


FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #17-0155 / Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-7 Zoning District – 2415 West Lexington Street		

DATE:

TO

December 22, 2017

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

At its regular meeting of December 21, 2017, the Planning Commission considered City Council Bill #17-0155, 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 2415 West Lexington Street, as outlined in red on the accompanying plat.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended disapproval of City Council Bill #17-0155, and adopted the following resolution, eight members being present (six in favor, and two abstaining):

RESOLVED, That the Planning Commission disagrees with the staff recommendation that City Council bill 17-0155 should not be recommended for approval, and therefore recommends approval of the bill.

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: Mr. Pete Hammen, Chief Operating Officer
Mr. Jim Smith, Chief of Strategic Alliances
Ms. Karen Stokes, Mayor's Office
Mr. Colin Tarbert, Mayor's Office
Mr. Kyron Banks, Mayor's Office
The Honorable Edward Reisinger, Council Rep. to Planning Commission
Mr. David Tanner, BMZA
Mr. Geoffrey Veale, Zoning Administration
Ms. Sharon Daboin, DHCD
Mr. Frank Murphy, DOT
Ms. Elena DiPietro, Law Dept.
Mr. Francis Burnszynski, PABC
Mr. Derrick Shaw



Catherine E. Pugh
Mayor

PLANNING COMMISSION

Sean D. Davis, Chairman

STAFF REPORT



Thomas J. Stosur
Director

December 21, 2017

REQUEST: City Council Bill #17-0155/ Zoning – Conditional Use Conversion of a Single-Family Dwelling to 2 Dwelling Units in the R-7 Zoning District – 2415 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-7 Zoning District on the property known as 2415 West Lexington Street, as outlined in red on the accompanying plat.

RECOMMENDATION: Disapproval

STAFF: Martin French

PETITIONERS: Councilmember Bullock, at the request of Derrick Shaw and Samuel Smiley

OWNERS: Derrick Shaw and Samuel Smiley

SITE/GENERAL AREA

Site Conditions: The site is a residential lot, situated on the south side of the street approximately halfway between Warwick and Wheeler Avenues, measuring approximately 23'3" by 100' and improved with a two-story end-of-group residential building constructed in 1943. Each of two residential groups has eight rowhouse dwellings, each approximately 17' wide and 30' deep. There is a 15' wide alley, extending between Warwick and Wheeler Avenues, behind the property.

General Area: This is the southwestern side of the predominantly residential area of West Baltimore. A few blocks north of this site is the West Baltimore MARC Station, an area designated for transit-oriented development. Immediately west of this block are several properties zoned for light industrial use.

HISTORY

There are no previous legislative or Planning Commission actions regarding this specific site. The block on which this property is located was zoned R-7 in 1971 and remained zoned R-7 upon adoption of the new Zoning Code that became effective on June 5, 2017. The site is part of the Operation Reach Out Southwest (OROSW) Strategic Neighborhood Action Plan area designated upon adoption of that Plan in 2002.

CONFORMITY TO PLANS

The proposed use does not directly support the goals, objectives and strategies contained in the Comprehensive Master Plan for the City of Baltimore. With respect to community character,

the structure of which this property is a part is a group of single-family attached houses, part of a community defined by its single-family row-housing. Use of the property as two dwelling units would not be consistent with the traditional single-family occupancy pattern of the area that has existed since its original development in the first decades of the 20th Century. In this context, the proposed action does not assist realization of LIVE Goal 1, Build Human and Social Capital by Strengthening Neighborhoods, since this portion of the residential area is already stable and not beset by abandonment or similar problems that would call for the remedy of increasing residential density.

ANALYSIS

Background: The owner intends to divide the two levels of a premises used since its 1943 construction as a single dwelling unit. The requested approval of conditional use as two dwelling units is intended to allow a new dwelling unit on the second floor.

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.

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

- the nature of this site, in particular the size of the existing row-house, is not appropriate for the proposed additional dwelling unit, as noted under "Variance" below;
- using the existing structure as two dwelling units would not assist preservation of the traditional character of the neighborhood; and,
- the proposed use does not meet all other applicable standards and requirements of the Code, thereby requiring a substantial variance of those standards and requirements, as noted under "Variance" below.

Variance

For a residential conversion from single-family use, the Zoning Code (Article 32 of the Baltimore City Code) requires property in the R-7 zoning district to have 750 square feet of lot area per dwelling unit (Table 9-401 and §9-703.d. which references this Table). A lot area of 1,500 square feet is thus required for the proposed two dwelling units. This lot has an area of 2,325 square feet, and so meets this requirement.

The Zoning Code requires the existing dwelling to have 1,500 square feet of gross floor area in order to allow conversion to more than one dwelling unit (§9-703.b.). Planning staff visited this property and confirmed that the principal structure is an end-of-group row-house having external dimensions of approximately 17' by 30' exclusive of its open front and rear porches. As this yields a gross floor area maximum of 510 square feet per floor, and the structure is constructed of concrete block with brick veneer, resulting in external walls of approximately one foot thickness, the gross floor area inside the structure is no more than 500 square feet per floor level, or a total of 1,000 square feet maximum. A 33% variance would be needed to reduce this requirement.

The Zoning Code also requires each newly-created dwelling unit to have, for a 1-bedroom unit, 750 square feet of floor area (§9-703.c.). As the proposed additional unit would have only 500 square feet of area, a variance of 250 square feet or 33% is needed to reduce this requirement. This is an excessive amount of variance given the other option available to the property owner, which is to continue to use it as a single-family dwelling. Planning staff consider the amount and extent of the variances cited above as inappropriate in the context of protecting the existing community fabric of the area.

Notification: The Fayette Street Outreach Organization has been notified of this action.



Thomas J. Stovur
Director