


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 #23-0470/ ZONING – CONDITIONAL USE CONVERSION OF A SINGLE-FAMILY DWELLING UNIT TO 4 DWELLING UNITS IN THE R-8 ZONING DISTRICT – VARIANCES – 704 NORTH GILMOR STREET		

TO

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

DATE: January 29, 2024

At its regular meeting of January 25, 2024, the Planning Commission considered City Council Bill #23-0470, for the purpose of permitting, subject to certain conditions, the conversion of a single-family dwelling unit into 4 dwelling units in the R-8 Zoning District on the property known as 704 North Gilmor Street (Block 0098, Lot 016), 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 #23-0470, and adopted the following resolution, with eight members being present (seven in favor, one abstained):

RESOLVED, That the Planning Commission finds, in accordance with §5-406(a) and (b) of the Zoning Code of Baltimore City, that if the proposed use provided in this bill were amended to three dwelling units instead, it:

- 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(a) 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 #23-0470 be **amended and approved** by the City Council.

If you have any questions, please contact Mr. Eric Tiso, Chief of the Land Use and Urban Design Division at 410-396-8365.

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

January 25, 2024

REQUEST: City Council Bill #23-0470/ Zoning - Conditional Use Conversion of a Single-Family Dwelling Unit to 4 Dwelling Units in the R-8 Zoning District - Variances - 704 North Gilmore Street:

For the purpose of permitting, subject to certain conditions, the conversion of a single-family dwelling unit into 4 dwelling units in the R-8 Zoning District on the property known as 704 North Gilmore Street (Block 0098, Lot 016), 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: Adopt Findings, and Approve

STAFF: Eric Tiso

PETITIONER: Glenn Curtis Rogers Jr.

OWNER: Glenn Curtis Rogers Jr.

SITE/GENERAL AREA

Site Conditions: 704 North Gilmore Street is located on the west side of the street, approximately 37' north of the intersection with Harlem Avenue. This property measures approximately 17' by 100'7" and is currently improved with a three-story attached residential building measuring approximately 17' by 70'. This site is zoned R-8 and is located within the Harlem Park II Urban Renewal Plan area, the Old West Baltimore National Register Historic District, and Harlem Park community.

General Area: This property is located in the Harlem Park neighborhood, which is predominantly residential in nature, with the housing stock largely comprised of row homes. There are scattered institutional and small commercial uses throughout the neighborhood.

HISTORY

- Ord. #15-429, dated December 7, 2015, approved this property for three dwelling units.

ANALYSIS

Background: This property was the subject of an appeal before the Board of Municipal and Zoning Appeals (BMZA) on November 21, 2023 (BMZ2023-00190). The BMZA was not able to approve the request conversion, as this property is located in an R-8 zone, and so this request requires a conditional use conversion bill.

Zoning Analysis:

- Use: Multi-family dwellings are a permitted use in the R-8 District (*Zoning*, Table 9-301). In this case, the property was last authorized for use as a multi-family dwelling containing three dwelling units by Ord. #15-429 dated November 17, 2015. That ordinance also approved several variances of the Zoning Code regulations that were then in effect under the prior zoning code. However, that ordinance’s approval was not followed by a certificate of occupancy issued to the previous owner, and the building remained vacant. Thus, the conditional use approval granted in 2015 has lapsed per Article 32 – *Zoning*, §2-203(j), and as a result the applicant has filed this application for conversion to four one-bedroom units.
- Insufficient Lot Area and Variance: In this zoning district, multi-family dwellings require 750 square feet of lot area per dwelling unit (Table 9-401). In this case, for four dwelling units, 2,625 square feet of lot area is required. On a lot with 3 or more dwelling units, a fraction of the total area that is 50% or more of the required lot area factor counts as an additional permitted dwelling unit (§15-302). The lot only encloses 1,710 square feet, and so does not meet this requirement. The Board may grant a variance to reduce the applicable minimum lot area requirements. In this case, the proposed amount of variance would be 34.8%. While this would seem to be a large percentage variance, the ratio of interior floor space is large as compared to the smaller lot area of the property.
- Conversion standards: Per §9-703(b), (1) The existing dwelling must be: (i) a structure originally constructed as a single-family dwelling; and (ii) 1,500 square feet or more in gross floor area. (2) For purposes of this subsection, gross floor area does not include any basement area. In this case, the existing three-story dwelling contains 3,570 sqft of floor area, which meets this requirement.
- Floor Area Requirement: (c) GFA per dwelling unit. The converted dwelling must meet the following gross floor area per unit type: (1) 1-bedroom unit: 750 square feet. For four one-bedroom units, a total of 3,000 sqft of interior space is required, and 3,570 sqft is available.
- Off-Street Parking: In this zoning district, multi-family dwellings require one off-street parking space per dwelling unit (Table 16-406). For four dwelling units, three additional parking spaces are required to serve the new units; none are to be provided since the rear of this lot is landlocked, and so it is not possible to provide the required off-street parking. A parking variance of 100% is therefore required, and is included in the bill.

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

(b) *Limited criteria for denying.*

The Board of Municipal and Zoning Appeals or the City Council, may not approve a conditional use or sign unless, after public notice and hearing and on consideration of the standards required by this subtitle, the Board or Council finds that:

- (1) the establishment, location, construction, maintenance, or operation of the conditional use or sign would not be detrimental to or endanger the public health, safety, or welfare;
- (2) the use or sign 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 704 North Gilmore Avenue would not be detrimental to or endanger public health, safety, or welfare. The proposed use is not precluded by any other law, including any 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 the staff's review of §5-406(a) {"Approval standards"} of Article 32 – *Zoning*:

(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.

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. 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.

Equity: Staff does not believe that there will be any negative impacts as a result of an approval of this bill, as this is a modest increase over the prior authorization granted in 2015.

Notification: The Harlem Park Neighborhood Council, the Harlem Park Improvement Association, and the West Harlem Park Neighborhood Association have been notified of this action. Staff has received a letter of support from the Harlem Park Neighborhood Council, Inc. (originally addressed to the BMZA).



Chris Ryer
Director