Introduced by: Councilmember Bullock

At the request of: Derrick Shaw and Trina Smiley
Address: P.O. Box 1162, Baltimore, Maryland 21203
Telephone: 410-294-5608

Prepared by: Department of Legislative Reference **Date:** April 10, 2018

Referred to: LAND USE AND TRANSPORTATION Committee

Also referred for recommendation and report to municipal agencies listed on reverse.

CITY COUNCIL 18 - 0218

A BILL ENTITLED

AN ORDINANCE concerning

Zoning – Conditional Use Conversion of a Single Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District – Variances – 807 North Monroe 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 807 North Monroe Street (Block 0084, Lot 046), as outlined in red on the accompanying plat; and granting variances from certain bulk, gross floor area, gross floor area per unit type, and off-street parking regulations.

BY authority of
Article 32 - Zoning
Sections 5-201(a), 5-305(a), 5-308, 9-401 (Table 9-401), 9-701(2), 9-703(b)(1)(ii), 9-703(c)(1), 9-703(f), 16-203, and 16-602 (Table 16-406)
Baltimore City Revised Code
(Edition 2000)

No. ____

****The introduction of an Ordinance or Resolution by Councilmembers at the request of any person, firm or organization is a courtesy extended by the Councilmembers and not an indication of their position.**

1050-14-1 REV.10/93

Agencies

____ Baltimore City Public School System

✓ Baltimore Development Corporation

✓ City Solicitor

____ Comptroller's Office

____ Department of Audits

____ Department of Finance

____ Department of General Services

✓ Department of Housing and Community Development

____ Department of Human Resources

____ Department of Planning

____ Other:_____

____ Other:_____

____ Other:_____

____ Department of Public Works

____ Department of Real Estate

____ Department of Recreation and Parks

✓ Department of Transportation

✓ Fire Department

____ Health Department

____ Mayor's Office of Employment Development

____ Mayor's Office of Human Services

____ Mayor's Office of Information Technology

____ Office of the Mayor

____ Police Department

____ Other:_____

____ Other:_____

Boards and Commissions

____ Board of Estimates

____ Board of Ethics

✓ Board of Municipal and Zoning Appeals

____ Comm. for Historical and Architectural Preservation

____ Commission on Sustainability

____ Employees' Retirement System

____ Other:_____

____ Other:_____

____ Other:_____

____ Environmental Control Board

____ Fire & Police Employees' Retirement System

____ Labor Commissioner

✓ Parking Authority Board

✓ Planning Commission

____ Wage Commission

____ Other:_____

____ Other:_____

____ Other:_____

CITY OF BALTIMORE
ORDINANCE 18-176
Council Bill 18-0218

Introduced by: Councilmember Bullock
At the request of: Derrick Shaw and Trina Smiley
Address: P.O. Box 1162, Baltimore, Maryland 21203
Telephone: 410-294-5608
Introduced and read first time: April 16, 2018
Assigned to: Land Use and Transportation Committee
Committee Report: Favorable
Council action: Adopted
Read second time: August 6, 2018

AN ORDINANCE CONCERNING

Zoning – Conditional Use Conversion of a Single Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District – Variances – 807 North Monroe 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 807 North Monroe Street (Block 0084, Lot 046), as outlined in red on the accompanying plat; and granting variances from certain bulk, gross floor area, gross floor area per unit type, and off-street parking regulations.

BY authority of
Article 32 - Zoning
Sections 5-201(a), 5-305(a), 5-308, 9-401 (Table 9-401), 9-701(2), 9-703(b)(1)(ii), 9-703(c)(1), 9-703(f), 16-203, and 16-602 (Table 16-406)
Baltimore City Revised Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That permission is granted for the conversion of a single-family dwelling unit to 2 dwelling units in the R-8 Zoning District on the property known as 807 North Monroe Street (Block 0084, Lot 046), as outlined in red on the plat accompanying this Ordinance, in accordance with Baltimore City Zoning Code §§ 5-201(a) and 9-701(2), subject to the condition that the building complies with all applicable federal, state, and local licensing and certification requirements.

SECTION 2. AND BE IT FURTHER ORDAINED, That pursuant to the authority granted by §§ 5-201(a) and 5-308 of Article 32 - Zoning, permission is granted for a variance from the requirements of § 9-401 (Table 9-401: Rowhouse and Multi-Family Residential Districts - Bulk and Yard Regulations), as a lot area of 1,500 square feet is required for 2 dwelling units, and the lot is only 1,050 square feet.

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.
Underlining indicates matter added to the bill by amendment.
~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from existing law by amendment.

SECTION 3. AND BE IT FURTHER ORDAINED, That pursuant to the authority granted by §§ 5-201(a) and 5-308 of Article 32 - Zoning, permission is granted for a variance from the requirements of § 9-703(b)(1)(ii), as the existing dwelling is less than 1,500 square feet in gross floor area.

SECTION 4. AND BE IT FURTHER ORDAINED, That pursuant to the authority granted by §§ 5-201(a) and 5-308 of Article 32 - Zoning, permission is granted for a variance from the requirements of § 9-703(c)(1) for gross floor area per unit type, as both dwelling units would be less that 750 square feet.

SECTION 5. AND BE IT FURTHER ORDAINED, That pursuant to the authority granted by §§ 5-201(a) and 5-308 of Article 32 - Zoning, permission is granted for a variance from the off-street parking requirements of § 9-703(f), 16-203, 16-602, and Table 16-406: Required Off-Street Parking.

SECTION 6. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 7. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Certified as duly passed this _____ day of AUG 0 6 2018, 20___

President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,

this _____ day of AUG 0 6 2018, 20___

Chief Clerk

Approved this _____ day of _____, 20___

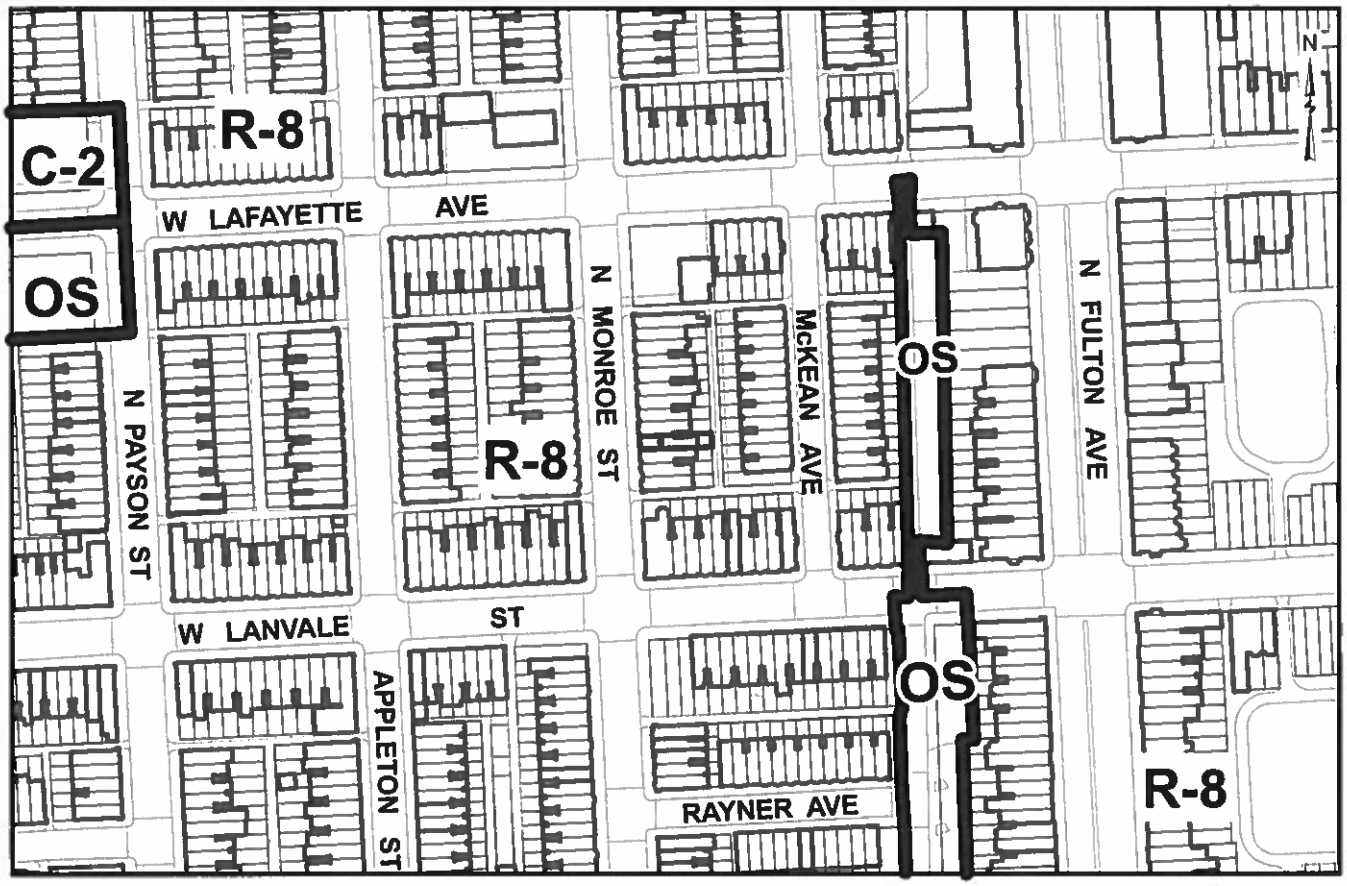
Approved For Form and Legal Sufficiency
This 8th Day of August 2018.

Chief Solicitor

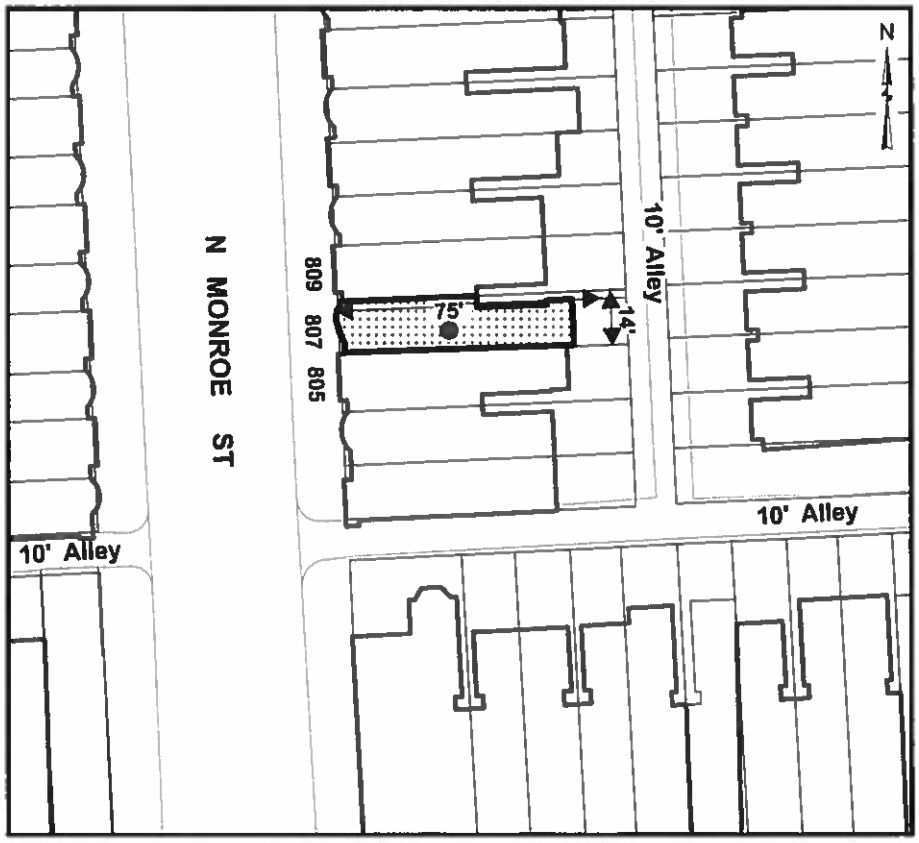
Pursuant to City Charter Article IV, Section 5(c), this bill became law on October 29, 2018, without the Mayor's Signature.

Mayor, Baltimore City

SHEET NO. 44 OF THE ZONING MAP OF THE ZONING CODE OF BALTIMORE CITY



Scale: 1" = 200'



Note:

In Connection With The Property Known As No. 807 NORTH MONROE STREET. The Applicant Wishes To Request The Conditional Use Conversion Of The Aforementioned Property From A Single-Family Dwelling Unit To Two Dwelling Units In The R-8 Zoning District, As Outlined In Red Above.

WARD 16 SECTION 4

BLOCK 84 LOT 46

MAYOR

PRESIDENT CITY COUNCIL

RPE 4-5-18

Scale: 1" = 50'

LAND USE AND TRANSPORTATION COMMITTEE

FINDINGS OF FACT

MOTION OF THE CHAIR OF THE LAND USE AND TRANSPORTATION COMMITTEE, AFTER A PUBLIC HEARING AT WHICH AGENCY REPORTS AND PUBLIC TESTIMONY WERE CONSIDERED, AND PURSUANT TO ARTICLE 32, SECTION 5-406 OF THE BALTIMORE CITY CODE, THE CITY COUNCIL ADOPTS THESE FINDINGS OF FACT CONCERNING A CONDITIONAL USE FOR:

ADOPTED

City Council Bill No. 18-0218
Zoning - Conditional Use Conversion of a Single Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District - Variances - 807 North Monroe Street

(1) the establishment, location, construction, maintenance, or operation of the conditional use **will not** be detrimental to or endanger the public health, safety, or welfare **for the following reasons**:

The establishment, location, construction, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, or welfare because the proposed residential use as a two-dwelling unit is appropriate for the surrounding area within the Harlem Park neighborhood.

(2) the use **would not** be precluded by any other law, including an applicable Urban Renewal Plan;

The use is not precluded by any other law. The subject property is in the Harlem Park Project II Urban Renewal Area and furthers the Plan's objective by providing housing resources for families of all income levels through rehabilitation and new construction.

(3) the authorization **would not** be contrary to the public interest **for the following reasons**:

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.

(4) the authorization **would** be in harmony with the purpose and intent of this Code **for the following reasons**:

The area is predominantly residential. The adaptive re-use as a two-family attached dwelling would allow for preservation of a part of Harlem Park's traditional and historic architectural fabric while offering a more affordable housing alternative to persons who wish to live in an area convenient to downtown Baltimore.

After consideration of the following, **where applicable (fill out all that are *only* relevant)**:

(1) the nature of the proposed site, including its size and shape and the proposed size, shape, and arrangement of structures;

The nature of the site, including its size and shape, are appropriate for the proposed use. The Zoning Administrator has determined that grants of certain variances are needed. The variances are part of the applicant's request put forth by Bill 18-0218.

(2) the resulting traffic patterns and adequacy of proposed off-street parking and loading;

The Baltimore City Department of Transportation does not predict a large increase of traffic due the changes crated by bill 18-0218. Traffic patterns will not be impacted by the use.

The property does not, however, allow provisions for one required off-street parking space in the rear yard. A variance for the off-street parking requirements has been requested by City Council Bill 18-0218.

The Parking Authority for Baltimore City (PABC) is not opposed to the proposed use. PABC has determined that there is available inventory. In addition, the PABC concurs with the Department of Planning's analysis that vehicle access to the rear of the property is awkward. PABC has determined that passage of Bill 18-0218 will not negatively impact parking in the area.

(3) the nature of the surrounding area and the extent to which the proposed use might impair its present and future development;

The property is situated in a predominantly residential area known as Harlem Park, which has scattered non-residential uses such as religious institutions and a few small commercial uses.

(4) the proximity of dwellings, churches, schools, public structures, and other places of public gathering;

The proposed dwelling units would be close to other dwellings, churches, schools, other public structures, and places of public gatherings.

(5) accessibility of the premises for emergency vehicles;

The premise is accessible to emergency vehicles.

(6) accessibility of light and air to the premises and to the property in the vicinity;

There is adequate light and air to the premises and properties in the vicinity.

(7) the type and location of adequate utilities, access roads, drainage, and other necessary facilities that have been or will be provided;

Adequate utilities, roads, drainage, and other necessary facilities have been provided.

(8) the preservation of cultural and historic landmarks and structures;

Adaptive re-use as a two-family attached dwelling would allow preservation of part of Harlem Park's traditional architectural fabric.

(9) the character of the neighborhood;

The Harlem Park neighborhood is predominantly residential. The proposed use is residential.

(10) the provisions of the City's Comprehensive Master Plan;

The proposed action would be consistent with provisions of the Baltimore City Comprehensive Master Plan LIVE EARN PLAY LEARN's LIVE Goal 1: Build Human and Social Capital by Strengthening Neighborhoods, Objective 1: Expand Housing Choices for all Residents.

(11) the provisions of any applicable Urban Renewal Plan;

The property is in the boundaries of the Harlem Park Project II Urban Renewal Plan. The proposed action furthers an objective of the Harlem Park II Urban Renewal Plan, to provide housing resources for families of all income levels through rehabilitation and new construction.

(12) all applicable standards and requirements of this Code;

The proposed use meets all applicable standards and requirements of the Code. Variances have been requested by City Council Bill 18-0218.

(13) the intent and purpose of this Code; and

(14) any other matters considered to be in the interest of the general welfare.

SOURCE OF FINDINGS (Check all that apply):

[X] Planning Report – Memoranda Dated May 11, 2018

[X] Testimony presented at the Committee hearing

Oral – Witness Name:

- Mr. Martin French, Department of Planning
- Mr. Taylor LaFave, Parking Authority of Baltimore City

Written – Submitted by: (Include documents that have relevant facts only)

- Baltimore City Planning Commission – Agency Report – Dated 5/11/18
- Department of Planning – Staff Report – Dated 5/10/18
- Department of Transportation – Agency Report – Dated 5/4/18
- Parking Authority of Baltimore City – Agency Report – Dated 5/14/18

LAND USE AND TRANSPORTATION COMMITTEE:

Chairman

Member

Member

Member

Member

Member

Member

Member

LAND USE AND TRANSPORTATION COMMITTEE

FINDINGS OF FACT

MOTION OF THE CHAIR OF THE LAND USE AND TRANSPORTATION COMMITTEE: AFTER A PUBLIC HEARING AT WHICH AGENCY REPORTS AND PUBLIC TESTIMONY WERE CONSIDERED, AND PURSUANT TO Article 32, Section 5-308 of the Baltimore City Code, THE CITY COUNCIL ADOPTS THESE FINDINGS OF FACT CONCERNING A VARIANCE FOR BULK, GROSS FLOOR AREA, GROSS FLOOR AREA PER UNIT TYPE, AND OFF-STREET PARKING.

City Council Bill No. 18-0218
Zoning - Conditional Use Conversion of a Single Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District - Variances – 807 North Monroe Street

(1) Uniqueness

The following characteristics of the land or structure are different than neighboring properties in the same zoning classification: (*Possible examples include: particular physical surroundings, topographical conditions, irregularity of shape, slope, grade, narrowness, shallowness, accessibility, subsurface conditions, obstructions, historical significance)*

The property is unique by virtue of the structural characteristics created by its original design and development in the second half of the 19th Century. The property is also unique by virtue of the characteristics of the rear of the existing structure, which although it has ample lot space to provide off-street parking and also a 10' wide alley, the alley has no direct connection to a wider alley or public street.

(2) Unnecessary hardship or practical difficulty

(i) Due to the characteristics described above, enforcing off-street parking restrictions would cause a disproportionate impact on the property as compared to other neighboring properties, resulting in an unnecessary hardship or practical difficulty because:

The property has a rear yard sufficient for providing off-street parking, with access from a 10" wide alley; however, this alley has no direct connecting to a wider alley or public street, hence no rear parking pad.

A variance for one additional off-street parking space is needed and has been requested. The Department of Transportation will not be impacted by the use. The Parking Authority for Baltimore City (PABC) observed the on-street parking demand and determined that there is available inventory. PABC has determined that the passage of this bill will not negatively impact parking in the area. PABC is not opposed to the use.

(ii) This impact would be unnecessarily burdensome OR would unreasonably prevent the applicant from using the property for a permitted purpose (describe):

The PABC investigated the alley and rear yard and concurs with the Department of Planning's analysis that vehicle access to the rear of the property is awkward.

Also, constructing a 2-unit dwelling will allow the existing property to remain anchored into the fabric of the community and, at the same time, add alternative housing. Attempting to create a 2-unit dwelling in the original property under current Code restriction, would be burdensome given the zoning requirements. 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. The lot has 1,050 square feet, so a 30% lot area variance is needed for this requirement.

(3) <u>The hardship/difficulty is not self-imposed</u>

As described below, the unnecessary hardship or practical difficulty is caused by this Code and has not been created by the intentional action or inaction of any person who has a present interest in the property:

The Zoning Code requires one off-street parking space for each dwelling unit (Section 9-703.f.), which cannot be provided because although the rear 10' alley would allow access to a parking pad, it would not allow access to a wider alley or public street.

(4) <u>Substantial justice to applicant and nearby owners</u>

Granting the variance will do substantial justice to the applicant and nearby owners because:

Grant of the variance will protect the integrity of the residential zoning district by allowing the applicant to use the property for a permitted use and safeguard against uses that are not permitted in the zoning district. Granting of the variance, therefore, will not negatively impact the abutting residential properties.

OR

The following lesser form of relief would ensure justice because:

(5) Impact of variance on profitability of the property

The purpose of the variance is not based exclusively on a desire to increase the value or income potential of the property, rather, an additional purpose is to:

- Expand housing choices for all residents;
- Provide housing resources for families of all income levels through rehabilitation and new construction;
- Convert a vacant house to an adaptive reuse.

(6) Impact on neighboring properties

The variance will not be injurious to the use and enjoyment of other property in the immediate vicinity or substantially diminish and impair property values in the neighborhood for the following reasons:

The proposed 2-unit dwelling will be residential and is consistent with neighboring properties.

(7) Consistency with the Spirit of the Zoning Code

Granting the variance is in harmony with the purpose and intent of this Code in the following ways:

Granting the variance will allow re-use of the structure consistent with its current zoning. The proposed use meets all other applicable standards and requirements of the Code and serves the stated purpose of preserving and enhancing the value of structures, communities and neighborhoods.

(8) Impact on other City Plans

The variance **is not** precluded by and **will not** adversely affect any Urban Renewal Plan, the City's Comprehensive Master Plan or any Historical and Architectural Preservation District.

The property is located on a residential street in the R-8 district. This conditional use would benefit the Harlem Park neighborhood by creating a diverse stock of housing options of a variety of shapes and sizes that can suitably accommodate neighborhood residents. The adaptive re-use of the property will provide affordable housing and allow for a more diverse variety of choices for residents hoping to move into the neighborhood.

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.

The subject property is in the Harlem Park Project II Urban Renewal Area. The proposed use furthers two of the Urban Renewal Plan objectives by:

a. providing housing resources for families of all income levels through rehabilitation and new construction, and

b. addressing the growing number of vacant and deteriorated properties

(9) Public Health, Safety, Welfare etc.

The variance **WILL NOT** adversely affect/endanger the public health, safety, or welfare; or be in any way contrary to the public interest.

SOURCE OF FINDINGS (Check all that apply):

[X] Planning Report – Memoranda Dated May 11, 2018

[X] Testimony presented at the Committee hearing:

Oral – Witness Name:

- Mr. Martin French, Staff, Department of Planning
- Mr. Taylor LaFave, Parking Authority for Baltimore City
- Mr. Josh Taylor, Department of Transportation

Written – Submitted by: (Include documents that have relevant facts only)

- Planning Commission – Agency Report – Dated 5/11/18
- Department of Planning – Staff Report – Dated 5/10/18

- Parking Authority of Baltimore City – Agency Report – Dated 5/14/18

LAND USE AND TRANSPORTATION COMMITTEE:

Chairman	Member
Member	Member
Member	Member
Member	Member

BALTIMORE CITY COUNCIL
LAND USE AND TRANSPORTATION
VOTING RECORD

DATE: August 1, 2018

BILL#: 18-0218

BILL TITLE: Zoning - Conditional Use Conversion of a Single Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District - Variances - 807 North Monroe Street

MOTION BY: Dorsey SECONDED BY: Stokes

☑ FAVORABLE ☐ FAVORABLE WITH AMENDMENTS

☐ UNFAVORABLE ☐ WITHOUT RECOMMENDATION

NAME	YEAS	NAYS	ABSENT	ABSTAIN
Reisinger, Edward, Chair	☑	☐	☐	☐
Middleton, Sharon, Vice Chair	☑	☐	☐	☐
Clarke, Mary Pat	☑	☐	☐	☐
Costello, Eric	☐	☐	☑	☐
Dorsey, Ryan	☑	☐	☐	☐
Pinkett, Leon	☑	☐	☐	☐
Stokes, Robert	☑	☐	☐	☐
TOTALS	6		1	

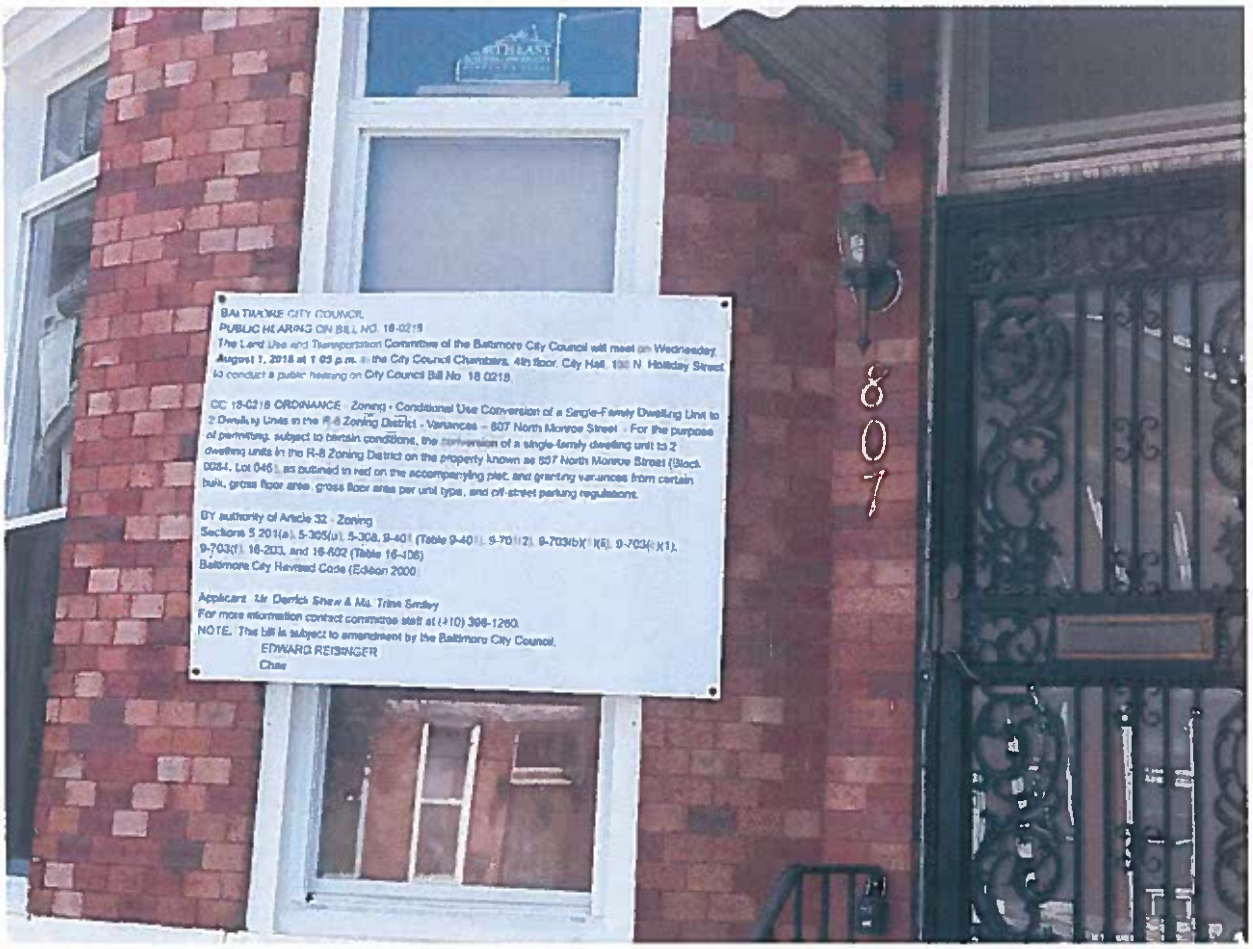
CHAIRPERSON: Edward L. Reisinger

COMMITTEE STAFF: Jennifer L. Coates, Initials: JLC

ATTACHMENT C

Baltimore City Council
Certificate of Posting - Public Hearing Notice
City Council Bill No.: 18-2018

Today's Date: July 3, 2018



Address: 807 N Monroe

Date Posted: July 3, 2018

Name: Derrick Shaw

Address: POBOX 1162, Baltimore, MD 21203

Telephone: 410-294-5608

- *Email to: Natawnab.Austin@baltimorecity.gov*
- *Mail to: Baltimore City Council; c/o Natawna B. Austin; Room 409, City Hall; 100 N. Holliday Street; Baltimore, MD 21202*

CITY OF BALTIMORE
CATHERINE E. PUGH, Mayor

OFFICE OF COUNCIL SERVICES
LARRY E. GREENE, Director
415 City Hall, 100 N. Holliday Street
Baltimore, Maryland 21202
410-396-7215 / Fax: 410-545-7596
email: larry.greene@baltimorecity.gov

TO: Mr. Derrick Shaw & Ms. Trina Smiley

FROM: Jennifer L. Coates, Committee Staff, Land Use and Transportation Committee, Baltimore City Council

Date: June 26, 2018

RE: INSTRUCTIONS FOR NOTICE OF A PUBLIC HEARING –CONDITIONAL USE AND VARIANCES

The Land Use and Transportation Committee has scheduled the following City Council Bill for a public hearing:

Bill: **City Council Bill No. 18-0218**

Date: **Wednesday, August 1, 2018**

Time: **1:05 p.m.**

Place: **City Council Chambers, 4th floor, City Hall, 100 N. Holliday Street**

At the expense of the applicant, notice of the public hearing must be provided in accordance with:

Article 32. Zoning § 5-602 – Major variances: Conditional uses.

For helpful information about the public notice requirements under Article 32 - Zoning *(pages 129 – 130)* - see *Attachment B.* You can access and review Article 32 using the web link below:

http://ca.baltimorecity.gov/codes/Art%2032%20-%20Zoning.pdf

Wording for the Sign to be Posted

The information that must be posted on a sign, at least 21 days before the public hearing, appears between the double lines on the attached page ***(see Attachment A).*** The deadline date is indicated in **BOLD** characters at the top of Attachment A. Instructions for posting the sign can be found in Article 32. Zoning § 5-602 – Major variances: Conditional uses

Certification of Postings

Certification of the sign posting, in duplicate, must be received four (4) days prior to the hearing to:

Ms. Natawna Austin, Executive Secretary
Baltimore City Council
100 N. Holliday Street, Fourth Floor, Room 400
Baltimore, MD 21202

If the required certification is not received as specified above, the public hearing will be cancelled without notice to the applicant. The deadline dates are as follows:

Sign Posting Deadline: ***July 11, 2018***
Certificate of Posting Deadline: ***July 27, 2018***

Please note that ALL of these requirement MUST be met in order for your hearing to proceed as scheduled. If you have any questions regarding your notice requirements please contact:

Ms. Jennifer L. Coates, Committee Staff
Baltimore City Council
Land Use and Transportation Committee
410-396-1260
Jennifer.Coates@baltimorecity.gov.

ATTACHMENT A

THE INFORMATION BETWEEN THE DOUBLE LINES (SEE BELOW) MUST BE POSTED ON A SIGN ON THE PROPERTY **BY WEDNESDAY, JULY 11, 2018,** AS DISCUSSED ON THE PREVIOUS PAGE AND OUTLINED ON ATTACHMENT B.

BALTIMORE CITY COUNCIL

PUBLIC HEARING ON BILL NO. 18-0218

The Land Use and Transportation Committee of the Baltimore City Council will meet on **Wednesday, August 1, 2018 at 1:05 p.m.** in the City Council Chambers, 4th floor, City Hall, 100 N. Holliday Street to conduct a public hearing on City Council Bill No. 18-0218.

CC 18-0218 **ORDINANCE - Zoning - Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District - Variances – 807 North Monroe 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 807 North Monroe Street (Block 0084, Lot 046), as outlined in red on the accompanying plat; and granting variances from certain bulk, gross floor area, gross floor area per unit type, and off-street parking regulations.

BY authority of Article 32 - Zoning
Sections 5-201(a), 5-305(a), 5-308, 9-401 (Table 9-401), 9-701(2), 9-703(b)(1)(ii), 9-703(c)(1), 9-703(f), 16-203, and 16-602 (Table 16-406)
Baltimore City Revised Code
(Edition 2000)

Applicant: Mr. Derrick Shaw & Ms. Trina Smiley

For more information contact committee staff at (410) 396-1260.

NOTE: This bill is subject to amendment by the Baltimore City Council.

EDWARD REISINGER
Chair

SEND CERTIFICATION OF PUBLICATION TO:

Baltimore City Council
c/o Natawna B. Austin
Room 409, City Hall
100 N. Holliday Street
Baltimore, MD 21202

SEND BILL FOR THIS SIGN POSTING TO:

Mr. Derrick Shaw and Trina Smiley
P.O. Box 1162
Baltimore, MD 21203
443-294-5608

ATTACHMENT B

ZONING
SUBTITLE 6 – NOTICES

ARTICLE 32, § 5-602
http://ca.baltimorecity.gov/codes/Art%2032%20-%20Zoning.pdf

§ 5-602. Major variances; Conditional uses.

(a) *Hearing required.*

For major variances and conditional uses, the Board of Municipal and Zoning Appeals or the City Council, as the case may be, must conduct a hearing at which:

(1) the parties in interest and the general public will have an opportunity to be heard; and

(2) all agency reports will be read.

(b) *Notice of hearing required.*

Notice of the hearing must be given by posting in a conspicuous place on the subject property.

(c) *Contents of notice.*

The notice must include:

(1) the date, time, place, and purpose of the public hearing;

(2) the address of the subject property or a drawing or description of the boundaries of the area affected by the proposed variance or conditional use;

(3) the name of the applicant; and

(4) how additional information on the matter can be obtained.

(d) *Number and manner of posted notices.*

(1) The number and manner of posting is as follows:

(i) for an individual property, at least 1 sign must be visible from each of the property's street frontages;

(ii) each sign must be posted at a prominent location, near the sidewalk or public right-

of-way, so that it is visible to passing pedestrians and motorists;

(iii) a window-mounted sign must be mounted inside the window glass and placed so that it is clearly visible to passing pedestrians and motorists; and

(iv) each sign must be at least 3 feet by 4 feet in size.

(2) Nothing in this subtitle prevents the voluntary posting of more notices than required by this subtitle.

(e) *Timing of notice.*

The posted notice must be:

(1) posted at least 21 days before the public hearing; and

(2) removed within 48 hours after conclusion of the public hearing.

(Ord. 16-581; Ord. 17-015.)

ADVERTISING SIGNS MAY BE OBTAINED FROM THE FOLLOWING:

RICHARD HOFFMAN
AMERICAN DRAFTING SERVICE
904 DELLWOOD DRIVE
BALTIMORE, MARYLAND 21047

PHONE: (410) 879-3122
E-MAIL: DICK_E@COMCAST.NET

LA GRANDE VISION
JAMES EARL REID
408 E. EAGER STREET
BALTIMORE, MARYLAND 21202

PHONE: (410) 448-4913 or (410) 783-1555

FAX (410) 783-1559

SIGNS BY ANTHONY
ANTHONY L. GREENE
2815 TODKILL TRACE
EDGEWOOD, MD 21040

PHONE: 443-866-8717
FAX: 410-676-5446
E-MAIL: bones_malone@comcast.net

LINDA O'KEEFE
523 PENNY LANE
HUNT VALLEY, MD 21030
PHONE: 410-666-5366
CELL: 443-604-6431
E-MAIL: LUCKYLINDA1954@YAHOO.COM

OR ANY OTHER COMPANY OF YOUR CHOICE. THE SIGNS MUST BE MADE IN ACCORDANCE WITH THE RULES OF THE BOARD OF MUNICIPAL AND ZONING APPEALS.

THIS OFFICE IS NOT ASSOCIATED WITH ANY OF THE ABOVE DRAFTING COMPANIES, NOR DO WE RECOMMEND ANY SPECIFIC ONE.

5/2/12

ATTACHMENT C

Baltimore City Council
Certificate of Posting - Public Hearing Notice
City Council Bill No.:

Today's Date: [Insert Here]

(Place a picture of the posted sign in the picture box below.)

Address:

Date Posted:

Name:
Address:
Telephone:

- *Email to: Natawnab.Austin@baltimorecity.gov*
- *Mail to: Baltimore City Council; c/o Natawna B. Austin; Room 409, City Hall; 100 N. Holliday Street; Baltimore, MD 21202*

The Baltimore City Department of
HOUSING & COMMUNITY
DEVELOPMENT

MEMORANDUM

To: The Honorable President and Members of the Baltimore City Council
c/o Natawna Austin, Executive Secretary

From: Michael Braverman, Housing Commissioner MEB

Date: July 26, 2018

Re: **City Council Bill 18-0218 - Zoning – Conditional Use Conversion of a Single Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District – Variances – 807 North Monroe Street**

The Department of Housing and Community Development (HCD) has reviewed City Council Bill 18-0218, 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 807 North Monroe Street (Block 0084, Lot 046) and granting variances from certain bulk, gross floor area, gross floor area per unit type, and off- street parking regulations.

If enacted, this bill would allow a property in the Harlem Park community to be converted to 2 dwelling units to provide an affordable rental housing option for residents.

The Department of Housing and Community Development supports the passage of City Council Bill 18-0218.

MB:sd

cc: Ms. Karen Stokes, *Mayor's Office of Government Relations*
Mr. Kyron Banks, *Mayor's Office of Government Relations*


807 n monroe
codeMa
Focus Areas
Project COI
Phase 1
Phase 2
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Phase 4
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Streamline
Opportunil
CE Internal
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Imagery

FROM		
NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE MEMO
AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8TH FLOOR, 417 EAST FAYETTE STREET	
SUBJECT	CITY COUNCIL BILL #18-0218/ ZONING – CONDITIONAL USE CONVERSION – VARIANCES – 807 NORTH MONROE STREET	

TO

DATE: May 11, 2018

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

At its regular meeting of May 10, 2018, the Planning Commission considered City Council Bill #18-0218, 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 807 North Monroe Street (Block 0084, Lot 046), as outlined in red on the accompanying plat; and granting variances from certain bulk, gross floor area, gross floor area per unit type, and 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 #18-0218, and adopted the following resolution, eight members being present (eight in favor):

RESOLVED, That the Planning Commission finds, in accordance with §5-406(a) and §5-406(b) of the Zoning Code of Baltimore City, that the proposed use provided in this bill:

- 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 and shape of the specific structure, a practical difficulty would result if the strict letter of the applicable Zoning Code requirements were carried out; and therefore recommends that City Council Bill #18-0218 be passed 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
Mr. Derrick Shaw

Catherine E. Pugh
Mayor

PLANNING COMMISSION

Sean D. Davis, Chairman

STAFF REPORT

Thomas J. Stosur
Director

May 10, 2018

REQUEST: City Council Bill #18-0218 / Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District – Variances – 807 North Monroe 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 807 North Monroe Street (Block 0084, Lot 046), as outlined in red on the accompanying plat; and granting variances from certain bulk, gross floor area, gross floor area per unit type, and off-street parking regulations.

RECOMMENDATION: Approval

STAFF: Martin French

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

OWNERS: Derrick Shaw and Trina Smiley

SITE/GENERAL AREA

Site Conditions: 807 North Monroe Street is located on the east side of the street, approximately 142' north of the intersection with Lanvale Street. This property measures approximately 14' by 75' and is currently improved with a two-story attached residential building measuring approximately 14' by 50'. This site is zoned R-8 and is located in the Harlem Park II Urban Renewal Plan area.

General Area: This is a predominantly residential area known as Harlem Park, with scattered non-residential uses such as religious institutions and a few small commercial uses. Most of the housing closest to this property was originally developed in the second half of the 19th Century, while the larger historic area dates from the 1850s to the 1880s.

HISTORY

The Harlem Park Project II Urban Renewal Plan was established by Ordinance no. 419 dated July 6, 1960, and was last amended by Amendment 6 approved by Ordinance no. 10-264 dated 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. The proposed action also furthers an objective of the Harlem Park II Urban Renewal Plan, to provide housing resources for families of all income levels through rehabilitation and new construction.

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 Harlem Park's traditional and historic 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 townhouse containing less than 1,500 square feet of floor area. This bill would allow re-use of the 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 1,050 square feet, so a 30% lot area variance is needed for this requirement.
- 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 1,170 square feet of gross floor area, and thus needs a 22% variance of this requirement. The lower dwelling unit would contain 650 square feet of floor area and the upper dwelling unit would contain 520 square feet of floor area, thus needing variances of 13% and 31% respectively.
- A rear yard setback of 20' is required (Table 9-401). This property has a 25' deep rear yard. No variance of this requirement is needed.
- The maximum lot coverage allowed is 80% (Table 9-401). This structure covers 67% of the lot, so no variance of that requirement is needed.
- One off-street parking space is required to serve the newly-created dwelling unit (§9-703.f.). The property has a rear yard sufficient for providing off-street parking, with access from a 10' wide alley; however, this alley has no direct connection to a wider alley or public street, hence no rear parking pad. A variance for off-street parking is therefore required.

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).

Review of this site and its proposed use as two dwelling units has determined that establishment and operation of the conditional use would not be detrimental to or endanger public health, safety, or welfare, nor be precluded by the Harlem Park II Urban Renewal Plan, nor be contrary to the public interest. The authorization 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 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 prevent continuing use of a structure that is a contributing element in the Harlem Park community.

Notification: The West Harlem Park Neighborhood Association, Harlem Park Neighborhood Council, Midtown-Edmondson Avenue Improvement Association, and Councilman Bullock were notified of this action.

Thomas J. Stosur
Director

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor

BOARD OF MUNICIPAL AND ZONING APPEALS

DEREK J. BAUMGARDNER, Executive Director
417 E. Fayette Street, Room 1432
Baltimore, Maryland 21202

July 31, 2018

The Honorable President and
Members of the City Council
City Hall
100 N. Holliday Street
Baltimore, MD 21202

RE: CC Bill #18-0218: Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District – Variances – 807 North Monroe Street

Ladies and Gentlemen:

City Council Bill No. 18-0218 has been referred by your Honorable Body to the Board of Municipal and Zoning Appeals for study and report.

The purpose of City Council Bill No. 18-0218 is permit, 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 807 North Monroe Street (Block 0084, Lot 046); and granting variances from certain bulk, gross floor area, gross floor area per unit type, and off-street parking regulations.

The BMZA has reviewed the legislation and concurs with the report and recommendation of the Planning Department and Planning Commission recommending approval of CC Bill #18-218.

Sincerely,

Derek J. Baumgardner
Executive Director

CC: Mayors Office of Council Relations
City Council President
Legislative Reference

FROM			CITY of BALTIMORE MEMO
	NAME & TITLE	Michelle Pourciau, Director	
	AGENCY NAME & ADDRESS	Department of Transportation (DOT) 417 E Fayette Street, Room 527	
	SUBJECT	City Council Bill 18-0218	

TO: Mayor Catherine E. Pugh

DATE: May 4, 2018

TO: Respective City Council Land Use and Transportation Committee
FROM: Department of Transportation
POSITION: Support
RE: City Council Bill 18-0218 - Zoning - Conditional Use Conversion of a Single Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District - Variances - 807 North Monroe Street

INTRODUCTION –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 807 North Monroe Street (Block 0084, Lot 046), as outlined in red on the accompanying plat; and granting variances from certain bulk, gross floor area, gross floor area per unit type, and off-street parking regulations.

PURPOSE/PLANS – 807 North Monroe Street is in the Harlem Park neighborhood of Baltimore. The owner has the intention of converting a single family dwelling into a two-unit dwelling.

The Department of Transportation does not predict a large increase of traffic due to this change, and thus, we have no objections to the conversion.

AGENCY/DEPARTMENT POSITION – The Department of Transportation **supports** City Council Bill 18-0218, and respectfully requests a favorable report.

If you have any questions, please do not hesitate to contact Katelyn McCauley at Katelyn.McCauley@baltimorecity.gov, (443) 677-9391.

Sincerely,

Michelle Pourciau
Director

favorable

RECEIVED
MAY 14 2018
BALTIMORE CITY COUNCIL
PRESIDENT'S OFFICE

CITY OF BALTIMORE

CATHERINE E. PUGH,
Mayor

DEPARTMENT OF LAW
ANDRE M. DAVIS, CITY SOLICITOR
100 N. HOLLIDAY STREET
SUITE 101, CITY HALL
BALTIMORE, MD 21202

July 25, 2018

RECEIVED
JUL 25 2018
BALTIMORE CITY COUNCIL
PRESIDENT'S OFFICE

Honorable President and Members
of the City Council of Baltimore
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

Attn: Natawna B. Austin,
Executive Secretary

Re: City Council Bill 18-0218 – Zoning – Conditional Use Conversion of a Single Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District - Variances - 807 North Monroe Street

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 18-0218 for form and legal sufficiency. Subject to certain conditions, the bills permits the conversion of a single-family dwelling unit to 2 dwelling units in the R-8 Zoning District on the property known as 807 North Monroe Street. It also grants variances from certain bulk, gross floor area, gross floor area per unit type, and off-street parking regulations.

Conditional Use Standards

Under the Zoning Article of the City Code, the conversion of a single-family dwelling to a multi-family dwelling in an R-8 District requires conditional-use approval by ordinance. Baltimore City Code, Art. 32, § 9-701(2). To approve a conditional use, the City Council must find:

> (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.

Fav w/ comments

Baltimore City Code, Art. 32, § 5-406(a). In making these findings, the City Council must be guided by 14 "considerations" involving such things as the "nature of the surrounding area and the extent to which the proposed use might impair its present and future development," "the character of the neighborhood," and "the resulting traffic patterns and adequacy of proposed off-street parking." Baltimore City Code, Art. 32, § 5-406(b).

Variance Standards

The bill also contains variances for lot area, floor area, floor area per unit, and off-street parking requirements. In general, dwellings in an R-8 must have a lot area of 1,500 square feet for 2 dwelling units and a gross floor area of 1,500 square feet. Baltimore City Code, Art. 32, §§ 9-401; 9-703(b). For a 2-bedroom unit, the dwelling must have 1000 square feet and one off-street parking space per dwelling unit. Baltimore City Code, Art. 32, §§ 9-703(c); 9-703(f). Since the property does not meet the applicable requirements, the bill seeks a variance from them.

To grant a variance, the City Council must find that, "because of the particular physical surroundings, shape, or topographical conditions of the specific structure or land involved, an unnecessary hardship or practical difficulty, as distinguished from a mere inconvenience, would result if the strict letter of the applicable requirement were carried out." Baltimore City Code, Art. 32, § 5-308(a). The City Council must also make seven other findings:

> (1) the conditions on which the application is based are unique to the property for which the variance is sought and are not generally applicable to other property within the same zoning classification;
> (2) the unnecessary hardship or practical difficulty is caused by this Code and has not been created by the intentional action or inaction of any person who has a present interest in the property;
> (3) the purpose of the variance is not based exclusively on a desire to increase the value or income potential of the property;
> (4) the variance will not: (i) be injurious to the use and enjoyment of other property in the immediate vicinity; or (ii) substantially diminish and impair property values in the neighborhood;
> (5) the variance is in harmony with the purpose and intent of this Code;
> (6) the variance is not precluded by and will not adversely affect: (i) any Urban Renewal Plan; (ii) the City's Comprehensive Master Plan; or (iii) any Historical and Architectural Preservation District; and
> (7) the variance will not otherwise: (i) be detrimental to or endanger the public health, safety, or welfare; or (ii) be in any way contrary to the public interest.

Baltimore City Code, Art. 32, § 5-308(b).

Hearing Requirements

The Land Use and Transportation Committee (the "Committee") must consider the above law at the scheduled public hearing wherein it will hear and weigh the evidence as presented in: (1) the Planning Report and other agency reports; (2) testimony from the Planning Department and

other City agency representatives; and (3) testimony from members of the public and interested persons. After weighing the evidence presented and submitted into the record before it, the Committee is required to make findings of fact with respect to the factors and considerations outlined above. If, after its investigation of the facts, the Committee makes findings which support the conditional use and the variances sought, it may adopt these findings and the legal requirements will be met.

The Planning Staff Report ("Report") outlines the portions of the Zoning Article applicable to conditional uses and makes favorable conclusory findings concerning the conditional use standards. The Report also mentions certain facts involving the requested variances. The Report does not, however, supply facts to support granting the requested variances. **If this bill is to be lawfully approved by the City Council, it must: (1) find facts that are identical or similar to those presented in the Report to approve the conditional use; and (2) establish the facts at the public hearing that are needed to grant the variances.**

Finally, certain procedural requirements apply to this bill beyond those discussed above because both conditional uses and variances are considered "legislative authorizations." Baltimore City Code, Art. 32, § 5-501(2)(i) and (ii). Specifically, notice requirements apply to the bill, and the bill must be referred to certain City agencies which are obligated to review the bill in specified manner. Baltimore City Code, Art. 32, §§ 5-504, 5-506, 5-602. Finally, certain limitations on the City Council's ability to amend the bill apply. Baltimore City Code, Art. 32, § 5-507.

The bill is the appropriate method for the City Council to review the facts and make the determination as to whether the legal standard for a conditional use and variances have been met. Assuming the required findings are made at the hearing and all procedural requirements are satisfied, the Law Department approves the bill for form and legal sufficiency.

Sincerely,

Victor K. Tervala
Chief Solicitor

cc: Andre M. Davis, City Solicitor
Karen Stokes, Director, Mayor's Office of Government Relations
Kyron Banks, Mayor's Legislative Liaison
Elena DiPietro, Chief Solicitor, General Counsel Division
Hilary Ruley, Chief Solicitor
Ashlea Brown, Assistant City Solicitor

Baltimore
Development Corporation

MEMORANDUM

TO: Honorable President and Members of the City Council
Attention: Natawna B. Austin, Executive Secretary

FROM: William H. Cole, President and CEO

DATE: May 9, 2018

SUBJECT: City Council Bill 18-0218
Zoning – Conditional Use Conversion of a Single Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District – Variances – 807 North Monroe Street

---

The Baltimore Development Corporation (BDC) has been asked to comment on Council Bill No. 18-0218, a zoning-conditional use conversion of a single-family dwelling unit to a 2-dwelling unit in the R-8 Zoning District at the property-variances-807 North Monroe Street (Block 0084, Lot 046).

The proposed conditional use is necessary to allow for the additional dwelling unit in the R-8 Zoning District.

BDC has no objection in this matter.

cc: Kyron Banks

No obj

36 S. Charles St. Suite 2100 Baltimore, MD 21201 410.837.9305 D 410.837.6363 F BaltimoreDevelopment.com

TRANSMITTAL MEMO

TO: Council President Bernard "Jack" Young

FROM: Peter Little, Executive Director

DATE: May 14, 2018

RE: Council Bill 18-0218

PARKING OF BALTIMORE CITY AUTHORITY

I am herein reporting on City Council Bill 18-0218 introduced by Councilmember Bullock at the request of Derrick Shaw and Trina Smiley.

The purpose of this bill is for 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 807 North Monroe Street (Block 0084, Lot 046).

According to Baltimore City Code Art. 32 § 9-701(2) the R-8 Zoning District allows for the conversion of a single-family dwelling to a multi-family dwelling through conditional-use approval by Ordinance of the Mayor and City Council. Conversion standards in Baltimore City Code Art. 32 § 9-703(f) require that at least 1 off-street parking space must be provided for each dwelling unit. This proposed legislation requests a variance for the off-street parking requirement.

The Parking Authority of Baltimore City (PABC) reviewed the proposed legislation. This property is not located on a block where PABC administers on-street parking programs. A site visit was conducted during the first week of May 2018. The PABC observed the on-street parking demand and determined that there is available inventory. In addition, the PABC investigated the alley and rear yard and concurs with the Department of Planning's analysis that vehicle access to the rear of the property is awkward. A variance for off-street parking is therefore required, and the PABC has determined that the passage of this bill will not negatively impact parking in the area.

Based on the comments above, the Parking Authority of Baltimore City does not oppose the passage of City Council Bill 18-0218.

Not opposed

200 W. LOMBARD STREET • SUITE B • BALTIMORE • MD 21201 • P: 443.573.2800 • F: 410.685.1557

FROM			
NAME & TITLE	Niles R. Ford, PhD, Chief of Fire Department	CITY OF BALTIMORE	
AGENCY NAME & ADDRESS	Baltimore City Fire Department 401 East Fayette St. _21202	MEMO	
SUBJECT	City Council Bill #18-0218 Response to Zoning-Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Unit in the R-8 Zoning District -- Variances – 807 North Monroe Street		

TO **The Honorable Bernard C. Young, President**
And All Members of the Baltimore City Council
City Hall, Room 408

DATE **April 27, 2018**

For the purpose of permitting, subject to certain conditions, the conversation of a single-family dwelling unit to 2 dwelling units in the R-8 Zoning District on the property known as 807 North Monroe Street (Block 0084, Lot 046), as outlined in red on the accompanying plat; and granting variances from certain bulk, gross floor area, gross floor area per unit type, and off-street parking regulations.

The Fire Department does not object to City Council Bill 18-0218 provided that all applicable sections of the Fire and Building codes are adhered. This may include a requirement for plans to be submitted to the Fire Department, an annual Fire Inspection, permit, automatic sprinkler system, and Fire Alarm system.

RECEIVED
MAY - 7 2018
BALTIMORE CITY COUNCIL
PRESIDENT'S OFFICE

Does not object

Baltimore City Department of

Office of the Zoning Administrator
417 E. Fayette Street
Benton Bldg., Room 147
Baltimore MD. 21202

Ref: 807 N. Monroe Street

Date: April 03, 2018

This memo is submitted to confirm the review of a request from the owner and/or representative of the property (or properties) referenced above for authorization to:

Convert existing premises into two dwelling units

Please be advised that the Office of the Zoning Administrator has determined that the authorization requested above (in whole or in part) requires approval by Ordinance of the Mayor and City Council of Baltimore. In the furtherance of said Ordinance approval, the Zoning Administrator has determined that the following variances per the Zoning Code of Baltimore City are required and should be incorporated in the bill for approval of the Mayor and City Council:

- Subsection 9-703(b)(1)(ii): Conversion standards. Existing dwelling has less than 1,500 square feet of gross floor area (per attached floor plan submitted).
- 9-401: Bulk regulations (lot area) in the R-8 District. A lot area of 1,500 square feet is required for two dwelling units. Lot is only 1,050 square feet (per attached Block Plat).
- Subsections 9-703(f), 16-203 & 16-602: Off-street parking in the R-7 District (Table 16-406). One off-street parking space would be required. None are provided.
- Subsection 9-703(c) Gross floor area per unit type. Two, one bedroom units are proposed (though one unit appears to be a studio unit). Both are less than 750 square feet.

This memo is being submitted in accordance with Subsections 5-201 and 5-303 of the Zoning Code for Baltimore City.

Respectfully,

Geoffrey M. Veale
Zoning Administrator

cc: Department of Legislative Reference
Mr. Derick Shaw, Owner
Councilman John Bullock
Department of Planning

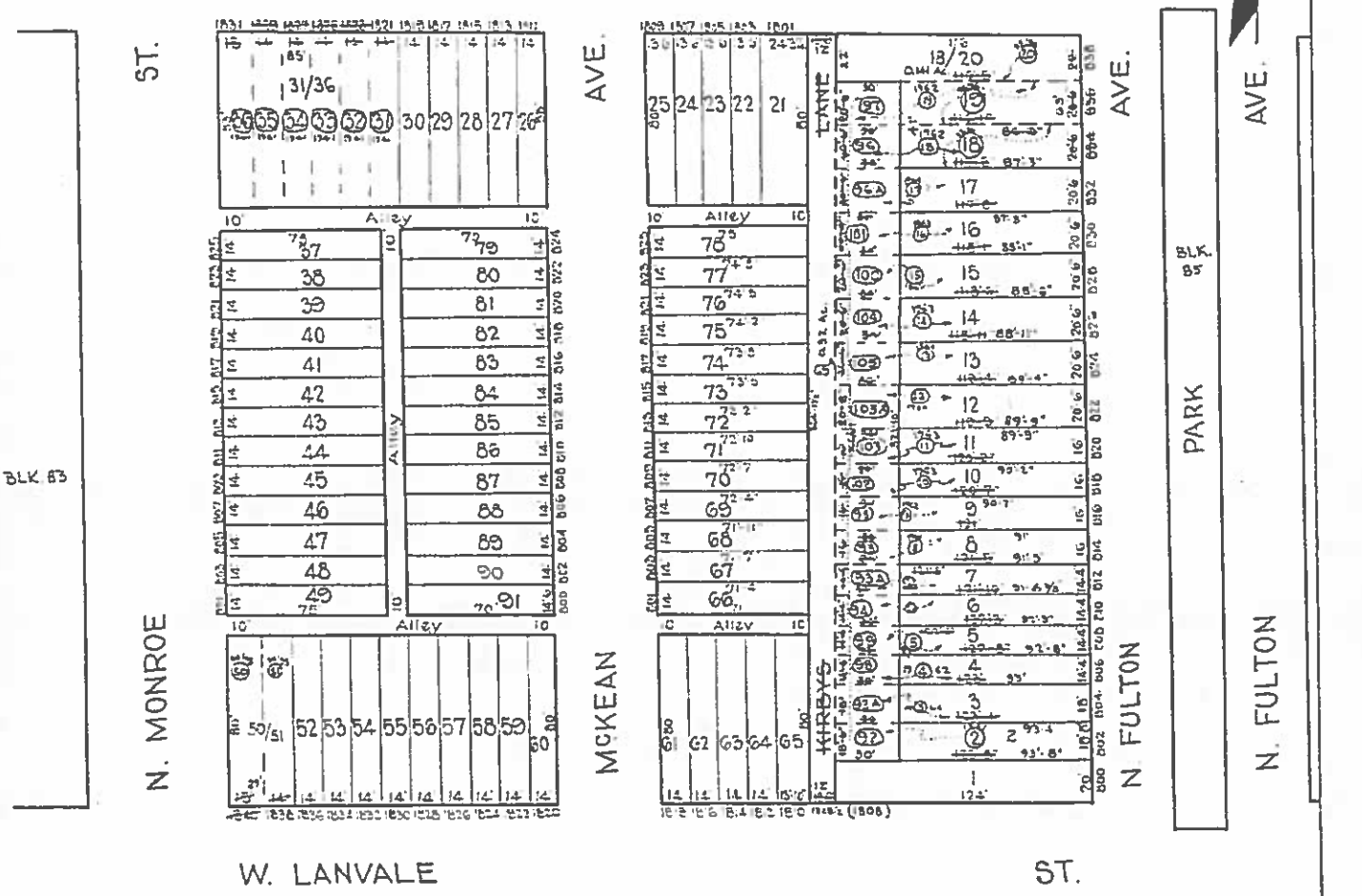
REVISIONS

Lots 31 to 36 Cons'd. Per App 3353, C Sh 2368
Lot 2 Divided Per Deed, C Sh 8724
Lot 8 Div Per Deed, C Sh 8743
Lot 6 Div Per Deed C Sh 8773
Lot 7 Div Per Deed C Sh 8854
Lot 9 Div Per Deed, C Sh 8887
Lot 18 Div. Per Deed, C Sh. 8949
Lot 13 Div. Per Deed C Sh. 8991
Lot 4 Div. Per Deed. C Sh. 8953
Lots 5 & 15 Div Per Letter, D of Law, C Sh. 8999-7
Lot 16 Div. Per. City Sol. Let. C. Sh. 9040
Lot 10 Div. Per Deed C. Sh. 9177.
Lot 11 Div. Per Deed & City Sol. Letter C. Sh. 9183.
Lot 14 Div. Per City Sol. Letter C. Sh. 9183.
Lot 3 Div Per City Sol. Let. C. Sh 9232
Lot 17 Div. Per Deed C. Sh 9250
Lot 13 Div Per Deed C Sh. 9270
Lot 12 Div. Per Deed C. Sh. 9351
Lots 92-105 Cons'd Per Sub-Div C. Sh. 9634

BLK. 72

REVISIONS

Lots 50 & 51 Cons'd Per O.O. C Sh 95-036
Lots 18-20 Cons'd Per O.O. C Sh 96-078



BLK. 96

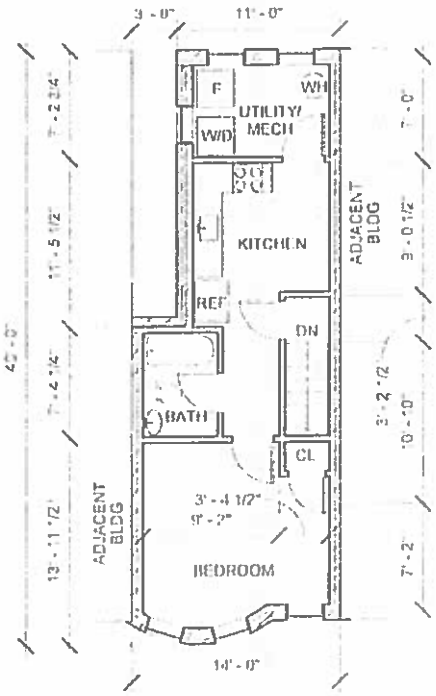
NOTICE

THIS IS A REAL PROPERTY PLAT AS PROVIDED FOR UNDER ARTICLE 76-4 OF THE CITY CHARTER IT IS COMPILED FROM TITLE AND OTHER SOURCES AND IS NOT AN AUTHENTIC SURVEY.

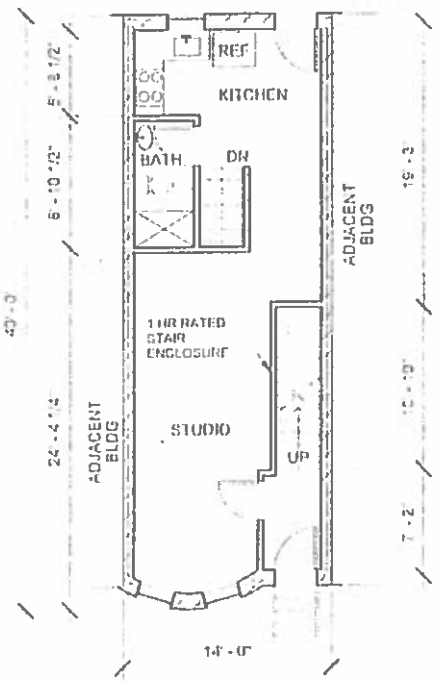
TRACED BY
LETTERED BY W.M. Lee
CHECKED BY

CITY OF BALTIMORE
DEPARTMENT OF PUBLIC WORKS
BUREAU OF SURVEYS
PROPERTY LOCATION DIVISION

WARD 16 SECTION 4
BLOCK 84
SCALE 1" = 50'-0" DATE Oct 1929



2/ LEVEL 2 PLAN



1/ LEVEL 1 PLAN

NOTES:

FLOOR PLANS

807 N MONROE ST,
BALTIMORE MD

SCALE: 1/8" = 1'-0"

A0-01

City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland
21202

Meeting Minutes - Final

Land Use and Transportation Committee

Wednesday, August 1, 2018 | **1:05 PM** | **Du Burns Council Chamber, 4th floor, City Hall**

18-0218

CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

Present 6 - Member Edward Reisinger, Member Sharon Green Middleton, Member Mary Pat Clarke, Member Ryan Dorsey, Member Leon F. Pinkett III, and Member Robert Stokes Sr.

Absent 1 - Member Eric T. Costello

ITEMS SCHEDULED FOR PUBLIC HEARING

18-0218 **Zoning - Conditional Use Conversion of a Single Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District - Variances - 807 North Monroe 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 807 North Monroe Street (Block 0084, Lot 046), as outlined in red on the accompanying plat; and granting variances from certain bulk, gross floor area, gross floor area per unit type, and off-street parking regulations.

Sponsors: John T. Bullock

A motion was made by Member Dorsey, seconded by Member Stokes, Sr., that the bill be recommended favorably. The motion carried by the following vote:

Yes: 6 - Member Reisinger, Member Middleton, Member Clarke, Member Dorsey, Member Pinkett III, and Member Stokes Sr.

Absent: 1 - Member Costello

ADJOURNMENT

THIS MEETING IS OPEN TO THE PUBLIC

CITY OF BALTIMORE
CATHERINE E. PUGH, Mayor

OFFICE OF COUNCIL SERVICES
LARRY E. GREENE, Director
415 City Hall, 100 N. Holliday Street
Baltimore, Maryland 21202
410-396-7215 / Fax: 410-545-7596
email: larry.greene@baltimorecity.gov

HEARING NOTES

Bill: 18-0218

Zoning - Conditional Use Conversion of a Single Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District - Variances - 807 North Monroe Street

Committee: Land Use and Transportation
Chaired By: Councilmember Edward Reisinger

Hearing Date: August 1, 2018
Time (Beginning): 1:10 PM
Time (Ending): 1:17 PM
Location: Clarence "Du" Burns Chamber
Total Attendance: ~25
Committee Members in Attendance:
Reisinger, Edward, Chairman
Middleton, Sharon, Vice Chair
Clarke, Mary Pat
Dorsey, Ryan
Pinkett, Leon
Stokes, Robert

Bill Synopsis in the file? ☒ yes ☐ no ☐ n/a
Attendance sheet in the file? ☒ yes ☐ no ☐ n/a
Agency reports read? ☒ yes ☐ no ☐ n/a
Hearing televised or audio-digitally recorded? ☒ yes ☐ no ☐ n/a
Certification of advertising/posting notices in the file? ☒ yes ☐ no ☐ n/a
Evidence of notification to property owners? ☒ yes ☐ no ☐ n/a
Final vote taken at this hearing? ☒ yes ☐ no ☐ n/a
Motioned by: Councilmember Dorsey, Ryan
Seconded by Councilmember Stokes, Robert
Final Vote: Favorable

Major Speakers

(This is not an attendance record.)

- The Honorable John Bullock, Sponsor
- Mr. Martin French, Planning Department
- Mr. Victor Tervala, Law Department
- Ms. Taylor LaFave Parking Authority of Baltimore City
- Mr. Josh Taylor, Department of Transportation
- Mr. Derrick Baumgardner, Board of Municipal Zoning Appeals
- Ms. Sharon, DaBoin, Department of Housing and Community Development
- Mr. Kyron Banks, Office of the Mayor

Major Issues Discussed

1. Councilman Reisinger read the bill's number, title and purpose. He stated that the record showed that all public notice requirements for the hearing had been met.
2. Councilmember Bullock provided background information about the Harlem Park neighborhood and the need for the bill.
3. Mr. Martin French presented the Planning Commission's report and provided information from the Department of Planning's staff report. He indicated the bill was consistent with the City's Comprehensive Master Plan and the Harlem Park Urban Renewal Plan. He discussed the reason for the variances. He provided information regarding the approval standards outlined in Article32 – Zoning. He stated that the Planning Department determined that the property meets the standards set forth in the Zoning Code.
4. Agency representatives testified in support of their agency's report.
5. The hearing was adjourned.

Further Study

Was further study requested? ☐ **Yes** ☒ **No**

If yes, describe.

Committee Vote:

Reisinger, Edward, Chairman ..... **Yea**
Middleton, Sharon, Vice Chair ..... **Yea**
Clarke, Mary Pat ..... **Yea**
Costello, Eric ..... **Absent**
Dorsey, Ryan ..... **Yea**

Pinkett, Leon.....**Yea**
Stokes, Robert:.....**Yea**

Jennifer L. Coates, Committee Staff JLC Date: August 1, 2018

cc: Bill File
OCS Chrono File

CITY OF BALTIMORE
CITY COUNCIL HEARING ATTENDANCE RECORD

Committee: Land Use and Transportation			**Chairperson:** Edward Reisinger
Date: August 1, 2018	**Time:** 1:05 PM		**Place:** Clarence "Du" Burns Chambers
Subject: Ordinance - Zoning - Conditional Use Conversion of a Single Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District - Variances - 807 North Monroe Street			**CC Bill Number:** 18-0218

PLEASE PRINT

IF YOU WANT TO TESTIFY PLEASE CHECK HERE

FIRST NAME	LAST NAME	ST. #	ADDRESS/ORGANIZATION NAME	ZIP	EMAIL ADDRESS	TESTIFY	WHAT IS YOUR POSITION ON THIS BILL? FOR	AGAINST	(*) LOBBYIST: ARE YOU REGISTERED IN THE CITY YES	NO
John	Doe	100	North Charles Street	21202	Johndoenbmore@yahoo.com	√	√	√	√	√
Josh	Taylor		DOT	2120	josh.taylor@baltimorecity.gov		✓			
Martin	French		Planning			✓	✓			
Sharon	Dobson		AFCB							

(*) NOTE: IF YOU ARE COMPENSATED OR INCUR EXPENSES IN CONNECTION WITH THIS BILL, YOU MAY BE REQUIRED BY LAW TO REGISTER WITH THE CITY ETHICS BOARD. REGISTRATION IS A SIMPLE PROCESS. FOR INFORMATION AND FORMS, CALL OR WRITE: BALTIMORE CITY BOARD OF ETHICS, C/O DEPARTMENT OF LEGISLATIVE REFERENCE, 626 CITY HALL, BALTIMORE, MD 21202. TEL: 410-396-4730: FAX: 410-396-8483.

City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland
21202

Meeting Agenda - Final

Land Use and Transportation Committee

Wednesday, August 1, 2018 | **1:05 PM** | **Du Burns Council Chamber, 4th floor, City Hall**

18-0218

CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

ITEMS SCHEDULED FOR PUBLIC HEARING

18-0218 **Zoning - Conditional Use Conversion of a Single Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District - Variances - 807 North Monroe 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 807 North Monroe Street (Block 0084, Lot 046), as outlined in red on the accompanying plat; and granting variances from certain bulk, gross floor area, gross floor area per unit type, and off-street parking regulations.

Sponsors: John T. Bullock

ADJOURNMENT

THIS MEETING IS OPEN TO THE PUBLIC

BALTIMORE CITY COUNCIL
LAND USE AND TRANSPORTATION COMMITTEE

Mission Statement

On behalf of the Citizens of Baltimore City, the mission of the Land Use and Transportation Committee is to review and support responsible development and zoning initiatives to ensure compatibility with the aim of improving the quality of life for the diverse population of Baltimore City.

The Honorable Edward Reisinger
Chairperson

PUBLIC HEARING

Wednesday, August 1, 2018
1:05 PM
Clarence "Du" Burns Council Chambers

City Council Bill # 18-0218

Zoning - Conditional Use Conversion of a Single Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District - Variances - 807 North Monroe Street

CITY COUNCIL COMMITTEES

BUDGET AND APPROPRIATIONS
Eric Costello – Chair
Leon Pinkett – Vice Chair
Bill Henry
Sharon Green Middleton
Brandon M. Scott
Isaac "Yitzy" Schleifer
Shannon Sneed
Staff: Marguerite Currin

EDUCATION AND YOUTH
Zeke Cohen – Chair
Mary Pat Clarke – Vice Chair
John Bullock
Kristerfer Burnett
Ryan Dorsey
Staff: Matthew Peters

EXECUTIVE APPOINTMENTS
Robert Stokes – Chair
Kristerfer Burnett– Vice Chair
Mary Pat Clarke
Zeke Cohen
Isaac "Yitzy" Schleifer
Staff: Marguerite Currin

HOUSING AND URBAN AFFAIRS
John Bullock – Chair
Isaac "Yitzy" Schleifer – Vice Chair
Kristerfer Burnett
Bill Henry
Shannon Sneed
Zeke Cohen
Ryan Dorsey
Staff: Richard Krummerich

JUDICIARY AND LEGISLATIVE INVESTIGATIONS
Eric Costello – Chair
Mary Pat Clarke – Vice Chair
John Bullock
Leon Pinkett
Edward Reisinger
Brandon Scott
Robert Stokes
Staff: Matthew Peters

LABOR
Shannon Sneed – Chair
Robert Stokes – Vice Chair
Eric Costello
Bill Henry
Mary Pat Clarke
Staff: Samuel Johnson

LAND USE AND TRANSPORTATION
Edward Reisinger - Chair
Sharon Green Middleton – Vice Chair
Mary Pat Clarke
Eric Costello
Ryan Dorsey
Leon Pinkett
Robert Stokes
Staff: Jennifer Coates

PUBLIC SAFETY
Brandon Scott – Chair
Ryan Dorsey – Vice Chair
Kristerfer Burnett
Shannon Sneed
Zeke Cohen
Leon Pinkett
Isaac "Yitzy" Schleifer
Staff: Richard Krummerich

TAXATION, FINANCE AND ECONOMIC DEVELOPMENT
Sharon Green Middleton – Chair
Leon Pinkett – Vice Chair
Eric Costello
Edward Reisinger
Robert Stokes
Staff: Samuel Johnson
- Larry Greene ***(pension only)***

Rev. 04/30/18

CITY OF BALTIMORE
CATHERINE E. PUGH, Mayor

OFFICE OF COUNCIL SERVICES
LARRY E. GREENE, Director
415 City Hall, 100 N. Holliday Street
Baltimore, Maryland 21202
410-396-7215 / Fax: 410-545-7596
email: larry.greene@baltimorecity.gov

BILL SYNOPSIS

Committee: Land Use and Transportation

Bill 18-0218

Zoning - Conditional Use Conversion of a Single Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District - Variances - 807 North Monroe Street

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Sponsor: *Councilmember Bullock*
Introduced: *April 16, 2018*

Purpose:

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 807 North Monroe Street (Block 0084, Lot 046), as outlined in red on the accompanying plat; and granting variances from certain bulk, gross floor area, gross floor area per unit type, and off-street parking regulations.

Effective: 30th day after enactment
Hearing Date/Time/Location: August 1, 2018 /1:05 p.m./Clarence "Du" Burns Chambers

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Agency Reports

Planning Commission	Favorable
Board of Municipal and Zoning Appeals	
Department of Transportation	Favorable
Department of Law	
Department of Housing and Community Development	
Baltimore Development Corporation	No Objection
Fire Department	Does Not Object
Parking Authority of Baltimore City	Not Opposed

Analysis

Current Law

Article 32 – Zoning; Sections 5-201(a), 5-305(a), 5-308, 9-401 (Table 9-401), 9-701(2), 9-703(b)(1)(ii), 9-703(c)(1), 9-703(f), 16-203, and 16-602 (Table 16-406); Baltimore City Revised Code; (Edition 2000)

Background

If approved, Bill 18-0218 will authorize a conditional use conversion of a single-family dwelling unit to two dwelling units at the property located at 807 N. Monroe Street. The bill would also grant variances from certain bulk, gross floor area, gross floor area per unit type, and off-street parking regulations. The Zoning Administrator has determined that variances for lot area and rear yard requirements are not needed.

Mr. Derrick Shaw and Ms. Trina Smiley are the applicants and owners of the property. The property is situated in the residential community of Harlem Park. The property is zoned R-8. Situated on the west side of Monroe Street, just north of Lafayette Avenue and south of Lanvale Street, the property measures approximately 14' x 75' and is improved with a two-story semi-detached townhouse which measures approximately 14' by 50'. The property also lies in the Harlem Park II Urban Renewal Plan Area. There are scattered non-residential uses nearby. The property is not located on a block where the Parking Authority administers any on-street parking programs.

The proposed action would be consistent with provisions of the Baltimore City Master Plan LIVE EARN PLAY LEARN's LIVE Goal 1: Build Human and Social Capital by Strengthening Neighborhoods, Objective 1: Expand Housing Choices for all Residents.

Additional Information

Fiscal Note: Not Available

Information Source(s): Agency reports

Analysis by: Jennifer L. Coates JLC
Analysis Date: July 17, 2018

Direct Inquiries to: (410) 396-1260

CITY OF BALTIMORE
COUNCIL BILL 18-0218
(First Reader)

Introduced by: Councilmember Bullock
At the request of: Derrick Shaw and Trina Smiley
Address: P.O. Box 1162, Baltimore, Maryland 21203
Telephone: 410-294-5608
Introduced and read first time: April 16, 2018
Assigned to: Land Use and Transportation Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Board of Municipal and Zoning Appeals, Planning Commission, Department of Housing and Community Development, Fire Department, Baltimore Development Corporation, Baltimore City Parking Authority Board, Department of Transportation

A BILL ENTITLED

AN ORDINANCE concerning

Zoning – Conditional Use Conversion of a Single Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District – Variances – 807 North Monroe 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 807 North Monroe Street (Block 0084, Lot 046), as outlined in red on the accompanying plat; and granting variances from certain bulk, gross floor area, gross floor area per unit type, and off-street parking regulations.

BY authority of
Article 32 - Zoning
Sections 5-201(a), 5-305(a), 5-308, 9-401 (Table 9-401), 9-701(2), 9-703(b)(1)(ii), 9-703(c)(1), 9-703(f), 16-203, and 16-602 (Table 16-406)
Baltimore City Revised Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That permission is granted for the conversion of a single-family dwelling unit to 2 dwelling units in the R-8 Zoning District on the property known as 807 North Monroe Street (Block 0084, Lot 046), as outlined in red on the plat accompanying this Ordinance, in accordance with Baltimore City Zoning Code §§ 5-201(a) and 9-701(2), subject to the condition that the building complies with all applicable federal, state, and local licensing and certification requirements.

SECTION 2. AND BE IT FURTHER ORDAINED, That pursuant to the authority granted by §§ 5-201(a) and 5-308 of Article 32 - Zoning, permission is granted for a variance from the requirements of § 9-401 (Table 9-401: Rowhouse and Multi-Family Residential Districts - Bulk and Yard Regulations), as a lot area of 1,500 square feet is required for 2 dwelling units, and the lot is only 1,050 square feet.

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

SECTION 3. AND BE IT FURTHER ORDAINED, That pursuant to the authority granted by §§ 5-201(a) and 5-308 of Article 32 - Zoning, permission is granted for a variance from the requirements of § 9-703(b)(1)(ii), as the existing dwelling is less than 1,500 square feet in gross floor area.

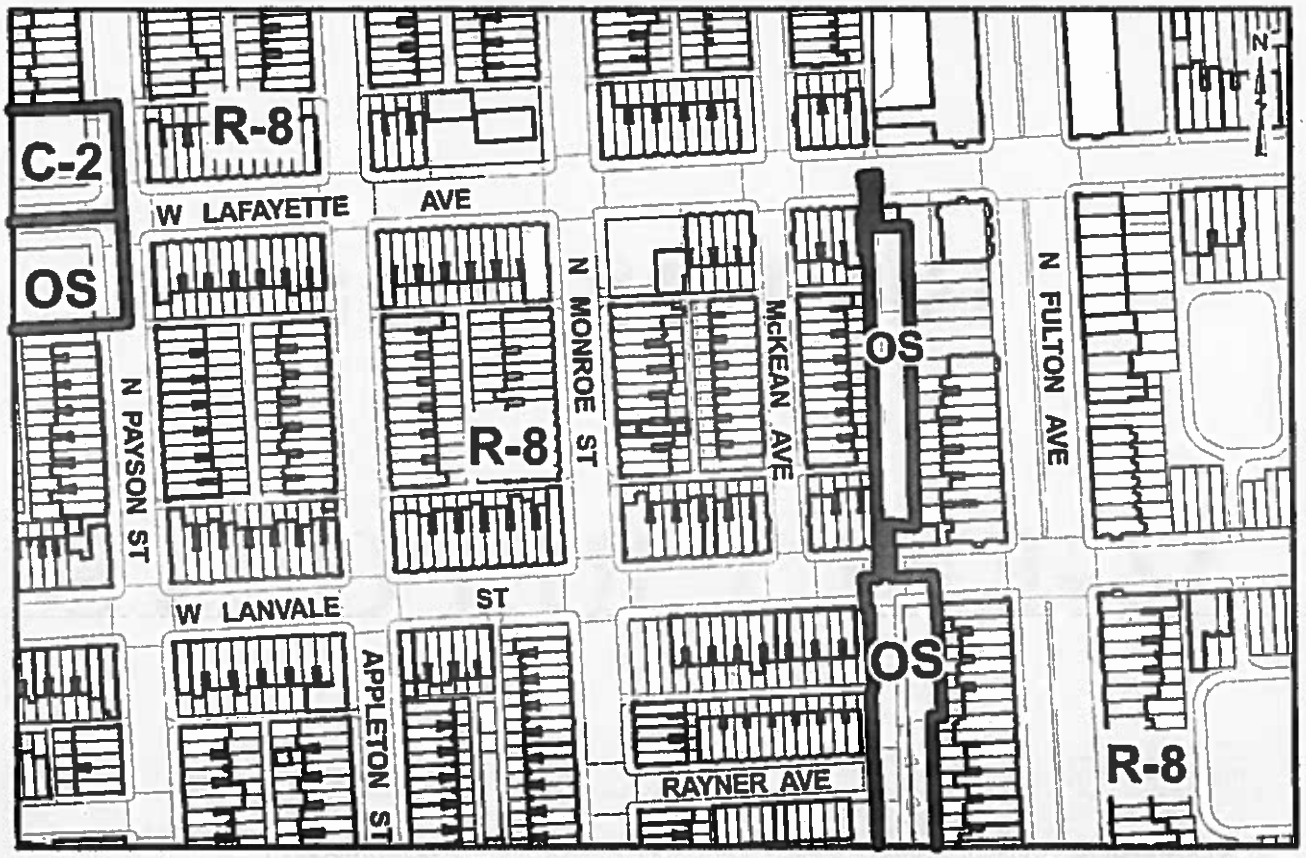
SECTION 4. AND BE IT FURTHER ORDAINED, That pursuant to the authority granted by §§ 5-201(a) and 5-308 of Article 32 - Zoning, permission is granted for a variance from the requirements of § 9-703(c)(1) for gross floor area per unit type, as both dwelling units would be less that 750 square feet.

SECTION 5. AND BE IT FURTHER ORDAINED, That pursuant to the authority granted by §§ 5-201(a) and 5-308 of Article 32 - Zoning, permission is granted for a variance from the off-street parking requirements of § 9-703(f), 16-203, 16-602, and Table 16-406: Required Off-Street Parking.

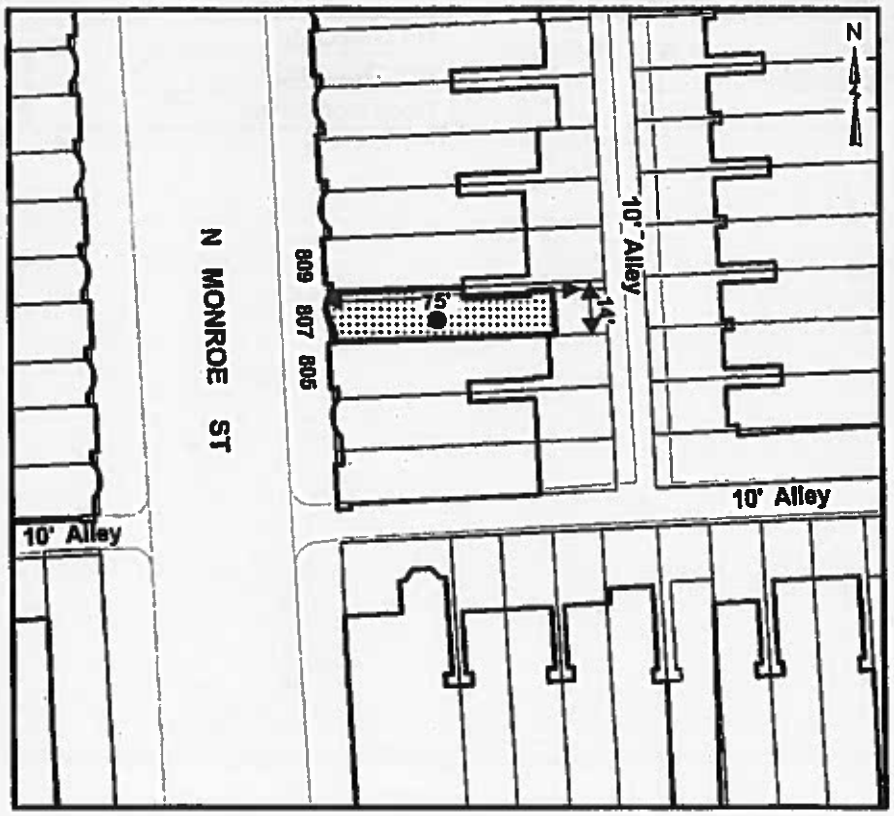
SECTION 6. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 7. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

SHEET NO. 44 OF THE ZONING MAP OF THE ZONING CODE OF BALTIMORE CITY



Scale: 1" = 200'



Scale: 1" = 50'

Note:

In Connection With The Property Known As No. 807 NORTH MONROE STREET. The Applicant Wishes To Request The Conditional Use Conversion Of The Aforementioned Property From A Single-Family Dwelling Unit To Two Dwelling Units In The R-8 Zoning District, As Outlined In Red Above.

WARD 16 SECTION 4

BLOCK 84 LOT 46

MAYOR

PRESIDENT CITY COUNCIL

RPE 4-5-18

258

LAND USE AND TRANSPORTATION COMMITTEE

BILL 18-0218

AGENCY REPORTS

Planning Commission	Favorable
Board of Municipal Zoning Appeals	
Department of Transportation	Favorable
Department of Law	
Department of Housing and Community Development	
Baltimore Development Corporation	No Objection
Parking Authority Board of Baltimore City	Not Opposed
Fire Department	Does Not Object

FROM			CITY of BALTIMORE MEMO
	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8TH FLOOR, 417 EAST FAYETTE STREET	
	SUBJECT	CITY COUNCIL BILL #18-0218/ ZONING – CONDITIONAL USE CONVERSION – VARIANCES – 807 NORTH MONROE STREET	

TO

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

DATE: May 11, 2018

At its regular meeting of May 10, 2018, the Planning Commission considered City Council Bill #18-0218, 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 807 North Monroe Street (Block 0084, Lot 046), as outlined in red on the accompanying plat; and granting variances from certain bulk, gross floor area, gross floor area per unit type, and 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 #18-0218, and adopted the following resolution, eight members being present (eight in favor):

RESOLVED, That the Planning Commission finds, in accordance with §5-406(a) and §5-406(b) of the Zoning Code of Baltimore City, that the proposed use provided in this bill:

- 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 and shape of the specific structure, a practical difficulty would result if the strict letter of the applicable Zoning Code requirements were carried out; and therefore recommends that City Council Bill #18-0218 be passed 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
Mr. Derrick Shaw

Catherine E. Pugh
Mayor

PLANNING COMMISSION

Sean D. Davis, Chairman

STAFF REPORT

Thomas J. Stosur
Director

May 10, 2018

REQUEST: City Council Bill #18-0218 / Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District – Variances – 807 North Monroe 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 807 North Monroe Street (Block 0084, Lot 046), as outlined in red on the accompanying plat; and granting variances from certain bulk, gross floor area, gross floor area per unit type, and off-street parking regulations.

RECOMMENDATION: Approval

STAFF: Martin French

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

OWNERS: Derrick Shaw and Trina Smiley

SITE/GENERAL AREA

Site Conditions: 807 North Monroe Street is located on the east side of the street, approximately 142' north of the intersection with Lanvale Street. This property measures approximately 14' by 75' and is currently improved with a two-story attached residential building measuring approximately 14' by 50'. This site is zoned R-8 and is located in the Harlem Park II Urban Renewal Plan area.

General Area: This is a predominantly residential area known as Harlem Park, with scattered non-residential uses such as religious institutions and a few small commercial uses. Most of the housing closest to this property was originally developed in the second half of the 19th Century, while the larger historic area dates from the 1850s to the 1880s.

HISTORY

The Harlem Park Project II Urban Renewal Plan was established by Ordinance no. 419 dated July 6, 1960, and was last amended by Amendment 6 approved by Ordinance no. 10-264 dated 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. The proposed action also furthers an objective of the Harlem Park II Urban Renewal Plan, to provide housing resources for families of all income levels through rehabilitation and new construction.

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 Harlem Park's traditional and historic 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 townhouse containing less than 1,500 square feet of floor area. This bill would allow re-use of the 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 1,050 square feet, so a 30% lot area variance is needed for this requirement.
- 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 1,170 square feet of gross floor area, and thus needs a 22% variance of this requirement. The lower dwelling unit would contain 650 square feet of floor area and the upper dwelling unit would contain 520 square feet of floor area, thus needing variances of 13% and 31% respectively.
- A rear yard setback of 20' is required (Table 9-401). This property has a 25' deep rear yard. No variance of this requirement is needed.
- The maximum lot coverage allowed is 80% (Table 9-401). This structure covers 67% of the lot, so no variance of that requirement is needed.
- One off-street parking space is required to serve the newly-created dwelling unit (§9-703.f.). The property has a rear yard sufficient for providing off-street parking, with access from a 10' wide alley; however, this alley has no direct connection to a wider alley or public street, hence no rear parking pad. A variance for off-street parking is therefore required.

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).

Review of this site and its proposed use as two dwelling units has determined that establishment and operation of the conditional use would not be detrimental to or endanger public health, safety, or welfare, nor be precluded by the Harlem Park II Urban Renewal Plan, nor be contrary to the public interest. The authorization 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 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 prevent continuing use of a structure that is a contributing element in the Harlem Park community.

Notification: The West Harlem Park Neighborhood Association, Harlem Park Neighborhood Council, Midtown-Edmondson Avenue Improvement Association, and Councilman Bullock were notified of this action.

Thomas J. Stosur
Director

FROM			CITY of BALTIMORE MEMO
	NAME & TITLE	Michelle Pourciau, Director	
	AGENCY NAME & ADDRESS	Department of Transportation (DOT) 417 E Fayette Street, Room 527	
	SUBJECT	City Council Bill 18-0218	

TO: Mayor Catherine E. Pugh

DATE: May 4, 2018

TO: Respective City Council Land Use and Transportation Committee
FROM: Department of Transportation
POSITION: Support
RE: City Council Bill 18-0218 - Zoning - Conditional Use Conversion of a Single Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District - Variances - 807 North Monroe Street

INTRODUCTION –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 807 North Monroe Street (Block 0084, Lot 046), as outlined in red on the accompanying plat; and granting variances from certain bulk, gross floor area, gross floor area per unit type, and off-street parking regulations.

PURPOSE/PLANS – 807 North Monroe Street is in the Harlem Park neighborhood of Baltimore. The owner has the intention of converting a single family dwelling into a two-unit dwelling.

The Department of Transportation does not predict a large increase of traffic due to this change, and thus, we have no objections to the conversion.

AGENCY/DEPARTMENT POSITION – The Department of Transportation supports City Council Bill 18-0218, and respectfully requests a favorable report.

If you have any questions, please do not hesitate to contact Katelyn McCauley at Katelyn.McCauley@baltimorecity.gov, (443) 677-9391.

Sincerely,

Michelle Pourciau
Director

Baltimore
Development Corporation

MEMORANDUM

TO: Honorable President and Members of the City Council
Attention: Natawna B. Austin, Executive Secretary

FROM: William H. Cole, President and CEO

DATE: May 9, 2018

SUBJECT: City Council Bill 18-0218
Zoning – Conditional Use Conversion of a Single Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District – Variances – 807 North Monroe Street

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The Baltimore Development Corporation (BDC) has been asked to comment on Council Bill No. 18-0218, a zoning-conditional use conversion of a single-family dwelling unit to a 2-dwelling unit in the R-8 Zoning District at the property-variances-807 North Monroe Street (Block 0084, Lot 046).

The proposed conditional use is necessary to allow for the additional dwelling unit in the R-8 Zoning District.

BDC has no objection in this matter.

cc: Kyron Banks

36 S. Charles St. Suite 2100 Baltimore, MD 21201 410.837.9305 | 410.837.6363 | baltimoredevelopment.com

TRANSMITTAL MEMO

TO: Council President Bernard "Jack" Young

FROM: Peter Little, Executive Director

DATE: May 14, 2018

RE: Council Bill 18-0218

PARKING OF BALTIMORE CITY AUTHORITY

I am herein reporting on City Council Bill 18-0218 introduced by Councilmember Bullock at the request of Derrick Shaw and Trina Smiley.

The purpose of this bill is for 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 807 North Monroe Street (Block 0084, Lot 046).

According to Baltimore City Code Art. 32 § 9-701(2) the R-8 Zoning District allows for the conversion of a single-family dwelling to a multi-family dwelling through conditional-use approval by Ordinance of the Mayor and City Council. Conversion standards in Baltimore City Code Art. 32 § 9-703(f) require that at least 1 off-street parking space must be provided for each dwelling unit. This proposed legislation requests a variance for the off-street parking requirement.

The Parking Authority of Baltimore City (PABC) reviewed the proposed legislation. This property is not located on a block where PABC administers on-street parking programs. A site visit was conducted during the first week of May 2018. The PABC observed the on-street parking demand and determined that there is available inventory. In addition, the PABC investigated the alley and rear yard and concurs with the Department of Planning's analysis that vehicle access to the rear of the property is awkward. A variance for off-street parking is therefore required, and the PABC has determined that the passage of this bill will not negatively impact parking in the area.

Based on the comments above, the Parking Authority of Baltimore City does not oppose the passage of City Council Bill 18-0218.

200 W. LOMBARD STREET • SUITE B • BALTIMORE • MD 21201 • P: 443.573.2800 • F: 410.685.1557

FROM			
NAME & TITLE	Niles R. Ford, PhD, Chief of Fire Department	CITY OF BALTIMORE	
AGENCY NAME & ADDRESS	Baltimore City Fire Department 401 East Fayette St. _21202	MEMO	
SUBJECT	City Council Bill #18-0218 Response to Zoning-Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Unit in the R-8 Zoning District -- Variances – 807 North Monroe Street		

TO

The Honorable Bernard C. Young, President
And All Members of the Baltimore City Council
City Hall, Room 408

DATE: April 27, 2018

For the purpose of permitting, subject to certain conditions, the conversation of a single-family dwelling unit to 2 dwelling units in the R-8 Zoning District on the property known as 807 North Monroe Street (Block 0084, Lot 046), as outlined in red on the accompanying plat; and granting variances from certain bulk, gross floor area, gross floor area per unit type, and off-street parking regulations.

The Fire Department does not object to City Council Bill 18-0218 provided that all applicable sections of the Fire and Building codes are adhered. This may include a requirement for plans to be submitted to the Fire Department, an annual Fire Inspection, permit, automatic sprinkler system, and Fire Alarm system.

CITY OF BALTIMORE
COUNCIL BILL 18-0218
(First Reader)

Introduced by: Councilmember Bullock
At the request of: Derrick Shaw and Trina Smiley
Address: P.O. Box 1162, Baltimore, Maryland 21203
Telephone: 410-294-5608
Introduced and read first time: April 16, 2018
Assigned to: Land Use and Transportation Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Board of Municipal and Zoning Appeals, Planning Commission, Department of Housing and Community Development, Fire Department, Baltimore Development Corporation, Baltimore City Parking Authority Board, Department of Transportation

A BILL ENTITLED

AN ORDINANCE concerning

Zoning – Conditional Use Conversion of a Single Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District – Variances – 807 North Monroe 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 807 North Monroe Street (Block 0084, Lot 046), as outlined in red on the accompanying plat; and granting variances from certain bulk, gross floor area, gross floor area per unit type, and off-street parking regulations.

BY authority of
Article 32 - Zoning
Sections 5-201(a), 5-305(a), 5-308, 9-401 (Table 9-401), 9-701(2), 9-703(b)(1)(ii), 9-703(c)(1), 9-703(f), 16-203, and 16-602 (Table 16-406)
Baltimore City Revised Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That permission is granted for the conversion of a single-family dwelling unit to 2 dwelling units in the R-8 Zoning District on the property known as 807 North Monroe Street (Block 0084, Lot 046), as outlined in red on the plat accompanying this Ordinance, in accordance with Baltimore City Zoning Code §§ 5-201(a) and 9-701(2), subject to the condition that the building complies with all applicable federal, state, and local licensing and certification requirements.

SECTION 2. AND BE IT FURTHER ORDAINED, That pursuant to the authority granted by §§ 5-201(a) and 5-308 of Article 32 - Zoning, permission is granted for a variance from the requirements of § 9-401 (Table 9-401: Rowhouse and Multi-Family Residential Districts - Bulk and Yard Regulations), as a lot area of 1,500 square feet is required for 2 dwelling units, and the lot is only 1,050 square feet.

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

SECTION 3. AND BE IT FURTHER ORDAINED, That pursuant to the authority granted by §§ 5-201(a) and 5-308 of Article 32 - Zoning, permission is granted for a variance from the requirements of § 9-703(b)(1)(ii), as the existing dwelling is less than 1,500 square feet in gross floor area.

SECTION 4. AND BE IT FURTHER ORDAINED, That pursuant to the authority granted by §§ 5-201(a) and 5-308 of Article 32 - Zoning, permission is granted for a variance from the requirements of § 9-703(c)(1) for gross floor area per unit type, as both dwelling units would be less that 750 square feet.

SECTION 5. AND BE IT FURTHER ORDAINED, That pursuant to the authority granted by §§ 5-201(a) and 5-308 of Article 32 - Zoning, permission is granted for a variance from the off-street parking requirements of § 9-703(f), 16-203, 16-602, and Table 16-406: Required Off-Street Parking.

SECTION 6. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 7. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

INTRODUCTORY*

CITY OF BALTIMORE
COUNCIL BILL _____

APPROVED FOR FORM
STYLE, AND TEXTUAL SUFFIENCY
4-10-18
DEP'T LEGISLATIVE REFERENCE

Introduced by: Councilmember Bullock
At the request of: Derrick Shaw and Trina Smiley
Address: P.O. Box 1162, Baltimore, Maryland 21203
Telephone: 410-294-5608

A BILL ENTITLED

AN ORDINANCE concerning

Zoning – Conditional Use Conversion of a Single Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District – Variances – 807 North Monroe Street

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SECTION 7. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

STATEMENT OF INTENT

FOR

807 N. Monroe
{Address}

1. **Applicant's Contact Information:**
Name: Derrick Shaw & Trina Smiley
Mailing Address: PO Box 1162, Balto, MD 21203

Telephone Number: 410 294 5608
Email Address: dshawxm@gmail.com

2. **All Proposed Zoning Changes for the Property:** Conditional use conversion in an RB zoning district from a single family dwelling to a 2 unit dwelling

3. **All Intended Uses of the Property:** Change from a single family to a 2 unit property

4. **Current Owner's Contact Information:**
Name: Derrick Shaw & Trina Smiley
Mailing Address: PO Box 1162, Balto, MD 21203

Telephone Number: 410 294 5608
Email Address: dshawxm@gmail.com

5. **Property Acquisition:**

The property was acquired by the current owner on 12/21/17 by deed recorded in the Land Records of Baltimore City in Liber 19778 Folio 125.

6. **Contract Contingency:**

(a) There is _____ is not _____ a contract contingent on the requested legislative authorization.

(b) If there is a contract contingent on the requested legislative authorization:

(i) The names and addresses of all parties to the contract are as follows *{use additional sheet if necessary}*: _____

(ii) The purpose, nature, and effect of the contract are: _____

7. **Agency:**

(a) The applicant is _____ is not _____ acting as an agent for another.

(b) If the applicant is acting as an agent for another, the names of all principals on whose behalf the applicant is acting, including the names of the majority stockholders of any corporation, are as follows *{use additional sheet if necessary}*: _____

AFFIDAVIT

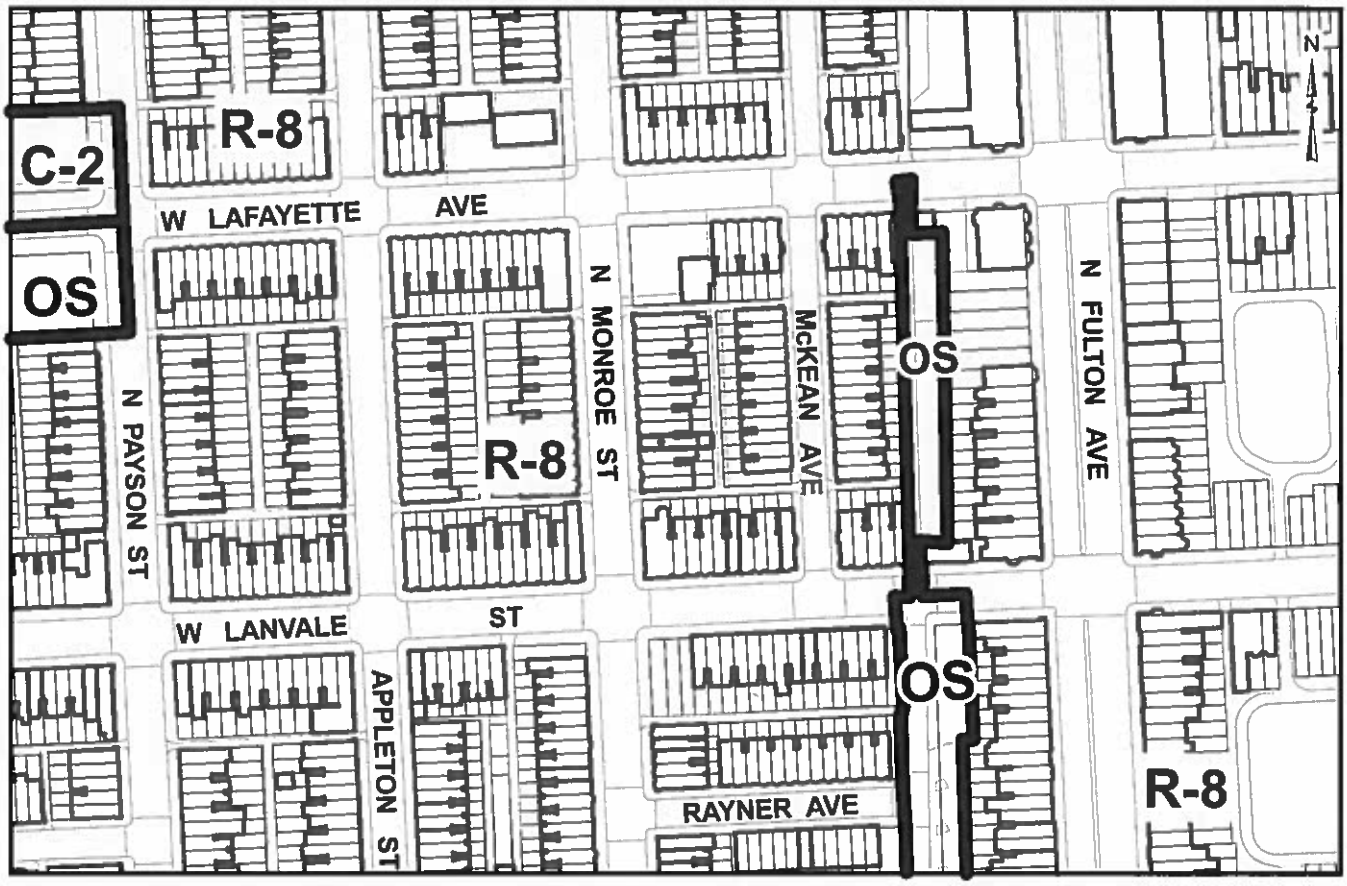
I, Derrick Shaw, solemnly affirm under the penalties of perjury that the information given in this Statement of Intent is true and complete to the best of my knowledge, information, and belief.

D Shaw
Applicant's signature

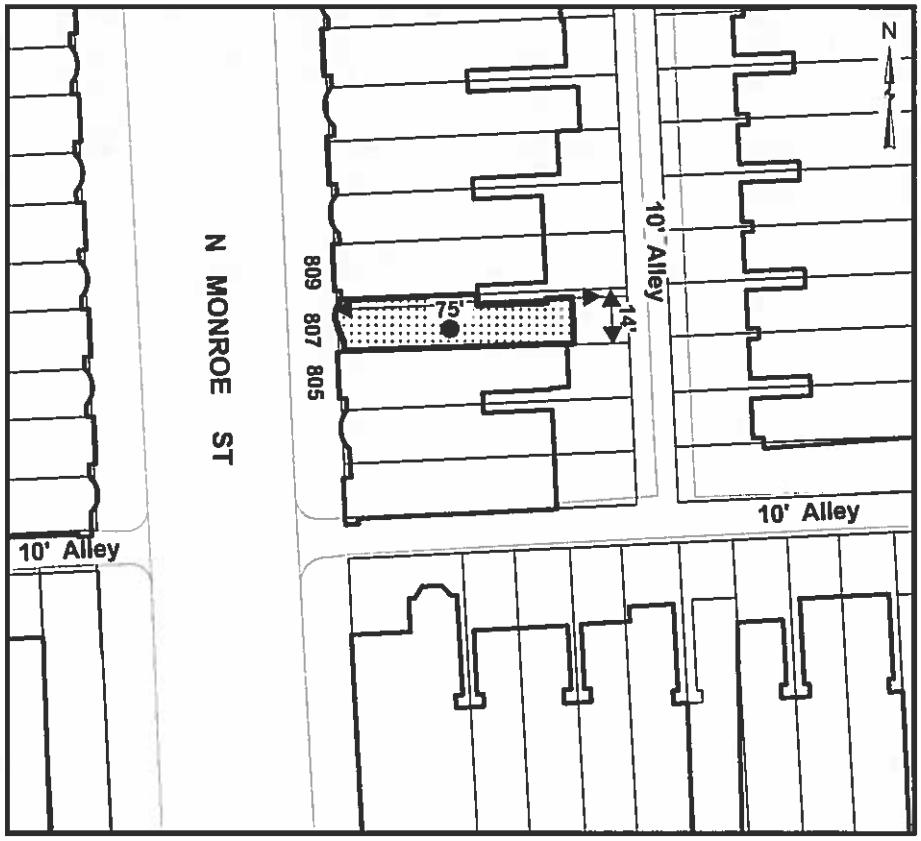
04/04/18
Date

Rev'd 05/22/17

SHEET NO. 44 OF THE ZONING MAP OF THE ZONING CODE OF BALTIMORE CITY



Scale: 1" = 200'



Scale: 1" = 50'

Note:

In Connection With The Property Known As No. 807 NORTH MONROE STREET. The Applicant Wishes To Request The Conditional Use Conversion Of The Aforementioned Property From A Single-Family Dwelling Unit To Two Dwelling Units In The R-8 Zoning District, As Outlined In Red Above.

WARD 16 SECTION 4

BLOCK 84 LOT 46

MAYOR

PRESIDENT CITY COUNCIL

RPE 4-5-18

ACTION BY THE CITY COUNCIL

FIRST READING (INTRODUCTION) APR 16 2018

PUBLIC HEARING HELD ON August 1, 20 18

COMMITTEE REPORT AS OF August 6, 20 18

✓ FAVORABLE ____ UNFAVORABLE ____ FAVORABLE AS AMENDED ____ WITHOUT RECOMMENDATION

Edward Reisen
Chair

COMMITTEE MEMBERS:

COMMITTEE MEMBERS:

SECOND READING: The Council's action being favorable (unfavorable), this City Council bill was (was not) ordered printed for Third Reading on:

AUG 06 2018

____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING AUG 06 2018

____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (ENROLLED) ____ 20 ____

____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (RE-ENROLLED) ____ 20 ____

WITHDRAWAL ____ 20 ____

There being no objections to the request for withdrawal, it was so ordered that this City Council Ordinance be withdrawn from the files of the City Council.

President

Chief Clerk

1050-10-2