

FROM	NAME & TITLE	CHRIS RYER, DIRECTOR	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #22-0325 / ZONING – CONDITIONAL USE CONVERSION TO 2 DWELLING UNITS – VARIANCES – 466 HORNEL STREET		

TO

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

DATE: March 3, 2023

At its regular meeting of March 2, 2023, the Planning Commission considered City Council Bill #22-0325, 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 466 Hornel Street (Block 6345, Lot 023), as outlined in red on the accompanying plat; and granting variances from certain bulk regulations (lot area size) and off-street parking requirements.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended amendment and approval of City Council Bill #22-0325, and adopted the following resolution, with nine members being present (eight in favor, with one abstention):

RESOLVED, That the Planning Commission finds, in accordance with §5-406(a) and §5-406(b) of the Zoning Code of Baltimore City, that the proposed use provided in this bill:

- would not be detrimental to or endanger the public health, safety, or welfare;
- would not be precluded by any other law, including an applicable Urban Renewal Plan;
- would not be contrary to the public interest; and
- would be in harmony with the purpose and intent of this Code; and
- meets all criteria for approval specified in §5-406(b) of the Zoning Code of Baltimore City, as described in the Departmental staff report; and further

RESOLVED, That the Planning Commission concurs with the recommendation of its Departmental staff, and adopts the findings of fact outlined in the attached staff report and its equity findings, with consideration for testimony and facts presented at this meeting; and therefore recommends that City Council Bill #22-0322 be amended to add a variance of residential conversion floor area requirements, and approved by the City Council.

If you have any questions, please contact Mr. Martin French in the Land Use and Urban Design Division at 410-396-1354.

CR/ewt

attachment

cc: Ms. Natasha Mehu, Mayor's Office
Ms. Nina Themelis, Mayor's Office
Mr. Ethan Cohen, Mayor's Office
The Honorable Eric Costello, Council Rep. to Planning Commission
Mr. Matthew Stegman, City Council President's Office
Ms. Nikki Thompson, City Council President's Office
Mr. Colin Tarbert, BDC
Ms. Rebecca Witt, 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
Ms. Miryan Quezada



Brandon M. Scott
Mayor

PLANNING COMMISSION

Sean D. Davis, Chairman; Eric Stephenson, Vice Chair

STAFF REPORT



Chris Ryer
Director

March 2, 2023

REQUEST: City Council Bill 22-325 / Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-7 Zoning District – Variances – 466 Hornel 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-7 Zoning District on the property known as 466 Hornel Street (Block 6345, Lot 023), as outlined in red on the accompanying plat; and granting variances from certain bulk regulations (lot area size) and off-street parking requirements.

RECOMMENDATION: Amendment and Approval

Amendment: add a variance from the requirements of §9-703. c. {"Residential Conversions / Conversion standards"} of the Zoning Code.

STAFF: Martin French

PETITIONERS: Councilmember Cohen, at the request of Miryan Quezada

OWNER: Miryan Quezada

SITE/ GENERAL AREA

Site Conditions: 466 Hornel Street is located on the northwest corner of the intersection with Eastern Avenue. This property measures approximately 18'8" by 92' and is currently improved with a two-story end-of-row residential building measuring approximately 18'8" by 43'. The topography of this property is such that the front of this end-of-row building appears as only two stories, but what is the basement level in its front becomes a fully exposed street level facing Eastern Avenue along the end wall of the building. The end wall shows indications, in the form of two large commercial-scale window openings on either side of an entrance door, that during part of the 20th Century a commercial use existed in the basement. This site is zoned R-7 and is located within the Joseph Lee/ Bayview community.

General Area: This is a primarily residential area with scattered non-residential uses such as a few street-corner commercial uses and several small commercial strips along the north side of Eastern Avenue. Across Eastern Avenue from this row of houses is a long-established commercial area. The Johns Hopkins Bayview Medical Center bounds this mid-20th Century community to its north.

HISTORY

There are no recent legislative actions related to this property. This property was rezoned from B-3 (the “heaviest” commercial/ business zoning district under the previous Zoning Code) to R-7 during the comprehensive rezoning process associated with adoption of the current Zoning Code which became effective on June 5, 2017. On April 19, 2022 the Board of Municipal and Zoning Appeals approved use of the basement level of the premises, fronting on Eastern Avenue, as a personal services establishment (barber shop) while denying use of the remainder of the premises as a multi-family dwelling containing two dwelling units, due to the provision in the Zoning Code that residential conversions in R-7 zoning districts require an ordinance for approval.

ANALYSIS

Zoning Analysis:

- The Zoning Code requires, for a property in the R-7 zoning district, 1,100 square feet of lot area per dwelling unit (Table 9-401). A lot area of 2,200 square feet is thus required for two dwelling units. As this lot has approximately 1,717 square feet, a 483 square feet lot area size variance, amounting to approximately 22%, is needed for approval. A lot area variance has been included in Section 2 of the bill.
- One off-street parking space is required to serve the newly created dwelling unit. Since the property will not provide an off-street parking space meeting Zoning Code standard, a parking variance has been included in Section 3 of the bill.
- Floor plans provided by the owner propose creation of a two-bedroom dwelling unit on the first-floor level, and a two-bedroom unit on the second-floor level, of existing the structure. A two-bedroom dwelling unit requires 1,000 square feet of gross floor area (BCZC §9-703. c.). The first floor and second floor levels each provide approximately 800 square feet of gross floor area. A variance of the floor area requirements for residential conversion of the existing structure needs to be added to this legislation.

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

- *Required finding of unnecessary hardship or practical difficulty:* The existing building covers approximately 47% of the property, yet also contains approximately 1,600 square feet of gross floor area, which creates an unusual ratio of floor area to lot area. The interior space of the building may be considered larger than what would ordinarily be needed for a single-family dwelling, and so the lot area variance requested is reasonable. Likewise, although the width of the property would allow creation of one parking space meeting Zoning Code standards for width, the rear yard depth does not meet those same standards (Table 16-406), and the owner is not able to provide an off-street parking space without demolishing a part of the rear of the building. Thus, a complete parking variance is more reasonable than strict compliance with the requirement.
- *Other required findings:* Planning staff conclude that the conditions on which this application is based are unique to the property for which the variances are sought and not generally applicable to other property within the same zoning classification, as this is a 20th Century two-story structure that appears to be a three-story structure when viewed

from its exposed south side that is on a lot that slopes significantly, and its basement level is commercial space. Similarly, Planning staff conclude that unnecessary hardship or practical difficulty is not being created by the intentional action of a person with a present interest in the property; and that the purpose of the variances is not based exclusively on a desire to increase the value or income potential of the property. Planning staff recommend that the Commission find that the variances would not be injurious to the use and enjoyment of other property in the immediate vicinity; nor substantially diminish and impair property values in the neighborhood; nor adversely affect the City's Comprehensive Master Plan or any Urban Renewal Plan; nor be detrimental to or endanger the public health, safety, or welfare, or be in any way contrary to the public interest.

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

(a) *Limited criteria for denying.*

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

- (1) the establishment, location, construction, maintenance, or operation of the conditional use would not be detrimental to or endanger the public health, safety, or welfare;
- (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.

Establishment, location, construction, maintenance, and operation of a multi-family dwelling at 466 Hornel Street would not be detrimental to or endanger public health, safety, or welfare. The proposed use is not precluded by any other law, including any Urban Renewal Plan. Use of this property for a multi-family dwelling is not otherwise in any way contrary to the public interest. The authorization would be in harmony with the purpose and intent of the Zoning Code.

Below is staff's review of §5-406(b) {"Required considerations"} of Article 32 – *Zoning*:

(b) *Required considerations.*

As a further guide to its decision on the facts of each case, the Board of Municipal and Zoning Appeals must consider the following, where appropriate:

- (1) the nature of the proposed site, including its size and shape and the proposed size, shape, and arrangement of structures;
- (2) the resulting traffic patterns and adequacy of proposed off-street parking and loading;
- (3) the nature of the surrounding area and the extent to which the proposed use might impair its present and future development;
- (4) the proximity of dwellings, churches, schools, public structures, and other places of public gathering;
- (5) accessibility of the premises for emergency vehicles;
- (6) accessibility of light and air to the premises and to the property in the vicinity;
- (7) the type and location of adequate utilities, access roads, drainage, and other necessary facilities that have been or will be provided;
- (8) the preservation of cultural and historic landmarks and structures;

- (9) the character of the neighborhood;
- (10) the provisions of the City's Comprehensive Master Plan;
- (11) the provisions of any applicable Urban Renewal Plan;
- (12) all applicable standards and requirements of this Code;
- (13) the intent and purpose of this Code; and
- (14) any other matters considered to be in the interest of the general welfare.

Staff finds that the site, including its size and shape, is appropriate for the proposed use. There would be no change to traffic patterns if this use would be authorized. The surrounding area is one in which the predominant residential type was originally single-family owner-occupancy row housing but in which a few conversions of single-family to multi-family dwellings occurred during the mid and late 20th Century. For this reason, it is unlikely that the proposed multi-family use would impair present or future development. There is reasonable proximity of other dwellings, churches and other places of worship, schools, public structures, and places of public gathering. There is adequate accessibility for emergency vehicles, and of light and air to the premises and to other properties in the vicinity. There are adequate utilities, roads, drainage, and other necessary facilities. The proposed use of the existing structure would not affect preservation of cultural and historic landmarks and structures. Approval of the proposed use as a multi-family dwelling would not affect the existing character of the neighborhood, as noted above. While consistent with provisions of the City's Comprehensive Master Plan, the proposed use is not prevented or limited by any Urban Renewal Plan. Multi-family use would meet all applicable standards and requirements of the Zoning Code upon granting of variances discussed previously, and would be consistent with the intent and purpose of the Zoning Code.

Equity considerations: This property is located within a part of Baltimore City that has stable real estate market values and a proportion of non-whites that is below the City-wide average. The Joseph Lee/ Bayview community has enjoyed steady investment, combined with population stability, for several decades. While there would be no apparent or predictable changes to the quality of life in the Joseph Lee/ Bayview community that would result from disapproval of this proposed action, there is a predictable, though limited, improvement that could result from creation of additional housing options for residents. By itself, the proposed action would not change existing patterns of inequity that persist in Baltimore. Creation of multi-family dwelling units adds opportunity for residents to live in this community. The proposed additional dwelling units would be convenient to the MTA Orange Line bus service, which offers access by public transportation to downtown Baltimore and to other areas of employment including the Johns Hopkins Medical Institutions at Bayview. There would be no effect on internal operations of the Department of Planning that would result from approval of the proposed action.

Notification: The Bayview Community Association and Councilman Cohen have been notified of this action.



Chris Ryer
Director