

<b>FROM</b>	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 <sup>TH</sup> FLOOR, 417 EAST FAYETTE STREET
	SUBJECT	CITY COUNCIL BILL #17-0042 / ZONING – CONDITIONAL USE CONVERSION OF 1 DWELLING UNIT TO 2 DWELLING UNITS – VARIANCE – 2304 NORTH FULTON AVENUE

CITY of  
BALTIMORE  
**MEMO**



**TO**

DATE:

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

May 5, 2017

At its regular meeting of May 4, 2017, the Planning Commission considered City Council Bill #17-0042, for the purpose of permitting, subject to certain conditions, the conversion of 1 dwelling unit to 2 dwelling units in the R-8 Zoning District on the property known as 2304 North Fulton Avenue, as outlined in red on the accompanying plat; and granting a variance from certain off-street parking requirements.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended amendment and approval of City Council Bill #17-0042 as amended, and adopted the following resolution, six members being present (six in favor):

RESOLVED, That the Planning Commission finds, in accordance with §16-304 and §14-204 of the Zoning Code of Baltimore City, that the proposed use provided in this bill:

- will not be detrimental to or endanger the public health, security, general welfare, or morals;
- is not in any way precluded by any other law, including an applicable Urban Renewal Plan;
- is not otherwise in any way contrary to the public interest; and
- is in harmony with the purpose and intent of that article;

and further RESOLVED, That the Planning Commission concurs with the recommendation of its Departmental staff, and recommends that City Council Bill #17-0042 be amended and 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: (next page)



Catherine E. Pugh  
Mayor

## PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

### STAFF REPORT



Thomas J. Stosur  
Director

May 4, 2017

**REQUEST:** City Council Bill # 17-0042 / Zoning – Conditional Use Conversion of 1 Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District – Variance – 2304 North Fulton Avenue

For the purpose of permitting, subject to certain conditions, the conversion of 1 dwelling unit to 2 dwelling units in the R-8 Zoning District on the property known as 2304 North Fulton Avenue, as outlined in red on the accompanying plat; and granting a variance from certain off-street parking requirements.

**RECOMMENDATION:** Amendment, and Approval as amended

Amendment: Add a variance of the lot area requirement: 1,479 square feet in lieu of the required 1,500 square feet needed for two dwelling units in a R-8 Zoning District, or 1.4%.

**STAFF:** Martin French

**PETITIONER(S):** Councilmember Pinkett, at the request of Andre' Hackett

**OWNER:** Andre' Hackett

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

Site Conditions: 2304 North Fulton Avenue is located on the northwest side of the street, approximately 122' north of the intersection with Parkwood Avenue. This property measures approximately 14'6" by an average of 102' and is currently improved with a two-story attached residential building measuring approximately 14'6" by 58'. This site is zoned R-8.

General Area: This is a predominantly residential area known as Parkview-Woodbrook, with scattered other uses such as religious institutions and small commercial uses. The northeastern boundary of this area is within the Auchentoroly Terrace Historic District; the southwestern boundary is Reisterstown Road.

#### **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.

## **ANALYSIS**

**Project:** This legislation would allow the petitioner to renovate the existing structure into two dwelling units, one per floor, providing new life for this original building. Adaptive re-use as a two-family attached dwelling would allow preservation of part of the neighborhood'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 was formerly a rental dwelling unit, but suffered some fire damage in 2016. This bill would encourage re-use of a structure consistent with its current zoning.

- 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.). A lot area of 1,500 square feet is thus required for the proposed use. This lot has 1,479 square feet, so a lot area variance of 1.4% is needed to reduce this requirement.
- A rear yard setback of 25' is required (BCZC §4-1107.a.). The property has a 35' deep rear yard that meets this requirement and is suitable for off-street parking, and no encroachment upon this setback is proposed by the petitioner. However, the 10' wide alley in the rear of the property does not meet the Zoning Code minimum of 15' width needed for acceptable accessibility, and so a variance of the off-street parking requirement is needed, and has been included in the bill.
- The maximum floor area ratio (FAR) in this zoning district is 2.0 (BCZC §4-1108.a.). This premises has a FAR of 0.57, so a variance of that requirement is not needed.

**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 the authorization is in harmony with the purpose and intent of this article (§14-204).

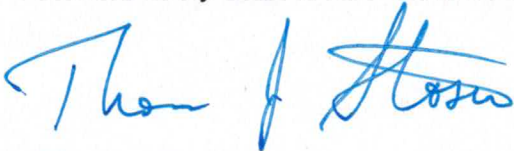
In addition, the Zoning Code requires review of these considerations, as appropriate:

- 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;

- development of 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 fire and police protection;
- there is adequate light and air to the premises and to properties in the vicinity; adequate utilities, access, drainage, and other necessary facilities have been or will be provided; and
- the use of the property as two dwelling units meets all other applicable standards and requirements of this article (§14-205).

The proposed use as a 2-family dwelling would be consistent with residential use in the area; would not be detrimental to or endanger public health, security, general welfare, or morals; and would allow constructive re-use of a vacant structure that could otherwise become a blighting influence on the community. The site is adequate for the proposed use, would not create a negative impact on traffic patterns in the immediate area, nor impair present or future development of the surrounding area, nor have a negative impact on other dwellings, churches, schools, public structures, or other places of public gathering. The site has adequate fire and police protection, adequate air and light, adequate utilities, access, drainage, and other facilities; and use as two dwelling units meets all other applicable standards of the Zoning Code.

Notification: Planning staff notified the Greater Mondawmin Coordinating Council and the New Auchentoroly Terrace Association of this action.



**Thomas J. Stosur**  
**Director**