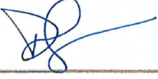



FROM	NAME & TITLE	CHRIS RYER, DIRECTOR 	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #23-0437// ZONING – CONDITIONAL USE CONVERSION TO 3 DWELLING UNITS – 1600 SOUTH CHARLES STREET		

TO

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

DATE: December 22, 2023

At its regular meeting of December 21, 2023, the Planning Commission considered City Council Bill #23-0437, for the purpose of permitting, subject to certain conditions, the conversion of a single-family dwelling unit to 3 dwelling units in the R-8 Zoning District on the property known 1600 South Charles Street (Block 1013, Lot 065), as outlined in red on the accompanying plat.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended amendment and approval as amended of City Council Bill #23-0437, 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 therefore recommends that City Council Bill #23-0437 be **amended 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. Nina Themelis, Mayor's Office
The Honorable Eric Costello, Council Rep. to Planning Commission
Mr. Colin Tarbert, BDC
Ms. Rebecca Witt, 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. Chase Hoffberger, AB Associates o.b.o. Leon Batie, Jr.



Brandon M. Scott
Mayor

PLANNING COMMISSION

Sean D. Davis, Chair; Eric Stephenson, Vice Chair

STAFF REPORT



Chris Ryer
Director

December 21, 2023

REQUEST: City Council Bill #23-0437/ Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to 3 Dwelling Units in the R-8 Zoning District – 1600 South Charles Street:

For the purpose of permitting, subject to certain conditions, the conversion of a single-family dwelling unit to 3 dwelling units in the R-8 Zoning District on the property known as 1600 South Charles Street (Block 1013, Lot 065), as outlined in red on the accompanying plat.

RECOMMENDATION: Amendment, and Approval as amended

Amendments:

1. Add a lot area variance of 595 square feet, or 31.73%
2. Add an off-street parking variance of two spaces
3. Add a variance of gross floor area conversion standards for two of the three proposed dwelling units: authorize 816 square feet and 869 square feet in lieu of 1,000 square feet
4. Add confirmation of continuing nonconforming structure status for the existing building based upon existing lot coverage and existing interior side yard and rear yard setbacks

STAFF: Martin French

PETITIONER: Councilmember Costello, at the request of Leon Batie, Jr.

OWNER: Leon Batie, Jr.

SITE/GENERAL AREA

Site Conditions: 1600 South Charles Street is located on the southwest corner of its intersection with Randall Street. This property measures approximately 16' by 80' and is currently improved with a three-story semi-detached residential mixed-use building covering the entire lot. Prior to 2014 this property was used as a multi-family dwelling and a gift and card shop. The previous owner of this property, during 19 years of ownership, had the original basement floor lowered by two feet in order to provide head clearance for occupation and use of the basement. As a result of this unfortunate work without permit and also without underpinning of the building's foundation, walls of the building were seriously compromised. The current owner has had underpinning completed and restoration and partial replacement of building walls initiated in order to make the premises habitable again.

This site is zoned R-8 and is located within the Riverside National Register Historic District and the South Baltimore community.

General Area: This is a primarily residential area with scattered non-residential uses such as religious institutions and small street-corner commercial uses located several blocks in either direction along Charles Street.

HISTORY

There are no previous legislative or Planning Commission actions regarding this site. The area around this property retained its R-8 zoning 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 (BCZC Table 9-401). A lot area of 1,875 square feet is thus required for three dwelling units. As this lot has approximately 1,280 square feet, a 595 square feet lot area size variance, amounting to approximately 32%, is needed for approval. A lot area variance needs to be added to the bill.
- One off-street parking space is required to serve each newly created dwelling unit (BCZC §16-203 and Table 16-406). As photographs of this property show an existing garage door fronted by a curb cut on Randall Street, it can be acknowledged that small motor vehicles may be capable of being parked there on site. Since the property cannot provide parking spaces meeting Zoning Code standards, because the existing structure is on a lot that is only 16' wide, making the garage structure included in the existing building inadequate to provide off-street parking spaces meeting the Zoning Code standard of 9' wide by 18' deep (BCZC Table 16-402), a two-space parking variance needs to be added to the bill.
- Floor plans provided by the owner propose creation of a two-bedroom dwelling unit in the front portion of the first and second floor levels of the existing structure, which would incorporate the former commercial space; a two-bedroom dwelling unit in the rear portion of the first and second floor levels of the structure; and a two-bedroom dwelling unit on the third floor level of the structure, with a deck to be built above the roof over the rear of the second floor level. A two-bedroom dwelling unit requires 1,000 square feet of gross floor area (BCZC §9-703(c)). Both of the bi-level dwelling units will not provide at least 1,000 square feet of gross floor area to satisfy the conversion requirement for two-bedroom units: plans show 816 square feet and 869 square feet of floor area for these two proposed dwelling units. (The third floor dwelling unit would have approximately 1,027 square feet and would satisfy the residential conversion standard.) A variance of gross floor area per dwelling unit needs to be added to the bill.
- As a multi-family dwelling structure is allowed a maximum lot coverage of 80% and the last authorized use of the structure as a single-family dwelling allowed a maximum lot coverage of 35% (BCZC Table 9-401), while the existing structure fully covers the lot but has a history of approved use as a multi-family dwelling, the degree of nonconformity

would be reduced by residential conversion. The existing building would also be a nonconforming structure because upon conversion it should have an interior side yard setback of 10 feet and a rear yard setback of 20 feet (BCZC Table 9-401 and §15-403(a)). Confirmation of continuing nonconforming status of the existing building should be added to the bill.

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

- *Required finding of unnecessary hardship or practical difficulty:* The existing building contains approximately 2,661 square feet of gross floor area, 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 the lot area variance requested is reasonable. Likewise, the owner is not able to provide any off-street parking spaces due to the size of the property, and so a 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 19th Century structure covering a lot representative of the historic area of which it is a part. 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 and that its existing structure is large in relation to the lot on which it is situated. Planning staff recommend that the Commission find that the 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 at 1600 South Charles Street would not be detrimental to or endanger public health, safety, or welfare. The proposed use is not precluded by any other law, including any 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 would be in harmony with the purpose and intent of the Zoning Code.

Below is the 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 the proposed use. 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 20th 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 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 variances discussed previously, and would be consistent with the intent and purpose of the Zoning Code.

Equity considerations: This property is located within a part of Baltimore City that has strong real estate market values and a proportion of whites that is above the City-wide average. The South Baltimore community, as part of the larger Federal Hill – South Baltimore – Locust Point area, has benefitted from significant investment, combined with slight population changes, for several decades. While there would be no apparent or predictable changes to the quality of life in the South Baltimore 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 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.

Engagement: The owner has worked with the South Baltimore Neighborhood Association and obtained their support for introduction of this bill.

Internal Operations: The proposed residential conversion would not affect the operations of the Department of Planning.

Notification: The South Baltimore Neighborhood Association and Councilman Costello have been notified of this action.



Chris Ryer
Director

