

<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	CCB #19-0338 / ZONING – CONDITIONAL USE CONVERSION ... IN THE R-8 ZONING DISTRICT – VARIANCE – 1110 EDMONDSON AVENUE		

**TO**

DATE:

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

April 18, 2019

At its regular meeting of April 18, 2019, the Planning Commission considered City Council Bill #19-0338, 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 1110 Edmondson Avenue (Block 0114, Lot 037), as outlined in red on the 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 #19-0338 and adopted the following resolution; eight members being present (eight 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 #19-0338 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/ewt

attachment



Catherine E. Pugh  
Mayor

## PLANNING COMMISSION

Sean D. Davis, Chairman

### STAFF REPORT



Chris Ryer  
Director

April 18, 2019

**REQUEST:** City Council Bill #19-0338/ Zoning - Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District - Variance - 1110

Edmondson 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-8 Zoning District on the property known as 1110 Edmondson Avenue (Block 0114, Lot 037), as outlined in red on the accompanying plat; and granting a variance from certain off-street parking regulations.

**RECOMMENDATION:** Approval

**STAFF:** Eric Tiso

**PETITIONER:** Under 22, LLC, c/o Derege Seifu

**OWNER:** Under 22, LLC

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

Site Conditions: 1110 Edmondson Avenue is located on the north side of the street, approximately 136' east of the intersection with North Carrollton Avenue. The property measures 16' by 94'3" and is improved with a three-story semi-detached building that is vacant.

General Area: This property is located within the Harlem Park neighborhood, as well as the Harlem Park Urban Renewal Plan (URP) area, and is predominantly residential in nature with the majority of the housing stock comprised of attached dwellings. The Harlem Square Park is two blocks to the west, which is just south of the Harlem Park recreation center.

#### **HISTORY**

- The Harlem Park Urban Renewal Plan was established by the Mayor and City Council on June 3, 1960.
- Amendment #6 to the Harlem Park URP was approved by the Mayor and City Council on March 24, 2010.

#### **ANALYSIS**

Background: 1110 Edmondson Avenue has been vacant and boarded for several years. In that time, the property has been damaged due to neglect, to include several holes in the roof that allowed rain and snow penetration that in turn caused severe damage to the floors, ceilings and interior walls of the building. Most of the existing windows and doors are damaged so badly that

they are beyond repair, which led the current owner to begin a complete gut rehabilitation of the property. The applicant's proposed plan is to renovate the entire building and convert it into two dwellings. The first unit will be on the basement and first floor, and the second unit will be on the second and third floors.

Zoning Analysis: This property measures 16' by 94'3" (1,508 sqft), and is currently improved with a three-story vacant building that measures approximately 16' by 58'. The footprint of the basement, first, and second floors cover approximately 928 sqft each, and the third floor measures approximately 16' by 44' (704 sqft). The first unit will therefore have approximately 1,856 sqft, and the second unit will have approximately 1,632 sqft.

- The Zoning Code requires, for conversion of a single-family property in the R-8 District, 750 square feet of lot area per dwelling unit (BCZC §9-703.d., citing Table 9-401). A lot area of 1,500 square feet is thus required for the proposed use. This lot has 1,508 square feet and so meets the lot area requirement.
- A rear yard setback of 25' is required. This property has a rear yard setback of 36'3" which meets that requirement.
- The maximum lot coverage allowed is 80%. This structure covers approximately 61.5% of the lot, which meets that requirement.
- The Zoning Code requires, for conversion of a single-family property in the R-8 District, gross floor area of 750 square feet per 1-bedroom unit created, and 1,000 square feet per 2-bedroom unit created (BCZC §9-703.c.). The proposed units will contain 1,856 sqft and 1,632 sqft, which meet this requirement.
- One additional off-street parking space is required to serve the one newly-created dwelling unit (BCZC §9-703.f.). This property cannot provide any off-street parking spaces meeting Zoning Code standards for accessibility, since the sides and rear of the property is landlocked by an inner-block park owned by the City. For this reason, a variance of this requirement is included in the 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 the Harlem Park (URP), where this property is designated for residential use on the Land Use Plan sheet. 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:

(b) *Required considerations.*

As a further guide to its decision on the facts of each case, the Board of Municipal and Zoning Appeals must consider the following, where appropriate:

- (1) the nature of the proposed site, including its size and shape and the proposed size, shape, and arrangement of structures;
- (2) the resulting traffic patterns and adequacy of proposed off-street parking and loading;
- (3) the nature of the surrounding area and the extent to which the proposed use might impair its present and future development;
- (4) the proximity of dwellings, churches, schools, public structures, and other places of public gathering;
- (5) accessibility of the premises for emergency vehicles;
- (6) accessibility of light and air to the premises and to the property 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;
- (8) the preservation of cultural and historic landmarks and structures;
- (9) the character of the neighborhood;
- (10) the provisions of the City's Comprehensive Master Plan;
- (11) the provisions of any applicable Urban Renewal Plan;
- (12) all applicable standards and requirements of this Code;
- (13) the intent and purpose of this Code; and
- (14) any other matters 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 and would allow for the renovation of a vacant and boarded home. The proposed two dwelling units otherwise meet the requirements of the Zoning Code for this district (lot area, lot coverage, floor area, etc.).
- While no off-street parking meeting Zoning Code standards can be provided on this property, this situation due to the landlocked nature of the parcel on three sides by a City-owned parcel, which physically prevents access to the rear yard. Staff does not believe that a variance granted for one parking space would create a negative impact on the surrounding neighborhood.
- There is a practical difficulty with complying with the parking 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.

- A variance granted for parking would not be injurious to use and enjoyment of other property in the immediate vicinity, nor would it substantially diminish or impair property values in the neighborhood. Returning this property in to productive occupancy would actually help improve property values in the Harlem Park neighborhood. The variances are in harmony with the Comprehensive Master Plan, the Harlem Park Urban Renewal Plan, and related considerations of public health, safety, and general welfare.

Notification: The Harlem Park Neighborhood Council has been notified of this action.



**Chris Ryer**  
**Director**