cc: Mr. Pete Hammen, Chief Operating Officer
Mr. Jim Smith, Chief of Strategic Alliances
Ms. Karen Stokes, Mayor's Office
Mr. Colin Tarbert, Mayor's Office
Mr. Kyron Banks, Mayor's Office
The Honorable Edward Reisinger, Council Rep. to Planning Commission
Mr. Derek Baumgardner, BMZA
Mr. Geoffrey Veale, Zoning Administration
Ms. Sharon Daboin, DHCD
Ms. Elena DiPietro, Law Dept.
Mr. Francis Burnszynski, PABC
Mr. Josh Taylor, DoT
Ms. Natawna Austin, Council Services
Mr. Ervin Bishop, Council Services
Mr. Lynwood McMurray (owner)



Catherine E. Pugh
Mayor

PLANNING COMMISSION

Sean D. Davis, Chairman

STAFF REPORT



Laurie R. Feinberg
Acting Director

November 29, 2018

REQUEST: City Council Bill 18-0287/ Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to 3 Dwelling Units in the R-8 Zoning District – Variances – 1235 West Lafayette Avenue:

For the purpose of permitting, subject to certain conditions, the conversion of a single-family dwelling unit to 3 dwelling units in the R-8 Zoning District on the property known as 1235 West Lafayette Avenue (Block 0090, Lot 021), as outlined in red on the accompanying plat; and granting variances from certain bulk (lot area), gross floor area per unit type, and off-street parking regulations.

RECOMMENDATION: Amend, and Approval as amended

Amendment: Add a variance of lot coverage regulations to Section 2 of the bill.

STAFF: Martin French

PETITIONERS: Councilmember Bullock, at the request of Lynwood McMurray

OWNER: Lynwood McMurray

SITE/ GENERAL AREA

Site Conditions: 1235 West Lafayette Avenue is located at the southeast corner of the intersection with Carey Street. This property measures approximately 16' by 80' and is currently improved with a three-story end-of-row residential building measuring approximately 16' by 63'. The site is zoned R-8. The building on the lot is vacant and uninhabitable at present.

General Area: Most of the housing closest to this property was originally developed in the middle of the 19th Century, while the larger historic area dates from the 1850s to the 1880s. In the first half of the 20th Century a number of end-of-row buildings were partially converted to residential mixed-use by alterations of their street-level living spaces to commercial uses serving primarily their surrounding residential area. This property is on the north edge of the Harlem Park II Urban Renewal Area. From its origins in the mid-20th Century to the present, this urban renewal area has been characterized by a mix of 19th Century row-houses, with religious and institutional uses in various locations. The central part of this renewal area was used for construction of the Harlem Park School and its school grounds, serving both the immediate area and much of west Baltimore. One block east of this site is Lafayette Square, a public park dating from the mid-19th Century. The former alley at the rear of this property was incorporated in one of the inner block parks created in the early 1960s pursuant to the Harlem Park II Urban Renewal Plan.

HISTORY

The Harlem Park II Urban Renewal Plan was established by Ordinance no. 419 dated July 6, 1960, and was last amended by Ordinance no. 10-264 dated March 24, 2010. The Old West Baltimore Historic 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. The proposed action also furthers two of the objectives of the Harlem Park II Urban Renewal Plan, to provide housing resources for families of all income levels through rehabilitation and new construction, and to address the growing number of vacant and deteriorated properties.

ANALYSIS

Background: This legislation would allow the petitioner to use the existing structure as three dwelling units, one per floor level. Adaptive re-use as a three-family multi-family dwelling would allow preservation of a piece of Old West Baltimore'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 three dwelling units.

Zoning Analysis: This property is an end-of-row residential structure containing approximately 2,800 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-8 District, 750 square feet of lot area per dwelling unit (BCZC §9-703.d., citing Table 9-401). A lot area of 1,825 square feet is thus required for the proposed use. This lot has 1,280 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 15' is required. This property has a rear yard setback of 17' and thus meets this requirement.
- The maximum lot coverage allowed is 60% for a lot that is 80' or more in depth. This structure covers approximately 79% of the lot. A variance of this requirement would recognize the as-built condition of the property, dating from original construction. Amendment of this bill to include this variance is therefore recommended.
- The Zoning Code requires, for conversion of a single-family property in the R-8 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 930 gross square feet on each of its three levels, allowing the first floor 1-bedroom unit to meet this standard, but the two 2-bedroom units on the second and third floors of the building would not meet this standard. A variance of this requirement is therefore included in this bill.

- Two additional off-street parking spaces are required to serve the two newly-created dwelling units (BCZC §9-703.f.). This property cannot provide any off-street parking spaces meeting Zoning Code standards for size or accessibility, and therefore a variance of this requirement is included in this bill. The former alley behind this property and the inner-block park of which it is now a part are an important link in the West Baltimore portion of the Green Network being created pursuant to the Green Network Plan adopted by the Planning Commission. For this reason, it would be inappropriate to have a portion of this former alley re-opened solely for the purpose of providing access to a parking pad in the rear yard of this property.

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 three 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 Harlem Park II 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 and by returning a vacant building to active residential use). 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 Harlem Park II 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 3-family dwelling would be consistent with other residential use in the area and would allow continuing use of a structure that contributes to 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 large size of the existing residential building and the relatively small 7% gross floor area variance needed for two of the three proposed dwelling units.
- While no off-street parking 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-8 zoning district (as others in this area and R-8 districts generally meet Zoning Code bulk standards).
- There is a practical difficulty with complying with the bulk and the conversion 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.
- 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. Returning this property to full occupancy would actually help improve property values in the central portion of the Old West Baltimore National Register Historic District. The variances are in harmony with the Comprehensive Master Plan, the Old West Baltimore National Register Historic District, and the Harlem Park II Urban Renewal Plan, and related considerations of public health, safety, and general welfare.

Notification: The Harlem Park Neighborhood Council, the Lafayette Square Association, the Sandtown South Neighborhood Alliance, and Councilman Bullock have been notified of this action.



Laurie R. Feinberg
Acting Director