


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 #20-0611 / ZONING – CONDITIONAL USE CONVERSION of a Single-Family Dwelling Unit to 2 Dwelling Units In the R-7 Zoning District – Variances – 810 ARGONNE DRIVE		

DATE:

TO

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

October 9, 2020

At its regular meeting of October 8, 2020, the Planning Commission considered City Council Bill #20-0611, for the purpose of permitting, subject to certain conditions, the conversion of a single-family dwelling unit to 2 dwelling units in the R-7 Zoning District on the property known as 810 Argonne Drive (Block 3913C, Lot 021), 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 approval of City Council Bill #20-0611 and adopted the following resolution, nine members being present (nine in favor):

RESOLVED, That the Planning Commission finds, in accordance with §5-406 {“Approval standards”} of Article 32 – *Zoning*, 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 recommends adoption of the findings contained in the attached report; and further

RESOLVED, that the Planning Commission recommends that City Council Bill #20-0611 be passed by the City Council.

If you have any questions, please contact Mr. Eric Tiso, Division Chief, Land Use and Urban Design Division at 410-396-8358.

CR/mf

attachment

cc: Mr. Nicholas Blendy, Mayor's Office
Mr. Matthew Stegman, Mayor's Office
Ms. Nina Themelis, Mayor's Office
The Honorable Edward Reisinger, Council Rep. to Planning Commission
Mr. Colin Tarbert, BDC
Ms. Livhu Ndou, 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. Dominic McAlily, Council Services
Ms. Carine Todmia, for 810 Argonne LLC



Bernard C. "Jack" Young
Mayor

PLANNING COMMISSION

Sean D. Davis, Chairman

STAFF REPORT



Chris Ryer
Director

October 8, 2020

REQUEST: City Council Bill #20-0611/ Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-7 Zoning District – Variances – 810 Argonne Drive:

For the purpose of permitting, subject to certain conditions, the conversion of a single-family dwelling unit to 2 dwelling units in the R-7 Zoning District on the property known as 810 Argonne Drive (Block 3913C, Lot 021), 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: Approval

STAFF: Martin French

PETITIONER: Councilmember Henry, at the request of 810 Argonne LLC

OWNER: 810 Argonne LLC

SITE/ GENERAL AREA

Site Conditions: This property is located on the north side of Argonne Drive approximately 98'3" northeast of the intersection with Wilsby Avenue, and is currently improved with a two-story attached residential structure measuring approximately 20' by 32', behind which lies the junction of two alleys at least 10' wide. This structure, built in 1940, is a mid-block rental property in a group of eight dwellings. The same owners also own and rent two dwelling units in 812 Argonne Drive, next door to this property. Five dwellings in this row are listed as owner-occupied and three (including this one) are not. The site is zoned R-7.

General Area: This is a predominantly residential area, with a large garden apartment building approximately 40' northeast of this property, and with scattered uses such as religious institutions and small commercial uses found several blocks to the west along Old York Road. This block is at the southern edge of the Pen Lucy Area Master Plan area and Pen Lucy community.

HISTORY

The Pen Lucy Area Master Plan was adopted by the Planning Commission on March 9, 2006. The row of houses of which this property is a part was rezoned from R-6 to R-7 during the comprehensive rezoning process associated with adoption of the current Zoning Code which became effective on June 5, 2017.

CONFORMITY TO PLANS

The proposed action may be considered 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

Zoning Analysis:

- The Zoning Code requires, for a property in the R-7 zoning district, 1,100 square feet of lot area per dwelling unit (Table 9-401). A lot area of 2,200 square feet is thus required for two dwelling units. As this lot has 1,736 square feet, a 464 square foot lot area size variance, amounting to approximately 21%, has been included in the bill.
- The portion of the house above grade contains approximately 1,240 gross square feet. The Zoning Code's conversion standards, contained in §9-703, require 750 square feet of gross floor area for each one-bedroom dwelling unit. The floor plans provided by the petitioner show two one-bedroom dwelling units, one on each of the two levels of the existing structure. This variance would be approximately 17.3% based on the floor area of the existing structure.
- One off-street parking space is required to serve the newly-created dwelling unit. Since the property could provide two parking spaces meeting Zoning Code standards, no parking variance is technically needed in order to meet this requirement.

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

- *Required finding of unnecessary hardship or practical difficulty:* The variances for this request are significant in scope. In order to comply with the bulk requirements, the applicant would need to build an addition onto the house in order to meet the unit size requirement. That addition would need to go into the rear yard area, where the required two parking spaces would be. Similarly, while there may be enough room remaining for the two required parking spaces, there would be little to no green space left for the use of the residents. Meeting the strict requirements of the district would be unreasonable in comparison to the granting of these variances.
- *Other required findings:* 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 multi-family dwelling structure in the middle of a group of eight rowhouse structures. The property was previously converted to a two-dwelling unit multi-family dwelling, as shown by its continued occupancy and utility meters, one for gas and one for electricity, for each of the two units. Historically, the City has accepted the existence of BGE meters as evidence of lawful establishment of units, since BGE normally requires proof that the multi-family use is approved before they will install additional meters. Because multi-family use was a condition that was pre-existing in 2019, when the property was sold to the current owners, unnecessary hardship or practical difficulty is not being created by the intentional action of a person with a present interest in the property; nor that the purpose of the variances is not based

exclusively on a desire to increase the value or income potential of the property. Planning staff further 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, any Urban Renewal Plan, or Historical and Architectural Preservation District; 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; *Establishment, location, construction, maintenance, and operation of a multi-family dwelling at 810 Argonne Drive would not be detrimental to or endanger public health, safety, or welfare, as it is a continuing use that has not had an obvious deleterious effect on the block or its surrounding community.*
- (2) the use would not be precluded by any other law, including an applicable Urban Renewal Plan; *The proposed use is not precluded by any other law, including an Urban Renewal Plan, as it is authorized by the Zoning Code in this Residential district and there is no Urban Renewal Plan for this area.*
- (3) the authorization would not be contrary to the public interest; *Use of this property for a multi-family dwelling is not otherwise in any way contrary to the public interest, as it would allow the current provision of two dwelling units on this property to continue;* and
- (4) the authorization would be in harmony with the purpose and intent of this Code. *The authorization would allow multi-family dwelling use of this property to continue in a district in which it is permitted, thereby providing housing resources for the residents of Baltimore.*

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 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, semi-detached housing, or single-family detached housing, but in which some conversions of single-family to multi-family dwellings occurred during the second half of the 20th Century. For this reason, it is unlikely that the proposed multi-family use would impair present or future development by itself alone. 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 the 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.

Notification: The Pen Lucy Neighborhood Association, Pen Lucy Action Network, and Councilman Henry have been notified of this action.



Chris Ryer
Director