



<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 #21-0186 / Zoning – Conditional Use Conversion to 3 Dwelling Units in the R-7 Zoning District - - Variance – 1635 Gwynns Falls Parkway		

**TO**

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

DATE: January 14, 2022

At its regular meeting of January 13, 2022, the Planning Commission considered City Council Bill #21-0186, for the purpose of permitting, subject to certain conditions, the conversion of a single-family dwelling unit to 3 dwelling units on the property known as 1635 Gwynns Falls Parkway (Block 3235, Lot 030), as outlined in red on the accompanying plat; and granting a variance from certain bulk regulations (lot area size).

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended amendment and approval of City Council Bill #21-0186, and adopted the following resolution, eight members being present (six in favor, with two abstentions):

RESOLVED, That the Planning Commission concurs with the recommendation of its Departmental staff to add variances of off-street parking regulations and residential conversion floor area requirements to this bill, adopts the findings of fact outlined in the attached staff report and its equity findings, with consideration for testimony and facts presented in this meeting, and recommends that City Council Bill #21-0186 be amended to add a variance of off-street parking regulations and a variance of minimum floor area requirements for residential conversion, and as amended 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

cc: Ms. Natasha Mehu, Mayor's Office  
Ms. Nina Themelis, Mayor's Office  
Mr. Ted Carter, Mayor's Office  
The Honorable Eric Costello, Council Rep. to Planning Commission  
Mr. Matthew Stegman, City Council President's Office  
Ms. Nikki Thompson, City Council President's Office  
Mr. Colin Tarbert, BDC  
Ms. Kathleen Byrne, 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  
Mr. Avery Aisenstark, Legislative Reference  
Ms. Danielle Green for Green Trea REI



Brandon M. Scott  
Mayor

## PLANNING COMMISSION

Sean D. Davis, Chairman

### STAFF REPORT



Chris Ryer  
Director

January 13, 2022

**REQUEST:** City Council Bill 21-0186 / Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to 3 Dwelling Units in the R-7 Zoning District – Variance – 1635 Gwynns Falls Parkway

For the purpose of permitting, subject to certain conditions, the conversion of a single-family dwelling unit to 3 dwelling units in the R-7 Zoning District on the property known as 1635 Gwynns Falls Parkway (Block 3235, Lot 030), as outlined in red on the accompanying plat; and granting a variance from certain bulk regulations (lot area size).

**RECOMMENDATION:** Amendment, and Approval as amended

Amendments: Add a variance of off-street parking regulations; add a variance of conversion standards for Residential Conversions to allow a second floor one-bedroom unit with less than 750 square feet of floor area.

**STAFF:** Martin French

**PETITIONERS:** Councilmember Torrence, at the request of Danielle Green

**OWNER:** Green Trea REI c/o Danielle Green

### **SITE/ GENERAL AREA**

Site Conditions: This property is located on the southeast side of the street approximately 46' northeast of the intersection with Woodbrook Avenue and is currently improved with a three-story attached porch-front residential dwelling measuring approximately 15' by 70' on a lot measuring approximately 15' by 120'. This structure, built in the middle of the first decade of the 20<sup>th</sup> Century, is now a vacant single-family residential property that was sold by the City of Baltimore to the applicant in 2021 through the One House At a Time Program operated by the Department of Housing and Community Development. The site is zoned R-7 and is in the Parkview-Woodbrook community and the Auchentoroly Terrace National Register Historic District.

General Area: This is a primarily residential area with scattered non-residential uses such as religious institutions and a few small street-corner commercial uses. Two blocks southwest of this property is the Reisterstown Road commercial corridor, beyond which is the Mondawmin Metro Station that is a major bus-rail rapid transit transfer point.

## **HISTORY**

The Auchentoroly Terrace Historic District was listed on the National Register of Historic Places on September 17, 2015. The area around this property was rezoned from R-8 to R-7 during the comprehensive rezoning process associated with adoption of the current Zoning Code which became effective on June 5, 2017.

## **ANALYSIS**

### Zoning Analysis:

- The Zoning Code requires, for a property in the R-7 zoning district, 1,100 square feet of lot area per dwelling unit (Table 9-401). A lot area of 2,750 square feet is thus required for three dwelling units. As this lot has approximately 1,800 square feet, a 950 square feet lot area size variance, amounting to approximately 34.5%, is needed for approval. A lot area variance has been included in Section 2 of the bill.
- Two off-street parking spaces are required to serve two newly created dwelling units. Since the property cannot provide two parking spaces meeting Zoning Code standards, as the lot is only 15' wide, a parking variance is needed in order to meet this requirement.
- The floor plans filed by the owner propose creation of a two-bedroom dwelling unit on the second-floor front and third floor levels of the existing structure, a one-bedroom unit on the first floor, and a one-bedroom dwelling unit in the central and rear portions of the second floor of the structure. A two-bedroom dwelling unit requires 1,000 square feet of gross floor area; a one-bedroom dwelling unit requires 750 square feet of gross floor area (BCZC §9-703). While the upper two floor levels as proposed to be combined (second-floor front and third floor) can provide at least 1,500 square feet of gross floor area to satisfy the conversion requirement for the two-bedroom unit, and the first-floor level can provide at least 750 square feet of gross floor area for one of the one-bedroom units, the central and rear portion of the second-floor level cannot provide the 750 square feet needed for a second one-bedroom unit. (It would contain approximately 690 square feet of gross floor area.) A floor area variance is therefore needed in this bill.

### Variations: Per §5-308 {"Approval standards"} of Article 32 – *Zoning*:

- *Required finding of unnecessary hardship or practical difficulty:* The existing building covers over 60% of the property, yet also contains approximately 2,500 square feet of gross floor area, which creates an unusual ratio of floor area to lot area. The interior space of the building is larger than what would ordinarily be needed for a single-family dwelling, and so the lot area variance requested is reasonable. Likewise, although the width of the property only allows creation of one parking space meeting Zoning Code standards, while the Zoning Code requires a space for each of the two newly-created dwelling units (Table 16-406), the owner is not able to provide an off-street parking space without demolishing a part of the deck attached to the rear of the building, and so a complete parking variance is more reasonable than strict compliance with the requirement.

- *Other required findings:* Planning staff conclude that the conditions on which this application is based are unique to the property for which the variances are sought and not generally applicable to other property within the same zoning classification, as this is a three-story early 20<sup>th</sup> Century structure that is large in relation to the lot that it is on. Similarly, Planning staff conclude that unnecessary hardship or practical difficulty is not being created by the intentional action of a person with a present interest in the property; and that the purpose of the variances is not based exclusively on a desire to increase the value or income potential of the property, given its large floor area that partially meets the floor area per unit type conversion standards in the Zoning Code, and that its existing structure is large in relation to the lot on which it is situated. Planning staff recommend that the Commission find that the variances would not be injurious to the use and enjoyment of other property in the immediate vicinity; nor substantially diminish and impair property values in the neighborhood; nor adversely affect the City’s Comprehensive Master Plan or any Urban Renewal Plan; nor be detrimental to or endanger the public health, safety, or welfare, or be in any way contrary to the public interest.

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.

Establishment, location, construction, maintenance, and operation of a multi-family dwelling at 1635 Gwynns Falls Parkway would not be detrimental to or endanger public health, safety, or welfare. The proposed use is not precluded by any other law, including an Urban Renewal Plan. Use of this property for a multi-family dwelling is not otherwise in any way contrary to the public interest. The authorization would be in harmony with the purpose and intent of the Zoning Code.

Below is staff’s review of §5-406(b) {“Required considerations”} of Article 32 – *Zoning*:

(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.

Staff finds that the site, including its size and shape, is appropriate for the proposed use. There would be no change to traffic patterns if this use would be authorized. The surrounding area is one in which the predominant residential type was originally single-family owner-occupancy rowhousing but in which some conversions of single-family to multi-family dwellings occurred during the 20<sup>th</sup> Century. For this reason, it is unlikely that the proposed multi-family use would impair present or future development. There is reasonable proximity of other dwellings, churches and other places of worship, schools, public structures, and places of public gathering. There is adequate accessibility for emergency vehicles, and of light and air to the premises and to other properties in the vicinity. There are adequate utilities, roads, drainage, and other necessary facilities. The proposed use of the existing structure would not affect preservation of cultural and historic landmarks and structures. Approval of the proposed use as a multi-family dwelling would not affect the existing character of the neighborhood, as noted above. While consistent with provisions of the City's Comprehensive Master Plan, the proposed use is not prevented or limited by any Urban Renewal Plan. Multi-family use would meet all applicable standards and requirements of the Zoning Code upon granting of variances discussed previously, and would be consistent with the intent and purpose of the Zoning Code.

Floor plans: Preliminary floor plans prepared by the owner show three dwelling units, the largest one containing over 1,000 gross square feet of floor area, and one of the two one-bedroom units containing approximately 750 square feet of floor area, as required by the conversion standards of the Zoning Code §9-703, but the second-floor rear one only having approximately 690 square feet of floor area. The owner does not intend to finish the basement of the building to provide additional floor area for the first-floor level unit. The floor plans would be submitted for permit approval if this conversion is authorized.

Equity considerations: This property is located within a part of Baltimore City that has low real estate market values and a proportion of non-whites that is above the City-wide average. The Parkview-Woodbrook community, as part of the larger West Baltimore area, has suffered from significant net disinvestment, combined with population losses, for several decades. While there would be no apparent or predictable changes to the quality of life in the Parkview-Woodbrook community that would result from disapproval of this proposed action, there is a predictable, though limited, improvement that could result from completion of renovation and re-use of this property, reinforced by creation of additional housing options for residents. By itself, the proposed action would not change existing patterns of inequity that persist in Baltimore.

Creation of multi-family dwelling units adds opportunity for residents to live in this community. The proposed additional dwelling units would be convenient to the Mondawmin Metro Station, which offers access by public transportation to downtown Baltimore and to other areas of employment along the Metro Line from East Baltimore/ Johns Hopkins Medical Institutions to Owings Mills New Town. There would be no effect on internal operations of the Department of Planning that would result from approval of the proposed action.

Notification: The Greater Mondawmin Coordinating Council, Mondawmin Neighborhood Improvement Association, Mondawmin Improvement Neighborhood Association, New Auchentoroly Terrace Association, and Councilman Torrence have been notified of this action.

  
**Chris Ryer**  
**Director**