


<b>FROM</b>	NAME & TITLE	CHRIS RYER, DIRECTOR	CITY of BALTIMORE <b>MEMO</b>	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 <sup>TH</sup> FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #19-0445 / ZONING – CONDITIONAL USE CONVERSION OF A SINGLE-FAMILY DWELLING UNIT TO 2 DWELLING UNITS IN THE R-7 ZONING DISTRICT – 817 CHAUNCEY AVENUE		

**TO**

DATE:

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

October 25, 2019

At its regular meeting of October 24, 2019, the Planning Commission considered City Council Bill #19-0445, for the purpose of permitting, subject to certain conditions, the conversion of a single-family dwelling unit to 2 dwelling units in the R-7 Zoning District on the property known as 817 Chauncey Avenue, as outlined in red on the accompanying plat.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended amendment and approval of City Council Bill #19-0445 and adopted the following resolution; seven members being present (seven in favor):

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

- will not be detrimental to or endanger the public health, security, general welfare, or morals;
- is not in any way precluded by any other law, including an applicable Urban Renewal Plan;
- is not otherwise in any way contrary to the public interest;
- is in harmony with the purpose and intent of that article; and
- meets all criteria for approval specified in §5-406(b) of the Zoning Code of Baltimore City; and further

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #19-0445 be amended and passed by the City Council.

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

CR/ewt

attachment

cc: Mr. Nicholas Blendy, Mayor's Office  
Mr. Matthew Stegman, Mayor's Office  
Ms. Nina Themelis, Mayor's Office  
The Honorable Edward Reisinger, Council Rep. to Planning Commission  
Mr. Colin Tarbert, BDC  
Mr. Derek Baumgardner, BMZA  
Mr. Geoffrey Veale, Zoning Administration  
Ms. Stephanie Murdock, DHCD  
Ms. Elena DiPietro, Law Dept.  
Mr. Francis Burnszynski, PABC  
Mr. Liam Davis, DOT  
Ms. Natawna Austin, Council Services  
Mr. Dominic McAlily, Council Services  
Ms. Mia Bartee, Applicant



Bernard C. "Jack" Young  
Mayor

## PLANNING COMMISSION

*Sean D. Davis, Chairman*

### STAFF REPORT



*Chris Ryer  
Director*

**October 24, 2019**

**REQUEST:** City Council Bill #19-0445/ Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-7 Zoning District – 817 Chauncey Avenue:

For the purpose of permitting, subject to certain conditions, the conversion of a single-family dwelling unit to 2 dwelling units in the R-7 Zoning District on the property known as 817 Chauncey Avenue, as outlined in red on the accompanying plat.

**RECOMMENDATION:** Amendment and approval, with the following amendment:

- Add a 9% variance of the required lot area standards for multifamily dwellings in the R-7 Zoning District.

**STAFF:** Eric Tiso

**PETITIONER:** Mia Bartee

**OWNER:** Mia Bartee

### **SITE/GENERAL AREA**

Site Conditions: 817 Chauncey Avenue is located on the south side of the street, approximately 280' west of the intersection with Brookfield Avenue. The R-7 zoned property measures 19' by 105', and is improved with a two-story end-of-row attached dwelling. This property backs up to German Park across the rear alley to the south. Druid Lake is located two blocks to the north, and I-83 is four blocks to the east.

General Area: This property is located in the Reservoir Hill neighborhood, which is bordered by Druid Lake and Druid Hill Park to the north, I-83 to the east, West North Avenue to the south, and McCulloh Street on the west. This neighborhood is residential in nature, with a majority of the housing stock comprised of attached homes.

### **HISTORY**

There are no previous legislative or Planning Commission actions regarding this site.

### **ANALYSIS**

Background: This proposal will allow for a second dwelling unit in the property that the applicant intends to be used by her mother.

Zoning Analysis: This property is an end-of-row attached dwelling containing approximately 2,688' square feet of gross floor area (i.e. 896 square feet per level).

- The Zoning Code requires, for conversion of a single-family dwelling property in the R-7 District, 1,100 square feet of lot area per dwelling unit (BCZC subsection 9-703.d, citing Table 9-401). A lot area of 2,200 square feet is thus required for the proposed use. This lot has 1,995 square feet and thus does not meet the lot area requirement for conversion. A variance of this requirement should therefore be amended into this bill. The variance amounts to approximately 9% of the Zoning Code requirement.
- The Zoning Code requires, for conversion of a single-family dwelling property in the R-7 District, 750 square feet of floor area per 1-bedroom dwelling unit, and 1,250 square feet of floor area per three-bedroom unit is required (BCZC subsection 9-703.c). The existing structure contains approximately 896 square feet of floor area on its lower level for the proposed 1-bedroom dwelling unit to be created. The existing dwelling unit occupying the first and second floors has 1,792 square feet of floor area. Both of these units therefore meet the gross floor area requirements within the building.
- The maximum lot coverage allowed is 70% (Zoning Code Table 9-401). This structure only covers approximately 45% of the lot, which meets this requirement.
- One off-street parking space is required to serve the newly-created dwelling unit (BCZC subsection 9-703.f). This property can provide two off-street parking spaces in the rear yard which meets this requirement for both the existing and new dwelling units.

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

(a) *Limited criteria for denying.*

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

- (1) The establishment, location, construction, maintenance, or operation of the conditional use would not be detrimental to or endanger the public health, safety, or welfare;
- (2) The use would not be precluded by any other law, including an applicable Urban Renewal Plan;
- (3) The authorization would not be contrary to the public interest; and
- (4) The authorization would be in harmony with the purpose and intent of this Code.

The establishment, location, and operation of this property as a multi-family dwelling containing two dwelling units would not be detrimental to or endanger public health, safety, or welfare. The proposed use is not precluded by any other law, and there is no Urban Renewal Plan for this area. The proposed authorization would not be contrary to the public interest, in that the relative density within the building (i.e. for mother and daughter) would not be different that living as a combined family unit, but only with the added convenience of independent living with separate



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

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

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

Planning staff recommend that the Planning Commission also find:

- That the proposed use as a two-family dwelling would be consistent with other residential use in the area, and would allow continuing use of a structure that contributes to the neighborhood.
- This property meets the parking requirements of the district, which is often not the case in the denser rowhouse neighborhoods in the City. For this reason, there should be little to no impact on the surrounding parking or the demand for on-street parking in this area.
- There is a practical difficulty with complying with the bulk standards in the Zoning Code that has not been caused by the action or inaction of any person with a present interest in this property. The purpose of the variance needed is not based exclusively on a desire to increase the value or income potential of the property. Staff understands that in this case, the applicant would like to create a separate dwelling unit in order for her mother to live in the same property, while still living independently.

- The variance that would be granted would not be injurious to the use and enjoyment of other property in the immediate vicinity, not substantially diminish or impair property values in the neighborhood. The variance requested is in harmony with the Comprehensive Master Plan, and related considerations of public health, safety, and general welfare.

Notification: The Friends of Reservoir Hill, Mount Royal Terrace Historic District, and the Reservoir Hill Improvement Council have been notified of this action.



**Chris Ryer**  
**Director**