


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 #19-0418/ ZONING – CONDITIONAL USE CONVERSION TO 2 DWELLING UNITS IN THE R-8 ZONING DISTRICT – VARIANCE – 1047 NORTH CAROLINE STREET		

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

DATE: September 13, 2019

At its regular meeting of September 12, 2019, the Planning Commission considered City Council Bill #19-0418, 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 1047 North Caroline Street (Block 1191, Lot 018), as outlined in red on an accompanying plat; and granting a variance from certain 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 #19-0418 and adopted the following resolution, five members being present (five 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 #19-0418 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
Mr. Bob Pipik, 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. Ryan Potter, esq. , for Applicant



Bernard C. "Jack" Young
Mayor

PLANNING COMMISSION

Sean D. Davis, Chairman

STAFF REPORT



Chris Ryer
Director

September 12, 2019

REQUEST: City Council Bill #19-0418/ Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District – Variance – 1047 North Caroline 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 1047 North Caroline Street (Block 1191, Lot 018), as outlined in red on the accompanying plat; and granting a variance from certain off-street parking regulations.

RECOMMENDATION: Approval

STAFF: Martin French

PETITIONER: Councilmember Stokes, at the request of East Baltimore Historic III LLC

OWNER: East Baltimore Historic III LLC

SITE/GENERAL AREA

Site Conditions: 1047 North Caroline Street is located on the east side of the street, approximately 27'8" south of the intersection with Chase Street. This property measures approximately 22'3" by 98'6", and is currently improved with a three-story detached residential building shell measuring approximately 18'8" by 63'. Directly opposite this property is Madison Square, a public park. The site is zoned R-8 and is located in the Gay Street I Urban Renewal Plan area, Old East Baltimore National Register Historic District, and Oliver and Historic East Baltimore communities.

General Area: Most of the housing in this area was originally developed in the mid-19th Century. There are also scattered nonresidential uses such as offices, churches and small businesses in the area. During the 20th Century there was some conversion of large single-family dwellings to multi-family structures throughout this part of East Baltimore; smaller houses generally were not affected by this trend. Nearly all of this part of East Baltimore north of the Johns Hopkins Medical Institutions urban campus and south and east of Greenmount Cemetery is covered by one of five Urban Renewal Plans: Johnston Square, Oliver NDP, Broadway East, Middle East, and Gay Street I.

HISTORY

The Gay Street I Urban Renewal Plan was approved by Ordinance no. 1183 dated December 2, 1967, and was last amended by its Amendment no. 5 (the “EBDI amendment”) dated April 15, 2002, approved by Ordinance no. 02-459 dated December 19, 2002. The Old East Baltimore Historic District was certified to the National Register of Historic Places on December 27, 2006. 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.

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 supports objectives of the Gay Street I Urban Renewal Plan, including a good residential neighborhood for people of similar income and characteristics to those now living there, and eliminating blighting influences (Plan, Description of Project, Objectives B.2.a. and B.2.c.).

ANALYSIS:

Background: This legislation would allow the petitioner to use the existing structure as two dwelling units, a 4-bedroom front-of-house unit on three floor levels, and a 3-bedroom back-of-house unit on three floor levels 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 the contemporary residential need for larger affordable housing units in a location with convenient access to downtown for residents of the two dwelling units.

Zoning Analysis: This is a detached residential structure that, after restoration, would contain approximately 3,400 square feet of gross floor area. This bill would encourage re-use of a structure consistent with its current zoning. (As precedent, in 1959 this property was approved for use as two dwelling units; in 1971 this was changed to one dwelling unit and three rooming units.)

- 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 2,192 square feet and thus meets the lot area requirement for conversion.
- The Zoning Code requires, for conversion of a single-family dwelling property in the R-8 District, 1,250 square feet of floor area per 3-bedroom dwelling unit and 1,250 square feet of floor area per 4-bedroom dwelling unit (BCZC subsection 9-703.c.). The existing structure will contain approximately 3,400 square feet of floor area on its reconstructed three levels, thus meeting this requirement.
- The maximum lot coverage allowed is 80% (Zoning Code Table 9-401). This structure covers approximately 65% of the lot. No variance of this requirement is needed.
- One off-street parking space is required to serve the one newly-created dwelling unit (BCZC subsection 9-703.f.). This property cannot provide any off-street parking spaces meeting Zoning Code standards because it has no alley at either its side or rear. A variance of off-street parking regulations is therefore included in this bill.

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 is consistent with the Gay Street I 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 larger 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 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, 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 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.
- Sufficient off-street parking spaces meeting Zoning Code standards cannot be provided on this property. There is a practical difficulty with complying with the off-street parking standards in the Zoning Code that has not been caused by the action or inaction of any person with a present interest in this property. Conditions on which this bill is based are unique to this property and are not generally applicable to other property within the same zoning classification. The purpose of the variance requested is not based exclusively on a desire to increase the value or income potential of the property. The variance 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. The variance is in harmony with the Comprehensive Master Plan and related considerations of public health, safety, and general welfare.

Notification: The Oliver Community Association, Historic East Baltimore Community Action Coalition (HEBCAC), and Councilman Stokes have been notified of this matter.



Chris Ryer
Director