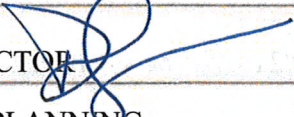



FROM	NAME & TITLE	CHRIS RYER, DIRECTOR 	CITY of BALTIMORE  <b>MEMO</b>	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 <sup>TH</sup> FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #21-0185 / ZONING – CONDITIONAL USE CONVERSION TO 8 DWELLING UNITS IN R-8 – VARIANCES – 2044 WALBROOK AVENUE		

TO

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

DATE: February 11, 2022

At its regular meeting of February 10, 2022, the Planning Commission considered City Council Bill #21-0185, for the purpose of permitting, subject to certain conditions, the conversion of a single-family dwelling unit to 8 dwelling units in the R-8 Zoning District on the property known as 2044 Walbrook Avenue (Block 3211, Lot 023), as outlined in red on the accompanying plat; and granting variances from certain bulk regulations (lot area size), gross floor area per unit type, and off-street parking requirements.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended no objection to City Council Bill #21-0185, and adopted the following resolution, with 9 members being present (9 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 further

RESOLVED, That the Planning Commission adopts the report of its staff, and recommends the amendments to the bill proposed therein and the equity analysis therein; and further

RESOLVED, That the Planning Commission recommends amendment of the bill to prohibit use of the basement of the premises for residential dwelling use; and

THEREFORE, recommends that City Council Bill #21-0185 be amended accordingly and 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. Natasha Mehu, Mayor's Office  
Ms. Nina Themelis, Mayor's Office  
The Honorable Eric Costello, Council Rep. to Planning Commission  
Mr. Matthew Stegman, City Council President's Office  
Ms. Nikki Thompson, City Council President's Office  
Mr. Colin Tarbert, BDC  
Ms. Kathleen Byrne, 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. Bashar Hijazi for Jack Street LLC



Brandon M. Scott  
Mayor

## PLANNING COMMISSION

Sean D. Davis, Chairman

### STAFF REPORT



Chris Ryer  
Director

February 10, 2022

**REQUEST:** City Council Bill 21-0185 / Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to 8 Dwelling Units in the R-8 Zoning District – Variances – 2044 Walbrook Avenue

For the purpose of permitting, subject to certain conditions, the conversion of a single-family dwelling unit to 8 dwelling units in the R-8 Zoning District on the property known as 2044 Walbrook Avenue (Block 3211, Lot 023), as outlined in red on the accompanying plat; and granting variances from certain bulk regulations (lot area size), gross floor area per unit type, and off-street parking requirements.

**RECOMMENDATION:** Amendments, and No objection to Bill 21-0185 as amended:

Amendments:

- Substitute “6 [six]” for “8 [eight]” dwelling units wherever this number appears in the bill.
- In Section 2 of the bill, substitute “4,125 square feet” for “5,625 square feet”
- Add a new Section 5 stating that use of the basement level of the premises as dwelling units is not authorized.
- Renumber current Sections 5 and 6 of the bill to be Sections 6 and 7 of the bill.

**STAFF:** Martin French

**PETITIONERS:** Councilmember Torrence, at the request of Bashar Hijazi

**OWNER:** Jack Street LLC c/o Bashar Hijazi

#### **SITE/ GENERAL AREA**

Site Conditions: This property is located on the northeast corner of the intersection with Pulaski Street and is currently improved with a three-story semi-detached residential mixed-use building measuring approximately 18’ by 70’ on a lot measuring approximately 18’ by 70’. Built at the end of the 19<sup>th</sup> Century, it is now a vacant residential mixed-use property that was used during the 20<sup>th</sup> Century as a tavern, restaurant, and single-family dwelling. The site is zoned R-8 and located in the Mondawmin community.

General Area: This is a primarily residential area with some scattered non-residential uses such as religious institutions and a few small street-corner commercial uses. Two blocks south of this

property is the North Avenue commercial corridor, and six blocks east along North Avenue is the Penn North Metro Station.

## **HISTORY**

The area around this property was rezoned from R-7 to R-8 during the comprehensive rezoning process associated with adoption of the current Zoning Code which became effective on June 5, 2017.

## **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 5,625 square feet is thus required for eight dwelling units. As this lot has approximately 1,260 square feet, a 4,365 square feet lot area size variance, amounting to approximately 77.6%, is needed for approval of eight dwelling units. This amount of variance is excessive in amount and proportion in the context of the Zoning Code, and is a reason to recommend disapproval of this conversion. Planning staff suggest that if the amount of this variance would be reduced in order to authorize six dwelling units rather than eight dwelling units (please refer to "Basement conversion" below), the lot area variance amount would no longer be inordinately large. As a lot area of 4,125 square feet would be required for six dwelling units, which is recommended as an amendment to this bill in order to allow no objection to this bill, a lot area variance of approximately 69.5% would be needed for approval of the residential conversion. A lot area variance has been included in Section 2 of the bill, but should be amended to reflect numbers matching what six dwelling units call for.
- The floor plans filed by the owner propose creation of two one-bedroom dwelling units on each floor of the structure and two one-bedroom dwelling units in the basement. A one-bedroom dwelling unit requires 750 square feet of gross floor area (BCZC §9-703). Each proposed one-bedroom unit would contain approximately 600 square feet of gross floor area. As this would not meet Zoning Code standards for residential conversions, a floor area variance has been included in Section 3 of the bill. Given the size and location of the existing structure at 2044 Walbrook Avenue, six one-bedroom dwelling units of less than 750 square feet of floor area should be marketable.
- Seven off-street parking spaces are required to serve the proposed seven newly-created dwelling units (Table 16-406). Five off-street parking spaces would be required if this bill authorized a residential conversion to six dwelling units by excluding the basement from use as dwelling units. Since this property cannot provide any parking spaces meeting Zoning Code standards, as the lot is completely covered by the existing structure, a parking variance has been included in Section 4 of the bill. Given the density of the community surrounding this location, placing a lesser demand on on-street parking resources would create less adverse effect on current residents of the Mondawmin area.

Basement conversion: The existing basement is not accessible from the exterior of the building. In order to provide required fire and safety access to the proposed two basement-level dwelling units, floor plans provided by the petitioner show a new basement doorway would be constructed and a new exterior stairway leading to that door would be created out of part of the existing sidewalk beside the building. The new basement entry door would lead to a common hallway parallel to the foundation wall, with each end giving access to a new dwelling unit door. In the context of crime prevention through environmental design principals, this would create an outer entry door not readily observable from street level, leading to an interior hallway shared by two tenants, neither of whom would be able to claim exclusive control of that interior hallway or outer basement entrance door. Therefore, Planning staff consider it inadvisable to authorize use of the basement of the existing building as dwelling units and recommend amendment of the bill accordingly. The basement would be better left to use for building utilities and/or for storage.

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

- *Required finding of unnecessary hardship or practical difficulty:* The existing building covers the property entirely, yet also contains approximately 3,420 square feet of gross floor area (excluding 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 single-family dwelling, and so a lot area variance to allow six dwelling units would be reasonable. Likewise, existing lot coverage allows creation of no parking spaces meeting Zoning Code standards, while the Zoning Code requires a space for each of the newly-created dwelling units (Table 16-406). The owner is not able to provide any off-street parking space without first demolishing a part of the rear of the building, and so a complete 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 late 19<sup>th</sup> Century structure that is large in relation to the lot that it is on. 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 in relation to the lot on which it is situated. Planning staff recommend that the Commission find that the amended 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 any 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 containing six dwelling units at 2044 Walbrook 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 if amended as provided on page 1 of this report 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 a multi-family dwelling containing six dwelling units. 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 20<sup>th</sup> 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 multi-family 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 amended variances discussed previously, and would be consistent with the intent and purpose of the Zoning Code.

2044 Walbrook Avenue is located within the INSPIRE planning area for the Robert W. Coleman Elementary School. During the planning process for the school and its surrounding community, many stakeholders expressed concerns with the high number of vacant properties in the Greater Mondawmin area. Many of the residents would like to see vacant buildings renovated to create affordable homeownership opportunities. Although the proposed use of 2044 Walbrook Avenue provided in City Council Bill no. 21-0185 does not include a homeownership component (though rental units always have potential for conversion to a condominium regime), authorizing this residential conversion would encourage re-occupancy of a vacant building on a conspicuous street-corner.

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 Mondawmin 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 Mondawmin 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 one 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. Providing multi-family dwelling units offers additional opportunity for residents to live in this community. The proposed additional dwelling units would be within walking distance of the Penn North Metro Station, which offers access by public transportation to downtown Baltimore and to other areas of employment along the Metro Line from East Baltimore/ Johns Hopkins Medical Institutions to Owings Mills New Town. There would be no effect on internal operations of the Department of Planning that would result from approval of the proposed action.

Notification: The Robert W. Coleman Community Organization, Fulton Heights Community Association, Greater Mondawmin Coordinating Council, and Councilman Torrence have been notified of this action.

  
**Chris Ryer**  
**Director**

