


TJA

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	CCB #14-0431 / Zoning – Conditional Use Conversion of a 1-Family Dwelling Unit to a 2-Family Dwelling Unit in the R-8 Zoning District – Variances – 2125 Orleans Street		

TO

DATE: October 3, 2014

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

At its regular meeting of October 2, 2014, the Planning Commission considered City Council Bill #14-0431, for the purpose of permitting, subject to certain conditions, the conversion of a 1-family dwelling unit to a 2-family dwelling unit in the R-8 Zoning District on the property known as 2125 Orleans Street, as outlined in red on the accompanying plat; and granting variances from certain lot area size and off-street parking requirements.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended approval of City Council Bill #14-0431 and adopted the following resolution, eight members being present (eight in favor):

RESOLVED, That the Planning Commission concurs with the recommendation of its Departmental staff, and recommends that City Council Bill #14-0431 be passed by the City Council.

If you have any questions, please contact Mr. Wolde Ararsa, Division Chief, Land Use and Urban Design Division at 410-396-4488.

TJS/WA

Attachment

- cc: Ms. Kaliope Parthemos, Chief of Staff
- Mr. Colin Tarbert, Deputy Mayor for Economic and Neighborhood Development
- Mr. Leon Pinkett, Assistant Deputy Mayor
- Ms. Angela Gibson, Mayor's Office
- The Honorable Rochelle "Rikki" Spector, Council Rep. to Planning Commission
- Mr. David Tanner, BMZA
- Mr. Geoffrey Veale, Zoning Administration
- Ms. Sharon Daboin, DHCD
- Ms. Barbara Zektick, DOT
- Ms. Elena DiPietro, Law Dept.
- Ms. Natawna Austin, Council Services
- Mr. Glenn James, for Atokpan Properties LLC, Owner



Stephanie Rawlings-Blake
Mayor

PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

STAFF REPORT



Thomas J. Stosur
Director

October 2, 2014

REQUEST: City Council Bill #14-0431/ Zoning – Conditional Use Conversion of a 1-Family Dwelling Unit to a 2-Family Dwelling Unit in the R-8 Zoning District – Variances – 2125 Orleans Street

For the purpose of permitting, subject to certain conditions, the conversion of a 1-family dwelling unit to a 2-family dwelling unit in the R-8 Zoning District on the property known as 2125 Orleans Street, as outlined in red on the accompanying plat; and granting variances from certain lot area size and off-street parking requirements.

RECOMMENDATION: Approval

STAFF: Martin French

PETITIONER(S): Councilmember Warren Branch, at the request of Atokpan Properties LLC

OWNER: Atokpan Properties LLC

SITE/ GENERAL AREA

Site Conditions: 2125 Orleans Street is located on the southwest corner of the intersection with Collington Avenue. This property measures approximately 16' by 75' and is currently improved with a two-story end-of-row building measuring approximately 16' by 72'. This site is zoned R-8 and is located within the East Monument National Register Historic District.

General Area: This is a predominantly residential area, with scattered uses such as religious institutions, schools, and small warehouses or commercial uses. Orleans Street is an important thoroughfare, a designated truck route giving access to and from the eastern, more industrialized, sections of Baltimore. The other three corners of the intersection of Orleans Street and Collington Avenue are included in the Middle East Urban Renewal Area.

HISTORY

There is no previous legislative history concerning this property. The East Monument Historic District was certified to the National Register of Historic Places on December 8, 2009.

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

Project: The structure covers nearly all the lot on which it sits. This legislation would permit the petitioner to renovate the existing single-family dwelling structure into two dwelling units. Re-use as a two-family dwelling would allow preservation of part of Baltimore's historic architectural fabric while offering more affordable housing alternatives to persons living within the eastern Baltimore area.

Zoning Analysis: The Zoning Code requires, for a property in the R-8 District, 750 square feet of lot area per dwelling unit (BCZC §4-1106). A lot area of 1,500 square feet is required for two dwelling units. As this lot only has 1,200 square feet, a 20% variance for 300 square feet of lot area would be required. One off-street parking space is required to serve a newly-created dwelling unit. The existing structure occupies most of the lot area, and since the property cannot provide parking for any cars, a one-space parking variance is needed in order to modify this requirement. This is accomplished by authorizing a 75% variance that leaves $\frac{1}{4}$ parking space required; under BCZC §10-402.a., any fraction less than $\frac{1}{2}$ may be disregarded. The maximum lot coverage permitted in the R-8 district is 60%. The existing structure covers approximately 96% of the lot, but a lot coverage variance would not be needed as the petitioner does not intend to enlarge the structure.

Variations: §15-101(2) of the Zoning Code provides that variances may be granted as part of an ordinance authorizing a conditional use, by the Mayor and City Council. Staff recommends that the City Council approves the following variances included in the bill currently:

1. Lot area: The variance of 300 square feet is a minimum amount to allow this parcel to be used for two dwelling units when it is otherwise substantially in compliance with the intent of this requirement. The variance would be approximately 20%.
2. Parking: While one parking space is needed for the new dwelling unit, it cannot be provided, due to existing development of the property. Two-family use of the property would not create any new or increased impacts on the surrounding neighborhood.

Variance Standards: Staff considers the variances sought for this proposal as meeting the criteria for granting variances under §15-214 of the Zoning Code, as they are the minimum necessary to provide relief from arbitrary application of the law, and to provide reasonable use of the property. For these reasons, the Department of Planning supports the variances requested.

Conditional Use – Required findings: In accordance with §16-304 of 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 14 {“Conditional Uses”} of the Zoning Code:

1. the establishment, location, construction, maintenance, and operation of the conditional use will not be detrimental to or endanger the public health, security, general welfare, or morals;
2. the use is not in any way precluded by any other law, including an applicable Urban Renewal Plan;
3. the authorization is not otherwise in any way contrary to the public interest; and
4. the authorization is in harmony with the purpose and intent of this article (§14-204).

The proposed use as a 2-family dwelling would be consistent with residential use in the area, and would enable continuing residential use of the property. This proposed use would satisfy the Conditional Use considerations stated in the Zoning Code.

Community Notification: Staff notified the Amazing McElderry Park Community Development Corporation, Banner Neighborhoods Community Corporation, C.A.R.E., H.E.B.C.A.C., Neighborhood Rental Services of Baltimore, Save Middle East Action Committee, Southeast Presidents’ Council, Turntable Community Improvement Association, and Councilman Branch of this matter.



Thomas J. Stosur
Director