

TJS

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 #18-0203/ ZONING – CONDITIONAL USE CONVERSION – VARIANCES – 301 EAST 28 TH STREET		

DATE:

TO

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

June 1, 2018

At its regular meeting of May 31, 2018, the Planning Commission considered City Council Bill #18-0203, for the purpose of permitting, subject to certain conditions, the conversion of a single-family dwelling unit to 3 dwelling units in the R-7 Zoning District on the property known as 301 East 28th Street (Block 3844, Lot 079), 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 amendment and approval of City Council Bill #18-0203, and adopted the following resolution, seven members being present (five in favor, and two abstaining):

RESOLVED, That the Planning Commission finds, in accordance with §5-406(a) and §5-406(b) of the Zoning Code of Baltimore City, that use of this property as 2 dwelling units:

- would not be detrimental to or endanger the public health, safety, or welfare;
- would not be precluded by any other law, including an applicable Urban Renewal Plan;
- would not be contrary to the public interest; and
- would be in harmony with the purpose and intent of this Code; and
- meets all criteria for approval specified in §5-406(b) of the Zoning Code of Baltimore City, as described in the Departmental staff report; and further

RESOLVED, That the Planning Commission concurs with the recommendation of its Departmental staff, and finds that because of its particular surroundings, a practical difficulty would result if the strict letter of the applicable Zoning Code requirements would be carried out; and therefore recommends that City Council Bill #18-0203 be amended to authorize 2 dwelling units, and be passed as amended accordingly by the City Council.

If you have any questions, please contact Mr. Martin French in the Land Use and Urban Design Division at 410-396-1354.

TJS/ewt

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. Derek Baumgardner, BMZA
Mr. Geoffrey Veale, Zoning Administration
Ms. Sharon Daboin, DHCD
Ms. Elena DiPietro, Law Dept.
Mr. Francis Burnszynski, PABC
Ms. Katelyn McCauley, DoT
Ms. Natawna Austin, Council Services
Ms. Hazel Thornton, Kasey Corporation



Catherine E. Pugh
Mayor

PLANNING COMMISSION

Sean D. Davis, Chairman

STAFF REPORT



Thomas J. Stosur
Director

May 31, 2018

REQUEST: City Council Bill #18-0203 / Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to 3 Dwelling Units in the R-7 Zoning District – Variances – 301 East 28th Street

For the purpose of permitting, subject to certain conditions, the conversion of a single-family dwelling unit to 3 dwelling units in the R-7 Zoning District on the property known as 301 East 28th Street (Block 3844, Lot 079), 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 with amendment

Amendment:

- Amend the Bill title to authorize 2 Dwelling Units, in lieu of 3 Dwelling Units; and revise all text references now stating 3 dwelling units to state 2 dwelling units.

STAFF: Martin French

PETITIONERS: Councilmember Stokes, at the request of Kasey Corporation

OWNER: Kasey Corporation

SITE/GENERAL AREA

Site Conditions: 301 East 28th Street is located on the south side of the street, approximately 130' east of the intersection with Guilford Avenue. This property measures approximately 16' by 85' and is currently improved with a two-story end-of-row residential building measuring approximately 16' by 62'. This site is zoned R-7.

General Area: This is a predominantly residential area known as Harwood, with most commercial uses being in the Greenmount Avenue corridor commercial area east of this site. Most of the housing in this area was originally developed in the second decade of the 20th Century. 28th Street is a major cross-town arterial road linking this area to the Jones Falls Expressway and more westerly parts of Baltimore City.

HISTORY

There is no recent legislative history relating specifically to this property or its immediate area.

CONFORMITY TO PLANS

If amended to authorize conversion of the single-family dwelling unit to two dwelling units, this action would be 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 as introduced would allow the petitioner to use the existing structure as three dwelling units; however, as noted in the following analysis, this large a number would be inappropriate for this property. As an alternative, adaptive re-use as a two-family attached dwelling would allow preservation of part of Harwood'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 improved with a rowhouse containing approximately 1,700 square feet of floor area. Through this bill, the owner sought authorization to divide a two-story rowhouse used since its construction as a single dwelling unit. In this context, the proposed conversion to three dwelling units would not assist realization of LIVE Goal 1, Build Human and Social Capital by Strengthening Neighborhoods, since this portion of the Harwood area is already stable and not beset by abandonment or similar problems that would call for the remedy of substantially increasing residential density.

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

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 rowhouse, is not appropriate for the Bill's proposed two additional dwelling units, as noted under "Variances" below;
- using the existing structure as three dwelling units would not assist preservation of the traditional character of the neighborhood, which is predominantly single-family; and,
- the proposed 3-dwelling unit 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 requires, for conversion of a single-family property in the R-8 District, at least 750 square feet of lot area per dwelling unit, and also 1,100 square feet of lot area per dwelling unit in the R-7 zoning district (BCZC §9-703.d., citing Table 9-401). A lot area of 2,750 square feet is thus required for the proposed use. This lot has 1,360 square feet, so a 50% variance of this lot area requirement is needed for three dwelling units. If the conversion authorization would be amended to two dwelling units, a lot area of 2,200 square feet would be required, for which a 20% lot area variance would be needed.
- The Code also requires that the premises have a floor area of at least 1,500 square feet (BCZC §9-703.b.); this building has 1,730 square feet of gross floor area, and thus needs no variance of this requirement. The first floor dwelling unit would contain 850 square feet of gross floor area and the second floor dwelling unit would contain 880 square feet of gross floor area, thus not needing variances of gross floor area per dwelling unit if two dwelling units are authorized. This would not be the case for many of the other houses in Harwood, which are up to 3 feet narrower, and many of which are also not as deep as this property's house, which has a building footprint equal to many of the three-story rowhouses in the Charles Village area immediately west of this property.
- A rear yard setback of 20' is required (Table 9-401). This property has a 23' deep rear yard. No variance of this requirement is needed.
- The maximum lot coverage allowed is 80% (Table 9-401). This structure covers 73% of the lot, so no variance of that requirement is needed.
- One off-street parking space is required to serve each newly-created dwelling unit (§9-703.f.). The property has a rear yard sufficient for providing one off-street parking space, with access from a 10' wide alley; however, this alley has no close connection to a wider alley or public street (such as Guilford Avenue to its west), hence no rear parking pad. A variance for off-street parking is therefore required and has been included in the bill without reference to number of spaces. The impact of the variance would be reduced if it related to only one additional dwelling unit rather than two additional dwelling units.

Review of this site and its possible use as two dwelling units has determined that establishment and operation of that conditional use would not be detrimental to or endanger public health, safety, or welfare, nor be precluded any Urban Renewal Plan (there being none here), nor be contrary to the public interest. Alternative authorization of conversion to two dwelling units would be in harmony with the purpose and intent of the Zoning Code.

In addition, review of this site and its proposed use as two dwelling units has determined that:

- the nature of the proposed site, including its size and shape, are adequate for use as two dwelling units;
- there will be no negative impact to traffic patterns in the immediate area;
- use as two dwelling units 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;
- use as two dwelling units would not interfere with preservation of cultural and historic landmarks and structures;
- use as two dwelling units would not alter the character of the neighborhood;
- use as two dwelling units would be 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).

Amending this bill to authorize use of 301 East 28th Street as a 2-family dwelling would be consistent with residential use in the area and would not prevent continuing use of a structure that is a contributing element in the Harwood community. The unusually large size of the existing structure in relation to the relatively smaller size of the lot on which it stands creates a condition that is not generally applicable to other property within the same zoning classification, and thus is indicative of a practical difficulty. The heavy traffic level on 28th Street makes it difficult to maintain this property as a viable single-family dwelling of three-bedroom size, as it is not a preferred location for raising children, a fact also indicative of practical difficulty. As much of the housing stock in Harwood is of a smaller scale than this particular property, this action would not constitute a precedent for conversion of smaller structures from single-family to multi-family use.

Notification: The Harwood Community Association and Councilman Stokes were notified of this action.



Thomas J. Stosur
Director