


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 #19-0349/ ZONING – CONDITIONAL USE CONVERSION – VARIANCE – 2029 EAST LOMBARD STREET		

TO

DATE:

April 22, 2019

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

At its regular meeting of April 18, 2019, the Planning Commission considered City Council Bill #19-0349, 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 2029 East Lombard Street (Block 1747, Lot 053), 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 approval of City Council Bill #19-0349, 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, 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 were carried out; and therefore recommends that City Council Bill #19-0349 be 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.

CR/ewt

Attachment

cc: Mr. Pete Hammen, Chief Operating Officer
Ms. Karen Stokes, Mayor's Office
Mr. Colin Tarbert, Mayor's Office
Mr. Jeff Amoros, Mayor's Office
The Honorable Edward Reisinger, Council Rep. to Planning Commission
Mr. William H. Cole IV, BDC
Mr. Derek Baumgardner, BMZA
Mr. Geoffrey Veale, Zoning Administration
Ms. Sharon Daboin, DHCD
Mr. Tyrell Dixon, DCHD
Ms. Elena DiPietro, Law Dept.
Mr. Francis Burnszynski, PABC
Mr. Frank Murphy, DOT
Ms. Eboni Wimbush, DOT
Ms. Natawna Austin, Council Services
Mr. Ervin Bishop, Council Services
Mr. Alfred Korpisz, for Ms. Anita Nucci



Catherine E. Pugh
Mayor

PLANNING COMMISSION

Sean D. Davis, Chairman

STAFF REPORT



Chris Ryer
Director

April 18, 2019

REQUEST: City Council Bill 19-0349/ Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District – Variance – 2029 East Lombard 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 2029 East Lombard Street (Block 1747, Lot 053), as outlined in red on the accompanying plat; and granting a variance from certain off-street parking regulations.

RECOMMENDATION: Approval

STAFF: Martin French

PETITIONERS: Councilmember Sneed, at the request of Anita Nucci

OWNER: Anita Nucci

SITE/ GENERAL AREA

Site Conditions: 2029 East Lombard Street is located on the southeast corner of the intersection with Castle Street. This property measures approximately 16' by 100' and is currently improved with a three-story semi-detached residential building measuring approximately 16' by 63' and a detached rear garage-type structure measuring approximately 16' by 16'. The site is zoned R-8. The building on the lot is presently used as a single-family dwelling.

General Area: Most of the housing closest to this property was originally developed in the second half of the 19th Century, and comprises part of the Butchers Hill National Register Historic District. In the first half of the 20th Century some single-family residential buildings in the area were converted to either multi-family dwellings or residential mixed-use. From its origins to the present, this area has been characterized by a mix of mid- to late-19th Century row-houses, with a few multi-family, religious and institutional uses and scattered commercial uses in various locations.

HISTORY

The Butchers Hill Historic District was certified to the National Register of Historic Places on December 28, 1982.

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.

ANALYSIS

Background: This legislation would allow the petitioner to use the existing structure as two dwelling units. Adaptive re-use as a two-family multi-family dwelling would allow preservation of a piece of the historic district's traditional architectural fabric while responding to more contemporary, smaller-scale residential needs in a location with convenient access to downtown for residents of the two dwelling units.

Zoning Analysis: This property is improved with a semi-detached residential structure containing approximately 2,240 square feet of gross floor area. This bill would encourage re-use of a structure consistent with 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 1,600 square feet and thus meets the lot area requirement for conversion.
- A rear yard setback of 25' is required. This property has a rear yard setback of 37' and thus meets this requirement. No additions to the existing structure are proposed.
- The maximum lot coverage allowed is 80%. This structure covers approximately 63% of the lot. No variance of this requirement is needed.
- The Zoning Code requires, for conversion of a single-family property in the R-8 District, gross floor area of 750 square feet per 1-bedroom unit created, and 1,000 square feet per 2-bedroom unit created (BCZC §9-703.c.). The existing structure contains approximately 990 gross square feet on each of its first two above-grade levels, thus no variance of this requirement is needed to allow two 1-bedroom dwelling units at this location. While the floor plans provided by the petitioner show no bedrooms on the third level, if this level would be used in the future for an additional bedroom, its gross floor area of approximately 320 square feet would allow conversion of this premises to a two-bedroom dwelling unit and a one-bedroom dwelling unit without requiring a variance of this standard.
- One additional off-street parking space is required to serve the one newly-created dwelling unit (BCZC §9-703.f.). This property cannot provide any off-street parking spaces meeting Zoning Code standards for size or accessibility, and therefore a variance of this requirement is included in this bill.

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.

The establishment, location, and operation of this property as a multi-family dwelling containing two dwelling units would not be detrimental to or endanger public health, safety, or welfare. The proposed use is not precluded by any other law. The proposed authorization would not be contrary to the public interest (in fact, it would advance the public interest by creating more housing affordable to moderate-income families). Therefore, Planning staff conclude that the authorization would be in harmony with the purpose and intent of the Zoning Code.

In making the above recommendation, Planning staff reviewed §5-406(b) {"Required considerations"} of Article 32 – *Zoning*, and finds that the proposed use meets these additional criteria for approval of a conditional use:

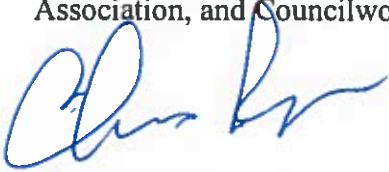
- (1) the nature of the proposed site, including its size and shape, are adequate for the proposed use;
- (2) there will be no negative impact to traffic patterns;
- (3) the proposed use will not impair the present and future development of this lot or the surrounding area;
- (4) there will be no negative impact resulting from proximity to dwellings, churches, schools, public structures, and other places of public gathering;
- (5) there is adequate accessibility of the premises to emergency vehicles;
- (6) there is adequate light and air to the premises and to properties in the vicinity;
- (7) adequate utilities, access roads, drainage, and other necessary facilities have been or will be provided;
- (8) the proposed use would not interfere with preservation of cultural and historic landmarks and structures;
- (9) the proposed use would not alter the character of the neighborhood;
- (10) the proposed use is consistent with provisions of the City's Comprehensive Master Plan;
- (11) the proposed use is not regulated by any Urban Renewal Plan;
- (12) the proposed use meets all other applicable standards and requirements of the Zoning Code;
- (13) the proposed use is consistent with the intent and purpose of the Zoning Code; and
- (14) is consistent with any other matters that may be considered to be in the interest of the general welfare.

Planning staff recommend that the Planning Commission also find:

- The proposed use as a 2-family dwelling would be consistent with other residential use in the area and would allow continuing use of a structure that contributes to the Butchers Hill National Register Historic District.
- While no off-street parking meeting Zoning Code standards can be provided on this property, the site is located in a dense, walkable neighborhood that is served by several bus lines.
- The variance that would be granted would not be injurious to use and enjoyment of other property in the immediate vicinity, nor substantially diminish or impair property values in

the neighborhood. Maintaining this property in full occupancy would actually help improve property values in the Butchers Hill Historic District. The variance is in harmony with the Comprehensive Master Plan, the Butchers Hill National Register Historic District, and related considerations of public health, safety, and general welfare.

Notification: The Butchers Hill Association, Fells Prospect, Inc., Upper Fells Point Improvement Association, and Councilwoman Sneed have been notified of this action.



Chris Ryer
Director