

FROM

NAME & TITLE	CHRIS RYER, DIRECTOR
AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET
SUBJECT	CITY COUNCIL BILL #23-0366 / ZONING - CONDITIONAL USE CONVERSION TO 2 DWELLING UNITS - 2001 BOONE STREET

CITY of
BALTIMORE
MEMO



TO

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

DATE: June 9, 2023

At its regular meeting of June 8, 2023, the Planning Commission considered City Council Bill #23-0366, 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 2001 Boone Street (Block 4017, Lot 048), as outlined in red on the accompanying plat; 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 #23-0366, and adopted the following resolution, with five members being present (five 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 adopts the findings of fact outlined in the attached staff report and its equity findings, with consideration for testimony and facts presented at this meeting; and therefor recommends that City Council Bill #23-0366 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
Mr. Ethan Cohen, 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. Thomas McDuffie, 3220 Brightwood Ave LLC



PLANNING COMMISSION

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



*Brandon M. Scott
Mayor*

STAFF REPORT

*Chris Ryer
Director*

June 8, 2023

REQUEST: City Council Bill 23-0366 / Zoning – Conditional Use [Conversion] of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District – 2001 Boone 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 2001 Boone Street (Block 4017, Lot 048), as outlined in red on the accompanying plat; and providing for a special effective date.

RECOMMENDATION: Approval

STAFF: Martin French

PETITIONERS: Councilmember Stokes, at the request of 3220 Brightwood Ave LLC

OWNER: 3220 Brightwood Ave LLC c/o Thomas McDuffie and Benjamin Zonis

SITE/ GENERAL AREA

Site Conditions: This property is located on the east side of Boone Street north of its intersection with 20th Street. It is currently improved with a three-story formerly end-of-row residential building (now free-standing as a consequence of demolition of its former adjoining structures) measuring approximately 15' by 66' on a lot measuring approximately 15' by 124'. This structure, built in the second half of the 19th Century, is now a vacant single-family residential property. The site is zoned R-8 and is located in the East Baltimore - Midway community.

General Area: This is a primarily residential area with scattered non-residential uses such as religious institutions and small street-corner commercial uses, lying to the north of North Avenue and east of Greenmount Avenue, two major streets which are established commercial corridors.

HISTORY

The area around this property 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.

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. This lot has approximately 1,860 square feet, thus not requiring a lot area variance.

- One off-street parking space is required to serve the newly-created dwelling unit. The rear yard area of this property can provide an off-street parking space accessible from the 20' wide alley behind the property, thus no off-street parking variance is required.
- The Statement of Intent filed by the owner proposes creation of a two-bedroom dwelling unit on the first floor and basement levels of the existing structure, and a three-bedroom dwelling unit on the second and third floor levels of the structure. A two-bedroom dwelling unit requires 1,000 square feet of gross floor area and a three-bedroom dwelling unit requires 1,250 square feet of gross floor area. Both the upper two floor levels combined and the first floor and basement levels combined can each provide at least 1,500 square feet of gross floor area to satisfy the conversion requirements for two-bedroom and three-bedroom units. (Approximately 1,800 gross square feet for the upper unit and approximately 1,750 gross square feet for the lower unit can be provided.)

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 2001 Boone Street 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 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. Multi-family use would meet all applicable standards and requirements of the Zoning Code and would be consistent with the intent and purpose of the Zoning Code.

Floor plans: Preliminary floor plans prepared by the owner show two dwelling units, the upper one containing over 1,800 gross square feet of floor area and the lower one having approximately 1,750 square feet, as required by the conversion standards of Zoning Code §9-703. To accomplish this, the owner intends to finish the basement of the building to provide additional and necessary floor area for the lower level unit. Final 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 East Baltimore - Midway community 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 East Baltimore - Midway 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 the Greenmount Avenue corridor and the North Avenue corridor. Along with actions 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: The Greater Greenmount Community Association and Councilman Stokes have been notified of this action.

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

Chris Ryer
Director