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**BALTIMORE CITY COUNCIL
WAYS AND MEANS
COMMITTEE**

Mission Statement

The Committee on Ways and Means (WM) is responsible for ensuring taxpayer dollars are expended prudently and equitably. WM will exercise regular oversight of the City's budget, expenditures, loans, and other financial matters. The committee's areas of jurisdiction include: budget & appropriations, taxation, financial services, consumer protection, audits, and the Comptroller's Office.

**The Honorable Eric T. Costello
Chairman**

PUBLIC HEARING

**TUESDAY, September 10, 2024
10:11 AM**

COUNCIL CHAMBERS

Council Bill #24-0571

**Zoning - Conditional Use Conversion of a Single-Family Dwelling Unit to 2
Dwelling Units in the R-8 Zoning District - Variances 730 East Preston
Street**

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BILL SYNOPSIS

Committee: Ways and Means

Bill: 24-0571

Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District-Variances 730 East Preston Street

Sponsor: Councilmember Stokes

Introduced: Jul 22, 2024

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 730 East Preston Street (Block 1142B, Lot 028), as outlined in red on the accompanying plat; and granting variances from certain bulk regulations (lot area size), gross floor area per unit type, and off-street parking requirements; and providing for a special effective date.

Effective: On the date it is enacted

Agency Reports

Law	Favorable with comments
Department of Housing and Community Development	Favorable
Baltimore Development Corporation	Favorable
Planning Commission	Favorable
Board of Municipal and Zoning Appeals	Defers to Planning Commission
Parking Authority of Baltimore City	None as this writing
Fire Department	No Objection
Department of Transportation	No Objection

Analysis

Current Law
Baltimore City Code

Article 32 – Zoning

Section 5-201(a)

(a) Introduction by ordinance.

A member of the City Council may introduce a proposed ordinance to expressly approve, authorize, or amend:

- (1) a major variance;
- (2) a conditional use;
- (3) a text amendment;
- (4) a map amendment;
- (5) an educational campus master plan;
- (6) a hospital general development plan;
- (7) an area of special sign control; or
- (8) a planned unit development.

Section 5-305(a)

§ 5-305. Major variances.

(a) Review standards.

The Board of Municipal and Zoning Appeals or the City Council, as the case may be, must evaluate the request for a variance, based on the evidence presented at a public hearing, in accordance with the standards in § 5-308 {“Approval standards”} of this subtitle.

Section 5-308

§ 5-308. Approval standards.

(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.

Table 9-401

Table 9-401: Rowhouse and Multi-Family Residential Districts – Bulk and Yard Regulations sets forth the applicable bulk and yard regulations for these zoning districts.

Section 9-701(2)

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.

Section 9-703(f)

§ 9-703. Conversion standards.

- (a) In general.
All conversions must meet the standards set forth in this section.
- (b) Existing dwelling.
 - (1) 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.
 - (2) For purposes of this subsection, gross floor area does not include any basement area.
- (c) GFA per dwelling unit. 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.
- (d) Bulk and yard regulations. The dwelling must continue to conform to the applicable bulk and yard regulations, including lot area per dwelling unit, for the district in which the building is located.
- (e) Occupancy regulations. No residential conversion may violate any dwelling unit occupancy regulations or restrictions of the City Code.
- (f) Off-street parking. At least 1 off-street parking space must be provided for each dwelling unit.
- (g) Residential character. Following the conversion, the exterior of the dwelling must retain its existing residential character.

Section 16-203

§ 16-203. Additions or expansions to existing structures.

- (a) Parking spaces req’d for increased intensity.
If a structure is increased through the addition of a dwelling unit, floor area, seating capacity, or other unit of measurement, off-street parking spaces must be provided for that increased intensity, as required by this title.
- (b) Limited exception for preexisting non-residential uses.

However, a non-residential use that was lawfully established before the June 5, 2017, does not need to provide additional off-street parking for that increase until the aggregate increase in units of measurement equals 10% or more of the units of measurement existing on June 5, 2017. Once that level of increase has been reached, however, off-street parking facilities must be provided, as required by this title, for the total increase.

Section 16-202 (Table 16-406)

Background

If enacted, Council Bill 24-0571 would allow ReBuild Johnston Square Phase 1, LLC to convert a Single-Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District. This property is in the 12th Council District.

The Department of Planning/Planning Commission has provided extensive information regarding the site and its history in its agency report. See the attached report.

Additional Information

Fiscal Note: None.

Information Source(s): 24-0571, Baltimore City Code, and all agency reports received as of this writing.

Analysis by: Niya N. Garrett
Analysis Date: 09/05/2024

Direct Inquiries to (410) 396-1268



730 E Preston St



730 E Preston St



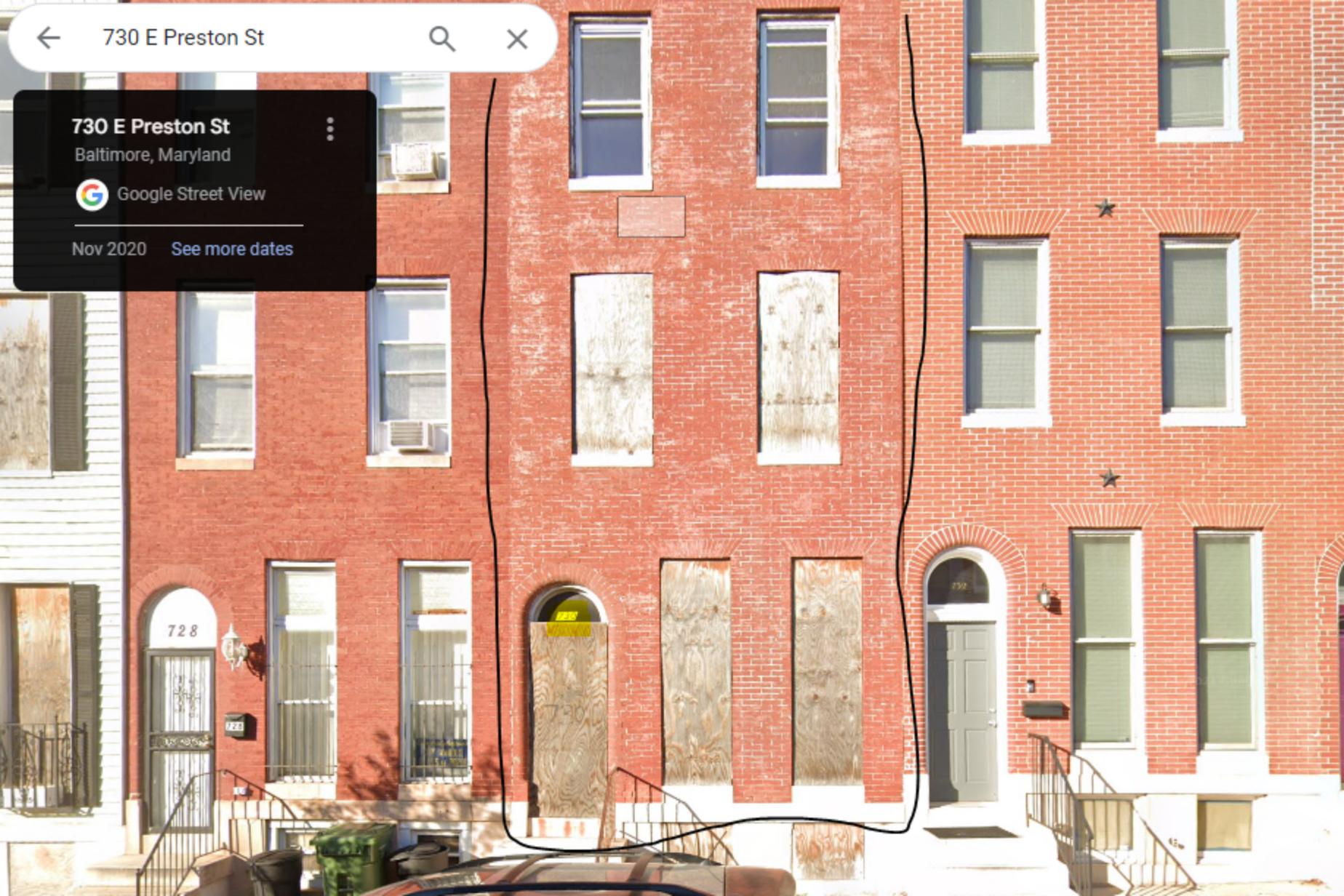
Baltimore, Maryland



Google Street View

Nov 2020

[See more dates](#)



APPLICANT:
 REBUILD JOHNSTON SQUARE PHASE 1 LLC
 1129 N. CAROLINE ST.
 BALTIMORE, MD 21213

PREPARED ON: 07-02-2024

PREPARED BY: JWM

SHEET NO. 46 OF THE ZONING MAP OF THE ZONING CODE OF BALTIMORE CITY



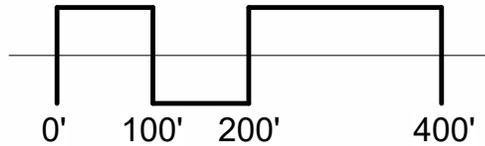
PROPERTY ADDRESS:
 730 E. PRESTON STREET
 BALTIMORE, MD 21202

LOT SIZE/ AREA:
 14' X 100' / 1,400 SF

WARD/ SECTION/ BLOCK/ LOT:
 09/08/1142B/028

ZONING:
 R-8 RESIDENTIAL ATTACHED ROWHOME

PROPERTY OWNER:
 T C E U U A P O O Y A U W P O S A J O O S V Q U U O A
 I F I A O C E Y O N V O A U U O O V E U T A F E F A
 O O S V Q U U O A T O A F G E C A



1 INCH = 200 FEET



MAYOR

CITY COUNCIL PRESIDENT

Council Bill 24-0571

Agency Reports

SEE ATTACHED

CITY OF BALTIMORE

BRANDON M. SCOTT,
Mayor



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

August 27, 2024

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

Re: City Council Bill 24-0571- Conditional Use Conversion of a Single-Family Unit to 2 Dwelling Units in the R-8 Zoning District –Variances- 730 East Preston Street

The Law Department has reviewed City Council Bill 24-0571 for form and legal sufficiency. The bill permits, 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 730 East Preston Street (Block 1142B, Lot 028), as outlined in red on the accompanying plat; and granting variances from certain bulk regulations (lot area size), gross floor area per unit type, and off-street parking requirements; and providing for a special effective date.

Conditional Use Standards

Under the Zoning Article of the City Code, 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). Further, approval of a conditional use must be based on the following findings:

- (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. § 5-406(a).

Moreover, the above findings must be guided by 14 “considerations” involving, for example, 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.” Art. 32, § 5-406(b).

Variance Standards

The bill grants a variance for off-street parking. For two dwelling units, one parking space is required to serve the new dwelling unit and none are to be provided. The Planning report notes that the rear yard is unimproved.

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.” 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. Art. 32, § 5-308(b).

The Planning report should be supplemented with testimony during the hearing concerning uniqueness and the above factors necessary to grant a variance.

The bill also grants a variance for lot area. Planning notes that the variance is reasonable and makes financial sense.

The Planning report should be supplemented with testimony during the hearing concerning uniqueness and the above factors necessary to grant a variance.

The bill grants a variance for gross floor area.

The Planning report should be supplemented with testimony during the hearing concerning uniqueness and the above factors necessary to grant a variance.

Hearing Requirements

The Land Use and Transportation Committee (the “Committee”) must consider the above law at the scheduled public hearing wherein it will hear and weigh the evidence as presented in: (1) the Planning Report and other agency reports; (2) testimony from the Planning Department and other City agency representatives; and (3) testimony from members of the public and interested persons. After weighing the evidence presented and submitted into the record before it, the Committee is required to make findings of fact with respect to the factors and considerations outlined above. If, after its investigation of the facts, the Committee makes findings which support the conditional use and the variance sought, it may adopt these findings and the legal requirements will be met.

Law Department notes further that a bill authorizing a conditional use is classified as a “legislative authorization.” Art. 32, § 5-501. Legislative authorizations require that certain procedures be followed in the bill’s passage. Specifically, certain notice requirements apply to the bill. *See* Art 32, § 5-602. The bill must be referred to certain City agencies, which are obligated to review the bill in a specified manner. *See* Art. 32, §§ 5-504, 5-506, 5-604. Finally, certain limitations on the City Council’s ability to amend the bill apply. *See* Art. 32 § 5-507.

Assuming all the procedural requirements are satisfied and the Planning report is supplemented as described above, the Law Department is prepared to approve the bill for form and legal sufficiency.

Very truly yours,



Ashlea Brown
Chief Solicitor

cc: Ebony Thompson, City Solicitor
Stephen Salsbury, Deputy Solicitor
Nina Themelis, MOGR
Elena DiPietro, Chief, General Counsel
Hilary Ruley
Michele Toth
Desiree Luckey



CITY OF BALTIMORE
MAYOR BRANDON M. SCOTT

TO	The Honorable President and Members of the Baltimore City Council
FROM	Alice Kennedy, Housing Commissioner 
DATE	September 10, 2024
SUBJECT	24-0571 Zoning - Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District - Variances 730 East Preston Street

The Honorable President and
Members of the City Council
City Hall, Room 400

09/10/24

Position: Favorable

Introduction

The Department of Housing and Community Development (DHCD) has reviewed City Council Bill 24-0571 Zoning - Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District - Variances 730 East Preston 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 730 East Preston Street (Block 1142B, Lot 028), as outlined in red on the accompanying plat; and granting variances from certain bulk regulations (lot area size), gross floor area per unit type, and off-street parking requirements; and providing for a special effective date.

If enacted, City Council Bill 24-0571 would grant a conditional use conversion of a single-family dwelling unit to 2 dwelling units with variances from certain bulk regulations including, lot area size, gross floor area per unit type and off-street parking requirements for the property located at 730 East Preston Street. If approved, this Bill will go into effect the day of its enactment.

DHCD Analysis

At its regular meeting of August 22, 2024, the Planning Commission concurred with its Departmental staff and recommended that the Bill be approved by the City Council. In their report, the Commission found that the conversion of a single-family dwelling unit into 2 dwelling units within the R-8 Zoning District would not endanger public health, safety, or

welfare. The Commission also found that the public interest would be served through the renovation of a vacant home and its return to productive use.

The referenced property does not fall within any of DHCD's Streamlined Code Enforcement Areas or Community Development Zones but does fall within the Johnston Square Impact Investment Area. Our agency is currently in the final stages of conveying this City owned property to ReBUILD Metro, as it is a part of their Land Disposition Agreement for redeveloping blighted properties within the Johnston Square neighborhood. DHCD does not anticipate an operational or fiscal impact from the passage of this Bill and the granting of this conditional use conversion may help increase rental housing opportunities within the Johnston Square neighborhood and its surrounding communities.

Conclusion

DHCD respectfully requests a **favorable** report on City Council Bill 24-0571.



MEMORANDUM

DATE: August 7th, 2024
TO: Ways & Means Committee
FROM: Colin Tarbert, President and CEO 
POSITION: Favorable
SUBJECT: Council Bill 24-0571 - Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District – Variances 730 East Preston Street

INTRODUCTION

The Baltimore Development Corporation (BDC) is reporting on City Council Bill 24-0571 introduced by Councilmember Stokes.

PURPOSE

The purpose of this bill is to allow for the conversion of a single-family home into a 2-unit home at the property known as 730 East Preston Street (Block 1142B, Lot 028).

BRIEF HISTORY

The property located at 730 East Preston Street is a single-family home located in the Johnston Square neighborhood and is currently vacant. The owner proposes to convert it to a 2-unit rental property which requires a variance in the R-8 Zoning District. This project will reduce blight, add housing stock, and is consistent with other development efforts in the area.

FISCAL IMPACT

None.

AGENCY POSITION

The Baltimore Development Corporation respectfully submits a **favorable** report on City Council Bill 24-0571. 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
Ty'lor Schnella, Mayor's Office of Government Relations

[TW]

FROM	NAME & TITLE	CHRIS RYER, DIRECTOR <i>Chris Ryer</i>	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #24-0571/ ZONING - CONDITIONAL USE CONVERSION OF A SINGLE-FAMILY DWELLING UNIT TO 2 DWELLING UNITS IN THE R-8 ZONING DISTRICT - VARIANCES 730 EAST PRESTON STREET		

TO

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

DATE: August 23, 2024

At its regular meeting of August 22, 2024, the Planning Commission considered City Council Bill #24-0571, 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 730 East Preston Street (Block 1142B, Lot 028), as outlined in red on the accompanying plat; and granting variances from certain bulk regulations (lot area size), gross floor area per unit type, and 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 #24-0571, and adopted the following resolution, with seven members being present (seven in favor):

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, adopts the findings and equity analysis outlined in the staff report, with consideration for testimony and facts presented in the meeting, and recommends that City Council Bill #24-0571 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
Ms. Drew Tildon, Esq.



Brandon M. Scott
Mayor

PLANNING COMMISSION

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

STAFF REPORT



Chris Ryer
Director

August 22, 2024

REQUEST: City Council Bill #24-0571/ Zoning - Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District - Variances 730 East Preston 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 730 East Preston Street (Block 1142B, Lot 028), as outlined in red on the accompanying plat; and granting variances from certain bulk regulations (lot area size), gross floor area per unit type, and off-street parking requirements; and providing for a special effective date.

RECOMMENDATION: Approval

STAFF: Eric Tiso

PETITIONER: ReBuild Johnston Square Phase 1 LLC c/o Drew E. Tildon, Esq.

OWNER: Mayor and City Council of Baltimore

SITE/GENERAL AREA

Site Conditions: 730 East Preston Street is located on the north side of the street, approximately 30' east of the intersection with Proctor Street. This property measures approximately 14' by 100' and is currently improved with a three-story rowhome measuring approximately 14' by 58'. This site is zoned R-8 and is located within the Johnston Square Urban Renewal Plan (URP) area and the Old East Baltimore National Register Historic District.

General Area: This site is located in the Johnston Square neighborhood, which has a mix of residential and institutional uses. The residential stock in the area is predominantly comprised of rowhomes.

HISTORY

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

CONFORMITY TO PLANS

- The Johnston Square Urban Renewal Plan was established by Ord. 77-357, dated June 27, 1977.
- Ord. #22-183, approved Amendment #13 to the URP, dated January 9, 2023.

ANALYSIS

Use: In this Rowhouse and Multi-Family Residential zoning district, multi-family dwellings are listed as a permitted use, and so are generally allowed (Table 9-301). In this case, the property was last authorized for use as a single-family dwelling, which is a permitted use in this R-8 District.

Insufficient Lot Area and Variance: In this zoning district, multi-family dwellings require 750 square feet of lot area per dwelling unit (Table 9-401). In this case, for two dwelling units, 1,500 square feet of lot area is required. The lot only encloses 1,400 square feet, and so does not meet this requirement. The Board may grant a variance to reduce the applicable minimum lot area requirements. In this case, the proposed amount of variance would be about 6.6%, which is included in the bill. Staff believes that this variance is reasonable, and that it will allow for the renovation of the home to make financial sense.

Off-Street Parking and Variance: In this zoning district, multi-family dwellings require one off-street parking space per dwelling unit (Table 16-406). For two dwelling units, one additional parking space is required to serve the new unit. No parking is currently provided, as the rear yard is unimproved. One parking space will be provided, which would serve the new dwelling unit. Staff notes that a variance for parking is included in the bill, but may not be needed, so long as there was never parking provided in the rear yard.

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, in fact a possible danger will be removed as a vacant home will be rehabilitated and returned to productive use. We are not aware of any other law or plan that would preclude this application, as the Johnston Square URP does not have any additional requirements than the underlying zoning. The public interest is served by encouraging the redevelopment of a vacant home. 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 approximately 1,540 square feet in gross 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.). The proposed one-bedroom dwelling unit on the first floor will only contain 490 square feet in gross floor area, which doesn't meet the requirement for a one-bedroom unit. A variance for gross floor area is included in the bill. The two-bedroom unit proposed for the second and third floors will contain 1,050 square feet in gross floor area, which meets the requirement for a two-bedroom unit.

Equity:

This project will renovate the home, which will abate the Vacant Housing Notice on the property. While the density will increase, there should be no discernible negative impacts to the surrounding community from this project. Instead, this project will return it to productive use, support the tax base, increase the population of the neighborhood, and remove negative impacts that result from abandoned properties. Staff does not anticipate any impact to staff time or resources devoted to this project beyond routine requirements of development review.

Notification: The Rebuild Johnston Square Neighborhood Organization has been notified of this action.



Chris Ryer
Director



MEMORANDUM

To: Baltimore City Planning Commission
From: Drew E. Tildon
Date: August 22, 2024
Re: Proposed Findings of Fact
CCB # 24-0571 – Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in The R-8 Zoning District – Variances – 730 E. Preston Street

This firm represents ReBuild Metro Johnston Square Phase 1 LLC (the “Applicant” or “ReBuild”). On behalf of the Applicant, counsel submits the following memorandum in support of City Council Bill # 24-0571 (the “Bill”). The Bill was introduced by Councilmember Stokes, at the request of the Applicant, to grant conditional use approval to convert the single-family dwelling located at 730 E. Preston Street (the “Property”) into a two-unit multi-family dwelling and variance relief from the Code’s minimum lot area and minimum gross floor area per dwelling unit requirements. The Property is located in the R-8 Zoning District, where residential conversions are conditional use requiring approval by Ordinance of the Mayor and City Council (the “Council”).

Section 5-406 of the Baltimore City Zoning Article (the “Code”) provides factors the Council is required to consider, as well as four limited criteria for the denial of a conditional use application. The statutory conditional use factors and criteria are to be analyzed in light of the conditional use standard set forth by the Supreme Court of Maryland (formerly the Maryland Court of Appeals) in *Schultz v. Pritts*. The Council must grant a requested conditional use approval unless it finds one of the limited criteria for denial apply. Section 5-308 of the Code sets forth findings the Council is required to make in order to approve a variance request. This memorandum demonstrates the proposed residential conversion does not meet any of the limited criteria for denial of a conditional use application and also meets the legal standard necessary for a variance approval. The Applicant therefore requests this Commission (the “Commission”) provide a favorable recommendation for CB # 24-0571.

1. Project Overview

The Property is located on the north side of Preston Street between Proctor Street and Homewood Avenue. The 1,400 sq. ft. lot is currently improved by a long-vacant single-family dwelling. The Applicant proposes to convert the building into two units—a one-bedroom ground floor unit and a two-bedroom unit spanning the building’s second and third floors. The project will not expand the building footprint, but it will involve the addition of one off-street parking space. The ground-floor unit will be approximately 490 sq. ft. and include one full bathroom, a washer/dryer, and a dishwasher. The two-bedroom unit will be approximately 1,050 sq. ft. with a den/office, two full bathrooms, a washer/dryer, and a dishwasher. Floor plans are attached as Exhibit 1 and a site plan is attached as Exhibit 2. The intent is for the Property owner to occupy the two-bedroom unit and either rent the one-bedroom ground-floor unit to a tenant or use it as an in-law suite, creating a unique homeownership opportunity in the area.

The Applicant is an affiliate of Rebuild Johnston Square Partners, LLC, which will acquire the Property from the Mayor and City Council of Baltimore under the terms of a Land Disposition Agreement dated October 2, 2019 (as amended, the “LDA”) which has facilitated the non-profit affordable housing developer’s extensive work in the Johnston Square community. The Applicant has restored 219 homes in the Johnston Square, Oliver/Broadway East, and Greenmount West neighborhoods, creating 439 new homes, 85 of which were new homeownership opportunities. Their efforts have resulted in a 92% reduction in residential vacancy in the Oliver/Broadway East community and a 91% reduction in Greenmount West.

ReBuild has fostered a strong relationship with the Johnston Square Neighborhood Organization over the years. The Applicant shared its plans for the Property’s redevelopment with the group, which provided the attached letter in support of the requested approvals. Exhibit 3.

2. Requested Relief

- Conditional Use – Residential Conversion: Section 9-701(2) of the Code requires conditional-use approval by ordinance for the conversion of a single-family dwelling in the R-8 District to a multi-family dwelling.
- Variance Relief – Minimum Lot Area: The R-8 District provides a 750 sq. ft./dwelling unit minimum lot area requirement for multi-family dwellings. *See* Tbl. 9-401. The 1,400 sq. ft. lot therefore requires a 7% variance to permit the 2-unit building.¹
- Variance Relief – Minimum Gross Floor Area per Dwelling Unit: Dwelling units that are the product of residential conversions are also subject to minimum per unit gross floor area requirements. One-bedroom residential conversion units in the R-8 District must have a minimum of 750 sq. ft. of gross floor area. As the proposed one-bedroom unit will only offer approximately 490 sq. ft. of gross floor area, variance relief is requested.
- Off-Street Parking: The first reader of the Bill includes a variance from the Code’s off-street parking requirements. Because the Applicant proposes to add one off-street parking space for the additional dwelling unit, a parking variance is not required.

3. The Planning Commission Should Adopt the Following Findings of Fact Required to Be Made in Connection with A Conditional Use Approval.

In the State of Maryland, conditional uses are presumed to be valid unless the proposed use at the particular proposed location would have any adverse effects above and beyond those inherently associated with such a conditional use irrespective of its location within the zone. *Schultz v. Pritts*, 291 Md. 1, 22 (1981).

Sec. 5-406 of the Code requires the City Council to consider the following factors in evaluating a conditional use application:

- a. The nature of the proposed site, including its size and shape and the proposed size, shape, and arrangement of structures;

The rectangular lot is improved by a three-floor rowhouse that has been vacant for years.

¹ On lots with 3 or more dwelling units, a fraction of the total area that is 50% or more counts as an additional permitted dwelling unit, but the rule does not apply for 2-unit buildings. *See* Sec. 15-302.

- b. The resulting traffic patterns and the adequacy of proposed off-street parking and loading;

The Applicant proposes to provide one off-street parking space for the new dwelling unit, so the conversion will not impact traffic patterns or the adequacy of off-street parking in the area.

- c. The nature of the surrounding area and the extent to which the proposed use might impair its present and future development;

The redevelopment of the presently vacant building will compliment ReBuild's broader revitalization efforts in the Johnston Square community and encourage future development by other parties.

- d. The proximity of dwellings, churches, schools, public structures, and other places of public gathering;

The Property is surrounded by dwellings, a school, and religious institutions, with which the proposed two-unit multi-family dwelling will be compatible.

- e. Accessibility of the premises for emergency vehicles;

The Property is accessible for emergency vehicles and no structural changes are proposed.

- f. Accessibility of light and air to the premises and to the property in the vicinity;

The requested approval will not impact accessibility of light and air to the premises or the property in the vicinity.

- g. The type and location of adequate utilities, access roads, drainage, and other necessary facilities that have been or will be provided;

The Property is adequately served by utilities and other necessary facilities and no structural or use changes are proposed.

- h. The preservation of cultural and historic landmarks;

The Property is located in the Old East Baltimore National Historic District, but is not in a CHAP District. The requested approval will involve the rehabilitation of the long-deteriorating historic structure.

- i. The character of the neighborhood;

The Johnston Square neighborhood is residential and the two-unit building is compatible not only with the historic rowhome uses, but also with ReBuild's soon-to-be completed Teachers Square teacher housing development and the 109-unit Greenmount Park Apartments.

- j. The provisions of the City Master Plan;

The conditional use approval will further the Master Plan's "Live" goal, as it will convert a presently vacant rowhome into two livable units.

- k. The provisions of any applicable Urban Renewal Area;

The Property is located in the Johnston Square Urban Renewal Area's residential land use designation, which permits the proposed use.

- l. All applicable standards and requirements of the Zoning Code;

The Applicant has requested the below-addressed variance relief from the Code's minimum lot area and minimum gross floor area per one-bedroom unit requirements.

- m. The intent and purpose stated in Sec. 2-101 of the Zoning Code;

The requested approval will promote the public welfare by converting the presently vacant building into two dwelling units.

- n. Any other matters considered to be in the general welfare.

The Johnston Square Neighborhood Organization provided the attached letter in support of this application.

Per Sec. 5-406(a) of the Code, after considering the above factors, the Council must approve a conditional use unless it finds that:

- a. The establishment, location, construction, maintenance, or operation of the conditional use would be detrimental to or endanger the public health, security, general welfare or morals;

Based on the analysis herein of the nature of the proposed site, the use's impact on traffic patterns and parking, the nature of the surrounding area, the proximity of dwellings and places of public gathering, the accessibility of the premises for emergency vehicles, the accessibility of light and air to the premises, the adequacy of necessary facilities, historic landmarks, the character of the neighborhood, the provisions of the City Master Plan, the intent and purpose of the Zoning Code, and the general welfare, the requested approval will not be detrimental to or endanger the public health, security, general welfare or morals in a manner inconsistent with such a conversion anywhere else in the R-8 District.

- b. The use would be precluded by any other law, including an applicable Urban Renewal Plan;

Analysis of the required considerations pertaining to the applicable standards of the Zoning Code and the provisions of the Johnston Square Urban Renewal Plan demonstrate the residential conversion is not precluded by any law.

- c. The authorization is, in any way, contrary to the public interest;

An examination of the required consideration pertaining to the use's impact on the general welfare, discussed in greater detail herein, demonstrates the use will not be contrary to the public interest in a manner inconsistent with such a residential conversion anywhere in the R-8 District.

- d. The authorization is not in harmony with the purpose and intent of the Zoning Code.

As stated herein, the residential conversion will not negatively impact any of the Zoning Code's stated purposes and will in fact further five of the eight items listed in Section 2-101. It will therefore have no negative impacts relating to the purpose and intent of the Zoning Code above and beyond those inherent to such a conversion anywhere else in the R-8 District.

4. The Planning Commission Should Adopt the Following Findings of Fact Required to Be Made in Connection with A Variance Approval.

Per § 5-308(a), the Board 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 would result, as distinguished from a mere inconvenience, if the strict letter of the applicable requirement were carried out:

- a. Unique Physical Surroundings:
 - i. The Property sits between two formerly vacant rowhomes that have been rehabilitated for single-family use within the past 15 years. The building located at 726 E. Preston Street was demolished in 2023 and the Property is currently the last vacant home on the block.
- b. Unique Structure: The existing building footprint is abnormally small for a 1,400 sq. ft. lot.
- c. Unique Size: The lot is 1,400 sq. ft., just 100 sq. ft. short of the 1,500 sq. ft. required under the R-8 District's minimum lot area requirement.
- d. Practical Difficulty:
 - i. Minimum Lot Area: To limit the building to one dwelling unit due to the 100 sq. ft. lot area deficit would preclude the Applicant from creating a unique two-unit homeownership opportunity for a Johnston Square resident.
 - ii. Minimum Gross Floor Area per Dwelling Unit: To require the Applicant to conform with the 750 sq. ft. gross floor area requirement would require the Applicant to borrow square footage from the 2-bedroom unit on the second and third floors, defeating the purpose of a larger owner's unit and a ground floor rental/in-law suite.

The Board must also make seven additional findings, per § 5-308(b):

- a. 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.

The unique aspects of the Property described above are not generally applicable to other properties within the same zoning or land use classification.

- b. The unnecessary hardship or practical difficulty is caused by the Code and has not been created by the intentional action or inaction of any person who has a present interest in the property;

The practical difficulty is caused by the application of the Code, not by any action or inaction of the Applicant.

- c. The purpose of the variances is not based exclusively on a desire to increase the value or income potential of the property;

The purpose of the variances is to facilitate the redevelopment of the long-vacant Property.

The Applicant is a non-profit organization and does not seek to profit from this project.

- d. The variances 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;

Broadly, the variances will facilitate the redevelopment of the historically blighted Property for use as two standard housing units. This change will have a positive impact on the surrounding community, as evidenced by the attached letter of support.

- e. The variance is in harmony with the purpose and intent of this Code;

The requested variance is in harmony with the purpose of the Code stated in § 2-101(6): “to preserve and enhance the value of structures, communities, and neighborhoods,” as it will facilitate the creation of two standard dwelling units in the Johnston Square community and the rehabilitation of an existing structure.

- f. 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;

The use and density are permitted by right under the provisions of the URP and the project will not have a negative impact on the Old East Baltimore Historic District.

Additionally, the variances are not precluded by, and will not adversely affect the City’s Master Plan. In fact, the project supports the Plan’s “live” element by strengthening the Johnston Square neighborhood.

- g. The variance will not otherwise (i) be detrimental to or endanger the public health, security, general welfare, or morals; or (ii) in any way be contrary to the public interest;

As demonstrated by the attached letter of support, the approval of the requested variances will not be detrimental to or endanger the public health, security, general welfare, or morals, nor will it in any way be contrary to the public interest.

5. Conclusion

For the reasons set forth herein, the Applicant respectfully requests that this Commission recommend approval of City Council Bill # 24-0571 granting conditional use approval to convert the Property's existing single-family dwelling into a two-unit multi-family dwelling and variances from the Code's minimum lot area and minimum gross floor area per dwelling unit requirements.

EXHIBITS

Exhibit 1 – Floor Plans

Exhibit 2 – Site Plan

Exhibit 3 - Letter of Support – Rebuild Johnston Square Neighborhood Organization

4879-5772-7450, v. 1



**REBUILD JOHNSTON SQUARE
NEIGHBORHOOD ORG
700 E. Chase Street
Baltimore, Maryland 21202
443. 801.5772**

July 2, 2024

Councilman Robert Stokes
Baltimore City Council
100 Holliday Street, Room 501
Baltimore, MD 21202

RE: 730 E. Preston – Conditional Use Ordinance

Dear Councilman Stokes,

Rebuild Johnston Square Neighborhood Organization is writing to express our support for the issuance of a Conditional Use Ordinance as requested by ReBuild Johnston Square Phase 1, LLC. This ordinance would permit the use of 730 E Preston Street in Johnston Square as two-dwelling units.

We believe this initiative will significantly benefit our community by renovating a long-abandoned property for re-occupancy and providing a new homeowner the opportunity to use the second unit either as an in-law apartment or to generate rental income. We are confident that this project will contribute positively to the development and revitalization of Johnston Square.

Thank you for your consideration.

Sincerely,

Regina Hammond
Executive Director
Rebuild Johnston Square Neighborhood Organization

cc. Michael Bainum, ReBuild Metro

CITY OF BALTIMORE

Brandon M. Scott, Mayor



BOARD OF MUNICIPAL AND
ZONING APPEALS

Rebecca Lundberg Witt, *Executive Director*

July 22, 2024

The Honorable President and
Members of the City Council
City Hall
100 N. Holliday Street
Baltimore, MD 21202

**Re: CC Bill #24-0571- Zoning- Conditional Use Conversion of a Single-Family Dwelling
Unit to 2 Dwelling Units in the R-8 Zoning District- Variances
730 East Preston Street**

Ladies and Gentlemen:

City Council Bill No. 24-0571 has been referred by your Honorable Body to the Board of Municipal and Zoning Appeals for study and report.

The purpose of City Council Bill No. 24-0571 is to permit 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 730 East Preston Street (Block 1142B, Lot 028); and to grant variances from certain bulk regulations (lot area size), gross floor area per unit type, and off-street parking requirements; and to provide for a special effective date. BMZA defers its recommendation on the legislation to that of the report and recommendation of the Planning Commission.

Sincerely,

A handwritten signature in black ink that reads "Rebecca R Witt".

Rebecca Lundberg Witt
Executive Director

CC: Mayor's Office of Council Relations
City Council President
Legislative Reference

F R O M	Name & Title	James W. Wallace, Fire Chief 	CITY OF BALTIMORE MEMO	
	Agency Name & Address	Baltimore City Fire Department 401 E. Fayette Street, Mezzanine		
	Subject	City Council Bill #24-0571 - Zoning - Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District - Variances 730 East Preston Street		

TO: The Honorable Nick J. Mosby, President
And All Members of the Baltimore City Council
City Hall, Room 408

DATE: July 31, 2024

The Baltimore City Fire Department (BCFD) has no opposition to Council Bill 24-0571. The location must comply with all applicable codes, ordinances, and laws and shall be required to obtain all required approvals. The location shall comply with the Building, Fire, and Related Codes of Baltimore City 2021 Edition (As enacted by Ord. 24-341 on May 22, 2024) and applicable Maryland laws.

The above does not negate any requirements for submission of plans to the Office of the Fire Marshal for review of construction, fire detection/notification/suppression systems, and automatic sprinkler installation. The location may be subject to an annual fire inspection and/or permits from the Office of the Fire Marshal.

JW/abl



BRANDON M. SCOTT
MAYOR
*100 Holliday Street, Room 250
Baltimore, Maryland 21202*

TO	The Honorable President and Members of the Baltimore City Council
FROM	Corren Johnson, Director – Department of Transportation
DATE	August 7, 2024
SUBJECT	24-0571 Zoning - Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District - Variances 730 East Preston Street

Position: No Objection

Introduction

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 730 East Preston Street (Block 1142B, Lot 028), as outlined in red on the accompanying plat; and granting variances from off-street parking requirements; and providing for a special effective date.

DOT Analysis

Council Bill 24-0571 would allow for the single-family property at 730 East Preston Street to house two dwelling units. The property is close by Greenmount Avenue and the CityLink Red, a bus route with high frequency and ridership. The immediate area has historically faced property vacancy issues, but recent re-development has restored several vacant homes in the block. The Department will work with the property owner to address changing needs associated with redevelopment, as needed.

Conclusion

The Department projects no fiscal or operational impact and has no objection to the advancement of Council Bill 24-0571.

Council Bill 24-0571

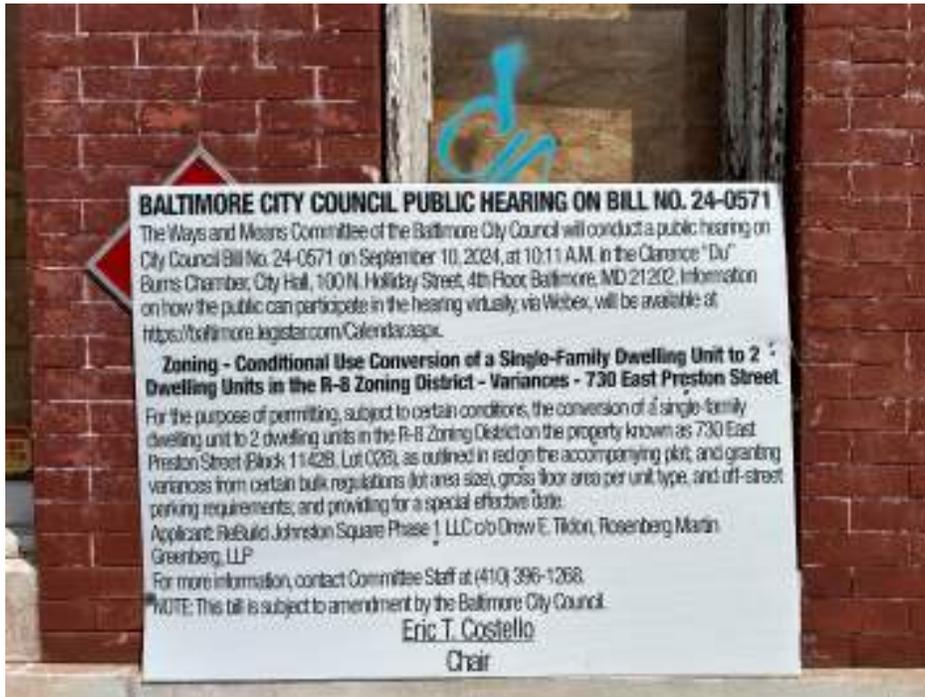
Additional Materials

SEE ATTACHED

Baltimore City Council
Certificate of Posting - Public Hearing Notice

Today's Date: [8/20/2024]

City Council Bill No.: 24-0571



(Place a picture of the posted sign in the space below.)

Address: 730 East Preston Street frontage

Date Posted: August 19, 2024

Name: Martin Ogle

Address: 9912 Maidbrook Road Parkville Md, 21234

Telephone: 443-629-3411

-
- Email to: Natawnab.Austin@baltimorecity.gov
- Mail to: Baltimore City Council; c/o Natawna B. Austin; Room 409, City Hall; 100 N. Holliday Street; Baltimore, MD 21202

**STATEMENT OF INTENT
FOR**

Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning
District – Variances
730 East Preston Street

1. Applicant's Contact Information:

Name: ReBuild Johnston Square Phase 1 LLC c/o Drew E. Tildon, Rosenberg Martin Greenberg, LLP

Mailing Address: 25 S. Charles Street, 21st Floor, Baltimore, MD 21201

Telephone Number: (410) 727-6600

Email Address: dtildon@rosenbergmartin.com

2. All Proposed Zoning Changes for the Property: No zoning change; authorize conversion of a single-family dwelling to a two-unit multi-family dwelling in the R-8 District

3. All Intended Uses of the property: Two-unit multi-family dwelling

4. Current Owners' Contact Information:

Mayor and City Council of Baltimore
417 E. Fayette Street, Rm 1001
Baltimore, MD 21202

5. Property Acquisition: By deed dated March 7, 2013 and recorded in the Land Records of Baltimore City Liber 15017, Folio 00311.

6. Contract Contingency:

(a) There is _____ is not X 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 on the contract are *{use additional sheet if necessary}*:

N/A

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

7. **Agency:**

(a) The applicant is ___ is not X 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}*: N/A

AFFIDAVIT

I, Drew E. Tildon, 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.



Drew E. Tildon, Authorized Agent for Applicant

July 16, 2024

Date



**REBUILD JOHNSTON SQUARE
NEIGHBORHOOD ORG
700 E. Chase Street
Baltimore, Maryland 21202
443. 801.5772**

July 2, 2024

Councilman Robert Stokes
Baltimore City Council
100 Holliday Street, Room 501
Baltimore, MD 21202

RE: 730 E. Preston – Conditional Use Ordinance

Dear Councilman Stokes,

Rebuild Johnston Square Neighborhood Organization is writing to express our support for the issuance of a Conditional Use Ordinance as requested by ReBuild Johnston Square Phase 1, LLC. This ordinance would permit the use of 730 E Preston Street in Johnston Square as two-dwelling units.

We believe this initiative will significantly benefit our community by renovating a long-abandoned property for re-occupancy and providing a new homeowner the opportunity to use the second unit either as an in-law apartment or to generate rental income. We are confident that this project will contribute positively to the development and revitalization of Johnston Square.

Thank you for your consideration.

Sincerely,

Regina Hammond
Executive Director
Rebuild Johnston Square Neighborhood Organization

cc. Michael Bainum, ReBuild Metro

**CITY OF BALTIMORE
COUNCIL BILL 24-0571
(First Reader)**

Introduced by: Councilmember Stokes
At the request of: ReBuild Johnston Square Phase 1 LLC
Address: c/o Drew E. Tildon, Esq.
Rosenberg Martin Greenberg, LLP
25 S. Charles Street, Suite 21st Fl.
Baltimore, Maryland 21201
Telephone: (410) 727-6600

Introduced and read first time: July 22, 2024

Assigned to: Ways and Means Committee

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

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit**
3 **to 2 Dwelling Units in the R-8 Zoning District – Variances**
4 **730 East Preston Street**

5 FOR the purpose of permitting, subject to certain conditions, the conversion of a single-family
6 dwelling unit to 2 dwelling units in the R-8 Zoning District on the property known as 730
7 East Preston Street (Block 1142B, Lot 028), as outlined in red on the accompanying plat; and
8 granting variances from certain bulk regulations (lot area size), gross floor area per unit type,
9 and off-street parking requirements; and providing for a special effective date.

10 BY authority of

11 Article 32 - Zoning
12 Sections 5-201(a), 5-305(a), 5-308, 9-401 (Table 9-401), 9-701(2), 9-703(f), 16-203, and
13 16-602 (Table 16-406)
14 Baltimore City Revised Code
15 (Edition 2000)

16 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That
17 permission is granted for the conversion of a single-family dwelling unit to 2 dwelling units in
18 the R-8 Zoning District on the property known as 730 East Preston Street (Block 1142B,
19 Lot 028), as outlined in red on the plat accompanying this Ordinance, in accordance with
20 Baltimore City Zoning Code §§ 5-201(a) and 9-701(2), subject to the condition that the structure
21 complies with all applicable federal, state, and local licensing and certification requirements.

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

Council Bill 24-0571

1 **SECTION 2. AND BE IT FURTHER ORDAINED**, That pursuant to the authority granted by
2 §§ 5-305(a) and 5-308 of Article 32 – Zoning, permission is granted from the requirements of
3 § 9-401 (Table 9-401: Rowhouse and Multi-Family Residential Districts – Bulk and Yard
4 Regulations), as the minimum lot size requirement for 2 dwelling units, in the R-8 Zoning
5 District, is 1,500 square feet, and the lot area size is 1,400 square feet.

6 **SECTION 3. AND BE IT FURTHER ORDAINED**, That pursuant to the authority granted by
7 §§ 5-305(a) and 5-308 of Article 32 – Zoning, permission is granted for a variance from the
8 requirements of § 9-703(c) for gross floor area per unit type, as 750 square feet are required for
9 each 1-bedroom unit, and the proposed 1-bedroom unit will be less than 750 square feet of floor
10 area.

11 **SECTION 4. AND BE IT FURTHER ORDAINED**, That pursuant to the authority granted by
12 §§ 5-305(a) and 5-308 of Article 32 – Zoning, permission is granted for a variance from the
13 requirements of §§ 9-703(f), 16-203, and 16-602 (Table 16-406: Required Off-Street Parking) for
14 off-street parking.

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

23 **SECTION 6. AND BE IT FURTHER ORDAINED**, That this Ordinance takes effect on the date it is
24 enacted.