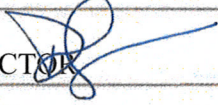



FROM	NAME & TITLE	CHRIS RYER, DIRECTOR 	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #22-0227/ ZONING – CONDITIONAL USE CONVERSION TO 2 DWELLING UNITS – 43-45 SOUTH CAREY STREET		

DATE: July 22, 2022

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

At its regular meeting of July 21, 2022, the Planning Commission considered City Council Bill #22-0227, 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 43-45 South Carey Street (Block 223, Lot 025), as outlined in red on the accompanying plat.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended amendment and approval of City Council Bill #22-0227, and adopted the following resolution, with six members being present (six 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 therefore recommends that City Council Bill #22-0227 be amended and 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. Natasha Mehu, Mayor's Office
Ms. Nina Themelis, Mayor's Office
Mr. Ethan Cohen, Mayor's Office
The Honorable Eric Costello, Council Rep. to Planning Commission
Mr. Matthew Stegman, City Council President's Office
Ms. Nikki Thompson, City Council President's Office
Mr. Colin Tarbert, BDC
Ms. Kathleen Byrne, 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. Calvin McCargo for DDAT Realty Management LLC



Brandon M. Scott
Mayor

PLANNING COMMISSION

Sean D. Davis, *Chairman*

STAFF REPORT



Chris Ryer
Director

July 21, 2022

REQUEST: City Council Bill #22-0227/ Zoning – Conditional Use Conversion of a Single-Family Dwelling to 2 Dwelling Units in the R-8 Zoning District – 43-45 South Carey 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 43-45 South Carey Street (Block 223, Lot 025), as outlined in red on the accompanying plat.

RECOMMENDATION: Amendment, and Approval as amended

Amendment (technical): delete Block/ Lot reference “223/ 025” and replace with “233/ 025” on lines 6 and 14 of this bill

Amendment: add a variance of BCZC Title 9, Subtitle 7, Residential Conversions, § 9-703.(c), Gross floor area per dwelling unit: 1,100 square feet in lieu of 1,250 square feet.

STAFF: Martin French

INTRODUCED BY: Councilmember Bullock, at the request of Calvin McCargo, Jr. for DDAT Realty Management LLC

OWNER: DDAT Realty Management LLC

SITE/GENERAL AREA

Site Conditions: 43-45 South Carey Street is located on the east side of the street, between its intersections with Baltimore Street and Hollins Street. This property measures approximately 41’ by 80’ and is currently improved with a two-story semi-detached historic former firehouse building measuring approximately 30’ by 76’ that was constructed in 1900. After having been decommissioned, left vacant, and then sold by Baltimore City in 2002, the building was informally proposed for conversion to multi-family residential use in 2020. That having not commenced, it was sold to its current owner in 2021. This site is zoned R-8 and is located within the Union Square Historic District and community.

General Area: This property is in the eastern portion of the historic predominantly residential and residential mixed-use community known as Union Square that is between Fulton Avenue and Schroeder Street (from west to east) and between Baltimore Street and Pratt Street (from north to south). This area was developed in the middle decades of the 19th Century and its architecture reflects changes in consumer choices of housing as well as evolution of commercial buildings that happened in that span of time. During the 20th Century there was conversion of

single-family dwellings to multi-family dwellings in Union Square. There are religious, institutional, and small-scale commercial uses in the area, with the commercial uses historically concentrated on the principal commercial corridor of Baltimore Street. Residential uses range from single-family attached housing of various sizes to rowhouses used as small apartment houses.

South Carey Street is one of only three north-south streets (Arlington, Carey, and Monroe) that connect both sides of the railway between the B & O Railroad Museum at the historic Baltimore and Ohio Railroad Roundhouse, and the Gwynns Falls. Accordingly, Carey Street carries considerable amounts of traffic. Four blocks south of this property a traffic-calming project is being installed under the railroad bridge over Carey Street. Two blocks east of this property, the Baltimore Development Corporation and the Baltimore Public Markets Corporation are implementing multi-phase improvements to the Hollins Market and Headhouse. Less than two blocks to the north of this property, the Southwest Partnership is working on commercial revitalization of the West Baltimore Street historic commercial corridor. As a result, this site's mix of residential and commercial buildings is viewed as part of a particularly important area for improving quality of life in both the Union Square and Hollins Market communities.

HISTORY

The Union Square Historic District was approved by Ordinance no. 821 on June 2, 1970 and expanded by Ordinance no. 580 on November 17, 1977. The Union Square District was certified to the National Register of Historic Places on September 15, 1983. This portion of Union Square retained its R-8 zoning during the comprehensive rezoning mapping process associated with the effective date of the current Zoning Code on June 5, 2017.

ANALYSIS

Background: This legislation would allow the petitioner to use the existing structure as two dwelling units: two three-bedroom dwellings on the upper level of the firehouse structure, with off-street parking for residents on the lower or street level. The size of the building would allow parking for two vehicles in the front portion of the lower level. The middle of the lower level would continue to be used for the staircase leading to the upper level, and the large area behind the stairway would be used for storage.

Zoning analysis: This property is a mid-block structure containing approximately 2,280 gross square feet of potentially habitable floor area on its upper level. This bill would allow re-use of the structure consistent with its current zoning.

- The Zoning Code requires, for conversion of a single-family dwelling in the R-8 zoning district, 750 square feet of lot area per dwelling unit (BCZC §9-703.d., citing Table 9-401). A lot area of 1,500 square feet is thus required for the proposed use. This lot has approximately 3,280 square feet and thus meets this requirement for conversion.
- The Zoning Code requires, for conversion of a single-family dwelling in the R-8 district, 1,500 square feet of floor area in the structure (BCZC §9-703.b.). The existing structure contains over 4,500 square feet of floor area above ground level, thus meeting this requirement.

- The Zoning Code requires, for conversion of a single-family dwelling in the R-8 district, 1,250 square feet of floor area for each three-bedroom or larger dwelling unit (BCZC §9-703.c.). The preliminary floor plan for this conversion shows approximately 1,100 gross square feet for each three-bedroom dwelling unit on the upper floor level of the premises. A variance of these standards is required.
- The maximum lot coverage allowed for a multi-family dwelling structure in the R-8 district is 80% (BCZC, Table 9-401). The existing structure covers approximately 69% of the lot and is not being enlarged. No variance of this requirement is needed.
- Two off-street parking spaces are required to serve the two newly-created dwelling units (BCZC §9-703.f.). This property can provide the necessary off-street parking spaces, as the building is approximately 30' wide with an open area approximately 21' wide by 28' deep inside the 12' wide front garage door. No variance of this requirement would be needed as the interior space can accommodate two motor vehicles.

The appearance of the existing structure as seen from the front sidewalk along Carey Street would not appear changed significantly, as the only readily observable change would be a replacement garage door recessed in the front façade, which would be approved for compatibility with the historic structure. From the south side of the property, the only readily observable change could be new historically appropriate replacement windows for the new dwelling units.

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

- *Required finding of unnecessary hardship or practical difficulty:* The existing building is an historic firehouse structure that contains approximately 4,500 square feet of gross floor area, thus the interior space of the building is larger than what would ordinarily be needed for a single-family dwelling. Likewise, although the width of the property only allows creation of one exterior parking space meeting Zoning Code standards, the Zoning Code requires a space for each of the two newly-created dwelling units (Table 16-406), which the owner proposes to place in the downstairs area that once housed a fire engine. The upstairs area includes the upper part of the historic stairway linking the two levels of the interior, and a reasonable way to divide the proposed living space is front of and back of that stairway. This results in two nearly identical dwelling units of three bedrooms each. Within the existing structure, this leaves approximately 1,100 gross square feet of floor area for each dwelling unit. The Zoning Code, §9-703.c., requires 1,250 square feet of gross floor area for each unit. In theory, the owner could build a modest addition on the south side of the existing structure. However, because this is an historic building in an historic district, such an addition would be inappropriate. Therefore, it would be a practical difficulty for the applicant to comply with the specific floor area requirement for the proposed residential conversion.
- *Other required findings:* Planning staff conclude that the conditions on which this application is based are unique to the property for which the variance is needed and not generally applicable to other property within the same zoning classification, as this is an

historic two-story turn-of-the-20th Century structure built as a firehouse. 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 variance would not be based exclusively on a desire to increase the value or income potential of the property, given its large floor area that comes close to the floor area per unit type conversion standards in the Zoning Code. Planning staff recommend that the Commission find that the variance 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.

Equity considerations: This property is located within a part of Baltimore City that has variable real estate market values and a proportion of non-whites that is slightly below the City-wide average. The eastern portion of the Union Square community, as part of the Hollins Market real estate submarket area, did in the past suffer from significant net disinvestment, combined with population losses, for several decades at the end of the 20th Century. Since then this real estate submarket has stabilized but not yet fully rebounded. There could be changes to the quality of life in the Union Square and Hollins Market communities that would result from approval or disapproval of this proposed action. The communities could benefit from a proper historic renovation of an historic structure and its becoming occupied by new residents. Creation of two new dwelling units would support the goal of expanding housing choices for Baltimore residents. However, the front-loading garage door would continue to represent an opportunity for re-use of the lower level of the historic firehouse as a locally-oriented business. The applicant has stated that he has discussed the proposed residential conversion and the limited exterior changes to the building with neighboring 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 this portion of Baltimore. There would be no effect on internal operations of the Department of Planning that would result from approval of the proposed action.

Notification: The Southwest Partnership, Union Square Association, and Councilman Bullock have been notified of this action.


Chris Ryer
Director