


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 #25-0022 / ZONING – R-8 ZONING DISTRICT – CONDITIONAL USE – MAXIMUM BUILDING HEIGHT – VARIANCES – 1121 BAYARD STREET		

TO

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

DATE: February 28, 2025

At its regular meeting of February 27, 2025, the Planning Commission considered City Council Bill #25-0022, for the purpose of granting variances from certain bulk and yard regulations (minimum building height, rear-yard setback, and maximum lot coverage) on the property known as 1121 Bayard Street (Block 0767, Lot 032), as outlined in red on the accompanying plat; 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 #25-0022 and adopted the following resolution, with six members being present (six 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 #25-0022 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 John Bullock, Council Rep. to Planning Commission
 Ms. Rebecca Witt, BMZA
 Mr. Geoffrey Veale, Zoning Administration
 Ms. Stephanie Murdock, DHCD
 Ms. Hilary Ruley, Law Dept.
 Mr. Francis Burnszynski, PABC
 Mr. Luciano Diaz, DOT
 Ms. Nancy Mead, Council Services
 Mr. Chase Hoffberger, applicant



Brandon M. Scott
Mayor

PLANNING COMMISSION

Jon Laria, Chair; Eric Stephenson, Vice Chair

STAFF REPORT



Chris Ryer
Director

February 27, 2025

REQUEST: City Council Bill #25-0022/ Conditional Use: Maximum Building Height and Variances:

For the purpose of permitting the construction of a single-family attached dwelling unit in the R-8 Zoning District on the property known as 1121 Bayard Street (Block 0767, Lot 032), as outlined in red on the accompanying plat; and providing for a special effective date.

RECOMMENDATION: Approval

STAFF: Justin Walker

PETITIONER: Chase Hoffberger

OWNER: Kenneth Hobbs

SITE/GENERAL AREA

Site Conditions: 1121 Bayard Street is located on the northeast corner of the intersection with Sargeant Street. This property measures approximately 24' by 60' and is currently unimproved. This site is zoned R-8 and is located within the Washington Village Urban Renewal Plan (URP) area and the Southwest Partnership Vision Plan area.

General Area: The property is situated across Bayard Street from the northeast corner of Carroll Park, in a predominantly residential area. One block to the east, Washington Boulevard features a mix of commercial, residential, and institutional uses. Charles Carroll Barrister Elementary School is located approximately 250 feet to the east.

HISTORY

The applicant initially applied to the BMZA in August 2024 for variances related to the construction of a single-family dwelling. However, the appeal was later postponed at the applicant's request. The property was originally two separate lots, 1121 and 1123 Bayard Street, each containing an attached single-family dwelling. In November 2022, a gas explosion destroyed both dwellings. The lots were subsequently consolidated into a single parcel in 2024, now known as 1121 Bayard Street.

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: Higher

Density group in the General Land Use Plan. This proposed development conforms to that designation.

The area master plan, The Southwest Partnership Vision Plan, lays out a goal to increase the percentage of home ownership under Goal 5 – Building Regional Awareness Around the Strengths and Opportunities of Living and Working in the SWP Area. Staff understands that the applicant will be an owner occupant, adding to the goal of increased homeownership in the area. The construction of a single-family dwelling also provides more housing stock that will assist in achieving this goal.

The property is located within the Washington Village Urban Renewal Plan. Nothing in this plan precludes the development as proposed.

ANALYSIS

Background: The applicant proposes the construction of a single-family rowhouse dwelling at 1121 Bayard Street. The proposed dwelling will occupy the entire lot and measure 24 feet by 60 feet. The construction will require relief from the bulk and yard regulations of the R-8 zoning district. The maximum building height for a rowhouse in the district is 35 feet, with 45 feet allowed by conditional use if the corner lot adjoins two streets that both have at least a 30-foot right-of-way. That is the case for 1121 Bayard Street, and the applicant proposes a 37-foot tall dwelling. The minimum rear yard setback requirement is 20 feet; however, a zero foot setback is proposed, requiring a full variance. Additionally, the maximum lot coverage permitted is 80 percent, while 100 percent coverage is proposed, necessitating a full variance.

Conditional Use Approval Standards:

§ 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 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.

Below is the staff's review of Article 32 – Zoning, §5-406 {"**Approval Standards**"}:

Staff finds that the request meets the approval standards for the conditional use. A requirement for a conditional use to increase height in the R-8 district for a corner lot is that both adjoining rights-of-way must measure at least 30 feet. This is the case for Bayard Street, which fronts the property to the south. It is also true for Sargeant Street, which runs parallel to the property to the west. The proposed development will align with the character of the neighborhood, as the volume will be consistent with the rest of the block, although the width will be doubled. The proposal includes a side-loading garage, which will necessitate a curb cut, removing one on-street parking space. However, two off-street spaces will be provided, resulting in a net increase in the number of available spaces. The new dwelling will not negatively impact the health, safety, or general welfare of the area and will, in fact, return a vacant lot to productive use.

Variance Approval Standards:

§ 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.

Below is the staff's review of Article 32 – *Zoning*, §5-308 {"Approval standards"}:

Staff finds that the approval standards for the variances are met. The property at 1121 Bayard Street has hardship resulting from its shallow depth of 60 feet, which creates a practical difficulty in meeting the required 20-foot rear yard setback. If the required setback were provided, the dwelling would be limited to only 40 feet in length, making it shorter than typical homes on the block. Allowing full use of the lot provides space for a side-loading garage, which is necessary to meet the off-street parking requirement due to the lack of rear alley access for off-street parking. Additionally, the property's prior dwelling unit was destroyed in a gas line explosion, making the lot particularly suited for redevelopment. The hardship is not self-created, as the need for a variance stems from the lot's physical constraints. Notably, the corner lots of the surrounding blocks mostly all follow the pattern of full lot coverage with no rear yard. The requested variances for rear yard setback and lot coverage are necessary to create a functional residential unit on a constrained lot and are not solely for increasing property value. The proposed variances will not negatively affect neighboring properties or property values, as they are consistent with the surrounding rowhouse development. The variances are in harmony with the Zoning Code's intent to allow for appropriately sized residential structures that fit within the neighborhood's character. Based on these factors, staff recommends approval of the requested variances.

Equity:

- Impact:
 - The construction of the proposed single-family rowhouse at 1121 Bayard Street could impact the surrounding community by improving the block and restoring lost housing in the area. Short-term impacts may include construction disruptions, while long-term effects could include increased neighborhood investment and new housing stock. Removing the blight of a vacant lot and returning it to productive use will improve conditions in the immediate area.
- Engagement:
 - The community has been meaningfully engaged in discussing this proposal through outreach by both DOP Community Planning and Revitalization and the developer. Efforts have been made to inform and involve local residents in the planning process, providing them with an opportunity to raise concerns and contribute feedback on the development. Local community groups listed below were engaged and are in support of the development at 1121 Bayard Street.

Notification: Citizens of Pigtown, Pigtown Main Street, and Southwest Partnership have been notified of this action.



Chris Ryer
Director