

TJS

FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET
	SUBJECT	CITY COUNCIL BILL #17-0164/ ZONING – CONDITIONAL USE CONVERSION– 2240 EAST BALTIMORE STREET

CITY of
BALTIMORE
MEMO



DATE:

TO

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

January 12, 2018

At its regular meeting of January 11, 2018, the Planning Commission considered City Council Bill #17-0164, 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 2240 East Baltimore Street (Block 1723, Lot 039), as outlined in red on the accompanying plat; and granting variances from certain bulk regulations (lot area) and certain off-street parking regulations.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended approval of City Council Bill #17-0164 and adopted the following resolution; nine members being present (nine in favor):

RESOLVED, That the Planning Commission finds, in accordance with §16-304 and §14-204 of the Zoning Code of Baltimore City, that the proposed use provided in this bill:

- will not be detrimental to or endanger the public health, security, general welfare, or morals;
- is not in any way precluded by any other law, including an applicable Urban Renewal Plan;
- is not otherwise in any way contrary to the public interest; and
- is in harmony with the purpose and intent of that article.

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #17-0164 be amended and passed by the City Council.

If you have any questions, please contact Mr. Eric Tiso in the Land Use and Urban Design Division at 410-396-8358.

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Attachment



Catherine E. Pugh
Mayor

PLANNING COMMISSION

Sean D. Davis, Chairman

STAFF REPORT



Thomas J. Stosur
Director

January 11, 2017

REQUEST: City Council Bill # 17-0164 / Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District – Variances – 2240 East Baltimore 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 2240 East Baltimore Street (Block 1723, Lot 039), as outlined in red on the accompanying plat; and granting variances from certain bulk regulations (lot area) and certain off-street parking regulations.

RECOMMENDATION: Amendment, and Approval as amended

Amendment: Add variance of rear yard setback to variance of bulk regulations, and add a variance of lot coverage regulations.

STAFF: Martin French

PETITIONERS: Councilmember Sneed, at the request of Qwaku Properties

OWNER: Thomas G. Stewart

SITE/GENERAL AREA

Site Conditions: 2240 East Baltimore Street is located on the north side of the street, approximately 16'6" west of the intersection with Patterson Park Avenue. This property measures approximately 16'6" by 79' and is currently improved with a three-story attached residential building measuring approximately 16'6" by 79'. A pedestrian alley approximately 2'7" wide runs behind this property, westward from Patterson Park Avenue. This site is zoned R-8.

General Area: This is a predominantly residential area known as Butchers Hill, with scattered non-residential uses such as religious institutions and a few small commercial uses. The subject property is almost cater-corner to the northwestern corner of Patterson Park, here dominated by its historic restored Pagoda. Most of the housing closest to this property was originally developed in the last two decades of the 19th Century, while the larger historic area dates from the 1850s, when the area was known as Hampstead Hill, where Rodgers' Bastion intimidated the British into not attacking Baltimore by land in September of 1814.

HISTORY

The Butchers Hill Historic District was established by Ordinance no. 401 dated July 2, 1981, as amended on June 2, 1988. The Butchers Hill Historic District was certified to the National Register of Historic Places on December 28, 1982.

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.

ANALYSIS

Project: This legislation would allow the petitioner to use the existing structure as two dwelling units. Adaptive re-use as a two-family attached dwelling would allow preservation of part of Butchers Hill's traditional architectural fabric while offering a more affordable housing alternative to persons who wish to live in an area convenient to downtown Baltimore.

Zoning Analysis: This property is a well-preserved townhouse containing over 3,000 square feet of floor area. This bill would encourage re-use of a structure consistent with its current zoning.

- The Zoning Code requires, for conversion of a single-family property in the R-8 District, 750 square feet of lot area per dwelling unit (BCZC §9-703.d., citing Table 9-401). A lot area of 1,500 square feet is thus required for the proposed use. This lot has 1,303.5 square feet, so a lot area variance of 13% is needed to reduce this requirement. While not defined numerically, this variance is included in this bill.
- A rear yard setback of 20' is required (Table 9-401). This property has no rear yard. A variance of this requirement is needed to reduce the rear yard setback to zero, thus recognizing an existing condition. Planning staff recommend amending the bill to include this.
- The maximum lot coverage allowed is 80% (Table 9-401). This structure covers the entire lot, so a variance of that requirement is needed, also to recognize the existing condition. Planning staff recommend amending the bill to include this.
- One off-street parking space is required to serve the newly-created dwelling unit (§9-703.f.). The property has no rear yard suitable for off-street parking, and no way to obtain access from the nearest street (Patterson Park Avenue). A variance for off-street parking is therefore required, and has been included in this bill.

Conditional Use – Required findings: In accordance with §5-406 of Article 32 (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 5 {"Applications and Authorizations"}, subtitle 4 {"Conditional Uses"} of the Zoning Code:

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 in harmony with the purpose and intent of this article (§5-406).

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

- 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;
- 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 emergency vehicles;
- there is adequate light and air to the premises and to properties in the vicinity;
- adequate utilities, access roads, drainage, and other necessary facilities have been or will be provided;
- the proposed use would not interfere with preservation of cultural and historic landmarks and structures;
- the proposed use would not alter the character of the neighborhood;
- the proposed use is consistent with provisions of the City's Comprehensive Master Plan; and
- the use of the property as two dwelling units meets all other applicable standards and requirements of this Code (§5-406).

The proposed use as a 2-family dwelling would be consistent with residential use in the area and would not interrupt continuing use of a structure that is a contributing element in the Butchers Hill community.

Notification: The following community organizations have been notified of this action: the Banner Neighborhoods Community Corporation, Butchers Hill Association, Friends of Patterson Park, and Patterson Park Neighborhood Association.



Thomas J. Stosur
Director