

TJA

<b>FROM</b>	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 <sup>TH</sup> FLOOR, 417 EAST FAYETTE STREET
	SUBJECT	CITY COUNCIL BILL #15-0545 / Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to a 3-Family Dwelling Unit in the R-8 Zoning District –Variances – 704 North Gilmor Street

CITY of  
BALTIMORE  
**MEMO**



**TO**

DATE:

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

August 7, 2015

At its regular meeting of August 6, 2015, the Planning Commission considered City Council Bill #15-0545, for the purpose of permitting, subject to certain conditions, the conversion of a single-family dwelling unit to a 3-family dwelling unit in the R-8 Zoning District on the property known as 704 North Gilmor Street, as outlined in red on the accompanying plat; and granting variances from certain lot area size, off-street parking, and floor area ratio requirements.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended approval of City Council Bill #15-0545, and adopted the following resolution, eight members being present (eight in favor):

**RESOLVED**, That the Planning Commission concurs with the recommendation of its Departmental staff, and recommends that City Council Bill #15-0545 be passed by the City Council.

If you have any questions, please contact Mr. Wolde Ararsa, Division Chief, Land Use and Urban Design Division at 410-396-4488.

TJS/WA

Attachment

- cc: Ms. Kaliopé Parthemos, Chief of Staff
- Mr. Colin Tarbert, Deputy Mayor for Economic and Neighborhood Development
- Mr. Leon Pinkett, Assistant Deputy Mayor for Economic and Neighborhood Development
- Ms. Angela Gibson, Mayor's Office
- The Honorable Rochelle "Rikki" Spector, Council Rep. to Planning Commission
- Mr. David Tanner, BMZA
- Mr. Geoffrey Veale, Zoning Administration
- Ms. Sharon Daboin, DHCD
- Ms. Barbara Zektick, DOT
- Ms. Elena DiPietro, Law Dept.
- Ms. Natawna Austin, Council Services
- Ms. Melissa Krafchik, PABC
- Mr. Stefan Popescu, for Reveal Real Estate 2013 A, LLC



*Stephanie Rawlings-Blake*  
Mayor

## PLANNING COMMISSION

*Wilbur E. "Bill" Cunningham, Chairman*

### STAFF REPORT



*Thomas J. Stosur*  
Director

**August 6, 2015**

**REQUEST: City Council Bill #15-0545/ Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to a 3-Family Dwelling Unit in the R-8 Zoning District – Variances – 704 North Gilmor Street**

For the purpose of permitting, subject to certain conditions, the conversion of a single-family dwelling unit to a 3-family dwelling unit in the R-8 Zoning District on the property known as 704 North Gilmor Street, as outlined in red on the accompanying plat; and granting variances from certain lot area size, off-street parking, and floor area ratio requirements.

**RECOMMENDATION:** Approval

**STAFF:** Martin French

**PETITIONER(S):** Councilmember William "Pete" Welch, at the request of Reveal Real Estate 2013 A, LLC

**OWNER:** Reveal Real Estate 2013 A, LLC

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

704 North Gilmor Street is located on the west side of the street, approximately 37' north of the intersection with Harlem Avenue. This property measures approximately 17' by 100'7" and is currently improved with a three-story attached residential building measuring approximately 17' by 70'. This site is zoned R-8 and is located within the Harlem Park II Urban Renewal Area and Old West Baltimore National Register Historic District.

General Area: This is a predominantly residential area, with scattered uses such as religious institutions, schools, and small commercial uses. Across the street from this property is the Harlem Park Schools complex; behind this property is the new Wylie Funeral Home made possible by approval of its Planned Unit Development in 2010.

#### **HISTORY**

This property is located in the Harlem Park II Urban Renewal Plan area. This Plan was originally enacted by Ordinance 419 dated July 6, 1960, and was last amended by Ordinance 10-264, which established Amendment 6 to the Plan, on March 24, 2010.

## **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; and Objective 2: Strategically Redevelop Vacant Properties Throughout the City. The proposed action also supports objectives of the Harlem Park II Urban Renewal Plan, including protecting the area from blighting influences by rehabilitation of basically sound structures, and providing housing resources for families of all income levels through rehabilitation and new construction.

## **ANALYSIS**

Project: This legislation would allow the petitioner to renovate the existing structure into three dwelling units, providing a new life for this original building. Adaptive re-use as a three-family dwelling would allow preservation of part of Baltimore's historic architectural fabric while offering more affordable housing alternatives to persons living within the Harlem Park area.

Zoning Analysis: This property, due to extended vacancy, has single-family dwelling status under the Zoning Code. This bill would encourage re-use of a structure in need of restoration. The Zoning Code requires, for a property in the R-8 District, 750 square feet of lot area per dwelling unit (BCZC §4-1106). A lot area of 1,875 square feet is required for three dwelling units; this lot has 1,710 square feet, so a lot area variance is needed to reduce this requirement by 9% or 165 square feet. Two off-street parking spaces are required to serve the newly-created dwelling units. The lack of an alley in the rear of this property does not allow this Zoning Code requirement to be met, creating a practical difficulty in complying with it. The maximum floor area ratio (FAR) in this zoning district is 2.0; this premises has a FAR of 2.02, so a 1% variance of that requirement is needed.

Variations: §15-101(2) of the Zoning Code provides that variances may be granted as part of an ordinance authorizing a conditional use, by the Mayor and City Council. Staff recommends that the City Council approve this bill including its lot area variance of 165 square feet, or 9% of the amount required by the Zoning Code; an off-street parking variance of 100% (as a practical difficulty or unnecessary hardship would result from strict imposition of Zoning Code requirements); and a floor area ratio (FAR) variance of 1% or 30 square feet, reflecting the as-built existing conditions of this property. Three-family use of the property will not create any new or increased impacts on the surrounding neighborhood.

Conditional Use – Required findings: In accordance with §16-304 of 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 14 {"Conditional Uses"} of the Zoning Code:

1. the establishment, location, construction, maintenance, and operation of the conditional use will not be detrimental to or endanger the public health, security, general welfare, or morals;

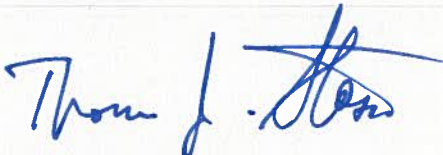
2. the use is not in any way precluded by any other law, including an applicable Urban Renewal Plan;
3. the authorization is not otherwise in any way contrary to the public interest; and
4. the authorization is in harmony with the purpose and intent of this article (§14-204).

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

- 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;
- development of 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 fire and police protection;
- there is adequate light and air to the premises and to properties in the vicinity;
- adequate utilities, access, drainage, and other necessary facilities have been or will be provided; and
- the use of the property as two dwelling units meets all other applicable standards and requirements of this article (§14-205).

The proposed use as a 3-family dwelling would be consistent with residential use in the area; would not be detrimental to or endanger public health, security, general welfare, or morals; and would complete constructive re-use of a vacant structure that still retains considerable historic integrity. The site is adequate for the proposed use, would not create a negative impact on traffic patterns in the immediate area, nor impair present or future development of the surrounding area, nor have a negative impact on other dwellings, churches, schools, public structures, or other places of public gathering. The site has adequate fire and police protection, adequate air and light, adequate utilities, access, drainage, and other facilities; and use as three dwelling units meets all other applicable standards of the Zoning Code. The variances proposed are the minimum necessary to avoid arbitrariness as the bulk regulations would deprive the owner of reasonable use of the lot.

Community Notification: Staff notified the Harlem Park Neighborhood Council, Lafayette Square Association, West Harlem Park Neighborhood Association, and Councilman Welch of this matter.



**Thomas J. Stosur**  
**Director**