

Introduced by: Councilmember Pinkett

At the request of: Elleda J. Simmons

Address: 2538 McCulloh Street, Baltimore, Maryland 21217

Telephone: 410-409-3267

Prepared by: Department of Legislative Reference

Date: July 10, 2017

Referred to: LAND USE AND TRANSPORTATION Committee

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

CITY COUNCIL 17 - 0105

A BILL ENTITLED

AN ORDINANCE concerning

**Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to
2 Dwelling Units in the R-8 Zoning District – Variances –
2428 Druid Hill 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-8 Zoning District on the property known as 2428 Druid Hill Avenue, as outlined in red on the accompanying plat; and granting variances from certain lot area per dwelling unit, gross floor area, and off-street parking requirements.

BY authority of

Article 32 - Zoning

Section(s) 5-201(a), 5-305, 5-308, 9-701(2), and 9-703

Baltimore City Revised Code

(Edition 2000)



NO. _____

****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

- _____ Other: _____
- _____ Other: _____
- _____ Other: _____
- _____ Wage Commission
- _____ Planning Commission
- ✓ _____ Parking Authority Board
- ✓ _____ Labor Commissioner
- _____ Fire & Police Employees' Retirement System
- _____ Environmental Control Board

- _____ Other: _____
- _____ Other: _____
- _____ Other: _____
- _____ Employees' Retirement System
- _____ Commission on Sustainability
- _____ Comm. for Historical and Architectural Preservation
- ✓ _____ Board of Municipal and Zoning Appeals
- _____ Board of Ethics
- _____ Board of Estimates

Boards and Commissions

- _____ Other: _____
- _____ Other: _____
- _____ Police Department
- _____ Office of the Mayor
- _____ Mayor's Office of Information Technology
- _____ Mayor's Office of Human Services
- _____ Mayor's Office of Employment Development
- _____ Health Department
- ✓ _____ Fire Department
- ✓ _____ Department of Transportation
- _____ Department of Recreation and Parks
- _____ Department of Real Estate
- _____ Department of Public Works

- _____ Other: _____
- _____ Other: _____
- _____ Other: _____
- _____ Department of Planning
- _____ Department of Human Resources
- ✓ _____ Department of Housing and Community Development
- _____ Department of General Services
- _____ Department of Finance
- _____ Department of Audits
- _____ Comptroller's Office
- ✓ _____ City Solicitor
- ✓ _____ Baltimore Development Corporation
- _____ Baltimore City Public School System

CITY OF BALTIMORE
ORDINANCE **18-108**
Council Bill 17-0105

Introduced by: Councilmember Pinkett
At the request of: Elleda J. Simmons
Address: 2538 McCulloh Street, Baltimore, Maryland 21217
Telephone: 410-409-3267
Introduced and read first time: July 17, 2017
Assigned to: Land Use and Transportation Committee
Committee Report: Favorable
Council action: Adopted
Read second time: February 26, 2018

AN ORDINANCE CONCERNING

1 **Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to**
2 **2 Dwelling Units in the R-8 Zoning District – Variances –**
3 **2428 Druid Hill Avenue**

4 FOR the purpose of permitting, subject to certain conditions, the conversion of a single-family
5 dwelling unit to 2 dwelling units in the R-8 Zoning District on the property known as 2428
6 Druid Hill Avenue, as outlined in red on the accompanying plat; and granting variances from
7 certain lot area per dwelling unit, gross floor area, and off-street parking requirements.

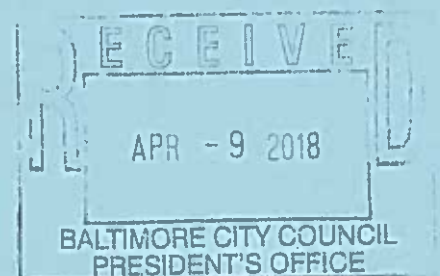
8 BY authority of
9 Article 32 - Zoning
10 Section(s) 5-201(a), 5-305, 5-308, 9-701(2), and 9-703
11 Baltimore City Revised Code
12 (Edition 2000)

13 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That
14 permission is granted for the conversion of a single-family dwelling unit to 2 dwelling units in
15 the R-8 Zoning District on the property known as 2428 Druid Hill Avenue, as outlined in red on
16 the plat accompanying this Ordinance, in accordance with Baltimore City Zoning Code §§ 5-
17 201(a) and 9-701(2), subject to the condition that the building complies with all applicable
18 federal, state, and local licensing and certification requirements.

19 **SECTION 2. AND BE IT FURTHER ORDAINED,** That pursuant to the authority granted by §§ 5-
20 305 and 5-308 of Article 32 - Zoning, permission is granted for a variance from the requirements
21 of § 9-703(d) for lot area per dwelling unit, for the district in which the building is located.

22 **SECTION 3. AND BE IT FURTHER ORDAINED,** That pursuant to the authority granted by §§ 5-
23 305 and 5-308 of Article 32 - Zoning, permission is granted for a variance from the requirements
24 of § 9-703(b) and (c) for gross floor area and for gross floor area per dwelling unit.

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.



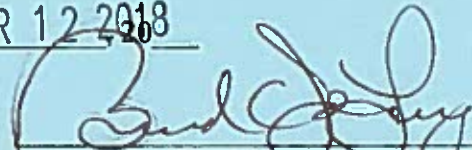
Council Bill 17-0105

1 SECTION 4. AND BE IT FURTHER ORDAINED, That pursuant to the authority granted by §§ 5-
2 305 and 5-308 of Article 32 - Zoning, permission is granted for a variance from the requirements
3 of § 9-703(f) for off-street parking requirements.

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

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

Certified as duly passed this _____ day of MAR 12 2018



President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,
this _____ day of MAR 12, 2018

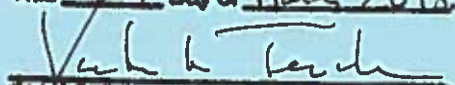


Chief Clerk

Approved this 27 day of March, 2018

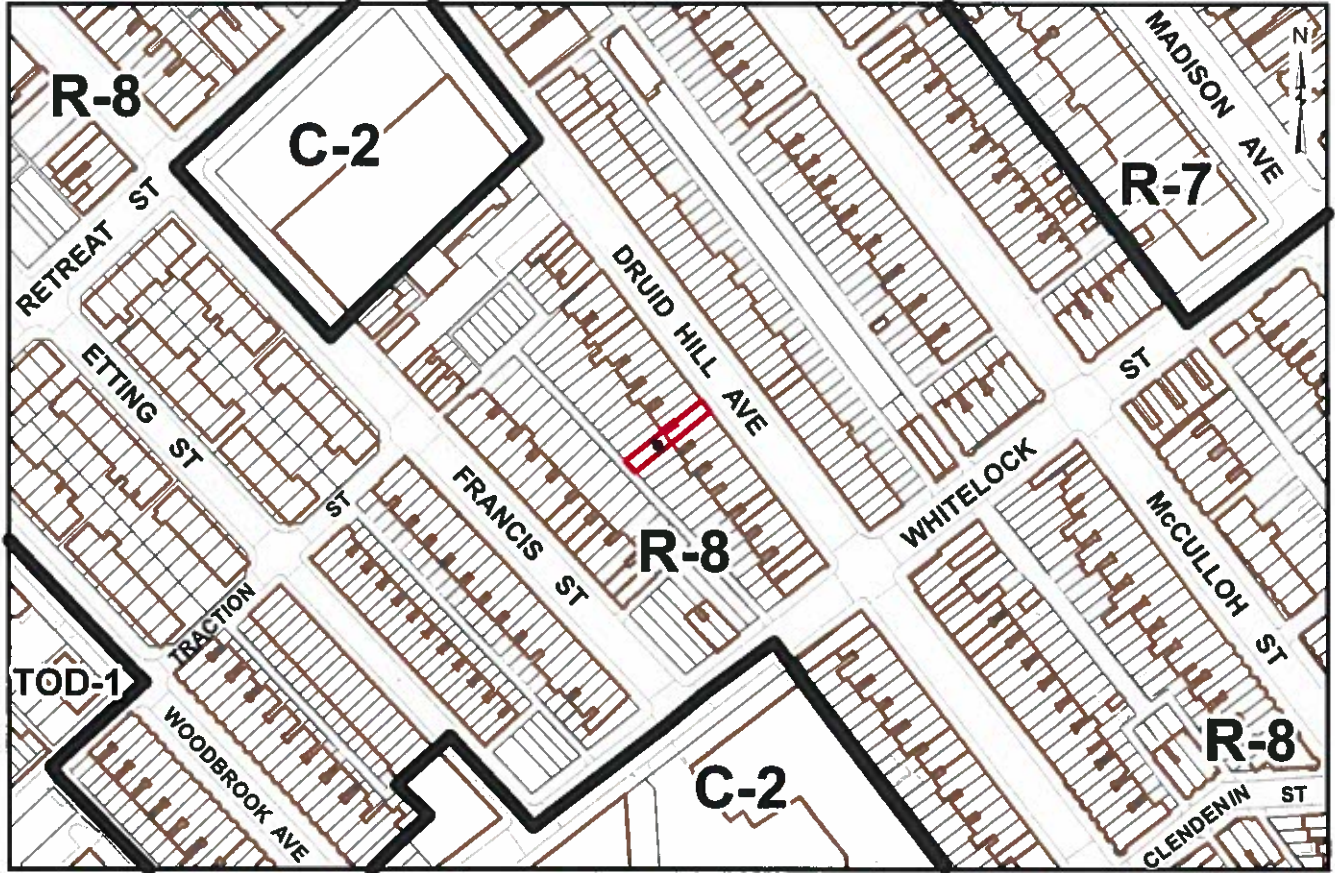


Mayor, Baltimore City

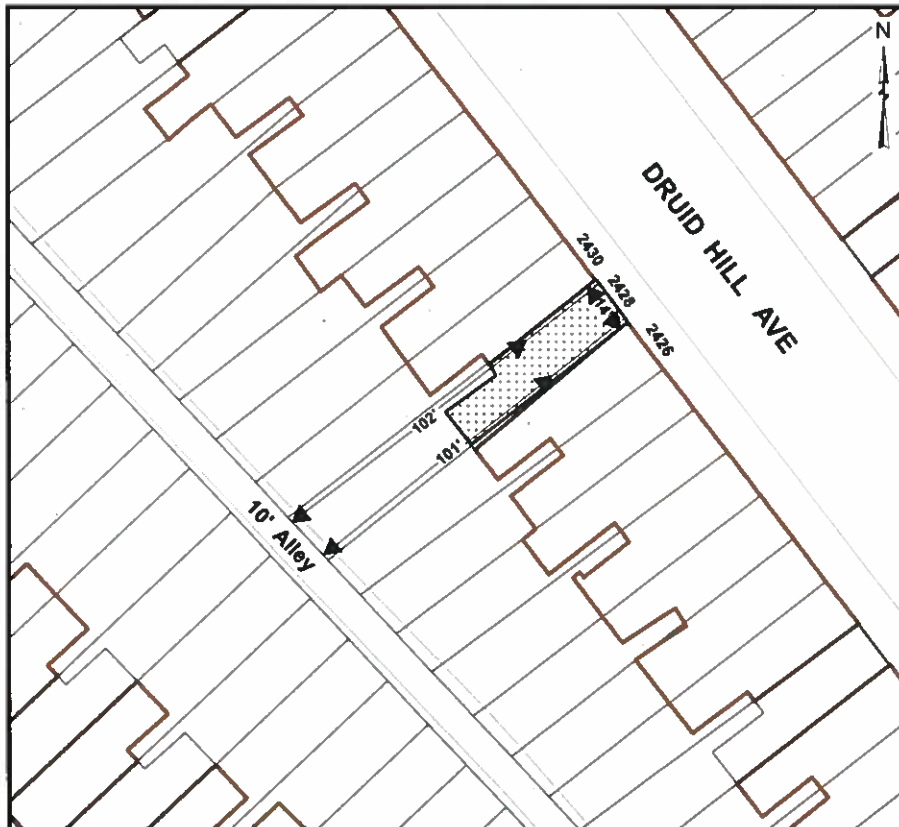
Approved For Form and Legal Sufficiency
This 19th Day of March 2018


Chief Solicitor

**SHEET NO. 44 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. 2428 DRUID HILL AVENUE. The Applicant Wishes To Request The Conditional Use Conversion Of The Aforementioned Property From A Single Family Dwelling Unit To A Two Family Dwelling Unit In The R-8 Zoning District, As Outlined In Red Above.

WARD 13 SECTION 7
BLOCK 3413 LOT 15

[Signature]
MAYOR
[Signature]
PRESIDENT CITY COUNCIL



Handwritten scribble or signature at the bottom left of the page.

BALTIMORE CITY COUNCIL LAND USE AND TRANSPORTATION VOTING RECORD

DATE: February 21, 2018

BILL#: 17-0105

BILL TITLE: Ordinance - Zoning - Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District - Variances - 2428 Druid Hill Avenue

MOTION BY: Middleton SECONDED BY: Pinkett

FAVORABLE

FAVORABLE WITH AMENDMENTS

UNFAVORABLE

WITHOUT RECOMMENDATION

NAME	YEAS	NAYS	ABSENT	ABSTAIN
Reisinger, Edward, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Middleton, Sharon, Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Clarke, Mary Pat	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Costello, Eric	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dorsey, Ryan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pinkett, Leon				
Stokes, Robert				
TOTALS	<u>7</u>			

CHAIRPERSON: Edward Reisinger

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:

ADOPTED

City Council Bill No. 17-0105

Zoning - Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District - Variances - 2428 Druid Hill 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 proposed residential use as a two-dwelling unit is appropriate for the surrounding area within the Penn-North neighborhood.

- (2) the use **would not** be precluded by any other law, including an applicable Urban Renewal Plan;

The proposed actions is consistent with the Penn-North Urban Renewal Plan.

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

The proposed action would be consistent with provisions of the Baltimore City Comprehensive Master Plan.

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

The area is predominantly residential. The adaptive re-use as a two-family attached dwelling would allow preservation of a part of the neighborhood's traditional and architectural character.

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 site, including its size and shape, are appropriate for the proposed use.

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

Traffic patterns will not be impacted by the use. The property does not, however, allow provisions for two required off-street parking spaces in the rear yard. A variance of off-street parking requirements has been requested by City Council ordinance.

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

The area is predominantly residential in nature with a concentration of commercial uses along the major corridor of North Avenue. The proposed use will not impair present and future development.

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

The proposed dwelling units would be close to other dwellings, churches, schools, other public structures, and places of public gatherings.

- (5) accessibility of the premises for emergency vehicles;

The premise is accessible 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 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, roads, drainage, and other necessary facilities have been provided.

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

- (9) the character of the neighborhood;

Re-activating the existing structure would assist preservation of the traditional character of the neighborhood.

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

The proposed action would be consistent with provisions of the Baltimore City Comprehensive Master Plan LIVE EARN PLAY LEARN's LIVE Goal 1: Build Human and Social Capital by Strengthening Neighborhoods, Objective 1: Expand Housing Choices for all Residents

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

The proposed actions is consistent with the Penn-North Urban Renewal Plan Objectives 2.a., correction of existing blighting influences and the protection of existing, stable residential and non-residential development in the Penn-North Transit Station Area from future blighting influences; and 2.h., the provision of housing resources for low and moderate income persons, families and elderly through new construction and rehabilitation

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

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

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

The proposed use meets the intent and purpose of the Code.

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

SOURCE OF FINDINGS (Check all that apply):

Planning Report

Testimony presented at the Committee hearing

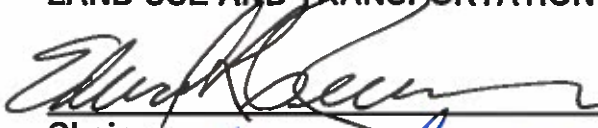
Oral – Witness Name: Martin French, Department of Planning

6

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

Baltimore City Planning Commission – Agency Report – Dated: 9/29/17
Department of Planning – Staff report – Dated: 9/29/17

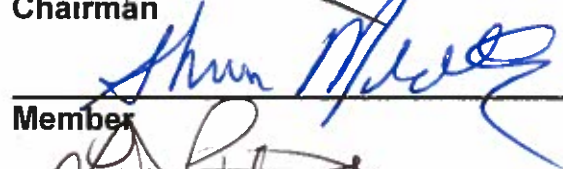
LAND USE AND TRANSPORTATION COMMITTEE:



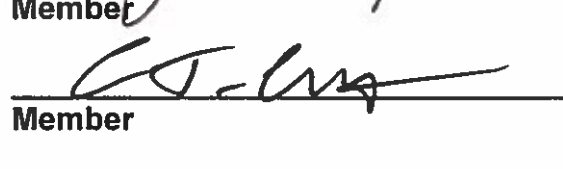
Chairman



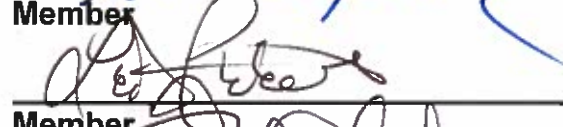
Member



Member

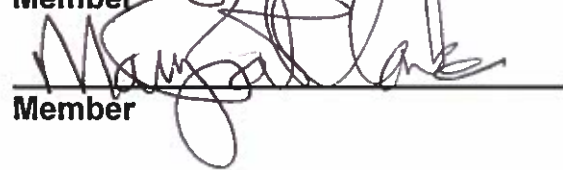


Member



Member

Member



Member

Member

LAND USE AND TRANSPORTATION COMMITTEE

FINDINGS OF FACT VARIANCE

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 5-308 of the Baltimore City Code, THE CITY COUNCIL ADOPTS THESE FINDINGS OF FACT CONCERNING A VARIANCE FOR LOT AREA, GROSS FLOOR AREA, GROSS FLOOR AREA FOR A DWELLING AND OFF-STREET PARKING.

City Council Bill No. 17-0105

Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District – Variances – 2428 Druid Hill Avenue

(1) Uniqueness

ADOPTED

The following characteristics of the land or structure are different than neighboring properties in the same zoning classification: *(Possible examples include: particular physical surroundings, topographical conditions, irregularity of shape, slope, grade, narrowness, shallowness, accessibility, subsurface conditions, obstructions, historical significance)*

Due to the unique, original design of the structure when it was built in 1900 and the lot design, variances are being requested for the lot area, gross floor area, gross floor area for a dwelling and off-street parking requirements. The property was constructed in 1900, but was partially condemned in 2006, resulting in demolition of a rear addition. The lot is approximately 14' by an average of 101'6". The two-story residential building measures approximately 14' x 48'. Although there is no official record of prior multiple-family use of the structure, assessment records show it having two full bathrooms. The property is currently vacant.

(2) Unnecessary hardship or practical difficulty

- (i) Due to the characteristics described above, enforcing the lot area, gross floor area, gross floor area for a dwelling, gross floor area for one-bedroom units, and off-street parking restrictions would cause a disproportionate impact on the property as compared to other neighboring properties, resulting in an unnecessary hardship or practical difficulty because:

- The physical features of the lot area and gross floor area of the structure limit construction locations and options for meeting zoning requirements.
 - Providing additional lot area would require the purchase of additional property and would be counter to maintaining the traditional architectural character of the neighborhood.
 - Providing additional gross floor area to allow for the conversion to two new dwelling units and for the creation of two one-bedroom units would require building an addition to the current structure.
 - Providing off-street parking spaces would require building out beyond the property line.
- (ii) This impact would be unnecessarily burdensome OR would unreasonably prevent the applicant from using the property for a permitted purpose (describe):

Creating two-family, affordable housing in the neighborhood would be burdensome, as the lot area, gross floor area and rear lot area of the property do not meet current zoning standards due to the original property designs in 1900.

Construction of the two-family dwelling within the confines of the 14' by 48' structure would preserve the neighborhood's traditional architectural character.

(3) The hardship/difficulty is not self-imposed

As described below, 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:

- The Zoning Code (Article 32 of the Baltimore City Code) requires a property in the R-8 zoning district to have 750 square feet of lot area per dwelling unit (Table 9-401 and Section 9-703.d. which references this table). A lot area of 1,500 square feet is thus required for the proposed two dwelling units. This lot has an area of 1,421 square feet, so a variance of 79 square feet or 5.3% is needed to reduce this requirement. Due to the original design of the property in 1900, the lot area is insufficient.
- The Zoning Code requires the existing dwelling to have 1,500 square feet of gross floor area in order to allow conversion to more than one dwelling unit (Section 9-703.b.). According to State Department of Assessment and Taxation (SDAT) records the property contains 1,328 square feet of floor area. A variance of 172 square feet or 11.5% is needed to reduce

this requirement. Due to the original design of the property in 1900, the gross floor area is insufficient.

- The Zoning Code requires each newly-created dwelling unit to have, for a 1-bedroom unit, 750 square feet of floor area section 9-703.c.). Based upon the SDAT records and the equal size of the upper and lower floors of the existing structure, each unit would have approximately 664 square feet of gross floor area. A variance of 86 square feet or 11.5% is needed to meet the zoning requirement. Due to the original design of the property in 1900, the floor area is insufficient.
- The Zoning Code requires one off-street parking space for each dwelling unit (Section 9-703.f.), which could not be provided due to the width of the lot being less than 18'. There is also a requirement that each parking space be directly accessible from a public street or from an alley at least 10' wide (Section 16-403.b.), and the alley behind this property meets this requirement. Because the lot does not allow provision of two off-street parking requirements is needed for approval of the proposed conversion. Due to the original design of the property in 1900, the off-street parking requirement cannot be met.

(4) Substantial justice to applicant and nearby owners

Granting the variance will do substantial justice to the applicant and nearby owners because:

It will protect the integrity of the residential zoning district by allowing the applicant to use the property for a permitted use and safeguard against uses that are not permitted in the zoning district. Granting of the variance, therefore, will not negatively impact the abutting residential properties.

OR

The following lesser form of relief would ensure justice because:

(5) Impact of variance on profitability of the property

The purpose of the variances are not based exclusively on a desire to increase the value or income potential of the property, rather, an additional purpose is to:

- Create alternative housing in Baltimore City

- Provide affordable housing resources for low and moderate income persons, families and elderly through new construction and rehabilitation in traditional residential neighborhoods.
- Convert a vacant house to an adaptive reuse.

(6) Impact on neighboring properties

The variances will not be injurious to the use and enjoyment of other property in the immediate vicinity or substantially diminish and impair property values in the neighborhood for the following reasons:

The proposed development is residential. The neighborhood is residential.

(7) Consistency with the Spirit of the Zoning Code

Granting the variances is in harmony with the purpose and intent of this Code in the following ways:

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

(8) Impact on other City Plans

The variances **ARE NOT** precluded by and **WILL NOT** adversely affect any Urban Renewal Plan, the City's Comprehensive Master Plan or any Historical and Architectural Preservation District.

The proposed action is consistent with the Penn-North Urban Renewal Plan Objectives 2.a., correction of existing blighting influences and the protection of existing, stable residential and non-residential development in the Penn-North Transit Station Area from future blighting influences; and 2.h. the provision of housing resources for low and moderate income persons, families and elderly through new construction and rehabilitation. These objectives would be met by conversion of a vacant house in the middle of a row of occupied structures into an occupied two-family dwelling.

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.

(9) Public Health, Safety, Welfare etc.

The variance **WILL NOT** adversely affect/endorse the public health, safety, or welfare; or be in any way contrary to the public interest.

SOURCE OF FINDINGS (Check all that apply):

- Planning Report
- Testimony presented at the Committee hearing


Oral – Witness Name:

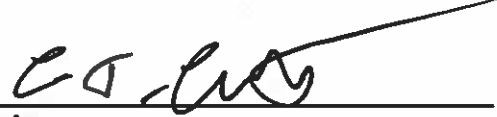
Martin French, Department of Planning

Written:

Baltimore City Planning Commission, Agency Report, 9/28/2017

LAND USE AND TRANSPORTATION COMMITTEE:


Chairman

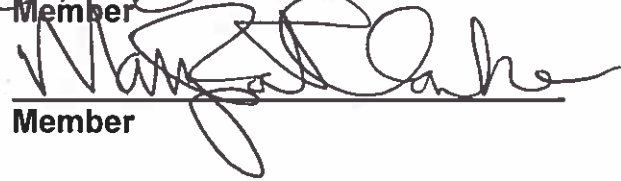

Member


Member

Member


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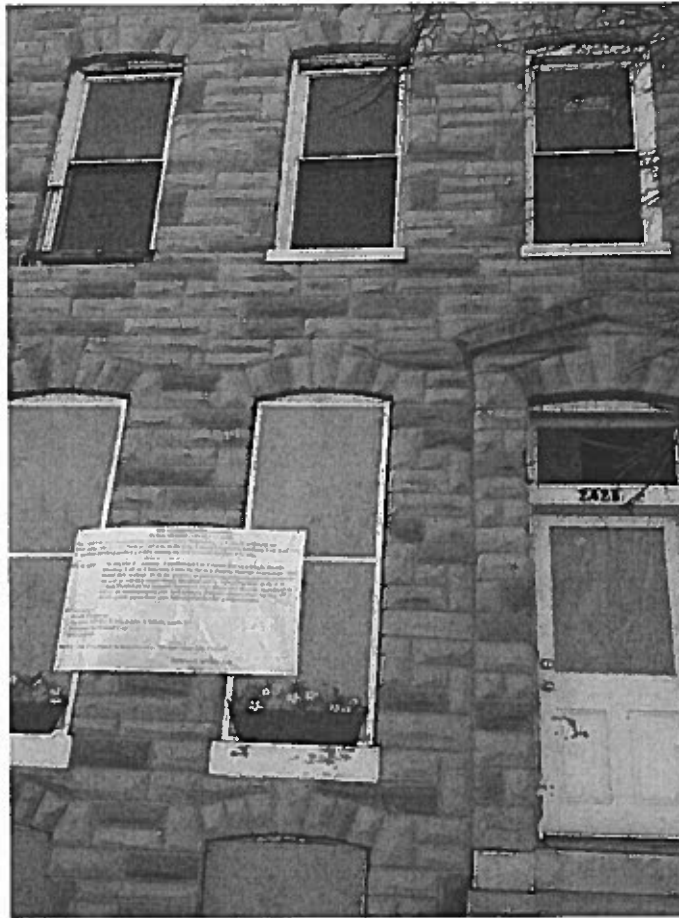
Member

CERTIFICATE OF POSTING

BALTIMORE CITY COUNCIL HEARING

BILL #17-0105 for 2428 DRUID HILL AVE., BALTIMORE, MD 21217

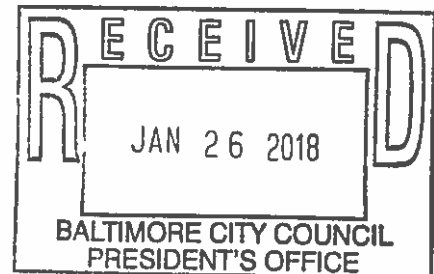
DATE POSTED: JANUARY 23, 2018



SIGNATURE: ELLEDA J. SIMMONS

PHONE: (410)409-3267

EMAIL: FREELIGHTS526@GMAIL.COM



STATEMENT OF INTENT

FOR

2428 Druid Hill Ave. Balto, MD 21217
(Address)

1. Applicant's Contact Information:

Name: Ellede T. Simmons
Mailing Address: 2538 McCulloh St.
Baltimore MD 21217
Telephone Number: (410) 409-3267
Email Address: freelights526@gmail.com

2. All Proposed Zoning Changes for the Property: _____

3. All Intended Uses of the Property: 2 family dwelling unit

4. Current Owner's Contact Information:

Name: same as above
Mailing Address: _____

Telephone Number: _____
Email Address: _____

5. Property Acquisition:

The property was acquired by the current owner on March 4, 2016 by deed recorded in the Land Records of Baltimore City in Liber 17966 Folio 254.

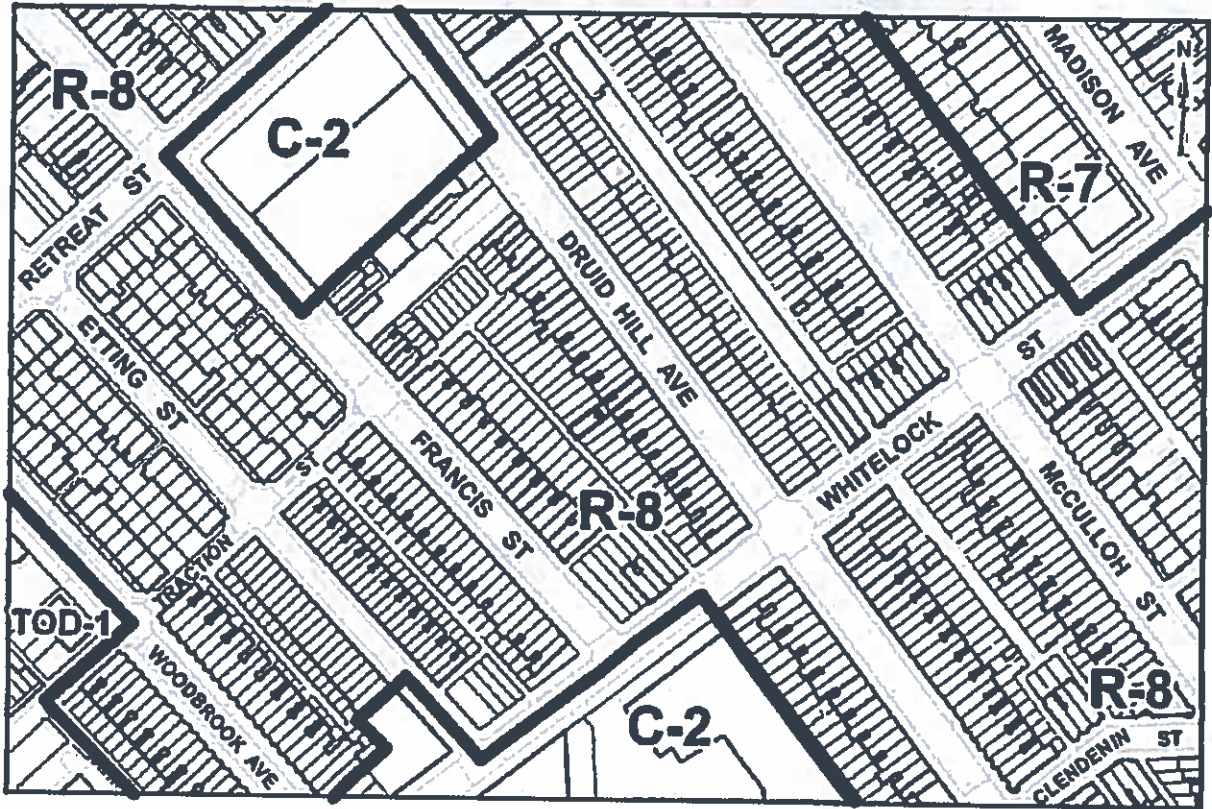
6. Contract Contingency:

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

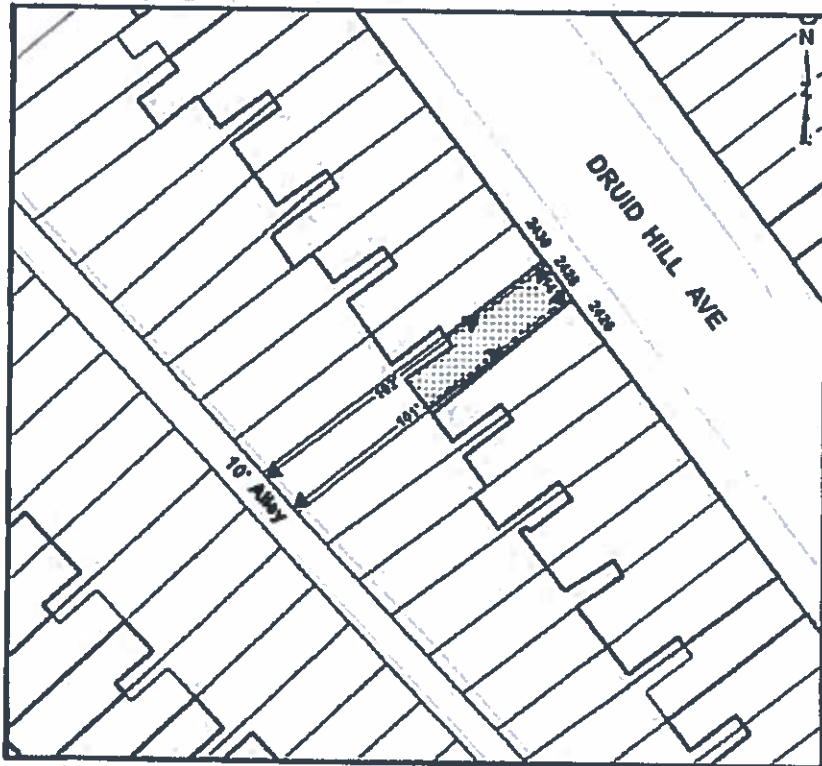
(b) If there is a contract contingent on the requested legislative authorization:

(i) The names and addresses of all parties to the contract are as follows (use additional sheet if necessary): N/A

**SHEET NO. 44 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. 2428 DRUID HILL AVENUE. The Applicant Wishes To Request The Conditional Use Conversion Of The Aforementioned Property From A Single Family Dwelling Unit To A Two Family Dwelling Unit In The R-8 Zoning District, As Outlined In Red Above.

WARD 13 SECTION 7
BLOCK 3413 LOT 15

MAYOR

PRESIDENT CITY COUNCIL

TO: Elleda J. Simmons
FROM: Natawna B. Austin, Executive Secretary, Baltimore City Council
DATE: January 10, 2018
RE: INSTRUCTIONS FOR ADVERTISING A PUBLIC HEARING FOR ZONING -
CONDITIONAL USE

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

Bill: City Council Bill No. 17-0105
Date: Wednesday, February 21, 2018
Time: 1:05 p.m.
Place: City Council Chambers, 4th floor of City Hall, 100 N. Holliday Street.

At the expense of the applicant, notice of this public hearing:

- 1) must be posted by sign on the property involved, **21 days prior** to date of hearing. The sign is to be not less than 4 feet long and 3 feet wide with black lettering 2 inches high on a white back-ground. The sign is to be placed in a conspicuous manner not over 10 feet above the ground; and

Wording for Sign

The information that must be advertised and posted appears between the double lines on the attached page; the deadline date is indicated at the top of the page.

Certification of Postings

Certification of the sign posting on the property, in duplicate, must be sent to the Executive Secretary, four (4) days prior to the hearing.

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

THE INFORMATION BETWEEN THE DOUBLE LINES (SEE BELOW) ARE AS FOLLOWS, A SIGN MUST BE POSTED ON THE PROPERTY **BY WEDNESDAY, JANUARY 31, 2018**, AS OUTLINED ON THE PREVIOUS PAGE.

BALTIMORE CITY COUNCIL
PUBLIC HEARING ON BILL NO. 17-0105

The Land Use and Transportation Committee of the Baltimore City Council will meet on Wednesday, February 21, 2018 at 1:05 p.m. in the City Council Chambers, 4th floor, City Hall, 100 N. Holliday Street to conduct a public hearing on City Council Bill No. 17-0105.

CC 17-0105 **ORDINANCE - Zoning - Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District - Variances - 2428 Druid Hill 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-8 Zoning District on the property known as 2428 Druid Hill Avenue, as outlined in red on the accompanying plat; and granting variances from certain lot area per dwelling unit, gross floor area, and off-street parking requirements.

BY authority of
Article 32 - Zoning
Section(s) 5-201(a), 5-305, 5-308, 9-701(2), and 9-703
Baltimore City Revised Code
(Edition 2000)

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

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:

Elleda J. Simmons
2538 McCulloh Street
Baltimore, MD 21217
410-409-3267

TJA

FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #17-0105 / Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District – Variances – 2428 Druid Hill Avenue		

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

DATE: September 29, 2017

At its regular meeting of September 28, 2017, the Planning Commission considered City Council Bill #17-0105, for the purpose of permitting, subject to certain conditions, the conversion of a single-family dwelling unit to 2 dwelling units in the R-8 Zoning District on the property known as 2428 Druid Hill Avenue, as outlined in red on the accompanying plat; and granting variances from certain lot area per dwelling unit, gross floor area, 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 #17-0105, and adopted the following resolution, seven members being present (seven in favor):

RESOLVED, That the Planning Commission finds, in accordance with subsection 5-406 of the Zoning Code of Baltimore City, that the proposed use provided in City Council bill 17-0105:

- would not be detrimental to or endanger the public health, safety, or welfare;
- is not in any way precluded by any other law, including an applicable Urban Renewal Plan;
- would not be contrary to the public interest; and
- is in harmony with the purpose and intent of the Zoning Code;

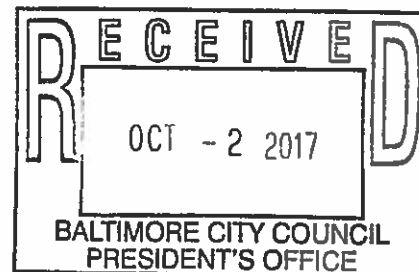
and further **RESOLVED**, That the Planning Commission has heard the testimony of its staff that, with regard to the considerations contained in subsection 5-406(b) of the Zoning Code of Baltimore City, the proposed use would comply with those considerations, and agrees with staff findings that City Council bill 17-0105 should be recommended for approval.

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

TJS/WA

Attachment

cc: (next page)

**cc: Mr. Pete Hammen, Chief Operating Officer
Mr. Jim Smith, Chief of Strategic Alliances
Ms. Karen Stokes, Mayor's Office
Mr. Colin Tarbert, Mayor's Office
Mr. Kyron Banks, Mayor's Office
The Honorable Edward Reisinger, Council Rep. to Planning Commission
Mr. David Tanner, BMZA
Mr. Geoffrey Veale, Zoning Administration
Ms. Sharon Daboin, DHCD
Ms. Lindsay Wines, DOT
Ms. Elena DiPietro, Law Dept.
Mr. Francis Burnszynski, PABC
Ms. Elleda J. Simmons**



Catherine E. Pugh
Mayor

PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

STAFF REPORT



Thomas J. Stosur
Director

September 28, 2017

REQUEST: City Council Bill #17-0105/ Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District – Variances – 2428 Druid Hill 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-8 Zoning District on the property known as 2428 Druid Hill Avenue, as outlined in red on the accompanying plat; and granting variances from certain lot area per dwelling unit, gross floor area, and off-street parking requirements.

RECOMMENDATION: Approval

STAFF: Martin French

PETITIONERS: Councilmember Pinkett, at the request of Elleda J. Simmons

OWNER: Elleda J. Simmons

SITE/GENERAL AREA

Site Conditions: 2428 Druid Hill Avenue is located on the southwest side of the street, approximately 200' northwest of the intersection with Whitelock Street. This property measures approximately 14' by an average 101'6" and is currently improved with a two-story attached residential building measuring approximately 14' by 48'. This site is zoned R-8.

General Area: This is a predominantly residential area known as Penn North, with a concentration of commercial uses south of this block on the other side of Whitelock Street along North Avenue on either side of the Penn North Metro mass transit station.

HISTORY

The Penn-North Transit Station Urban Renewal Area Plan was originally approved by Ordinance no. 817 dated July 10, 1978. This Plan was last amended by Amendment no. 2 approved by Ordinance no. 316 dated March 20, 1985.

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. It is also consistent with the Penn-North Urban Renewal Plan objectives 2.a., correction of existing blighting influences and the protection of existing, stable residential and non-residential development in the Penn-North Transit Station Area from future blighting influences; and 2.h., the provision of

housing resources for low and moderate income persons, families and elderly through new construction and rehabilitation. These objectives would be met by conversion of a vacant house in the middle of a row of occupied structures into an occupied two-family dwelling.

ANALYSIS

Background: This legislation would allow the petitioner to renovate the existing structure into two dwelling units, providing new life for this original building. Adaptive re-use as a two-family attached dwelling would allow preservation of a part of the neighborhood's traditional architectural character while offering an affordable housing alternative to persons who wish to live in an area convenient to both downtown Baltimore and the suburban employment center at Owings Mills, courtesy of the Baltimore Metro transit station a few blocks away.

Zoning Analysis: This property was originally constructed in 1900, but was partially condemned in 2006, resulting in demolition of a rear addition. Although there is no official record of prior multiple-family use of the structure, assessment records show it having two full bathrooms.

- The Zoning Code (Article 32 of the Baltimore City Code) requires a property in the R-8 zoning district to have 750 square feet of lot area per dwelling unit (Table 9-401 and §9-703.d. which references this table). A lot area of 1,500 square feet is thus required for the proposed two dwelling units. This lot has an area of 1,421 square feet, so a variance of 79 square feet or 5.3% is needed to reduce this requirement.
- The Zoning Code requires the existing dwelling to have 1,500 square feet of gross floor area in order to allow conversion to more than one dwelling unit (§9-703.b.). According to State Department of Assessment and Taxation records, this property contains 1,328 square feet of floor area. A variance of 172 square feet or 11.5% is needed to reduce this requirement.
- The Zoning Code requires each newly-created dwelling unit to have, for a 1-bedroom unit, 750 square feet of floor area (§9-703.c.). Based upon SDAT records and the equal size of the upper and lower floors of the existing structure, each unit would have approximately 664 square feet of gross floor area. A variance of 86 square feet or 11.5% is needed to reduce this requirement.
- The Zoning Code requires one off-street parking space for each dwelling unit (§9-703.f.), which could not be provided due to the width of the lot being less than 18'. There is also a requirement that each parking space be directly accessible from a public street or from an alley-at least 10' wide (§16-403.b.), and the alley behind this property-meets this requirement. Because the lot does not allow provision of two off-street parking spaces in the rear yard, a variance of off-street parking requirements is needed for approval of the proposed conversion.

The variances cited above have been included in the bill.

Conditional Use: Per §5-406 {"Approval standards"} of Article 32 – *Zoning*:

(a) *Limited criteria for denying.*

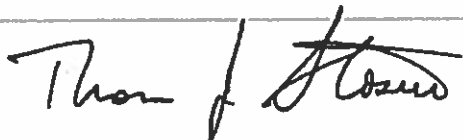
Neither the Board of Municipal and Zoning Appeals, nor the City Council, as the case may be, may approve a conditional use unless, after public notice and hearing and on consideration of the standards required by this subtitle, it finds that:

- (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.

From review of §5-406(b) {"Required considerations"} of Article 32 – *Zoning*: Planning staff finds that:

- the nature of this site, including its size and shape, are appropriate for the proposed use;
- use as two dwelling units would not affect traffic patterns or adequacy of off-street parking;
- the proposed use would not impair present or future development of the surrounding area;
- the proposed dwelling units would be close to other dwellings, churches, schools, other public structures, and places of public gathering;
- the premises is accessible to emergency vehicles;
- there is adequate light and air to the premises and properties in the vicinity;
- adequate utilities, roads, drainage, and other necessary facilities have been provided;
- re-activating the existing structure would assist preservation of the traditional character of the neighborhood;
- the proposed action is consistent with provisions of the Comprehensive Master Plan;
- the proposed action is consistent with provisions of the Penn-North Urban Renewal Plan for this area; and,
- the proposed use meets all other applicable standards and requirements of the Code, including its intent and purpose.

Notification: Planning staff notified the Penn-North Community Association and the Penn-North Nehemiah Homeowners' Association of this action.



Thomas J. Stosur
Director

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



BOARD OF MUNICIPAL AND
ZONING APPEALS

DAVID C. TANNER, Executive Director
417 E. Fayette Street, Room 1432
Baltimore, Maryland 21202

January 2, 2018

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

Re: City Council Bill No. 17-0105: Zoning – Conditional Use Conversion of Single-Family Dwelling Unit to Two Dwelling Units in this R-8 Zoning District – Variances – 2428 Druid Hill Avenue

Ladies and Gentlemen:

City Council Bill No. 17-0105 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. 17-0105 is to convert a single-family dwelling into a multiple-family dwelling containing two dwelling units, and granting certain variances for minimum lot area, gross floor area, and the minimum off-street parking as required under the Zoning Code of the City of Baltimore.

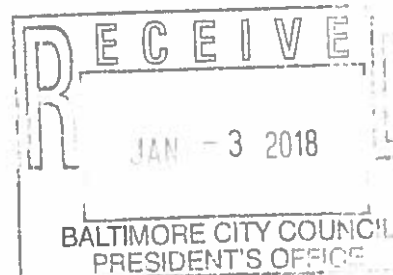
The BMZA has reviewed the legislation and concurs with the recommendation of the Planning Commission recommending passage of Bill Number 17-0105.


Sincerely,

David C. Tanner
Executive Director

DCT/djb

CC: Mayors Office of Council Relations
Legislative Reference



FROM	NAME & TITLE	Michelle Pourciau, Director	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Department of Transportation (DOT) 417 E Fayette Street, Room 527		
	SUBJECT	City Council Bill 17-0105		

TO The Honorable President and
Members of the City Council
c/o Natawna Austin
Room 400 City Hall

December 22, 2017

I am herein reporting on City Council Bill 17-0105- Zoning - Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District - Variances - 2428 Druid Hill 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-8 Zoning District on the property known as 2428 Druid Hill Avenue, as outlined in red on the accompanying plat; and granting variances from certain lot area per dwelling unit, gross floor area, and off-street parking requirements.

DOT supports this bill and respectfully requests a favorable report.

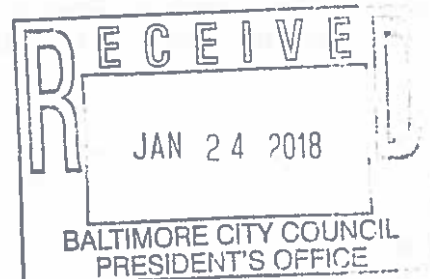
Respectfully,



Michelle Pourciau
Director

MP/lw

Cc: Kyron Banks, Mayor's Office



**CITY OF BALTIMORE
COUNCIL BILL 17-0105
(First Reader)**

Introduced by: Councilmember Pinkett
At the request of: Elleda J. Simmons
Address: 2538 McCulloh Street, Baltimore, Maryland 21217
Telephone: 410-409-3267

Introduced and read first time: July 17, 2017

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

1 AN ORDINANCE concerning

2 **Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to**
3 **2 Dwelling Units in the R-8 Zoning District – Variances –**
4 **2428 Druid Hill Avenue**

5 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-8 Zoning District on the property known as 2428
7 Druid Hill Avenue, as outlined in red on the accompanying plat; and granting variances from
8 certain lot area per dwelling unit, gross floor area, and off-street parking requirements.

9 BY authority of
10 Article 32 - Zoning
11 Section(s) 5-201(a), 5-305, 5-308, 9-701(2), and 9-703
12 Baltimore City Revised Code
13 (Edition 2000)

14 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That
15 permission is granted for the conversion of a single-family dwelling unit to 2 dwelling units in
16 the R-8 Zoning District on the property known as 2428 Druid Hill Avenue, as outlined in red on
17 the plat accompanying this Ordinance, in accordance with Baltimore City Zoning Code §§ 5-
18 201(a) and 9-701(2), subject to the condition that the building complies with all applicable
19 federal, state, and local licensing and certification requirements.

20 **SECTION 2. AND BE IT FURTHER ORDAINED,** That pursuant to the authority granted by §§ 5-
21 305 and 5-308 of Article 32 - Zoning, permission is granted for a variance from the requirements
22 of § 9-703(d) for lot area per dwelling unit, for the district in which the building is located.

23 **SECTION 3. AND BE IT FURTHER ORDAINED,** That pursuant to the authority granted by §§ 5-
24 305 and 5-308 of Article 32 - Zoning, permission is granted for a variance from the requirements
25 of § 9-703(b) and (c) for gross floor area and for gross floor area per dwelling unit.

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

CITY OF BALTIMORE

CATHERINE E. PUGH,
Mayor

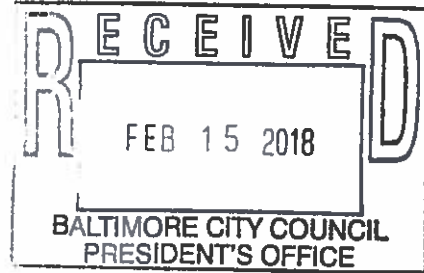


DEPARTMENT OF LAW
ANDRE M. DAVIS, CITY SOLICITOR
100 N. HOLLIDAY STREET
SUITE 101, CITY HALL
BALTIMORE, MD 21202

February 15, 2018

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 17-0105 – Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District – Variances – 2428 Druid Hill Avenue

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 17-0105 for form and legal sufficiency. The bill permits the conversion of a single-family dwelling unit to 2 dwelling units in the R-8 Zoning District on the property known as 2428 Druid Hill Avenue. It also grants variances from certain lot area per dwelling unit, gross floor area, 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-8 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/ comments

The bill also contains variances for lot area per dwelling unit, gross floor area for the existing dwelling, gross floor area per dwelling unit, and off-street parking requirements. 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:

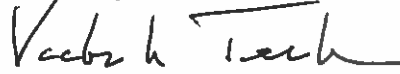
(1) the conditions on which the application is based are unique to the property for which the variance is sought and are not generally applicable to other property within the same zoning classification; (2) the unnecessary hardship or practical difficulty is caused by this Code and has not been created 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 2-3. The Report also states the facts which are the basis for the variances requested. (*see* Report at 2). **The Report does not, however, supply facts 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. Assuming the required findings are made at the hearing and all procedural requirements are satisfied, the Law Department approves the bill for form and legal sufficiency.

Sincerely,



Victor K. Tervala
Chief Solicitor

cc: Andre M. Davis, City Solicitor
Karen Stokes, Director, Mayor's Office of Government Relations
Kyron Banks, Mayor's Legislative Liaison
Elena DiPietro, Chief Solicitor, General Counsel Division
Hilary Ruley, Chief Solicitor

FROM	NAME & TITLE	Niles R. Ford, PhD, Chief of Fire Department <i>NRF</i>	CITY OF BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Baltimore City Fire Department 401 East Fayette St. 21202		
	SUBJECT	City Council Bill #17-0105 Response to Zoning-Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District-Variations- 1428 Druid Hill Avenue		

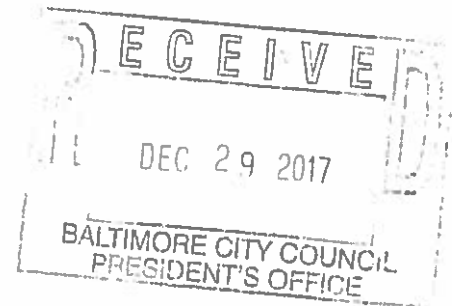
DATE: August 15, 2017

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

FOR the purpose of permitting, subject to certain conditions, the conversion of a single-family dwelling unit to 2 dwelling units in the R-8 Zoning District on the property known as 2428 Druid Hill Avenue, as outlined in red on the accompanying plat; and granting variances from certain lot area per dwelling unit, gross floor area, and off-street parking requirements.

The Fire Department does not object to City Council Bill 17-0105 provided that all applicable sections of the Fire and Building codes are adhered. This may include a requirement for plans to be submitted to the Fire Department, an annual fire inspection, permit, automatic sprinkler system and fire alarm system.

No [signature]



The 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 *MB*

Date: January 18, 2018

Re: City Council Bill 17-0105 - Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District – Variances – 2428 Druid Hill Avenue

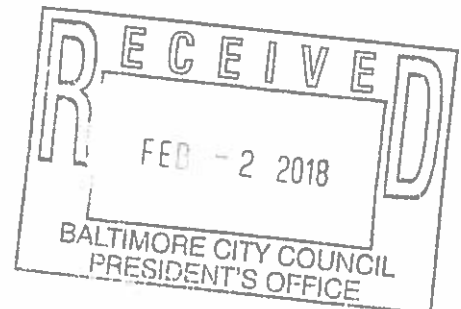
The Department of Housing and Community Development (HCD) has reviewed City Council Bill 17-0105, for the purpose of permitting, subject to certain conditions, the conversion of a single-family dwelling unit to 2 dwelling units in the R-8 Zoning District on the property known as 2428 Druid Hill Avenue and granting variances from certain lot area per dwelling unit, gross floor area, and off-street parking requirements.

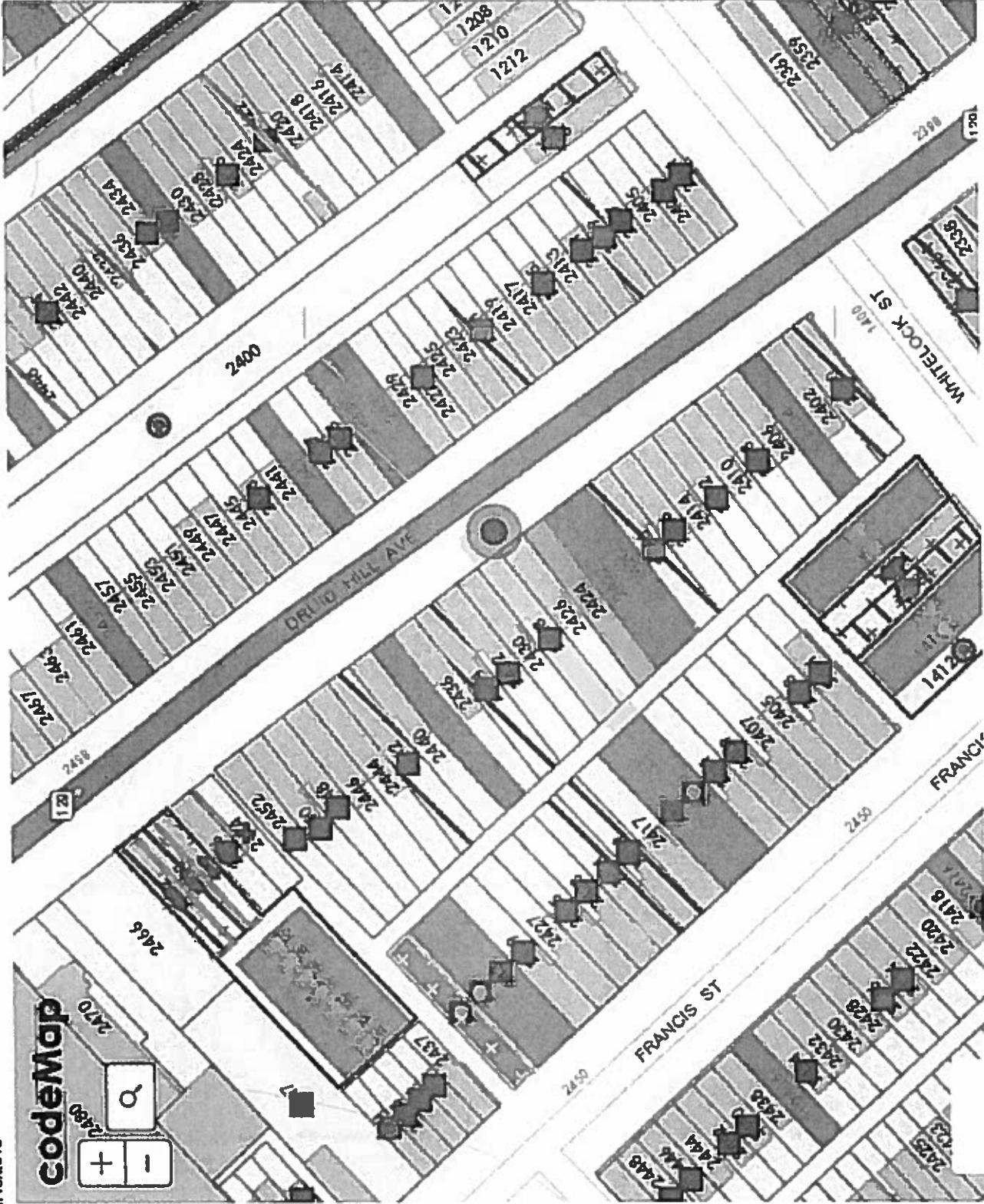
If enacted, this bill would allow the vacant property in the Penn North Neighborhood to be renovated and converted to 2 dwelling units. A new owner purchased the property in March, 2016 and a vacant building notice was issued in September, 2016. The property is registered.

The Department of Housing and Community Development supports the passage of City Council Bill 17-0105.

MB:sd

cc: Ms. Karen Stokes, *Mayor's Office of Government Relations*
Mr. Kyron Banks, *Mayor's Office of Government Relations*





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MEMORANDUM

TO: Honorable President and Members of the City Council
Attention: Natawna B. Austin, Executive Secretary

FROM: William H. Cole, President and CEO *WHC*

DATE: August 1, 2017

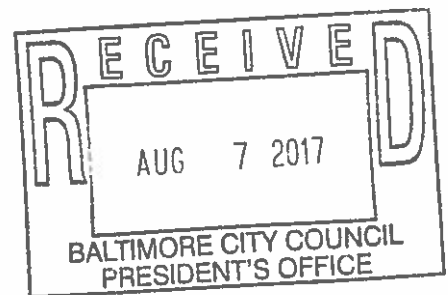
SUBJECT: City Council Bill 17-0105
Zoning – Conditional Use Conversion of a Dwelling Unit – 2428 Druid Hill Avenue

The Baltimore Development Corporation (BDC) has been asked to comment on City Council Bill 17-0105, for the purpose of allowing the property known as 2428 Druid Hill Avenue to be converted from a single-family dwelling unit to two (2) dwelling units in the R-8 zoning district.

The BDC has no objection to City Council Bill No. 17-0105.

cc: Kyron Banks

*No
obj*



TRANSMITTAL MEMO

TO: Council President Bernard "Jack" Young
FROM: Peter Little, Executive Director
DATE: August 18, 2017
RE: Council Bill 17-0105



I am herein reporting on City Council Bill 17-0105 introduced by Councilmember Pinkett at the request of Elleda J. Simmons.

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-8 Zoning District on property known as 2428 Druid Hill Avenue, as outline in red on the accompanying plat; and granting variances from certain lot area per dwelling unit, gross floor area, and off-street parking requirements.

According to Baltimore City Code Art. 32 § 9-701 (2) the R-8 Zoning District allows for the conversion of a single-family dwelling to a multi-family dwelling through conditional-use approval by Ordinance of the Mayor and City Council. Conversion standards in Baltimore City Code Art. 32 § 9-703 (f) require at least 1 off-street parking space must be provided for each dwelling unit. This proposed legislation requests a variance for the off-street parking requirement.

The Parking Authority of Baltimore City reviewed the proposed legislation. This site is located on the side of a street where parking is restricted on Fridays between Noon-2pm for street sweeping restrictions; otherwise, on-street parking is unregulated and this site is not located on a block where the Parking Authority administers any on-street parking programs. It has also been observed that demand for on-street parking in this area is not excessively high. As building plans and uses become more defined, the Parking Authority will be involved through Site Plan Review and Planning Commission hearings to ensure that parking demand is adequately addressed and negative effects to parking because of development on this site are mitigated.

Based on the comments above, the Parking Authority of Baltimore City does not oppose the passage of City Council Bill 17-0105.

No obj.

CITY OF BALTIMORE

CATHERINE E. PUGH, 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: 17-0105

Zoning - Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District - Variances - 2428 Druid Hill Avenue

Committee: Land Use and Transportation
Chaired By: Councilmember Edward Reisinger

Hearing Date: February 21, 2017
Time (Beginning): 3:35 PM
Time (Ending): 3:45 PM
Location: Clarence "Du" Burns Chamber
Total Attendance: ~20
Committee Members in Attendance:
Reisinger, Edward, Chairman
Middleton, Sharon, Vice Chair
Costello, Eric
Dorsey, Ryan
Pinkett, Leon
Stokes, Robert
Clarke, Mary Pat

Bill Synopsis in the file? [X] yes [] no [] n/a
Attendance sheet in the file? [X] yes [] no [] n/a
Agency reports read? [X] yes [] no [] n/a
Hearing televised or audio-digitally recorded? [X] yes [] no [] n/a
Certification of advertising/posting notices in the file? [X] yes [] no [] n/a
Evidence of notification to property owners? [X] yes [] no [] n/a
Final vote taken at this hearing? [X] yes [] no [] n/a
Motioned by: Councilmember Middleton, Sharon
Seconded by: Councilmember Pinkett, III Leon
Final Vote: Favorable

Major Speakers
(This is not an attendance record.)

- Mr. Martin French, Department of Planning
 - Derrick Baumgardner, Board of Municipal Zoning Appeals
 - Victor Tervalá, Department of Law
-

Major Issues Discussed

1. Mr. French presented the Planning Commission's report and discussed the Planning Department's findings.
 2. Agency positions were read. Agency representatives testified in support of their respective agency's position on the bill.
 3. Chairman Reisinger read into the record a letter from the Zoning Administrator regarding variances.
 4. The committee reviewed and discussed the bill.
 5. The committee approved finding of facts for the bill.
-

Further Study

Was further study requested?

Yes No

If yes, describe.

Committee Vote:

Reisinger, Edward, Chairman.....	Yea
Middleton, Sharon, Vice Chair.....	Yea
Clarke, Mary Pat.....	Yea
Costello, Eric.....	Yea
Dorsey, Ryan.....	Yea
Pinkett, Leon.....	Yea
Stokes, Robert:.....	Yea

Jennifer L. Coates, Committee Staff
cc: Bill File
OCS Chrono File



Date: February 21, 2018



CITY OF BALTIMORE CITY COUNCIL HEARING ATTENDANCE RECORD

Committee: Land Use and Transportation Chairperson: Edward Reisinger
 Date: February 21, 2018 Time: 1:05 PM Place: Clarence "Du" Burns Chambers
 Subject: Ordinance - Zoning - Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District - Variances - 2428 Druid Hill Avenue CC Bill Number: 17-0105

PLEASE PRINT

IF YOU WANT TO TESTIFY PLEASE CHECK HERE

FIRST NAME	LAST NAME	ST. #	ADDRESS/ORGANIZATION NAME	ZIP	EMAIL ADDRESS	WHAT IS YOUR POSITION ON THIS BILL?		LOBBYIST: ARE YOU REGISTERED IN THE CITY	
						FOR	AGAINST	YES	NO
John	Doe	100	North Charles Street	21202	Johndoenbmore@yahoo.com	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Martin	French		Planning			<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ellelu	Simmons		2428 Druid Hill Ave	21217	freelights526@gmail.com	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SPR	FRANK		Zoning		V.P. ZOO @ NISA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Deeek	Shaw		Zoning		alicia.shaw.xm@gmail.com	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LARYSA	SALAMACHA		BDC		kalsmacha@baltimoredevelopment.com	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(*) 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.



**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
Chairperson**

PUBLIC HEARING

Wednesday, February 21, 2018

1:05 PM

Clarence "Du" Burns Council Chambers

City Council Bill # 17-0105

***Zoning - Conditional Use Conversion of a Single-Family Dwelling Unit to 2
Dwelling Units in the R-8 Zoning District -
Variances - 2428 Druid Hill Avenue***

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Leon Pinkett – Vice Chair
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Eric Costello
Edward Reisinger
Robert Stokes
Staff: Jennifer Coates
- *Larry Greene (pension only)*



BILL SYNOPSIS

Committee: Land Use and Transportation

Bill 17-0105

**Zoning - Conditional Use Conversion of a Single-Family Dwelling Unit to
2 Dwelling Units in the R-8 Zoning District - Variances - 2428 Druid Hill Avenue**

Sponsor: Councilmember Pinkett

Introduced: July 17, 2017

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-8 Zoning District on the property known as 2428 Druid Hill Avenue, as outlined in red on the accompanying plat; and granting variances from certain lot area per dwelling unit, gross floor area, and off-street parking requirements.

Effective: 30th day after enactment

Hearing Date/Time/Location: February 21, 2018 /1:05 p.m./Clarence "Du" Burns Chambers

Agency Reports

Planning Commission	Favorable
Board of Municipal and Zoning Appeals	Favorable
Department of Law	Favorable/Comments
Department of Transportation	Favorable
Department of Housing and Community Development	Favorable
Baltimore Development Corporation	No Objection
Fire Department	No Objection
Parking Authority Board	Favorable/Comments

Analysis

Current Law

Article 32 – Zoning; Section(s)5-201 (a), 9-703; Baltimore City Revised Code (Edition 2000)

Background

CC Bill 17-0105, if approved, would permit the conversion of a single-family dwelling unit to two dwelling units in the R-8 Zoning District on the property known as 2428 Druid Hill Avenue. The bill would also grant variances from certain requirements for lot area per dwelling unit, gross floor area, and off-street parking.

The property is in the Penn-North neighborhood. It is situated on the southwest side of Druid Hill Avenue, northwest of Whitelock Street. The site is improved with a two-story attached residential building. The lot measures 14' by 101'6." The dwelling measures 14' by 48'.

The Penn-North area is residential with a concentration of commercial uses along North Avenue. The Penn-North Transit Station Urban Renewal Area Plan is in effect for this area.

The subject site is owned by Elleda J. Simmons. The property was constructed in 1900 and partially condemned in 2006. The owner intends to renovate the existing, vacant structure into two dwelling units. The adaptive re-use as a two-family dwelling would allow preservation of the neighborhood's traditional architectural character while offering affordable housing alternatives.

The proposed action would be consistent with provisions of the Baltimore City Master Plan LIVE EARN PLAY LEARN's LIVE Goal 1: Build Human and Social Capital by Strengthening Neighborhoods, Objective 1: Expand Housing Choices for all Residents. It is also consistent with the Penn-North Urban Renewal Plan Objectives 2.a., correction of existing blighting influences and the protection of existing, stable residential and non-residential development in the Penn-North Transit Station Area from future blighting influences; and 2.h., the provision of housing resources for low and moderate income persons, families and elderly through new construction and rehabilitation.

Variances

Lot Area Per Dwelling Unit

The Zoning Code requires a lot area of 1,500 square feet for the proposed two dwelling units. The lot has an area of 1,421 square feet. A variance of 79 square feet or 5.3% is needed to reduce the requirement.

Gross Floor Area

The Zoning Code requires the existing dwelling unit to have 750 square feet per unit or 1,500 square feet of gross floor area to allow for the conversion to more than one dwelling unit. The property contains 1,328 square feet of floor area. A variance of 172 square feet or 11.5% is needed to reduce the requirement.

Gross Floor Area Per Dwelling Unit

The zoning Code requires each newly-created dwelling unit to have for a 1-bedroom unit, 750 square feet of floor area. Each unit would have approximately 664 square feet of gross floor area. A variance of 86 square feet or 11.5% is needed to reduce this requirement.

Off-street Parking

The Zoning Code requires one off-street parking space for each dwelling unit. The parking space must be directly accessible from a public street or from an alley at least 10' wide. The lot does not allow for two off-street parking spaces in the rear yard. A variance for the off-street parking requirement is needed.

Additional Information

Fiscal Note: Not Available

Information Source(s): Agency reports

Analysis by: Jennifer L. Coates
Analysis Date: February 17, 2018

Direct Inquiries to: (410) 396-1260

**CITY OF BALTIMORE
COUNCIL BILL 17-0105
(First Reader)**

Introduced by: Councilmember Pinkett
At the request of: Elleda J. Simmons
Address: 2538 McCulloh Street, Baltimore, Maryland 21217
Telephone: 410-409-3267

Introduced and read first time: July 17, 2017

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

1 AN ORDINANCE concerning

2 **Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to**
3 **2 Dwelling Units in the R-8 Zoning District – Variances –**
4 **2428 Druid Hill Avenue**

5 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-8 Zoning District on the property known as 2428
7 Druid Hill Avenue, as outlined in red on the accompanying plat; and granting variances from
8 certain lot area per dwelling unit, gross floor area, and off-street parking requirements.

9 BY authority of

10 Article 32 - Zoning
11 Section(s) 5-201(a), 5-305, 5-308, 9-701(2), and 9-703
12 Baltimore City Revised Code
13 (Edition 2000)

14 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That
15 permission is granted for the conversion of a single-family dwelling unit to 2 dwelling units in
16 the R-8 Zoning District on the property known as 2428 Druid Hill Avenue, as outlined in red on
17 the plat accompanying this Ordinance, in accordance with Baltimore City Zoning Code §§ 5-
18 201(a) and 9-701(2), subject to the condition that the building complies with all applicable
19 federal, state, and local licensing and certification requirements.

20 **SECTION 2. AND BE IT FURTHER ORDAINED,** That pursuant to the authority granted by §§ 5-
21 305 and 5-308 of Article 32 - Zoning, permission is granted for a variance from the requirements
22 of § 9-703(d) for lot area per dwelling unit, for the district in which the building is located.

23 **SECTION 3. AND BE IT FURTHER ORDAINED,** That pursuant to the authority granted by §§ 5-
24 305 and 5-308 of Article 32 - Zoning, permission is granted for a variance from the requirements
25 of § 9-703(b) and (c) for gross floor area and for gross floor area per dwelling unit.

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

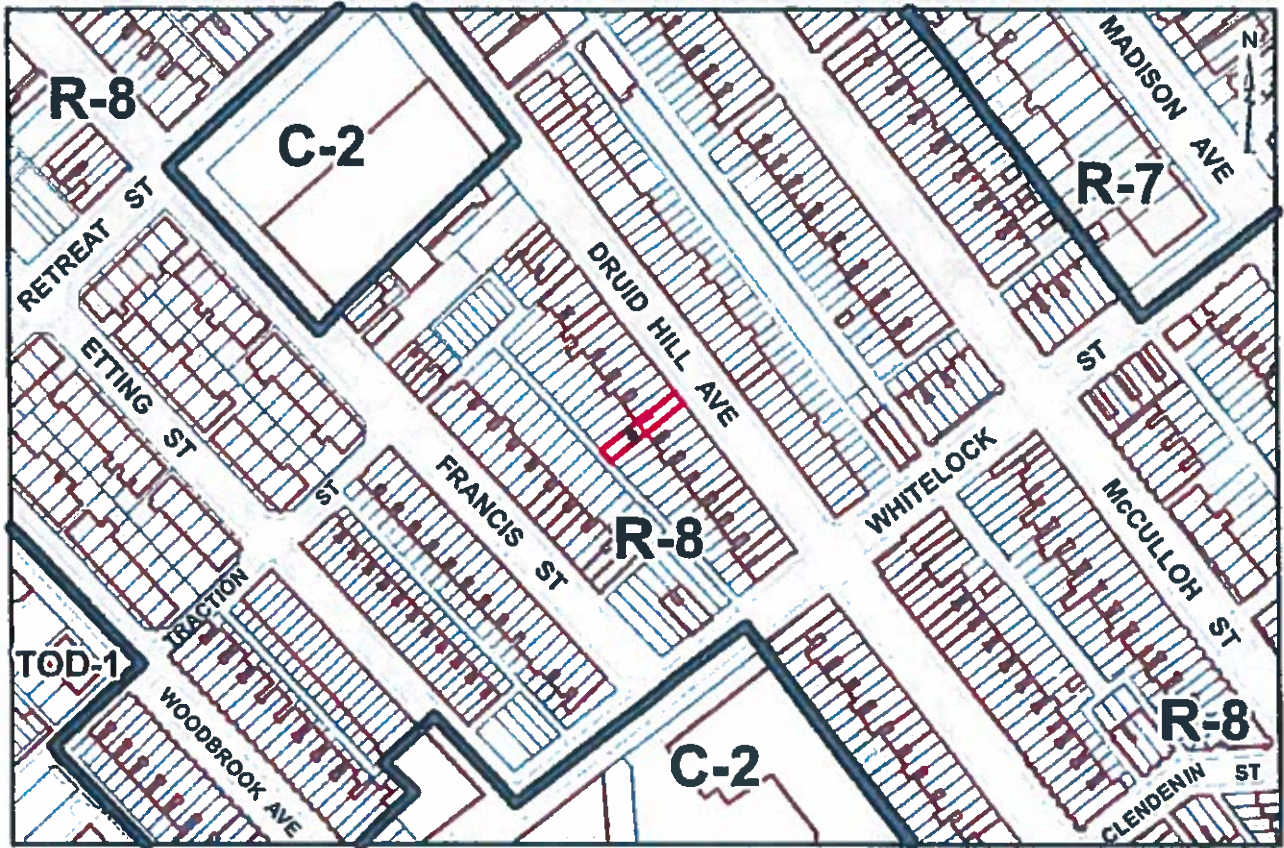
Council Bill 17-0105

1 **SECTION 4. AND BE IT FURTHER ORDAINED,** That pursuant to the authority granted by §§ 5-
2 305 and 5-308 of Article 32 - Zoning, permission is granted for a variance from the requirements
3 of § 9-703(f) for off-street parking requirements.

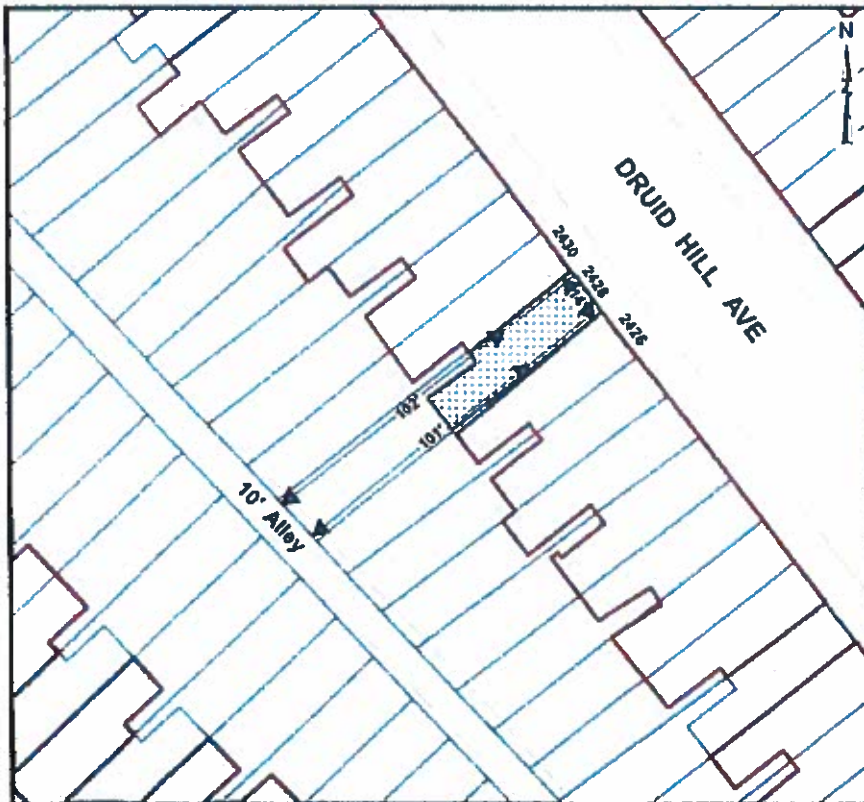
4 **SECTION 5. AND BE IT FURTHER ORDAINED,** That as evidence of the authenticity of the
5 accompanying plat and in order to give notice to the agencies that administer the City Zoning
6 Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council
7 shall sign the plat;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

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

**SHEET NO. 44 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. 2428 DRUID HILL AVENUE. The Applicant Wishes To Request The Conditional Use Conversion Of The Aforementioned Property From A Single Family Dwelling Unit To A Two Family Dwelling Unit In The R-8 Zoning District, As Outlined In Red Above.

WARD 13 SECTION 7
BLOCK 3413 LOT 15

MAYOR


PRESIDENT CITY COUNCIL

LAND USE AND TRANSPORTATION COMMITTEE

BILL 17-0105

AGENCY REPORTS

Planning Commission	Favorable
Board of Municipal Zoning Appeals	Favorable
Department of Transportation	Favorable
Department of Law	Favorable/Comments
Department of Housing and Community Development	Favorable
Baltimore Development Corporation	No Objection
Fire	No Objection
Parking Authority of Baltimore City	No Objection

FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #17-0105 / Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District – Variances – 2428 Druid Hill Avenue		

DATE:

September 29, 2017

TO

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

At its regular meeting of September 28, 2017, the Planning Commission considered City Council Bill #17-0105, for the purpose of permitting, subject to certain conditions, the conversion of a single-family dwelling unit to 2 dwelling units in the R-8 Zoning District on the property known as 2428 Druid Hill Avenue, as outlined in red on the accompanying plat; and granting variances from certain lot area per dwelling unit, gross floor area, 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 #17-0105, and adopted the following resolution, seven members being present (seven, in favor):

RESOLVED, That the Planning Commission finds, in accordance with subsection 5-406 of the Zoning Code of Baltimore City, that the proposed use provided in City Council bill 17-0105:

- would not be detrimental to or endanger the public health, safety, or welfare;
- is not in any way precluded by any other law, including an applicable Urban Renewal Plan;
- would not be contrary to the public interest; and
- is in harmony with the purpose and intent of the Zoning Code;

and further **RESOLVED**, That the Planning Commission has heard the testimony of its staff that, with regard to the considerations contained in subsection 5-406(b) of the Zoning Code of Baltimore City, the proposed use would comply with those considerations, and agrees with staff findings that City Council bill 17-0105 should be recommended for approval.

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

TJS/WA

Attachment

cc: (next page)

cc: Mr. Pete Hammen, Chief Operating Officer
Mr. Jim Smith, Chief of Strategic Alliances
Ms. Karen Stokes, Mayor's Office
Mr. Colin Tarbert, Mayor's Office
Mr. Kyron Banks, Mayor's Office
The Honorable Edward Reisinger, Council Rep. to Planning Commission
Mr. David Tanner, BMZA
Mr. Geoffrey Veale, Zoning Administration
Ms. Sharon Daboin, DHCD
Ms. Lindsay Wines, DOT
Ms. Elena DiPietro, Law Dept.
Mr. Francis Burnszynski, PABC
Ms. Elleda J. Simmons



Catherine E. Pugh
Mayor

PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

STAFF REPORT



Thomas J. Stosur
Director

September 28, 2017

REQUEST: City Council Bill #17-0105/ Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District – Variances – 2428 Druid Hill 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-8 Zoning District on the property known as 2428 Druid Hill Avenue, as outlined in red on the accompanying plat; and granting variances from certain lot area per dwelling unit, gross floor area, and off-street parking requirements.

RECOMMENDATION: Approval

STAFF: Martin French

PETITIONERS: Councilmember Pinkett, at the request of Elleda J. Simmons

OWNER: Elleda J. Simmons

SITE/GENERAL AREA

Site Conditions: 2428 Druid Hill Avenue is located on the southwest side of the street, approximately 200' northwest of the intersection with Whitelock Street. This property measures approximately 14' by an average 101'6" and is currently improved with a two-story attached residential building measuring approximately 14' by 48'. This site is zoned R-8.

General Area: This is a predominantly residential area known as Penn North, with a concentration of commercial uses south of this block on the other side of Whitelock Street along North Avenue on either side of the Penn North Metro mass transit station.

HISTORY

The Penn-North Transit Station Urban Renewal Area Plan was originally approved by Ordinance no. 817 dated July 10, 1978. This Plan was last amended by Amendment no. 2 approved by Ordinance no. 316 dated March 20, 1985.

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. It is also consistent with the Penn-North Urban Renewal Plan objectives 2.a., correction of existing blighting influences and the protection of existing, stable residential and non-residential development in the Penn-North Transit Station Area from future blighting influences; and 2.h., the provision of

housing resources for low and moderate income persons, families and elderly through new construction and rehabilitation. These objectives would be met by conversion of a vacant house in the middle of a row of occupied structures into an occupied two-family dwelling.

ANALYSIS

Background: This legislation would allow the petitioner to renovate the existing structure into two dwelling units, providing new life for this original building. Adaptive re-use as a two-family attached dwelling would allow preservation of a part of the neighborhood's traditional architectural character while offering an affordable housing alternative to persons who wish to live in an area convenient to both downtown Baltimore and the suburban employment center at Owings Mills, courtesy of the Baltimore Metro transit station a few blocks away.

Zoning Analysis: This property was originally constructed in 1900, but was partially condemned in 2006, resulting in demolition of a rear addition. Although there is no official record of prior multiple-family use of the structure, assessment records show it having two full bathrooms.

- The Zoning Code (Article 32 of the Baltimore City Code) requires a property in the R-8 zoning district to have 750 square feet of lot area per dwelling unit (Table 9-401 and §9-703.d. which references this table). A lot area of 1,500 square feet is thus required for the proposed two dwelling units. This lot has an area of 1,421 square feet, so a variance of 79 square feet or 5.3% is needed to reduce this requirement.
- The Zoning Code requires the existing dwelling to have 1,500 square feet of gross floor area in order to allow conversion to more than one dwelling unit (§9-703.b.). According to State Department of Assessment and Taxation records, this property contains 1,328 square feet of floor area. A variance of 172 square feet or 11.5% is needed to reduce this requirement.
- The Zoning Code requires each newly-created dwelling unit to have, for a 1-bedroom unit, 750 square feet of floor area (§9-703.c.). Based upon SDAT records and the equal size of the upper and lower floors of the existing structure, each unit would have approximately 664 square feet of gross floor area. A variance of 86 square feet or 11.5% is needed to reduce this requirement.
- The Zoning Code requires one off-street parking space for each dwelling unit (§9-703.f.), which could not be provided due to the width of the lot being less than 18'. There is also a requirement that each parking space be directly accessible from a public street or from an alley at least 10' wide (§16-403.b.), and the alley behind this property meets this requirement. Because the lot does not allow provision of two off-street parking spaces in the rear yard, a variance of off-street parking requirements is needed for approval of the proposed conversion.

The variances cited above have been included in the bill.

Conditional Use: Per §5-406 {"Approval standards"} of Article 32 – *Zoning*:

(a) *Limited criteria for denying.*

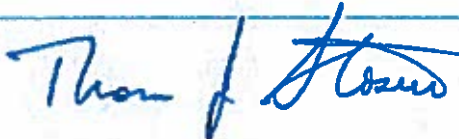
Neither the Board of Municipal and Zoning Appeals, nor the City Council, as the case may be, may approve a conditional use unless, after public notice and hearing and on consideration of the standards required by this subtitle, it finds that:

- (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.

From review of §5-406(b) {"Required considerations"} of Article 32 – *Zoning*: Planning staff finds that:

- the nature of this site, including its size and shape, are appropriate for the proposed use;
- use as two dwelling units would not affect traffic patterns or adequacy of off-street parking;
- the proposed use would not impair present or future development of the surrounding area;
- the proposed dwelling units would be close to other dwellings, churches, schools, other public structures, and places of public gathering;
- the premises is accessible to emergency vehicles;
- there is adequate light and air to the premises and properties in the vicinity;
- adequate utilities, roads, drainage, and other necessary facilities have been provided;
- re-activating the existing structure would assist preservation of the traditional character of the neighborhood;
- the proposed action is consistent with provisions of the Comprehensive Master Plan;
- the proposed action is consistent with provisions of the Penn-North Urban Renewal Plan for this area; and,
- the proposed use meets all other applicable standards and requirements of the Code, including its intent and purpose.

Notification: Planning staff notified the Penn-North Community Association and the Penn-North Nehemiah Homeowners' Association of this action.



Thomas J. Stosur
Director

CITY OF BALTIMORE

CATHERINE E. PUGH,
Mayor

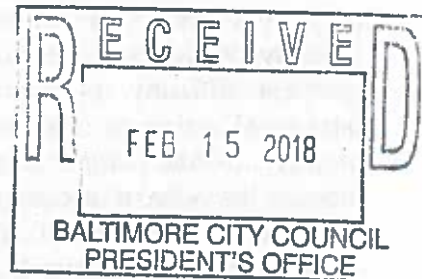


DEPARTMENT OF LAW
ANDRE M. DAVIS, CITY SOLICITOR
100 N. HOLLIDAY STREET
SUITE 101, CITY HALL
BALTIMORE, MD 21202

February 15, 2018

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 17-0105 – Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District – Variances – 2428 Druid Hill Avenue

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 17-0105 for form and legal sufficiency. The bill permits the conversion of a single-family dwelling unit to 2 dwelling units in the R-8 Zoning District on the property known as 2428 Druid Hill Avenue. It also grants variances from certain lot area per dwelling unit, gross floor area, 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-8 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/ comments

The bill also contains variances for lot area per dwelling unit, gross floor area for the existing dwelling, gross floor area per dwelling unit, and off-street parking requirements. 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 2-3.* The Report also states the facts which are the basis for the variances requested. (*see Report at 2.*) **The Report does not, however, supply facts 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. Assuming the required findings are made at the hearing and all procedural requirements are satisfied, the Law Department approves the bill for form and legal sufficiency.

Sincerely,



Victor K. Tervala
Chief Solicitor

cc: Andre M. Davis, City Solicitor
Karen Stokes, Director, Mayor's Office of Government Relations
Kyron Banks, Mayor's Legislative Liaison
Elena DiPietro, Chief Solicitor, General Counsel Division
Hilary Ruley, Chief Solicitor

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



**BOARD OF MUNICIPAL AND
ZONING APPEALS**

DAVID C. TANNER, Executive Director
417 E. Fayette Street, Room 1432
Baltimore, Maryland 21202

January 2, 2018

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

Re: City Council Bill No. 17-0105: Zoning – Conditional Use Conversion of Single-Family Dwelling Unit to Two Dwelling Units in this R-8 Zoning District –
Variances – 2428 Druid Hill Avenue

Ladies and Gentlemen:

City Council Bill No. 17-0105 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. 17-0105 is to convert a single-family dwelling into a multiple-family dwelling containing two dwelling units, and granting certain variances for minimum lot area, gross floor area, and the minimum off-street parking as required under the Zoning Code of the City of Baltimore.

The BMZA has reviewed the legislation and concurs with the recommendation of the Planning Commission recommending passage of Bill Number 17-0105.

Sincerely,

David C. Tanner
Executive Director

DCT/djb

CC: Mayors Office of Council Relations
Legislative Reference

F R O M	NAME & TITLE	Michelle Pourciau, Director	CITY of BALTIMORE	
	AGENCY NAME & ADDRESS	Department of Transportation (DOT) 417 E Fayette Street, Room 527		
	SUBJECT	City Council Bill 17-0105	M E M O	

TO The Honorable President and
Members of the City Council
c/o Natawna Austin
Room 400 City Hall

December 22, 2017

I am herein reporting on City Council Bill 17-0105- Zoning - Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District - Variances - 2428 Druid Hill 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-8 Zoning District on the property known as 2428 Druid Hill Avenue, as outlined in red on the accompanying plat; and granting variances from certain lot area per dwelling unit, gross floor area, and off-street parking requirements.

DOT supports this bill and respectfully requests a favorable report.

Respectfully,



Michelle Pourciau
Director

MP/lw

Cc: Kyron Banks, Mayor's Office



MEMORANDUM

TO: Honorable President and Members of the City Council
Attention: Natawna B. Austin, Executive Secretary

FROM: William H. Cole, President and CEO *WHC*


DATE: August 1, 2017

SUBJECT: City Council Bill 17-0105
Zoning – Conditional Use Conversion of a Dwelling Unit – 2428 Druid Hill Avenue

The Baltimore Development Corporation (BDC) has been asked to comment on City Council Bill 17-0105, for the purpose of allowing the property known as 2428 Druid Hill Avenue to be converted from a single-family dwelling unit to two (2) dwelling units in the R-8 zoning district.

The BDC has no objection to City Council Bill No. 17-0105.

cc: Kyron Banks

FROM	NAME & TITLE	Niles R. Ford, PhD, Chief of Fire Department <i>NRF</i>	CITY of BALTIMORE M E M O	
	AGENCY NAME & ADDRESS	Baltimore City Fire Department 401 East Fayette St. 21202		
	SUBJECT	City Council Bill #17-0105 Response to Zoning-Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District-Variations- 2428 Druid Hill Avenue		

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

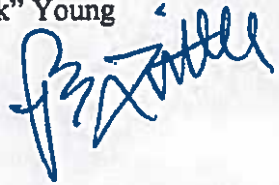
DATE: **August 15, 2017**

FOR the purpose of permitting, subject to certain conditions, the conversion of a single-family dwelling unit to 2 dwelling units in the R-8 Zoning District on the property known as 2428 Druid Hill Avenue, as outlined in red on the accompanying plat; and granting variances from certain lot area per dwelling unit, gross floor area, and off-street parking requirements.

The Fire Department does not object to City Council Bill 17-0105 provided that all applicable sections of the Fire and Building codes are adhered. This may include a requirement for plans to be submitted to the Fire Department, an annual fire inspection, permit, automatic sprinkler system and fire alarm system.

TRANSMITTAL MEMO

TO: Council President Bernard "Jack" Young
FROM: Peter Little, Executive Director
DATE: August 18, 2017
RE: Council Bill 17-0105



PARKING
OF BALTIMORE CITY
AUTHORITY

I am herein reporting on City Council Bill 17-0105 introduced by Councilmember Pinkett at the request of Elleda J. Simmons.

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-8 Zoning District on property known as 2428 Druid Hill Avenue, as outline in red on the accompanying plat; and granting variances from certain lot area per dwelling unit, gross floor area, and off-street parking requirements.

According to Baltimore City Code Art. 32 § 9-701 (2) the R-8 Zoning District allows for the conversion of a single-family dwelling to a multi-family dwelling through conditional-use approval by Ordinance of the Mayor and City Council. Conversion standards in Baltimore City Code Art. 32 § 9-703 (f) require at least 1 off-street parking space must be provided for each dwelling unit. This proposed legislation requests a variance for the off-street parking requirement.

The Parking Authority of Baltimore City reviewed the proposed legislation. This site is located on the side of a street where parking is restricted on Fridays between Noon-2pm for street sweeping restrictions; otherwise, on-street parking is unregulated and this site is not located on a block where the Parking Authority administers any on-street parking programs. It has also been observed that demand for on-street parking in this area is not excessively high. As building plans and uses become more defined, the Parking Authority will be involved through Site Plan Review and Planning Commission hearings to ensure that parking demand is adequately addressed and negative effects to parking because of development on this site are mitigated.

Based on the comments above, the Parking Authority of Baltimore City does not oppose the passage of City Council Bill 17-0105.

**CITY OF BALTIMORE
COUNCIL BILL 17-0105
(First Reader)**

Introduced by: Councilmember Pinkett
At the request of: Elleda J. Simmons
Address: 2538 McCulloh Street, Baltimore, Maryland 21217
Telephone: 410-409-3267

Introduced and read first time: July 17, 2017

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

1 AN ORDINANCE concerning

2 **Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to**
3 **2 Dwelling Units in the R-8 Zoning District – Variances –**
4 **2428 Druid Hill Avenue**

5 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-8 Zoning District on the property known as 2428
7 Druid Hill Avenue, as outlined in red on the accompanying plat; and granting variances from
8 certain lot area per dwelling unit, gross floor area, and off-street parking requirements.

9 BY authority of

10 Article 32 - Zoning
11 Section(s) 5-201(a), 5-305, 5-308, 9-701(2), and 9-703
12 Baltimore City Revised Code
13 (Edition 2000)

14 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That
15 permission is granted for the conversion of a single-family dwelling unit to 2 dwelling units in
16 the R-8 Zoning District on the property known as 2428 Druid Hill Avenue, as outlined in red on
17 the plat accompanying this Ordinance, in accordance with Baltimore City Zoning Code §§ 5-
18 201(a) and 9-701(2), subject to the condition that the building complies with all applicable
19 federal, state, and local licensing and certification requirements.

20 **SECTION 2. AND BE IT FURTHER ORDAINED,** That pursuant to the authority granted by §§ 5-
21 305 and 5-308 of Article 32 - Zoning, permission is granted for a variance from the requirements
22 of § 9-703(d) for lot area per dwelling unit, for the district in which the building is located.

23 **SECTION 3. AND BE IT FURTHER ORDAINED,** That pursuant to the authority granted by §§ 5-
24 305 and 5-308 of Article 32 - Zoning, permission is granted for a variance from the requirements
25 of § 9-703(b) and (c) for gross floor area and for gross floor area per dwelling unit.

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

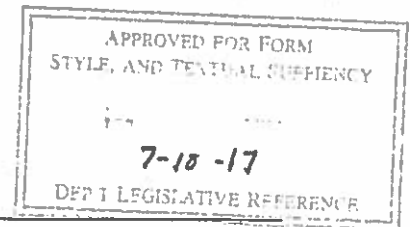
Council Bill 17-0105

1 **SECTION 4. AND BE IT FURTHER ORDAINED,** That pursuant to the authority granted by §§ 5-
2 305 and 5-308 of Article 32 - Zoning, permission is granted for a variance from the requirements
3 of § 9-703(f) for off-street parking requirements.

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

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

INTRODUCTORY*
CITY OF BALTIMORE
COUNCIL BILL _____



Introduced by: Councilmember Pinkett
At the request of: Elleda J. Simmons
Address: 2538 McCulloh Street, Baltimore, Maryland 21217
Telephone: 410-409-3267

A BILL ENTITLED

AN ORDINANCE concerning

**Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to
2 Dwelling Units in the R-8 Zoning District – Variances –
2428 Druid Hill 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-8 Zoning District on the property known as 2428 Druid Hill Avenue, as outlined in red on the accompanying plat; and granting variances from certain lot area per dwelling unit, gross floor area, and off-street parking requirements.

BY authority of

Article 32 - Zoning
Section(s) 5-201(a), 5-305, 5-308, 9-701(2), and 9-703
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-8 Zoning District on the property known as 2428 Druid Hill Avenue, 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 and 5-308 of Article 32 - Zoning, permission is granted for a variance from the requirements of § 9-703(d) for lot area per dwelling unit, for the district in which the building is located.

SECTION 3. AND BE IT FURTHER ORDAINED, That pursuant to the authority granted by §§ 5-305 and 5-308 of Article 32 - Zoning, permission is granted for a variance from the requirements of § 9-703(b) and (c) for gross floor area and for gross floor area per dwelling unit.

SECTION 4. AND BE IT FURTHER ORDAINED, That pursuant to the authority granted by §§ 5-305 and 5-308 of Article 32 - Zoning, permission is granted for a variance from the requirements of § 9-703(f) for off-street parking requirements.

* WARNING: THIS IS AN UNOFFICIAL, INTRODUCTORY COPY OF THE BILL.
THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.

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

STATEMENT OF INTENT

FOR

2428 Druid Hill Ave. Balto, MD 21217
{Address}

1. Applicant's Contact Information:

Name: Elleda T. Simmons
Mailing Address: 2538 McCulloh St.
Baltimore MD 21217
Telephone Number: (410) 409-3267
Email Address: freelights526@gmail.com

2. All Proposed Zoning Changes for the Property: _____

3. All Intended Uses of the Property: 2 family dwelling unit

4. Current Owner's Contact Information:

Name: same as above
Mailing Address: _____

Telephone Number: _____
Email Address: _____

5. Property Acquisition:

The property was acquired by the current owner on March 4, 2016 by deed recorded in the Land Records of Baltimore City in Liber 17966 Folio 254.

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}: N/A

(ii) The purpose, nature, and effect of the contract are: N/A

7. Agency:

- (a) The applicant is _____ is not acting as an agent for another.
- (b) If the applicant is acting as an agent for another, the names of all principals on whose behalf the applicant is acting, including the names of the majority stockholders of any corporation, are as follows {use additional sheet if necessary}: N/A

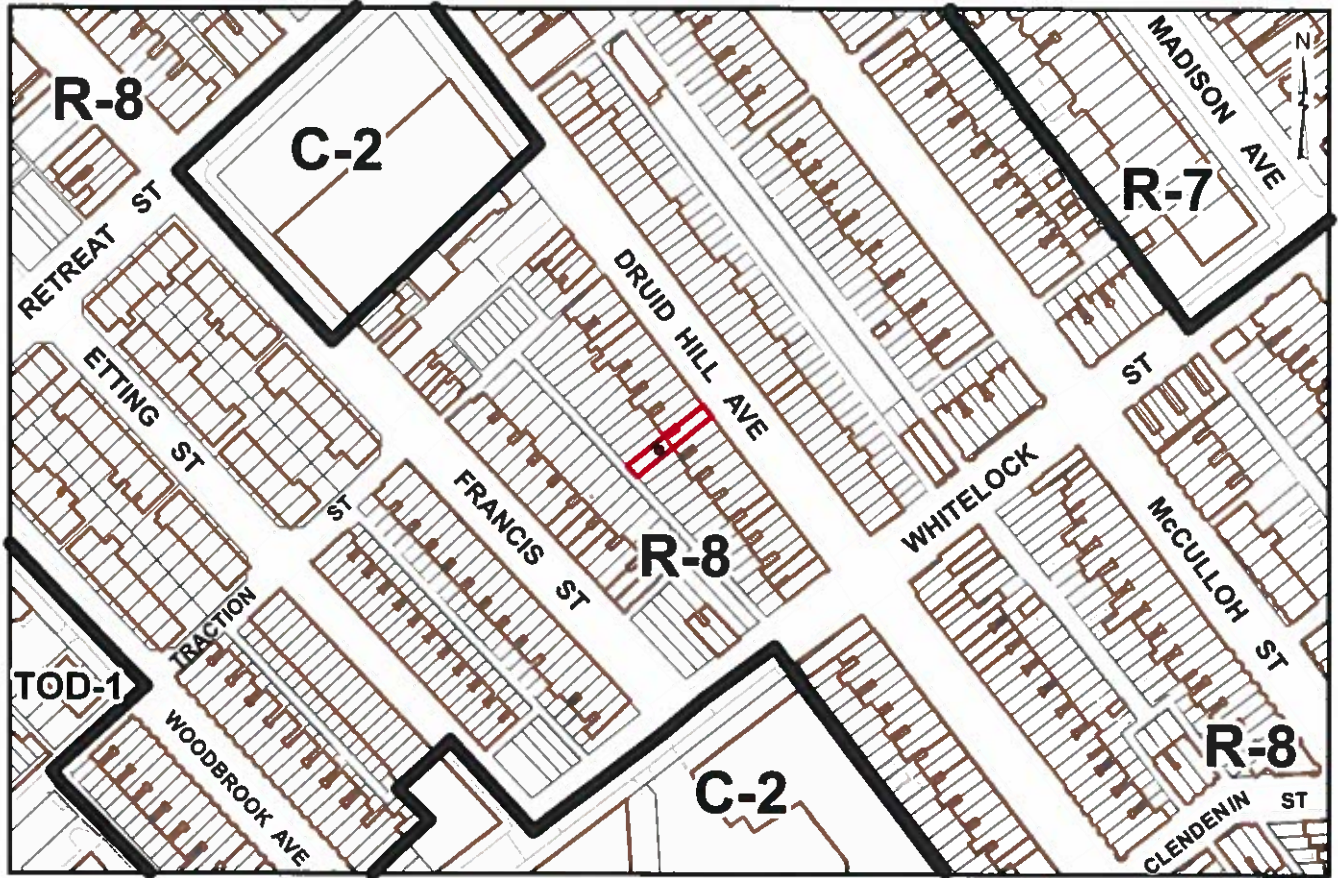
AFFIDAVIT

I, Elleda J. Simmons, solemnly affirm under the penalties of perjury that the information given in this Statement of Intent is true and complete to the best of my knowledge, information, and belief.

Elleda J. Simmons
Applicant's signature

6-30-17
Date

**SHEET NO. 44 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. 2428 DRUID HILL AVENUE. The Applicant Wishes To Request The Conditional Use Conversion Of The Aforementioned Property From A Single Family Dwelling Unit To A Two Family Dwelling Unit In The R-8 Zoning District, As Outlined In Red Above.

WARD	13	SECTION	7
BLOCK	3413	LOT	15

MAYOR

PRESIDENT CITY COUNCIL



ACTION BY THE CITY COUNCIL

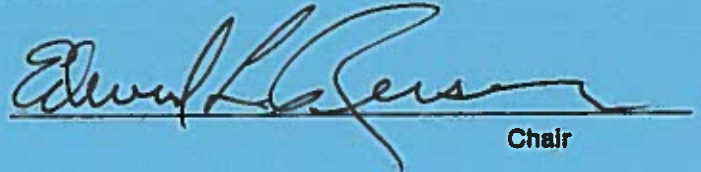
JUL 17 2017
20

FIRST READING (INTRODUCTION) _____

PUBLIC HEARING HELD ON February 21, _____ 20 18

COMMITTEE REPORT AS OF February 26, _____ 20 18

_____ FAVORABLE _____ UNFAVORABLE _____ FAVORABLE AS AMENDED _____ WITHOUT RECOMMENDATION


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:

FEB 26 2018
20

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

THIRD READING _____ MAR 12 2018
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