CITY OF BALTIMORE
ORDINANCE 19-286
Council Bill 19-0352

Introduced by: Councilmember Clarke
At the request of: Think Tink Property Solutions, LLC
Address: c/o Joseph Haney, 841 East Fort Avenue #203, Baltimore, Maryland 21230
Telephone: 443-977-9740
Introduced and read first time: March 11, 2019
Assigned to: Land Use and Transportation Committee
Committee Report: Favorable with amendments
Council action: Adopted
Read second time: July 22, 2019

AN ORDINANCE CONCERNING

Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-7 Zoning District – Variances – 645 McKewin Avenue

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 645 McKewin Avenue (Block 4058, Lot 032), as outlined in red on the accompanying plat; and granting variances from certain bulk regulations (lot area size) and off-street parking, and gross floor area per unit type requirements.

BY authority of
Article 32 - Zoning
Sections 5-201(a), 5-305(a), 5-308, 9-401 (Table 9-401), 9-701(2), 9-703(c), 9-703(f), 16-203, and 16-602 (Table 16-406)
Baltimore City Revised Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That permission is granted for the conversion of a single-family dwelling unit to 2 dwelling units in the R-7 Zoning District on the property known as 645 McKewin Avenue (Block 4058, Lot 032), as outlined in red on the plat accompanying this Ordinance, in accordance with Baltimore City Zoning Code §§ 5-201(a) and 9-701(2), subject to the condition that the building complies with all applicable federal, state, and local licensing and certification requirements.

SECTION 2. AND BE IT FURTHER ORDAINED, That pursuant to the authority granted by §§ 5-305(a) and 5-308 of Article 32 - Zoning, permission is granted from the requirements of § 9-401 (Table 9-401: Rowhouse and Multi-Family Residential Districts - Bulk and Yard Regulations), as the minimum lot size requirement for 2 dwelling units, in the R-7 Zoning District, is 2,200 square feet, and the lot area size is 1,365 square feet, thus requiring a variance of 37%.

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.
Underlining indicates matter added to the bill by amendment.
~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from existing law by amendment.

SECTION 3. AND BE IT FURTHER ORDAINED, That pursuant to the authority granted by §§ 5-305(a) and 5-308 of Article 32 - Zoning, permission is granted for a variance from the requirements of §§ 9-703(f), 16-203, and 16-602 (Table 16-406: Required Off-Street Parking) for off-street parking.

SECTION 4. AND BE IT FURTHER ORDAINED, That pursuant to the authority granted by §§ 5-305(a) and 5-308 of Article 32 - Zoning, permission is granted for a variance from the requirements of § 9-703(c) for gross floor area per unit type, as 750 square feet are required for each 1-bedroom unit, and the existing structure contains approximately 703 gross square feet for each 1-bedroom unit.

SECTION 4 5. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 5 6. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Certified as duly passed this _____ day of AUG 19 2019, 20___

President, Baltimore City Council

Certified as duly delivered to His Honor, the Mayor,

this _____ day of AUG 19 2019, 20___

Chief Clerk

Approved this 29th day of Aug, 20 19

Mayor, Baltimore City

Introduced by: Councilmember Clarke

At the request of: Think Tink Property Solutions, LLC
Address: c/o Joseph Haney, 841 East Fort Avenue #203, Baltimore, Maryland 21230
Telephone: 443-977-9740

Prepared by: Department of Legislative Reference **Date:** March 6, 2019

Referred to: LAND USE AND TRANSPORTATION Committee

Also referred for recommendation and report to municipal agencies listed on reverse.

CITY COUNCIL 19-0352

A BILL ENTITLED

AN ORDINANCE concerning

Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-7 Zoning District – Variances – 645 McKewin Avenue

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 645 McKewin Avenue (Block 4058, Lot 032), as outlined in red on the accompanying plat; and granting variances from certain bulk regulations (lot area size) and off-street parking requirements.

BY authority of
Article 32 - Zoning
Sections 5-201(a), 5-305(a), 5-308, 9-401 (Table 9-401), 9-701(2), 9-703(f), 16-203, and 16-602 (Table 16-406)
Baltimore City Revised Code
(Edition 2000)

****The introduction of an Ordinance or Resolution by Councilmembers at the request of any person, firm or organization is a courtesy extended by the Councilmembers and not an indication of their position.**

Agencies

_____ Baltimore City Public School System

✓ Baltimore Development Corporation

✓ City Solicitor

_____ Comptroller's Office

_____ Department of Audits

_____ Department of Finance

_____ Department of General Services

✓ Department of Housing and Community Development

_____ Department of Human Resources

_____ Department of Planning

_____ Other:_____

_____ Other:_____

_____ Other:_____

_____ Department of Public Works

_____ Department of Real Estate

_____ Department of Recreation and Parks

✓ Department of Transportation

✓ Fire Department

_____ Health Department

_____ Mayor's Office of Employment Development

_____ Mayor's Office of Human Services

_____ Mayor's Office of Information Technology

_____ Office of the Mayor

_____ Police Department

_____ Other:_____

_____ Other:_____

Boards and Commissions

_____ Board of Estimates

_____ Board of Ethics

✓ Board of Municipal and Zoning Appeals

_____ Comm. for Historical and Architectural Preservation

_____ Commission on Sustainability

_____ Employees' Retirement System

_____ Other:_____

_____ Other:_____

_____ Other:_____

_____ Environmental Control Board

_____ Fire & Police Employees' Retirement System

_____ Labor Commissioner

✓ Parking Authority Board

✓ Planning Commission

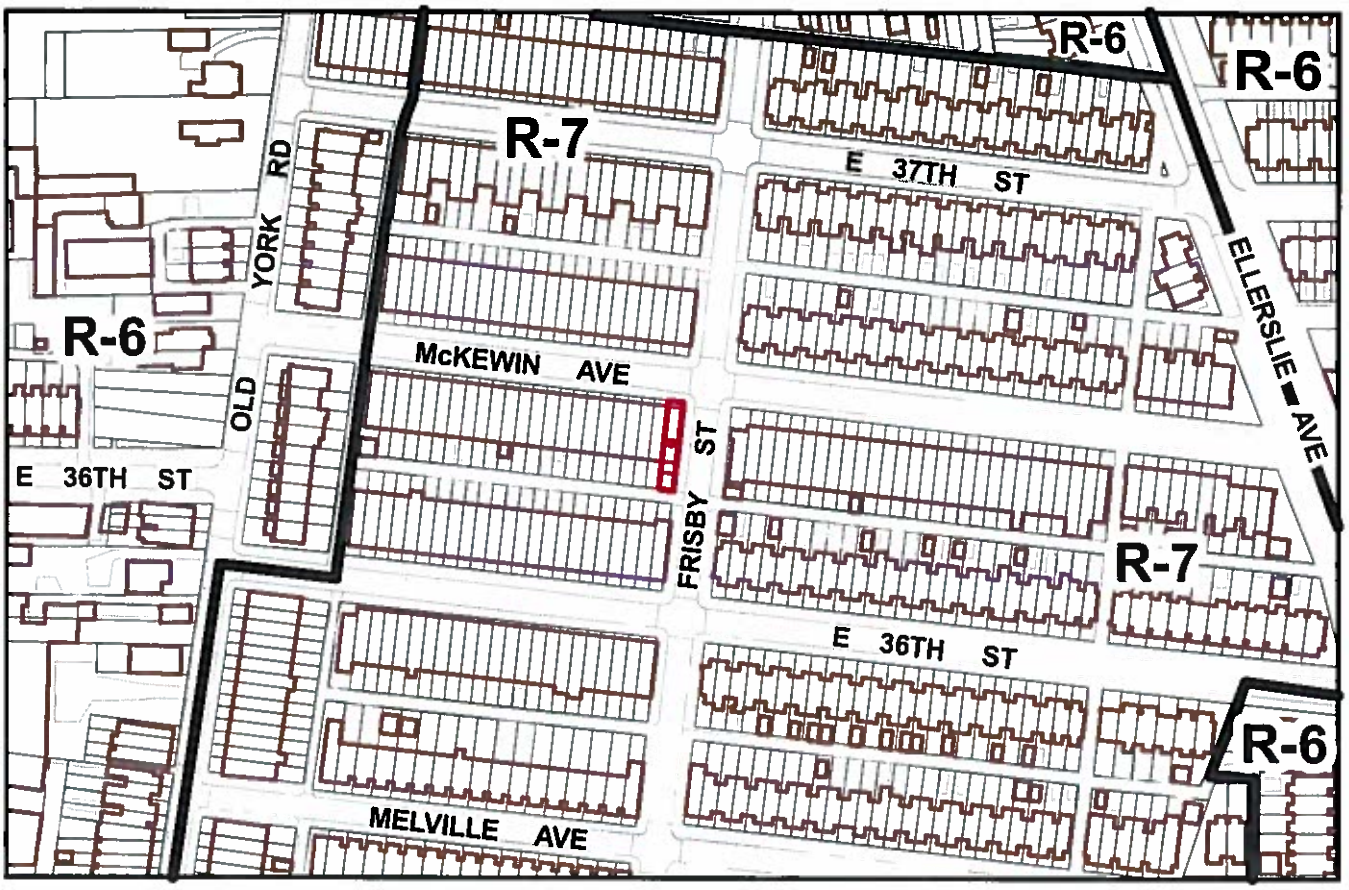
_____ Wage Commission

_____ Other:_____

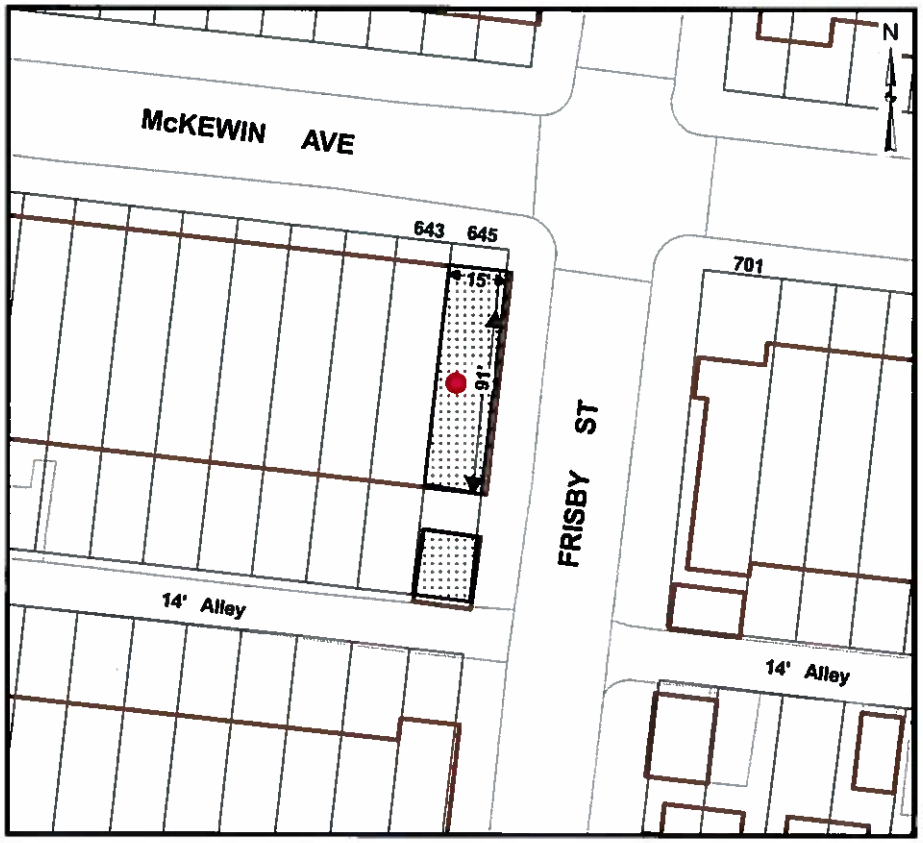
_____ Other:_____

_____ Other:_____

SHEET NO. 26 OF THE ZONING MAP OF THE ZONING CODE OF BALTIMORE CITY



Scale: 1" = 200'



Scale: 1" = 50'

Note:

In Connection With The Property Known As No. 645 McKEWIN AVENUE. The Applicant Wishes To Request The Conditional Use Conversion Of The Aforementioned Property From A Single-Family Dwelling Unit To Two Dwelling Units In The R-7 Zoning District, As Outlined In Red Above.

WARD 9 SECTION 20

BLOCK 4058 LOT 32

MAYOR

PRESIDENT CITY COUNCIL

RPE 2-21-19

352

AMENDMENTS TO COUNCIL BILL 19-0352
(1st Reader Copy)

By: Land Use and Transportation Committee

Amendment No. 1

On page 1, in line 8, after "parking", insert ", and gross floor area per unit type"; and, on the same page, in line 12, after "9-701(2),", insert "9-703(c),".

Amendment No. 2

On page 2, after line 4, insert

> "**SECTION 4. AND BE IT FURTHER ORDAINED**, That pursuant to the authority granted by §§ 5-305(a) and 5-308 of Article 32 - Zoning, permission is granted for a variance from the requirements of § 9-703(c) for gross floor area per unit type, as 750 square feet are required for each 1-bedroom unit, and the existing structure contains approximately 703 gross square feet for each 1-bedroom unit.".

Amendment No. 3

On page 2, in lines 5 and 13, strike "4" and "5", respectively, and substitute "5" and "6", respectively.

ADOPTED

BALTIMORE CITY COUNCIL
LAND USE AND TRANSPORTATION
VOTING RECORD

DATE: July 17, 2019

BILL#: 19-0352

BILL TITLE: Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-7 Zoning District – Variances – 645 McKewin Avenue

MOTION BY: Clarke SECONDED BY: Pinkett

☐ FAVORABLE ☑ FAVORABLE WITH AMENDMENTS

☐ UNFAVORABLE ☐ WITHOUT RECOMMENDATION

NAME	YEAS	NAYS	ABSENT	ABSTAIN
Reisinger, Edward, Chair	☐	☐	☑	☐
Middleton, Sharon, Vice Chair	☑	☐	☐	☐
Clarke, Mary Pat	☑	☐	☐	☐
Costello, Eric	☑	☐	☐	☐
Dorsey, Ryan	☐	☐	☑	☐
Pinkett, Leon	☑	☑	☐	☐
Stokes, Robert	☑	☐	☐	☐
TOTALS	5		2	

CHAIRPERSON: Sharon Middleton

COMMITTEE STAFF: Jennifer L. Coates, Initials: JLC

LAND USE AND TRANSPORTATION COMMITTEE

FINDINGS OF FACT

MOTION OF THE CHAIR OF THE LAND USE AND TRANSPORTATION COMMITTEE, AFTER A PUBLIC HEARING AT WHICH AGENCY REPORTS AND PUBLIC TESTIMONY WERE CONSIDERED, AND PURSUANT TO ARTICLE 32, SECTION 5-406 OF THE BALTIMORE CITY CODE, THE CITY COUNCIL ADOPTS THESE FINDINGS OF FACT CONCERNING A CONDITIONAL USE FOR:

City Council Bill No. 19-0352
Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-7 Zoning District – Variances – 645 McKewin Avenue

(1) the establishment, location, construction, maintenance, or operation of the conditional use **will not** be detrimental to or endanger the public health, safety, or welfare **for the following reasons**:

The establishment, location and operation of this property as a multi-family dwelling containing two dwelling units would not be detrimental to or endanger public health, safety, or welfare.

(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 applicable Urban Renewal Plan.

(3) the authorization **would not** be contrary to the public interest **for the following reasons**:

The proposed authorization would not be contrary to the public interest (in fact, it would advance the public interest by creating more housing affordable to moderate-income families).

(4) the authorization **would** be in harmony with the purpose and intent of this Code **for the following reasons**:

Therefore, Planning staff conclude that the authorization would be in harmony with the purpose and intent of the Zoning Code.

After consideration of the following, **where applicable (fill out all that are *only* relevant)**:

(1) the nature of the proposed site, including its size and shape and the proposed size, shape, and arrangement of structures;

The nature of the proposed site, including its size and shape, are adequate for the proposed use.

(2) the resulting traffic patterns and adequacy of proposed off-street parking and loading;

There will be no negative impact to traffic patterns. The Parking Authority of Baltimore City (PABC) reviewed the proposed legislation. This property is not located on a block where the PABC administers on-street parking programs. Site visits were conducted during March and April 2019. PABC has determined that the available on-street parking inventory is greater than the demand for on-street parking. In addition, the PABC investigated the alley and rear of the property and determined that there is not sufficient access for any off-street parking spaces. Therefore, a variance for off-street parking is required, and PABC has determined that the passage of this bill will not negatively impact parking in the area.

The Department of Transportation has no objection to the bill.

(3) the nature of the surrounding area and the extent to which the proposed use might impair its present and future development;

The proposed use will not impair the present and future development of this lot or the surrounding area.

(4) the proximity of dwellings, churches, schools, public structures, and other places of public gathering;

There will be no negative impact resulting from proximity to dwellings, churches, schools, public structures, and other places of public gathering.

(5) accessibility of the premises for emergency vehicles;

There is adequate accessibility of the premises to emergency vehicles.

(6) accessibility of light and air to the premises and to the property in the vicinity;

There is adequate light and air to the premises and to properties 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;

Adequate utilities, access roads, drainage, and other necessary facilities have been or will be provided.

(8) the preservation of cultural and historic landmarks and structures;

The proposed use would not interfere with preservation of cultural and historic landmarks and structures.

(9) the character of the neighborhood;

The proposed use would not alter the character of the neighborhood.

(10) the provisions of the City's Comprehensive Master Plan;

The proposed use is consistent with provisions of the City's Comprehensive Master Plan. 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.

The Department of Housing and Community Development defers to the Planning Commission and has no objection to the passage of City Council Bill 19-0352.

(11) the provisions of any applicable Urban Renewal Plan;

The proposed use is not regulated by any Urban Renewal Plan.

(12) all applicable standards and requirements of this Code;

The proposed use meets all other applicable standards and requirements of the Zoning Code.

(13) the intent and purpose of this Code; and

The proposed use is consistent with the intent and purpose of the Zoning Code.

(14) any other matters considered to be in the interest of the general welfare.

The proposed use is consistent with any other matters that may be considered to be in the interest of the general welfare.

SOURCE OF FINDINGS (Check all that apply):

[X] Planning Report - Planning Commission Report, Dated May 17, 2019; Department of Planning Staff Report, Dated May 9, 2019

[X] Testimony presented at the Committee hearing

Oral – Witness Name:

- Mr. Martin French, Department of Planning
- Mr. Liam Davis, Department of Transportation
- Mr. Derek Baumgardner, Board of Municipal Zoning Appeals
- Ms. Elena DiPietro, Department of Law
- Mr. Bob Pipik, Department of Housing and Community Development
- Mr. Acor Sen, Parking Authority of Baltimore City
- Mr. Sean Eames, Baltimore City Fire Department
- Mr. Christina Moore, Baltimore Development Corporation

Written – Submitted by: (Include documents that have relevant facts only)

- Chris Ryer, Planning Commission Report, Dated May 17, 2019;
- Martin French, Department of Planning Staff Report, Dated May 9, 2019
- Planning Department Staff – Amendment – Dated July 16, 2019
- Peter Little, Parking Authority of Baltimore City, Dated April 15, 2019
- Department of Housing and Community Development, Dated June 25, 2019
- Frank Murphy, Department of Transportation, Dated April 29, 2019
- Derek Baumgardner, Board of Municipal Zoning Appeals, Dated May 23, 2019
- Niles R. Ford, Ph.D., Fire Department, Dated March 18, 2019

LAND USE AND TRANSPORTATION COMMITTEE:

Chairman **Member**

Member

Member

Member

Member

Member

Member

Coates, Jennifer

From: Simmons, Rebecca
Sent: Thursday, July 18, 2019 5:37 PM
To: Coates, Jennifer
Subject: RE: Findings of Fact for Bill 19-0352
Attachments: LU FOF 19-0352 CU.docx; LU FOF 19-0352 VAR LOT AREA - RTS Comments.docx

Jennifer:

I could not open the document named LU FOF 19-0352 CU.docx 16 KB (attached). Please resend. Review the comment on the document re: Variance for: bulk regulations - lot area (attached).

Rebecca

REBECCA TABB SIMMONS, ESQ.
General Counsel
Office of the City Council President Brandon M. Scott
100 Holliday Street, Room 400, Baltimore, MD 21202
Office: 410-396-8541 Fax: 410-539-0647
Email: rebecca.simmons@baltimorecity.gov
Website: www.baltimorecitycouncil.com

Note: My last name has changed to Simmons. Please update your contact list. Thank you.

From: Coates, Jennifer
Sent: Thursday, July 18, 2019 10:23 AM
To: Simmons, Rebecca <Rebecca.Simmons@baltimorecity.gov>
Subject: Findings of Fact for Bill 19-0352

Rebecca,

Attached for review are Findings of Facts for:

Bill 19-0352 Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-7 Zoning District – Variances – 645 McKewin Avenue

Findings have been completed for :

1. Conditional Use

2. Variances for :
    - off-street parking
    - lot area and
    - gross floor area

The bill was heard on 07/17/19 and is scheduled for a second reading on **7/22/19**.

OFFICE OF COUNCIL SERVICES

Jennifer L. Coates
Senior Legislative Policy Analyst
Office of Council Services

100 N. Holliday Street, Room 415
Baltimore, MD 21202
jennifer.coates@baltimorecity.gov

Office: (410) 396-1260
Fax: (410) 545-7596

LAND USE AND TRANSPORTATION COMMITTEE

FINDINGS OF FACT FOR VARIANCE

City Council Bill No. 19-0352

MOTION OF THE CHAIR OF THE LAND USE AND TRANSPORTATION COMMITTEE: AFTER A PUBLIC HEARING AT WHICH AGENCY REPORTS AND PUBLIC TESTIMONY WERE CONSIDERED, AND PURSUANT TO THE APPLICABLE SECTIONS OF ARTICLE 32 OF THE BALTIMORE CITY CODE, THE CITY COUNCIL ADOPTS THESE FINDINGS OF FACT CONCERNING ANY VARIANCES OF APPLICABLE STANDARDS FOR THE PROPERTY LOCATED AT:

Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-7 Zoning District – Variances – 645 McKewin Avenue

VARIANCE FOR: BULK REGULATONS (LOT AREA)

(Use a separate Variance form for each Variance sought in the bill)

THRESHOLD QUESTION:

☒ *In accordance with Section 5-305(c), it has been determined that there is no written decision by the Board of Municipal and Zoning Appeals on an application for this same subject matter.*

HARDSHIP OR PRACTICAL DIFFICULTY:

The City Council has considered at least one of the following:
(check all that apply to evidence consideration)

☒ The physical surroundings around the **STRUCTURE** / **LAND** involved;
(underline one)

☒ The shape of the **STRUCTURE** / **LAND** involved;
(underline one)

☐ The topographical conditions of the **STRUCTURE** / **LAND** involved.
(underline one)

*and finds **either** that:*

(1) An unnecessary hardship **WOULD** / **WOULD NOT** exist if the strict letter of the applicable
(underline one)
requirement from which the variance is sought were applied because:

_____

_____

_____

_____

_____

***or** that:*

(2) Practical difficulty **WOULD** / **WOULD NOT** exist if the strict letter of the applicable
(underline one)
requirement from which the variance is sought were applied because:

There is a practical difficulty with complying with the conversion standards in the Zoning Code that has not been caused by action or inaction of any person with a present interest in this property. The purpose of the variance requested is not based exclusively on a desire to increase the value or income potential of the property.

The Zoning Code requires, for conversion of a single-family property in the R-7 District, 1,100 square feet of lot area per dwelling unit (BCZC §9-703.d., citing Table 9-401). A lot area of 2,200 square feet is thus required for the proposed use. This lot has 1,365 square feet and thus does not meet the lot area requirement for conversion. A 37% variance of this requirement is therefore included in this bill.

The proposed use as a 2-family dwelling would be consistent with other residential use in the area. While neither the lot area nor the gross floor area requirement is satisfied without a variance, this is in part offset by the fact that the existing residential building was used for most of its lifetime as a multi-family dwelling containing two dwelling units.

The variance that would be granted would not be injurious to use and enjoyment of other property in the immediate vicinity, nor substantially diminish or impair property values in the neighborhood. Maintaining this property in full occupancy would actually help improve property values in the area. The variance is in harmony with the Comprehensive Master Plan and related considerations of public health, safety, and general welfare.

SOURCE OF FINDINGS:
(check all that apply)

☒ Planning Report - Planning Commission Report, Dated May 17, 2019; Department of Planning Staff Report, Dated May 9, 2019

☒ Testimony presented at the Committee hearing:

☒ Oral – Witnesses Names:

- Mr. Martin French, Department of Planning
- Mr. Liam Davis, Department of Transportation
- Mr. Derek Baumgardner, Board of Municipal Zoning Appeals
- Ms. Elena DiPietro, Department of Law
- Mr. Bob Pipik, Department of Housing and Community Development
- Mr. Acor Sen, Parking Authority of Baltimore City
- Mr. Sean Eames, Baltimore City Fire Department
- Mr. Christina Moore, Baltimore Development Corporation

☒ Written – Submitted by: (Include documents that have relevant facts only)

- Chris Ryer, Planning Commission Report, Dated May 17, 2019;
- Martin French, Department of Planning Staff Report, Dated May 9, 2019
- Planning Department Staff – Amendment – Dated July 16, 2019
- Peter Little, Parking Authority of Baltimore City, Dated April 15, 2019
- Department of Housing and Community Development, Dated June 25, 2019
- Frank Murphy, Department of Transportation, Dated April 29, 2019
- Derek Baumgardner, Board of Municipal Zoning Appeals, Dated May 23, 2019
- Niles R. Ford, Ph.D., Fire Department, Dated March 18, 2019
- Waverly Improvement Board, Natalya Brusilovsky, Email Dated November 8, 2017

LAND USE AND TRANSPORTATION COMMITTEE:

Chairman	**Member**
Member	**Member**
Member	**Member**
Member	**Member**

LAND USE AND TRANSPORTATION COMMITTEE

FINDINGS OF FACT FOR VARIANCE

City Council Bill No. 19-0352

MOTION OF THE CHAIR OF THE LAND USE AND TRANSPORTATION COMMITTEE: AFTER A PUBLIC HEARING AT WHICH AGENCY REPORTS AND PUBLIC TESTIMONY WERE CONSIDERED, AND PURSUANT TO THE APPLICABLE SECTIONS OF ARTICLE 32 OF THE BALTIMORE CITY CODE, THE CITY COUNCIL ADOPTS THESE FINDINGS OF FACT CONCERNING ANY VARIANCES OF APPLICABLE STANDARDS FOR THE PROPERTY LOCATED AT:

Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-7 Zoning District – Variances – 645 McKewin Avenue

VARIANCE FOR: GROSS FLOOR AREA

(Use a separate Variance form for each Variance sought in the bill)

THRESHOLD QUESTION:

☐ *In accordance with Section 5-305(c), it has been determined that there is no written decision by the Board of Municipal and Zoning Appeals on an application for this same subject matter.*

HARDSHIP OR PRACTICAL DIFFICULTY:

The City Council has considered at least one of the following:
(check all that apply to evidence consideration)

☒ The physical surroundings around the **STRUCTURE** / **LAND** involved;
(underline one)

☒ The shape of the **STRUCTURE** / **LAND** involved;
(underline one)

☐ The topographical conditions of the **STRUCTURE / LAND** involved.
(underline one)

*and finds **either** that*:

(1) An unnecessary hardship **WOULD** / **WOULD NOT** exist if the strict letter of the applicable
(underline one)
requirement from which the variance is sought were applied because:

_____

_____

_____

_____

_____

***or** that*:

(2) Practical difficulty **WOULD** / **WOULD NOT** exist if the strict letter of the applicable
(underline one)
requirement from which the variance is sought were applied because:

There is a practical difficulty with complying with the conversion standards in the Zoning Code that has not been caused by action or inaction of any person with a present interest in this property. The purpose of the variance requested is not based exclusively on a desire to increase the value or income potential of the property.

The Zoning Code requires, for conversion of a single-family property in the R-7 District, gross floor area of 750 square feet per 1-bedroom unit created, and 1,000 square feet per 2-bedroom unit created (BCZC §9703.c). The existing structure contains approximately 703 gross square feet on each of its two above-grade levels, thus a variance of this requirement is needed to allow 1-bedroom dwelling units at this location.

The proposed use as a 2-family dwelling would be consistent with other residential use in the area. While neither the lot area nor the gross floor area requirement is satisfied without a variance, this is in part offset by the fact that the existing residential building was used for most of its lifetime as a multi-family dwelling containing two dwelling units.

The variance that would be granted would not be injurious to use and enjoyment of other property in the immediate vicinity, nor substantially diminish or impair property values in the neighborhood. Maintaining this property in full occupancy would actually help improve property values in the area. The variance is in harmony with the Comprehensive Master Plan and related considerations of public health, safety, and general welfare.

SOURCE OF FINDINGS:
(check all that apply)

☒ Planning Report - Planning Commission Report, Dated May 17, 2019; Department of Planning Staff Report, Dated May 9, 2019

☒ Testimony presented at the Committee hearing:

☒ Oral – Witnesses Names:

- Mr. Martin French, Department of Planning
- Mr. Liam Davis, Department of Transportation
- Mr. Derek Baumgardner, Board of Municipal Zoning Appeals
- Ms. Elena DiPietro, Department of Law
- Mr. Bob Pipik, Department of Housing and Community Development
- Mr. Acor Sen, Parking Authority of Baltimore City
- Mr. Sean Eames, Baltimore City Fire Department
- Mr. Christina Moore, Baltimore Development Corporation

☒ Written – Submitted by: (Include documents that have relevant facts only)

- Chris Ryer, Planning Commission Report, Dated May 17, 2019;
- Martin French, Department of Planning Staff Report, Dated May 9, 2019
- Planning Department Staff – Amendment – Dated July 16, 2019
- Peter Little, Parking Authority of Baltimore City, Dated April 15, 2019
- Department of Housing and Community Development, Dated June 25, 2019
- Frank Murphy, Department of Transportation, Dated April 29, 2019
- Derek Baumgardner, Board of Municipal Zoning Appeals, Dated May 23, 2019
- Niles R. Ford, Ph.D., Fire Department, Dated March 18, 2019
- Waverly Improvement Board, Natalya Brusilovsky, Email Dated November 8, 2017

LAND USE AND TRANSPORTATION COMMITTEE:

Chairman	**Member**
Member	**Member**
Member	**Member**
Member	**Member**

LAND USE AND TRANSPORTATION COMMITTEE

FINDINGS OF FACT FOR VARIANCE

City Council Bill No. 19-0352

MOTION OF THE CHAIR OF THE LAND USE AND TRANSPORTATION COMMITTEE: AFTER A PUBLIC HEARING AT WHICH AGENCY REPORTS AND PUBLIC TESTIMONY WERE CONSIDERED, AND PURSUANT TO THE APPLICABLE SECTIONS OF ARTICLE 32 OF THE BALTIMORE CITY CODE, THE CITY COUNCIL ADOPTS THESE FINDINGS OF FACT CONCERNING ANY VARIANCES OF APPLICABLE STANDARDS FOR THE PROPERTY LOCATED AT:

Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-7 Zoning District – Variances – 645 McKewin Avenue

VARIANCE FOR: OFF-STREET PARKING

(Use a separate Variance form for each Variance sought in the bill)

THRESHOLD QUESTION:

☒ *In accordance with Section 5-305(c), it has been determined that there is no written decision by the Board of Municipal and Zoning Appeals on an application for this same subject matter.*

HARDSHIP OR PRACTICAL DIFFICULTY:

The City Council has considered at least one of the following:
(check all that apply to evidence consideration)

☒ The physical surroundings around the **STRUCTURE** / **LAND** involved;
(underline one)

☒ The shape of the **STRUCTURE** / **LAND** involved;
(underline one)

☐ The topographical conditions of the **STRUCTURE / LAND** involved.
(underline one)

*and finds **either** that:*

(1) An unnecessary hardship **WOULD** / **WOULD NOT** exist if the strict letter of the applicable
(underline one)
requirement from which the variance is sought were applied because:

_____

_____

_____

_____

_____

***or** that:*

(2) Practical difficulty **WOULD** / **WOULD NOT** exist if the strict letter of the applicable

(underline one)
requirement from which the variance is sought were applied because:

There is a practical difficulty with complying with the conversion standards in the Zoning Code that has not been caused by action or inaction of any person with a present interest in this property. The purpose of the variance requested is not based exclusively on a desire to increase the value or income potential of the property.

One additional off-street parking space is required to serve the one newly-created dwelling unit (BCZC §9-703.f.). This property could provide an off-street parking space meeting Zoning Code standards for size or accessibility, but the petitioner prefers not to raze the existing garage-type structure in the rear yard to create a parking pad, and therefore a variance of this requirement is included in this bill.

While no off-street parking meeting Zoning Code standards is to be provided on this property, the site is located in a dense, walkable neighborhood that is served by a bus line two blocks to its west on Greenmount Avenue.

The variance that would be granted would not be injurious to use and enjoyment of other property in the immediate vicinity, nor substantially diminish or impair property values in the neighborhood. Maintaining this property in full occupancy would actually help improve property values in the area. The variance is in harmony with the Comprehensive Master Plan and related considerations of public health, safety, and general welfare.

SOURCE OF FINDINGS:
(check all that apply)

☒ Planning Report - Planning Commission Report, Dated May 17, 2019; Department of Planning Staff Report, Dated May 9, 2019

☒ Testimony presented at the Committee hearing:

☐ Oral – Witnesses Names:

- Mr. Martin French, Department of Planning
- Mr. Liam Davis, Department of Transportation
- Mr. Derek Baumgardner, Board of Municipal Zoning Appeals
- Ms. Elena DiPietro, Department of Law
- Mr. Bob Pipik, Department of Housing and Community Development
- Mr. Acor Sen, Parking Authority of Baltimore City
- Mr. Sean Eames, Baltimore City Fire Department
- Mr. Christina Moore, Baltimore Development Corporation

☒ Written – Submitted by: (Include documents that have relevant facts only)

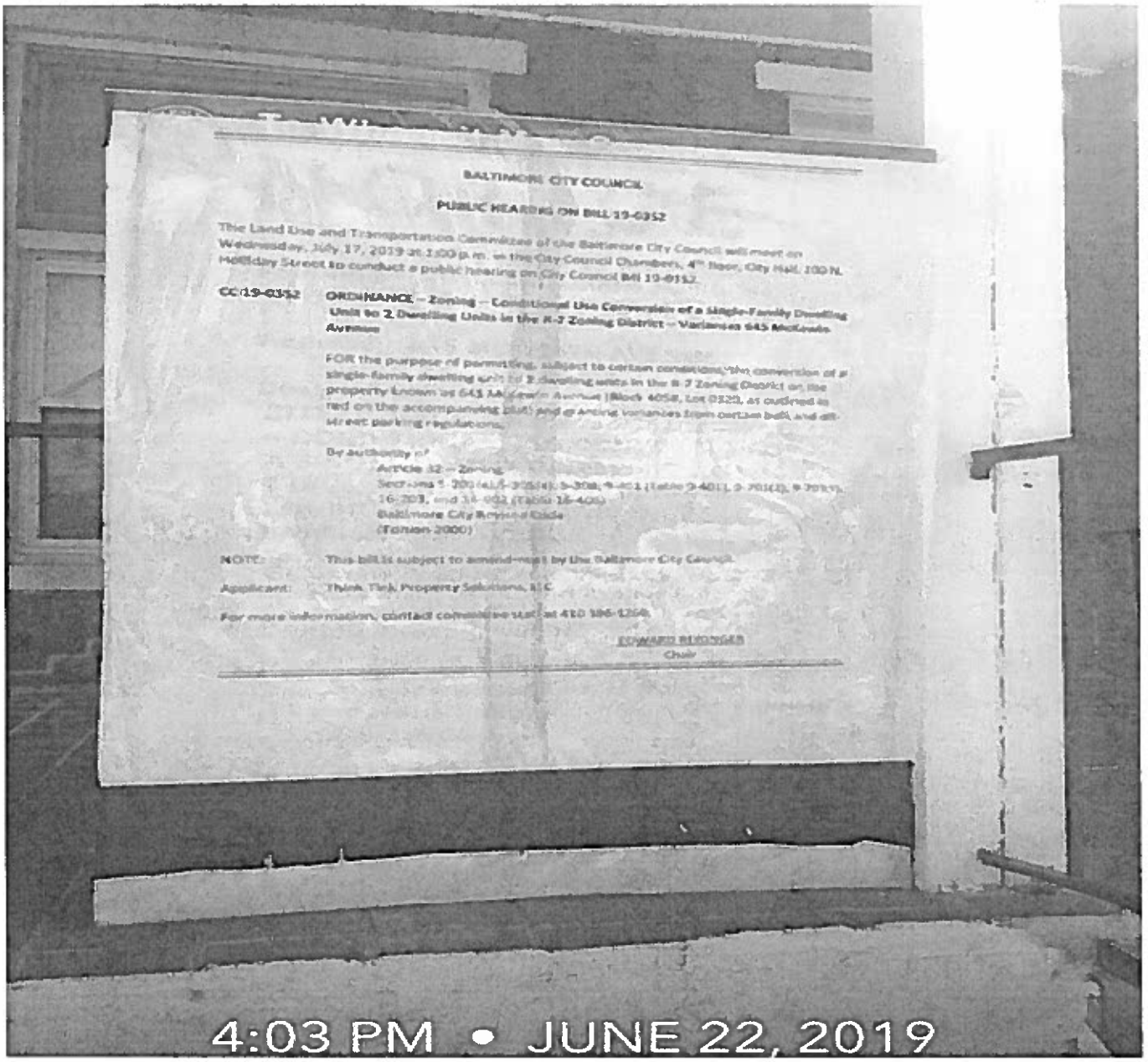
- Chris Ryer, Planning Commission Report, Dated May 17, 2019;
- Martin French, Department of Planning Staff Report, Dated May 9, 2019
- Planning Department Staff – Amendment – Dated July 16, 2019
- Peter Little, Parking Authority of Baltimore City, Dated April 15, 2019
- Department of Housing and Community Development, Dated June 25, 2019
- Frank Murphy, Department of Transportation, Dated April 29, 2019
- Derek Baumgardner, Board of Municipal Zoning Appeals, Dated May 23, 2019
- Niles R. Ford, Ph.D., Fire Department, Dated March 18, 2019
- Waverly Improvement Board, Natalya Brusilovsky, Email Dated November 8, 2017

LAND USE AND TRANSPORTATION COMMITTEE:

Chairman	**Member**
Member	**Member**
Member	**Member**
Member	**Member**

ATTACHMENT C

Baltimore City Council
Certificate of Posting - Public Hearing Notice
City Council Bill No.: 19-0352



RECEIVED
JUL 10 2019
BALTIMORE CITY COUNCIL
PRESIDENT'S OFFICE

Address: 645 McKewin Avenue

Date Posted: June 22, 2019

- *Email to: Natawnab.Austin@baltimorecity.gov*
- *Mail to: Baltimore City Council; c/o Natawna B. Austin; Room 409, City Hall; 100 N. Holliday Street; Baltimore, MD 21202*

ATTACHMENT C

Name: Tim Tinker
Address: 4508 Oxford Street, Garrett Park, MD 20896
Telephone: 301-651-3595

- *Email to: Natawnab.Austin@baltimorecity.gov*
- *Mail to: Baltimore City Council; c/o Natawna B. Austin; Room 409, City Hall; 100 N. Holliday Street; Baltimore, MD 21202*

FROM		
NAME & TITLE	CHRIS RYER, DIRECTOR	CITY of BALTIMORE **MEMO**
AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8TH FLOOR, 417 EAST FAYETTE STREET	
SUBJECT	CITY COUNCIL BILL #19-0352/ ZONING – CONDITIONAL USE CONVERSION … VARIANCES – 645 McKEWIN AVENUE	

TO

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

DATE: May 17, 2019

At its regular meeting of May 9, 2019, the Planning Commission considered City Council Bill #19-0352, 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 645 McKewin Avenue (Block 4058, Lot 032), as outlined in red on the accompanying plat; and granting variances from certain bulk regulations (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 #19-0352, and adopted the following resolution with eight members being present (eight in favor):

> RESOLVED, That the Planning Commission concurs with the recommendations of its departmental staff and recommends that City Council Bill #19-0352 be passed by the City Council.

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

CR/ewt

attachment

cc: Mr. Jeff Amoros, Mayor's Office
The Honorable Edward Reisinger, Council Rep. to the Planning Commission
Mr. William H. Cole, IV, BDC
Mr. Derek Baumgartner, BMZA
Mr. Geoff Veale, Zoning Administrator
Ms. Sharon Daboin, DHCD
Mr. Tyrell Dixon, DHCD
Mr. Liam Davis, DOT
Ms. Elena DiPietro, Law Dept.
Mr. Francis Burnszynski, PABC
Ms. Natawna Austin, Council Services
Mr. Ervin Bishop, Council Services

RECEIVED
MAY 21 2019
BALTIMORE CITY COUNCIL
PRESIDENT'S OFFICE

F w/ Amd

Bernard C. "Jack" Young
Mayor

PLANNING COMMISSION

Sean D. Davis, Chairman

STAFF REPORT

Chris Ryer
Director

May 9, 2019

REQUEST: City Council Bill 19-0352/ Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-7 Zoning District – Variances – 645 McKewin Avenue

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 645 McKewin Avenue (Block 4058, Lot 032), as outlined in red on the accompanying plat; and granting variances from certain bulk regulations (lot area size) and off-street parking requirements.

RECOMMENDATION: Amendment, and Approval as amended

> Amendment: Add a variance of gross floor area needed for conversion of a single-family dwelling to two 1-bedroom dwelling units.

STAFF: Martin French

PETITIONERS: Councilmember Clarke, at the request of Think Tink Property Solutions LLC

OWNER: Timothy L. Tinker

SITE/ GENERAL AREA

Site Conditions: 645 McKewin Avenue is located on the southwest corner of the intersection with Frisby Street. This property measures approximately 15' by 91' and is currently improved with a two-story porch-front end-of-row residential building measuring approximately 15' by 45'. The site is zoned R-7. The building on the lot is presently used as a single-family dwelling.

General Area: Most of the housing closest to this property was originally developed in the first three decades of the 20th Century. During the first half of the 20th Century some single-family residential buildings in the area along Old York Road were converted to either multi-family dwellings or residential mixed-use. There are also religious and institutional uses and scattered commercial uses in various locations; further west across Old York Road is a small residential area that breaks part of the Greenmount Avenue – York Road commercial corridor by separating Waverly from the Pen Lucy commercial strip nearer to Cold Spring Lane.

HISTORY

This property and the row of dwellings of which it is a part were rezoned from R-6 to R-7 during comprehensive rezoning accompanying adoption of the new (current) Zoning Code on June 5, 2017.

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

Background: This legislation would allow the petitioner to use the existing structure as two dwelling units. Adaptive re-use as a two-family multi-family dwelling would allow preservation of a piece of the historic district's traditional architectural fabric while responding to more contemporary, smaller-scale residential needs in a location with convenient access to downtown for residents of the two dwelling units. Although this dwelling was built as a single-family dwelling in 1923, in 1945 the Board of Zoning Appeals approved its use as two dwelling units. This multi-family use continued until 2012, when a previous owner changed the use back to single-family dwelling with a maximum of four unrelated occupants.

Zoning Analysis: This property is an end-of-row residential structure containing approximately 1,406 square feet of gross floor area. This bill would encourage re-use of a structure consistent with current zoning.

- The Zoning Code requires, for conversion of a single-family property in the R-7 District, 1,100 square feet of lot area per dwelling unit (BCZC §9-703.d., citing Table 9-401). A lot area of 2,200 square feet is thus required for the proposed use. This lot has 1,365 square feet and thus does not meet the lot area requirement for conversion. A 37% variance of this requirement is therefore included in this bill.
- A rear yard setback of 25' is required. This property has a rear yard setback of 46' and thus meets this requirement.
- The maximum lot coverage allowed is 80%. This structure covers approximately 50% of the lot. No variance of this requirement is needed.
- The Zoning Code requires, for conversion of a single-family property in the R-7 District, gross floor area of 750 square feet per 1-bedroom unit created, and 1,000 square feet per 2-bedroom unit created (BCZC §9-703.c.). The existing structure contains approximately 703 gross square feet on each of its two above-grade levels, thus a variance of this requirement is needed to allow two 1-bedroom dwelling units at this location.
- One additional off-street parking space is required to serve the one newly-created dwelling unit (BCZC §9-703.f.). This property could provide an off-street parking space meeting Zoning Code standards for size and accessibility, but the petitioner prefers not to raze the existing garage-type structure in the rear yard to create a parking pad, and therefore a variance of this requirement is included in this bill.

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.

The establishment, location, and operation of this property as a multi-family dwelling containing two dwelling units would not be detrimental to or endanger public health, safety, or welfare. The proposed use is not precluded by any other law, including any applicable Urban Renewal Plan. The proposed authorization would not be contrary to the public interest (in fact, it would advance the public interest by creating more housing affordable to moderate-income families). Therefore, Planning staff conclude that the authorization would be in harmony with the purpose and intent of the Zoning Code.

In making the above recommendation, Planning staff reviewed §5-406(b) {"Required considerations"} of Article 32 – *Zoning*, and finds that the proposed use meets these additional criteria for approval of a conditional use:

(1) the nature of the proposed site, including its size and shape, are adequate for the proposed use;
(2) there will be no negative impact to traffic patterns;
(3) the proposed use will not impair the present and future development of this lot or the surrounding area;
(4) there will be no negative impact resulting from proximity to dwellings, churches, schools, public structures, and other places of public gathering;
(5) there is adequate accessibility of the premises to emergency vehicles;
(6) there is adequate light and air to the premises and to properties in the vicinity;
(7) adequate utilities, access roads, drainage, and other necessary facilities have been or will be provided;
(8) the proposed use would not interfere with preservation of cultural and historic landmarks and structures;
(9) the proposed use would not alter the character of the neighborhood;
(10) the proposed use is consistent with provisions of the City's Comprehensive Master Plan;
(11) the proposed use is not regulated by any Urban Renewal Plan;
(12) the proposed use meets all other applicable standards and requirements of the Zoning Code;
(13) the proposed use is consistent with the intent and purpose of the Zoning Code; and
(14) is consistent with any other matters that may be considered to be in the interest of the general welfare.

Planning staff recommend that the Planning Commission also find:

- The proposed use as a 2-family dwelling would be consistent with other residential use in the area. While neither the lot area nor the gross floor area requirement is satisfied without a variance, this is in part offset by the fact that the existing residential building was used for most of its lifetime as a multi-family dwelling containing two dwelling units.

- While no off-street parking meeting Zoning Code standards is to be provided on this property, the site is located in a dense, walkable neighborhood that is served by a bus line two blocks to its west on Greenmount Avenue.
- There is a practical difficulty with complying with the conversion standards in the Zoning Code that has not been caused by action or inaction of any person with a present interest in this property. The purpose of the variances requested is not based exclusively on a desire to increase the value or income potential of the property.
- Each of the variances that would be granted would not be injurious to use and enjoyment of other property in the immediate vicinity, nor substantially diminish or impair property values in the neighborhood. Maintaining this property in full occupancy would actually help improve property values in the area. The variances are in harmony with the Comprehensive Master Plan and related considerations of public health, safety, and general welfare.

Notification: The Waverly Improvement Association and Councilwoman Clarke have been notified of this action.

Chris Ryer
Director

FROM			CITY of BALTIMORE MEMO
	NAME & TITLE	Frank Murphy, Acting Director	
	AGENCY NAME & ADDRESS	Department of Transportation (DOT) 417 E Fayette Street, Room 527	
	SUBJECT	City Council Bill 19-0352	

TO: Ex Officio Mayor Bernard C. "Jack" Young
TO: Land Use & Transportation Committee
FROM: Department of Transportation
POSITION: No Objection
RE: Council Bill – 19-0352

DATE: 4/29/19

INTRODUCTION – Zoning - Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-7 Zoning District - Variances - 645 McKewin Avenue.

PURPOSE/PLANS – 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 645 McKewin Avenue (Block 4058, Lot 032), as outlined in red on the accompanying plat; and granting variances from certain bulk regulations (lot area size) and off-street parking requirements.

COMMENTS – This bill is a standard conditional use conversion ordinance that is proposed to change a single-family dwelling unit into two dwelling units. The bill as proposed should have no fiscal or operational impact on the Department of Transportation.

AGENCY/DEPARTMENT POSITION – The Department of Transportation has no objection to City Council bill 19-0352.

If you have any questions, please do not hesitate to contact Liam Davis at Liam.Davis@baltimorecity.gov or at 410-545-3207.

Sincerely,

Frank Murphy

Frank Murphy
Acting Director

no objection

RECEIVED
APR 30 2019
BALTIMORE CITY COUNCIL
PRESIDENT'S OFFICE

CITY OF BALTIMORE

BOARD OF MUNICIPAL AND
ZONING APPEALS

DEREK J. BAUMGARDNER, Executive Director
417 E. Fayette Street, Suite 922
Baltimore, Maryland 21202

May 23, 2019

The Honorable President and
Members of the City Council
City Hall
100 N. Holliday Street
Baltimore, MD 21202

favorable

RE: CC Bill #19-0352 Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-7 Zoning District – Variances – 645 McKewin Avenue

Ladies and Gentlemen:

City Council Bill No. 19-0352 has been referred by your Honorable Body to the Board of Municipal and Zoning Appeals for study and report.

The purpose of City Council Bill No. 19-0352 is to convert a single-family dwelling unit to two dwelling units in the R-7 Zoning District on the property known as 645 McKewin Avenue (Block 4058, Lot 032); and granting variances from certain bulk regulations (lot area size) and off-street parking requirements.

The BMZA has reviewed the legislation and recommends approval of CC Bill 19-0352.

Sincerely,

Derek J. Baumgardner
Executive Director

CC: Mayors Office of Council Relations
City Council President
Legislative Reference

TRANSMITTAL MEMO

TO: Council President Bernard "Jack" Young

FROM: Peter Little, Executive Director

DATE: April 15, 2019

RE: Council Bill 19-0352

PARKING OF BALTIMORE CITY AUTHORITY

I am herein reporting on City Council Bill 19-0352 introduced by Councilmember Clarke at the request of Think Tank Property Solutions, LLC.

The purpose of this bill is for 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 645 McKewin Avenue.

According to Baltimore City Code §§ 5-201(a) and 9-701 (2), the R-7 Zoning District allows for the conversion of a single-family dwelling to 2 dwelling units. This proposed legislation requests a variance for the off-street parking requirement.

The Parking Authority of Baltimore City (PABC) reviewed the proposed legislation. This property is not located on a block where PABC administers on-street parking programs.
Site visits were conducted during March and April 2019. PABC has determined that the available on-street parking inventory is greater than the demand for on-street parking. In addition, PABC investigated the alley and rear of the property and determined that there is not sufficient access or property for any off-street parking spaces. Therefore, a variance for off-street parking is required, and PABC has determined that the passage of this bill will not negatively impact parking in the area.

Based on the comments above, PABC does not oppose the passage of City Council Bill 19-0352.

Does not oppose

RECEIVED
APR 15 2019
BALTIMORE CITY COUNCIL
PRESIDENT'S OFFICE

200 W. LOMBARD STREET • SUITE B • BALTIMORE • MD 21201 • P: 443.573.2800 • F: 410.685.1557

BALTIMORE CITY
DEPARTMENT OF HOUSING &
COMMUNITY DEVELOPMENT

MEMORANDUM

To: The Honorable President and Members of the Baltimore City Council
c/o Natawna Austin, Executive Secretary

From: Michael Braverman, Housing Commissioner

Date: June 25, 2019

Re: **City Council Bill 19-0352: Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-7 Zoning District – Variances – 645 McKewin Avenue**

The Department of Housing and Community Development (DHCD) has reviewed City Council Bill 19-0352, for the purpose of permitting, subject to certain conditions, the conversion of a single-family 6 dwelling unit to 2 dwelling units in the R-7 Zoning District on the property known as 645 McKewin Avenue (Block 4058, Lot 032); and 8 granting variances from certain bulk regulations (lot area size) and off-street parking requirements.

If enacted, this bill will allow the property at 645 McKewin Avenue to be converted from a single-family dwelling to 2 dwelling units. At its regular meeting on May 9, 2019, the Planning Commission concurred with the Planning Departmental Staff recommendation for approval of this bill. The Planning Department found that the conversion would have no adverse effect of the surrounding community and recommended that the City Council approve the bill.

DHCD defers to the Planning Commission and has no objection to the passage of City Council Bill 19-0352.

MB:td

cc: Mr. Jeffrey Amoros, *Mayor's Office of Government Relations*

Defers to planning,
no obj.

FROM			
	NAME & TITLE	Niles R. Ford, PhD, Chief of Fire Department	CITY of BALTIMORE **MEMO**
	AGENCY NAME & ADDRESS	Baltimore City Fire Department 401 East Fayette St. _21202	
	SUBJECT	City Council Bill #19-0352 Response to Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-7 District-Variances 645 McKewin Avenue	

TO

The Honorable Bernard C. Young, President
And All Members of the Baltimore City Council
City Hall, Room 408

DATE: March 18, 2019

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 645 McKewin Avenue (Block 4058, Lot 032), as outlined in red on the accompanying plat; and granting variances from certain bulk regulations (lot area size) and off-street parking requirements.

The Baltimore City Fire Department has no objections for Council Bill 19-0352: Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-7 Zoning District -Variances for the property located at 645 McKewin Avenue. All rental locations must comply with all applicable codes, ordinances, and laws and shall be required to obtain all required approvals. The rental locations shall comply with the Building, Fire, and Related Codes of Baltimore City 2015 Edition (As Enacted by Ord. 15-547, and Last Amended by Ord. 18-1830) and applicable Maryland laws.

The above does not negate any requirements for submission of plans to the Office of the Fire Marshal for review of construction, Fire Detection/Notification/Suppression Systems, and Automatic Sprinkler installation. Locations may be subject to an annual fire inspection and/or permits from the Office of the Fire Marshal.

no objection

RECEIVED
MAR 25 2019
BALTIMORE CITY COUNCIL
PRESIDENT'S OFFICE

CITY OF BALTIMORE

BERNARD C. "JACK" YOUNG,
Mayor

DEPARTMENT OF LAW
ANDRE M. DAVIS, CITY SOLICITOR
100 N. HOLLIDAY STREET
SUITE 101, CITY HALL
BALTIMORE, MD 21202

July 17, 2019

RECEIVED
JUL 17 2019
BALTIMORE CITY COUNCIL
PRESIDENT'S OFFICE

Honorable President and Members
of the City Council of Baltimore
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

Attn: Natawna B. Austin,
Executive Secretary

Re: City Council Bill 19-0352 – Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-7 Zoning District – Variances – 645 McKewin Avenue

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 19-0352 for form and legal sufficiency. The bill permits the conversion of a single-family dwelling unit to 2 dwelling units in the R-7 Zoning District on the property known as 645 McKewin Avenue. According to the Planning Report variances are also needed for lot area for 2 dwellings and off-street parking requirements.

Under the Zoning Article of the City Code, the conversion of a single-family dwelling to a multi-family dwelling in an R-7 District requires conditional-use approval by ordinance. Baltimore City Code (BCC), Art. 32, § 9-701(2). Further, approval of a conditional use must be based on the following findings:

> (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.

§ 5-406(a). Moreover, the above findings must be guided by 14 "considerations" involving, for example, such things as the "nature of the surrounding area and the extent to which the proposed use might impair its present and future development," "the character of the neighborhood," and "the resulting traffic patterns and adequacy of proposed off-street parking." § 5-406(b).

Fav w/ Amnds

The bill also contains variances for lot area per dwelling, and off-street parking. In it's report, the Planning Commission notes that a variance is also needed for gross floor area per dwelling unit. To grant a variance, the City Council must find that, because of the particular physical surroundings, shape, or topographical conditions of the specific structure or land involved, an unnecessary hardship or practical difficulty, as distinguished from a mere inconvenience, would result if the strict letter of the applicable requirement were carried out. § 5-308(a). The City Council must also find that:

> (1) the conditions on which the application is based are unique to the property for which the variance is sought and are not generally applicable to other property within the same zoning classification; (2) the unnecessary hardship or practical difficulty is caused by this Code and has not been created by the intentional action or inaction of any person who has a present interest in the property; (3) the purpose of the variance is not based exclusively on a desire to increase the value or income potential of the property; (4) the variance will not: (i) be injurious to the use and enjoyment of other property in the immediate vicinity; or (ii) substantially diminish and impair property values in the neighborhood; (5) the variance is in harmony with the purpose and intent of this Code; (6) the variance is not precluded by and will not adversely affect: (i) any Urban Renewal Plan; (ii) the City's Comprehensive Master Plan; or (iii) any Historical and Architectural Preservation District; and (7) the variance will not otherwise: (i) be detrimental to or endanger the public health, safety, or welfare; or (ii) be in any way contrary to the public interest. § 5-308(b).

The Land Use and Transportation Committee (the "Committee") must consider the above law at the scheduled public hearing wherein it will hear and weigh the evidence as presented in: (1) the Planning Report and other agency reports; (2) testimony from the Planning Department and other City agency representatives; and (3) testimony from members of the public and interested persons. After weighing the evidence presented and submitted into the record before it, the Committee is required to make findings of fact with respect to the factors and considerations outlined above. If, after its investigation of the facts, the Committee makes findings which support the conditional use and the four variances sought, it may adopt these findings and the legal requirements will be met.

The Planning Staff Report ("Report") outlines the portions of the Zoning Article applicable to conditional uses (§ 5-406(a) and (b)) and makes favorable conclusory findings regarding the Section 5-406(b) considerations. *See* Report at 3-4. The Report also states the facts which are the purported basis for the variance requested in the bill and the in Planning's proposed amendment noted in the Report. (*see* Report at 2-4). **The Report does not supply all the facts needed to support each of the findings required by law for both the conditional use and for the variances requested. If this bill is to be lawfully approved by the City Council, the facts required by Sections 5-406(a), 5-308(a) and 5-308(b) as well as the "considerations" in Section 5-406(b) must be reviewed and established at the bill's public hearing.**

Finally, certain procedural requirements apply to this bill beyond those discussed above because both conditional uses and variances are considered "legislative authorizations." BCC Art.

32, § 5-501(2)(i) and (ii). Specifically, notice requirements apply to the bill, and the bill must be referred to certain City agencies which are obligated to review the bill in specified manner. §§ 5-504, 5-506, 5-602. Finally, certain limitations on the City Council's ability to amend the bill apply. § 5-507.

The bill is the appropriate method for the City Council to review the facts and make the determination as to whether the legal standard for conditional use and variances have been met. Provided appropriate amendment for the gross floor area variance is offered and assuming the required findings are made at the hearing and all procedural requirements are satisfied, the Law Department could approve the bill for form and legal sufficiency.

Sincerely,

Elena R. DiPietro

Elena R. DiPietro
Chief Solicitor
Practice Group Chief

cc: Andre M. Davis, City Solicitor
Nicholas Blendy, Deputy Director, Mayor's Office of Government Relations
Jeff Amoros, Mayor's Legislative Liaison
Victor Tervala, Chief Solicitor
Hilary Ruley, Chief Solicitor
Ashlea Brown, Assistant Solicitor
Avery Aisenstark, Legislative Reference

Baltimore
Development Corporation

MEMORANDUM

DATE: April 15, 2019
TO: Land Use and Transportation Committee
FROM: William H. Cole, President and CEO
POSITION: No Objection
SUBJECT: City Council Bill 19-0352 – Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-7 Zoning District – Variances – 645 McKewin Avenue

---

INTRODUCTION

The Baltimore Development Corporation (BDC) is reporting on City Council Bill 19-0352 introduced by Councilmember Clarke at the request of Think Tink Property Solutions, LLC.

PURPOSE

The purpose of this Bill is 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 645 McKewin Avenue and granting variances from certain bulk regulations (lot area size) and off-street parking requirements.

BRIEF HISTORY

The property is currently used as a single-family dwelling and the owner would like to convert the property to two dwelling units. In an R-7 Zoning District, the minimum lot size for a 2-unit dwelling is 2,200 square feet. The lot area size of 645 McKewin Avenue is 1,365 square feet, thus requiring a variance of 37%.

Additionally, the off-street parking requirements in an R-7 District are one per dwelling unit. This particular property is constructed in a way that restricts the availability of off-street parking, thus requiring a variance.

FISCAL IMPACT

NONE

AGENCY POSITION

BDC has no objection to City Council Bill 19-0352.

If you have any questions, please do not hesitate to contact Kim Clark at 410-837-9305 or at kclark@baltimoredevelopment.com.

cc: Jeffrey Amoros
[CM]

36 S. Charles St. Suite 2100 Baltimore, MD 21201 410.837.9305 O 410.837.6363 F BaltimoreDevelopment.com

No obj.

City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland
21202

Meeting Minutes - Final

Land Use and Transportation Committee

Wednesday, July 17, 2019 | **1:00 PM** | **Du Burns Council Chamber, 4th floor, City Hall**

19-0352

CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

Present 5 - Member Sharon Green Middleton, Member Mary Pat Clarke, Member Eric T. Costello, Member Leon F. Pinkett III, and Member Robert Stokes Sr.

Absent 2 - Member Edward Reisinger, and Member Ryan Dorsey

ITEMS SCHEDULED FOR PUBLIC HEARING

19-0352 **Zoning - Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-7 Zoning District - Variances - 645 McKewin Avenue**
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 645 McKewin Avenue (Block 4058, Lot 032), as outlined in red on the accompanying plat; and granting variances from certain bulk regulations (lot area size) and off-street parking requirements.

Sponsors: Mary Pat Clarke

A motion was made by Member Clarke, seconded by Member Pinkett, III, that the bill be recommended favorably with amendment. The motion carried by the following vote:

Yes: 5 - Member Middleton, Member Clarke, Member Costello, Member Pinkett III, and Member Stokes Sr.

Absent: 2 - Member Reisinger, and Member Dorsey

ADJOURNMENT

CITY OF BALTIMORE
BERNARD C. "JACK" YOUNG, Mayor

OFFICE OF COUNCIL SERVICES
LARRY E. GREENE, Director
415 City Hall, 100 N. Holliday Street
Baltimore, Maryland 21202
410-396-7215 / Fax: 410-545-7596
email: larry.greene@baltimorecity.gov

HEARING NOTES

Bill: 19-0352

Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-7 Zoning District – Variances – 645 McKewin Avenue

Committee: Land Use and Transportation
Chaired By: Councilmember Sharon Green Middleton

Hearing Date: July 17, 2019
Time (Beginning): 1:00 PM
Time (Ending): 1:16 PM
Location: Clarence "Du" Burns Chamber
Total Attendance: ~ 25
Committee Members in Attendance:
Middleton, Sharon, Vice Chair
Clarke, Mary Pat
Costello, Eric
Pinkett, Leon
Stokes, Robert

Bill Synopsis in the file? ..... ☒ yes ☐ no ☐ n/a
Attendance sheet in the file? ..... ☒ yes ☐ no ☐ n/a
Agency reports read? ..... ☒ yes ☐ no ☐ n/a
Hearing televised or audio-digitally recorded? ..... ☒ yes ☐ no ☐ n/a
Certification of advertising/posting notices in the file? ..... ☒ yes ☐ no ☐ n/a
Evidence of notification to property owners? ..... ☒ yes ☐ no ☐ n/a
Final vote taken at this hearing? ..... ☒ yes ☐ no ☐ n/a
Motioned by: ..... Councilmember Clarke
Seconded by ..... Councilmember Pinkett
Final Vote: ..... Favorable/Amend

CITY OF BALTIMORE
CITY COUNCIL HEARING ATTENDANCE RECORD

Committee: Land Use and Transportation		**Chairperson:** Edward Reisinger
Date: July 17, 2019	**Time:** 1:00 PM	**Place:** Clarence "Du" Burns Chambers
Subject: Ordinance - Zoning - Conditonal Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-7 Zoning District - Variances		**CC Bill Number:** 19-0352

PLEASE PRINT

IF YOU WANT TO TESTIFY PLEASE CHECK HERE

FIRST NAME	LAST NAME	ST. #	ADDRESS/ORGANIZATION NAME	ZIP	EMAIL ADDRESS	TESTIFY	WHAT IS YOUR POSITION ON THIS BILL? FOR	AGAINST	(*) LOBBYIST: ARE YOU REGISTERED IN THE CITY YES	NO
John	Doe	100	North Charles Street	21202	Johndoenbmore@yahoo.com	√	√	√	√	√
Tim	TINKER	4500	Oxford St. Garrett Park	20896	tinlanetinker@gmail.com	✓				
Nicholas	Blenck	100	N Holliday St.	21202						
Martin	French		Planning			✓	✓			
Christine	Moore		BDC							

(*) NOTE: IF YOU ARE COMPENSATED OR INCUR EXPENSES IN CONNECTION WITH THIS BILL, YOU MAY BE REQUIRED BY LAW TO REGISTER WITH THE CITY ETHICS BOARD. REGISTRATION IS A SIMPLE PROCESS. FOR INFORMATION AND FORMS, CALL OR WRITE: BALTIMORE CITY BOARD OF ETHICS, C/O DEPARTMENT OF LEGISLATIVE REFERENCE, 626 CITY HALL, BALTIMORE, MD 21202. TEL: 410-396-4730: FAX: 410-396-8483.

Major Speakers

(This is not an attendance record.)

- Mr. Martin French, Department of Planning
- Mr. Liam Davis, Department of Transportation
- Mr. Derek Baumgardner, Board of Municipal Zoning Appeals
- Ms. Elena DiPietro, Department of Law
- Ms. Bob Pipik, Department of Housing and Community Development
- Mr. Christina Moore, Baltimore Development Corporation
- Ms. Acor Sen, Parking Authority of Baltimore City
- Mr. Sean Eames, Fire Department
- Mr. Tim Tinker, applicant

Major Issues Discussed

1. Councilmember Middleton introduced committee members and read the bill's title, purpose and public notice certification report.
2. Councilmember Clarke provided background information about the property and her purpose for sponsoring the bill. She testified that the Waverly Community Association supported the conversion.
3. Mr. Martin French presented the Planning Commission's findings and recommendations and provided information from the Department of Planning's staff report. He pointed out that an amendment would be needed to include a grant for a variance for the gross floor area.
4. Agency representatives testified in support of their respective agency's position on the bill.
5. Mr. Timothy Tinker testified in support of the bill.
6. The committee voted to accept the findings and to amend the bill.
7. The committee voted to recommend the bill favorable with amendments.
8. The hearing was adjourned.

Further Study

Was further study requested? ☐ **Yes** ☒ **No**
If yes, describe.

Committee Vote:

Reisinger, Edward, Chairman ..... **Absent**
Middleton, Sharon, Vice Chair ..... **Yea**
Clarke, Mary Pat ..... **Yea**
Costello, Eric ..... **Yea**
Dorsey, Ryan ..... **Absent**

Pinkett, Leon.....**Yea**
Stokes, Robert:.....**Yea**

Jennifer L. Coates, Committee Staff  Date: July 17, 2019

cc: Bill File
OCS Chrono File

City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland
21202

Meeting Agenda - Final

Land Use and Transportation Committee

Wednesday, July 17, 2019 | **1:00 PM** | **Du Burns Council Chamber, 4th floor, City Hall**

19-0352

CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

ITEMS SCHEDULED FOR PUBLIC HEARING

19-0352 **Zoning - Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-7 Zoning District - Variances - 645 McKewin Avenue**
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 645 McKewin Avenue (Block 4058, Lot 032), as outlined in red on the accompanying plat; and granting variances from certain bulk regulations (lot area size) and off-street parking requirements.

Sponsors: Mary Pat Clarke

ADJOURNMENT

THIS MEETING IS OPEN TO THE PUBLIC

BALTIMORE CITY COUNCIL
LAND USE AND TRANSPORTATION COMMITTEE

Mission Statement

***On behalf of the Citizens of Baltimore City**, the mission of the Land Use and Transportation Committee is to review and support responsible development and zoning initiatives to ensure compatibility with the aim of improving the quality of life for the diverse population of Baltimore City.*

The Honorable Edward Reisinger
Chairman

PUBLIC HEARING

Wednesday, July 17, 2019
1:00 PM
CLARENCE "DU" BURNS COUNCIL CHAMBERS

Council Bill 19-0352
Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-7 Zoning District – Variances – 645 McKewin Avenue

CITY COUNCIL COMMITTEES

BUDGET AND APPROPRIATIONS
Eric Costello – Chair
Leon Pinkett – Vice Chair
Bill Henry
Sharon Green Middleton
Brandon M. Scott
Isaac "Yitzy" Schleifer
Shannon Sneed
Staff: Marguerite Currin

EDUCATION AND YOUTH
Zeke Cohen – Chair
Mary Pat Clarke – Vice Chair
John Bullock
Kristerfer Burnett
Ryan Dorsey
Staff: Matthew Peters

EXECUTIVE APPOINTMENTS
Robert Stokes – Chair
Kristerfer Burnett– Vice Chair
Mary Pat Clarke
Zeke Cohen
Isaac "Yitzy" Schleifer
Staff: Marguerite Currin

HOUSING AND URBAN AFFAIRS
John Bullock – Chair
Isaac "Yitzy" Schleifer – Vice Chair
Kristerfer Burnett
Bill Henry
Shannon Sneed
Zeke Cohen
Ryan Dorsey
Staff: Richard Krummerich

JUDICIARY AND LEGISLATIVE INVESTIGATIONS
Eric Costello – Chair
Mary Pat Clarke – Vice Chair
John Bullock
Leon Pinkett
Edward Reisinger
Brandon Scott
Robert Stokes
Staff: Matthew Peters

LABOR
Shannon Sneed – Chair
Robert Stokes – Vice Chair
Eric Costello
Bill Henry
Mary Pat Clarke
Staff: Samuel Johnson

LAND USE AND TRANSPORTATION
Edward Reisinger - Chair
Sharon Green Middleton – Vice Chair
Mary Pat Clarke
Eric Costello
Ryan Dorsey
Leon Pinkett
Robert Stokes
Staff: Jennifer Coates

PUBLIC SAFETY
Brandon Scott – Chair
Ryan Dorsey – Vice Chair
Kristerfer Burnett
Shannon Sneed
Zeke Cohen
Leon Pinkett
Isaac "Yitzy" Schleifer
Staff: Richard Krummerich

TAXATION, FINANCE AND ECONOMIC DEVELOPMENT
Sharon Green Middleton – Chair
Leon Pinkett – Vice Chair
Eric Costello
Edward Reisinger
Robert Stokes
Staff: Samuel Johnson
- Larry Greene (pension only)

Rev. 04/30/18

CITY OF BALTIMORE

BERNARD C. "JACK" YOUNG, Mayor

OFFICE OF COUNCIL SERVICES

LARRY E. GREENE, Director
415 City Hall, 100 N. Holliday Street
Baltimore, Maryland 21202
410-396-7215 / Fax: 410-545-7596
email: larry.greene@baltimorecity.gov

BILL SYNOPSIS

Committee: Land Use and Transportation

Bill 19-0352

Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-7 Zoning District – Variances – 645 McKewin Avenue

---

Sponsor: *Councilmember Clarke*
Introduced: *March 11, 2019*

Purpose:

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 645 McKewin Avenue (Block 4058, Lot 032), as outlined in red on the accompanying plat; and granting variances from certain bulk and off-street parking regulations.

Effective: 30th day after the date of enactment

Hearing Date/Time/Location: July 17, 2019 / 1:00 p.m./ Clarence "Du" Burns Chambers

---

Agency Reports

Planning Commission	Favorable
Board of Municipal and Zoning Appeals	Favorable
Department of Transportation	No Objection
Department of Law	
Department of Housing and Community Development	Defers to Planning
Baltimore Development Corporation	
Fire Department	No Objection
Parking Authority of Baltimore City	Not Opposed

Analysis

Current Law

Article 32 - Zoning
Sections 5-201(a), 5-305(a), 5-308, 9-401 (Table 9-401), 9-701(2), 9-703(f), 16-203, and 16-602 (Table 16-406)
Baltimore City Revised Code
(Edition 2000)

Background

Think Tink Property Solutions LLC is the applicant. Timothy L. Tinker is the owner of the property which measures 15' x 91'. The applicant intends to use the existing 15' x 45' end-of-row residential structure on the site as two dwelling units. The building is currently being used as a single-family dwelling.

The dwelling was built as a single-family dwelling in 1923. The Board of Municipal Zoning Appeals approved the structure for use as two dwelling units in 1945. The use as two dwellings continued until 2012, when a previous owner changed the use back to a single-family dwelling with a maximum of four unrelated persons.

The property is zoned R-7 and is not regulated by any Urban Renewal Plan. The property was rezoned from R-6 to R-7 during the Transform Baltimore comprehensive rezoning process. The property is situated in the Old York Road area near row houses, multi-family residential buildings, religious and scattered commercial uses

If approved, Bill 19-0352 would permit, 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 645 McKewin Avenue.

The bill would also grant variances from the requirements for:

- **off-street parking** – one parking space is required to serve the one newly-created dwelling unit.
- **bulk requirement (lot area)** – a lot area of 2,200 square feet is required for the proposed use.

Variance – Bulk Regulation (Lot Area)

According to *Article 32; Section 9-703.d and Table 9-401: Rowhouse and Multi-Family Residential Districts - Bulk and Yard Regulations*, in the R-7 Zoning District, a lot area of 1,100 square feet per dwelling unit is required. Based on a formula, the total lot area needed for the two dwelling units is 2,200 square feet. The property has only 1,365 square feet of lot area. The applicant is requesting a variance for the lot area via Bill 19-0352.

Variance – Off-street Parking

According to *Article 32 – Zoning, Section 16-203, 16-602 and Table 16-406: Required Off-Street Parking, one* (1) off-street parking space is required for the one newly-created dwelling unit. The applicant prefers not to raze the existing garage-type structure in the rear yard to create a parking pad. The applicant is, therefore, requesting a variance for off-street parking via the bill.

Amendments

There are no proposed amendments for the bill.

Additional Information

Fiscal Note: Not Available

Information Source(s): Agency Reports

Analysis by: Jennifer L. Coates

Analysis Date: July 11, 2019

Direct Inquiries to: (410) 396-1260

CITY OF BALTIMORE
COUNCIL BILL 19-0352
(First Reader)

Introduced by: Councilmember Clarke
At the request of: Think Tink Property Solutions, LLC
Address: c/o Joseph Haney, 841 East Fort Avenue #203, Baltimore, Maryland 21230
Telephone: 443-977-9740
Introduced and read first time: March 11, 2019
Assigned to: Land Use and Transportation Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Board of Municipal and Zoning Appeals, Planning Commission, Department of Housing and Community Development, Fire Department, Baltimore Development Corporation, Baltimore City Parking Authority Board, Department of Transportation

A BILL ENTITLED

AN ORDINANCE concerning

Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-7 Zoning District – Variances – 645 McKewin Avenue

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 645 McKewin Avenue (Block 4058, Lot 032), as outlined in red on the accompanying plat; and granting variances from certain bulk regulations (lot area size) and off-street parking requirements.

BY authority of
Article 32 - Zoning
Sections 5-201(a), 5-305(a), 5-308, 9-401 (Table 9-401), 9-701(2), 9-703(f), 16-203, and 16-602 (Table 16-406)
Baltimore City Revised Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That permission is granted for the conversion of a single-family dwelling unit to 2 dwelling units in the R-7 Zoning District on the property known as 645 McKewin Avenue (Block 4058, Lot 032), as outlined in red on the plat accompanying this Ordinance, in accordance with Baltimore City Zoning Code §§ 5-201(a) and 9-701(2), subject to the condition that the building complies with all applicable federal, state, and local licensing and certification requirements.

SECTION 2. AND BE IT FURTHER ORDAINED, That pursuant to the authority granted by §§ 5-305(a) and 5-308 of Article 32 - Zoning, permission is granted from the requirements of § 9-401 (Table 9-401: Rowhouse and Multi-Family Residential Districts - Bulk and Yard Regulations), as the minimum lot size requirement for 2 dwelling units, in the R-7 Zoning District, is 2,200 square feet, and the lot area size is 1,365 square feet, thus requiring a variance of 37%.

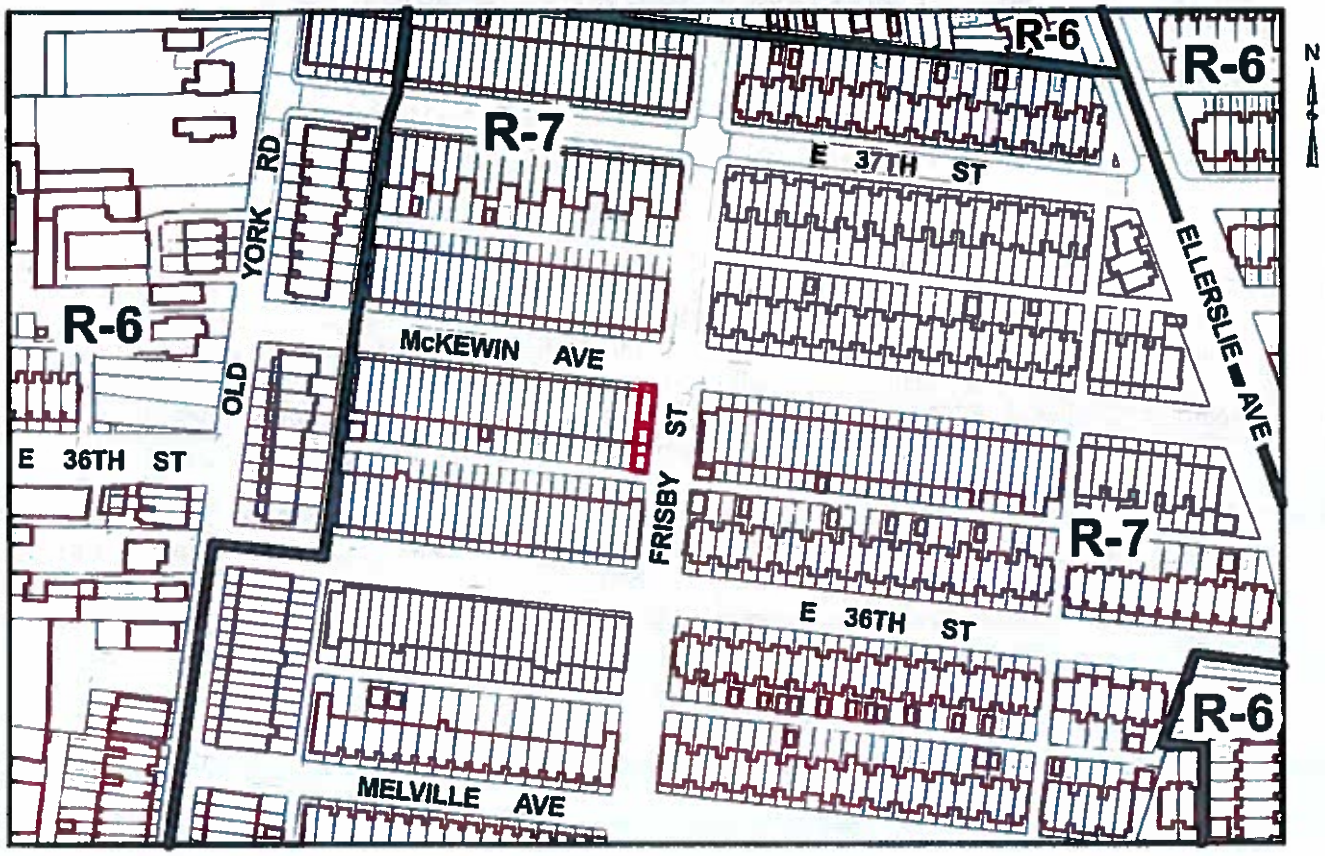
EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

SECTION 3. AND BE IT FURTHER ORDAINED, That pursuant to the authority granted by §§ 5-305(a) and 5-308 of Article 32 - Zoning, permission is granted for a variance from the requirements of §§ 9-703(f), 16-203, and 16-602 (Table 16-406: Required Off-Street Parking) for off-street parking.

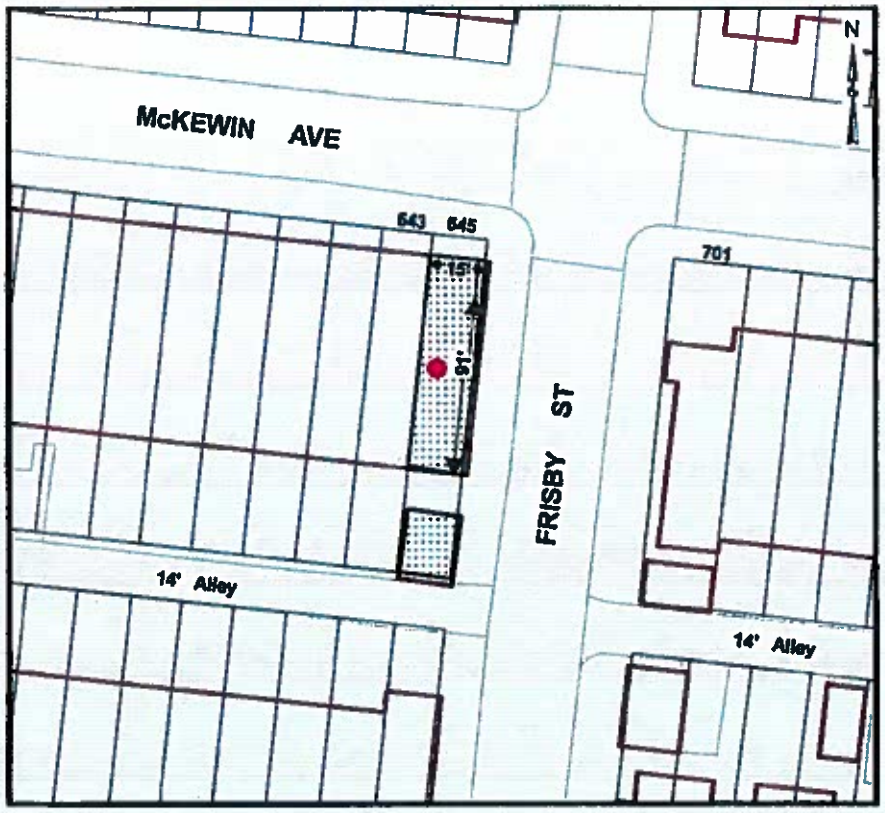
SECTION 4. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 5. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

SHEET NO. 26 OF THE ZONING MAP OF THE ZONING CODE OF BALTIMORE CITY



Scale: 1" = 200'



Scale: 1" = 50'

Note:

In Connection With The Property Known As No. 645 McKEWIN AVENUE. The Applicant Wishes To Request The Conditional Use Conversion Of The Aforementioned Property From A Single-Family Dwelling Unit To Two Dwelling Units In The R-7 Zoning District, As Outlined In Red Above.

WARD 9 SECTION 20

BLOCK 4058 LOT 32

MAYOR

PRESIDENT CITY COUNCIL

RPE 2-21-19

553

From: Natalya Brusilovsky [mailto:natalyabrusilovsky@gmail.com]
Sent: Wednesday, November 08, 2017 5:20 PM
To: Clarke, Mary Pat
Cc: Waverly WIA Board
Subject: 645 McKewin

Hi Mary Pat,

Our board voted last night to recommend you do, in fact, introduce the legislation to keep this property as two units, in its current use. However, for the future, the neighborhood association does feel that these blocks are over crowded, and new properties should not be zoned or permitted as multiple units moving forward.

Thanks so much,
Natalya Brusilovsky
Realtor

City Living Experts
LIVE BALTIMORE AGENTS & PARTNERS


ONE WAY

100 N. HOLLIDAY STREET
BALTIMORE, MD 21202

BALTIMORE CITY COUNCIL – OFFICE OF COUNCIL SERVICES

Fax

To:	Mr. Joseph Haney	**From:**	Jennifer Coates
Fax:	443-885-9414	**Pages:**	Number of pages
Phone:	443-97-9740	**Date**	May1 7, 2019
Re:	PUBLIC NOTICE INSTRUCTIONS FOR BILL 19-0352	**cc:**	Name

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Comments:

Attached is the information you will need to post and advertise the subject bill to be heard by the Baltimore City Council's Land Use and Transportation Committee on July 17, 2019 at 1:00 P.M. I have also attached a contact list for sign makers and a sample certification template.

CITY OF BALTIMORE

BERNARD C. "JACK" YOUNG,
Ex Officio Mayor

OFFICE OF COUNCIL SERVICES

LARRY E. GREENE, Director
415 City Hall, 100 N. Holliday Street
Baltimore, Maryland 21202
410-396-7215 / Fax: 410-545-7596
email: larry.greene@baltimorecity.gov

TO: Think Tink Property Solutions, LLC c/o Mr. Joseph Haney

FROM Jennifer L. Coates, Committee Staff, Land Use and Transportation Committee, Baltimore City Council

Date: May 17, 2019

RE: INSTRUCTIONS FOR NOTICE OF A PUBLIC HEARING – CONDITIONAL USE AND VARIANCES

The Land Use and Transportation Committee has scheduled the following City Council Bill for a public hearing:

Bill: **City Council Bill No. 19-0352**

Date: **Wednesday, July 17, 2019**

Time: **1:00 p.m.**

Place **City Council Chambers, 4th floor, City Hall, 100 N. Holliday Street**

At the expense of the applicant, notice of the public hearing must be provided in accordance with:

Article 32. Zoning Section 5-602 – Major variances: Conditional uses.

For helpful information about the notice requirements under Article 32 – Zoning (pages 129 – 130) see Attachment B. You are encouraged to access and review Article 32 using the web link below:

http://ca.baltimorecity.gov/codes/Art%2032%20-%Zoning .pdf

Wording for the Sign to be Posted

The information that must be posted on a sign at least 21 days before the public hearing appears between the double lines on the attached page (**See Attachment A**); the deadline date is indicated in **BOLD** letters at the top of Attachment A. Instructions for posting the sign can be found in Article 32. – Zoning, Section 5-602

Certification of Postings

Certification of the sign posting (see example on Attachment C), in duplicate, must be received four (4) days prior to the hearing. Send to:

Ms. Natawna Austin, Executive Secretary
Baltimore City Council
100 N. Holliday Street, Fourth Floor, Room 400
Baltimore, MD 21202

If the required certifications are not received as specified above, the public hearing will be cancelled without notice to the applicant. The deadline dates are as follows:

Sign Must Be Posted By:	***June 26, 2019***
Certificate of Posting Due By:	***July 12, 2019***

Please note that ALL of these requirements MUST be met in order for your hearing to proceed as scheduled. If you have any questions regarding your notice requirements, please contact:

Ms. Jennifer L. Coates, Committee Staff
Baltimore City Council
Land Use and Transportation Committee
410-396-1260
Jennifer.CoatesOCS@gmail.com

ATTACHMENT A

THE INFORMATION BETWEEN THE DOUBLE LINES (SEE BELOW) MUST BE **POSTED BY JUNE 26, 2019**, AS DISCUSSED ON THE PREVIOUS PAGE AND OUTLINED ON ATTACHMENT B.

BALTIMORE CITY COUNCIL

PUBLIC HEARING ON BILL 19-0352

The Land Use and Transportation Committee of the Baltimore City Council will meet on Wednesday, July 17, 2019 at 1:00 p.m. in the City Council Chambers, 4th floor, City Hall, 100 N. Holliday Street to conduct a public hearing on City Council Bill 19-0352.

CC 19-0352 **ORDINANCE – Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-7 Zoning District – Variances 645 McKewin Avenue**

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 645 McKewin Avenue (Block 4058, Lot 0320, as outlined in red on the accompanying plat; and granting variances from certain bulk and off-street parking regulations.

By authority of
Article 32 – Zoning
Sections 5-201(a),5-305(a), 5-308, 9-401 (Table 9-401), 9-701(2), 9-703(f), 16-203, and 16-602 (Table 16-406)
Baltimore City Revised Code
(Edition 2000)

NOTE: This bill is subject to amendment by the Baltimore City Council.

Applicant: Think Tink Property Solutions, LLC

For more information, contact committee staff at 410 396-1260.

EDWARD REISINGER
Chair

SEND CERTIFICATION OF PUBLICATION TO:

Baltimore City Council
c/o Natawna B. Austin
Room 409, city Hall
100 N. Holliday Street
Baltimore, MD 21202

SEND BILL FOR THIS ADVERTISEMENT TO:

Think Tink Property Solutions, LLC
c/o Mr. Joseph Haney
841 East Fort Avenue, #203
Baltimore, MD 21230
443-977-9740

ATTACHMENT B

ZONING
SUBTITLE 6 – NOTICES

ARTICLE 32, § 5-602
http://ca.baltimorecity.gov/codes/Art%2032%20-%20Zoning.pdf

§ 5-602. Major variances; Conditional uses.

(a) *Hearing required.*

For major variances and conditional uses, the Board of Municipal and Zoning Appeals or the City Council, as the case may be, must conduct a hearing at which:

(1) the parties in interest and the general public will have an opportunity to be heard; and

(2) all agency reports will be read.

(b) *Notice of hearing required.*

Notice of the hearing must be given by posting in a conspicuous place on the subject property.

(c) *Contents of notice.*

The notice must include:

(1) the date, time, place, and purpose of the public hearing;

(2) the address of the subject property or a drawing or description of the boundaries of the area affected by the proposed variance or conditional use;

(3) the name of the applicant; and

(4) how additional information on the matter can be obtained.

(d) *Number and manner of posted notices.*

(1) The number and manner of posting is as follows:

(i) for an individual property, at least 1 sign must be visible from each of the property's street frontages;

(ii) each sign must be posted at a prominent location, near the sidewalk or public right-of-way, so that it is visible to passing pedestrians and motorists;

(iii) a window-mounted sign must be mounted inside the window glass and placed so that it is clearly visible to passing pedestrians and motorists; and

(iv) each sign must be at least 3 feet by 4 feet in size.

(2) Nothing in this subtitle prevents the voluntary posting of more notices than required by this subtitle.

(e) *Timing of notice.*

The posted notice must be:

(1) posted at least 21 days before the public hearing; and

(2) removed within 48 hours after conclusion of the public hearing.

(Ord. 16-581; Ord. 17-015.)

ATTACHMENT C

THE NOTICE OF HEARING SIGN(S) MUST BE MADE IN ACCORDANCE WITH THE RULES OF THE BALTIMORE CITY BOARD OF MUNICIPAL AND ZONING APPEALS AND ARTICLE 32 – ZONING, SECTION 5-602 (SEEE ATTACHMENT B) WHICH CAN BE OBTAINED FROM THE FOLLOWING WEBSITES:

https://zoning.baltimorecity.gov/

http://ca.baltimorecity.gov/codes/Art%2032%20-%20Zoning.pdf

SIGNS MAY BE OBTAINED FROM A VENDOR OF YOUR CHOICE OR ANY OF THOSE LISTED BELOW:

RICHARD HOFFMAN
904 DELLWOOD DRIVE
BALTIMORE, MARYLAND 21047
PHONE: (443) 243-7360
E-MAIL: DICK_E@COMCAST.NET

JAMES EARL REID
LA GRANDE VISION
5517 HADDON AVENUE
BALTIMORE, MARYLAND 21207
PHONE: (443) 722-2552
E-MAIL: JamesEarlReid@aol.com or JamesEarlReid@aim.com

SIGNS BY ANTHONY
ANTHONY L. GREENE
2815 TODKILL TRACE
EDGEWOOD, MD 21040
PHONE: 443-866-8717
FAX: 410-676-5446
E-MAIL: bones_malone@comcast.net

LINDA O'KEEFE
523 PENNY LANE
HUNT VALLEY, MD 21030
PHONE: 410-666-5366
CELL: 443-604-6431
E-MAIL: LUCKYLINDA1954@YAHOO.COM

This office is not associated with any of the above drafting companies, nor do we recommend any specific one.

ATTACHMENT C

Baltimore City Council
Certificate of Posting - Public Hearing Notice
City Council Bill No.:

Today's Date: [Insert Here]

(Place a picture of the posted sign in the space below.)

Address:

Date Posted:

Name:
Address:
Telephone:

- *Email to: Natawnab.Austin@baltimorecity.gov*
- *Mail to: Baltimore City Council; c/o Natawna B. Austin; Room 409, City Hall; 100 N. Holliday Street; Baltimore, MD 21202*

CITY OF BALTIMORE
COUNCIL BILL 19-0352
(First Reader)

Introduced by: Councilmember Clarke
At the request of: Think Tink Property Solutions, LLC
Address: c/o Joseph Haney, 841 East Fort Avenue #203, Baltimore, Maryland 21230
Telephone: 443-977-9740
Introduced and read first time: March 11, 2019
Assigned to: Land Use and Transportation Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Board of Municipal and Zoning Appeals, Planning Commission, Department of Housing and Community Development, Fire Department, Baltimore Development Corporation, Baltimore City Parking Authority Board, Department of Transportation

A BILL ENTITLED

AN ORDINANCE concerning

Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-7 Zoning District – Variances – 645 McKewin Avenue

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 645 McKewin Avenue (Block 4058, Lot 032), as outlined in red on the accompanying plat; and granting variances from certain bulk regulations (lot area size) and off-street parking requirements.

BY authority of
Article 32 - Zoning
Sections 5-201(a), 5-305(a), 5-308, 9-401 (Table 9-401), 9-701(2), 9-703(f), 16-203, and 16-602 (Table 16-406)
Baltimore City Revised Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That permission is granted for the conversion of a single-family dwelling unit to 2 dwelling units in the R-7 Zoning District on the property known as 645 McKewin Avenue (Block 4058, Lot 032), as outlined in red on the plat accompanying this Ordinance, in accordance with Baltimore City Zoning Code §§ 5-201(a) and 9-701(2), subject to the condition that the building complies with all applicable federal, state, and local licensing and certification requirements.

SECTION 2. AND BE IT FURTHER ORDAINED, That pursuant to the authority granted by §§ 5-305(a) and 5-308 of Article 32 - Zoning, permission is granted from the requirements of § 9-401 (Table 9-401: Rowhouse and Multi-Family Residential Districts - Bulk and Yard Regulations), as the minimum lot size requirement for 2 dwelling units, in the R-7 Zoning District, is 2,200 square feet, and the lot area size is 1,365 square feet, thus requiring a variance of 37%.

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

SECTION 3. AND BE IT FURTHER ORDAINED, That pursuant to the authority granted by §§ 5-305(a) and 5-308 of Article 32 - Zoning, permission is granted for a variance from the requirements of §§ 9-703(f), 16-203, and 16-602 (Table 16-406: Required Off-Street Parking) for off-street parking.

SECTION 4. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 5. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

INTRODUCTORY*

CITY OF BALTIMORE
COUNCIL BILL ____

Introduced by: Councilmember Clarke
At the request of: Think Tink Property Solutions, LLC
Address: c/o Joseph Haney, 841 East Fort Avenue #203, Baltimore, Maryland 21230
Telephone: 443-977-9740

A BILL ENTITLED

AN ORDINANCE concerning

Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-7 Zoning District – Variances – 645 McKewin Avenue

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 645 McKewin Avenue (Block 4058, Lot 032), as outlined in red on the accompanying plat; and granting variances from certain bulk regulations (lot area size) and off-street parking requirements.

BY authority of
Article 32 - Zoning
Sections 5-201(a), 5-305(a), 5-308, 9-401 (Table 9-401), 9-701(2), 9-703(f), 16-203, and 16-602 (Table 16-406)
Baltimore City Revised Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That permission is granted for the conversion of a single-family dwelling unit to 2 dwelling units in the R-7 Zoning District on the property known as 645 McKewin Avenue (Block 4058, Lot 032), as outlined in red on the plat accompanying this Ordinance, in accordance with Baltimore City Zoning Code §§ 5-201(a) and 9-701(2), subject to the condition that the building complies with all applicable federal, state, and local licensing and certification requirements.

SECTION 2. AND BE IT FURTHER ORDAINED, That pursuant to the authority granted by §§ 5-305(a) and 5-308 of Article 32 - Zoning, permission is granted from the requirements of § 9-401 (Table 9-401: Rowhouse and Multi-Family Residential Districts - Bulk and Yard Regulations), as the minimum lot size requirement for 2 dwelling units, in the R-7 Zoning District, is 2,200 square feet, and the lot area size is 1,365 square feet, thus requiring a variance of 37%.

SECTION 3. AND BE IT FURTHER ORDAINED, That pursuant to the authority granted by §§ 5-305(a) and 5-308 of Article 32 - Zoning, permission is granted for a variance from the requirements of §§ 9-703(f), 16-203, and 16-602 (Table 16-406: Required Off-Street Parking) for off-street parking.

SECTION 4. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 5. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

STATEMENT OF INTENT

FOR

645 McKewin Avenue
Baltimore MD, 21218-2543
{Address}

1. **Applicant's Contact Information:**
   Name: Timothy L. Tinker
   Mailing Address: P.O. Box 453
   Garrett Park, MD 20896-0453
   Telephone Number: 301-651-3595
   Email Address: timlanetinker@gmail.com

2. **All Proposed Zoning Changes for the Property:** Single-family dwelling unit to 2 dwelling units in the R-7 Zoning District

3. **All Intended Uses of the Property:** Rental Units

4. **Current Owner's Contact Information:**
   Name: Timothy L. Tinker
   Mailing Address: P.O. Box 453
   Garrett Park, MD 20896-0453
   Telephone Number: 301-651-3595
   Email Address: timlanetinker@gmail.com

5. **Property Acquisition:**

   The property was acquired by the current owner on November 2, 2015 by deed recorded in the Land Records of Baltimore City in Liber _____ Folio _____.

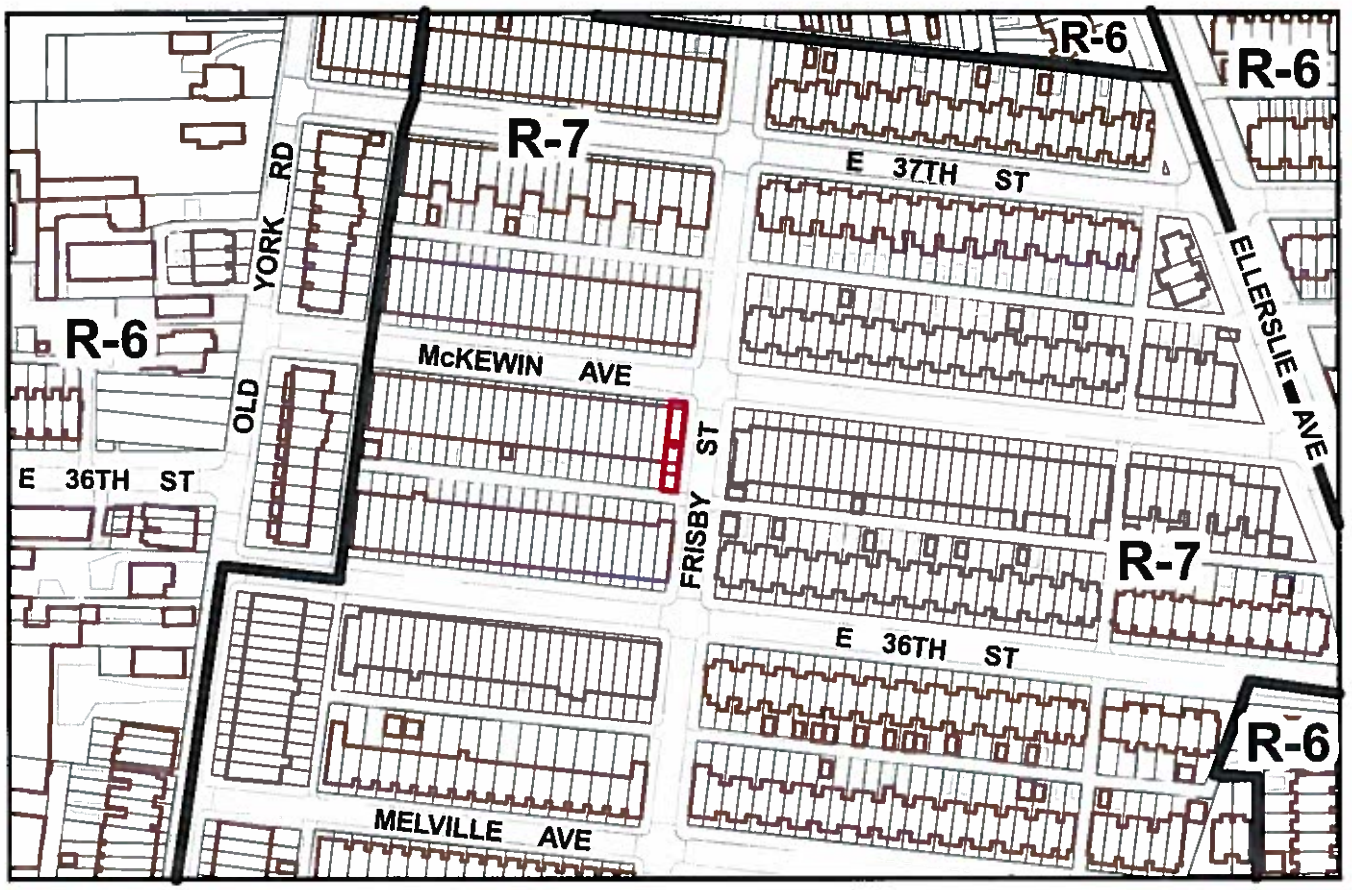
6. **Contract Contingency:**

   (a) There is _____ is not ✓ a contract contingent on the requested legislative authorization.

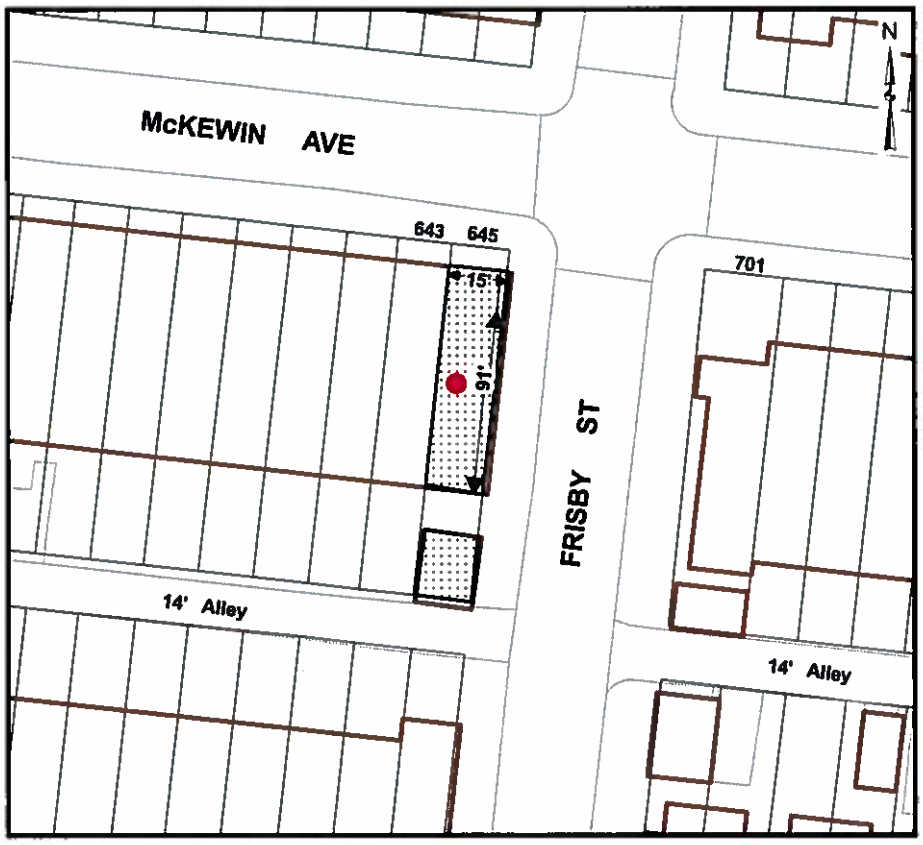
   (b) If there is a contract contingent on the requested legislative authorization:

   (i) The names and addresses of all parties to the contract are as follows *{use additional sheet if necessary}*: _____

SHEET NO. 26 OF THE ZONING MAP OF THE ZONING CODE OF BALTIMORE CITY



Scale: 1" = 200'



Scale: 1" = 50'

Note:

In Connection With The Property Known As No. 645 McKEWIN AVENUE. The Applicant Wishes To Request The Conditional Use Conversion Of The Aforementioned Property From A Single-Family Dwelling Unit To Two Dwelling Units In The R-7 Zoning District, As Outlined In Red Above.

WARD	9	SECTION	20
BLOCK	4058	LOT	32

MAYOR

PRESIDENT CITY COUNCIL

RPE 2-21-19

ACTION BY THE CITY COUNCIL

MAR 1 1 2019

FIRST READING (INTRODUCTION) _____ 20 ____

PUBLIC HEARING HELD ON July 17 20 19

COMMITTEE REPORT AS OF July 22 20 19

____ FAVORABLE ____ UNFAVORABLE ✓ FAVORABLE AS AMENDED ____ WITHOUT RECOMMENDATION

Shannon L. Middleton
Chair

COMMITTEE MEMBERS:

COMMITTEE MEMBERS:

SECOND READING: The Council's action being favorable (unfavorable), this City Council bill was (was not) ordered printed for Third Reading on:

JUL 2 2 2019

✓ 20 ____

____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

AUG 1 9 2019

THIRD READING _____ 20 ____

____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (ENROLLED) _____ 20 ____

____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (RE-ENROLLED) _____ 20 ____

WITHDRAWAL _____ 20 ____

There being no objections to the request for withdrawal, it was so ordered that this City Council Ordinance be withdrawn from the files of the City Council.

President

Chief Clerk

1050-10-2