


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 #24-0501 / ZONING - CONVERSION - VARIANCES - 1833 WEST LEXINGTON STREET		

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

DATE: April 19, 2024

At its regular meeting of April 18, 2024, the Planning Commission considered City Council Bill #24-0501, 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 1833 West Lexington Street (Block 0178, Lot 017), as outlined in red on the accompanying plat; granting certain variances from off-street parking requirements; and providing for a special effective date.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended approval of City Council Bill #24-0501 and adopted the following resolutions, with seven members being present (seven in favor):

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #24-0501 be **approved** 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: 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



Brandon M. Scott  
Mayor

## PLANNING COMMISSION

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

### STAFF REPORT



Chris Ryer  
Director

April 18, 2024

**REQUEST:** City Council Bill #24-0501/ Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District – Variances – 1833 West Lexington 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 1833 West Lexington Street (Block 0178, Lot 017), as outlined in red on the accompanying plat; granting certain variances from off-street parking requirements; and providing for a special effective date.

**RECOMMENDATION:** Approval

**STAFF:** Eric Tiso

**PETITIONER:** Renwick Glen James

**OWNER:** Hermina Pamella Peters

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

Site Conditions: 1833 West Lexington Street is located on the south side of the street, approximately 124' east of the intersection with North Monroe Street. This property measures approximately 17'8" by 138' and is currently improved with a three-story rowhome that is now an end-of-group house due to the adjacent two properties having been demolished, and the former party-wall braced. The building measures approximately 17'8" by 70'. This site is zoned R-8 and is located within the Franklin Square National Register Historic District.

General Area: This property is located in the western edge of the Franklin Square neighborhood, which is predominantly residential in character in that western portion, with the majority of the homes comprised of rowhomes. The eastern part of the neighborhood has more institutional and public uses.

#### **HISTORY**

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

#### **ANALYSIS**

Background: The applicant was advised by the Zoning Administrator's office that this property had historically been approved for use as two dwelling units. A prior owner of the property was issued a use permit (USE2008-05495) in 2008 to change the use to a single-family dwelling, but the existing conditions within the building were not changed, and so the building has remained

set up for two dwellings since that time. This approval would restore the multi-family use authorization, bringing the property into compliance.

Residential Conversions: In the Residence Districts, the conversion of a single-family dwelling to a multi-family dwelling is allowed only in the R-7, R-8, R-9, and R-10 Districts, subject to: (1) the requirements of this subtitle; and (2) in the R-7 and R-8 Districts, conditional-use approval by Ordinance of the Mayor and City Council (§9-701).

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.

In its review of this request staff believes that there will not be any significant impact to the public health, safety, or welfare of the community, as the use of this property has remained two dwelling units for many years, and so no practical change in the use of the property will be made, though the use will be legalized. Staff does not see any reason why approval would be precluded by any other law, as the site is not located within an Urban Renewal Plan (URP) area, nor is it in a locally designated historic district. Staff notes the letter of support received from the Franklin Square Community Association as evidence that the request is not contrary to the public interest. Approval of this use would also legalize it, which would bring the property into conformance with the requirements of the Zoning code.

In the staff’s review of §5-406(b) {“Required considerations”} of Article 32 – *Zoning*, we find that the continuation of two dwelling units in this property will not create any negative impacts in the required findings list below, and so we offer our favorable recommendation.

(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.

Conversion standards: The existing dwelling must be: (i) a structure originally constructed as a single-family dwelling; and (ii) 1,500 square feet or more in gross floor area, not including any basement area (§9-703.b.). The existing structure contains approximately 1,800 square feet in gross floor area, and so this application is not approvable without variance of this requirement.

The converted dwelling must meet the following gross floor area per unit type: (1) 1-bedroom unit: 750 square feet; (2) 2-bedroom unit: 1,000 square feet; (3) 3- or more bedroom unit: 1,250 square feet (§9-703.c.). The proposed two-bedroom dwelling unit on the first floor would contain approximately 1,303 square feet of gross floor area. The proposed three-bedroom dwelling unit on the second floor would contain approximately 1,579 square feet of gross floor area.

Off-Street Parking: If a structure or land changes to a new use, the new use must provide the amount of parking and loading spaces required by this title (§16-204). In this zoning district, multi-family dwellings require one off-street parking space per dwelling unit (Table 16-406). For the second dwelling unit, one parking space is required; none are to be provided, and so a 100% variance has been included in this bill. Staff notes that the back yard is accessible from a rear alley, and the rear yard is large enough that it should be able to accommodate one parking space. Since only one parking space is required to serve the newly-proposed dwelling unit, the need for this variance might be avoided. Alternatively, the prior use of the property as two dwellings has occurred for many years without any apparent negative impacts on the immediate area, and so retaining the parking variance to acknowledge the existing conditions is appropriate.

Equity: Staff believes that this conversion is reasonable, that the proposed units will be of a reasonable size, and that approval of this bill will allow for lawful continuation of the existing two dwelling units within the building. A letter of support from the Franklin Square Community Association has been received. This action will not have any significant impact on staff time or resources.

Notification: Franklin Square Community Association and the Southwest Partnership have been notified of this action.



**Chris Ryer**  
**Director**