



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 #23-0343 / ZONING – CONDITIONAL USE CONVERSION TO 3 DWELLING UNITS – VARIANCES – 633 SOUTH MONTFORD AVENUE			

TO

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

DATE: April 10, 2023

At its regular meeting of April 6, 2023, the Planning Commission considered City Council Bill #23-0343, for the purpose of permitting, subject to certain conditions, the conversion of a single-family dwelling unit to 3 dwelling units in the R-8 Zoning District on the property known 633 South Montford Avenue (Block 1837, Lot 074), as outlined in red on the accompanying plat; and granting a variance from certain 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 #23-0343, and adopted the following resolution, with six members being present (six in favor):

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 #23-0343 be amended to add a variance of the rear yard setback requirement, 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
Mr. Garrett Adler, ADW1 LLC



Brandon M. Scott
Mayor

PLANNING COMMISSION

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

STAFF REPORT



Chris Ryer
Director

April 6, 2023

REQUEST: City Council Bill #23-0343/ Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to 3 Dwelling Units in the R-8 Zoning District – Variances – 633 South Montford Avenue:

For the purpose of permitting, subject to certain conditions, the conversion of a single-family dwelling unit to 3 dwelling units in the R-8 Zoning District on the property known as 633 South Montford Avenue (Block 1837, Lot 074), as outlined in red on the accompanying plat; and granting a variance from certain off-street parking requirements.

RECOMMENDATION: Amendment, and Approval as amended

Amendment: add a variance of Bulk and Yard Regulations for Rowhouse and Multi-Family Residential Districts: rear yard setback requirement – 18 feet in lieu of 25 feet required by Table 9-401 of the Zoning Code

STAFF: Martin French

PETITIONER: Councilmember Cohen, at the request of ADW1 LLC, c/o Garrett Adler

OWNER: ADW1 LLC

SITE/GENERAL AREA

Site Conditions: 633 South Montford Avenue is located on the east side of the street, north of its intersection with Foster Avenue. This L-shaped mid-block property measures approximately 21' along Montford Avenue and is approximately 94' deep and contains approximately 0.058 acre. It is currently improved with a three-story attached residential building measuring approximately 21' by 76'. This site is located within the Canton National Register Historic District and community.

General Area: This property is in the western and oldest portion of the historic predominantly residential and residential mixed-use community known as Canton. This area was developed in the early and middle decades of the 19th Century and its architecture reflects changes in consumer choices of housing as well as evolution of commercial buildings that happened in that span of time. During the 20th Century there was some conversion of larger single-family dwellings to multi-family dwellings in Canton. There are religious, institutional, and small-scale commercial uses in the area, with commercial uses historically concentrated in the waterfront portion of Canton, and retail commercial uses scattered along Canton's northern boundary, Eastern Avenue. This property is also a block north of the Canton Waterfront Urban Renewal Plan area that underwent dramatic revitalization during the final two decades of the 20th Century

and first decade of the 21st Century as new high-end residential development and retail and office uses replaced obsolete maritime industrial land uses.

HISTORY

There are no previous legislative or Planning Commission actions regarding this site. The Canton District was certified to the National Register of Historic Places on January 29, 1980. This property retained its R-8 zoning during the comprehensive rezoning mapping process associated with the effective date of the Zoning Code on June 5, 2017.

ANALYSIS

Background: This legislation would allow the petitioner to use the existing three-story structure as three dwelling units, one on each floor. The existing building includes a sally-port feature, common among early 19th Century rowhouses, which allows direct access from the street to the interior landlocked rear yard. The “ell” of the rear yard forms an intervening green space between the houses on Montford Avenue and those on Port Street, which parallels Montford Avenue to its east. This physical feature will allow residents of the upper levels of the building ability to store garbage and trash behind the multi-family dwelling while being able to move stored garbage and trash directly to the front sidewalk for pick-up and removal.

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.

Given the size of the existing structure and its location in a predominantly residential area that contains a mix of single-family attached dwellings and multi-family dwellings, the conditional use conversion proposed in this bill would not be detrimental to or endanger public health, safety, or welfare; not be precluded by any other law; not be contrary to the public interest; and would be in harmony with the purpose and intent of the Zoning Code.

In review of §5-406(b) {“Required considerations”} of Article 32 – *Zoning*, staff finds that the proposed action would satisfy these additional considerations provided that a variance of bulk and yard regulations is added to this bill (as described in the zoning analysis below):

(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.

Zoning analysis: This property is improved with a mid-block structure containing approximately 2,944 square feet of habitable floor area on its three levels. This bill would allow re-use of the structure consistent with its current zoning.

- The Zoning Code requires, for conversion of a single-family dwelling in the R-8 zoning district, 750 square feet of lot area per dwelling unit (BCZC §9-703.d., citing Table 9-401). A lot area of 1,875 square feet is thus required for the proposed use. This lot has approximately 2,526.5 square feet and thereby meets this requirement for conversion.
- The Zoning Code requires, for conversion of a single-family dwelling in the R-8 district, 1,500 square feet of floor area in the structure (BCZC §9-703.b.). The existing structure contains over 2,900 square feet of floor area, thus meeting this requirement.
- The Zoning Code requires, for conversion of a single-family dwelling in the R-8 district, 750 square feet of floor area for each one-bedroom dwelling unit (BCZC §9-703.c.). Preliminary floor plans for this conversion show at least 750 gross square feet for each one-bedroom dwelling unit. No variance of these standards is required.
- The maximum lot coverage allowed for a multi-family dwelling structure in the R-8 district is 80% (BCZC, Table 9-401). The existing structure covers approximately 60% of the lot and is not being enlarged. No variance of this requirement is needed.
- Multi-family dwelling structures in the R-8 district must have a minimum rear yard of 25 feet depth (BCZC, Table 9-401). The existing structure on the lot has a maximum depth of approximately 78 feet and the maximum distance from the rear lot line to Montford Avenue is approximately 94 feet. This leaves a nominal rear yard depth of 16 feet, exclusive of the open section of the L-shaped lot that provides approximately 560 additional square feet of private rear yard space. A variance of this requirement should be added to this bill.
- Two off-street parking spaces are required to serve the two newly-created dwelling units (BCZC §9-703.f.). Due to the landlocked mid-block location of this property, no off-street parking is possible on-site. Due to the historic development pattern of this block

and its surrounding blocks, no off-street parking is possible on any other property within 600' of this one. A variance of this requirement has therefore been included in City Council bill no. 23-0343.

Staff find that this property's shape is unique, and its shape and physical surroundings (both historic) create a practical difficulty with compliance with Zoning Code bulk and yard regulations if the strict letter of the requirements of Table 9-401 of the Zoning Code were carried out. Staff note that use of this property as a single-family dwelling would require a similar, though 5 feet smaller, variance of rear yard setback, and a variance of off-street parking regulations, if the existing structure was being replicated today. The conditions on which this application is based are unique to this property and not generally applicable to other properties within the same zoning district, as this is a property that is L-shaped and with a large rear yard that is landlocked as well. This practical difficulty has not been created by intentional action or inaction of any person with a present interest in this property, as it is an historic condition. The purpose of variances is not based exclusively on a desire to increase the value or income potential of the property; would not be injurious to the use and enjoyment of other property in the immediate vicinity; would not substantially diminish or impair property values in the neighborhood; would be in harmony with the purpose and intent of the Zoning Code; would not be precluded by any Urban Renewal Plan, the Comprehensive Master Plan, or any Historical and Architectural Preservation District; nor be detrimental to or endanger public health, safety, or welfare, or be in any way contrary to the public interest.

Equity:

- Impact:
 - This property is located within a part of Baltimore City that has relatively high real estate market values and a proportion of non-whites that is below the City-wide average. The Canton real estate market area rebounded from significant net disinvestment combined with population losses during the 1960s following its historic district designation in 1980, which prevented demolition of its waterfront areas for a planned interstate highway. Since 2010 this real estate market has stabilized at a level that makes it competitive within the metropolitan area. There would be no changes to the quality of life in the Canton community that would result from approval or disapproval of this proposed action. Creation of two additional dwelling units would support the goal of expanding housing choices for Baltimore residents.
 - This legislation would not impact existing patterns of inequity that persist in Baltimore.
- Engagement:
 - The Canton Community Association has met with the developer and has approved of the planned residential conversion.
 - Canton residents have not been historically excluded from planning in their community for over six decades and continue to be actively involved in various City initiatives.
- Internal Operations:
 - There would be no effect on internal operations of the Department of Planning that would result from approval of this bill.

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

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke extending to the right.

Chris Ryer
Director