


FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #18-0182/ ZONING – CONDITIONAL USE CONVERSION – VARIANCE – 600 EAST 29 TH STREET		

DATE:

TO

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

February 23, 2018

At its regular meeting of February 22, 2018, the Planning Commission considered City Council Bill #18-0182, 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 600 East 29th Street (Block 4072A, Lot 033), as outlined in red on the accompanying plat; and granting a variance from certain off-street parking regulations.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended amendment, and approval as amended, of City Council Bill #18-0182 and adopted the following resolution, eight members being present (eight 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; and further

RESOLVED, That the Planning Commission concurs with the recommendation of its Departmental staff, and recommends that City Council Bill #18-0182 be amended and passed 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.

TJS/ewt

Attachment

cc: Mr. Pete Hammen, Chief Operating Officer
Mr. Jim Smith, Chief of Strategic Alliances
Ms. Karen Stokes, Mayor's Office
Mr. Colin Tarbert, Mayor's Office
Mr. Kyron Banks, Mayor's Office
The Honorable Edward Reisinger, Council Rep. to Planning Commission
Mr. Derek Baumgardner, BMZA
Mr. Geoffrey Veale, Zoning Administration
Ms. Sharon Daboin, DHCD
Ms. Elena DiPietro, Law Dept.
Mr. Francis Burnszynski, PABC
Ms. Katelyn McCauley, DOT
Ms. Natawna Austin, Council Services
Mr. Zach Grauer, Dominion Rentals LLC



*Catherine E. Pugh
Mayor*

PLANNING COMMISSION

Sean D. Davis, Chairman

STAFF REPORT



*Thomas J. Stosur
Director*

February 22, 2018

REQUEST: City Council Bill # 18-0182 / Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District – Variance – 600 East 29th 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 600 East 29th Street (Block 4072A, Lot 033), as outlined in red on the accompanying plat; and granting a variance from certain off-street parking regulations.

RECOMMENDATION: Amendment, and Approval as amended

Amendment: Add variance of rear yard setback requirement and add a variance of lot coverage regulations.

STAFF: Martin French

PETITIONERS: Councilmember Clarke, at the request of Berea Park LLC

OWNER: Dominion Rentals LLC

SITE/GENERAL AREA

Site Conditions: 600 East 29th Street is located on the northeast corner of the intersection with Limond Place. This property measures approximately 50' by 42' and is currently improved with a one-story detached residential mixed-use building covering the entire lot. A pedestrian alley approximately 8' wide runs behind this property, eastward from Limond Place; a second alley approximately 10' wide runs beside this property, northward from 29th Street, separating it from the row-housing on the north side of 29th Street. This site is zoned R-8.

General Area: This the southern part of a predominantly residential area known as Waverly, which has scattered non-residential uses such as religious institutions, schools, and a few small commercial uses. The subject property is east of the commercial strip along Greenmount Avenue that is one block west of this site; this part of the commercial strip forms the southern end of the Waverly Business Area Urban Renewal Area. Most of the housing closest to this property was originally developed in the last two decades of the 19th Century, while the row-housing east of this property was built in the early 20th Century.

HISTORY

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

CONFORMITY TO PLANS

The proposed action is consistent with LIVE EARN PLAY LEARN, the Comprehensive Master Plan for Baltimore, Live Goal 1: Build Human and Social Capital by Strengthening Neighborhoods, Objective 1: Expand Housing Choices for all Residents. The application for this bill states that the owner intends to rent the two dwelling units to be authorized by this bill to families with less than 80% of Area Median Income.

ANALYSIS

Project: This legislation would allow the petitioner to use the existing structure as two dwelling units. Adaptive re-use as a two-family detached dwelling would allow preservation of part of Waverly's traditional architectural fabric while offering a more affordable housing alternative to persons who wish to live in an area convenient to downtown Baltimore.

Zoning Analysis: This property is a detached formerly residential mixed-use building (once a dwelling and a grocery store) containing approximately 2,000 square feet of floor area. This bill would encourage re-use of a structure consistent with its current zoning.

- The Zoning Code requires, for conversion of a single-family property in the R-8 District, 750 square feet of lot area per dwelling unit (BCZC §9-703.d., citing Table 9-401). A lot area of 1,500 square feet is thus required for the proposed use. This lot has 2,100 square feet, so no lot area variance is needed. The Code also requires that the premises have a floor area of at least 1,500 square feet (BCZC §9-703.b.); this building has over 2,000 square feet of gross floor area, and thus does not need a variance of this requirement.
- A rear yard setback of 20' is required (Table 9-401). This property has no rear yard. A variance of this requirement is needed to reduce the rear yard setback to zero, thus recognizing an existing condition. Planning staff recommend amending the bill to include this.
- The maximum lot coverage allowed is 80% (Table 9-401). This structure covers the entire lot, so a variance of that requirement is needed, also to recognize the existing condition. Planning staff recommend amending the bill to include this.
- One off-street parking space is required to serve the newly-created dwelling unit (§9-703.f.). The property has no rear yard or side yard suitable for off-street parking. A variance for off-street parking is therefore required, and has been included in this bill.

Conditional Use – Required findings: In accordance with §5-406 of Article 32 (the Zoning Code of Baltimore City), the Planning Commission must base its recommendation to the City Council to approve a conditional use on these considerations required by Title 5 {"Applications and Authorizations"}, subtitle 4 {"Conditional Uses"} of the Zoning Code:

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 in harmony with the purpose and intent of this article (§5-406).

In addition, the Zoning Code requires review of these considerations:

- the nature of the proposed site, including its size and shape, are adequate for the proposed use;
- there will be no negative impact to traffic patterns in the immediate area;
- the proposed use will not impair the present and future development of this lot or the surrounding area;
- there will be no negative impact resulting from its proximity to dwellings, churches, schools, public structures, or other places of public gathering;
- there is adequate accessibility of the premises to emergency vehicles;
- there is adequate light and air to the premises and to properties in the vicinity;
- adequate utilities, access roads, drainage, and other necessary facilities have been or will be provided;
- the proposed use would not interfere with preservation of cultural and historic landmarks and structures;
- the proposed use would not alter the character of the neighborhood;
- the proposed use is consistent with provisions of the City's Comprehensive Master Plan; and
- the use of the property as two dwelling units meets all other applicable standards and requirements of this Code (§5-406).

The proposed use as a 2-family dwelling would be consistent with residential use in the area. The applicant would have practical difficulty with, and encounter unnecessary hardship in, complying with the Zoning Code requirements for which variances should be granted.

Notification: The Better Waverly Community Association and Councilwoman Clarke have been notified of this action.



Thomas J. Stosur
Director