



**BALTIMORE CITY COUNCIL
ECONOMIC AND COMMUNITY DEVELOPMENT
COMMITTEE**

Mission Statement

On behalf of the Citizens of Baltimore City, the Committee on Economic and Community Development (ECD) is responsible for supporting strong thriving communities. ECD will review proposed zoning and land use changes, tackle issues related to economic development, oversee housing policy, and promote equitable economic opportunity for all Baltimore residents.

The Honorable Sharon Green Middleton

PUBLIC HEARING

July 2, 2024

2:03 PM

CLARENCE "DU" BURNS COUNCIL CHAMBERS

24-0514

**Zoning - Conditional Use Conversion of Single-Family Dwelling Units
to 2 Dwelling Units in the R-7 Zoning District - Variances - 3040
Barclay Street**

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BILL SYNOPSIS

Committee: Economic and Community Development

Bill: 24-0514

Title: Zoning - Conditional Use Conversion of Single-Family Dwelling Units to 2 Dwelling Units in the R-7 Zoning District - Variances - 3040 Barclay Street

Sponsor: Council Member Ramos

Introduced: April 8, 2024

Purpose: For the purpose of permitting, subject to certain conditions, the conversion of certain single-family dwelling units to 2 dwelling units in the R-7 Zoning District on the property known as 3040 Barclay Street (Block 357A8, Lot 033), as outlined in red on the accompanying plat; granting variances from certain bulk regulations (lot area size) and off-street parking requirements; and providing for a special effective date.

Effective: 30 days after enacted

Agency Reports

| | |
|--------------------------------------|----------------------|
| City Solicitor | Approve w/ Amendment |
| Dept Housing & Community Development | Favorable |
| Planning Commission | Favorable |
| BMZA | Defers to Planning |
| BDC | Favorable |
| Dept Transportation | No Objection |
| Parking Authority | No Objection |
| Fire Department | No Objection |

Analysis

Current Law

Article 32 – Zoning, Sections 5-201(a) and Table 9-301 (R-6).

To approve a conditional use, the City Council must find, based on facts presented at a hearing on the bill:

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 the Baltimore City Zoning Code

Background

This bill if enacted would allow the conversion of a single-family dwelling (3040 Barclay Street) to 2 dwelling units. The unit is the end of row-unit on the street. The upper and main floor would constitute one unit and the basement would be the second unit. The basement of this unit has been used as a semi-independent unit in the past with a separate entrance and a kitchen.

Amendment

In its report, the Law Department asks for an amendment to the bill if the lower-level unit has two or more bedrooms due to a lack of sufficient floor area in the building. At the time of this report – that was not definitive in the materials submitted to the committee.

Variances

In its report, the Planning Department Staff notes that there is no dedicated off-street parking which would require a 100% variance for this conditional use. The Planning report notes that parking is not competitive in this area and the Parking Authority has no objection to the bill.

The Planning Department report also notes the lot area is not sufficient to comply with the zoning code and a variance of 36%. The lot size is approximately 1406 sq feet and a two-unit dwelling would require 2200 sq feet.

Additional Information

Fiscal Note: Not Available

Information Source(s): Agency Reports, 24-0514 1st reader,

Analysis by: Anthony Leva

Direct Inquiries to: 410-396-1091

Analysis Date: June 27, 2024

CITY OF BALTIMORE
COUNCIL BILL 24-0514
(First Reader)

Introduced by: Councilmember Ramos

At the request of: Sindbad Fennimore

Address:

302 E. 31st Street

Baltimore, Maryland 21218

Telephone: (202) 425-0933

Introduced and read first time: April 8, 2024

Assigned to: Economic and Community Development Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Housing and Community Development, Planning Commission, Board of Municipal and Zoning Appeals, Baltimore Development Corporation, Department of Transportation, Parking Authority of Baltimore City, Fire Department

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Zoning – Conditional Use Conversion of Single-Family Dwelling Units to**
3 **2 Dwelling Units in the R-7 Zoning District – Variances –**
4 **3040 Barclay Street**

5 FOR the purpose of permitting, subject to certain conditions, the conversion of certain single-
6 family dwelling units to 2 dwelling units in the R-7 Zoning District on the property known as
7 3040 Barclay Street (Block 357A8, Lot 033), as outlined in red on the accompanying plat;
8 granting variances from certain bulk regulations (lot area size) and off-street parking
9 requirements; and providing for a special effective date.

10 BY authority of

11 Article - Zoning

12 Sections 5-201(a), 5-305(a), 5-308, 9-401 (Table 9-401), 9-701(2), 9-703(d), 9-703(f),
13 16-203, and 16-602 (Table 16-406)

14 Baltimore City Revised Code
15 (Edition 2000)

16 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That
17 permission is granted for the conversion of certain single-family dwelling units to 2 dwelling
18 units in the R-7 Zoning District on the properties known as 3040 Barclay Street (Block 357A8,
19 Lot 033), as outlined in red on the plat accompanying this Ordinance, in accordance with
20 Baltimore City Zoning Code §§ 5-201(a) and 9-701(2), subject to the condition that the buildings
21 comply with all applicable federal, state, and local licensing and certification requirements.

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

Council Bill 24-0514

1 **SECTION 2. AND BE IT FURTHER ORDAINED**, That pursuant to the authority granted by
2 §§ 5-305(a) and 5-308 of Article 32 - Zoning, permission is granted from the requirements of
3 § 9-401 (Table 9-401: Rowhouse and Multi-Family Residential Districts - Bulk and Yard
4 Regulations) and 9-703(d), as the minimum lot size requirement for 2 dwelling units, in the R-7
5 Zoning District, is 2,200 square feet, and the lot area size is approximately 1,406 square feet, thus
6 requiring a variance of 36.09%.

7 **SECTION 3. AND BE IT FURTHER ORDAINED**, That pursuant to the authority granted by
8 §§ 5-305(a) and 5-308 of Article 32 - Zoning, permission is granted for a variance from the
9 requirements of §§ 9-703(f), 16-203, and 16-602 (Table 16-406: Required Off-Street Parking) for
10 off-street parking.

11 **SECTION 4. AND BE IT FURTHER ORDAINED**, That as evidence of the authenticity of the
12 accompanying plat and in order to give notice to the agencies that administer the City Zoning
13 Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council
14 shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat;
15 and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the
16 Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of
17 Housing and Community Development, the Supervisor of Assessments for Baltimore City, and
18 the Zoning Administrator.

19 **SECTION 5. AND BE IT FURTHER ORDAINED**, That this Ordinance takes effect on date it is
20 enacted.

**ECONOMIC AND COMMUNITY
DEVELOPMENT COMMITTEE**

**24-0514
AGENCY REPORTS**

**ZONING - CONDITIONAL USE CONVERSION OF
SINGLE-FAMILY DWELLING UNITS TO 2
DWELLING UNITS IN THE R-7 ZONING DISTRICT
- VARIANCES - 3040 BARCLAY STREET**

CITY OF BALTIMORE

BRANDON M. SCOTT,
Mayor



DEPARTMENT OF LAW
EBONY M. THOMPSON,
CITY SOLICITOR
100 N. HOLLIDAY STREET
SUITE 101, CITY HALL
BALTIMORE, MD 21202

May 22, 2024

The Honorable President and Members
of the Baltimore City Council
Attn: Natawna B. Austin, Executive Secretary
Room 409, City Hall, 100 N. Holliday Street
Baltimore, Maryland 21202

Re: City Council Bill 24-0514 – Zoning - Conditional Use Conversion of Single-Family
Dwelling Units to 2 Dwelling Units in the R-7 Zoning District - Variances - 3040
Barclay Street

Dear President and City Council Members:

The Law Department reviewed City Council Bill 24-0514 for form and legal sufficiency. The bill would permit, subject to certain conditions, the conversion of a certain single family dwelling unit to 2 dwelling units in the R-7 Zoning District on the property known as 3040 Barclay Street (Block 357A8, Lot 033); and granting variances for lot size area and off-street parking requirements. The ordinance would take effect on the date of its enactment.

Conditional Use Standards

The conversion of a single-family dwelling to a multi-family dwelling in an R-7 District requires conditional-use approval by ordinance. Baltimore City Code, Art. 32, § 9-701(2). To approve a conditional use, the City Council must find:

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.

Baltimore City Code, Art. 32, § 5-406(b). In making these findings, the City Council must be guided by fourteen “considerations” involving such things as the “nature of the surrounding area and the extent to which the proposed use might impair its present and future development,” “the character of the neighborhood,” and “the resulting traffic patterns and adequacy of proposed off-street parking.” Baltimore City Code, Art. 32, § 5-406(a).

Variance Standards

The bill contains variances for lot size and off-street parking requirements. In support of the lot size variance the bill states:

the minimum lot size requirement for 2 dwelling units, in the R-7 Zoning District, is 2,200 square feet, and the lot area size is approximately 1,406 square feet, thus requiring a variance of 36.09%.

The lot size is noted in the Staff Report as 14'8" x 95. Accordingly, the lot size is approximately 1,394 sq. ft., which aligns with the Zoning Administrator's memo noting the lot square footage as approximately 1,390. In support of the lot size variance, the Staff Report notes that four neighboring properties are also multi-unit dwellings.

Additionally, the Planning report notes that two off-street parking spaces are required by the Zoning Code (Table 16-406) to serve the proposed two dwelling units. The report notes that no off-street spaces are provided. The Staff Report recommends the granting of a variance for off-street parking. In support of the variance the Report notes that the subject property lies outside of a Residential Parking Program, does not have a history of competitive parking, is adjacent to a commercial corridor whose hours of demand for parking differ from residential demand, and has immediate adjacent access to bus transit on York Road.

The Staff Report notes that the proposed square footage for the unit composed of the main and upper levels is 1,470 square feet and the proposed square footage for the ground floor/basement unit is 830 square feet. The community letter of support indicates that the subject property will be converted into a three-bedroom dwelling of approximately 1,500 square feet and a lower level two-bedroom apartment of approximately 850 square feet. No floor plans are in the bill file confirming the planned number of bedrooms in each dwelling unit. Assuming the lower-level apartment will have two bedrooms CB 24-0514 must be amended to include a variance for gross floor area under Art. 32, §§ 9-703(c). Section (c) requires that the gross floor area of the converted structure for a three-bedroom unit be 1,250 square feet and for a two-bedroom unit be 1,000 square feet. Adequate floor area appears to exist for the upstairs unit; however, if the ground floor unit will have two bedrooms the gross floor area is insufficient to meet Code requirements. If the lower-level unit will have two or more bedrooms, the Law Department recommends adding a new Section 4 to the bill to include this amendment and renumbering current sections 4 and 5. The Staff Report notes that the subject property is an end unit, and that the lower level/basement has windows and exterior doors.

To grant a variance, the City Council 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." Baltimore City Code, Art. 32, § 5-308(a). The City Council must also make seven other findings:

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.

Baltimore City Code, Art. 32, § 5-308(b). It is important to note that all seven of these criteria must be found, in addition to a finding of unnecessary hardship or practical difficulty. Baltimore City Code, Art. 32, § 5-308(b). The variance will not be legal if the conditions requiring this variance are generally applicable to other properties in the same zoning classification.

The Planning Department Staff Report ("Staff Report") supports the conversion of this property to two dwelling units and supports the required variances. Based on the Staff Report, the Planning Commission adopted a resolution recommending approval of Council Bill 24-0514. The Staff Report notes that approval of the property conversion to two dwelling units would codify the historical use of the property. The Planning report contains facts to support the necessary findings to approve variances for lot area, and parking. The Staff Report does not address a variance for gross floor area, and does not discuss whether there are facts containing this type of variance. The Planning report also provides facts in support of the conditional use standards for the requested conversion. Finally, the Planning report contains an analysis of the equity considerations relating to the proposed conversion of this dwelling to three units.

Hearing Requirements

Certain procedural requirements apply to this bill beyond those discussed above because an ordinance that authorizes a conditional use or a variance is considered a "legislative authorization." Baltimore City Code, Art. 32, § 5-501(2)(i) and (ii). Specifically, notice requirements apply to the bill, and the bill must be referred to certain City agencies which are obligated to review the bill in a specified manner. Baltimore City Code, Art. 32, §§ 5-504, 5-506, 5-602. Finally, certain limitations on the City Council's ability to amend the bill apply. Baltimore City Code, Art. 32, § 5-507.

The bill is the appropriate method for the City Council to review the facts and make the determination as to whether the legal standard for a conditional use and for variances have been met. The bill may require an amendment to include a variance for gross floor area if it is confirmed that the lower-level unit will have two or more bedrooms. Assuming the amendment is approved, the required findings are made at the hearing, and all procedural requirements are satisfied the Law Department can approve the bill for form and legal sufficiency.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Michele Toth".

Michele M. Toth
Assistant Solicitor

Cc: Stephen Salsbury
Nina Themelis
Tiffany Maclin
Elena DiPietro
Hilary Ruley
Ashlea Brown

**AMENDMENTS TO COUNCIL BILL 24-0514
(1st Reader Copy)**


By: Department of Law
{To be offered to the Economic and Community Development Committee}

Amendment No. 1

On page 1, in line 8, strike “) and off” and substitute “), off”; and, on that same page, in line 9, after “requirements” insert “, and gross floor area per unit requirements;”; and, on that same page, in line 12, after “9-701(2),” insert “9-703(c)”; and, on page 2, after line 10, insert:

“SECTION 4. AND BE IT FURTHER ORDAINED, That pursuant to the authority granted by §§ 5-305(a) and 5-308 of Article 32 - Zoning, permission is granted for a variance from the requirements of § 9-703(c) for gross floor area per unit type, as 1,000 square feet are required for each 2-bedroom unit, and the existing structure contains approximately 1,470 square feet for Unit 1, a 2-bedroom unit, on the main and upper level, and 830 square feet for Unit 2, a 2-bedroom unit, on the ground/basement level.”;

and, on that same page, in lines 11 and 19, strike “SECTION 4.” and “SECTION 5.”, respectively, and substitute “**SECTION 5.**” and “**SECTION 6.**”, respectively.

| | | | | |
|------|-----------------------|---|---|--|
| 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 #24-0514/ ZONING - CONDITIONAL USE CONVERSION OF SINGLE-FAMILY DWELLING UNITS TO 2 DWELLING UNITS IN THE R-7 ZONING DISTRICT - VARIANCES - 3040 BARCLAY STREET | | |

TO

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

DATE: May 10, 2024

At its regular meeting of May 10, 2024, the Planning Commission considered City Council Bill #24-0514, for the purpose of permitting, subject to certain conditions, the conversion of certain single-family dwelling units to 2 dwelling units in the R-7 Zoning District on the property known as 3040 Barclay Street (Block 357A8, Lot 033), as outlined in red on the accompanying plat; granting variances from certain bulk regulations (lot area size) and 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 #24-0514, and adopted the following resolution, with eight members being present (eight in favor):

RESOLVED, That the Planning Commission finds, in accordance with §5-406 of the Zoning Code of Baltimore City, 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; and
- would be in harmony with the purpose and intent of this Code; and
- meets all criteria for approval specified in §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 finds that because of its particular surroundings and shape of the specific structure, a practical difficulty would result if the strict letter of the applicable Zoning Code requirements were carried out; and therefore recommends that City Council Bill #24-0514 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



Brandon M. Scott
Mayor

PLANNING COMMISSION

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

STAFF REPORT



Chris Ryer
Director

May 9, 2024

REQUEST: City Council Bill #24-0514/ Zoning – Conditional Use Conversion of Single-Family Dwelling Units to 2 Dwelling Units in the R-7 Zoning District – Variances – 3040 Barclay Street:

For the purpose of permitting, subject to certain conditions, the conversion of certain single-family dwelling units to 2 dwelling units in the R-7 Zoning District on the property known as 3040 Barclay Street (Block 357A8, Lot 033), as outlined in red on the accompanying plat; granting variances from certain bulk regulations (lot area size) and off-street parking requirements; and providing for a special effective date.

RECOMMENDATION: Approval

STAFF: Marie McSweeney Anderson

PETITIONER: Sindbad Fennimore

OWNER: Sindbad Fennimore

SITE/GENERAL AREA

Site Conditions: 3040 Barclay Street is located on the west side of the street approximately 111' south of the intersection with East 31st Street, and the lot measures approximately 14'8" by 95'. The property is currently zoned R-7 and is improved with an end-of-row attached dwelling measuring 14'8" by 60'.

General Area: This property is in the center of the Abell neighborhood which is predominantly residential in nature. Barclay Street is one block to the west of and runs parallel to Greenmount Avenue, a commercial corridor. Large sites and amenities in the area include, Barclay Elementary School and the 29th Street Community Center, Peabody Heights Brewery, the Salvation Army site, and the Waverly Market and Main Street to the north.

HISTORY

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

ANALYSIS

Background: 3040 Barclay Street is an end of unit row home. The property owner seeks to gain approval for an additional unit on the lower level/basement of the property. The main and upper floor would be one unit and the basement/lower floor would be a second, separate unit.

Historically, the basement was used as a semi-independent dwelling unit with separate entrances and a kitchen. Approval would codify historical use of the property.

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).

Insufficient Lot Area and Variance: In this zoning district, multi-family dwellings require 1,100 square feet of lot area per dwelling unit (Table 9-401). In this case, for two dwelling units, 2,200 square feet of lot area is required. The lot only encloses about 1,406 square feet, and so does not meet this requirement. The City Council may grant a variance to reduce the applicable minimum lot area requirements. In this case, the proposed amount of variance would be 36%, which has been included in the bill. While this variance is significant in relation to the amount required by Table 9-401, the proposed square footage for Unit 1 is 1,470 square feet and the proposed square footage for Unit 2 is 830 square feet. Multi units in this type of dwelling is not unique for this area: Neighboring properties with 3 dwelling units on similar lots include 339, 403, and 419 E. 31st Street, and 411 E. 31st is a 2-unit.

Off-Street Parking: In this zoning district, multi-family dwellings require one off-street parking space per dwelling unit (Table 16-406). For two dwelling units, one additional parking space is required to serve the new dwelling unit; none are to be provided. Therefore, a 100% variance for parking will be needed, and has been included in the bill. This block lies outside of the Residential Permit Parking required blocks and does not have a history of competitive parking. As the block is adjacent to the commercial corridor, many of the nearby properties are commercial or industrial in use and business hours differ from residential demand. Additionally, due to immediate adjacent access to bus transit on York Road, tenants or property owners may not find need of a vehicle.

Conditional Use: Per §5-406 {“Approval standards”} of Article 32 – *Zoning*:

(b) *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 building plans provided by the property owner do not cause concern of cramped living spaces or inadequate public health. Due to the location of the property at the end of row, there is access to the property on all three sides, including windows and doors to the lower level. One recommendation is to transition one of the bedrooms in Unit 2 to a living area versus a secondary bedroom, but that is a decision of the potential future tenants as well. There is record of other properties with multiple units in the area without stress to the community and detriment to the area. The block remains predominantly residential and well organized. There are no Urban Renewal Plans for the area and there are no plans preventing this conversion. The property owner has communicated with adjacent property owners and has demonstrated support for this request.

In the staff's review of §5-406(a) {"Required considerations"} of Article 32 – *Zoning*, we find that the proposed conversion will not create any negative impacts in the required findings list below, and so we offer our favorable recommendation.

(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.

Equity:

- **Impact:** Approval would increase opportunity for housing in an area rich in access to commercial, educational, and transit amenities.
- **Engagement:** The property owner lived in the property as primary residence for twelve years and has developed relationships with adjacent neighbors. In addition, the property owner served on the board of the Abell Improvement Association for over ten years. There were no objections to the conversion and there was universal board support for the request as it will infuse capital into a keystone property on the block.
- **Internal Operations:** If approval is granted, this will prevent the property owner from seeking a variance at the Board of Municipal Zoning Appeals and reduce staff time dedicated to creating a report for this property.

Notification: The Abell Improvement Association provided a letter of support for the request. The Northern District Planner sent multiple notifications of this property at Planning Commission to 800+ recipients of their virtual newsletter, including leadership from the Charles Village Civic Association, Abell, Barclay, Better Waverly, and Harwood.

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke extending to the right.

Chris Ryer
Director



MEMORANDUM

DATE: May 15, 2024
TO: Economic and Community Development Committee
FROM: Colin Tarbert, President and CEO
POSITION: Favorable
SUBJECT: Council Bill 24-0514

A handwritten signature in black ink, appearing to read "Colin Tarbert", written over a horizontal line.

INTRODUCTION

The Baltimore Development Corporation (BDC) is reporting on City Council Bill 24-0514 introduced by Councilmember Ramos.

PURPOSE

This bill will allow a single-family home located at 3040 Barclay Street to be converted into two apartment homes. The bill also allows for a waiver of the standard requirement for off-street parking.

BRIEF HISTORY

The property was purchased by Sindbad Fennimore in July 2012. The owner plans to make improvements to the property allowing the three-level structure to contain one residential unit of roughly 1,500 square feet and a second unit of roughly 850 square feet. The Abell Improvement Association (AIA) provided a letter of support for this zoning variance bill.

FISCAL IMPACT



None.

AGENCY POSITION

The Baltimore Development Corporation respectfully submits a **favorable** report on City Council Bill 24-0514. If you have any questions, please contact Kim Clark at 410-837-9305 or KClark@baltimoredevelopment.com.

cc: Nina Themelis, Mayor's Office of Government Relations
Sophia Gebrehiwot, Mayor's Office of Government Relations

[MJF]

| | | | | |
|----------------------------|-----------------------|--|---|---|
| F R O M | Name & Title | James W. Wallace, Fire Chief  | CITY OF BALTIMORE MEMO |  |
| | Agency Name & Address | Baltimore City Fire Department 401 E. Fayette Street, Mezzanine | | |
| | Subject | City Council Bill #24-0514 - Zoning - Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-7 Zoning District – Variances – 3040 Barclay Street | | |

TO: The Honorable Nick J. Mosby, President
And All Members of the Baltimore City Council
City Hall, Room 408

DATE: April 22, 2024

The Baltimore City Fire Department (BCFD) has no opposition to Council Bill 24-0514. The location must comply with all applicable codes, ordinances, and laws and shall be required to obtain all required approvals. The location shall comply with the Building, Fire, and Related Codes of Baltimore City 2020 Edition (As enacted by Ord. 15-547, and last amended by Ord. 18-1830) and applicable Maryland laws.

The above does not negate any requirements for submission of plans to the Office of the Fire Marshal for review of construction, fire detection/notification/suppression systems, and automatic sprinkler installation. The location may be subject to an annual fire inspection and/or permits from the Office of the Fire Marshal.

JW/kw



CITY OF BALTIMORE
MAYOR BRANDON M. SCOTT

| | |
|----------------|--|
| TO | The Honorable President and Members of the Baltimore City Council |
| FROM | Corren Johnson, Director – Department of Transportation |
| DATE | May 10, 2024 |
| SUBJECT | 24-0514 Zoning - Conditional Use Conversion of Single-Family Dwelling Units to 2 Dwelling Units in the R-7 Zoning District - Variances - 3040 Barclay Street |

Position: No Objection

Introduction

Zoning - Conditional Use Conversion of Single-Family Dwelling Units to 2 Dwelling Units in the R-7 Zoning District - Variances - 3040 Barclay Street For the purpose of permitting, subject to certain conditions, the conversion of certain single-family dwelling units to 2 dwelling units in the R-7 Zoning District on the property known as 3040 Barclay Street (Block 357A8, Lot 033), as outlined in red on the accompanying plat; granting variances from certain bulk regulations (lot area size) and off-street parking requirements; and providing for a special effective date.

DOT Analysis

Council Bill 24-0514 would allow for the single-family home known as 3040 Barclay Street to accommodate two dwelling units. The change will have a negligible effect on traffic and parking. Additionally, the neighborhood is served by multiple transit lines and borders a lively, walkable commercial corridor.

Conclusion

The Department foresees no fiscal or operational impact, and therefore has no objection to the advancement of Council Bill 24-0514.

CITY OF BALTIMORE

Brandon M. Scott, Mayor



BOARD OF MUNICIPAL AND
ZONING APPEALS

Rebecca Lundberg Witt, *Executive Director*

April 22, 2024

The Honorable President and
Members of the City Council
City Hall
100 N. Holliday Street
Baltimore, MD 21202

**Re: CC Bill #24-0514 Zoning-Conditional Use Conversion of a Single-Family
Dwelling Units to 2 Dwelling Units in the R-7 Zoning District – Variances-
3040 Barclay Street**

Ladies and Gentlemen:

City Council Bill No. 24-0514 has been referred by your Honorable Body to the Board of Municipal and Zoning Appeals for study and report.

The purpose of City Council Bill No. 24-0514 is to permit, subject to certain conditions, the conversion of certain single-family dwelling unit to 2 dwelling units in the R-7 Zoning District on the property known as 3040 Barclay Street (Block 357A8, Lot 033); to grant variances from certain bulk regulations (lot area size) and off-street parking requirements; and to provide for a special effective date. BMZA is deferring its recommendation on the legislation to that of the report and recommendation of the Planning Commission.

Sincerely,

A handwritten signature in cursive script that reads "Rebecca R Witt".

Rebecca Lundberg Witt
Executive Director

CC: Mayor's Office of Council Relations
City Council President
Legislative Reference

**ECONOMIC AND COMMUNITY
DEVELOPMENT COMMITTEE**

24-0514

ADDITIONAL MATERIALS

**ZONING - CONDITIONAL USE CONVERSION OF
SINGLE-FAMILY DWELLING UNITS TO 2
DWELLING UNITS IN THE R-7 ZONING DISTRICT
- VARIANCES - 3040 BARCLAY STREET**

Baltimore City Council
Certificate of Posting - Public Hearing Notice
City Council Bill No.: #24-0514

Today's Date: 06/11/2024

(Place a picture of the posted sign in the space below.)



Address: 3040 Barclay Street, Baltimore 21218

Date Posted: 06/11/2024

Name: Sindbad Fennimore

Address: 302 East 31st Street, Baltimore 21218

Telephone: 202-425-0933

A handwritten signature in black ink, reading "Sindbad Fennimore".

Email to: Natawnab.Austin@baltimorecity.gov



Office of the Zoning Administrator
417 E. Fayette Street, Benton Bldg., Room 147

Ref: 3040 Barclay Street

Date: March 19, 2024

This memo is submitted to confirm the review of a request from the owner and/or representative of the property (or properties) referenced above for authorization to:

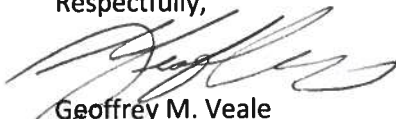
Convert existing premises into two dwelling units - R-7 Zoning District

Please be advised that the Office of the Zoning Administrator has determined that the authorization requested above (in whole or in part) requires approval by Ordinance of the Mayor and City Council of Baltimore. In the furtherance of said Ordinance approval, the Zoning Administrator has determined that the following variances per the Zoning Code of Baltimore City are required or needed to be incorporated into the bill for approval.

- Subsections 9-703(f), (Table 16-401): Off-street parking. For two dwelling units, at least one off-street parking space is required. None is provided.
- Subsections 9-703(d), (Table 9-401): Bulk regulations. For two dwelling units, a minimum lot area of 2,200 square feet is required. The existing lot area is approximately 1,390 square feet.

This memo is being submitted in accordance with Subsections 5-201 and 5-303 of the Zoning Code for Baltimore City.

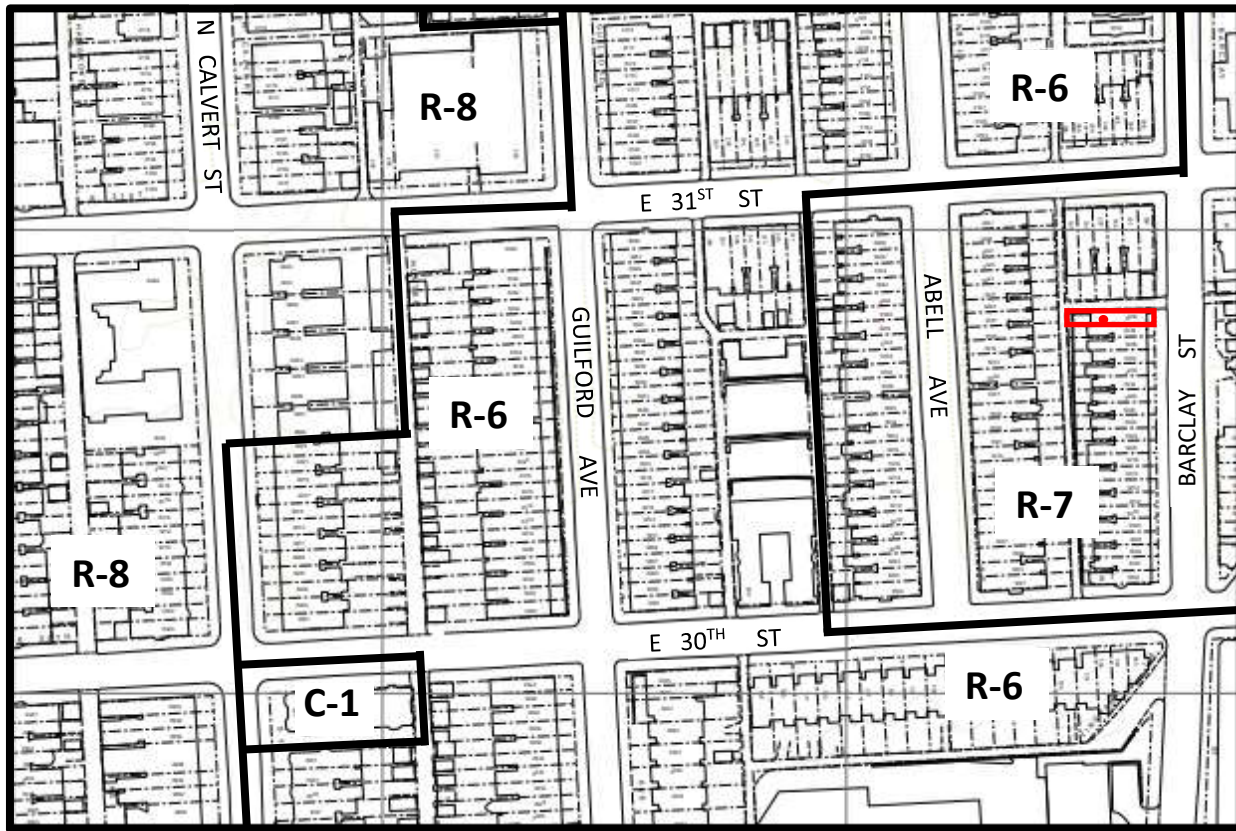
Respectfully,



Geoffrey M. Veale
Zoning Administrator

cc: Department of Legislative Reference
Sindbad Fennimore, Applicant
Councilmember Odette Ramos
Department of Planning

SHEET NO. 36 OF THE ZONING MAP OF THE ZONING CODE OF BALTIMORE CITY



Scale: 1" = 200'




Note:

In Connection With The Property Known As No. 3040 BARCLAY STREET. The Applicant Wishes To Request The Conditional Use Conversion Of The Aforementioned Property From A Single-Family Dwelling Unit To Two Dwelling Units In The R-7 Zoning District, As Outlined In Red Above.

WARD 12 SECTION 20
BLOCK 3857A LOT 33

MAYOR

PRESIDENT CITY COUNCIL



10/30/2023

Dear Councilwoman Ramos,

On Saturday, October 14, 2023, the Executive Committee (EC) of the Abell Improvement Association (AIA) unanimously voted in favor of providing a letter of support for the owner of 3040 Barclay Street, Baltimore, MD 21218 in reference to a zoning variance to legally subdivide the property from one unit to two units.

The property, zoned R-7, is a prime candidate for two-unit conversion. It is a corner/end unit with lower level entirely above ground. The main house will retain ~1500 square feet (3 bed, 2 full bath) + 400 square feet of covered porches; the lower-level apartment will be ~850 square feet (2 bed, 1 full bath) + 150 square foot porch. The lower level features 2 ground-level entrances (1 of which is equidistant from the sidewalk as the main house front door) and full-size windows. The lower-level build will include full bathroom, full kitchen, laundry, independent utilities, and 3+ forms of egress from each bedroom.

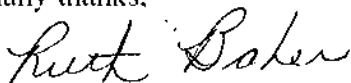
Importantly, conversion will not alter the exterior of the building, nor will it impact the historic integrity of the interior. The owner of the property has no intention of further subdividing the main house; the main and upper levels will remain as a single-family unit. The project is managed by a licensed general contractor, and the owners have engaged an architectural engineering consultant to support the conversion process.

The conversion will support affordable housing, including increased options for accessible, single-floor living with ground level entrances.

The owner of the property, Sindbad Fennimore, has been a valued and engaged member of the Abell community since 2012. He currently chairs the Sanitation Committee and has served as a member of the EC of the AIA for nearly 10 years.

For all of the above reasons, Sindbad Fennimore respectfully requests your support in this zoning variance to legally subdivide 3040 Barclay Street, Baltimore, MD 21218 into two units, and the Executive Committee of the Abell Improvement Association supports that request.

Many thanks,



Ruth Baker, Corresponding Secretary
Executive Committee
Abell Improvement Association

ZONING ORDINANCE REQUEST

STATEMENT OF INTENT

FOR

3040 Barclay Street

{Property Address; Block 3857A, Lot 033}

1. Applicant's Contact Information:

Name: Sindbad Fennimore

Mailing Address: 302 E 31st St Baltimore MD 21218

Telephone Number: 202-425-0933

Email Address: Sindbad.fennimore@gmail.com

2. All Proposed Zoning Changes for the Property:

3040 Barclay Street: 1-unit residential to 2-unit residential

3. All Intended Uses of the Property:

2-unit residential

4. Current Owner's Contact Information:

Name: Sindbad Fennimore

Mailing Address: 302 E 31st St Baltimore, MD 21218

Telephone Number: 202-425-0933

Email Address: Sindbad.fennimore@gmail.com

5. Property Acquisition:

The property was acquired by the current owner on July 9, 2012 by deed recorded in the
Land Records of Baltimore City in Liber 14495 Folio 0130 .

6. Contract Contingency:

(a) There is is not a contract contingent on the requested legislative authorization.

(b) If there is a contract contingent on the requested legislative authorization:

(i) The names and addresses of all parties to the contract are as follows *{use additional sheet if necessary}*:

(ii) The purpose, nature, and effect of the contract are:

7. Agency:

(a) The applicant is is not acting as an agent for another.

(b) If the applicant is acting as an agent for another, the names of all principals on whose behalf the applicant is acting, including the names of the majority owners of any corporate entity are as follows {use additional sheet if necessary}:

AFFIDAVIT

I, Sindbad Fennimore, solemnly affirm under the penalties of perjury that the information given in this Statement of Intent is true and complete to the best of my knowledge, information, and belief.



Applicant's signature

01/11/2024

Date