

FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8 TH FLOOR		
	SUBJECT	CITY COUNCIL BILL 18-0239/ ZONING – CONDITIONAL USE CONVERSION – VARIANCES – 1613 WEST PRATT STREET		

TO

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

DATE:

July 27, 2018

The Zoning Code specifies, in its Title 5, subsection 5-506.(e) that the City Council may proceed to consider a zoning bill without a report and recommendations from an agency. As the Planning Commission, to which this bill was referred, has not held a public hearing of this bill prior to the scheduled August 1, 2018 date of the City Council hearing of this bill, the Planning Department is providing to the City Council for its consideration this report of its recommendations concerning this bill.

REQUEST

City Council Bill #18-0239/ Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District – Variances – 1613 West Pratt Street

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 1613 West Pratt Street (Block 0262, Lot 007) as outlined in red on the accompanying plat; and granting variances from certain bulk (lot area size) and off-street parking requirements.

RECOMMENDATION: Approval

PETITIONERS: Councilmember Bullock, at the request of Priscilla Oldham

OWNERS: Thomas Oldham and Priscilla D. Oldham

SITE

1613 West Pratt Street is located at the southwest corner of the intersection with Vincent Street. This property measures approximately 15' by 68' and is currently improved with a two-story semi-detached residential building covering the entire lot. The site is zoned R-8.

GENERAL AREA

This area is in the southwest corner of the Union Square Historic District, established in 1970 by Ordinance no. 821 dated June 2, 1970, and last enlarged by Ordinance no. 580 dated November 17, 1977. The Union Square Historic District was certified to the National Register of Historic Places on September 15, 1983. This area is characterized by a mix of town-houses and row-houses built in the 19th Century with numerous religious, institutional, commercial and low-intensity industrial uses along traditional commercial corridors such as Pratt, Lombard, and Baltimore Streets.

CONFORMITY TO PLANS

The proposed action is consistent with LIVE EARN PLAY LEARN, the Comprehensive Master Plan for Baltimore, Live Goal 1: Build Human and Social Capital by Strengthening Neighborhoods, Objective 1: Expand Housing Choices for all Residents.

ANALYSIS

This legislation would allow the petitioner to use the existing structure as two dwelling units. Adaptive re-use as a two-family semi-detached dwelling would allow preservation of a piece of Union Square's traditional architectural fabric while responding to more contemporary, smaller-scale residential needs in a location with convenient access to downtown for residents of the two dwelling units.

Zoning Analysis: This property is a semi-detached structure containing approximately 2,000 gross square feet of floor area. This bill would encourage re-use of a structure consistent with its current zoning.

- The Zoning Code requires, for conversion of a single-family property in the R-8 District, 750 square feet of lot area per dwelling unit (BCZC §9-703.d., citing Table 9-401). A lot area of 1,500 square feet is thus required for the proposed use. This lot has 1,020 square feet and thus does not meet the lot area requirement for conversion. A variance of this requirement is therefore included in this bill.
- A rear yard setback of 20' is required (Table 9-401). This property has a rear yard of 0' and thus does not meet this requirement.
- The maximum lot coverage allowed is 80% in the R-8 zoning district (Table 9-401). This structure covers all of the lot, pursuant to an approval granted in 1956.
- One additional off-street parking space is required to serve the newly-created dwelling unit (§9-703.f.), totaling two required spaces for the use. The property can provide no off-street parking spaces. A variance for off-street parking is therefore required, and has been included in this bill.

Conditional Use – Required findings: In accordance with §5-406 of Article 32 (the Zoning Code of Baltimore City), the Planning Commission must base its recommendation to the City Council to approve a conditional use on these considerations required by Title 5 {"Applications and Authorizations"}, subtitle 4 {"Conditional Uses"} of the Zoning Code:

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 in harmony with the purpose and intent of this article (§5-406).

In addition, the Zoning Code requires review of these considerations:

- the nature of the proposed site, including its size and shape, are adequate for the proposed use;

- there will be no negative impact to traffic patterns in the immediate area;
- the proposed use will not impair the present and future development of this lot or the surrounding area;
- there will be no negative impact resulting from its proximity to dwellings, churches, schools, public structures, or other places of public gathering;
- there is adequate accessibility of the premises to emergency vehicles;
- there is adequate light and air to the premises and to properties in the vicinity;
- adequate utilities, access roads, drainage, and other necessary facilities have been or will be provided;
- the proposed use would not interfere with preservation of cultural and historic landmarks and structures;
- the proposed use would not alter the character of the neighborhood;
- the proposed use is consistent with provisions of the City's Comprehensive Master Plan; and
- the use of the property as two dwelling units meets all other applicable standards and requirements of this Code (§5-406).

It is the conclusion of the Planning Department that the use to be authorized by this bill would comply with the requirements and standards listed above. Therefore, the Department considers that this bill can be found to meet Findings (1), (2), (3), and (4) cited under subsection 5-406 of Article 32 above. (Finding (2) does not extend to an Urban Renewal Plan, as there is no applicable Urban Renewal Plan for this property.)

The proposed use as a 2-family dwelling would be consistent with residential use in the area and would allow continuing use of a structure that is a contributing element in the Union Square historic district. While the lot area requirement is not satisfied without a variance, this is in part offset by the fact that the building covers 100% of the lot and as such provides a larger gross square footage total floor area that meets conversion standards. While no off-street parking can be provided because the existing building covers the entire lot, the site is located in a dense, walkable neighborhood that is well-served by numerous bus lines and is in close proximity to various amenities. The amount of lot coverage on this property is essentially unique to the property and is not generally applicable to other property within the R-8 zoning classification (others in this area and in R-8 districts generally have rear yards meeting Zoning Code bulk standards). There is a practical difficulty with complying with the bulk and yard requirements and the conversion standards in the Zoning Code that has not been caused by action or inaction of any person with a present interest in this property. The purpose of the variances requested is not based exclusively on a desire to increase the value or income potential of the property. Each of the variances would not be injurious to use and enjoyment of other property in the immediate vicinity, nor substantially diminish or impair property values in the neighborhood. Returning this property to productive full occupancy would actually help to improve property values in the southwestern portion of the Union Square Historic District. Finally, the variances are in harmony with the purpose and intent of the Zoning Code, and are in harmony with the Comprehensive Master Plan, the Union Square Historic District, and related considerations of public health, safety, and general welfare.