


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 #17-0114 / Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District – Variances – 2938 Huntingdon Avenue		

TO

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

DATE:

October 20, 2017

At its regular meeting of October 19, 2017, the Planning Commission considered City Council Bill #17-0114, 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 2938 Huntingdon Avenue, as outlined in red on the accompanying plat; and granting variances from certain lot area size, lot area coverage, off-street parking, and gross floor area requirements.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended disapproval of City Council Bill #17-0114, and adopted the following resolution, nine members being present (nine in favor):

RESOLVED, That the Planning Commission disagrees with the staff recommendation that City Council bill 17-0114 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
 Ms. Lindsay Wines, DOT
 Ms. Elena DiPietro, Law Dept.
 Mr. Francis Burnszynski, PABC
 Mr. Elan Kotz for Remington Rover LLC



Catherine E. Pugh
Mayor

PLANNING COMMISSION

Sean Davis, Chairman

STAFF REPORT



Thomas J. Stosur
Director

October 19, 2017

REQUEST: City Council Bill #17-0114/ Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District – Variances – 2938 Huntingdon 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 2938 Huntingdon Avenue, as outlined in red on the accompanying plat; and granting variances from certain lot area size, lot area coverage, off-street parking, and gross floor area requirements.

RECOMMENDATION: Disapproval

STAFF: Martin French

PETITIONERS: Councilmember Stokes, at the request of Remington Rover LLC

OWNER: Remington Rover LLC

SITE/ GENERAL AREA

Site Conditions: This property is located on the west side of Huntingdon Avenue approximately 30'2" southeast of its intersection with 30th Street, measures approximately 15' by 70', and is currently improved with a two-story porch-front middle-of-row residential building measuring approximately 15' by 53'. This structure was built around 1900 as a single-family dwelling in a row of such dwellings served by the street-car line that ran in front of the site on Huntingdon Avenue.

General Area: This property is located at the northwest corner of a predominantly residential area known as Remington that is comprised primarily of two-story attached dwellings with some non-residential uses such as churches and small retail establishments present. This northern portion of the larger Remington area was developed from the 1880s to the first decade of the 20th Century. To the northwest of this site is the Wyman Park multi-purpose center building built in the 1980s and the Stoney Run stream valley park known as Wyman Park, which also separates this northern end of Remington from the southern end of Hampden. Several blocks east of this site is the Homewood campus of the Johns Hopkins University.

HISTORY

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

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, and more specifically as a two-story dwelling unit with a basement efficiency apartment, would not be consistent with the traditional single-family occupancy pattern of Remington that has existed since its original development in the latter half of the 19th 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 Remington 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 continue to use the upper two levels of the property as it has been used since its construction, i.e., as a single dwelling unit. The requested approval of conditional use as two dwelling units is intended to allow use of what was a basement as a new dwelling unit, which would be entered directly through the approximately 12' deep rear yard from the 10' wide alley behind the property.

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, particularly its size, is not appropriate for the proposed additional dwelling unit, as noted under "Variances" below;
- re-activating 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 substantial variances of those standards and requirements, as noted under "Variances" below.

Variances

- The Zoning Code (Article 32 of the Baltimore City Code) requires property in the R-8 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 1,050 square feet, and so a

variance of 450 square feet or 30% is needed to reduce 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.). According to State Department of Assessment and Taxation records, this property contains 1,560 square feet of above-grade living area (which would satisfy this criterion if the upper levels were proposed for conversion to two dwelling units, one per floor) and 350 square feet of finished basement area. This latter is less than half the floor area needed for a new dwelling unit. In effect, the proposed internal division of the existing dwelling uses a fiction (use of the floor area attributable to one of the upper two levels as part of the floor area of a new basement dwelling unit) to appear to satisfy this standard.
- The Zoning Code requires each newly-created dwelling unit to have, for a 1-bedroom unit, 750 square feet of floor area (§9-703.c.). As the basement unit has only 350 square feet of area, or less than half the floor area needed for a new dwelling unit, a variance of 400 square feet or 53% is needed to reduce this requirement. This is an excessive amount of variance given the other options available to the property owner now renovating this building.
- The Zoning Code requires one off-street parking space for each dwelling unit (§9-703.f.), which could not be provided as the depth of the rear yard is less than 18'. A variance is therefore needed for approval of the proposed conversion.

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 Remington area.

Notification: Planning staff notified the Greater Remington Improvement Association and the Remington Neighborhood Alliance of this matter.



Thomas J. Stosur
Director