

**Introduced by:** Councilmember Pinkett

**At the request of:** Mia Barteo

Address: 817 Chauncey Avenue, Baltimore, Maryland 21217

Telephone: 443-769-8477

**Prepared by:** Department of Legislative Reference

**Date:** August 28, 2019

**Referred to:**                     **LAND USE**                     Committee

Also referred for recommendation and report to municipal agencies listed on reverse.

CITY COUNCIL 19-0445

A BILL ENTITLED

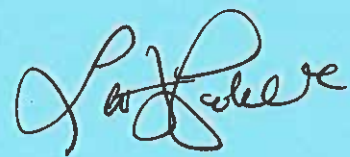
AN ORDINANCE concerning

**Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to  
2 Dwelling Units in the R-7 Zoning District – 817 Chauncey Avenue**

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 817 Chauncey Avenue, as outlined in red on the accompanying plat.

BY authority of

Article 32 - Zoning  
Sections 5-201(a) and 9-701(2)  
Baltimore City Revised Code  
(Edition 2000)



**\*\*The introduction of an Ordinance or Resolution by Councilmembers at the request of any person, firm or organization is a courtesy extended by the Councilmembers and not an indication of their position.**

**Agencies**

- Baltimore City Public School System
- Baltimore Development Corporation
- City Solicitor
- Comptroller's Office
- Department of Audits
- Department of Finance
- Department of General Services
- Department of Housing and Community Development
- Department of Human Resources
- Department of Planning
- Other: \_\_\_\_\_
- Other: \_\_\_\_\_
- Other: \_\_\_\_\_
- Department of Public Works
- Department of Real Estate
- Department of Recreation and Parks
- Department of Transportation
- Fire Department
- Health Department
- Mayor's Office of Employment Development
- Mayor's Office of Human Services
- Mayor's Office of Information Technology
- Office of the Mayor
- Police Department
- Other: \_\_\_\_\_
- Other: \_\_\_\_\_
- Other: \_\_\_\_\_

**Boards and Commissions**

- Board of Estimates
- Board of Ethics
- Board of Municipal and Zoning Appeals
- Comm. for Historical and Architectural Preservation
- Commission on Sustainability
- Employees' Retirement System
- Other: \_\_\_\_\_
- Other: \_\_\_\_\_
- Other: \_\_\_\_\_
- Environmental Control Board
- Fire & Police Employees' Retirement System
- Labor Commissioner
- Parking Authority Board
- Planning Commission
- Wage Commission
- Other: \_\_\_\_\_
- Other: \_\_\_\_\_
- Other: \_\_\_\_\_



CITY OF BALTIMORE  
ORDINANCE **20-344**  
Council Bill 19-0445

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Introduced by: Councilmember Pinkett  
At the request of: Mia Bartee  
Address: 817 Chauncey Avenue, Baltimore, Maryland 21217  
Telephone: 443-769-8477  
Introduced and read first time: September 9, 2019  
Assigned to: Land Use Committee

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Committee Report: Favorable with amendments  
Council action: Adopted  
Read second time: January 27, 2020

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AN ORDINANCE CONCERNING

1                   **Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to**  
2                   **2 Dwelling Units in the R-7 Zoning District – Variance – 817 Chauncey Avenue**

3           FOR the purpose of permitting, subject to certain conditions, the conversion of a single-family  
4           dwelling unit to 2 dwelling units in the R-7 Zoning District on the property known as 817  
5           Chauncey Avenue (Block 3463A, Lot 013), as outlined in red on the accompanying plat; and  
6           granting a variance from certain bulk (lot area size) requirements.

7           BY authority of  
8           Article 32 - Zoning  
9           Sections 5-201(a) and, 5-305(a), 5-308, 9-401 (Table 9-401), and 9-701(2)  
10          Baltimore City Revised Code  
11          (Edition 2000)

12          **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE**, That  
13          permission is granted for the conversion of a single-family dwelling unit to 2 dwelling units in  
14          the R-7 Zoning District on the property known as 817 Chauncey Avenue (Block 3463A, Lot  
15          013), as outlined in red on the plat accompanying this Ordinance, in accordance with Baltimore  
16          City Zoning Code §§ 5-201(a) and 9-701(2), subject to the condition that the building complies  
17          with all applicable federal, state, and local licensing and certification requirements.

18          **SECTION 2. AND BE IT FURTHER ORDAINED**, That pursuant to the authority granted by §§ 5-  
19          305(a) and 5-308 of Article 32 - Zoning, permission is granted from the requirements of § 9-401  
20          (Table 9-401: Rowhouse and Multi-Family Residential Districts - Bulk and Yard Regulations), as  
21          the minimum lot size requirement for 2 dwelling units, in the R-7 Zoning District, is 2,200  
22          square feet, and the lot area size is 1,995 square feet, thus requiring a variance of approximately  
23          9%.

24          **SECTION 3. AND BE IT FURTHER ORDAINED**, That as evidence of the authenticity of the  
25          accompanying plat and in order to give notice to the agencies that administer the City Zoning

EXPLANATION: CAPITALS indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.  
Underlining indicates matter added to the bill by amendment.  
~~Strike-out~~ indicates matter stricken from the bill by  
amendment or deleted from existing law by amendment.

**Council Bill 19-0445**

1 Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council  
2 shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat;  
3 and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the  
4 Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of  
5 Housing and Community Development, the Supervisor of Assessments for Baltimore City, and  
6 the Zoning Administrator.

7 **SECTION 3 4. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30<sup>th</sup>  
8 day after the date it is enacted.

Certified as duly passed this 10 day of Feb, 2020

  
\_\_\_\_\_  
President, Baltimore City Council

Certified as duly delivered to His Honor, the Mayor,

this 10 day of Feb, 2020

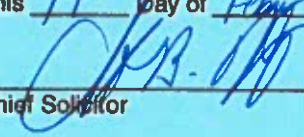
  
\_\_\_\_\_  
Chief Clerk

Approved this 19 day of Feb, 2020

  
\_\_\_\_\_  
Mayor, Baltimore City

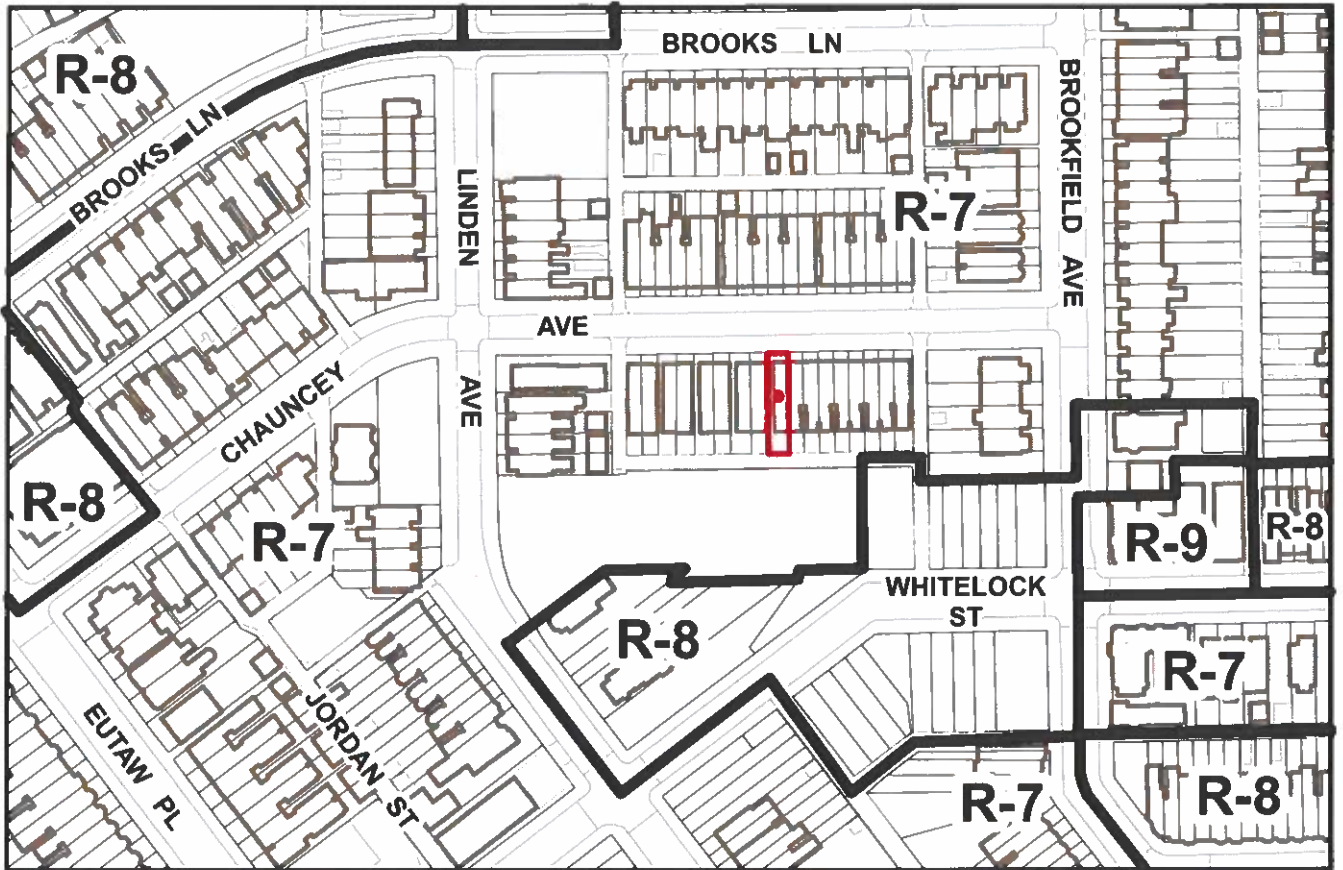
Approved For Form and Legal Sufficiency

This 19<sup>th</sup> Day of February 2020.

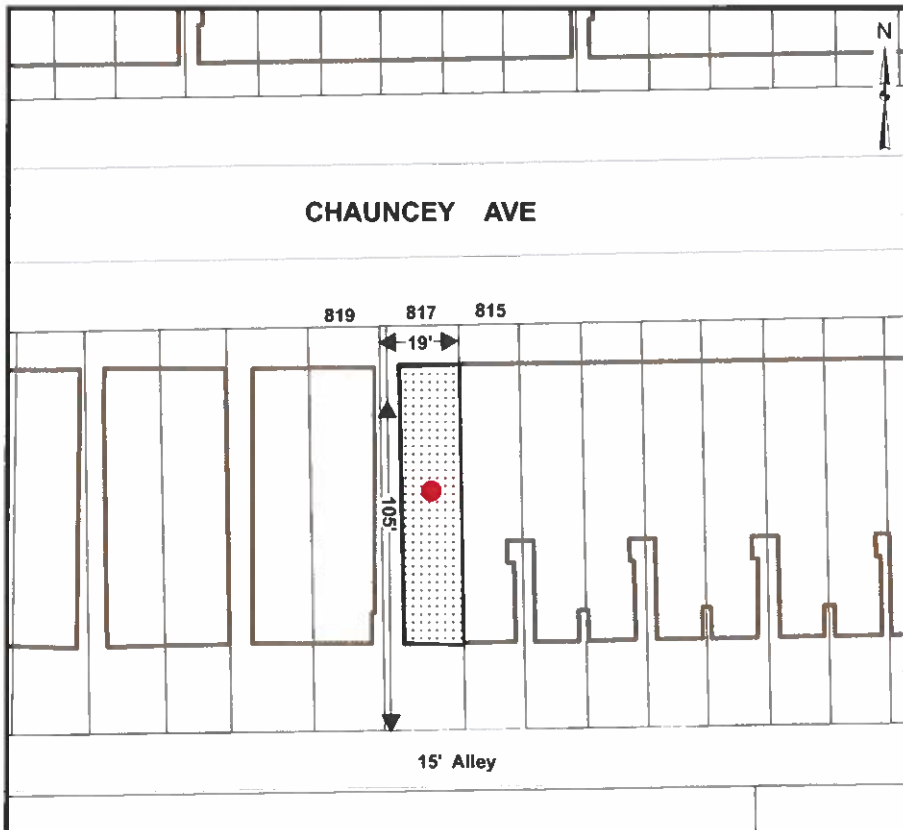
  
\_\_\_\_\_  
Chief Solicitor



SHEET NO. 34 OF THE ZONING MAP OF  
THE ZONING CODE OF BALTIMORE CITY



Scale: 1" = 200'



**Note:**

In Connection With The Property Known As No. 817 CHAUNCEY AVENUE. The Applicant Wishes To Request The Conditional Use Conversion Of The Aforementioned Property From A Single-Family Dwelling Unit To Two Dwelling Units In The R-7 Zoning District, As Outlined In Red Above.

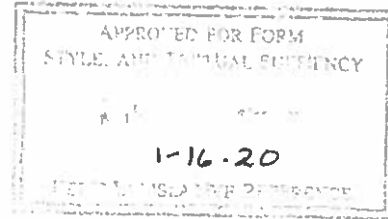
WARD 13 SECTION 10  
BLOCK 3463A LOT 13

*Bud Jay*  
MAYOR

\_\_\_\_\_  
PRESIDENT CITY COUNCIL



AMENDMENTS TO COUNCIL BILL 19-0445  
(1<sup>st</sup> Reader Copy)



By: Land Use Committee

**Amendment No. 1**

On page 1, in line 3, after “**District –**”, insert “**Variance –**”; and, on page 1, in line 6, after “plat”, insert “; and granting a variance from certain bulk (lot area size) requirements”.

**Amendment No. 2**

On page 1, in line 9, strike “and” and substitute a comma; and, in the same line, before “9-701(2)”, insert “5-305(a), 5-308, 9-401 (Table 9-401), and”.

**Amendment No. 3**

On page 1, after line 17, insert

**“SECTION 2. AND BE IT FURTHER ORDAINED, That pursuant to the authority granted by §§ 5-305(a) and 5-308 of Article 32 - Zoning, permission is granted from the requirements of § 9-401 (Table 9-401: Rowhouse and Multi-Family Residential Districts - Bulk and Yard Regulations), as the minimum lot size requirement for 2 dwelling units, in the R-7 Zoning District, is 2,200 square feet, and the lot area size is 1,995 square feet, thus requiring a variance of approximately 9%.”**

**Amendment No. 4**

On page 1, in line 18, and, on page 2, in line 1, strike “2” and “3”, respectively, and substitute “3” and “4”, respectively.

**ADOPTED**





# BALTIMORE CITY COUNCIL LAND USE COMMITTEE VOTING RECORD

DATE: 01/15/2020

BILL#: 19-0445

**BILL TITLE: Zoning - Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-7 Zoning District - 817 Chauncey Avenue**

MOTION BY: *Sneed*                      SECONDED BY: *Pinkett*

- FAVORABLE                       FAVORABLE WITH AMENDMENTS  
 UNFAVORABLE                       WITHOUT RECOMMENDATION

NAME	YEAS	NAYS	ABSENT	ABSTAIN
Reisinger, Edward - Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sneed, Shannon - Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Clarke, Mary Pat	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Costello, Eric	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dorsey, Ryan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Middleton, Sharon	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pinkett, Leon	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stokes, Robert	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>TOTALS</b>	<b>7</b>	<b>0</b>	<b>1</b>	<b>0</b>

CHAIRPERSON: *Edward Reisinger*

COMMITTEE STAFF: Matthew L. Peters, Initials: *MSP*

10/10/10

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# LAND USE COMMITTEE

## FINDINGS OF FACT

MOTION OF THE CHAIR OF THE LAND USE COMMITTEE, AFTER A PUBLIC HEARING AT WHICH AGENCY REPORTS AND PUBLIC TESTIMONY WERE CONSIDERED, AND PURSUANT TO ARTICLE 32, SECTION 5-406 OF THE BALTIMORE CITY CODE, THE CITY COUNCIL ADOPTS THESE FINDINGS OF FACT CONCERNING A CONDITIONAL USE FOR:

### City Council Bill No.19-0445

#### Zoning - Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-7 Zoning District - 817 Chauncey Avenue

- (1) the establishment, location, construction, maintenance, or operation of the conditional use **will not** be detrimental to or endanger the public health, safety, or welfare **for the following reasons:**

The proposed authorization will allow for a second dwelling unit in the property that the applicant intends to be used by her mother. 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.

- (2) the use **would not** be precluded by any other law, including an applicable Urban Renewal Plan;

The proposed use is not precluded by any other law, and there is no Urban Renewal Plan for this area.

- (3) the authorization **would not** be contrary to the public interest **for the following reasons:**

The proposed authorization would not be contrary to the public interest, in that the relative density within the building (i.e. for mother and daughter) would not be different than living as a combined family unit.

- (4) the authorization **would be** in harmony with the purpose and intent of this Code **for the following reasons:**





The authorization would be in harmony with the purpose and intent of the Zoning Code.

After consideration of the following, **where applicable (fill out all that are *only* relevant)**:

- (1) the nature of the proposed site, including its size and shape and the proposed size, shape, and arrangement of structures;

The property measures 19' by 105', and is improved with a two-story end-of-row attached dwelling. The nature of the proposed site, including its size and shape, are adequate for the proposed use.

- (2) the resulting traffic patterns and adequacy of proposed off-street parking and loading;

There will be no negative impact to traffic patterns. This property meets the off-street parking requirements of the district, so there should be little to no impact on the surrounding parking or the demand for on-street parking in this area.

- (3) the nature of the surrounding area and the extent to which the proposed use might impair its present and future development;

The proposed use as a two-family dwelling would be consistent with other residential use in the area and would allow continuing use of a structure that contributes to the neighborhood.

- (4) the proximity of dwellings, churches, schools, public structures, and other places of public gathering;

There will be no negative impact resulting from proximity to dwellings, churches, schools, public structures, and other places of public gathering.

- (5) accessibility of the premises for emergency vehicles;

There is adequate accessibility of the premises for emergency vehicles.

- (6) accessibility of light and air to the premises and to the property in the vicinity;

There is adequate light and air to the premises and to properties 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;

Adequate utilities, access roads, drainage, and other necessary facilities have been or will be provided.

- (8) the preservation of cultural and historic landmarks and structures;

The proposed use will not interfere with preservation of cultural and historic landmarks and structures.

- (9) the character of the neighborhood;

The property is located in the Reservoir Hill neighborhood. The neighborhood is residential in nature, with a majority of the housing stock comprised of attached homes. The proposed use would not alter the character of the neighborhood.

- (10) the provisions of the City's Comprehensive Master Plan;

The proposed use is consistent with provisions of the City's Comprehensive Master Plan.

- (11) the provisions of any applicable Urban Renewal Plan;

There is no Urban Renewal Plan for this area.

- (12) all applicable standards and requirements of this Code;

The proposed use requires a variance from the lot area requirement of the Zoning Code. For conversion of a single-family dwelling in the R-7 District, the Zoning Code requires 1,100 square feet of lot area per dwelling unit. A lot area of 2,200 square feet is thus required for the proposed use. The lot is 1,995 square feet. With the variance from the lot area requirement, the proposed use meets all applicable standards and requirements of the Zoning Code.

- (13) the intent and purpose of this Code; and

The proposed use is consistent with the intent and purpose of the Zoning Code.





(14) any other matters considered to be in the interest of the general welfare.

The proposed use is consistent with any other matters that may be considered to be in the interest of the general welfare.



## FINDINGS OF FACT FOR VARIANCE

### City Council Bill No. 19-0445

MOTION OF THE CHAIR OF THE LAND USE COMMITTEE: AFTER A PUBLIC HEARING AT WHICH AGENCY REPORTS AND PUBLIC TESTIMONY WERE CONSIDERED, AND PURSUANT TO THE APPLICABLE SECTIONS OF ARTICLE 32 OF THE BALTIMORE CITY CODE, THE CITY COUNCIL ADOPTS THESE FINDINGS OF FACT CONCERNING ANY VARIANCES OF APPLICABLE STANDARDS FOR THE PROPERTY LOCATED AT:

**Dwelling Unit to 2 Dwelling Units in the R-7 Zoning District - 817 Chauncey Avenue  
Zoning - Conditional Use Conversion of a Single-Family**

### VARIANCE FROM LOT AREA SIZE REQUIREMENTS

*(Use a separate Variance form for each Variance sought in the bill)*

#### **THRESHOLD QUESTION:**

- In accordance with Section 5-305(c), it has been determined that there is no written decision by the Board of Municipal and Zoning Appeals on an application for this same subject matter.*

#### **HARDSHIP OR PRACTICAL DIFFICULTY:**

*The City Council has considered at least one of the following:  
(check all that apply to evidence consideration)*

- The physical surroundings around the **STRUCTURE / LAND** involved;  
*(underline one)*
- The shape of the **STRUCTURE / LAND** involved;  
*(underline one)*
- The topographical conditions of the **STRUCTURE / LAND** involved.  
*(underline one)*

*and finds **either** that:*

- (1) An unnecessary hardship **WOULD / WOULD NOT** exist if the strict letter of the applicable requirement from which the variance is sought were applied because:

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*or that:*

- (2) Practical difficulty WOULD / WOULD NOT exist if the strict letter of the  
(*underline one*)  
applicable requirement from which the variance is sought were applied because:

The Zoning Code requires, for conversion of a single-family dwelling property in the R-7 District, 1,100 square feet of lot area per dwelling unit (BCZC subsection 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 1,995 square feet and thus does not meet the lot area requirement for conversion. The variance amounts to approximately 9% of the Zoning Code requirement.

There is a practical difficulty with complying with the bulk 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. The purpose of the variance needed is not based exclusively on a desire to increase the value or income potential of the property. The applicant would like to create a separate dwelling unit in order for her mother to live in the same property, while still living independently.

The variance would not be injurious to the use and enjoyment of other property in the immediate vicinity and not substantially diminish or impair property values in the neighborhood. The variance requested is in harmony with the Comprehensive Master Plan, and related considerations of public health, safety, and general welfare.

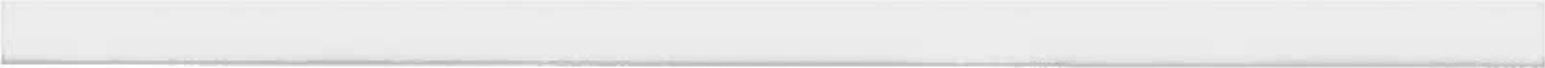
SOURCE OF FINDINGS (Check all that apply):

Planning Report – Planning Commission’s report, dated October 25, 2019, which included the Department of Planning Staff Report, dated October 24, 2019.

Testimony presented at the Committee hearing

Oral – Witness Name:

- Eric Tiso, Baltimore City Department of Planning
- Stephanie Murdock, Department of Housing and Community Development
- Liam Davis, Department of Transportation
- Hilary Ruley, Department of Law
- Laura Bianca-Pruett, Parking Authority



Written – Submitted by: (Include documents that have relevant facts only)

- Department of Transportation, Agency Report – Dated December 23, 2019
- Board of Municipal and Zoning Appeals, Agency Report – Dated January 2, 2020
- Law Department, Agency Report – Dated January 10, 2020
- Department of Housing and Community Development, Agency Report – Dated December 19, 2019
- Baltimore Development Corporation, Agency Report – Dated October 1, 2019
- Fire Department, Agency Report – Dated September 30, 2019
- Parking Authority, Agency Report – Dated October 11, 2019

**LAND USE COMMITTEE:**



Chairman



Member



Member




Member



Member



Member



Member

Member

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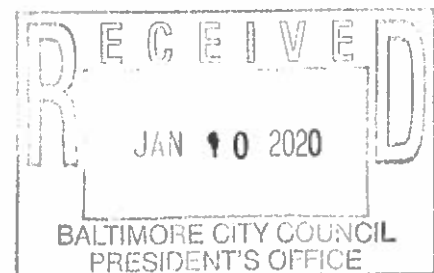
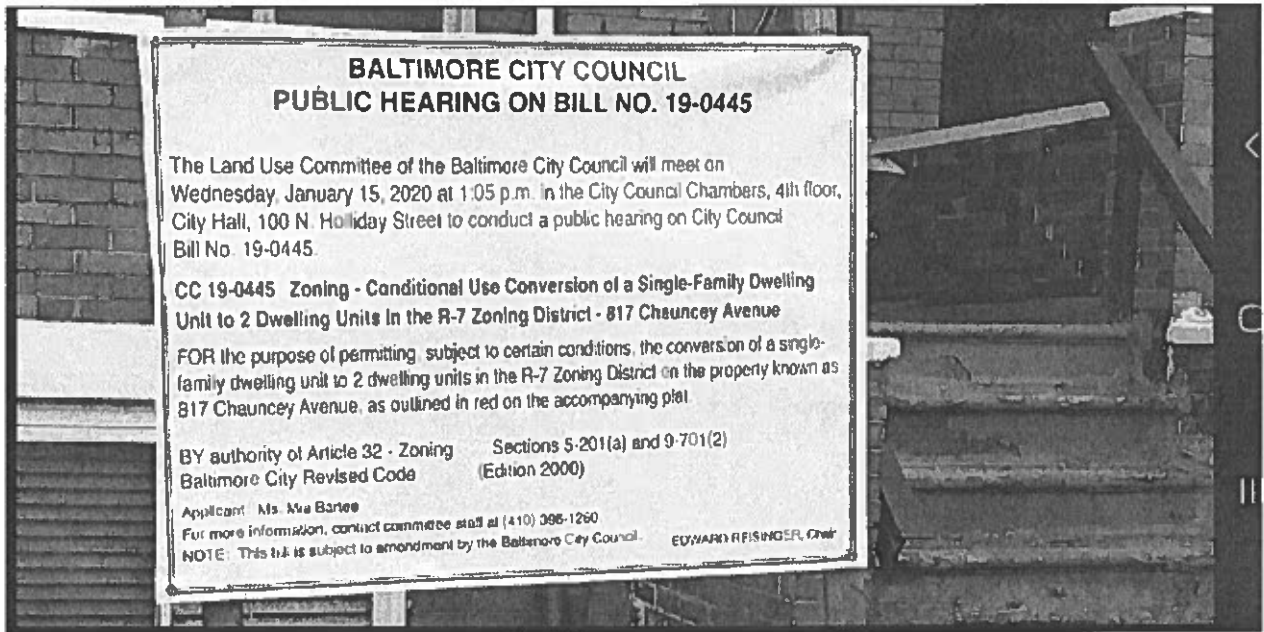
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**Baltimore City Council  
Certificate of Posting - Public Hearing Notice**

**City Council Bill No.:**

*Today's Date: [January 10, 2020]*

*(Place a picture of the posted sign in the space below.)*



- Email to: [Natawnab.Austin@baltimorecity.gov](mailto:Natawnab.Austin@baltimorecity.gov)
- Mail to: Baltimore City Council; c/o Natawna B. Austin; Room 409, City Hall; 100 N. Holliday Street; Baltimore, MD 21202





**Address: 817 Chauncey Ave. Baltimore, MD 21217**

**Date Posted: December 25, 2019**

**Name: Mia Bartee**

**Address: 817 Chauncey Ave. Baltimore, MD 21217**

**Telephone: 443-769-8477**

- **Email to:** [Natawnab.Austin@baltimorecity.gov](mailto:Natawnab.Austin@baltimorecity.gov)
- **Mail to:** Baltimore City Council; c/o Natawna B. Austin; Room 409, City Hall; 100 N. Holliday Street; Baltimore, MD 21202





CITY OF BALTIMORE

BERNARD C. "JACK" YOUNG  
Mayor

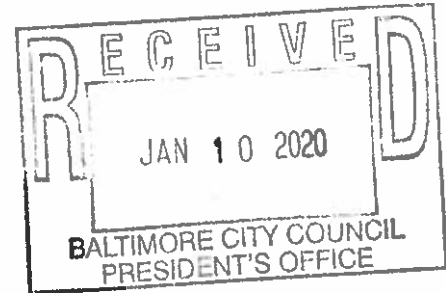


DEPARTMENT OF LAW  
ANDRE M. DAVIS, CITY SOLICITOR  
100 N. HOLLIDAY STREET  
SUITE 101, CITY HALL  
BALTIMORE, MD 21202

January 10, 2020

Honorable President and Members  
of the City Council of Baltimore  
Room 409, City Hall  
100 N. Holliday Street  
Baltimore, Maryland 21202

Attn: Natawna B. Austin,  
Executive Secretary



Re: City Council Bill 19-0445 – Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-7 Zoning District – 817 Chauncey Street

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 19-0445 for form and legal sufficiency. Subject to certain conditions, the bill permits the conversion of a single-family dwelling unit to 2 dwelling units in the R-8 Zoning District on the property known as 817457 Caroline St. The bill so grants a variance from the off-street parking requirement.

Under the Zoning Article of the City Code, the conversion of a single-family dwelling to a multi-family dwelling in an R-7 District requires conditional-use approval by ordinance. Baltimore City Code (BCC), Art. 32, § 9-701(2). Further, approval of a conditional use must be based on the following findings:

- (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. § 5-406(a).

Moreover, the above findings must be guided by 14 "considerations" involving, for example, such things as the "nature of the surrounding area and the extent to which the proposed use might impair its present and future development," "the character of the neighborhood," and "the resulting traffic patterns and adequacy of proposed off-street parking." § 5-406(b).

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City Council Bill 19-0445  
January 10, 2020  
Page 2

The Land Use (the "Committee") must consider the above law at the scheduled public hearing wherein it will hear and weigh the evidence as presented in: (1) the Planning Report and other agency reports; (2) testimony from the Planning Department and other City agency representatives; and (3) testimony from members of the public and interested persons. After weighing the evidence presented and submitted into the record before it, the Committee is required to make findings of fact with respect to the factors and considerations outlined above. If, after its investigation of the facts, the Committee makes findings which support the conditional use and the any variances sought, it may adopt these findings and the legal requirements will be met.

The Law Department notes that the Planning Staff Report ("Report") does provide findings of fact that would allow approval of the conditional use.

Lastly, we note that certain procedural requirements apply to this bill beyond those discussed above because both conditional uses and variances are considered "legislative authorizations." BCC Art. 32, § 5-501(2)(i) and (ii). Specifically, notice requirements apply to the bill, and the bill must be referred to certain City agencies which are obligated to review the bill in specified manner. §§ 5-504, 5-506, 5-602. Finally, certain limitations on the City Council's ability to amend the bill apply. § 5-507

The bill is the appropriate method for the City Council to review the facts and make the determination as to whether the legal standards for conditional uses and variances have been met.

Sincerely,



Elena R. DiPietro  
Chief Solicitor

cc: Andre M. Davis, City Solicitor  
Nicholas Blendy, Mayor's Office of Government Relations  
Matt Stegman, Mayor's Legislative Liaison  
Caylin Young, President's Legislative Liaison  
Victor Tervalo, Chief Solicitor  
Hilary Ruley, Chief Solicitor  
Ashlea Brown, Assistant City Solicitor  
Avery Aisenstark





BALTIMORE CITY  
DEPARTMENT OF HOUSING &  
COMMUNITY DEVELOPMENT

## MEMORANDUM

To: The Honorable President and Members of the Baltimore City Council  
c/o Natawna Austin, Executive Secretary

From: Michael Braverman, Housing Commissioner 

Date: December 19, 2019

Re: **City Council Resolution 19-0445 Zoning - Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-7 Zoning District - 817 Chauncey Avenue**

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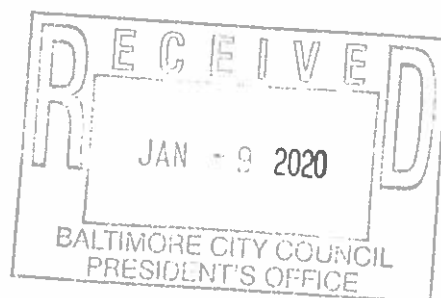
The Department of Housing and Community Development (DHCD) has reviewed City Council Bill 19-0445 for the purpose of permitting, subject to certain conditions, the conversion of a single-family dwelling unit to 2 dwelling units in the R-7 Zoning District on the property known as 817 Chauncey Avenue, as outlined in red on the accompanying plat.

If enacted, the proposal will allow for a second dwelling unit at 817 Chauncey Avenue. At its regular meeting of October 24, 2019, the Planning Commission concurred with planning staff and recommended amendment and approval of City Council Bill 19-0445. An amendment is needed to add a 9% variance of the required lot area standards for a multifamily dwelling in the R-7 zoning District. The Planning Commission found that the establishment, location, and operation of this property as a multifamily dwelling containing two dwelling units would not be detrimental to public health, safety or welfare.

DHCD supports the passage of City Council Bill 19-0445.


MB:sm

cc: Mr. Blendy, Nicholas, *Mayor's Office of Government Relations*







<b>F R O M</b>	<b>NAME &amp; TITLE</b>	Steve Sharkey, Director	<b>CITY of BALTIMORE  M E M O</b>	
	<b>AGENCY NAME &amp; ADDRESS</b>	Department of Transportation (DOT) 417 E Fayette Street, Room 527		
	<b>SUBJECT</b>	City Council Bill 19-0445		

TO: Mayor Bernard C. "Jack" Young  
TO: Land Use Committee  
FROM: Department of Transportation  
POSITION: No Objection  
RE: Council Bill – 19-0445

DATE: 12/23/19

**INTRODUCTION** – Zoning - Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-7 Zoning District - 817 Chauncey Avenue

**PURPOSE/PLANS** – 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 817 Chauncey Avenue, as outlined in red on the accompanying plat.

**COMMENTS** – Council Bill 19-0445 seeks to allow for the conversion of 817 Chauncey Avenue from a single-family dwelling unit to two dwelling units. 817 Chauncey Avenue is located in the R-7 Zoning District which is categorized as mixed-residential housing with detached, semi-attached, attached and larger scale multi-family developments per Baltimore City's Zoning Code.

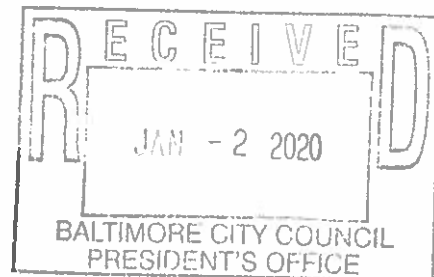
The Department of Transportation does not foresee any fiscal or operational impacts associated with the passage of Council Bill 19-0445.

**AGENCY/DEPARTMENT POSITION** – The Department of Transportation has no objection to City Council Bill 19-0445.

If you have any questions, please do not hesitate to contact Liam Davis via email at [Liam.Davis@baltimorecity.gov](mailto:Liam.Davis@baltimorecity.gov) or by phone (410) 545-3207.

Sincerely,

  
Steve Sharkey  
Director



*No obj.*



CITY OF BALTIMORE

BERNARD C "JACK" YOUNG, Mayor



BOARD OF MUNICIPAL AND  
ZONING APPEALS

DEREK J. BAUMGARDNER, Executive Director  
417 E. Fayette Street, Suite 922  
Baltimore, Maryland 21202

January 2, 2020

The Honorable President and  
Members of the City Council  
City Hall  
100 N. Holliday Street  
Baltimore, MD 21202

Re: **CC Bill #19-0445 Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-7 Zoning District – 817 Chauncey Avenue**

Ladies and Gentlemen:

City Council Bill No. 19-0445 has been referred by your Honorable Body to the Board of Municipal and Zoning Appeals for study and report.

The purpose of City Council Bill No. 19-0445 is to convert a single-family dwelling unit to two dwelling units in the R-7 Zoning District on the property known as 817 Chauncey Avenue (Block 3463A, Lot 013).

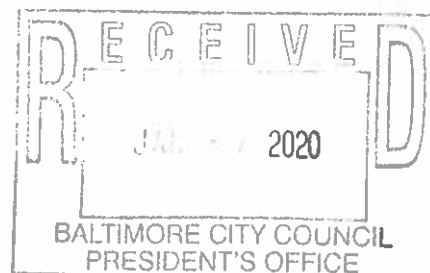
The BMZA has reviewed the legislation and recommends approval of City Council Bill No. 19-0445 with the amendments currently proposed by the Planning Department.

Sincerely,

Derek J. Baumgardner  
Executive Director

CC: Mayor's Office of Council Relations  
City Council President  
Legislative Reference

F





TRANSMITTAL MEMO

TO: Council President Brandon Scott  
FROM: Peter Little, Executive Director  
DATE: October 11, 2019  
RE: Council Bill 19-0445



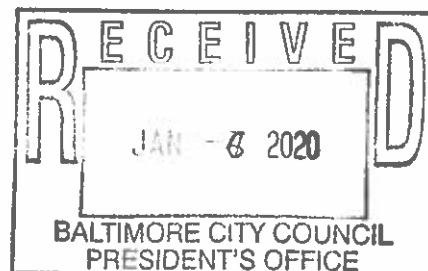
I am herein reporting on City Council Bill 19-0445 introduced by Councilmember Pinkett at the request of Mia Bartee.

The purpose of this bill is for 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 817 Chauncey Avenue.

According to Baltimore City Code § 9-701 (2), the conversion of a single-family dwelling to a multi-family dwelling in the R-7 and R-8 Districts is subject to conditional-use approval by Ordinance of the Mayor and City Council. According to § 16-203 (a), if a structure is increased through the addition of a dwelling unit, additional off-street parking spaces must be provided. This proposed legislation requests a variance for the off-street parking requirement.


The Parking Authority of Baltimore City (PABC) reviewed the proposed legislation. This property is not located on a block where PABC administers on-street parking programs. Site visits were conducted during the first and second week of October 2019. PABC has determined that the available on-street parking inventory is greater than the demand for on-street parking. In addition, PABC investigated the alley and rear of the property and determined that there is insufficient property for off-street parking spaces. Therefore, a variance for off-street parking is required, and PABC has determined that the passage of this bill will not negatively impact parking in the area.

Based on the comments above, PABC does not oppose the passage of City Council Bill 19-0445.



*Not opposed*



<b>FROM</b>	NAME & TITLE	CHRIS RYER, DIRECTOR	CITY of BALTIMORE <b>MEMO</b>	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 <sup>TH</sup> FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #19-0445 / ZONING - CONDITIONAL USE CONVERSION OF A SINGLE-FAMILY DWELLING UNIT TO 2 DWELLING UNITS IN THE R-7 ZONING DISTRICT - 817 CHAUNCEY AVENUE		

**TO**

DATE:

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

October 25, 2019

At its regular meeting of October 24, 2019, the Planning Commission considered City Council Bill #19-0445, 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 817 Chauncey Avenue, as outlined in red on the accompanying plat.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended amendment and approval of City Council Bill #19-0445 and adopted the following resolution; seven members being present (seven in favor):

RESOLVED, That the Planning Commission finds, in accordance with §16-304 and §14-204 of the Zoning Code of Baltimore City, that the proposed use provided in this bill:

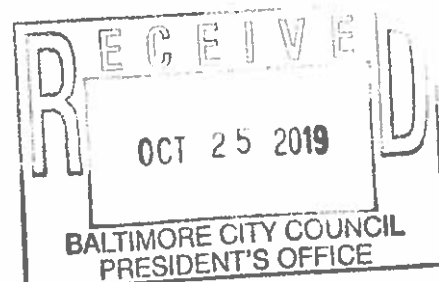
- will not be detrimental to or endanger the public health, security, general welfare, or morals;
- is not in any way precluded by any other law, including an applicable Urban Renewal Plan;
- is not otherwise in any way contrary to the public interest;
- is in harmony with the purpose and intent of that article; and
- meets all criteria for approval specified in §5-406(b) of the Zoning Code of Baltimore City; and further

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #19-0445 be amended and 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



*Fav of Amnds*



1000

1000



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  
Ms. Mia Bartee, Applicant





Bernard C. "Jack" Young  
Mayor

## PLANNING COMMISSION

Sean D. Davis, Chairman

### STAFF REPORT



Chris Ryer  
Director

October 24, 2019

**REQUEST:** City Council Bill #19-0445/ Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-7 Zoning District – 817 Chauncey Avenue: 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 817 Chauncey Avenue, as outlined in red on the accompanying plat.

**RECOMMENDATION:** Amendment and approval, with the following amendment:

- Add a 9% variance of the required lot area standards for multifamily dwellings in the R-7 Zoning District.

**STAFF:** Eric Tiso

**PETITIONER:** Mia Bartee

**OWNER:** Mia Bartee

#### **SITE/GENERAL AREA**

Site Conditions: 817 Chauncey Avenue is located on the south side of the street, approximately 280' west of the intersection with Brookfield Avenue. The R-7 zoned property measures 19' by 105', and is improved with a two-story end-of-row attached dwelling. This property backs up to German Park across the rear alley to the south. Druid Lake is located two blocks to the north, and I-83 is four blocks to the east.

General Area: This property is located in the Reservoir Hill neighborhood, which is bordered by Druid Lake and Druid Hill Park to the north, I-83 to the east, West North Avenue to the south, and McCulloh Street on the west. This neighborhood is residential in nature, with a majority of the housing stock comprised of attached homes.

#### **HISTORY**

There are no previous legislative or Planning Commission actions regarding this site.

#### **ANALYSIS**

Background: This proposal will allow for a second dwelling unit in the property that the applicant intends to be used by her mother.



Zoning Analysis: This property is an end-of-row attached dwelling containing approximately 2,688' square feet of gross floor area (i.e. 896 square feet per level).

- The Zoning Code requires, for conversion of a single-family dwelling property in the R-7 District, 1,100 square feet of lot area per dwelling unit (BCZC subsection 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 1,995 square feet and thus does not meet the lot area requirement for conversion. A variance of this requirement should therefore be amended into this bill. The variance amounts to approximately 9% of the Zoning Code requirement.
- The Zoning Code requires, for conversion of a single-family dwelling property in the R-7 District, 750 square feet of floor area per 1-bedroom dwelling unit, and 1,250 square feet of floor area per three-bedroom unit is required (BCZC subsection 9-703.c). The existing structure contains approximately 896 square feet of floor area on its lower level for the proposed 1-bedroom dwelling unit to be created. The existing dwelling unit occupying the first and second floors has 1,792 square feet of floor area. Both of these units therefore meet the gross floor area requirements within the building.
- The maximum lot coverage allowed is 70% (Zoning Code Table 9-401). This structure only covers approximately 45% of the lot, which meets this requirement.
- One off-street parking space is required to serve the newly-created dwelling unit (BCZC subsection 9-703.f). This property can provide two off-street parking spaces in the rear yard which meets this requirement for both the existing and new dwelling units.

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 that the relative density within the building (i.e. for mother and daughter) would not be different than living as a combined family unit, but only with the added convenience of independent living with separate



utility bills and the like. 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:

- That the proposed use as a two-family dwelling would be consistent with other residential use in the area, and would allow continuing use of a structure that contributes to the neighborhood.
- This property meets the parking requirements of the district, which is often not the case in the denser rowhouse neighborhoods in the City. For this reason, there should be little to no impact on the surrounding parking or the demand for on-street parking in this area.
- There is a practical difficulty with complying with the bulk 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. The purpose of the variance needed is not based exclusively on a desire to increase the value or income potential of the property. Staff understands that in this case, the applicant would like to create a separate dwelling unit in order for her mother to live in the same property, while still living independently.





- The variance that would be granted would not be injurious to the use and enjoyment of other property in the immediate vicinity, not substantially diminish or impair property values in the neighborhood. The variance requested is in harmony with the Comprehensive Master Plan, and related considerations of public health, safety, and general welfare.

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



**Chris Ryer**  
**Director**





## MEMORANDUM

DATE: October 1, 2019  
 TO: Land Use Committee  
 FROM: Colin Tarbert, President and CEO *Colin Tarbert*  
 POSITION: No Objection  
 SUBJECT: Council Bill 19-0445 – Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-7 Zoning District – 817 Chauncey Avenue

### INTRODUCTION

The Baltimore Development Corporation (BDC) is reporting on City Council Bill 19-0445 introduced by the Councilmember Pinkett at the request of Mia Barteo.

### PURPOSE

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 817 Chauncey Avenue.

### BRIEF HISTORY

The property was built in the 1900's and located in the Reservoir Hill neighborhood of West Baltimore. The owner seeks to convert the property into two dwelling units to maximize the income potential of the property and offer additional housing options in the neighborhood beyond what a single-family dwelling would allow.

### FISCAL IMPACT

None

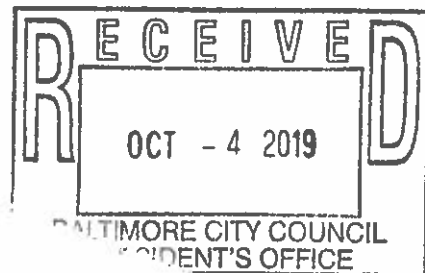
### AGENCY POSITION

The Baltimore Development Corporation has **No Objection** to City Council Bill 19-0445.

If you have any questions, please do not hesitate to contact Kim Clark at 410-837-9305 or [kclark@baltimoredevelopment.com](mailto:kclark@baltimoredevelopment.com).

cc: Nicholas Blendy


[RT]



*no obje*



श्रीगणेशाय नमः  
ॐ नमो भगवते वासुदेवाय

<b>FROM</b>	NAME & TITLE	Niles R. Ford, PhD, Chief of Fire Department <i>NRF</i>	CITY of BALTIMORE <b>MEMO</b>	
	AGENCY NAME & ADDRESS	Baltimore City Fire Department 401 East Fayette St. 21202		
	SUBJECT	Baltimore Fire (City Council Bill #19-0445) Zoning - Conditional Use Conversion of a Single-Family Dwelling Unit to- 2 Dwelling Units in the R-7 Zoning District - 817 Chauncey Avenue		

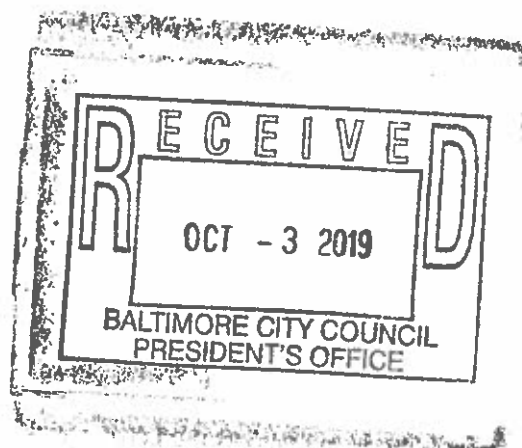
DATE: September 30, 2019.

**TO** The Honorable Brandon M. Scott, President  
And All Members of the Baltimore City Council  
City Hall, Room 408

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 817 Chauncey Avenue (Block 3463A, Lot 013), as outlined in red on the accompanying plat.

The Baltimore City Fire Department has no objections for City Council Bill #19-0445 - Zoning -Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-7 Zoning District - - for the property located at 817 Chauncey Avenue. All rental locations must comply with all applicable codes, ordinances, and laws and shall be required to obtain all required approvals. The rental locations shall comply with the Building, Fire, and Related Codes of Baltimore City 2015 Edition (As Enacted by Ord. 15-547, and Last Amended by Ord. 18-1830) and applicable Maryland laws.

The above does not negate any requirements for submission of plans to the Office of the Fire Marshal for review of construction, Fire Detection/Notification/Suppression Systems, and Automatic Sprinkler installation. Locations may be subject to an annual fire inspection and/or permits from the Office of the Fire Marshal.



*No  
objection*



## Coates, Jennifer

---

**From:** Coates, Jennifer  
**Sent:** Tuesday, November 5, 2019 4:54 PM  
**To:** 'financialwoman111@gmail.com'  
**Cc:** Pinkett, Leon; Austin, Natawna B.  
**Subject:** Public Notice Instructions for Hearing for Bill 19-0445  
**Attachments:** PNI - Letter - 19-0445 - CU VAR -817 Chauncey Avenue.docx; Sample - Certificate of Posting - Attachment C.DOCX; LU Form - Contacts for Sign Posting RZ PUD.DOCX

Ms. Mia Bartee:

Attached is the information you will need to post a public hearing notice for the subject bill to be heard by the Baltimore City Council's Land Use Committee on **January 15, 2020 at 1:05 PM.**

I have also attached a contact list of sign-makers and a sample certification form.

Feel free to contact me if you need more information.

**PLEASE ACKNOWLEDGE RECEIPT OF THIS EMAIL.**



**Jennifer L. Coates**

*Senior Legislative Policy Analyst  
Office of Council Services*

100 N. Holliday Street, Room 415  
Baltimore, MD 21202

[jennifer.coates@baltimorecity.gov](mailto:jennifer.coates@baltimorecity.gov)

OFFICE OF COUNCIL SERVICES

Office: (410) 396-1260

Fax: (410) 545-7596





CITY OF BALTIMORE

BERNARD C. "JACK" YOUNG, Mayor



OFFICE OF COUNCIL SERVICES

LARRY E. GREENE, Director  
415 City Hall, 100 N. Holliday Street  
Baltimore, Maryland 21202  
410-396-7215 / Fax: 410-545-7596  
email: larry.greene@baltimorecity.gov

**TO:** Ms. Mia Bartee

**FROM:** Jennifer L. Coates, Committee Staff, Land Use Committee, Baltimore City Council

**Date:** November 5, 2019

**RE:** INSTRUCTIONS FOR NOTICE OF A PUBLIC HEARING – CONDITIONAL USE AND VARIANCES

The Land Use Committee has scheduled the following City Council Bill for a public hearing:

**Bill:** City Council Bill No. 19-0445

**Date:** Wednesday, January 15, 2020

**Time:** 1:05 p.m.

**Place:** City Council Chambers, 4<sup>th</sup> floor, City Hall, 100 N. Holliday Street

At the expense of the applicant, notice of the public hearing must be provided in accordance with:

**Article 32. Zoning § 5-602 – Major variances: Conditional uses.**

For helpful information about the public notice requirements under Article 32 - Zoning (*pages 129 – 130*) - see *Attachment B*. You can access and review Article 32 using the web link below:

<http://ca.baltimorecity.gov/codes/Art%2032%20-%20Zoning.pdf>

**Disclaimer.** The City makes no claims as to the quality, completeness, accuracy, timeliness, or content of any data contained herein or on this site. All such items and materials are provided on an "as is" basis, and you are fully and solely responsible for your use of them and for any results or consequences of your use. They have been compiled from a variety of sources, including sources beyond the control of the City, and are subject to change without notice from the City. The data is subject to change as modifications and updates are complete. It is understood that the information contained in the site is being used at one's own risk. In no event shall the City or its elected/appointed officials, municipal agencies and departments, employees, agents, or volunteers be liable for any direct, indirect, special, punitive, incidental, exemplary or consequential damages arising from your accessing or using the site, or otherwise arising from this site or from anything contained in or displayed on this site. Nothing contained in or displayed on this site constitutes or is intended to constitute legal advice by the City or any of its elected/appointed officials, municipal agencies and departments, employees, agents, and volunteers

## Wording for the Sign to be Posted

The information that must be posted on a sign, at least 21 days before the public hearing, appears between the double lines on the attached page (*see Attachment A*). The deadline date is indicated in **BOLD** characters at the top of Attachment A. Instructions for posting the sign can be found in Article 32. Zoning § 5-602 – Major variances: Conditional uses

## Certification of Postings

Certification of the sign posting (*see example on Attachment C*), in duplicate, must be received four (4) days prior to the hearing to:

Ms. Natawna Austin, Executive Secretary  
Baltimore City Council  
100 N. Holliday Street, Fourth Floor, Room 400  
Baltimore, MD 21202

If the required certification is not received as specified above, the public hearing will be cancelled without notice to the applicant. The deadline dates are as follows:

***Sign Posting Deadline:*** ***December 25, 2019***  
***Submit Certificate of Posting By:*** ***January 10, 2019***

Please note that **ALL** of these requirement **MUST** be met in order for your hearing to proceed as scheduled. If you have any questions regarding your notice requirements please contact:

Ms. Jennifer L. Coates, Committee Staff  
Baltimore City Council  
Land Use Committee  
410-396-1260  
[Jennifer.Coates@baltimorecity.gov](mailto:Jennifer.Coates@baltimorecity.gov).

**ATTACHMENT A**

THE INFORMATION BETWEEN THE DOUBLE LINES (SEE BELOW) MUST BE POSTED ON A SIGN ON THE PROPERTY **BY DECEMBER 25, 2019**, AS DISCUSSED ON THE PREVIOUS PAGE AND OUTLINED ON ATTACHMENT B.

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**BALTIMORE CITY COUNCIL  
PUBLIC HEARING ON BILL NO. 19-0445**

The Land Use Committee of the Baltimore City Council will meet on Wednesday, January 15, 2020 at 1:05 p.m. in the City Council Chambers, 4<sup>th</sup> floor, City Hall, 100 N. Holliday Street to conduct a public hearing on City Council Bill No. 19-0445.

**CC 19-0445 Zoning - Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-7 Zoning District - 817 Chauncey Avenue**

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 817 Chauncey Avenue, as outlined in red on the accompanying plat.

BY authority of  
Article 32 - Zoning  
Sections 5-201(a) and 9-701(2)  
Baltimore City Revised Code  
(Edition 2000)

Applicant: Ms. Mia Bartee

For more information, contact committee staff at (410) 396-1260.

NOTE: This bill is subject to amendment by the Baltimore City Council.

EDWARD REISINGER

Chair

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SEND CERTIFICATION OF PUBLICATION TO:

Baltimore City Council  
c/o Natawna B. Austin  
Room 409, City Hall  
100 N. Holliday Street  
Baltimore, MD 21202

SEND BILL FOR THIS SIGN POSTING TO:

Ms. Mia Bartee  
817 Chauncey Avenue  
Baltimore, MD 21217  
(443) 769-8477

**ZONING  
SUBTITLE 6 – NOTICES**

**ARTICLE 32, § 5-602**

<http://ca.baltimorecity.gov/codes/Art%2032%20-%20Zoning.pdf>

**§ 5-602. Major variances; Conditional uses.**

*(a) Hearing required.*

For major variances and conditional uses, the Board of Municipal and Zoning Appeals or the City Council, as the case may be, must conduct a hearing at which:

- (1) the parties in interest and the general public will have an opportunity to be heard; and
- (2) all agency reports will be read.

*(b) Notice of hearing required.*

Notice of the hearing must be given by posting in a conspicuous place on the subject property.

*(c) Contents of notice.*

The notice must include:

- (1) the date, time, place, and purpose of the public hearing;
- (2) the address of the subject property or a drawing or description of the boundaries of the area affected by the proposed variance or conditional use;
- (3) the name of the applicant; and
- (4) how additional information on the matter can be obtained.

*(d) Number and manner of posted notices.*

(1) The number and manner of posting is as follows:

- (i) for an individual property, at least 1 sign must be visible from each of the property's street frontages;
- (ii) each sign must be posted at a prominent location, near the sidewalk or public right-of-way, so that it is visible to passing pedestrians and motorists;

(iii) a window-mounted sign must be mounted inside the window glass and placed so that it is clearly visible to passing pedestrians and motorists; and

(iv) each sign must be at least 3 feet by 4 feet in size.

(2) Nothing in this subtitle prevents the voluntary posting of more notices than required by this subtitle.

(e) *Timing of notice.*

The posted notice must be:

(1) posted at least 21 days before the public hearing; and

(2) removed within 48 hours after conclusion of the public hearing.

*(Ord. 16-581; Ord. 17-015.)*



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# City of Baltimore

City Council  
City Hall, Room 408  
100 North Holliday Street  
Baltimore, Maryland 21202

## Meeting Minutes - Final

### Land Use Committee

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Wednesday, January 15, 2020

1:05 PM

Du Burns Council Chamber, 4th floor, City Hall

---

19-0445  
CHARM TV 25

#### CALL TO ORDER

#### INTRODUCTIONS

#### ATTENDANCE

**Present** 7 - Edward Reisinger, Shannon Sneed, Mary Pat Clarke, Ryan Dorsey, Leon F. Pinkett III, Robert Stokes Sr., and Eric T. Costello  
**Absent** 1 - Sharon Green Middleton

#### ITEMS SCHEDULED FOR PUBLIC HEARING

19-0445      **Zoning - Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-7 Zoning District - 817 Chauncey Avenue**  
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 817 Chauncey Avenue, as outlined in red on the accompanying plat.

**Sponsors:** Leon F. Pinkett, III

**A motion was made by Sneed, seconded by Pinkett, III, that this Ordinance be Recommended Favorably with Amendment. The motion carried by the following vote:**

**Yes:** 7 - Reisinger, Sneed, Clarke, Dorsey, Pinkett III, Stokes Sr., and Costello

**Absent:** 1 - Middleton

#### ADJOURNMENT





CITY OF BALTIMORE

BERNARD C. "JACK" YOUNG, Mayor



OFFICE OF COUNCIL SERVICES

LARRY E. GREENE, Director
415 City Hall, 100 N. Holliday Street
Baltimore, Maryland 21202
410-396-7215 / Fax: 410-545-7596
email: larry.greene@baltimorecity.gov

HEARING NOTES

Ordinance: 19-0445

Zoning - Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-7 Zoning District - 817 Chauncey Avenue

Committee: Land Use
Chaired by: Councilmember Edward Reisinger

Hearing Date: January 15, 2020
Time (Beginning): 1:35 PM
Time (Ending): 1:40 PM
Location: Clarence "Du" Burns Council Chamber
Total Attendance: Approximately 25 people
Committee Members in Attendance:
Edward Reisinger Shannon Sneed Mary Pat Clarke Eric Costello
Ryan Dorsey Leon Pinkett Robert Stokes

Bill Synopsis in the file? [X] YES [ ] NO [ ] N/A
Attendance sheet in the file? [X] YES [ ] NO [ ] N/A
Agency reports read? [X] YES [ ] NO [ ] N/A
Hearing televised or audio-digitally recorded? [X] YES [ ] NO [ ] N/A
Certification of advertising/posting notices in the file? [X] YES [ ] NO [ ] N/A
Evidence of notification to property owners? [X] YES [ ] NO [ ] N/A
Final vote taken at this hearing? [X] YES [ ] NO [ ] N/A
Motioned by: Councilmember Sneed
Seconded by: Councilmember Pinkett
Final Vote: Fav. with Amendments

Major Speakers

(This is not an attendance record.)

Eric Tiso, Baltimore City Department of Planning
Stephanie Murdock, Department of Housing and Community Development
Liam Davis, Department of Transportation
Hilary Ruley, Department of Law
Laura Bianca-Pruett, Parking Authority



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**Major Issues Discussed**

1. Chairman Reisinger read the bill number, title, purpose, and public notice certification.
2. Councilman Pinkett explained the bill's purpose and that it is supported by the community.
3. Eric Tiso from the Department of Planning summarized the Planning Commission's report and recommendations. He noted that the conversion requires a variance from the lot area requirements and recommended an amendment to add a variance to the bill. Mr. Tiso also confirmed that the property meets the off-street parking requirements for a conversion and thus a variance from those requirements is not necessary.
4. Representatives from the other agencies confirmed the recommendations in their agencies' written reports.
5. The committee approved the findings of fact.
6. The committee approved the Planning Commission's amendment and voted to recommend the bill favorably with amendment.

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**Further Study**

Was further study requested?

Yes  No

If yes, describe.

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**Committee Vote:**

E. Reisinger: ..... **Yea**  
S. Sneed: ..... **Yea**  
M. Clarke: ..... **Yea**  
E. Costello: ..... **Yea**  
R. Dorsey: ..... **Yea**  
S. Middleton: ..... **Absent**  
L. Pinkett: ..... **Yea**  
R. Stokes: ..... **Yea**

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*Matthew Peters*

Matthew L. Peters, Committee Staff

Date: January 17, 2019

Cc: Bill File  
OCS Chrono File





## Baltimore City Council Committee Hearing Attendance Record

<b>Subject:</b> Ordinance - Zoning - Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-7 Zoning District - 817 Chauncey Avenue	<b>Bill #:</b> 19-0445
<b>Committee:</b> Land Use	<b>Chair:</b> Edward Reisinger
<b>Date:</b> Wednesday, January 15, 2020	<b>Time:</b> 1:05 PM
<b>Location:</b> Clarence "Du" Burns Council Chamber	

PLEASE PRINT CLEARLY

CHECK HERE TO TESTIFY



First Name	Last Name	Address / Organization / Email	Testify	What is your position on this bill?		Lobbyist: Are you registered in the City?*	
				For	Against	Yes	No
John	Doe	400 N. Holliday St. Johndoenbmore@yahoo.com	✓	✓	✓	✓	✓
MIA	BARTEE	817 Chauncey Ave. BALTO, MD 21217		✓			

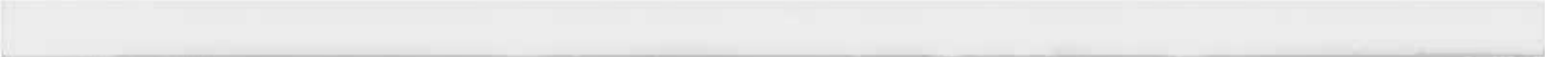
\*NOTE: IF YOU ARE COMPENSATED OR INCUR EXPENSES IN CONNECTION WITH THIS BILL, YOU MAY BE REQUIRED BY LAW TO REGISTER WITH THE CITY ETHICS BOARD AS A LOBBYIST. REGISTRATION CAN BE DONE ONLINE AND IS A SIMPLE PROCESS. FOR INFORMATION VISIT: [HTTPS://ETHICS.BALTIMORECITY.GOV/](https://ethics.baltimorecity.gov/) OR CALL: 410-396-4730



$\frac{1}{2} \times \frac{1}{2} = \frac{1}{4}$        $\frac{1}{3} \times \frac{1}{3} = \frac{1}{9}$        $\frac{1}{4} \times \frac{1}{4} = \frac{1}{16}$        $\frac{1}{5} \times \frac{1}{5} = \frac{1}{25}$

# Bill 19-0445

Zoning - Conditional Use Conversion of a Single-Family Dwelling Unit to  
2 Dwelling Units in the R-7 Zoning District - 817 Chauncey Avenue

























# City of Baltimore

City Council  
City Hall, Room 408  
100 North Holliday Street  
Baltimore, Maryland 21202

## Meeting Agenda - Final Land Use Committee

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Wednesday, January 15, 2020

1:05 PM

Du Burns Council Chamber, 4th floor, City Hall

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19-0445

### **CALL TO ORDER**

### **INTRODUCTIONS**

### **ROLL CALL**

### **ITEMS SCHEDULED FOR PUBLIC HEARING**

19-0445

#### **Zoning - Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-7 Zoning District - 817 Chauncey Avenue**

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 817 Chauncey Avenue, as outlined in red on the accompanying plat.

Sponsors:

Leon F. Pinkett, III

### **ADJOURNMENT**

**THIS MEETING IS OPEN TO THE PUBLIC**





**BILL SYNOPSIS**

**Committee: Land Use**

**Bill: 19-0445**

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**Zoning - Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-7 Zoning District - 817 Chauncey Avenue**

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**Sponsor:** Councilmember Pinkett

**Introduced:** September 9, 2019

**Purpose:**

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 817 Chauncey Avenue, as outlined in red on the accompanying plat.

**Effective:** 30<sup>th</sup> day after the date it is enacted

---

**Agency Reports**

Planning Commission	Favorable with Amendment
Board of Municipal and Zoning Appeals	Favorable
Department of Transportation	No Objection
City Solicitor	Favorable
Department of Housing and Community Development	Favorable
Baltimore Development Corporation	No Objection
Fire Department	No Objection
Parking Authority of Baltimore City	Does Not Oppose

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## **Analysis**

### **Current Law**

Article 32 – Zoning, including § 5-406 (Approval standards for conditional uses), § 5-308 (Approval standards for variances), and § 9-701 – § 9-703 (Residential Conversions).

### **Background**

If approved, this bill will allow for the conversion of 817 Chauncy Avenue from a single-family dwelling unit to two dwelling units. Mia Bartee is the owner of the property and the applicant. Ms. Bartee intends that the second dwelling unit will be used by her mother so that her mother can be in the same property as her but still live independently.

817 Chauncey Avenue is located on the south side of the street, approximately 280' west of the intersection with Brookfield Avenue. The property is located in the Reservoir Hill neighborhood, which is bordered by Druid Lake and Druid Hill Park to the north, I-83 to the east, West North Avenue to the south, and McCulloh Street on the west. The neighborhood is residential in nature, with a majority of the housing stock comprised of attached homes.

### **Amendments**

The Planning Commission recommended an amendment to the bill to add a 9 percent variance of the required lot area standards for multi-family dwellings in the R-7 Zoning District.

The Parking Authority indicated that the conversion requires a variance for the off-street parking requirements. However, the Planning Staff Report stated that the property can provide two off-street parking spaces in the rear yard which meets the parking requirement for both the existing and new dwelling units.

**CITY OF BALTIMORE  
COUNCIL BILL 19-0445  
(First Reader)**

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Introduced by: Councilmember Pinkett  
At the request of: Mia Bartee  
Address: 817 Chauncey Avenue, Baltimore, Maryland 21217  
Telephone: 443-769-8477  
Introduced and read first time: September 9, 2019  
Assigned to: Land Use Committee

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REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Board of Municipal and Zoning Appeals, Planning Commission, Department of Housing and Community Development, Fire Department, Baltimore Development Corporation, Baltimore City Parking Authority Board, Department of Transportation

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A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to**  
3 **2 Dwelling Units in the R-7 Zoning District – 817 Chauncey Avenue**

4 FOR the purpose of permitting, subject to certain conditions, the conversion of a single-family  
5 dwelling unit to 2 dwelling units in the R-7 Zoning District on the property known as 817  
6 Chauncey Avenue (Block 3463A, Lot 013), as outlined in red on the accompanying plat.

7 BY authority of  
8 Article 32 - Zoning  
9 Sections 5-201(a) and 9-701(2)  
10 Baltimore City Revised Code  
11 (Edition 2000)

12 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That  
13 permission is granted for the conversion of a single-family dwelling unit to 2 dwelling units in  
14 the R-7 Zoning District on the property known as 817 Chauncey Avenue (Block 3463A, Lot  
15 013), as outlined in red on the plat accompanying this Ordinance, in accordance with Baltimore  
16 City Zoning Code §§ 5-201(a) and 9-701(2), subject to the condition that the building complies  
17 with all applicable federal, state, and local licensing and certification requirements.

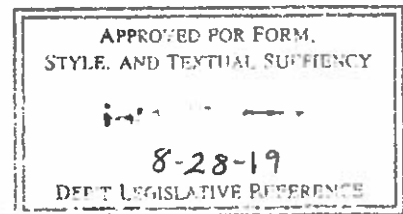
18 **SECTION 2. AND BE IT FURTHER ORDAINED,** That as evidence of the authenticity of the  
19 accompanying plat and in order to give notice to the agencies that administer the City Zoning  
20 Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council  
21 shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat;  
22 and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the  
23 Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of  
24 Housing and Community Development, the Supervisor of Assessments for Baltimore City, and  
25 the Zoning Administrator.

EXPLANATION: CAPITALS indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.

**Council Bill 19-0445**

1        **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30<sup>th</sup> day  
2        after the date it is enacted.

**INTRODUCTORY\***  
**CITY OF BALTIMORE**  
**COUNCIL BILL \_\_\_\_\_**



---

Introduced by: Councilmember Pinkett  
At the request of: Mia Bartec  
Address: 817 Chauncey Avenue, Baltimore, Maryland 21217  
Telephone: 443-769-8477

---

A BILL ENTITLED

AN ORDINANCE concerning

**Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to  
2 Dwelling Units in the R-7 Zoning District – 817 Chauncey Avenue**

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 817 Chauncey Avenue, as outlined in red on the accompanying plat.

By authority of

Article 32 - Zoning  
Sections 5-201(a) and 9-701(2)  
Baltimore City Revised Code  
(Edition 2000)

**SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That permission is granted for the conversion of a single-family dwelling unit to 2 dwelling units in the R-7 Zoning District on the property known as 817 Chauncey Avenue, as outlined in red on the plat accompanying this Ordinance, in accordance with Baltimore City Zoning Code §§ 5-201(a) and 9-701(2), subject to the condition that the building complies with all applicable federal, state, and local licensing and certification requirements.

**SECTION 2. AND BE IT FURTHER ORDAINED,** That as evidence of the authenticity of the accompanying plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

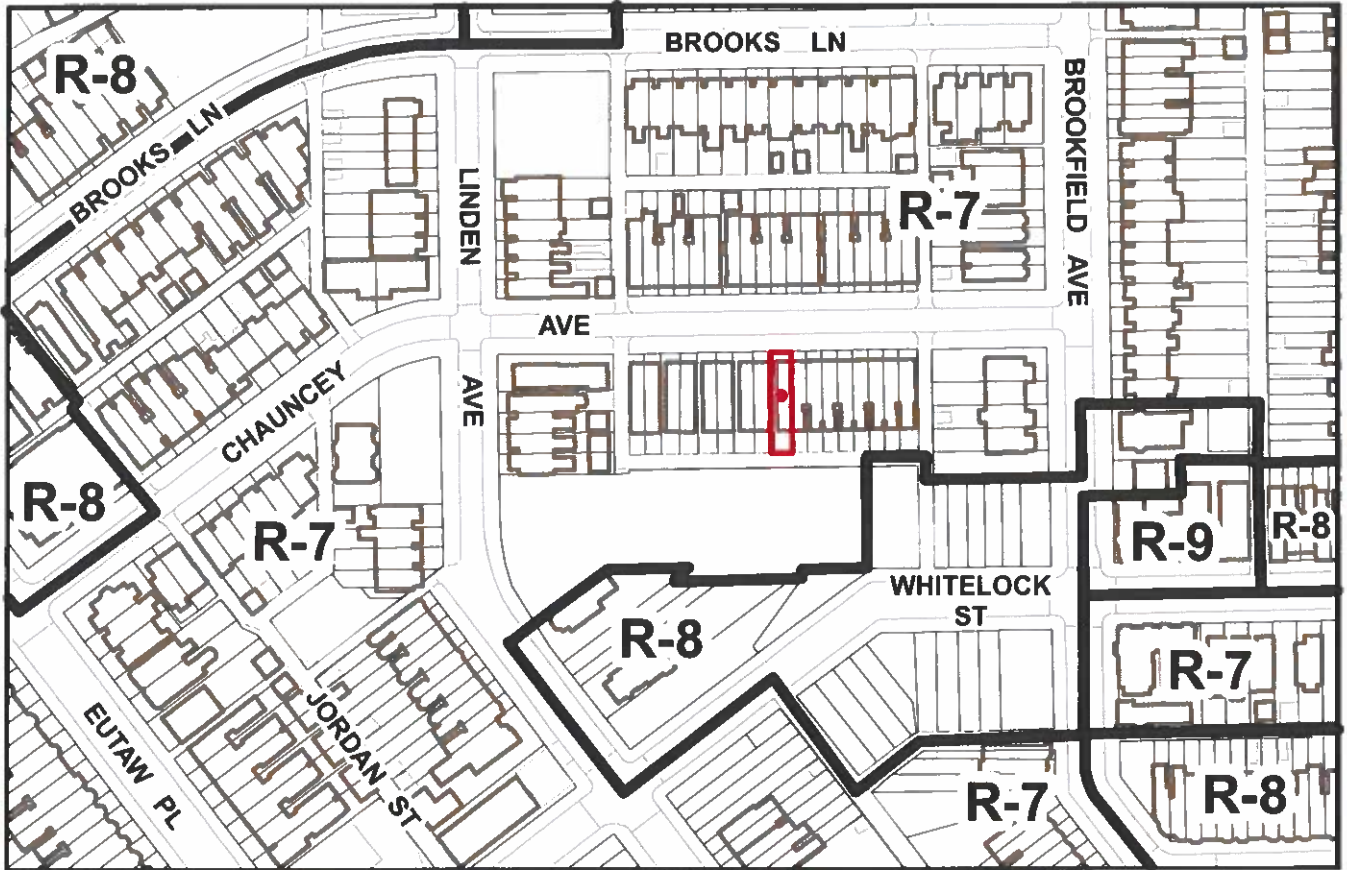
**SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30<sup>th</sup> day after the date it is enacted.

\* WARNING: THIS IS AN UNOFFICIAL, INTRODUCTORY COPY OF THE BILL.  
THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.

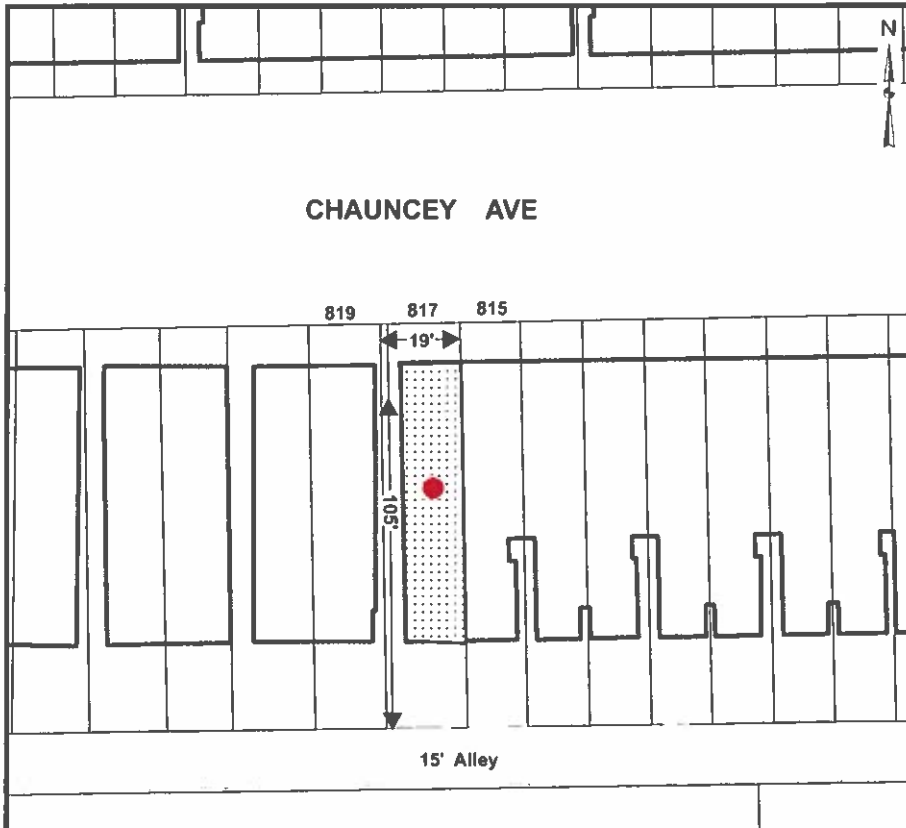




SHEET NO. 34 OF THE ZONING MAP OF  
THE ZONING CODE OF BALTIMORE CITY



Scale: 1" = 200'



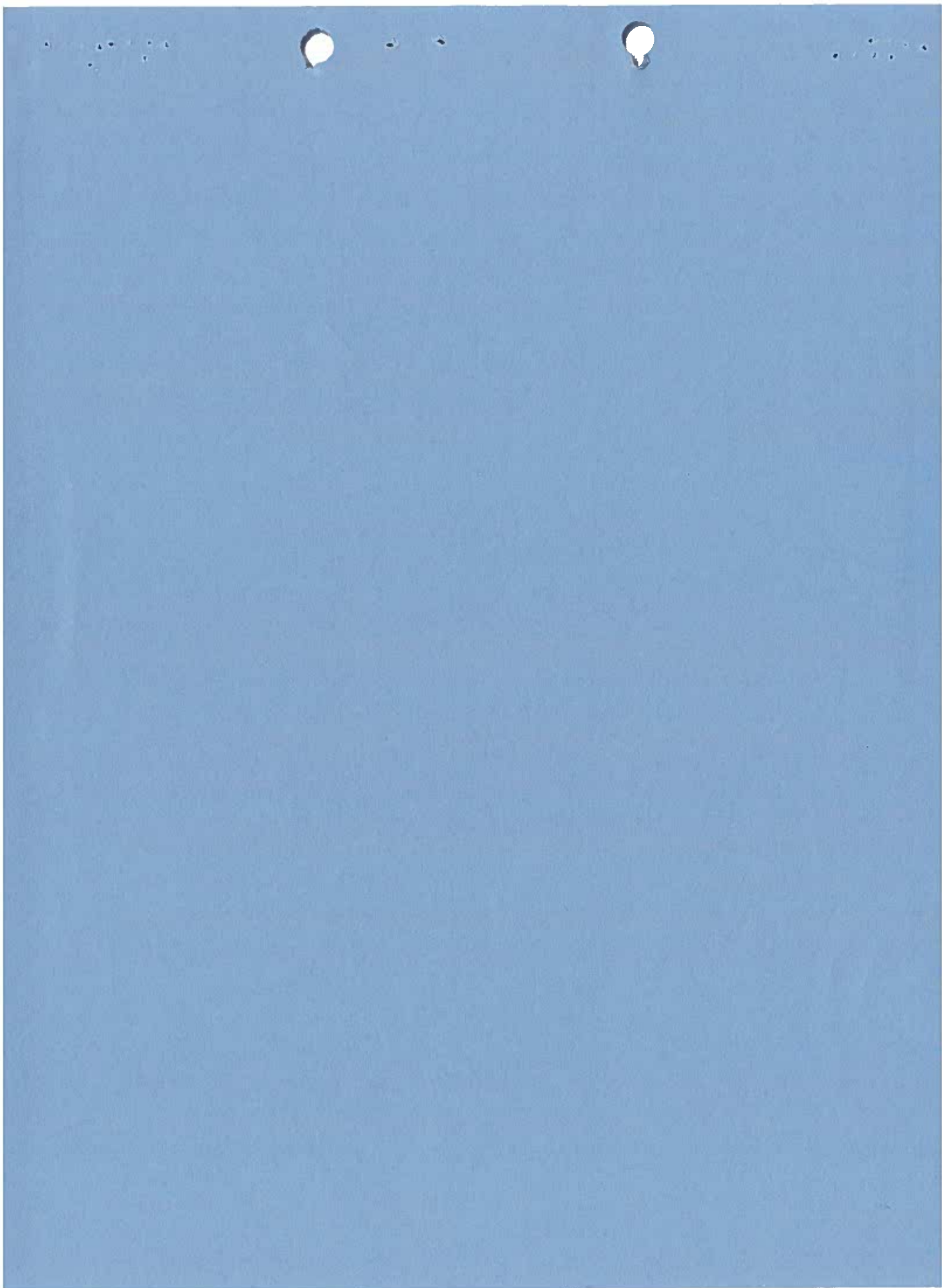
**Note:**

In Connection With The Property Known As No. 817 CHAUNCEY AVENUE. The Applicant Wishes To Request The Conditional Use Conversion Of The Aforementioned Property From A Single-Family Dwelling Unit To Two Dwelling Units In The R-7 Zoning District, As Outlined In Red Above.

WARD	13	SECTION	10
BLOCK	3463A	LOT	13

MAYOR





ACTION BY THE CITY COUNCIL

SEP 09 2019

FIRST READING (INTRODUCTION) \_\_\_\_\_

PUBLIC HEARING HELD ON Jan. 15, 2020 \_\_\_\_\_ 20 \_\_\_\_\_

COMMITTEE REPORT AS OF Jan. 27, 2020 \_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_ FAVORABLE \_\_\_\_\_ UNFAVORABLE  FAVORABLE AS AMENDED \_\_\_\_\_ WITHOUT RECOMMENDATION

*Edward Reising*  
Chair

COMMITTEE MEMBERS:

COMMITTEE MEMBERS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SECOND READING: The Council's action being favorable (unfavorable), this City Council bill was (was not) ordered printed for Third Reading on:

Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing. JAN 27 2020

THIRD READING \_\_\_\_\_ Feb 10 \_\_\_\_\_ 20 20

\_\_\_\_\_ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (ENROLLED) \_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (RE-ENROLLED) \_\_\_\_\_ 20 \_\_\_\_\_

WITHDRAWAL \_\_\_\_\_ 20 \_\_\_\_\_

There being no objections to the request for withdrawal, it was so ordered that this City Council Ordinance be withdrawn from the files of the City Council.

President

Chief Clerk