



**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

DECEMBER 5, 2023

2:00 PM

CLARENCE "DU" BURNS COUNCIL CHAMBERS

23-0408

**Zoning - Conditional Use Conversion of a Single-Family Dwelling Unit
to 2 Dwelling Units in the R-8 Zoning District - Variances - 1046
Brantley Avenue**

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BILL SYNOPSIS

Committee: Economic and Community Development

Bill: 23-0408

Zoning - Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District - Variances - 1046 Brantley Avenue

Sponsor: Councilmember Bullock

Introduced: June 26, 2023

Purpose:

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 1046 Brantley Avenue (Block 0115, Lot 071), as outlined in red on the accompanying plat; and granting variances from certain bulk regulations (lot area size), and off-street parking requirements; and providing for a special effective date.

Effective: The date it is enacted

Agency Reports

City Solicitor	Approved for form and sufficiency
BMZA	Defer to Planning
Planning Commission	Favorable
Dept Housing & Community Development	Favorable
Dept Transportation	No Objection
Fire Department	No Objection
Baltimore Development Corporation	No Objection
Parking Authority	No Objection

Analysis

Current Law

Conditional use

Article 32 – Zoning, Sections 5-201(a), 5-305(a), 5-308, 9-401 (Table 9-401), 9-701(2), 9-703(c), 9-703(f), 16-203, and 16-602 (Table 16-406).

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.
4. The authorization would be in harmony with the purpose and intent of the Baltimore City Zoning Code.

Variances

5-305(a) and 5-308 of Article 32 provide for the use of variances.

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.

Bill Summary

This bill, if enacted, would permit the conversion of a single-family dwelling at 1046 Brantly Avenue to be converted into a two-dwelling unit. The owner proposes the creation of a one-bedroom dwelling unit on the first floor and basement levels of the existing structure, and a three-bedroom dwelling unit on the second and third-floor levels of the structure.

The bill includes two variances:

1. Minimum lot size § 9-401 (Table 9-401: Rowhouse and Multi-Family Residential Districts - Bulk and Yard Regulations), as the minimum lot size requirement for 2 dwelling units, in the R-8 Zoning 24 District, is 1,500 square feet, and the lot area size is 980 square feet, thus requiring a variance of 34.6%.

2. Off-street parking § 9-703(f), 16-203, and 16-602 (Table 16-406: Required Off-Street Parking) for off-street parking. The current structure leaves only a 16' yard which is not sufficient to accommodate and the additional parking space required by code thus requiring a variance.

Additional Information

Fiscal Note: Not Available

Information Source(s): Baltimore City Code, Reporting Agencies, Bill 23-0408.

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

Analysis Date: December 1, 2023

**CITY OF BALTIMORE
COUNCIL BILL 23-0408
(First Reader)**

Introduced by: Councilmember Bullock

At the request of: Ronald Anderson

Address: 2232 North Calvert Street, Baltimore, Maryland 21218

Telephone: (443) 983-4574

Introduced and read first time: June 26, 2023

Assigned to: Economic and Community Development Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Fire Department, Planning Commission, Department of Housing and Community Development, Parking Authority of Baltimore City, 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 **2 Dwelling Units in the R-8 Zoning District – Variances –**
4 **1046 Brantley Avenue**

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 1046
7 Brantley Avenue (Block 0115, Lot 071), as outlined in red on the accompanying plat; and
8 granting variances from certain bulk regulations (lot area size), and off-street parking
9 requirements; and providing for a special 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), 9-703(d), 9-703(f),
13 16-203, and 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 1046 Brantley Avenue (Block 0115, Lot 071),
19 as outlined in red on the plat accompanying this Ordinance, in accordance with Baltimore City
20 Zoning Code §§ 5-201(a) and 9-701(2), subject to the condition that the building complies with
21 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 23-0408

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) and 9-703(d), as the minimum lot size requirement for 2 dwelling units, in the R-8
5 Zoning District, is 1,500 square feet, and the lot area size is 980 square feet, thus requiring a
6 variance of 34.6%.

7 **SECTION 3. AND BE IT FURTHER ORDAINED,** That pursuant to the authority granted by
8 §§ 5-305(a) and 5-308 of Article 32 - Zoning, permission is granted for a variance from the
9 requirements of §§ 9-703(f), 16-203, and 16-602 (Table 16-406: Required Off-Street Parking) for
10 off-street parking.

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

19 **SECTION 5. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it is
20 enacted.

**ECONOMIC AND COMMUNITY
DEVELOPMENT COMMITTEE**

**23-0408
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

September 13, 2023

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 23-0408 – Zoning – Conditional Use Conversion of Single-Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District – Variances – 1046 Brantley Avenue

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 23-0408 for form and legal sufficiency. The bill would permit the conversion of a single-family dwelling unit to 2 dwelling units at 1046 Brantley Avenue, which is in an R-8 Zoning district. The bill would also grant variances for lot area size and off-street parking requirements.

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). The only properties eligible for conversions are those that were “originally constructed as a single-family dwelling” and contain “1,500 square feet or more in gross floor area” exclusive of the basement. Baltimore City Code, Art. 32, § 9-703(b). The Planning Report notes that this property is a three-story attached dwelling of over 2,000 square feet (excluding the basement) that was built in the mid-1800s as a single-family home. Thus, it is eligible to apply for approval by ordinance for the conditional use conversion.

To approve a conditional use, the City Council must find:

- (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.

Baltimore City Code, Art. 32, § 5-406(b).

Variance Standards

The bill also contains variances for lot area size and off-street parking requirements.

Multi-family dwellings in an R-8 must have 750 square feet per dwelling unit of lot area size. Baltimore City Code, Art. 32, §§ 9-703(d); 9-401; Tbl. 9-401. Thus, for 2 dwelling units, the lot area size must be 1,500 square feet. The bill seeks a variance from this requirement since the property only has 980 square feet of lot area.

Dwellings that are to be converted must have one off-street parking space per converted dwelling unit. City Code, Art. 32, §§ 9-703(f); 9-804; 16- 203, 16-602. The Planning Report explains that the rear yard is only 16 feet deep, making impossible to provide the required parking without demolishing part of the existing building. Thus, the bill seeks a variance from this requirement.

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).

Procedural Requirements

Certain procedural requirements apply to this bill because both conditional uses and variances are considered “legislative authorizations.” Baltimore City Code, Art. 32, § 5-501(2). Specifically, notice requirements apply to the bill, and it must be referred to certain City agencies,

which are obligated to review it in a specified manner. Baltimore City Code, Art. 32, §§ 5-504, 5-506, 5-602. The City Council must consider the above law at the scheduled public hearing wherein it will hear and weigh the evidence to make findings of fact as outlined above. Baltimore City Code, Art. 32, § 5-602. If the Committee makes findings that support the conditional use and the variances sought, it may adopt those findings and the legal requirements will be met. Finally, certain limitations on the City Council's ability to amend the bill apply. Baltimore City Code, Art. 32, § 5-507(c).


This bill is the appropriate method to review the facts and make the determination as to whether the legal standards for a conditional use and variances have been met. Assuming 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.

Very truly yours,



Hilary Ruley
Chief Solicitor

cc: Ebony M. Thompson, Acting City Solicitor
Nina Themelis, Mayor's Office of Government Relations
Elena DiPietro, Chief Solicitor, General Counsel Division
Jeffery Hochstetler, Chief Solicitor
Ashlea Brown, Chief Solicitor
Teresa Cummings, Assistant Solicitor
Michelle Toth, Assistant Solicitor

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 23-0408		

DATE: 12/4/2023

TO: Mayor Brandon Scott
TO: Economic and Community Development Committee
FROM: Department of Transportation
POSITION: **No Objection**
SUBJECT: Council Bill 23-0408

INTRODUCTION - Zoning - Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District - Variances - 1046 Brantley Avenue

PURPOSE/PLANS - 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 1046 Brantley Avenue (Block 0115, Lot 071), as outlined in red on the accompanying plat; and granting variances from certain bulk regulations (lot area size), and off-street parking requirements; and providing for a special effective date.


COMMENTS – Council Bill 23-0408 seeks to convert the property known as 1046 Brantley Avenue, located in the R-8 Zoning District, from a single-family dwelling unit to 2 dwelling units. The R-8 Zoning District generally consists of traditional form urban rowhouses with limited non-residential use, allowing for continuous rowhouse development along full blocks set modestly back from the street. Adding an additional dwelling unit to 1046 Brantley Avenue will slightly increase residential density in the area. The property is in Harlem Park and has received a letter of support from the Harlem Park Neighborhood Council, Inc. Harlem Park is served by numerous transit stations and stops.

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 23-0408.

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

F R O M	Name & Title	James W. Wallace, Fire Chief <i>JW.</i>	CITY OF BALTIMORE MEMO	
	Agency Name & Address	Baltimore City Fire Department 401 E. Fayette Street, Mezzanine		
	Subject	City Council Bill #23-0408 – Zoning – Conditional Use Conversion of Single-Family Unit to 2 Dwelling Units in the R-8 Zoning District – Variances -1046 Brantley Avenue		

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

DATE: December 4, 2023

The Baltimore City Fire Department (BCFD) has no opposition to Council Bill 23-0408. 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 2020 Edition (As enacted by Ord. 15-547, and last amended by Ord. 18-1830) 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/kw



PARKING
OF BALTIMORE CITY
AUTHORITY

MEMORANDUM

To: Nick J. Mosby, President, Baltimore City Council

From: Peter Little, Executive Director

Date: July 14, 2023


Subject: City Council Bill 23-0408

I am herein reporting on City Council Bill 23-0408 introduced by Councilmember Bullock at the request of Ronald Anderson.

The purpose of this bill 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 as 1046 Brantley Avenue (Block 0115, Lot 071), granting variances from certain bulk regulations (lot area size) and off-street parking requirements.

The Parking Authority of Baltimore City (PABC) has reviewed the proposed legislation. This property is not located within any PABC-administered parking programs. PABC staff conducted a site visit in July 2023. According to the Zoning Administrator Memo dated May 3, 2023, an off-street parking variance is required for this conversion to two dwellings, because one off-street parking space is required but none are provided. However, there is sufficient on-street parking to accommodate demand.

Based on the comments above, the PABC does not oppose the passage of City Council Bill 23-0408.

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 #23-0408/ ZONING – CONDITIONAL USE CONVERSION – VARIANCES – 1046 BRANTLEY AVENUE		

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 #23-0408, 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 1046 Brantley Avenue (Block -115, Lot 071), as outlined in red on the accompanying plat; and granting variances from certain bulk regulations (lot area size), 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 #23-0408, 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 was carried out; and therefore recommends that City Council Bill #23-0408 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. Ronald Anderson



PLANNING COMMISSION



Brandon M. Scott
Mayor

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

Chris Ryer
Director

STAFF REPORT

August 31, 2023

REQUEST: City Council Bill 23-0408 / Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District – Variances – 1046 Brantley Avenue

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 1046 Brantley Avenue (Block 0115, Lot 071), as outlined in red on the accompanying plat; and granting variances from certain bulk regulations (lot area size), and off-street parking requirements; and providing for a special effective date.

RECOMMENDATION: Approval

STAFF: Martin French

PETITIONERS: Councilmember Bullock, at the request of Ronald Anderson

OWNER: Ronald Anderson

SITE/ GENERAL AREA

Site Conditions: This property is located on the north side of the street, approximately 15' east of the intersection of Brantley Avenue and Arlington Avenue. It is currently improved with a three-story attached dwelling measuring approximately 14' by 54' on a lot measuring approximately 14' by 70'. 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 eastern side of the Harlem Park community.

General Area: This is a primarily residential area, with scattered non-residential uses such as religious institutions and small street-corner commercial uses located several blocks in either direction along Arlington Avenue and along Edmondson Avenue which parallels Brantley Avenue to its south. Brantley Avenue, which runs west-to-east for one block between Arlington Avenue and Schroeder Street, is in the Harlem Park II Urban Renewal Plan Area and the Old West Baltimore National Register Historic District.

HISTORY

The Harlem Park II Urban Renewal Plan was adopted by Ordinance no. 419 on July 6, 1960, and was last amended by its Amendment no. 6 made effective by Ordinance no. 10-264 in 2010. The Plan designates Brantley Avenue and its surrounding area as residential. The Old West Baltimore Historic District was listed on the National Register of Historic Places on December 23, 2004.

The area around this property retained its R-8 zoning during the comprehensive rezoning process associated with adoption of the current Zoning Code which became effective on June 5, 2017.

CONFORMITY TO PLANS

The proposed action may be considered consistent with the Harlem Park II Urban Renewal Plan.

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 1,500 square feet is thus required for two dwelling units. As this lot has approximately 980 square feet, a 520 square feet lot area size variance, amounting to approximately 34.6%, is needed for approval. A lot area variance has been included in Section 2 of the bill.
- One off-street parking space is required to serve the newly-created dwelling unit. Since the property cannot provide a parking space meeting Zoning Code standards, as the existing structure covers enough of the lot to leave only a 16' deep rear yard, a parking variance has been included in Section 3 of the bill.
- The Statement of Intent filed by the owner proposes creation of a one-bedroom dwelling unit on the first floor and basement levels of the existing structure, and a three-bedroom dwelling unit on the second and third floor levels of the structure. A one-bedroom dwelling unit requires 750 square feet of gross floor area; a three-bedroom dwelling unit requires 1,250 square feet of gross floor area. The upper two floor levels combined can provide at least 1,300 square feet of gross floor area to satisfy the conversion requirement for the three-bedroom unit. The first floor level contains approximately 720 square feet of gross floor area excluding the entrance common area and stairway to the upstairs unit, and part of the basement would provide an additional 500 square feet, together exceeding the 750 square feet needed for a one-bedroom unit.

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

- *Required finding of unnecessary hardship or practical difficulty:* The existing building covers approximately 77% of the property, yet also contains approximately 2,000 square feet of gross floor area (not including the basement), which creates an unusual ratio of floor area to lot area. The interior space of the building is larger than what would ordinarily be needed for a modest 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 without demolishing a part of the building, 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 three-story 19th Century structure largely covering a lot that is shorter in length 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 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 the Harlem Park II 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 1046 Brantley Avenue 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. 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 two dwelling units, the upper one containing over 1,250 gross square feet of floor area as required by the conversion standards of the Zoning Code §9-703, and the lower one having approximately 1,220 square feet on its first floor and basement levels. The owner will finish part of the basement of the building to provide additional floor area for the first floor level unit. More detailed 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 Harlem Park 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 Harlem Park 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. Two blocks east of this property is the Upton Gateway project, which is renovating 38 vacant row-houses in the 800 blocks of Harlem and Edmondson Avenues, and which already has produced 15 renovated and re-occupied dwellings. Along with such 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: Harlem Park Neighborhood Council and Councilman Bullock have been notified of this action.



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: December 5, 2023

Re: City Council Ordinance 23-0408 Zoning - Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District - Variances - 1046 Brantley Avenue

The Department of Housing and Community Development (DHCD) has reviewed City Council Ordinance 23-0408 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 1046 Brantley Avenue (Block 0115, Lot 071), as outlined in red on the accompanying plat; and granting variances from certain bulk regulations (lot area size), and off-street parking requirements; and providing for a special effective date.

If enacted, City Ordinance 23-0408 would allow the applicant to convert the existing single-family dwelling located at 1046 Brantley Avenue into two dwelling units, including the creation of a one-bedroom dwelling unit on the first floor and basement levels of the existing structure and a three-bedroom dwelling unit on the second and third floor levels.

At its regular meeting of August 31, 2023, the Planning Commission concurred with the recommendation of its Departmental staff and recommended the Bill be approved by the City Council. Planning staff noted in their report that because of the particular surroundings and shape of the specific structure, a practical difficulty would result if the strict letter of the applicable Zoning code requirements was carried out. Furthermore, the establishment, location, construction, maintenance and operation of a multi-family dwelling would not endanger public health, safety or welfare.

The property is presently owner occupied and according to the Statement of Intent the property is under contract and the perspective owner's intent is to create affordable apartments. The property would need to be licensed and registered to be utilized for the dwelling units under discussion.

The proposed conditional use conversion may expand residential rental opportunities for area residents. The property is not located within any of DHCD's Impact Investment Areas or Community Development Zones. It is unlikely that the proposed multi-family use would impair present or future development. The Ordinance will not have an adverse fiscal or operational impact on DHCD. The conditional use conversion may spur additional investment in and around Harlem Park.

Brandon M. Scott, Mayor • Alice Kennedy, Housing Commissioner

417 East Fayette Street • Baltimore, MD 21202 • 443-984-5757 • dhcd.baltimorecity.gov



DHCD respectfully requests a **favorable** report on the passage of City Council Bill 23-0408.

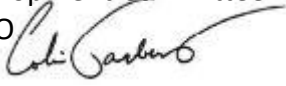
AK/sm

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

Brandon M. Scott, Mayor • **Alice Kennedy**, Housing Commissioner
417 East Fayette Street • Baltimore, MD 21202 • 443-984-5757 • dhcd.baltimorecity.gov



MEMORANDUM

DATE: August 15, 2023
TO: Economic and Community Development Committee
FROM: Colin Tarbert, President and CEO 
POSITION: No Objection
SUBJECT: Council Bill 23-0408 Zoning - Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District - Variances – 1046 Brantley Avenue

INTRODUCTION

The Baltimore Development Corporation (BDC) is reporting on City Council Bill 23-0408 introduced by Councilmember Bullock.

PURPOSE

This is a Zoning Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District - Variances – 1046 Brantley Avenue.

BRIEF HISTORY

The property is located in the Harlem Park 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 23-0408. 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]

CITY OF BALTIMORE

Brandon M. Scott, Mayor



BOARD OF MUNICIPAL AND
ZONING APPEALS

Rebecca Lundberg Witt, *Executive Director*

October 10, 2023

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

Re: CC Bill #23-0408- Zoning-Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District- Variances- 1046 Brantley Ave

Ladies and Gentlemen:

City Council Bill No. 23-0408 has been referred to by your Honorable Body to the Board of Municipal and Zoning Appeals for study and report.

The purpose of City Council Bill No. 23-0408 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 as 1046 Brantley Avenue (Block 0115, Lot 071); and to grant variances from certain bulk regulations (lot area size), and off-street parking requirements; and to provide for a special effective date. BMZA is deferring its recommendation on the legislation to that of the report and recommendation of the Planning Commission.

Sincerely,

A handwritten signature in cursive script that reads "Rebecca R Witt".

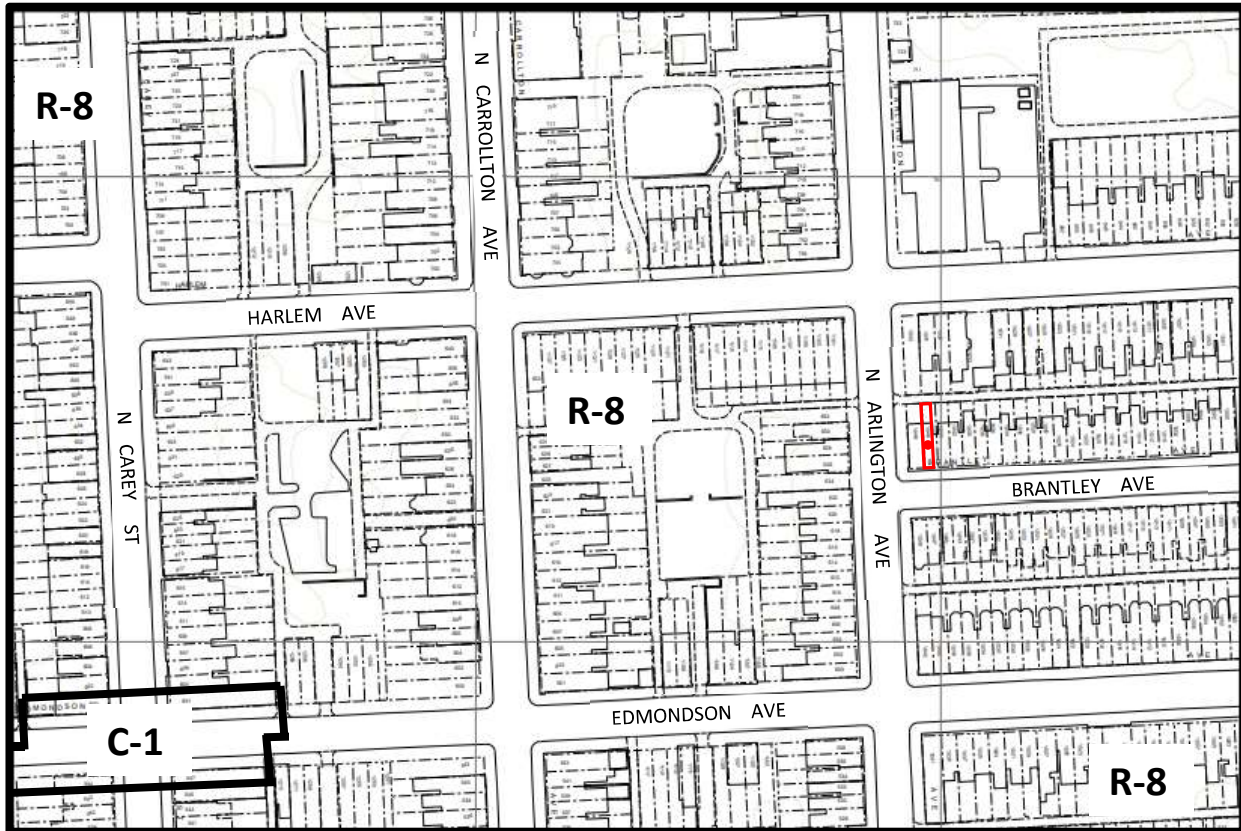
Rebecca Lundberg Witt
Executive Director

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

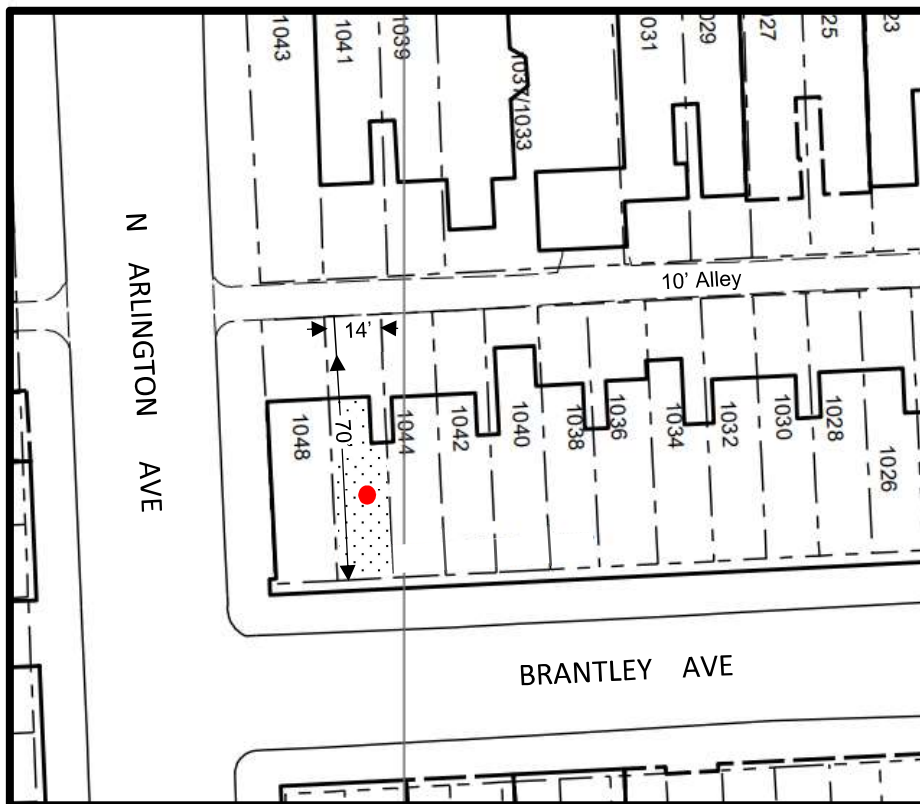
**ECONOMIC AND COMMUNITY
DEVELOPMENT COMMITTEE**

**23-0408
ADDITIONAL DOCUMENTS**

SHEET NO. 54 OF THE ZONING MAP OF THE ZONING CODE OF BALTIMORE CITY



Scale: 1" = 200'



Note:



In Connection With The Property Known As No. 1046 BRANTLEY AVENUE. The Applicant Wishes To Request The Conditional Use Conversion Of The Aforementioned Property From A Single-Family Dwelling Unit To Two Dwelling Units In The R-8 Zoning District, As Outlined In Red Above.

WARD 16 SECTION 14
BLOCK 115 LOT 71

MAYOR

PRESIDENT CITY COUNCIL



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

Ref: 1046 Brantley Avenue

Date: May 03, 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 two 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.

- Subsection 9-401: Bulk Regulations (lot area) in the R-8 District. A lot area of 1,500 square feet is required for two dwelling units. The existing lot area is approximately 980 square feet.
- Subsection 16-406: One additional off-street parking space is required. None is provided.

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
Ronald Anderson, Applicant
Councilmember John T. Bullock
Department of Planning

ZONING ORDINANCE REQUEST

STATEMENT OF INTENT

FOR

1046 BRANTLEY AVE.

[Property Address; Block 0115, Lot 071]

1. Applicant's Contact Information:

Name: RONALD ANDERSON
Mailing Address: 2232 N. CALVERT STREET
BALTIMORE, MD 21218
Telephone Number: 443-983-4574
Email Address: ron991@hotmail.com

2. All Proposed Zoning Changes for the Property:

RE-ZONE PROPERTY FROM SINGLE FAMILY TO MULTI-FAMILY BUILDING

3. All Intended Uses of the Property: AFFORDABLE APARTMENT HOMES

4. Current Owner's Contact Information:

Name: NILA HILL
Mailing Address: 1046 BRANTLEY AVE, BALTIMORE, MD 21217
Telephone Number: 443-983-4574
Email Address: ron991@hotmail.com

5. Property Acquisition: UNDER CONTRACT - SEE BELOW

The property was acquired by the current owner on _____ by deed recorded in the
Land Records of Baltimore City in Liber _____ Folio _____

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}:
RONALD ANDERSON (BUYER)
NILA HILL (SELLER)

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

7. Agency:

(a) The applicant 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 owners of any corporate entity are as follows {use additional sheet if necessary}:

AFFIDAVIT

I, RONALD ANDERSON, 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.



Applicant's signature

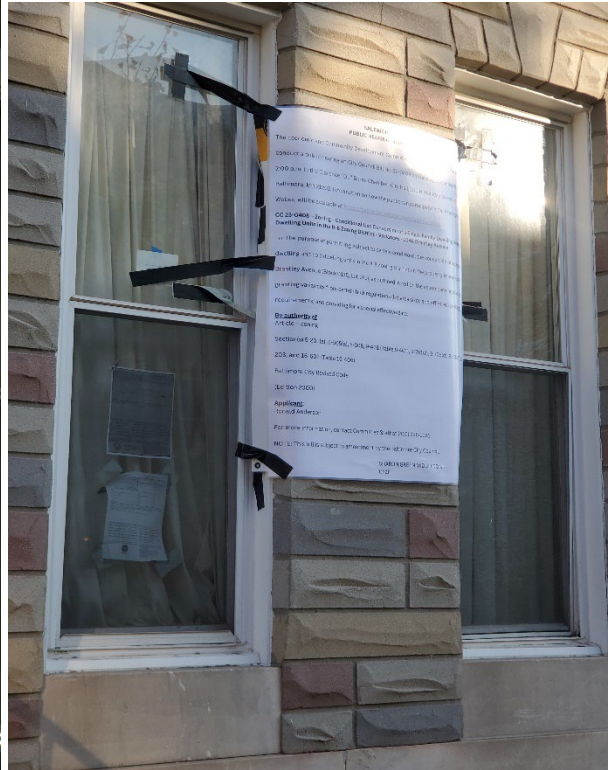
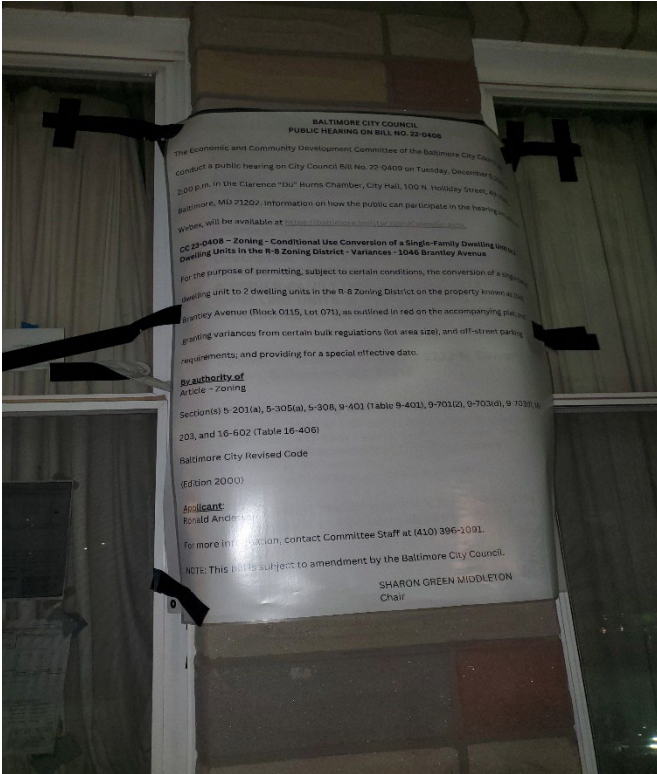
3-8-2023

Date

Baltimore City Council
Certificate of Posting - Public Hearing Notice
City Council Bill No.: 23-0408

Today's Date: **11/9/2023**

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



Address: **1046 Brantley Avenue, Baltimore, MD 21217**

Date Posted: **11/8/2023**

Name: **Ronald Anderson**

Address: **2232 N. Calvert Street, Baltimore, Maryland 21218**

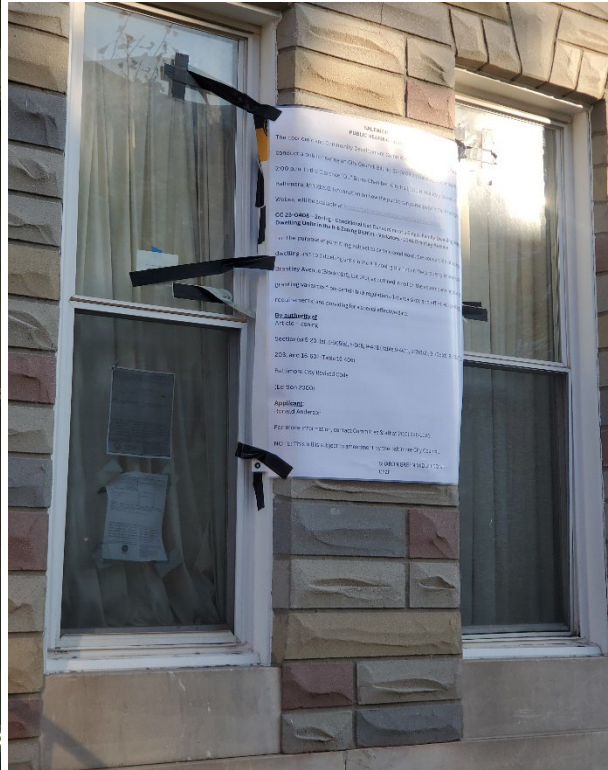
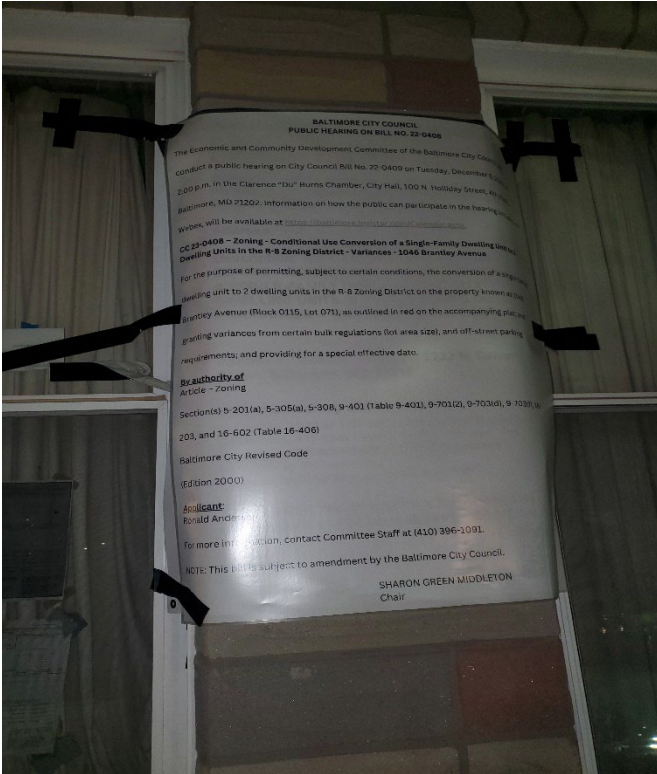
Telephone: **443-983-4574**

Email to: Natawnab.Austin@baltimorecity.gov

Baltimore City Council
Certificate of Posting - Public Hearing Notice
City Council Bill No.: 23-0408

Today's Date: **11/9/2023**

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



Address: **1046 Brantley Avenue, Baltimore, MD 21217**

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Name: **Ronald Anderson**

Address: **2232 N. Calvert Street, Baltimore, Maryland 21218**

Telephone: **443-983-4574**

Email to: Natawnab.Austin@baltimorecity.gov

Harlem Park Neighborhood Council, Inc.

***P.O Box 4347 Baltimore, Maryland 21223
410-523-0401***

04/03/2023

**Dwayne T. London, Jr.
Legislative Director
Office of Councilman John Bullock, 9th District
Office: 410-396-4815
Email: Dwayne.London@baltimorecity.gov**

**RE: 1046 Brantley Ave (Block 0115, Lot 071)
Baltimore, MD 21217
Conditional Use Conversion**

Dear Mr. London

The Harlem Park Neighborhood Council, Inc. (HPNC) is in support of the request for a Conditional Use Conversion for 1046 Brantley Ave. The Conditional Use Conversion is for a Single-Family Dwelling Unit to be converted to 2 Dwelling Units

**Sincerely,
Rev. George Nicholson,
President- HPNC**

**cc: Councilman John Bullock – 9th Baltimore City Council District
Del. Melissa Wells- 40th Legislative District
Del. Frank Conaway, Jr. 40th Legislative District
Del. Marlon Amprey- 40th Legislative District
Del. Roxanne Prettyman 44-A Legislative District
Senator- Antonio Hayes- 40th District Baltimore City
Ms. Arlene Fisher- Lafayette Square Community Association
Mr. Chad Hayes- Director of Community Planning and Revitalization
Mr. Howard Tutman, III- DHCD- Department of Development
HPNC File**

**BALTIMORE
PUBLIC HEARING**

The Economic and Community Development Committee will conduct a public hearing on City Council Bill No. 22-0409 on Tuesday, December 2, 2022, at 2:00 p.m. in the Clarence "Du" Burns Chamber, City Hall, 100 N. Holliday Street, Baltimore, MD 21202. Information on how the public can participate in the hearing is available on the City of Baltimore's Webex, will be available at <https://baltimore.legistar.com/Calendar.aspx>.

CC 23-0408 - Zoning - Conditional Use Conversion of a Single-Family Dwelling Unit to a Two-Family Dwelling Unit in the R-8 Zoning District - Variances - 1046 Brantley Avenue

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 1046 Brantley Avenue (Block 0115, Lot 071), as outlined in red on the accompanying plat, and granting variances from certain bulk regulations (lot area size), and off-street parking requirements; and providing for a special effective date.

By authority of
Article - Zoning

Section(s) 5-201(a), 5-305(a), 5-308, 9-401 (Table 9-401), 9-701(2), 9-703(d), 9-705(a), 9-706, and 16-602 (Table 16-406)

Baltimore City Revised Code
(Edition 2000)

Applicant:
Ronald Anderson

For more information, contact Committee Staff at (410) 396-1091.

NOTE: This bill is subject to amendment by the Baltimore City Council.

SHARON GREEN MIDDLETON
Chair

**BALTIMORE CITY COUNCIL
PUBLIC HEARING ON BILL NO. 22-0408**

The Economic and Community Development Committee of the Baltimore City Council will conduct a public hearing on City Council Bill No. 22-0409 on Tuesday, December 5, 2023, at 2:00 p.m. in the Clarence "Du" Burns Chamber, City Hall, 100 N. Holliday Street, 4th Floor, Baltimore, MD 21202. Information on how the public can participate in the hearing is available on Webex, will be available at <https://baltimore.legistar.com/Calendar.aspx>.

CC 23-0408 - Zoning - Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District - Variances - 1046 Brantley Avenue

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 1046 Brantley Avenue (Block 0115, Lot 071), as outlined in red on the accompanying plat; and granting variances from certain bulk regulations (lot area size), and off-street parking requirements; and providing for a special effective date.

**By authority of
Article - Zoning**

Section(s) 5-201(a), 5-305(a), 5-308, 9-401 (Table 9-401), 9-701(2), 9-703(d), 9-703(f), 16-203, and 16-602 (Table 16-406)

Baltimore City Revised Code

(Edition 2000)

Applicant:
Ronald Anderson

For more information, contact Committee Staff at (410) 396-1091.

NOTE: This bill is subject to amendment by the Baltimore City Council.

SHARON GREEN MIDDLETON
Chair

**BALTIMORE CITY COUNCIL
PUBLIC HEARING ON BILL NO. 22-0408**

The Economic and Community Development Committee of the Baltimore City Council will conduct a public hearing on City Council Bill No. 22-0409 on Tuesday, December 5, 2023, at 2:00 p.m. in the Clarence "Du" Burnis Chamber, City Hall, 100 N. Holliday Street, 4th Floor, Baltimore, MD 21202. Information on how the public can participate in the hearing virtually, via Webex, will be available at <https://baltimore.legistar.com/Calendar.aspx>.

CC22-0408 - Zoning - Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District - Variances - 1046 Brantley Avenue

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 1046 Brantley Avenue (Block 0115, Lot 071), as outlined in red on the accompanying plat; and granting variances from certain bulk regulations (lot area size), and off-street parking requirements; and providing for a special effective date.

**By Authority of
Article - Zoning**

Section(s) 5-201(a), 5-305(a), 5-308, 9-401 (Table 9-401), 9-701(2), 9-703(d), 9-703(f), 16-203, and 16-602 (Table 16-406)

Baltimore City Revised Code
Edition 2000

Applicant:

Reginald Anderson

For more information, contact Committee Staff at (410) 396-1091.

NOTE: This bill is subject to amendment by the Baltimore City Council.

SHARON GREEN MIDDLETON

Chair

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BALTIMORE PUBLIC WORKS
The Economic and Community Development Committee will conduct a public hearing on City Council Bill No. 22-0489 on Tuesday, October 22, 2022, at 2:00 p.m. in the Clarence "Durr" Burns Chamber, City Hall, 121 N. Holliday Street, Baltimore, MD 21202. Information on how the public can participate in the hearing will be available at <https://www.baltimore.gov>.

CC22-0408 - Zoning - Conditional Use - Convention of Living (CFL) Family Development Dwelling Units in the R8 Zoning District - Variances 1504, Grandly Avenue

For the purpose of permitting, subject to certain conditions, the conversion of the dwelling unit to 2 dwelling units in the R8 Zoning District on the property known as Grandly Avenue (Block 0315, Lot 07), as outlined in red on the accompanying map, granting variances from certain bulk regulations (lot area, lot, yard and off-street parking requirements) and providing for a special effective date.

By authority of
Article - Zoning

Section(s) 15-201(a), 15-305(a), 15-305, 15-401, Table 15-401, 15-701(d), 15-701(d), 15-701, 203, and 15-602 (Table 15-406)

Baltimore City Revised Code
(Edition 2000)

Applicant:
Ronald Anderson

For more information, contact Committee Staff at (410) 395-0921.

NOTE: This bill is subject to amendment by the Baltimore City Council.

SHARON GREEN MCDONOUGH
Chair

811 24 99