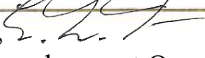



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|------|-----------------------|--|---|--|
| FROM | NAME & TITLE | Eric W. Tiso,  Director of Development Oversight and Project Support | CITY of BALTIMORE MEMO |  |
| | AGENCY NAME & ADDRESS | Department of Planning 8 th Floor, 417 East Fayette Street | | |
| | SUBJECT | City Council Bill #25-0089 / Zoning – Rezoning – Conditional Use Conversion of a Single-Family Dwelling to 2 Dwelling Units in the R-7 Zoning District – 1029 West 37th Street | | |

TO

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

DATE: October 10, 2025

At its regular meeting of October 9, 2025, the Planning Commission considered City Council Bill #25-0089, for the purpose of changing the zoning for the property known as 1029 West 37th Street (Block 3539, Lot 014), as outlined in red on the accompanying plat, from the R-6 Zoning District to the R-7 Zoning District; permitting, subject to certain conditions, the conversion of a single family dwelling unit on the property to 2 dwelling units; and providing for a special effective date.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended disapproval of City Council Bill #25-0089 and adopted the following resolution:

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 #25-0089 be **disapproved** 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.

TK/ewt

attachment

cc: Ms. Nina Themelis, Mayor's Office
The Honorable John Bullock, Council Rep. to Planning Commission
Mr. Justin Williams, BMZA
Mr. Geoffrey Veale, Zoning Administrator
Ms. Stephanie Murdock, DHCD
Ms. Hilary Ruley, Law Dept.
Mr. Francis Burnszynski, PABC
Mr. Luciano Diaz, DOT
Ms. Nancy Mead, Council Services
Ms. Allison Crowley, applicant



Brandon M. Scott
Mayor

PLANNING COMMISSION

Jon Laria, Chair; Eric Stephenson, Vice Chair

STAFF REPORT



Tim Keane
Director

October 9, 2025

LEGISLATION: City Council Bill #25-0089/ Zoning – Rezoning – Conditional Use Conversion of a Single-Family Dwelling to 2 Dwelling Units in the R-7 Zoning District – 1029 West 37th Street

For the purpose of changing the zoning for the property known as 1029 West 37th Street (Block 3539, Lot 014), as outlined in red on the accompanying plat, from the R-6 Zoning District to the R-7 Zoning District; permitting, subject to certain conditions, the conversion of a single family dwelling unit on the property to 2 dwelling units; and providing for a special effective date.

SUMMARY OF REQUEST: CCB #25-0089 will both rezone the property at 1029 West 37th Street and permit the conditional use conversion of a single-family dwelling to two dwelling units. Per § 9-701 of the Zoning Code, residential conversions are permitted by conditional-use approval by Ordinance of the Mayor and City Council in the R-7 and R-8 zoning districts. Residential conversions are not permitted in the R-6 zoning district. Therefore, the applicant is seeking both to rezone the property to R-7 and to convert the property to two dwelling units, requiring conditional-use approval.

RECOMMENDATION: Disapproval

STAFF: Justin Walker

PETITIONER: Allison Crowley

OWNER: HMS ARC, LLC

COUNCIL DISTRICT: 7

SITE/GENERAL AREA

Site Conditions: 1029 West 37th Street is located on the southeast corner of the intersection with Hickory Avenue. This property measures approximately 29' by 133' and is currently improved with a three-story building. The front of the building facing West 37th Street appears as a three-story rowhouse dwelling. Connected to the rowhouse at the rear is a single-story structure that currently contains a restaurant. The site is zoned R-6 and is located within the Robert Poole/ACCE and Independence INSPIRE Plan area.

General Area: The subject site is located within the R-6 Zoning District. The R-6 designation encompasses the entirety of the block containing the property and extends one block eastward before reaching the Falls Road commercial corridor. To the south, the R-6 district continues for two blocks until the West 36th Street commercial corridor, commonly known as "The Avenue."

Directly across the street from the subject site is Saint Thomas Aquinas School. The block face is characterized primarily by rowhouse dwellings.

HISTORY

The property came before the Board of Municipal and Zoning Appeals (BMZA) in 2023 under appeal number BMZ2023-00212. The appeal was postponed, as it was determined to constitute a residential conversion requiring approval by Ordinance of the Mayor and City Council.

CONFORMITY TO PLANS

The 2024 Comprehensive Master Plan for the City of Baltimore was enacted by Ordinance #24-426, dated December 2, 2024. The subject property is designated in the Residential: Medium Density group in the General Land Use Plan. This proposed development conforms to that designation.

APPLICANT'S PROPOSAL AND CODE CONTEXT:

The applicant seeks to convert the existing single-family rowhouse dwelling into two apartments within a mixed-use structure. Under § 9-701 of the Zoning Code, such residential conversions are permitted in the R-7 and R-8 zoning districts by conditional-use approval of the Mayor and City Council. The property is currently zoned R-6 where conversions are prohibited. To meet the conversion requirements, the applicant proposes rezoning the property to R-7. In order to approve a rezoning, the City Council must make the findings outlined in Zoning Code § 5-508. These findings require a determination that either a substantial change in the character of the neighborhood has occurred or that a mistake was made when assigning the existing zoning classification.

REZONING:

Below are the approval standards under §5-508(b) of Article 32 – Zoning for proposed zoning map amendments:

(b) Map amendments.

(1) Required findings.

As required by the State Land Use Article, the City Council may approve the legislative authorization based on a finding that there was either:

- (i) a substantial change in the character of the neighborhood where the property is located; or
- (ii) a mistake in the existing zoning classification.

(2) Required findings of fact.

In making the determination required by subsection (b)(1) of this section, the City Council must also make findings of fact that address:

- (i) population changes;
- (ii) the availability of public facilities;
- (iii) present and future transportation patterns;
- (iv) compatibility with existing and proposed development for the area;
- (v) the recommendations of the City agencies and officials; and
- (vi) the proposed amendment's consistency with the City's Comprehensive Master Plan.

(3) Additional standards – General

Additional standards that must be considered for map amendments are:

- (i) existing uses of property within the general area of the property in question;
- (ii) the zoning classification of other property within the general area of the property in question;

- (iii) the suitability of the property in question for the uses permitted under its existing zoning classification; and
- (iv) the trend of development, if any, in the general area of the property in question, including changes, if any, that have taken place since the property in question was placed in its present zoning classification.

ANALYSIS AND RECOMMENDATION

As noted above, for rezonings, the City Council must consider the following, where appropriate. Staff's assessment follows each of these criteria.

§ 5-508 (b) Evaluation criteria:

As required by the State Land Use Article, the City Council may approve the legislative authorization based on a finding that there was either: (i) a substantial change in the character of the neighborhood where the property is located; (ii) a mistake in the existing zoning classification.

Staff finds no evidence of either a substantial change or a mistake in the zoning that would meet the above criteria. Prior to the comprehensive rezoning completed in 2017, the area was zoned R-7. During the 2017 rezoning, known as *Transform Baltimore*, the area was downzoned to the R-6 district, where it remains today. Staff is not aware of any substantial changes that would warrant a rezoning since 2017. The recent downzoning shows the intention of the legislator in reducing the residential density of the area. Staff find no reason to believe that this was the result of a mistake that would meet the above requirement.

Required findings of fact:

(i) Population changes

No significant population changes have been identified in the immediate area since the adoption of *Transform Baltimore* in 2017. The neighborhood remains characterized primarily by single-family and small multifamily rowhouse dwellings.

(ii) Availability of public facilities

The area continues to be adequately served by existing municipal water, sewer, and public services.

(iii) Present and future transportation patterns

No substantial changes in present or future transportation patterns have been identified. West 37th Street continues to function as a local residential street, with nearby transit service available along Roland Avenue and Falls Road.

(iv) Compatibility with existing and proposed development for the area

The surrounding block face consists primarily of single-family rowhouse dwellings, with one multifamily dwelling located at the intersection of Roland Avenue and West 37th Street. No new development proposals in the vicinity suggest a change in this overall development pattern.

(v) Recommendations of City agencies and officials

No recommendations have been identified from City agencies or officials that would indicate a need for a change in zoning for this area.

(vi) **Consistency with the City's Comprehensive Master Plan**

The current conditions are consistent with the adopted Comprehensive Plan, which identifies the area for stable residential use.

RECOMMENDATION: Staff therefore recommends that the Planning Commission adopt these findings and recommend the bill unfavorably, with respect to the rezoning.

CONDITIONAL USE:

§ 5-406. Approval standards.

(a) *Evaluation criteria.*

As a guide to its decision on the facts of each case, the Board of Municipal and Zoning Appeals or the City Council 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.

(b) *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.

ANALYSIS AND RECOMMENDATION:

As noted above, for Conditional Uses, the Board of Municipal and Zoning Appeals or the City Council must consider the following, where appropriate. Staff's assessment follows each of these criteria. Staff notes that as the recommendation for the rezoning is disapproval, the conditional use cannot be granted without the rezoning.

§ 5-406 (a) Evaluation criteria:

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

The existing structure lends itself well to use as a multifamily dwelling, as it is situated on a larger lot and is larger in scale than the rest of the block face, and it is an existing mixed-use building.

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

The addition of a single-dwelling unit is unlikely to significantly impact traffic and the use is exempt from providing off-street parking by § 16-601.

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

There are no proposed changes to the exterior of the structure, and the addition of a single dwelling unit is unlikely to impact other development, present or future, in the area.

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

The site is immediately across the street from a school; however, the use would be contained entirely within the interior of the structure, and the addition of a single dwelling unit is expected to have minimal impact on surrounding institutions.

Accessibility of the premises for emergency vehicles;

The site will remain accessible to emergency vehicles

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

The additional of a dwelling unit will have no impact on the accessibility of light and air to nearby properties.

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

Utilities, roads, and drainage will remain unchanged, as the proposal would only impact the interior of the building.

The preservation of cultural and historic landmarks and structures;

No anticipated impact.

The character of the neighborhood;

No anticipated impact.

The provisions of the City's Comprehensive Master Plan;

The conditional use aligns with the City's Comprehensive Plan and General Land Use Plan.

The provisions of any applicable Urban Renewal Plan;

There is no applicable Urban Renewal Plan for this area.

All applicable standards and requirements of this Code;

The conditional use does not meet the standards of the Code, as the property is located in an R-6 district. Residential conversions are permitted only in the R-7 and R-8 districts, and only by conditional-use approval of the City Council. Without the rezoning, granting this conditional use is not possible, regardless of any favorable findings above.

§ 5-406 (b) Limited criteria for denying:

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;

Staff finds no reason the establishment would be detrimental to public health, safety, or welfare.

The use or sign would not be precluded by any other law, including an applicable Urban Renewal Plan;

The approval of the conditional use is prohibited by the Zoning Code if the zoning district is not changed from R-6 to R-7.

The authorization would not be contrary to the public interest; and

The authorization would be contrary to the established procedures of the Zoning Code.

The authorization would be in harmony with the purpose and intent of this Code.

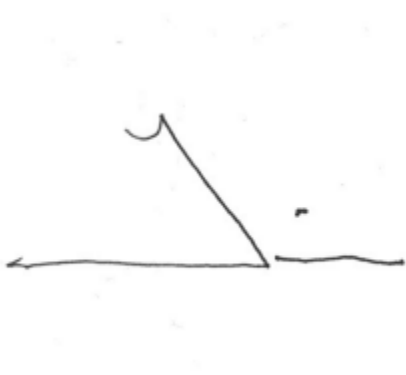
The authorization would not be in harmony with the Code as the conditional use approval is not permitted in the R-6 zoning district.

RECOMMENDATION: Staff therefore recommends that the Planning Commission adopt these findings and recommend the bill be disapproved, with respect to the conditional use.

EQUITY:

The proposed rezoning would constitute a spot rezoning, creating equity concerns by privileging a single property interest over the purposeful, community-driven decision to downzone the area during *Transform Baltimore* in 2017. That process reflected resident priorities to preserve neighborhood character and stability and overturning it for one parcel would undermine both the fairness and consistency of zoning and the value of prior community input.

NOTIFICATION: Notification was given via the required posting on the property as well as via the GovDelivery service.



**Tim Keane
Director**