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<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 #17-0105 / Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District – Variances – 2428 Druid Hill Avenue		

DATE: September 29, 2017

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

At its regular meeting of September 28, 2017, the Planning Commission considered City Council Bill #17-0105, 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 2428 Druid Hill Avenue, as outlined in red on the accompanying plat; and granting variances from certain lot area per dwelling unit, gross floor area, and off-street parking requirements.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended approval of City Council Bill #17-0105, and adopted the following resolution, seven members being present (seven in favor):

**RESOLVED**, That the Planning Commission finds, in accordance with subsection 5-406 of the Zoning Code of Baltimore City, that the proposed use provided in City Council bill 17-0105:

- would not be detrimental to or endanger the public health, safety, or welfare;
- is not in any way precluded by any other law, including an applicable Urban Renewal Plan;
- would not be contrary to the public interest; and
- is in harmony with the purpose and intent of the Zoning Code;

and further **RESOLVED**, That the Planning Commission has heard the testimony of its staff that, with regard to the considerations contained in subsection 5-406(b) of the Zoning Code of Baltimore City, the proposed use would comply with those considerations, and agrees with staff findings that City Council bill 17-0105 should be recommended for approval.

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If you have any questions, please contact Mr. Wolde Ararsa, Division Chief, Land Use and Urban Design Division at 410-396-4488.

TJS/WA

Attachment

cc: (next page)

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. David Tanner, BMZA  
Mr. Geoffrey Veale, Zoning Administration  
Ms. Sharon Daboin, DHCD  
Ms. Lindsay Wines, DOT  
Ms. Elena DiPietro, Law Dept.  
Mr. Francis Burnszynski, PABC  
Ms. Elleda J. Simmons

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Catherine E. Pugh  
Mayor

## PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

### STAFF REPORT



Thomas J. Stosur  
Director

September 28, 2017

**REQUEST:** City Council Bill #17-0105/ Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District – Variances – 2428 Druid Hill Avenue:

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 2428 Druid Hill Avenue, as outlined in red on the accompanying plat; and granting variances from certain lot area per dwelling unit, gross floor area, and off-street parking requirements.

**RECOMMENDATION:** Approval

**STAFF:** Martin French

**PETITIONERS:** Councilmember Pinkett, at the request of Elleda J. Simmons

**OWNER:** Elleda J. Simmons

#### **SITE/GENERAL AREA**

Site Conditions: 2428 Druid Hill Avenue is located on the southwest side of the street, approximately 200' northwest of the intersection with Whitelock Street. This property measures approximately 14' by an average 101'6" and is currently improved with a two-story attached residential building measuring approximately 14' by 48'. This site is zoned R-8.

General Area: This is a predominantly residential area known as Penn North, with a concentration of commercial uses south of this block on the other side of Whitelock Street along North Avenue on either side of the Penn North Metro mass transit station.

#### **HISTORY**

The Penn-North Transit Station Urban Renewal Area Plan was originally approved by Ordinance no. 817 dated July 10, 1978. This Plan was last amended by Amendment no. 2 approved by Ordinance no. 316 dated March 20, 1985.

#### **CONFORMITY TO PLANS**

The proposed action is 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. It is also consistent with the Penn-North Urban Renewal Plan objectives 2.a., correction of existing blighting influences and the protection of existing, stable residential and non-residential development in the Penn-North Transit Station Area from future blighting influences; and 2.h., the provision of

housing resources for low and moderate income persons, families and elderly through new construction and rehabilitation. These objectives would be met by conversion of a vacant house in the middle of a row of occupied structures into an occupied two-family dwelling.

## **ANALYSIS**

**Background:** This legislation would allow the petitioner to renovate the existing structure into two dwelling units, providing new life for this original building. Adaptive re-use as a two-family attached dwelling would allow preservation of a part of the neighborhood's traditional architectural character while offering an affordable housing alternative to persons who wish to live in an area convenient to both downtown Baltimore and the suburban employment center at Owings Mills, courtesy of the Baltimore Metro transit station a few blocks away.

**Zoning Analysis:** This property was originally constructed in 1900, but was partially condemned in 2006, resulting in demolition of a rear addition. Although there is no official record of prior multiple-family use of the structure, assessment records show it having two full bathrooms.

- The Zoning Code (Article 32 of the Baltimore City Code) requires a property in the R-8 zoning district to have 750 square feet of lot area per dwelling unit (Table 9-401 and §9-703.d. which references this table). A lot area of 1,500 square feet is thus required for the proposed two dwelling units. This lot has an area of 1,421 square feet, so a variance of 79 square feet or 5.3% is needed to reduce this requirement.
- The Zoning Code requires the existing dwelling to have 1,500 square feet of gross floor area in order to allow conversion to more than one dwelling unit (§9-703.b.). According to State Department of Assessment and Taxation records, this property contains 1,328 square feet of floor area. A variance of 172 square feet or 11.5% is needed to reduce this requirement.
- The Zoning Code requires each newly-created dwelling unit to have, for a 1-bedroom unit, 750 square feet of floor area (§9-703.c.). Based upon SDAT records and the equal size of the upper and lower floors of the existing structure, each unit would have approximately 664 square feet of gross floor area. A variance of 86 square feet or 11.5% is needed to reduce this requirement.
- The Zoning Code requires one off-street parking space for each dwelling unit (§9-703.f.), which could not be provided due to the width of the lot being less than 18'. There is also a requirement that each parking space be directly accessible from a public street or from an alley-at least 10' wide (§16-403.b.), and the alley behind this property-meets this requirement. Because the lot does not allow provision of two off-street parking spaces in the rear yard, a variance of off-street parking requirements is needed for approval of the proposed conversion.

The variances cited above have been included in the bill.

**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:

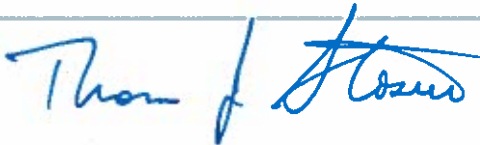
- (1) the establishment, location, construction, maintenance, or operation of the conditional use would not be detrimental to or endanger the public health, safety, or welfare;
- (2) the use would not be precluded by any other law, including an applicable Urban Renewal Plan;
- (3) the authorization would not be contrary to the public interest; and
- (4) the authorization would be in harmony with the purpose and intent of this Code.

From review of §5-406(b) {"Required considerations"} of Article 32 – *Zoning*: Planning staff finds that:

- the nature of this site, including its size and shape, are appropriate for the proposed use;
- use as two dwelling units would not affect traffic patterns or adequacy of off-street parking;
- the proposed use would not impair present or future development of the surrounding area;
- the proposed dwelling units would be close to other dwellings, churches, schools, other public structures, and places of public gathering;
- the premises is accessible to emergency vehicles;
- there is adequate light and air to the premises and properties in the vicinity;
- adequate utilities, roads, drainage, and other necessary facilities have been provided;
- re-activating the existing structure would assist preservation of the traditional character of the neighborhood;
- the proposed action is consistent with provisions of the Comprehensive Master Plan;
- the proposed action is consistent with provisions of the Penn-North Urban Renewal Plan for this area; and,
- the proposed use meets all other applicable standards and requirements of the Code, including its intent and purpose.

**Notification:** Planning staff notified the Penn-North Community Association and the Penn-North Nehemiah Homeowners' Association of this action.

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