



FROM	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 #23-0361 / ZONING – CONDITIONAL USE CONVERSION TO 2 DWELLING UNITS – VARIANCES – 1613 EDMONDSON AVENUE		

TO

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

DATE: May 19, 2023

At its regular meeting of May 18, 2023, the Planning Commission considered City Council Bill #23-0361, 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 1613 Edmondson Avenue (Block 122, Lot 025), as outlined in red on the accompanying plat.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended approval of City Council Bill #23-0361, and adopted the following resolution, with five members being present (four in favor, and one absent for the vote):

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 therefor recommends that City Council Bill #23-0361 be **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. Nina Themelis, Mayor's Office  
The Honorable Eric Costello, Council Rep. to Planning Commission  
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. Olufisayo Oketunji, OKET Development LLC



Brandon M. Scott  
Mayor

## PLANNING COMMISSION

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



Chris Ryer  
Director

### STAFF REPORT

**May 18, 2023**

**REQUEST:** City Council Bill 23-0061 / Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District – Variances – 1613 Edmondson 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 1613 Edmondson Avenue (Block 122, Lot 025), as outlined in red on the accompanying plat.

**RECOMMENDATION:** Approval

**STAFF:** Martin French

**PETITIONERS:** Councilmember Bullock, at the request of OKET Development LLC

**OWNER:** OKET Development LLC c/o Olufisayo Oketunji

#### **SITE/ GENERAL AREA**

Site Conditions: This property is located on the south side of Edmondson Avenue midway between its intersections with Gilmor Street and Vincent Street. It is currently improved with a three-story attached dwelling measuring approximately 15'6" by 57' on a lot measuring approximately 15'6" by 95'. This structure, built in the second half of the 19<sup>th</sup> Century, is now a vacant single-family residential property. The site is zoned R-8 and is located in the Harlem Park II Urban Renewal Area, the Old West Baltimore National Register Historic District, and the Harlem Park community.

General Area: This is a primarily residential area with scattered non-residential uses such as religious institutions and small street-corner commercial uses located several blocks in either direction along Edmondson Avenue.

#### **HISTORY**

The Harlem Park II Urban Renewal Plan was adopted by Ordinance no. 419 on July 6, 1960, and was last amended by its Amendment no. 6 made effective by Ordinance no. 10-264 in 2010. The Plan designates Edmondson Avenue and its surrounding area as residential. The Old West Baltimore Historic District was listed on the National Register of Historic Places on December 23, 2004. The area around this property retained its R-8 zoning during the comprehensive rezoning process associated with adoption of the current Zoning Code which became effective on June 5, 2017.

## CONFORMITY TO PLANS

The proposed action may be considered consistent with the Harlem Park II Urban Renewal Plan.

## ANALYSIS

### Zoning Analysis:

- The Zoning Code requires, for a property in the R-8 zoning district, 750 square feet of lot area per dwelling unit (Table 9-401). A lot area of 1,500 square feet is thus required for two dwelling units. As this lot has approximately 1,472.5 square feet, a 27.5 square feet lot area size variance, amounting to less than 2%, is needed for approval. A lot area variance of 1.8% 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 cannot provide parking spaces meeting Zoning Code standards, as the existing structure is on a lot that was made landlocked by implementation of the Harlem Park II Urban Renewal Plan's creation of "inner block parks", a parking variance is needed in order to meet this requirement. This variance is included in Section 3 of the bill.
- The Statement of Intent filed by the owner proposes creation of a three-bedroom dwelling unit on the first floor and basement levels of the existing structure, and a three-bedroom dwelling unit on the second and third floor levels of the structure. A three-bedroom dwelling unit requires 1,250 square feet of gross floor area. Both the upper two floor levels combined and the first floor and basement levels combined can each provide at least 1,500 square feet of gross floor area to satisfy the conversion requirement for three-bedroom units. (Approximately 1,600 gross square feet for the upper unit and approximately 1,750 gross square feet for the lower unit can be provided.)

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

- *Required finding of unnecessary hardship or practical difficulty:* The existing building contains approximately 3,350 square feet of gross floor area, which creates an unusual ratio of floor area to lot area. The interior space of the building is larger than what would ordinarily be needed for a single-family dwelling, and so the minimal lot area variance requested is reasonable. Likewise, the owner is not able to provide an off-street parking space due to past operation of the Urban Renewal Plan, and so a 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 three-story 19<sup>th</sup> Century structure largely covering a lot that has been made landlocked by an action of the local government, i.e., the Harlem Park II Urban Renewal Plan. 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, given its large floor area that completely meets the floor area per unit type conversion standards in the Zoning Code, and that its existing structure is large in relation to the lot on which it is situated. 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 the Harlem Park II 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 1613 Edmondson Avenue would not be detrimental to or endanger public health, safety, or welfare. The proposed use is not precluded by any other law, including the Harlem Park II 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

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 rowhousing but in which some conversions of single-family to multi-family dwellings occurred during the 20<sup>th</sup> 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, and more particularly by the Harlem Park II 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.

Floor plans: Preliminary floor plans prepared by the owner show two dwelling units, the upper one containing over 1,600 gross square feet of floor area and the lower one having approximately 1,750 square feet, as required by the conversion standards of Zoning Code §9-703. To accomplish this, the owner intends to finish the basement of the building to provide additional and necessary floor area for the lower level unit. Final floor plans would be submitted for permit approval if this conversion is authorized.

Equity considerations: This property is located within a part of Baltimore City that has low real estate market values and a proportion of non-whites that is above the City-wide average. The Harlem Park community, as part of the larger West Baltimore area, has suffered from significant net disinvestment, combined with population losses, for several decades. While there would be no apparent or predictable changes to the quality of life in the Harlem Park community that would result from disapproval of this proposed action, there is a predictable, though limited, improvement that could result from completion of renovation and re-use of this property, reinforced by creation of additional housing options for residents. By itself, the proposed action would not change existing patterns of inequity that persist in Baltimore. However, the proposed action should be considered in the context of other actions generating both investment in and re-activation of significant parts of West Baltimore. East of this property is the Upton Gateway project, which is renovating 38 vacant row-houses in the 800 blocks of Harlem and Edmondson Avenues, and where already several dwellings have been sold as homeownership opportunities. Along with such action under the auspices of the Department of Housing and Community Development, this conversion could be part of a new beginning to counteract patterns of inequity. There would be no effect on internal operations of the Department of Planning that would result from approval of the proposed action.

Notification: Harlem Park Neighborhood Council, Harlem Park West Association, and Councilman Bullock have been notified of this action.

A handwritten signature in blue ink, consisting of a stylized 'C' and 'R' followed by a long horizontal stroke.

**Chris Ryer**  
**Director**