



**BALTIMORE CITY COUNCIL
ECONOMIC AND COMMUNITY DEVELOPMENT
COMMITTEE**

Mission Statement

On behalf of the Citizens of Baltimore City, the Committee on Economic and Community Development (ECD) is responsible for supporting strong thriving communities. ECD will review proposed zoning and land use changes, tackle issues related to economic development, oversee housing policy, and promote equitable economic opportunity for all Baltimore residents.

The Honorable Sharon Green Middleton

PUBLIC HEARING

November 28, 2023

2:10 PM

CLARENCE "DU" BURNS COUNCIL CHAMBERS

23-0409

**Zoning - Conditional Use Conversion of a Single-Family Dwelling Unit
to 3 Dwelling Units in the R-8 Zoning District - Variances - 2127
McCulloh Street**

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BILL SYNOPSIS

Committee: Economic and Community Development

Bill: 23-0409

**Zoning - Conditional Use Conversion of a Single-Family Dwelling Unit to 3 Dwelling Units
in the R-8 Zoning District - Variances - 2127 McCulloh Street**

Sponsor: Councilmember Torrence

Introduced: June 26, 2023

Purpose: 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 2127 McCulloh Street (Block 0310, Lot 013), as outlined in red on the accompanying plat; and granting variances from certain bulk regulations (lot area size); and providing for a special effective date.

Agency Reports

City Solicitor	Favorable with Amendment
Planning	Favorable with Amendment
Fire Department	
Baltimore Development Corporation	Does Not Oppose
Parking Authority	Does Not Oppose
Dept. of Transportation	Does Not Oppose
BMZA	
Dept of Housing and Community Development	Favorable

Analysis

Current Law

Article 32 – Zoning, Sections 5-201(a), 5-508, 14-334, and Table 12-501.

To approve a conditional use, the City Council must find, based on facts presented at a hearing on the bill:

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 the Baltimore City Zoning Code

The Zoning Code does not currently allow residential-care facilities (age-restricted) as permitted or conditional uses in the EC-2 zoning district, but a bill (23-0370) to amend the Zoning Code is currently pending before the City Council.

Bill Analysis

If enacted this bill would permit the property 2127 McCulloh Street to be converted from a single-family dwelling unit to 3 dwelling units.

Floor plans provided by the owner indicate that the building would be partially reconstructed to provide full depth to the third floor so that the property could support a one-bedroom unit on the first floor, a two-bedroom unit on the second floor, and a two-unit on the third floor.

The property will require variances for:

1. Off-Street Parking Spaces – the city code requires one space per unit but the lot’s width can only accommodate one space. Planning commission staff have suggested a variance.
2. Lot Area – for the R-8 Zoning District 750 sq feet of lot space. 2127 McCulloh Street would need 1,875 sq feet of space. It meets 97% of the required space (1,750 sq feet) a variance is suggested for the remaining 7% (125 sq feet)
3. Gross Floor Area – The Zoning Code requires 1000 sq feet of floor area for a two-bedroom unit when fully reconstructed the 2nd and 3rd floor units will each have approximately 900 sq feet and a variance is suggested to address this (a variance of 10%).

Additional Information

Fiscal Note: Not Available

Information Source(s):

- Reporting Agencies
- Resolution 23-0409

Analysis by: Anthony Leva Direct Inquiries to 410-396-1091

Analysis Date: November 16, 2023

**CITY OF BALTIMORE
COUNCIL BILL 23-0409
(First Reader)**

Introduced by: Councilmember Torrence
At the request of: Solomon Weldekirstos
Address: 1676 Patrice Circle, Crofton, Maryland 21114
Telephone: (301) 512-6217

Introduced and read first time: June 26, 2023

Assigned to: Economic and Community Development Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Fire Department, Department of Planning, Department of Housing and Community Development, Parking Authority, Board of Municipal and Zoning Appeals, Baltimore Development Corporation, Department of Transportation

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to**
3 **3 Dwelling Units in the R-8 Zoning District – Variances –**
4 **2127 McCulloh Street**

5 FOR the purpose of permitting, subject to certain conditions, the conversion of a single-family
6 dwelling unit to 3 dwelling units in the R-8 Zoning District on the property known as
7 2127 McCulloh Street (Block 0310, Lot 013), as outlined in red on the accompanying plat; and
8 granting variances from certain bulk regulations (lot area size); and providing for a special
9 effective date.

10 BY authority of

11 Article - Zoning

12 Section(s) 5-201(a), 5-305(a), 5-308, 9-401 (Table 9-401), 9-701(2), and 9-703(d)

13 Baltimore City Revised Code

14 (Edition 2000)

15 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That
16 permission is granted for the conversion of a single-family dwelling unit to 3 dwelling units in
17 the R-8 Zoning District on the property known as 2127 McCulloh Street (Block 0310, Lot 013),
18 as outlined in red on the plat accompanying this Ordinance, in accordance with Baltimore City
19 Zoning Code §§ 5-201(a) and 9-701(2), subject to the condition that the building complies with
20 all applicable federal, state, and local licensing and certification requirements.

21 **SECTION 2. AND BE IT FURTHER ORDAINED,** That pursuant to the authority granted by
22 §§ 5-305(a) and 5-308 of Article 32 - Zoning, permission is granted from the requirements of
23 § 9-401 (Table 9-401: Rowhouse and Multi-Family Residential Districts - Bulk and Yard
24 Regulations) and 9-703(d), as the minimum lot size requirement for 3 dwelling units, in the R-8
25 Zoning District, is 2,250 square feet, and the lot area size is 1,736.8 square feet, thus requiring a
26 variance of 22.8%.

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

Council Bill 23-0409

1 **SECTION 3. AND BE IT FURTHER ORDAINED**, That as evidence of the authenticity of the
2 accompanying plat and in order to give notice to the agencies that administer the City Zoning
3 Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council
4 shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat;
5 and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the
6 Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of
7 Housing and Community Development, the Supervisor of Assessments for Baltimore City, and
8 the Zoning Administrator.

9 **SECTION 4. AND BE IT FURTHER ORDAINED**, That this Ordinance takes effect on the date it is
10 enacted.

**ECONOMIC AND COMMUNITY
DEVELOPMENT COMMITTEE**

**23-0409
AGENCY REPORTS**

CITY OF BALTIMORE

BRANDON M. SCOTT,
Mayor



DEPARTMENT OF LAW
EBONY M. THOMPSON,
ACTING CITY SOLICITOR
100 N. HOLLIDAY STREET
SUITE 101, CITY HALL
BALTIMORE, MD 21202

November 16, 2023

The Honorable President and Members
of the Baltimore City Council
Attn: Natawna Austin, Executive Secretary
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

Re: City Council Bill 23-0409– Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to 3 Dwelling Units in the R-8 Zoning District – Variances – 2127 McCulloh Street

Dear President and City Council Members:

The Law Department reviewed City Council Bill 23-0409 for form and legal sufficiency. The bill would permit the conversion of a single-family dwelling unit to 3 dwelling units at 2127 McCulloh Street, which is in an R-8 Zoning district. The bill would also grant a variance for lot size. The ordinance would take effect on the date of enactment.

Conditional Use Standards

The conversion of a single-family dwelling to a multi-family dwelling in an R-8 District requires conditional-use approval by ordinance. Baltimore City Code, Art. 32, § 9-701(2). To approve a conditional use, the City Council must find:

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.

Baltimore City Code, Art. 32, § 5-406(a). In making these findings, the City Council must be guided by fourteen “considerations” involving such things as the “nature of the surrounding area and the extent to which the proposed use might impair its present and future development,” “the character of the neighborhood,” and “the resulting traffic patterns and

adequacy of proposed off-street parking.” Baltimore City Code, Art. 32, § 5-406(b). The Planning Staff Report (“Planning report”) recommends several amendments to CB 23-0409, and approval of the conversion of the property to three dwelling units.

Variance Standards

The bill contains a variance for lot area. In support of this variance the bill states:

the minimum lot size requirement for 3 dwelling units, in the R-8 Zoning District, is 2,250 square feet, and the lot area size is 1,736.8 square feet, thus requiring a variance of 22.8%.

The Planning report notes that under § 15-302 and Table 9-401 of the Zoning Code the lot size required in R-8 would be 750 sq. ft. per dwelling unit. The report further states that “1,875 square feet are required for three-dwelling units.” According to the Planning report, the lot at 2127 McCulloh Street has approximately 1,750 sq. ft. The Planning report states that a 125 sq. ft. variance, which is approximately 7%, would be required. Article 32, § 15-302 states “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.” Therefore, for a dwelling with three units, the calculation of required lot area would not be 3 x 750 sq.ft., but rather 2.5 x 750 sq.ft. Planning has recommended an amendment to the lot area variance authorized.

Additionally, the Planning report notes that two off-street parking spaces are required by the Zoning Code (Table 16-406) to serve the two newly created dwelling units. The report notes that due to the width of the lot, only one off-street parking space is available. As a result, Planning recommends an amendment to include an off-street parking variance in a new Section 3 of the bill.

The Planning report states that an amendment to CB 23-0409 is also required to include a variance for gross floor area under Art. 32, §§ 9-703(c). Section (c) requires that the gross floor area of the converted structure for a two-bedroom unit be 1,000 square feet. The Staff Report notes that the owner intends to create one one-bedroom unit on the first floor of the structure for which there is adequate floor area, and two two-bedroom units on the second and third floors of the structure for which floor area variances are required. The Planning report recommends adding a new Section 4 to the bill to include this amendment.

To grant a variance, the City Council 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.” Baltimore City Code, Art. 32, § 5-308(a). The City Council must also make seven other findings:

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.

Baltimore City Code, Art. 32, § 5-308(b). It is important to note that all seven of these criteria must be found, in addition to a finding of unnecessary hardship or practical difficulty. Baltimore City Code, Art. 32, § 5-308(a). The variance will not be legal if the conditions requiring this variance are generally applicable to other properties in the same zoning classification.

The Planning report contains facts to support the necessary findings to approve variances for lot area, gross floor area, and parking. As discussed above, there is a discrepancy regarding the amount of the lot area variance required. The Planning report also provides facts in support of the conditional use standards for the requested conversion. Finally, the Planning report contains an analysis of the equity considerations relating to the proposed conversion of this dwelling to three units.

Hearing Requirements

Certain procedural requirements apply to this bill beyond those discussed above because an ordinance that authorizes a conditional use or a variance is considered a "legislative authorization." Baltimore City Code, Art. 32, § 5-501(2)(i) and (ii). Specifically, notice requirements apply to the bill, and the bill must be referred to certain City agencies which are obligated to review the bill in a specified manner. Baltimore City Code, Art. 32, §§ 5-504, 5-506, 5-602. Finally, certain limitations on the City Council's ability to amend the bill apply. Baltimore City Code, Art. 32, § 5-507.


The bill is the appropriate method for the City Council to review the facts and make the determination as to whether the legal standard for a conditional use and for variances have been met. The bill requires amendments to correct the amount of variance for lot area and include variances for gross floor area and for off-street parking. Assuming the amendments are approved, the required findings are made at the hearing, and all procedural requirements are satisfied the Law Department can approve the bill for form and legal sufficiency.

Sincerely,

A handwritten signature in cursive script, appearing to read "Michele Toth".

Michele Toth
Assistant Solicitor

cc: Ebony Thompson
Nina Themelis
Tiffany Maclin
Elena DiPietro
Hilary Ruley
Ashlea Brown
Jeff Hochstetler
Teresa Cummings

F R O M	NAME & TITLE	Corren Johnson, Director	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Department of Transportation (DOT) 417 E Fayette Street, Room 527		
	SUBJECT	Council Bill 23-0409		

DATE: 11/27/2023

TO: Mayor Brandon Scott
TO: Economic and Community Development Committee
FROM: Department of Transportation
POSITION: **No Objection**
SUBJECT: Council Bill 23-0409

INTRODUCTION - Zoning - Conditional Use Conversion of a Single-Family Dwelling Unit to 3 Dwelling Units in the R-8 Zoning District - Variances - 2127 McCulloh Street

PURPOSE/PLANS - 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 2127 McCulloh Street (Block 0310, Lot 013), as outlined in red on the accompanying plat; and granting variances from certain bulk regulations (lot area size); and providing for a special effective date.

COMMENTS – Council Bill 23-0409 seeks to convert the property known as 2127 McCulloh Street from a single-family dwelling to three-unit dwellings in the R-8 Zoning District. The R-8 Zoning District is generally traditional form urban rowhouses with limited non-residential use allowing for continuous rowhouse development along full blocks built to or only modestly set back from the street. The property is in the Druid Heights community and has received a letter of support from the Druid Heights Community Development Corporation. 2127 McCulloh Street is located near several transit hubs like the Penn-North Metro Station. The addition of two dwelling units will add residential density to the area.

AGENCY/DEPARTMENT POSTION – The Baltimore City Department of Transportation foresees no direct operational or fiscal impact resulting from the legislation and has **no objection** towards the advancement of Council Bill 23-0409.

If you have any questions, please do not hesitate to contact Liam Davis at Liam.Davis@baltimorecity.gov or at 410-545-3207

Sincerely,

Corren Johnson,
Director

TRANSMITTAL MEMO

TO: Council President Nick J. Mosby
FROM: Peter Little, Executive Director
Date: July 31, 2023
RE: City Council Bill 23-0409



I am herein reporting on City Council Bill 23-0409 introduced by Councilmember Torrence at the request of Solomon Weldekirstos.

The purpose of this bill is to permit, subject to certain conditions, the conversion of a single-family dwelling unit to 3 dwelling units in the Rowhouse Residential (R-8) Zoning District on the property known as 2127 McCulloh Street (Block 0310, Lot 013) and granting variances from certain bulk regulations (lot area size).

The Parking Authority of Baltimore City (PABC) has reviewed the proposed legislation. This property is not located where PABC administers any on-street parking programs. A site visit was conducted during the month of July. The site is in an area with a mix of occupied and unoccupied units. PABC investigated the parking situation in the area including the alley and rear portion of the property. It appears the parcel can accommodate two off-street parking spaces as part of the conversion, and the rear access is wide enough for vehicular movement. It also appears that on-street parking supply is adequate to accommodate demand. Considering the available parking in the neighborhood, PABC has determined parking demand can be met and the passage of this bill will not negatively impact parking in the area.

Based on the comments above, the PABC does not oppose the passage of City Council Bill 23-0409.



MEMORANDUM

DATE: August 15, 2023
TO: Economic and Community Development Committee
FROM: Colin Tarbert, President and CEO
POSITION: No Objection
SUBJECT: Council Bill 23-0409 Zoning - Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District - Variances – 2127 McCulloh Street

A handwritten signature in black ink, appearing to read "Colin Tarbert", is written over the "FROM:" line of the memorandum.

INTRODUCTION

The Baltimore Development Corporation (BDC) is reporting on City Council Bill 23-0409 introduced by Councilmember Bullock.

PURPOSE

This is a Zoning Conditional Use Conversion of a Single-Family Dwelling Unit to 3 Dwelling Units in the R-8 Zoning District at 2127 McCulloh Street.

BRIEF HISTORY

The property is located in the Druid Heights neighborhood. The owner proposes to convert this dwelling into a two-unit rental property, which will provide additional housing supply and options in the area.

FISCAL IMPACT



None.

AGENCY POSITION

The Baltimore Development Corporation respectfully takes **no objection** to City Council Bill 23-0409. If you have any questions, please contact Kim Clark at 410-837-9305 or KClark@baltimoredevelopment.com.

cc: Nina Themelis, Mayor's Office of Government Relations
Sophia Gebrehiwot, Mayor's Office of Government Relations

[CEII]

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 #23-0409/ ZONING – CONDITIONAL USE CONVERSION – VARIANCES – 2127 McCULLOH STREET			

TO

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

DATE: September 1, 2023

At its regular meeting of August 31, 2023, the Planning Commission considered City Council Bill #23-0409, 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 2127 McCulloh Street (Block 0310, Lot 013), as outlined in red on the accompanying plat; and granting variances from certain bulk regulations (lot area size); and providing for a special effective date.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended amendment and approval as amended of City Council Bill #23-0409, and adopted the following resolution, with 8 members being present (8 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 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 #23-0409 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
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. Solomon Weldekirstos



Brandon M. Scott
Mayor

PLANNING COMMISSION

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

STAFF REPORT



Chris Ryer
Director

August 31, 2023

REQUEST: City Council Bill 23-0409 / Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to 3 Dwelling Units in the R-8 Zoning District – Variances – 2127 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 2127 McCulloh Street (Block 0310, Lot 013), as outlined in red on the accompanying plat; and granting variances from certain bulk regulations (lot area size); and providing for a special effective date.

RECOMMENDATION: Amendment, and Approval as amended

Amendments:

- Amend the lot area variance authorized;
- Add a (one space) variance of off-street parking regulations;
- Add a (10%) variance of conversion standards for Residential Conversions to allow two two-bedroom units with less than 1,000 square feet of gross floor area.

STAFF: Martin French

PETITIONERS: Councilmember Torrence, at the request of Solomon Weldekirstos

OWNER: Solomon Weldekirstos

SITE/ GENERAL AREA

Site Conditions: This property is located on the northeast side of the street, southeast of its intersection with Gold Street. It is currently improved with a three-story attached dwelling measuring approximately 14'8" by 63' on a lot measuring approximately 14'8" by an average of 119'4" that extends through to Tiffany Street. This structure, built in the middle of the 19th Century, is now a vacant single-family residential property. The site is zoned R-8 and is on the northeastern side of the Druid Heights community.

General Area: This is a primarily residential area, with scattered non-residential uses such as religious institutions, schools, and small street-corner commercial uses. One block north across Gold Street, McCulloh Street intersects North Avenue, a major thoroughfare lined with commercial uses and used for several mass transit routes. The Old West Baltimore National Register Historic District includes this property; across Tiffany Street from this property is the Madison Park Historic District.

HISTORY

The Old West Baltimore Historic District was listed on the National Register of Historic Places on December 23, 2004. This property and the area around it were rezoned from R-9 to R-8 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 1,875 square feet is required for three dwelling units (see also §15-302 of the Zoning Code). As this lot has approximately 1,750 square feet, a 125 square foot lot area size variance, amounting to approximately 7%, is needed for approval. A lot area variance has been included in Section 2 of the bill. However, the amount and proportion of the variance should be amended to reflect the effect of §15-302 of the Zoning Code cited above.
- Two off-street parking spaces are required, one to serve each newly-created dwelling unit (Table 16-406 of the Zoning Code). Since the property cannot provide a second parking space meeting Zoning Code standards, as the lot is only 14'8" wide, a parking variance needs to be included in a new Section 3 of the bill.
- The Statement of Intent and floor plans filed by the owner propose creation of a one-bedroom dwelling unit on the first floor level of the existing structure, and two two-bedroom dwelling units, one on each of the second and third floor levels of the structure. A two-bedroom dwelling unit requires 1,000 square feet of gross floor area; a one-bedroom dwelling unit requires 750 square feet of gross floor area. The upper two floor levels, when fully reconstructed, would each provide approximately 900 square feet of gross floor area. The first floor level, containing approximately 850 square feet of gross floor area, can provide the 750 square feet needed for a one-bedroom unit. A variance of gross floor area standards for residential conversion (Zoning Code §9-703(c)) needs to be included in a new Section 4 of the bill. This variance would be approximately 10% of the standard found at §9-703(c)(2).

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

- *Required finding of unnecessary hardship or practical difficulty:* The existing building contains approximately 2,200 square feet of gross floor area, and the owner intends to augment this by reconstructing the "back building" portion of the original structure to provide a full depth to the third floor level. The interior space of the building is larger than what would ordinarily be needed for a single-family dwelling, and so the lot area variance requested is reasonable. Likewise, the owner is not able to provide an off-street parking space for the second new dwelling unit proposed due to the width of the lot, and so a parking variance is more reasonable than strict compliance with the requirement.
- *Other required findings:* Planning staff conclude that the conditions on which this application is based are unique to the property for which the variances are sought and not

generally applicable to other property within the same zoning classification, as this is a large three-story 19th Century structure on a lot that is narrower in width than what is usual for a building of this size. 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 variances is not based exclusively on a desire to increase the value or income potential of the property, given its large floor area that partially meets the floor area per unit type conversion standards in the Zoning Code, and that its existing structure is large in relation to the lot on which it is situated. Planning staff recommend that the Commission find that the variances 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.

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 2127 McCulloh Street would not be detrimental to or endanger public health, safety, or welfare. The proposed use is not precluded by any other law, including an 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 (there being none applicable to this site). Multi-family use would meet all applicable standards and requirements of the Zoning Code upon granting of variances discussed previously, and would be consistent with the intent and purpose of the Zoning Code.

Floor plans: Preliminary floor plans prepared by the owner show three dwelling units, the upper two each containing approximately 900 gross square feet of floor area, which would require variance of the conversion standards of the Zoning Code §9-703, but the lower one having approximately 850 square feet which would meet residential conversion standards. Revised 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 Druid Heights community, as part of the larger West Baltimore area, 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 Druid Heights 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 West Baltimore. Substantial reinvestment is being stimulated along the North Avenue corridor immediately north of this

property. Along with other action 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: Druid Heights Community Development Corporation and Councilman Torrence have been notified of this action.

For/ *Chris Ryer*

Chris Ryer
Director



MEMORANDUM

To: The Honorable President and Members of the Baltimore City Council
c/o Natawna Austin, Executive Secretary

From: Alice Kennedy, Housing Commissioner

Date: November 28, 2023

Re: City Council Bill 23-0409 Zoning - Conditional Use Conversion of a Single-Family Dwelling Unit to 3 Dwelling Units in the R-8 Zoning District - Variances - 2127 McCulloh Street

The Department of Housing and Community Development (DHCD) has reviewed City Council Bill 23-0409 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 2127 McCulloh Street (Block 0310, Lot 013), as outlined in red on the accompanying plat; and granting variances from certain bulk regulations (lot area size); and providing for a special effective date.

If enacted, City Council Bill 23-0409 would allow the applicant to convert the existing single-family dwelling located at 2127 McCulloh Street into 3 dwelling units including a one-bedroom unit on the first floor, a two-bedroom unit on the second floor and a two-bedroom unit on the third floor.

At its regular meeting of August 31, 2023, the Planning Commission concurred with the recommendation of its Departmental staff and recommended the Bill be amended and approved by the City Council. Planning staff noted in their report that the Bill would require variances for lot-area and off-street parking for the subject property and a gross floor area variance for two of the units.

The property has an active vacant building notice, the owner would need to obtain a use and occupancy permit to utilize the property for the dwelling units under discussion. The conditional use conversion may provide for the re-use of the structure and expand residential rental opportunities for area residents. The property is located within DHCD's Park Heights Impact Investment Area and directly across the street from a Community Development Zone. It is unlikely that the proposed multi-family use would impair present or future development. The Bill does not have an operational or fiscal impact on DHCD and the conversion would not endanger public health, safety or welfare. The Bill may spur additional investment in and around the Druid Heights Community.

DHCD respectfully requests a **favorable** report on the passage of City Council Bill 23-0409.



AK/sm

cc: Ms. Themelis, Nina, Mayor's Office of Government Relations

**ECONOMIC AND COMMUNITY
DEVELOPMENT COMMITTEE**

23-0409

ADDITIONAL DOCUMENTS



Druid Heights Community Development Corporation

DRUID HEIGHTS

Community Development Corporation

2140 McCulloh Street Baltimore, Maryland 21217

December 26, 2022

Honorable Councilman James Torrence
7th District Baltimore City Council
100 N. Holliday Street
Baltimore, MD 21202

To Honorable Councilman James Torrence:

Druid Heights Community Development Corporation (DHCDC) supports the renovation of 2127 McCulloh Street.

For the benefit of the Druid Heights Community Development Corporation (Druid Heights CDC) and its residents, Druid Heights CDC shall support all necessary governmental permits and approvals associated with the proposed redevelopment and conversion of **2127 McCulloh Street** (the "Property") from a single-family home into three apartments including but not limited to the Owner's request for an ordinance permitting this conversion and any request for a variance from the Baltimore City Board of Municipal and Zoning Appeals in exchange for upholding the terms below during redevelopment of the Property and throughout its use as an apartment building.

The owner also agrees to the following:

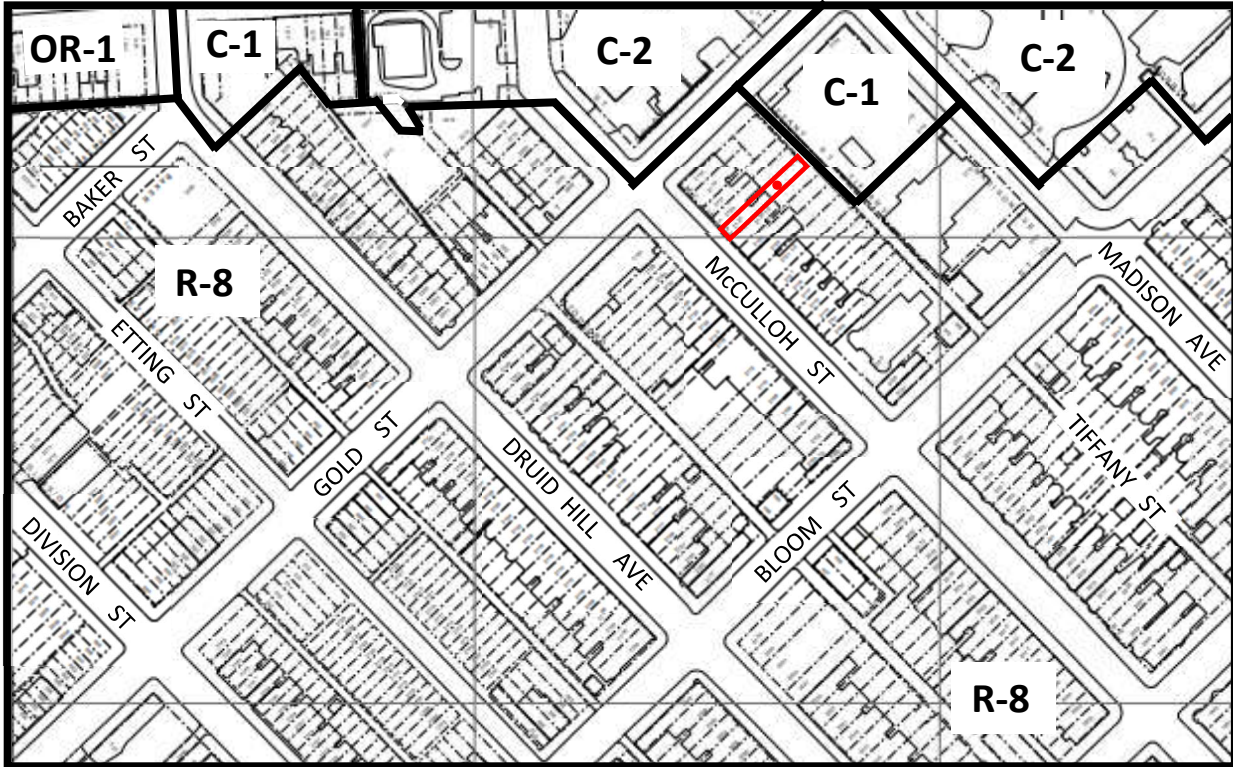
1. Perform all exterior and interior work in accordance with: (1) the Baltimore City Code and obtain all necessary permits for such construction; (2) all licenses and registrations associated with owning a multi-unit dwelling in Baltimore City; and (3) any other applicable local, State, or Federal regulations or codes.
2. Each apartment of the Property will be provided with one 65-gallon trash can with a tightly secured lid per City Code and one recycling bin. Additionally, the Property shall provide one additional 65-gallon trash can with a tightly secured lid per City code can and one additional recycling bin for use by all tenants of the Property.

The Druid Heights Community Development Corporation (DHCDC), a non-profit organization, was established in 1974 in order to assist with bringing equity within the Druid Heights community. DHCDC's mission is to cause, encourage and promote community self-empowerment through the development of economic, educational, employment, and affordable housing opportunities. The overall goal is to accelerate the revitalization of the neighborhood with self-empowerment, employment, and economic opportunities, all while creating a stable and safe community environment.

We appreciate your continued support and advocacy for the community residents within the Druid Heights community. Please contact me with any additional questions at jjennings@druidheights.com or (443) 821-7279.

Sincerely,
JohnDre Jennings
Ms. JohnDre Jennings
Executive Director

**SHEET NO. 44 OF THE ZONING MAP OF
THE ZONING CODE OF BALTIMORE CITY**



Scale: 1" = 200'



Note:

In Connection With The Property Known As No. 2127 McCULLOH STREET. The Applicant Wishes To Request The Conditional Use Conversion Of The Aforementioned Property From A Single-Family Dwelling Unit To Three Dwelling Units In The R-8 Zoning District, As Outlined In Red Above.

WARD 14 SECTION 4
BLOCK 310 LOT 13

MAYOR

PRESIDENT CITY COUNCIL

STATEMENT OF INTENT

FOR

2127 Mcculloh St Baltimore MD 21217

{Address}

1. Applicant's Contact Information:

Name: Solomon weldekirstos

Mailing Address: 1676 Patrice Cir Crofton MD 21114

Telephone Number: 301 512 6217

Email Address: solrawya@yahoo.com

2. All Proposed Zoning Changes for the Property:

I am applying to convert 2 unit property to 3 unit property

3. All Intended Uses of the Property:

Residential

4. Current Owner's Contact Information:

Name: Solomon Weldekirstos / Dahlak Partners LLC

Mailing Address: 1676 Patrice Cir Crofton MD 21114

Telephone Number: 301 512 6217

Email Address: solrawya@yahoo.com

5. Property Acquisition:

The property was acquired by the current owner on MAY 2, 2023 by deed recorded in the Land Records of Baltimore City in Liber 25845 Folio 00420.

6. Contract Contingency:

(a) There is is not a contract contingent on the requested legislative authorization.

(b) If there is a contract contingent on the requested legislative authorization:

(i) The names and addresses of all parties to the contract are as follows {use additional sheet if necessary}:

(ii) The purpose, nature, and effect of the contract are:

7. Agency:

- (a) The applicant is is not acting as an agent for another.
- (b) If the applicant is acting as an agent for another, the names of all principals on whose behalf the applicant is acting, including the names of the majority stockholders of any corporation, are as follows *{use additional sheet if necessary}*:

AFFIDAVIT

I, Solomon Weldekirstos, solemnly affirm under the penalties of perjury that the information given in this Statement of Intent is true and complete to the best of my knowledge, information, and belief.

Solomon Weldekirstos

Applicant's signature

6/8/2023

Date



Office of the Zoning Administrator
417 E. Fayette Street, Benton Bldg., Room 147

Ref: 2127 McCulloh Street

Date: June 09, 2023

This memo is submitted to confirm the review of a request from the owner and/or representative of the property (or properties) referenced above for authorization to:

Convert existing premises into three dwelling units - R-8 Zoning District

Please be advised that the Office of the Zoning Administrator has determined that the authorization requested above (in whole or in part) requires approval by Ordinance of the Mayor and City Council of Baltimore. In the furtherance of said Ordinance approval, the Zoning Administrator has determined that the following variances per the Zoning Code of Baltimore City are required or needed to be incorporated into the bill for approval.

- 9-703(d) & Table 9-401 – Lot area per dwelling unit. In this district, a minimum lot area of 2,250 square feet is required (750 per dwelling unit). The lot area for this property is approximately 1,736.8 square feet.

According to the information provided by the applicant, one two-bedroom units and two two-bedroom units are proposed. In addition, the applicant has stated that at least two off-street parking spaces (as required) will be provided in the rear yard.

This memo is being submitted in accordance with Subsections 5-201 and 5-303 of the Zoning Code for Baltimore City.

Respectfully,

Geoffrey M. Veale
Zoning Administrator

cc: Department of Legislative Reference
Councilmember James Torrence
Department of Planning