



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 #23-0409/ ZONING – CONDITIONAL USE CONVERSION – VARIANCES – 2127 McCULLOH STREET			

TO

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

DATE: September 1, 2023

At its regular meeting of August 31, 2023, the Planning Commission considered City Council Bill #23-0409, 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 2127 McCulloh Street (Block 0310, Lot 013), as outlined in red on the accompanying plat; and granting variances from certain bulk regulations (lot area size); and providing for a special effective date.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended amendment and approval as amended of City Council Bill #23-0409, and adopted the following resolution, with 8 members being present (8 in favor):

RESOLVED, That the Planning Commission finds, in accordance with §5-406(a) and §5-406(b) 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 #23-0409 be **approved** by the City Council.

If you have any questions, please contact Mr. Martin French in the Land Use and Urban Design Division at 410-396-1354.

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. Solomon Weldekirstos



Brandon M. Scott
Mayor

PLANNING COMMISSION

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

STAFF REPORT



Chris Ryer
Director

August 31, 2023

REQUEST: City Council Bill 23-0409 / Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to 3 Dwelling Units in the R-8 Zoning District – Variances – 2127 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 2127 McCulloh Street (Block 0310, Lot 013), as outlined in red on the accompanying plat; and granting variances from certain bulk regulations (lot area size); and providing for a special effective date.

RECOMMENDATION: Amendment, and Approval as amended

Amendments:

- Amend the lot area variance authorized;
- Add a (one space) variance of off-street parking regulations;
- Add a (10%) variance of conversion standards for Residential Conversions to allow two two-bedroom units with less than 1,000 square feet of gross floor area.

STAFF: Martin French

PETITIONERS: Councilmember Torrence, at the request of Solomon Weldekirstos

OWNER: Solomon Weldekirstos

SITE/ GENERAL AREA

Site Conditions: This property is located on the northeast side of the street, southeast of its intersection with Gold Street. It is currently improved with a three-story attached dwelling measuring approximately 14'8" by 63' on a lot measuring approximately 14'8" by an average of 119'4" that extends through to Tiffany Street. This structure, built in the middle of the 19th Century, is now a vacant single-family residential property. The site is zoned R-8 and is on the northeastern side of the Druid Heights community.

General Area: This is a primarily residential area, with scattered non-residential uses such as religious institutions, schools, and small street-corner commercial uses. One block north across Gold Street, McCulloh Street intersects North Avenue, a major thoroughfare lined with commercial uses and used for several mass transit routes. The Old West Baltimore National Register Historic District includes this property; across Tiffany Street from this property is the Madison Park Historic District.

HISTORY

The Old West Baltimore Historic District was listed on the National Register of Historic Places on December 23, 2004. This property and the area around it were rezoned from R-9 to R-8 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-8 zoning district, 750 square feet of lot area per dwelling unit (Table 9-401). A lot area of 1,875 square feet is required for three dwelling units (see also §15-302 of the Zoning Code). As this lot has approximately 1,750 square feet, a 125 square foot lot area size variance, amounting to approximately 7%, is needed for approval. A lot area variance has been included in Section 2 of the bill. However, the amount and proportion of the variance should be amended to reflect the effect of §15-302 of the Zoning Code cited above.
- Two off-street parking spaces are required, one to serve each newly-created dwelling unit (Table 16-406 of the Zoning Code). Since the property cannot provide a second parking space meeting Zoning Code standards, as the lot is only 14'8" wide, a parking variance needs to be included in a new Section 3 of the bill.
- The Statement of Intent and floor plans filed by the owner propose creation of a one-bedroom dwelling unit on the first floor level of the existing structure, and two two-bedroom dwelling units, one on each of the second and third floor levels 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. The upper two floor levels, when fully reconstructed, would each provide approximately 900 square feet of gross floor area. The first floor level, containing approximately 850 square feet of gross floor area, can provide the 750 square feet needed for a one-bedroom unit. A variance of gross floor area standards for residential conversion (Zoning Code §9-703(c)) needs to be included in a new Section 4 of the bill. This variance would be approximately 10% of the standard found at §9-703(c)(2).

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

- *Required finding of unnecessary hardship or practical difficulty:* The existing building contains approximately 2,200 square feet of gross floor area, and the owner intends to augment this by reconstructing the "back building" portion of the original structure to provide a full depth to the third floor level. 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, the owner is not able to provide an off-street parking space for the second new dwelling unit proposed due to the width of the lot, and so a 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 large three-story 19th Century structure on a lot that is narrower in width than what is usual for a building of this size. 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 2127 McCulloh 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 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. 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 (there being none applicable to this site). 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 upper two each containing approximately 900 gross square feet of floor area, which would require variance of the conversion standards of the Zoning Code §9-703, but the lower one having approximately 850 square feet which would meet residential conversion standards. Revised 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 Druid Heights 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 Druid Heights 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. However, the proposed action should be considered in the context of other actions generating both investment in and re-activation of significant parts of West Baltimore. Substantial reinvestment is being stimulated along the North Avenue corridor immediately north of this

property. Along with other action under the auspices of the Department of Housing and Community Development, this conversion could be part of a new beginning to counteract patterns of inequity. There would be no effect on internal operations of the Department of Planning that would result from approval of the proposed action.

Notification: Druid Heights Community Development Corporation and Councilman Torrence have been notified of this action.

For/ *Chris Ryer*

Chris Ryer
Director

