



FROM	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 #24-0600 / ZONING - CONDITIONAL USE OF A SINGLE-FAMILY DWELLING UNIT TO 3 DWELLING UNITS IN THE R-8 ZONING DISTRICT - VARIANCES - 2106 MCCULLOH STREET		

DATE: November 8, 2024

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

At its regular meeting of November 8, 2024, the Planning Commission considered City Council Bill #24-0600, for the purpose of permitting, subject to certain conditions, the conversion of a single-family dwelling unit to 3 dwelling units in the R-8 Zoning District on the property known as 2106 McCulloh Street (Block 0309, Lot 005), as outlined in red on the accompanying plat; and granting a variance from off-street parking requirements; and providing for a special effective date.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended approval of City Council Bill #24-0600 and adopted the following resolution, with eight members being present (eight in favor):

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, adopts the findings and equity analysis outlined in the staff report, with consideration for testimony and facts presented in the meeting, and recommends that City Council Bill #24-0600 be **approved** 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

cc: Ms. Nina Themelis, Mayor's Office  
The Honorable Eric Costello, Council Rep. to Planning Commission  
Mr. Colin Tarbert, BDC  
Ms. Rebecca Witt, 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. Derek Hayes o/b/o ABCD Homes, LLC



Brandon M. Scott  
Mayor

## PLANNING COMMISSION

Sean D. Davis, Chair; Eric Stephenson, Vice Chair

### STAFF REPORT



Chris Ryer  
Director

November 7, 2024

**REQUEST:** City Council Bill #24-0600/ Zoning - Conditional Use of a Single-Family Dwelling Unit to 3 Dwelling Units in the R-8 Zoning District - Variances - 2106 McCulloh Street:

For the purpose of permitting, subject to certain conditions, the conversion of a single-family dwelling unit to 3 dwelling units in the R-8 Zoning District on the property known as 2106 McCulloh Street (Block 0309, Lot 005), as outlined in red on the accompanying plat; and granting a variance from off-street parking requirements; and providing for a special effective date.

**RECOMMENDATION:** Approval

**STAFF:** Justin Walker/Eric Tiso

**PETITIONER:** Derek Hayes o/b/o ABCD Homes, LLC

**OWNER:** ABCD Homes, LLC

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

Site Conditions: 2106 McCulloh Street is located on the southwest side of the street, approximately 64' northwest of the intersection with Bloom Street. This property measures approximately 20' by 120' and is currently improved with a three-story vacant rowhome measuring approximately 20' by 46'. This site is zoned R-8.

General Area: This property is located in the Druid Heights neighborhood, which is predominantly residential in nature, with some small commercial uses along major corridors. Rowhomes make up a majority of the housing stock in the neighborhood.

#### **HISTORY**

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

#### **ANALYSIS**

Background: This project involves the conversion of an existing single-family row house into a multi-family residential building consisting of three separate units. Each unit's size will comply with the requirements specified in the zoning code, section 9-703.c. The proposed redevelopment will transform a currently vacant property into a fully utilized residential space, adding housing options within the neighborhood.

Use: In this Rowhouse and Multi-Family Residential zoning district, multi-family dwellings are listed as a permitted use, and so are generally allowed (Table 9-301). In this case, the property was last authorized for use as a single-family dwelling.

Lot Area Requirement: In this zoning district, multi-family dwellings require 750 square feet of lot area per dwelling unit (Table 9-401). In this case, for three dwelling units, 1,875 square feet of lot area is required. The lot encloses 2,400 square feet, which meets this requirement. In the residential districts, the maximum number of permitted dwelling units on a lot is determined by dividing the total area of the lot by the lot area requirement that applies to the district in which the lot is located. On a lot with 3 or more dwelling units, a fraction of the total area that is 50% or more of the required lot area factor counts as an additional permitted dwelling unit (§15-302).

Off-Street Parking and Variance: In this zoning district, multi-family dwellings require one off-street parking space per dwelling unit (Table 16-406). For three dwelling units, two off-street parking spaces are required to serve the new dwelling units; none are proposed to be provided. A 100% parking variance is included in the bill. Staff notes that the rear yard is accessible from a 20' alley with a paved cross-section of about 14' width. Given that the property is 20' wide, with a rear yard depth of about 70', two parking spaces (9' by 18' each) could be provided, set into the rear yard by about 5' for swing space. If parking were provided in the rear yard, it would meet the parking requirements and remove the need for a parking variance.

Residential Conversions: In the Residence Districts, the conversion of a single-family dwelling to a multi-family dwelling is allowed only in the R-7, R-8, R-9, and R-10 Districts, subject to: (1) the requirements of this subtitle; and (2) in the R-7 and R-8 Districts, conditional-use approval by Ordinance of the Mayor and City Council (§9-701).

Conversion standards: The existing dwelling must be: (i) a structure originally constructed as a single-family dwelling; and (ii) 1,500 square feet or more in gross floor area, not including any basement area (§9-703.b.). The existing structure contains approximately 2,760 square feet in gross floor area, which exceeds that requirement.

The converted dwelling must meet the following gross floor area per unit type: (1) 1-bedroom unit: 750 square feet; (2) 2-bedroom unit: 1,000 square feet; (3) 3- or more bedroom unit: 1,250 square feet (§9-703.c.). Each of the proposed 2-bedroom dwelling units would contain approximately 1,050 square feet in gross floor area, meeting this requirement.

#### Conditional Use Approval Standards:

##### **§ 5-406. Approval standards.**

###### (a) *Evaluation criteria.*

As a 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.

(b) *Limited criteria for denying.*

The Board of Municipal and Zoning Appeals or the City Council, may not approve a conditional use or sign unless, after public notice and hearing and on consideration of the standards required by this subtitle, the Board or Council finds that:

- (1) the establishment, location, construction, maintenance, or operation of the conditional use or sign would not be detrimental to or endanger the public health, safety, or welfare;
- (2) the use or sign 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.

Staff believes that the conditional use would not pose any greater impact on this lot than it would on any other similar zoned property. The property is located in the Druid Heights Neighborhood, which is predominantly residential. We are not aware of any existing laws or plans that would inhibit this application. As the proposed conversion will allow for the existing vacant building to be renovated and returned to productive use, it would be in the public's interest to allow the conversion. The proposal generally complies with the requirements of Article 32 – *Zoning* except for the needed variances, discussed below.

Variance Approval Standards:

**§ 5-308. Approval standards.**

(a) Required finding of unnecessary hardship or practical difficulty.

In order to grant a variance, the Zoning Administrator, the Board of Municipal and Zoning Appeals, or the City Council, as the case may be, must find that, because of the particular physical surroundings, shape, or topographical conditions of the specific structure or land involved, an unnecessary hardship or practical difficulty, as distinguished from a mere inconvenience, would result if the strict letter of the applicable requirement were carried out.

(b) Other required findings.

The Zoning Administrator, the Board of Municipal and Zoning Appeals, or the City Council, as the case may be, must also find that:

- (1) the conditions on which the application is based are unique to the property for which the variance is sought and are not generally applicable to other property within the same zoning classification;
- (2) the unnecessary hardship or practical difficulty is caused by this Code and has not been created by the intentional action or inaction of any person who has a present interest in the property;
- (3) the purpose of the variance is not based exclusively on a desire to increase the value or income potential of the property;
- (4) the variance will not:
  - (i) be injurious to the use and enjoyment of other property in the immediate vicinity; or
  - (ii) substantially diminish and impair property values in the neighborhood;
- (5) the variance is in harmony with the purpose and intent of this Code;
- (6) the variance is not precluded by and will not adversely affect:
  - (i) any Urban Renewal Plan;
  - (ii) the City's Comprehensive Master Plan; or

- (iii) any Historical and Architectural Preservation District; and
- (7) the variance will not otherwise:
  - (i) be detrimental to or endanger the public health, safety, or welfare; or
  - (ii) be in any way contrary to the public interest.

Below is the staff’s review of Article 32 – *Zoning*, §5-308 {“Approval standards”}: For the parking variance, staff find that the applicant proposes adding two additional off-street parking spots to the rear of the building, according to their statement of intent. If the two spots are provided, the need for a parking variance will be removed as they have provided one per dwelling unit as required by the code in Table 16-406.

Equity: Staff believes that this conversion is reasonable, that the proposed units will be of a reasonable size, and that approval of this bill will allow for the renovation of this vacant and boarded property. Staff notes a letter of support from the Druid Heights Community Development Corporation has been received. This action will not have any significant impact on staff time or resources.

Notification: Druid Heights Community Development Corporation has been notified of this action.



**Chris Ryer**  
**Director**