


<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 #20-0525 / ZONING – CONDITIONAL USE CONVERSION of a Single-Family Dwelling Unit to 2 Dwelling Units In the R-8 Zoning District – Variance – 316 EAST 21 <sup>ST</sup> STREET		

DATE: May 28, 2020

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

At its regular meeting of May 28, 2020, the Planning Commission considered City Council Bill #20-0525, 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 316 East 21<sup>st</sup> Street (Block 3813, Lot 056), 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 approval of City Council Bill #20-0525 and adopted the following resolution, nine members being present (nine in favor):

RESOLVED, That the Planning Commission finds, in accordance with §5-308 and §5-406 of Article 32 – *Zoning*, 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.

And further RESOLVED, That the Planning Commission concurs with the recommendation of its Departmental staff, and recommends that City Council Bill #20-0525 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/mf

attachment

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  
Mr. Adrian Akerman, for Barclay LLC



Bernard C. "Jack" Young  
Mayor

## PLANNING COMMISSION

Sean D. Davis, Chairman

### STAFF REPORT



Chris Ryer  
Director

May 28, 2020

**REQUEST:** City Council Bill #20-0525/ Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District – Variance – 316 East 21<sup>st</sup> Street:

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 316 East 21<sup>st</sup> Street (Block 3813, Lot 056), as outlined in red on the accompanying plat; and granting a variance from certain bulk regulations (lot area size).

**RECOMMENDATION:** Approval

**STAFF:** Martin French

**PETITIONERS:** Councilmembers Stokes and Cohen, at the request of Barclay LLC

**OWNER:** Barclay LLC

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

Site Conditions: 316 East 21<sup>st</sup> Street is located on the north side of 21<sup>st</sup> Street, approximately 115'3" east of the intersection with Guilford Avenue. This property measures approximately 14'3" by 79' and is currently improved with a three-story attached residential structure, constructed before 1900, measuring approximately 14'3" by 53'.

General Area: This property is part of the Barclay community, which grew in the 1880s following establishment of the Women's College of Baltimore, which became Goucher College a few years later, to its west. This area has predominantly attached housing, with a few commercial uses mixed in closer to Greenmount Avenue to the east and closer to North Avenue to the south. To the north of this area is the 25<sup>th</sup> Street commercial-office-residential corridor; to the south of this area is the commercial corridor of North Avenue which also includes the headquarters of the Baltimore City Public Schools System located in the "Old Poly[-technical Institute]" building. This community has recently seen considerable redevelopment and revitalization activity associated with the Barclay-Greenmount People's Homestead Historic District to the northeast of this property along East 22<sup>nd</sup> Street, and the multi-phase Telesis Corporation development of new and rehabilitated housing on several blocks in the vicinity of this property.

#### **HISTORY**

This block was rezoned from R-9 (Residential) to R-8 (Residential) during the comprehensive rezoning mapping process associated with the effective date of the 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, each a 2-bedroom unit, using all floors plus the basement of the structure. Originally constructed as a single-family dwelling, its use as a two-family multi-family dwelling would allow preservation of a piece of the community's historic fabric while responding to more contemporary, smaller-scale residential needs in a location with convenient access to downtown via public transit for residents of both dwelling units.

Zoning Analysis: This property is improved with a middle-of-group residential structure containing approximately 2,226 square feet of gross floor area. This bill would encourage re-use (or continuing use) of a structure consistent with its current zoning.

- The Zoning Code requires, for conversion of a single-family dwelling property in the R-8 District, 750 square feet of lot area per dwelling unit (BCZC subsection 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 1,125 square feet and thus does not meet the lot area requirement for conversion. A variance of this requirement has therefore been included in this bill; the variance is 25% of the required amount.
- The Zoning Code requires, for conversion of a single-family dwelling property in the R-8 District, 1,000 square feet of gross floor area per 2-bedroom dwelling unit (BCZC subsection 9-703.c.). The existing structure contains approximately 2,226 square feet of gross floor area, with each of its three above-grade floor levels having approximately 742 square feet.
- The maximum lot coverage allowed is 80% (Zoning Code Table 9-401). This structure covers approximately 65% of the lot. No variance of this requirement is needed.
- One additional off-street parking space is required to serve the newly-created dwelling unit (BCZC subsection 9-703.f.). This property can provide an off-street parking space meeting Zoning Code standards for accessibility, as the lot width is 14'3", the rear yard is at least 25' deep, and the rear alley is 10' wide, so therefore a variance of this requirement does not need to be 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, and is not in conflict with an Urban Renewal Plan. The proposed authorization would not be contrary to the public interest (in fact, it could advance the public interest by creating 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 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:

(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 that the proposed use as a two-family dwelling would be consistent with other residential use in the area, and that the site is located in a dense, walkable neighborhood served by public transportation.

Planning staff further recommend that the Planning Commission find that the lot area size variance contained in this bill should be granted in accordance with the standards contained in subsection 5-308 of the Zoning Code, in recognition of the fact that the particular shape of the specific structure and land involved would create an unnecessary hardship or practical difficulty, as distinguished from a mere inconvenience, if the strict letter of the applicable requirement were carried out. The unnecessary hardship or practical difficulty has not been created by the intentional action or inaction of any person having a present interest in the property; is not based exclusively on a desire to increase the value or income potential of the property; and 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. The variance would not otherwise be

detrimental to or endanger the public health, safety, or welfare, or be in any way contrary to the public interest.

Notification: The Barclay Leadership Council, Greater Greenmount Community Association, and Councilmen Stokes and Cohen have been notified of this action. Due to the closure of non-essential businesses by the Governor of Maryland in response to the current CoViD-19 pandemic, the site was not posted per normal Planning Commission requirements. Staff requests that the Commission waive its applicable posting requirements in recognition of the present emergency situation.



**Chris Ryer**  
**Director**