


FROM	NAME & TITLE	CHRIS RYER, DIRECTOR	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #20-0617 / ZONING – CONDITIONAL USE CONVERSION of a Single-Family Dwelling Unit to 2 Dwelling Units In the R-8 Zoning District – Variances – 1801 HOLLINS STREET		

DATE:

TO

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

October 9, 2020

At its regular meeting of October 8, 2020, the Planning Commission considered City Council Bill #20-0617, 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 1801 Hollins Street (Block 0225, Lot 001), 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 #20-0617 and adopted the following resolution, nine members being present (nine in favor):

RESOLVED, That the Planning Commission finds, in accordance with §5-406 {“Approval standards”} of Article 32 – *Zoning*, that the proposed use provided in this bill:

- would not be detrimental to or endanger the public, health, safety, or welfare;
- would not be precluded by any other law, including an applicable Urban Renewal Plan;
- would not be contrary to the public interest;
- would be in harmony with the purpose and intent of this Code; and
- meets all criteria for approval specified in subsection 5-406(b) of the Zoning Code of Baltimore City, as described in the Departmental staff report; and further

RESOLVED, That the Planning Commission concurs with the recommendation of its Departmental staff, and recommends adoption of the findings contained in the attached report; and further

RESOLVED, that the Planning Commission recommends that City Council Bill #20-0617 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
Ms. Livhu Ndou, 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. Van Brooks



Bernard C. "Jack" Young
Mayor

PLANNING COMMISSION

Sean D. Davis, Chairman

STAFF REPORT



Chris Ryer
Director

October 8, 2020

REQUEST: City Council Bill 20-0617/ Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District – Variances – 1801 Hollins 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 1801 Hollins Street (Block 0225, Lot 001), as outlined in red on the accompanying plat; and granting variances from certain bulk regulations (lot area size) and off-street parking requirements.

RECOMMENDATION: Approval

STAFF: Martin French

PETITIONER: Councilmember Bullock, at the request of Van Brooks

OWNERS: Van Douglass Brooks and Van Davey Brooks

SITE/ GENERAL AREA

Site Conditions: This property is located at the intersection of Hollins Street and Frederick Avenue, and is currently improved with a three-story semi-detached triangular-shaped dwelling measuring approximately 50' along Hollins Street and 10' at its narrowest overlooking the intersection of Hollins Street and Frederick Avenue, and 25' at its widest where it adjoins another improved property known as 1801½ Hollins Street. This property is the eastern end of a triangle of land bounded by Hollins Street on its north, Monroe Street on its west, and Frederick Avenue on its south. The site is zoned R-8 and is at the southwestern extremity of the Franklin Square community.

General Area: This is a residential mixed-use area, with scattered uses such as religious institutions and small commercial uses found several blocks in either direction along Frederick Avenue and along Monroe Street. This structure, built in the second half of the 19th Century, is now a residential rental property in a triangle of land that includes other rental properties, and a religious institution at the corners of Monroe Street with Hollins Street and Frederick Avenue.

HISTORY

There are no previous Planning Commission or legislative actions regarding this specific site. The group of structures of which this property is a part retained its R-8 zoning during the comprehensive rezoning process associated with adoption of the current Zoning Code which became effective on June 5, 2017.

CONFORMITY TO PLANS

The proposed action may be considered 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

Zoning Analysis:

- The Zoning Code requires, for a property in the R-8 zoning district, 750 square feet of lot area per dwelling unit (Table 9-401). A lot area of 1,500 square feet is thus required for two dwelling units. As this lot has approximately 875 square feet, a 625 square feet lot area size variance, amounting to approximately 41%, has been included in the bill.
- One off-street parking space is required to serve the newly-created dwelling unit. Since the property cannot provide any parking spaces meeting Zoning Code standards, as the existing structure covers the entire lot, a parking variance is needed in order to meet this requirement.

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

- *Required finding of unnecessary hardship or practical difficulty:* This existing building covers the entire property, but also contain a large amount of internal space, which is an unusual ratio. The interior space of the building is larger than would ordinarily be needed for a single-family dwelling, and so the lot area variance requested is reasonable. Likewise, the owner is not able to provide an additional parking space without demolishing a part of the building, and so the parking variance is more reasonable than strict compliance with the requirement, especially since any curb cut proposed would not meet the City's Curb Cut Policy regarding net gain in private parking.
- *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 triangular three-story 19th Century structure completely covering a triangular lot bounded by two major streets and another improved lot with complete lot coverage. Similarly, Planning staff can 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; nor 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 meets the floor area per unit type conversion standards in the Zoning Code, and 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, any Urban Renewal Plan, or Historical and Architectural Preservation District; 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 1801 Hollins Street 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 as well as residential mixed-use "shop-houses", but in which some conversions of

single-family to multi-family dwellings occurred during the 20th Century. For this reason, it is unlikely that the proposed multi-family use would impair present or future development by itself alone. 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 the 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: The floor plans prepared by the owner show two two-bedroom dwelling units, each with a separate outside entrance (one at the intersection of Hollins Street and Frederick Avenue, one near the northwest corner of the premises on Hollins Street), and each containing over 1,000 gross square feet of floor area, as required by the conversion standards of the Zoning Code §9-703. Because the proposed use of the existing basement for bedrooms would require alterations to or creation of new exterior openings, the owner has decided to revise the plan for the downstairs unit to place one bedroom on the street level (where there are windows) and to use the basement as a living area. The revised floor plans would be submitted for permit approval if this conversion is authorized.

Notification: The Franklin Square Community Association and Councilman Bullock have been notified of this action.



Chris Ryer
Director