


TJA

<b>FROM</b>	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE <b>MEMO</b>	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 <sup>TH</sup> FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #18-0256/ ZONING – CONDITIONAL USE CONVERSION – VARIANCES – 1747 E. LOMBARD STREET		

**TO**

DATE:

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

July 13, 2018

At its regular meeting of July 12, 2018, the Planning Commission considered City Council Bill #18-0256, 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 1747 E. Lombard Street (Block 1744, Lot 071), as outlined in red on the accompanying plat; and granting variances from certain bulk regulations (lot area size), off-street parking, and gross floor area requirements.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended amendment (to update the attached plat, reflecting the recent subdivision of the subject property) and approval of City Council Bill #18-0256, and adopted the following resolution, 9 members being present (9 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, a practical difficulty would result if the strict letter of the applicable Zoning Code requirements would be carried out; and therefore recommends that City Council Bill #18-0256 be passed by the City Council.

If you have any questions, please contact Mr. Matthew DeSantis, AICP in the Land Use and Urban Design Division at 410-396-5622.

TJS/mds

Attachment

cc: Mr. Pete Hammen, Chief Operating Officer  
Mr. Jim Smith, Chief of Strategic Alliances  
Ms. Karen Stokes, Mayor's Office  
Mr. Colin Tarbert, Mayor's Office  
Mr. Kyron Banks, Mayor's Office  
The Honorable Edward Reisinger, Council Rep. to Planning Commission  
Mr. Derek Baumgardner, BMZA  
Mr. Geoffrey Veale, Zoning Administration  
Ms. Sharon Daboin, DHCD  
Ms. Elena DiPietro, Law Dept.  
Mr. Francis Burnszynski, PABC  
Ms. Katelyn McCauley, DoT  
Ms. Natawna Austin, Council Services  
Mr. Ervin Bishop, Council Services  
Mr. Herbert Burgunder III (owner's representative)



Catherine E. Pugh  
Mayor

## PLANNING COMMISSION

Sean D. Davis, Chairman

### STAFF REPORT



Thomas J. Stosur  
Director

July 12, 2018

**REQUEST: City Council Bill #18-0256 / Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to 3 Dwelling Units in the R-8 Zoning District – Variances – 1747 East Lombard 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 1747 East Lombard Street, as outlined in red on the accompanying plat; and granting variances from certain bulk regulations (lot area size), off-street parking, and gross floor area requirements.

**RECOMMENDATION:** Amendment, and Approval with amendment

**Amendment:**

- Amend the accompanying plat to recognize the recent subdivision of this property from 1745 E. Lombard Street

**STAFF:** Matthew DeSantis, AICP

**PETITIONERS:** Councilmember Sneed, at the request of Herbert Burgunder III

**OWNER:** Second Century Homes, LLC c/o Lawrence Oliva

**SITE/GENERAL AREA**

**Site Conditions:** 1747 E. Lombard Street is located on the southwest corner of the intersection with S. Ann Street. This property measures 20' by 80' and is currently improved with a three-story mixed-use building that covers the entirety of the property. This site is zoned R-8.

**General Area:** This site is located in the Upper Fells Point, a principally medium-density residential neighborhood with some neighborhood commercial establishments. Most of the housing in this area was originally developed around the end of the 19<sup>th</sup> Century.

**HISTORY**

- On March 23, 2017, the Planning Commission approved the re-subdivision of this property from 1745 E. Lombard Street (Subdivision #2017-001)

## CONFORMITY TO PLANS

If amended to authorize conversion of the single-family dwelling unit to three dwelling units, this action would be consistent with LIVE EARN PLAY LEARN, the Comprehensive Master Plan for Baltimore, Live Goal 1: Build Human and Social Capital by Strengthening Neighborhoods, Objective 1: Expand Housing Choices for all Residents.

## ANALYSIS

Project: This legislation as introduced would allow the petitioner to use the existing structure as three dwelling units on the second and third floors. The first floor of the building has already received BMZA approval for a Neighborhood Commercial Establishment use. Sanborn Insurance maps indicate that this building has been used for ground-floor commercial use since as far back as the 1890s.

Zoning Analysis: This property is improved with a building containing approximately 3,800 square feet of floor area. The applicant intends to renovate the building so that the first floor would be commercial in use, the second floor would house two dwelling units, and the third floor would house a third dwelling unit. The Zoning Administrator has determined that the authorization of this bill would require several variances that shall be described in a subsequent section of this report.

Conditional Use – Required findings: In accordance with §5-406 of Article 32 (the Zoning Code of Baltimore City), the Planning Commission must base its recommendation to the City Council to approve a conditional use on these considerations required by Title 5 {“Applications and Authorizations”}, subtitle 4 {“Conditional Uses”} of the Zoning Code:

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 article (§5-406).

Below is the staff’s review of §5-406(b) {“Required considerations”} of Article 32 – *Zoning*:

1. The nature of this site, in particular the size and configuration of the existing building, is appropriate for the Bill’s proposed three dwelling units, as noted under “Variances” below;
2. Traffic patterns will not be impacted by the proposal, but no off-street parking can be provided;
3. Use as three dwelling units will not impair the present and future development of this lot or the surrounding area;
4. There will be no negative impact resulting from its proximity to dwellings, churches, schools, public structures, or other places of public gathering;

5. There is adequate accessibility of the premises to emergency vehicles;
6. There is adequate light and air to the premises and to properties in the vicinity;
7. Public utilities currently serve the area and would continue to do so;
8. This building has been mixed-use since at least the 1890s and the proposed reuse will aid in its preservation;
9. Use as three dwelling units would not alter the character of the neighborhood;
10. Use as three dwelling units would be consistent with provisions of the City's Comprehensive Master Plan;
11. There is no applicable Urban Renewal Plan where this property is located;
12. This request is not inconsistent with applicable standards and requirements of the Code;
13. This request is consistent with the intent and purpose of the Code;

Variances:

The Zoning Administrator has determined that the authorization of this bill would require the following variances:

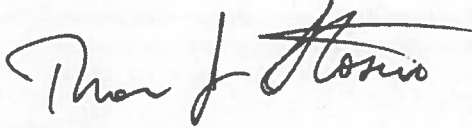
1. Lot area – 3 dwelling units in the R-8 district would require 2,250 square feet of lot area, however only 1,650 square feet is provided. This would represent a 26.6% variance.
2. Off-street parking – two off-street parking spaces would be required but none are provided.
3. Gross floor area – each unit is required to be at least 750 square feet but none will satisfy this requirement. Rather, the units would be in the 400-500 square foot range. This would represent variances of approximately in the range of 46% to 33%.

While the lot area requirement is not satisfied, this is in part offset by the fact that the building covers 100% of the lot and as such provides a much larger gross square footage total. While no off-street parking can be provided due to the existing building covering the entire lot, the site is located in a dense, walkable neighborhood that is well-served by numerous bus lines and is in close proximity to various amenities. Lastly, the configuration of the building would make a conversion with only 2 dwelling units potentially unpractical. The third floor is only on the front third of the lot, and with a stairway configuration located in the middle of the building, it would be difficult to reasonably use the upper floors for just two units. The provision of three smaller units also has the benefit of providing additional housing options at potentially lower price points for neighborhood residents.

Conclusion:

Review of this site and its possible use for three dwelling units has determined that establishment and operation of that conditional use would not be detrimental to or endanger public health, safety, or welfare, nor be precluded any Urban Renewal Plan (there being none here), nor be contrary to the public interest.

**Notification:** In addition to the site being properly posted in accordance with Planning Commission requirements, the Upper Fells Point Community Association, Washington Hill Community Association, Butchers Hill Association, and Councilwoman Sneed were notified of this action.

A handwritten signature in black ink, appearing to read "Thomas J. Stosur". The signature is fluid and cursive, with a long horizontal stroke extending from the end of the name.

**Thomas J. Stosur**  
**Director**