


FROM	NAME & TITLE	CHRIS RYER, DIRECTOR <i>CR</i>	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #19-0392 / ZONING – CONDITIONAL USE CONVERSION TO 2 DWELLING UNITS – VARIANCE – 2132 WEST BALTIMORE STREET		

DATE: June 24, 2019

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

At its regular meeting of June 20, 2019, the Planning Commission considered City Council Bill #19-0392, 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 2132 West Baltimore Street (Block 0190, Lot 015), as outlined in red on the accompanying plat; and granting a variance from certain bulk (lot area size) regulations.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended amendment and approval of City Council Bill #19-0392 and adopted the following resolution, nine members being present (nine in favor):

RESOLVED, That the Planning Commission finds, in accordance with subsections 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;
- would be in harmony with the purpose and intent of this Code; and
- meets all criteria for approval specified in subsection 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 further recommends that City Council Bill #19-0392 be amended and approved by the City Council.

If you have any questions, please contact Mr. Martin French of the Land Use and Urban Design Division at 410-396-1354.

CR/ewt

Attachment

cc: Mr. Jeff Amoros, Mayor's Office
The Honorable Edward Reisinger, Council Rep. to Planning Commission
Mr. Colin Tarbert, BDC
Mr. Derek Baumgardner, BMZA
Mr. Geoffrey Veale, Zoning Administration
Mr. Bob Pipik, DCHD
Ms. Elena DiPietro, Law Dept.
Mr. Francis Burnszynski, PABC
Mr. Michael Castagnola, DOT
Ms. Natawna Austin, Council Services
Mr. Lance Edwards, The Tiger Team Properties LLC



Bernard C. "Jack" Young
Mayor

PLANNING COMMISSION

Sean D. Davis, Chairman

STAFF REPORT



Chris Ryer
Director

June 20, 2019

REQUEST: City Council Bill #19-0392/ Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District – Variance – 2132 West Baltimore 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 2132 West Baltimore Street (Block 0190, Lot 015), as outlined in red on the accompanying plat; and granting a variance from certain bulk (lot area size) regulations.

RECOMMENDATION: Amendment, and Approval as amended

Amendments: Add (1) a variance of floor area standards for conversion of a single-family dwelling to a multi-family dwelling; and (2) a variance of off-street parking regulations.

STAFF: Martin French

PETITIONER: Councilmember Bullock, at the request of The Tiger Team Properties LLC c/o Lance Edwards

OWNER: The Tiger Team Properties LLC

SITE/GENERAL AREA

Site Conditions: 2132 West Baltimore Street is located on the north side of the street, approximately 58' east of the intersection with Smallwood Street. This property measures approximately 14' by 100' and is currently improved with a two-story attached residential building measuring approximately 14' by 50'. The site is zoned R-8 and is located in the Operation Reach Out Southwest (OROSW) Strategic Neighborhood Action Plan area.

General Area: Most of the housing in this area was originally developed in the late 19th Century or first decade of the 20th Century. One block east of the property is the Bon Secours Hospital site that is the focal point for redevelopment of the Penrose / Fayette Street Outreach community. There are also scattered nonresidential uses such as churches and small businesses in the area.

HISTORY

There are no previous Planning Commission or legislative actions relating specifically to this property. This block retained its R-8 zoning during the comprehensive rezoning mapping process associated with adoption of the current Zoning Code effective on June 5, 2017.

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, one 3-bedroom unit on the two original habitable levels of the structure, and one efficiency unit in the basement of the structure. Adaptive re-use as a two-family multi-family dwelling would allow preservation of a piece of the community'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 a mid-row residential structure containing approximately 1,300 square feet of gross 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 dwelling property in the R-8 District, 750 square feet of lot area per dwelling unit (BCZC subsection 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 1,400 square feet and thus does not meet the lot area requirement for conversion. A variance of this requirement is therefore included in this bill. The variance amounts to approximately 6.7% of the Zoning Code requirement.
- The Zoning Code requires, for conversion of a single-family dwelling property in the R-8 District, 750 square feet of floor area per 1-bedroom dwelling unit and 1,250 square feet of floor area per 3-bedroom dwelling unit (BCZC subsection 9-703.c.). There being no separate category of "efficiency" dwelling unit in the current Zoning Code, the 1-bedroom standard must be used for this purpose. The existing structure contains approximately 1,300 square feet of floor area classified as "above-ground floor area" to be used for the 3-bedroom dwelling unit, and 500 square feet of basement floor area to be used for the efficiency dwelling unit. A variance of this floor area requirement (for the benefit of the basement unit) should therefore be added to this bill.
- The maximum lot coverage allowed is 80% (Zoning Code Table 9-401). This structure covers approximately 50% of the lot. No variance of this requirement is needed.
- One additional off-street parking space is required to serve the one newly-created dwelling unit (BCZC subsection 9-703.f.). This property cannot provide any off-street parking spaces meeting Zoning Code standards for accessibility, as the rear alley is only 10' wide, and therefore a variance of this requirement should be added to this bill.

Conditional Use: Per subsection 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, and there is no Urban Renewal Plan for this area. The proposed authorization would not be contrary to the public interest (in fact, it could advance the public interest by creating 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 subsection 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:

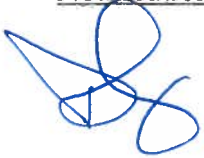
1. The nature of the proposed site, including its size and shape, are adequate for the proposed use;
2. There will be no negative impact to traffic patterns;
3. The proposed use will not impair the present and future development of this lot or the surrounding area;
4. There will be no negative impact 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 will 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 consistent with the provisions of any applicable 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 two-family dwelling would be consistent with other residential use in the area.
- 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 public transportation.
- There is a practical difficulty with complying with the bulk standards in the Zoning Code that has not been caused by the action or inaction of any person with a present interest in this property. The purpose of the variances requested is not based exclusively on a desire to increase the value or income potential of the property.
- Each of the variances 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. The variances are in harmony with the Comprehensive Master Plan, and related considerations of public health, safety, and general welfare.

Notification: Fayette Street Outreach and Councilman Bullock have been notified of this item.



Chris Ryer
Director