

FROM

NAME & TITLE	CHRIS RYER, DIRECTOR
AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET
SUBJECT	CITY COUNCIL BILL #19-0352/ ZONING – CONDITIONAL USE CONVERSION ... VARIANCES – 645 McKEWIN AVENUE

CITY of
BALTIMORE
MEMO



DATE: May 17, 2019

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

At its regular meeting of May 9, 2019, the Planning Commission considered City Council Bill #19-0352, 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 645 McKewin Avenue (Block 4058, Lot 032), as outlined in red on the accompanying plat; and granting variances from certain bulk regulations (lot area size) and off-street parking requirements.

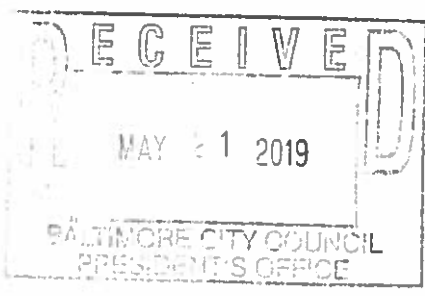
In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended approval of City Council Bill #19-0352, and adopted the following resolution with eight members being present (eight in favor):

RESOLVED, That the Planning Commission concurs with the recommendations of its departmental staff and recommends that City Council Bill #19-0352 be passed by the City Council.

If you have any questions, please contact Eric Tiso, Division Chief, Land Use and Urban Design Division at 410-396-8358.

CR/ewt
attachment

- cc: Mr. Jeff Amoros, Mayor's Office
- The Honorable Edward Reisinger, Council Rep. to the Planning Commission
- Mr. William H. Cole, IV, BDC
- Mr. Derek Baumgartner, BMZA
- Mr. Geoff Veale, Zoning Administrator
- Ms. Sharon Daboin, DHCD
- Mr. Tyrell Dixon, DHCD
- Mr. Liam Davis, DOT
- Ms. Elena DiPietro, Law Dept.
- Mr. Francis Burnszynski, PABC
- Ms. Natawna Austin, Council Services
- Mr. Ervin Bishop, Council Services







Bernard C. "Jack" Young
Mayor

PLANNING COMMISSION

Sean D. Davis, Chairman

STAFF REPORT



Chris Ryer
Director

May 9, 2019

REQUEST: City Council Bill 19-0352/ Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-7 Zoning District – Variances – 645 McKewin 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 645 McKewin Avenue (Block 4058, Lot 032), as outlined in red on the accompanying plat; and granting variances from certain bulk regulations (lot area size) and off-street parking requirements.

RECOMMENDATION: Amendment, and Approval as amended

Amendment: Add a variance of gross floor area needed for conversion of a single-family dwelling to two 1-bedroom dwelling units.

STAFF: Martin French

PETITIONERS: Councilmember Clarke, at the request of Think Tink Property Solutions LLC

OWNER: Timothy L. Tinker

SITE/ GENERAL AREA

Site Conditions: 645 McKewin Avenue is located on the southwest corner of the intersection with Frisby Street. This property measures approximately 15' by 91' and is currently improved with a two-story porch-front end-of-row residential building measuring approximately 15' by 45'. The site is zoned R-7. The building on the lot is presently used as a single-family dwelling.

General Area: Most of the housing closest to this property was originally developed in the first three decades of the 20th Century. During the first half of the 20th Century some single-family residential buildings in the area along Old York Road were converted to either multi-family dwellings or residential mixed-use. There are also religious and institutional uses and scattered commercial uses in various locations: further west across Old York Road is a small residential area that breaks part of the Greenmount Avenue – York Road commercial corridor by separating Waverly from the Pen Lucy commercial strip nearer to Cold Spring Lane.

HISTORY

This property and the row of dwellings of which it is a part were rezoned from R-6 to R-7 during comprehensive rezoning accompanying adoption of the new (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.

ANALYSIS

Background: This legislation would allow the petitioner to use the existing structure as two dwelling units. Adaptive re-use as a two-family multi-family dwelling would allow preservation of a piece of the historic district's traditional architectural fabric while responding to more contemporary, smaller-scale residential needs in a location with convenient access to downtown for residents of the two dwelling units. Although this dwelling was built as a single-family dwelling in 1923, in 1945 the Board of Zoning Appeals approved its use as two dwelling units. This multi-family use continued until 2012, when a previous owner changed the use back to single-family dwelling with a maximum of four unrelated occupants.

Zoning Analysis: This property is an end-of-row residential structure containing approximately 1,406 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-7 District, 1,100 square feet of lot area per dwelling unit (BCZC §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 1,365 square feet and thus does not meet the lot area requirement for conversion. A 37% variance of this requirement is therefore included in this bill.
- A rear yard setback of 25' is required. This property has a rear yard setback of 46' and thus meets this requirement.
- The maximum lot coverage allowed is 80%. This structure covers approximately 50% of the lot. No variance of this requirement is needed.
- The Zoning Code requires, for conversion of a single-family property in the R-7 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 703 gross square feet on each of its two above-grade levels, thus a variance of this requirement is needed to allow two 1-bedroom dwelling units at this location.
- One additional off-street parking space is required to serve the one newly-created dwelling unit (BCZC §9-703.f.). This property could provide an off-street parking space meeting Zoning Code standards for size and accessibility, but the petitioner prefers not to raze the existing garage-type structure in the rear yard to create a parking pad, and therefore a variance of this requirement is included in this bill.

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 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, including any applicable 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). 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:

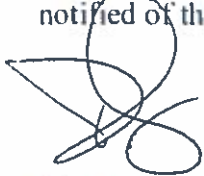
- (1) the nature of the proposed site, including its size and shape, are adequate for the proposed use;
- (2) there will be no negative impact to traffic patterns;
- (3) the proposed use will not impair the present and future development of this lot or the surrounding area;
- (4) there will be no negative 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 not regulated by any 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 2-family dwelling would be consistent with other residential use in the area. While neither the lot area nor the gross floor area requirement is satisfied without a variance, this is in part offset by the fact that the existing residential building was used for most of its lifetime as a multi-family dwelling containing two dwelling units.

- While no off-street parking meeting Zoning Code standards is to be provided on this property, the site is located in a dense, walkable neighborhood that is served by a bus line two blocks to its west on Greenmount Avenue.
- There is a practical difficulty with complying with 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. Maintaining this property in full occupancy would actually help improve property values in the area. The variances are in harmony with the Comprehensive Master Plan and related considerations of public health, safety, and general welfare.

Notification: The Waverly Improvement Association and Councilwoman Clarke have been notified of this action.



Chris Ryer
Director