


FROM	NAME & TITLE	CHRIS RYER, DIRECTOR <i>Chris Ryer</i>	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 #24-0548/ ZONING – CONDITIONAL USE CONVERSION OF A SINGLE-FAMILY DWELLING UNIT TO 3 DWELLING UNITS IN THE R-8 ZONING DISTRICT – VARIANCES – 2035 MCCULLOH STREET		

DATE:

July 15, 2024

TO

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

At its regular meeting of July 11, 2024, the Planning Commission considered City Council Bill #24-0548, 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 2035 McCulloh Street (Block 0316, Lot 022), as outlined in red on the accompanying plat; and granting variances from 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 #24-0548, and adopted the following resolution, with eight members being present (eight in favor):

RESOLVED, That the Planning Commission finds, in accordance with §5-406 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
- 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 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 #24-0548 be **approved** by the City Council.

If you have any questions, please contact Mr. Eric Tiso, Division Chief, Land Use and Urban Design Division at 410-396-8358.

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

July 11, 2024

**REQUEST:** City Council Bill #24-0548/ Zoning - Conditional Use Conversion of a Single-Family Dwelling Unit to 3 Dwelling Units in the R-8 Zoning District - Variances 2035 McCulloh 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 2035 McCulloh Street (Block 0316, Lot 022), as outlined in red on the accompanying plat; and granting variances from off-street parking requirements; and providing for a special effective date.

**RECOMMENDATION:** Approval

**STAFF:** Eric Tiso

**PETITIONER:** David Carl

**OWNER:** 2035 McCulloh St, LLC

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

Site Conditions: 2035 McCulloh Street is located on the northeastern side of the street, approximately 34'6" southeast of the intersection with Bloom Street. This property measures approximately 17' by 115' and is currently improved with a three-story rowhome measuring approximately 17' by 67'. This site is zoned R-8 and is located within the Old West Baltimore National Register Historic District.

General Area: This property is located within the eastern part of the Druid Heights neighborhood, which is predominantly residential in character, with a majority of the housing stock comprised of rowhomes. There are scattered commercial and institutional uses throughout the neighborhood.

#### **HISTORY**

There are no previous legislative or Planning Commission actions regarding this site.

#### **ANALYSIS**

Permitted Use: In this Residential zoning district, multi-family homes are listed as a permitted use, and so are generally allowed (Table 8-301).

Lot Area Requirement and Measurement of Density: In this zoning district, multi-family dwellings require 750 square feet of lot area per dwelling unit (Table 9-401). In the residential districts, the maximum number of permitted dwelling units on a lot is determined by dividing the total area of the lot by the lot area requirement that applies to the district in which the lot is located. 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). In this case, for three dwelling units, 1,875 square feet of lot area is required. The lot encloses 1,955 square feet, which meets this requirement.

Residential Conversions: In the Residence Districts, the conversion of a single-family dwelling to a multi-family dwelling is allowed only in the R-7, R-8, R-9, and R-10 Districts, subject to: (1) the requirements of this subtitle; and (2) in the R-7 and R-8 Districts, conditional-use approval by Ordinance of the Mayor and City Council (§9-701).

Conditional Use Approval Standards: *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. (§5-406 (b))

Staff believes that there will not be any detrimental impact to the surrounding community as a result of this request, instead a vacant home will be renovated and returned to productive use. We are not aware of any other law or plan that would preclude this application. The public interest is served by encouraging the redevelopment of a vacant structure. Lastly, this proposal meets all of the bulk requirements for this zoning district once the variance for one off-street parking space is approved. For these reasons, staff believes that the conditional use should be approved.

Conversion standards: 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, not including any basement area (§9-703.b.). The existing structure contains a total of about 3,300 sqft of floor area, which meets this requirement.

The converted dwelling must meet the following gross floor area per unit type: (1) 1-bedroom unit: 750 square feet; (2) 2-bedroom unit: 1,000 square feet; (3) 3- or more bedroom unit: 1,250 square feet (§9-703.c.). Each of the proposed two-bedroom dwelling units will contain approximately 1,000 square feet in gross floor area, which meets this requirement.

Off-Street Parking: In this zoning district, multi-family dwellings require one off-street parking space per dwelling unit (Table 16-406). For three dwelling units, two additional parking spaces are required; one parking space will be provided in the rear yard, and so a variance for one parking space is required and is included in the bill.

Variance Approval Standards:

Per § 5-308, the following standards apply for the approval of variances:

- (a) Required finding of unnecessary hardship or practical difficulty.  
In order to grant a variance, the Zoning Administrator, the Board of Municipal and Zoning Appeals, or the City Council, as the case may be, must find that, because of the particular physical surroundings, shape, or topographical conditions of the specific structure or land involved, an unnecessary hardship or practical difficulty, as distinguished from a mere inconvenience, would result if the strict letter of the applicable requirement were carried out.
- (b) Other required findings.  
The Zoning Administrator, the Board of Municipal and Zoning Appeals, or the City Council, as the case may be, must also find that:
  - (1) the conditions on which the application is based are unique to the property for which the variance is sought and are not generally applicable to other property within the same zoning classification;
  - (2) the unnecessary hardship or practical difficulty is caused by this Code and has not been created by the intentional action or inaction of any person who has a present interest in the property;
  - (3) the purpose of the variance is not based exclusively on a desire to increase the value or income potential of the property;
  - (4) the variance will not:
    - (i) be injurious to the use and enjoyment of other property in the immediate vicinity; or
    - (ii) substantially diminish and impair property values in the neighborhood;
  - (5) the variance is in harmony with the purpose and intent of this Code;
  - (6) the variance is not precluded by and will not adversely affect:
    - (i) any Urban Renewal Plan;
    - (ii) the City's Comprehensive Master Plan; or
    - (iii) any Historical and Architectural Preservation District; and
  - (7) the variance will not otherwise:
    - (i) be detrimental to or endanger the public health, safety, or welfare; or
    - (ii) be in any way contrary to the public interest.

For the variance needed for the two additional parking spaces that can't be provided, staff finds the following: This property is only 17' in width, and while the rear yard is about 43' in depth (sufficient for a driveway for two cars), the parking spaces must be independently accessible. Given that the property is less than 18' for two parking spaces, which is further narrowed by the two telephone poles at the rear property line, providing parking in the rear yard is a practical difficulty that is unlike any other property on this block. We are not aware of any other law or plan that would impact this request, and we do not believe that granting of this variance will negatively impact the surrounding community. For all of these reasons, staff believes approval of the parking variance is reasonable and it should be approved.

Equity:

There will be no discernible negative impacts to the surrounding community from this project. The renovation of this home will support the tax base, increase the population of the neighborhood, and possibly create naturally-occurring affordable housing units. Staff does not anticipate any impact to staff time or resources devoted to this project beyond routine requirements of development review.

Notification: The Druid Heights CDC has been notified of this action.



**Chris Ryer**  
**Director**