

Introduced by: Councilmember Bullock

At the request of: Derrick Shaw

Address: P.O. Box 1162, Baltimore, Maryland 21203

Telephone: 410-294-5608

Prepared by: Department of Legislative Reference

Date: July 9, 2019


Referred to: LAND USE Committee

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

CITY COUNCIL 19-0415

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 –
1700 West Franklin 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 1700 West Franklin Street (Block 0121, Lot 069), as outlined in red on the accompanying plat; and granting variances from certain bulk (lot area) 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(d), 9-703(f),
16-203, and 16-602 (Table 16-406)

Baltimore City Revised Code
(Edition 2000)

****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.**

Agencies

<input type="checkbox"/>	Baltimore City Public School System	<input type="checkbox"/>	Department of Public Works
<input checked="" type="checkbox"/>	Baltimore Development Corporation	<input type="checkbox"/>	Department of Real Estate
<input checked="" type="checkbox"/>	City Solicitor	<input type="checkbox"/>	Department of Recreation and Parks
<input type="checkbox"/>	Comptroller's Office	<input checked="" type="checkbox"/>	Department of Transportation
<input type="checkbox"/>	Department of Audits	<input checked="" type="checkbox"/>	Fire Department
<input type="checkbox"/>	Department of Finance	<input type="checkbox"/>	Health Department
<input type="checkbox"/>	Department of General Services	<input type="checkbox"/>	Mayor's Office of Employment Development
<input checked="" type="checkbox"/>	Department of Housing and Community Development	<input type="checkbox"/>	Mayor's Office of Human Services
<input type="checkbox"/>	Department of Human Resources	<input type="checkbox"/>	Mayor's Office of Information Technology
<input type="checkbox"/>	Department of Planning	<input type="checkbox"/>	Office of the Mayor
<input type="checkbox"/>	Other: _____	<input type="checkbox"/>	Police Department
<input type="checkbox"/>	Other: _____	<input type="checkbox"/>	Other: _____
<input type="checkbox"/>	Other: _____	<input type="checkbox"/>	Other: _____
<input type="checkbox"/>	Baltimore City Public School System	<input type="checkbox"/>	Environmental Control Board
<input checked="" type="checkbox"/>	Board of Estimates	<input type="checkbox"/>	Fire & Police Employees' Retirement System
<input type="checkbox"/>	Board of Ethics	<input type="checkbox"/>	Labor Commissioner
<input checked="" type="checkbox"/>	Board of Municipal and Zoning Appeals	<input checked="" type="checkbox"/>	Parking Authority Board
<input type="checkbox"/>	Comm. for Historical and Architectural Preservation	<input checked="" type="checkbox"/>	Planning Commission
<input type="checkbox"/>	Commission on Sustainability	<input type="checkbox"/>	Wage Commission
<input type="checkbox"/>	Employees' Retirement System	<input type="checkbox"/>	Other: _____
<input type="checkbox"/>	Other: _____	<input type="checkbox"/>	Other: _____
<input type="checkbox"/>	Other: _____	<input type="checkbox"/>	Other: _____

Boards and Commissions

CITY OF BALTIMORE
ORDINANCE **19-321**
Council Bill 19-0415

Introduced by: Councilmember Bullock
At the request of: Derrick Shaw
Address: P.O. Box 1162, Baltimore, Maryland 21203
Telephone: 410-294-5608
Introduced and read first time: July 22, 2019
Assigned to: Land Use Committee

Committee Report: Favorable with amendments
Council action: Adopted
Read second time: November 18, 2019

AN ORDINANCE CONCERNING

1 **Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to**
2 **2 Dwelling Units in the R-8 Zoning District – Variances –**
3 **1700 West Franklin Street**

4 FOR the purpose of permitting, subject to certain conditions, the conversion of a single-family
5 dwelling unit to 2 dwelling units in the R-8 Zoning District on the property known as 1700
6 West Franklin Street (Block 0121, Lot 069), as outlined in red on the accompanying plat; and
7 granting variances from certain gross floor area per unit type, bulk (lot area), and off-street
8 parking regulations requirements.

9 BY authority of

10 Article 32 - Zoning

11 Sections 5-201(a), 5-305(a), 5-308, 9-401 (Table 9-401), 9-701(2), 9-703(c), 9-703(d),
12 9-703(f), 16-203, and 16-602 (Table 16-406)

13 Baltimore City Revised Code
14 (Edition 2000)

15 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE**, That
16 permission is granted for the conversion of a single-family dwelling unit to 2 dwelling units in
17 the R-8 Zoning District on the property known as 1700 West Franklin Street (Block 0121, Lot
18 069), as outlined in red on the plat accompanying this Ordinance, in accordance with Baltimore
19 City Zoning Code §§ 5-201(a) and 9-701(2), subject to the condition that the building complies
20 with all applicable federal, state, and local licensing and certification requirements.

21 **SECTION 2. AND BE IT FURTHER ORDAINED**, That pursuant to the authority granted by §§ 5-
22 305(a) and 5-308 of Article 32 - Zoning, permission is granted from the requirements of § 9-
23 703(c) for gross floor area per unit type, as 750 square feet are required for each 1-bedroom unit,
24 and the existing structure contains approximately 1,400 square feet of floor area on its 2 levels.

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.

Council Bill 19-0415


1 SECTION 2 3. AND BE IT FURTHER ORDAINED, That pursuant to the authority granted by §§
2 5-201(a), 5-305(a), and 5-308 of Article 32 - Zoning, permission is granted for a variance from
3 the requirements of § 9-401 (Table 9-401: Rowhouse and Multi-Family Residential Districts -
4 Bulk and Yard Regulations) and 9-703(d) for the required lot area size, as a lot area of 1,500
5 square feet is required for 2 dwelling units, and the lot is approximately 1,036 square feet.

6 SECTION 3 4. AND BE IT FURTHER ORDAINED, That pursuant to the authority granted by §§
7 5-201(a), 5-305(a), and 5-308 of Article 32 - Zoning, permission is granted for a variance from
8 the off-street parking requirements of §§ 9-703(f), 16-203, and Table 16-406: Required Off-
9 Street Parking.

10 SECTION 4 5. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the
11 accompanying plat and in order to give notice to the agencies that administer the City Zoning
12 Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council
13 shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat;
14 and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the
15 Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of
16 Housing and Community Development, the Supervisor of Assessments for Baltimore City, and
17 the Zoning Administrator.

18 SECTION 5 6. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th
19 day after the date it is enacted.

Certified as duly passed this _____ day of DEC 02 2019, 20____



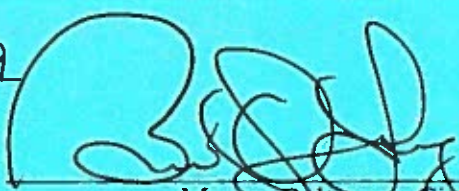
President, Baltimore City Council

Certified as duly delivered to His Honor, the Mayor,
this _____ day of DEC 02 2019, 20____




Chief Clerk

Approved this 18th day of Dec., 2019



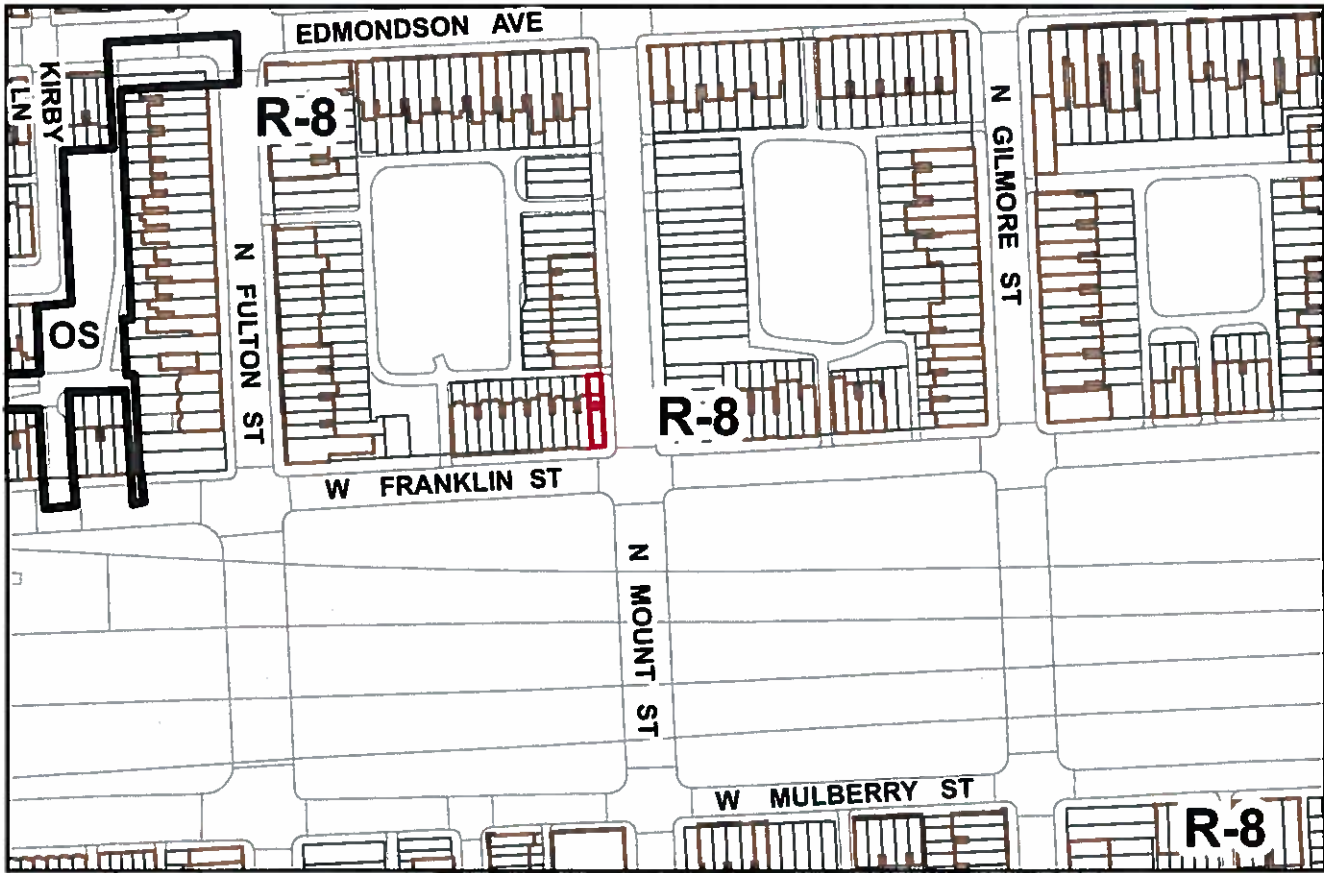
Mayor, Baltimore City

Approved For Form and Legal Sufficiency
This 12th Day of December 2019.

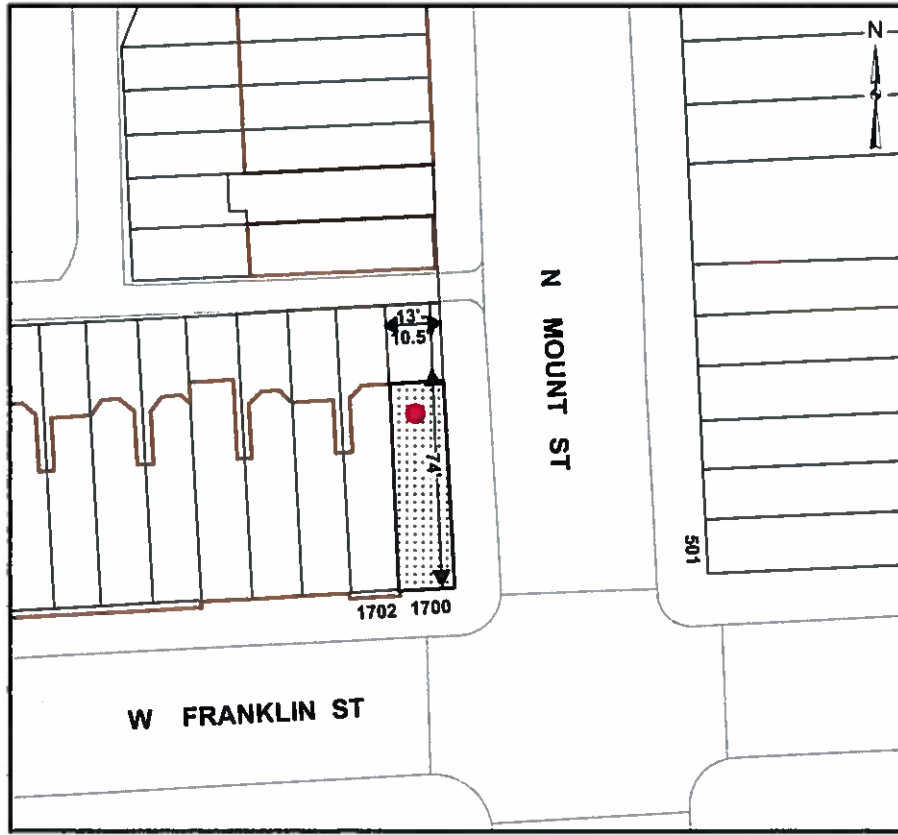


Chief Solicitor
con:usc:cb19-0415-3rd.nbr

SHEET NO. 54 OF THE ZONING MAP OF THE ZONING CODE OF BALTIMORE CITY



Scale: 1" = 200'



Note:

In Connection With The Property Known As No. 1700 WEST FRANKLIN 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 19 SECTION 3
BLOCK 121 LOT 69

[Signature]
MAYOR

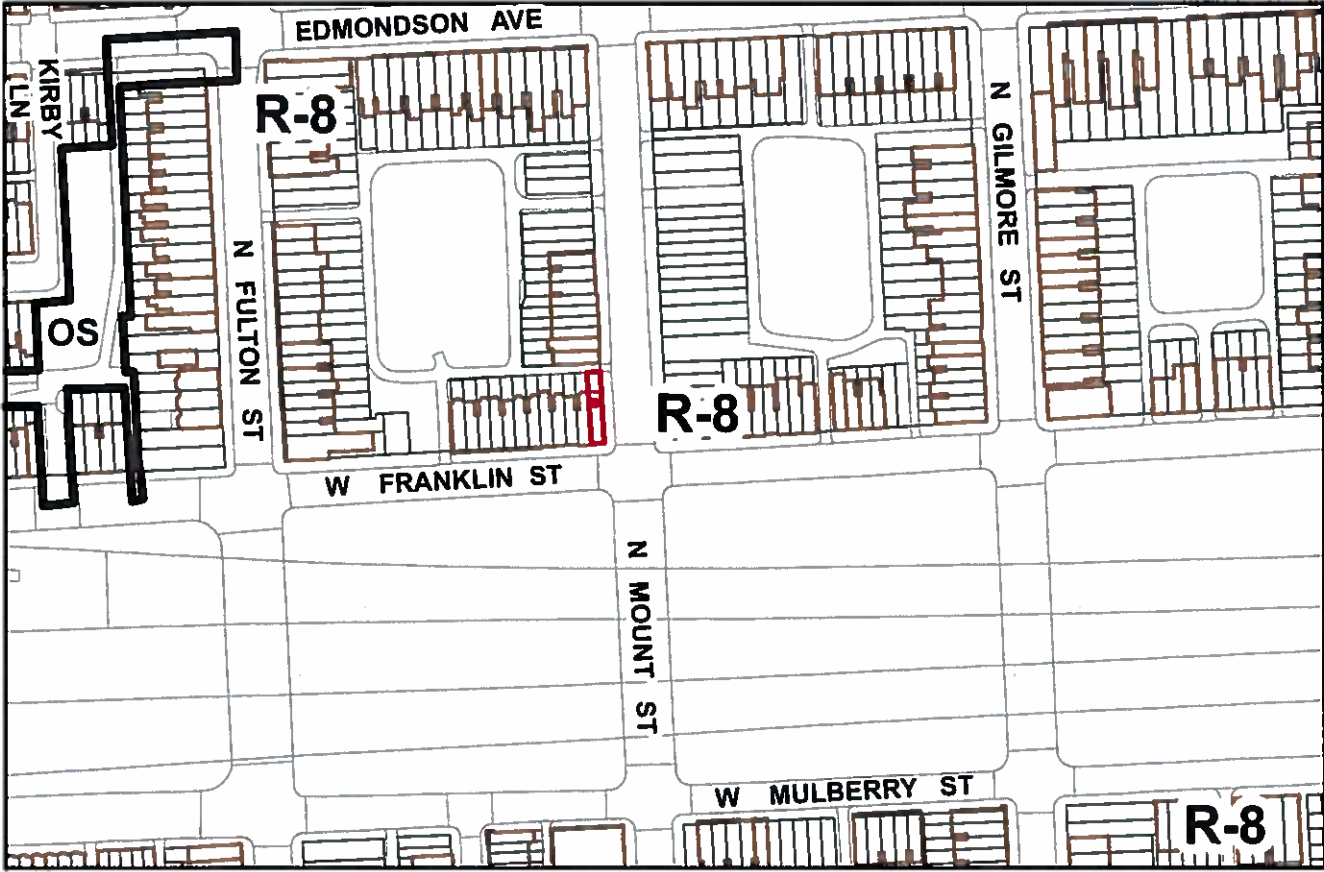
[Signature]
PRESIDENT CITY COUNCIL

Scale: 1" = 50'

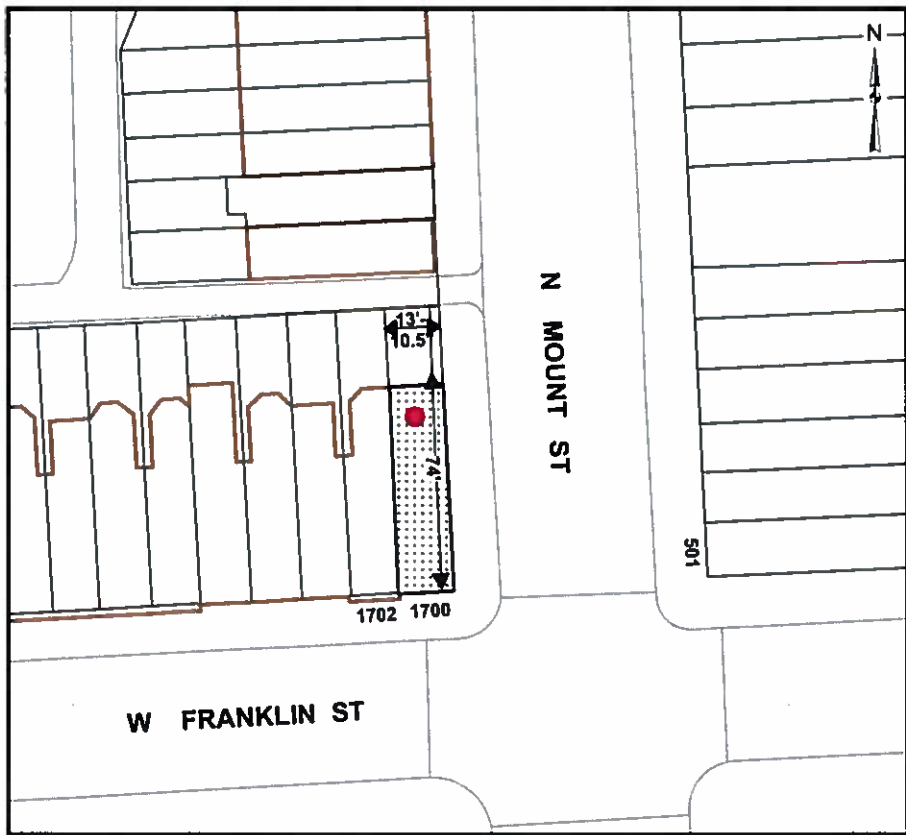


1

**SHEET NO. 54 OF THE ZONING MAP OF
THE ZONING CODE OF BALTIMORE CITY**



Scale: 1" = 200'



Note:
In Connection With The Property Known As No. 1700 WEST FRANKLIN 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.

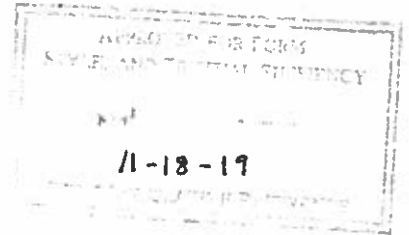
WARD 19 SECTION 3
BLOCK 121 LOT 69

[Signature]
MAYOR

[Signature]
PRESIDENT CITY COUNCIL

Scale: 1" = 50'

AMENDMENTS TO COUNCIL BILL 19-0415
(1" Reader Copy)



By: Land Use Committee

Amendment No. 1

On page 1, in line 8, after "certain", insert "gross floor area per unit type"; in the same line, before "and", insert a comma; in the same line, strike "regulations" and substitute "requirements"; and, on the same page, in line 11, before "9-703(d)", insert "9-703(c)".

Amendment No. 2

On page 1, after line 20, insert

"SECTION 2. AND BE IT FURTHER ORDAINED. That pursuant to the authority granted by §§ 5-305(a) and 5-308 of Article 32 - Zoning, permission is granted from the requirements of § 9-703(c) for gross floor area per unit type, as 750 square feet are required for each 1-bedroom unit, and the existing structure contains approximately 1,400 square feet of floor area on its 2 levels."

Amendment No. 3

On page 1, in line 21, and, on page 2, in lines 1, 5, and 13, strike "2", "3", "4", and "5", respectively, and substitute "3", "4", "5", and "6", respectively.

ADOPTED



**BALTIMORE CITY COUNCIL
LAND USE COMMITTEE
VOTING RECORD**

DATE: November 6, 2019

BILL#: 19-0415

BILL TITLE: Zoning - Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District - Variances - 1700 West Franklin Street

MOTION BY: Sneed SECONDED BY: Clarke

FAVORABLE

FAVORABLE WITH AMENDMENTS

UNFAVORABLE

WITHOUT RECOMMENDATION

NAME	YEAS	NAYS	ABSENT	ABSTAIN
Reisinger, Edward - Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sneed, Shannon - Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Clarke, Mary Pat	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Costello, Eric	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dorsey, Ryan	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Middleton, Sharon	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pinkett, Leon	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stokes, Robert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TOTALS	<u>9</u>		<u>2</u>	

CHAIRPERSON

Edward Reisinger

COMMITTEE STAFF: Jennifer L. Coates

, Initials: JLC

LAND USE COMMITTEE

FINDINGS OF FACT

MOTION OF THE CHAIR OF THE LAND USE 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:

City Council Bill No.19-0415

Zoning - Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District - Variances - 1700 West Franklin 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 as a multi-family dwelling containing two dwelling units 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;

The use would not be precluded by any other law, including the Harlem Park II Urban Renewal Plan.

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

The proposed authorization would not be contrary to the public interest (in fact, it would advance the public interest by creating housing affordable to moderate-income families, as well as converting a vacant commercial space to residential use). Therefore, Planning staff conclude that the authorization would be in harmony with the purpose and intent of the Zoning Code.

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

Planning staff concluded that the authorization would be in harmony with the purpose and intent of the Zoning Code.

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 proposed site, including its size and shape, are adequate for the proposed use.

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

There will be no negative impact to traffic patterns.

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

The proposed use will not impair the present and future development of this lot or the surrounding area.

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

There will be no negative impact resulting from proximity to dwellings, churches, schools, public structures, and other places of public gathering.

- (5) accessibility of the premises for emergency vehicles;

There is adequate accessibility of the premises 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 these premises and to 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, access roads, drainage, and other necessary facilities have been or will be provided.

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

The proposed use will not interfere with preservation of cultural and historic landmarks and structures.

(9) the character of the neighborhood;

The proposed use would not alter the character of the neighborhood.

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

The proposed use is consistent with provisions of the City's Comprehensive Master Plan.

According to the Planning Department, the proposed action is consistent with the City of Baltimore's Comprehensive Master Plan, 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.

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

The proposed use is consistent with the provisions of any applicable Urban Renewal Plan. The proposed action furthers two of the objectives of the Harlem Park II Urban Renewal Plan, to provide housing resources for families of all income levels through rehabilitation and new construction, and to address the growing number of vacant and deteriorated properties.

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

The proposed use meets all other applicable standards and requirements of the Zoning Code.

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

The proposed use is consistent with the intent and purpose of the Zoning Code.

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

Is consistent with any other matters that may be considered to be in the interest of the general welfare.

LAND USE COMMITTEE

FINDINGS OF FACT FOR VARIANCE

City Council Bill No. 19-0415

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 THE APPLICABLE SECTIONS OF ARTICLE
32 OF THE BALTIMORE CITY CODE, THE CITY COUNCIL ADOPTS THESE FINDINGS
OF FACT CONCERNING ANY VARIANCES OF APPLICABLE STANDARDS FOR THE
PROPERTY LOCATED AT:

**Zoning - Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling
Units in the R-8 Zoning District - Variances - 1700 West Franklin Street**

VARIANCE FOR: LOT AREA

(Use a separate Variance form for each Variance sought in the bill)

THRESHOLD QUESTION:

- In accordance with Section 5-305(c), it has been determined that there is no written decision by the Board of Municipal and Zoning Appeals on an application for this same subject matter.*

HARDSHIP OR PRACTICAL DIFFICULTY:

*The City Council has considered at least one of the following:
(check all that apply to evidence consideration)*

- The physical surroundings around the **STRUCTURE / LAND** involved;
(underline one)
- The shape of the **STRUCTURE / LAND** involved;
(underline one)
- The topographical conditions of the **STRUCTURE / LAND** involved.
(underline one)

and finds either that:

- (1) An unnecessary hardship **WOULD / WOULD NOT** exist if the strict letter of the
(underline one)
applicable requirement from which the variance is sought were applied because:

or that:

(2) Practical difficulty **WOULD / WOULD NOT** exist if the strict letter of the
(*underline one*)
applicable requirement from which the variance is sought were applied because:

According to the Department of Planning staff report, the Zoning Code requires, for conversion of a single-family dwelling property in the R-8 District, 750 square feet of lot area per dwelling unit (BCZC subsection 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 1,036 square feet and thus does not meet the lot area requirement for conversion. A variance of this requirement is therefore included in this bill. The variance amounts to approximately 31% of the Zoning Code requirement.

There is a practical difficulty with complying with the bulk standards in the Zoning Code that has not been caused by action or inaction of any person with a present interest in this property. The purpose of the variance requested is not based exclusively on a desire to increase the value or income potential of the property.

Planning Department staff understands that the property was purchased by the applicant with one dwelling unit already existing in the building, above the abandoned grocery store. Each of these units has a separate entrance: for the lower unit, from Franklin Street; and for the upper unit from the Mount Street side of the building, by way of a separate door leading to a stairway inside the building.

The variance that would be granted would not be injurious to use and enjoyment of other property in the immediate vicinity, nor substantially diminish or impair property values in the neighborhood. The variance is in harmony with the Comprehensive Master Plan, the Old West Baltimore Historic District, the Harlem Park II Urban Renewal Plan, and related considerations of public health, safety, and general welfare.

LAND USE COMMITTEE

FINDINGS OF FACT FOR VARIANCE

City Council Bill No. 19-0415

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 THE APPLICABLE SECTIONS OF ARTICLE
32 OF THE BALTIMORE CITY CODE, THE CITY COUNCIL ADOPTS THESE FINDINGS
OF FACT CONCERNING ANY VARIANCES OF APPLICABLE STANDARDS FOR THE
PROPERTY LOCATED AT:

**Zoning - Conditional Use Conversion of a Single-Family Dwelling Unit to
2 Dwelling Units in the R-8 Zoning District –
Variances - 1700 West Franklin Street**

VARIANCE FOR: GROSS FLOOR AREA

(Use a separate Variance form for each Variance sought in the bill)

THRESHOLD QUESTION:

- In accordance with Section 5-305(c), it has been determined that there is no written decision by the Board of Municipal and Zoning Appeals on an application for this same subject matter.*

HARDSHIP OR PRACTICAL DIFFICULTY:

*The City Council has considered at least one of the following:
(check all that apply to evidence consideration)*

- The physical surroundings around the **STRUCTURE / LAND** involved;
(underline one)
- The shape of the **STRUCTURE / LAND** involved;
(underline one)
- The topographical conditions of the **STRUCTURE / LAND** involved.
(underline one)

and finds either that:

- (1) An unnecessary hardship **WOULD / WOULD NOT** exist if the strict letter of the
(underline one)
applicable requirement from which the variance is sought were applied because:

or that:

- (2) Practical difficulty WOULD / WOULD NOT exist if the strict letter of the
(underline one)
applicable requirement from which the variance is sought were applied because:

According to the Department of Planning staff report, the Zoning Code requires, for conversion of a single-family dwelling property in the R-8 District, 750 square feet of floor area per 1-bedroom dwelling unit (BCZC subsection 9-703. c.). The existing structure contains approximately 1,400 square feet of floor area on its two levels. A variance of this floor area requirement should therefore be added to this bill in order to authorize two 1-bedroom dwelling units.

There is a practical difficulty with complying with the bulk standards in the Zoning Code that has not been caused by action or inaction of any person with a present interest in this property. The purpose of the variance requested is not based exclusively on a desire to increase the value or income potential of the property.

Planning Department staff understands that the property was purchased by the applicant with one dwelling unit already existing in the building, above the abandoned grocery store. Each of these units has a separate entrance: for the lower unit, from Franklin Street; and for the upper unit from the Mount Street side of the building, by way of a separate door leading to a stairway inside the building.

The variance that would be granted would not be injurious to use and enjoyment of other property in the immediate vicinity, nor substantially diminish or impair property values in the neighborhood. The variance is in harmony with the Comprehensive Master Plan, the Old West Baltimore Historic District, the Harlem Park II Urban Renewal Plan, and related considerations of public health, safety, and general welfare.

LAND USE COMMITTEE

FINDINGS OF FACT FOR VARIANCE

City Council Bill No. 19-0415

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 THE APPLICABLE SECTIONS OF ARTICLE 32 OF THE BALTIMORE CITY CODE, THE CITY COUNCIL ADOPTS THESE FINDINGS OF FACT CONCERNING ANY VARIANCES OF APPLICABLE STANDARDS FOR THE PROPERTY LOCATED AT:

Zoning - Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District - Variances - 1700 West Franklin Street

VARIANCE FOR: OFF-STREET PARKING

(Use a separate Variance form for each Variance sought in the bill)

THRESHOLD QUESTION:

- In accordance with Section 5-305(c), it has been determined that there is no written decision by the Board of Municipal and Zoning Appeals on an application for this same subject matter.*

HARDSHIP OR PRACTICAL DIFFICULTY:

*The City Council has considered at least one of the following:
(check all that apply to evidence consideration)*

- The physical surroundings around the STRUCTURE / LAND involved;
(underline one)
- The shape of the STRUCTURE / LAND involved;
(underline one)
- The topographical conditions of the STRUCTURE / LAND involved.
(underline one)

and finds either that:

- (1) An unnecessary hardship WOULD / WOULD NOT exist if the strict letter of the
(underline one)
applicable requirement from which the variance is sought were applied because:

or that:

(2) Practical difficulty WOULD / WOULD NOT exist if the strict letter of the
(underline one)
applicable requirement from which the variance is sought were applied because:

The Parking Authority of Baltimore City (PABC) reviewed the proposed legislation. A site visit was conducted during the second week of August 2019. The property is not located on a block where the PABC currently administers on-street parking programs. The PABC has determined that the available on-street parking inventory is greater than the demand for on-street parking. In addition, the PABC investigated the alley and rear of the property and determined that there is no sufficient access or property for any off-street parking spaces. Therefore, the PABC has determined that the passage of this bill will not negatively impact parking in the area.

According to the Department of Planning staff report, one additional off-street parking space is required to serve the one newly created dwelling unit (BCZC subsection 9-703. f.). This property cannot provide any off-street parking spaces meeting Zoning Code standards for accessibility, as the rear alley is only 19' deep but the rear alley is only 8' wide, and therefore a variance of this requirement is included in the bill.

The proposed use as a two-family dwelling would be consistent with other residential uses in the area. While no off-street parking meeting Zoning Code standards can be provided on this property, the site is located in a dense, walkable neighborhood that is served by public transportation.

There is a practical difficulty with complying with the bulk standards in the Zoning Code that has not been caused by action or inaction of any person with a present interest in this property. The purpose of the variance requested is not based exclusively on a desire to increase the value or income potential of the property.

The variance that would be granted would not be injurious to use and enjoyment of other property in the immediate vicinity, nor substantially diminish or impair property values in the neighborhood. The variance is in harmony with the Comprehensive Master Plan, and related considerations of public health, safety, and general welfare.

SOURCE OF FINDINGS (Check all that apply):

Planning Report

- Planning Commission, Chris Ryer, Director – Memorandum Dated August 23, 2019
- Department of Planning, Staff Report – Dated August 22, 2019

Testimony presented at the Committee hearing

Oral – Witness Name:

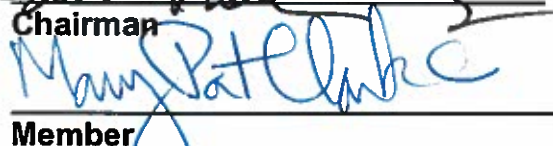
- Planning Commission representative
- Department of Law representative

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

- Mr. Chris Ryer, Director, Department of Planning, Memorandum Dated August 23, 2019
- Mr. Martin French, Staff, Department of Planning, Report Dated August 22, 2019
- Mr. Derek J. Baumgardner, Executive Director, Board of Municipal Zoning Appeals, Memorandum Dated November 4, 2019
- Mr. Peter Little, Executive Director, Parking Authority of Baltimore City, Memorandum Dated August 13, 2019

LAND USE COMMITTEE:


Chairman


Member


Member


Member


Member

Member

Member

Member

ATTACHMEN

Baltimore City Council
Certificate of Posting - Public Hearing Notice

City Council Bill No.:

Today's Date: [09/30/2019]

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

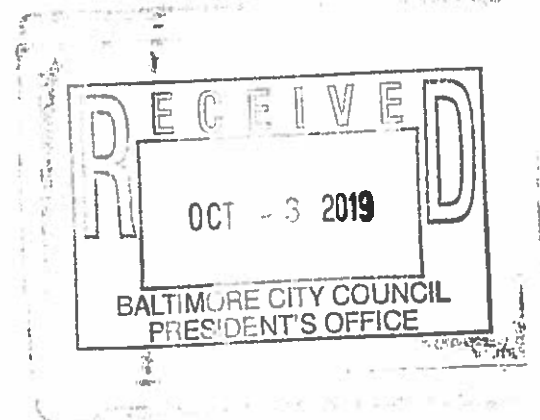
Address: 1700 W Franklin, Baltimore, MD 21223

Date Posted: 09/30/2019

Name: *D. Shaw*

Address: **POBOX 1162, BALTIMORE, MD 21203**

Telephone: **4102945608**



- 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



ATTACHMENT A
THE INFORMATION BETWEEN THE DOUBLE LINES (SEE BELOW) MUST BE POSTED ON A SIGN ON THE PROPERTY BY OCTOBER 16, 2019, AS DISCUSSED ON THE PREVIOUS PAGE AND OUTLINED ON ATTACHMENT B.

**BALTIMORE CITY COUNCIL
PUBLIC HEARING ON BILL NO. 19-0415**

The Land Use Committee of the Baltimore City Council will meet on Wednesday, November 6, 2019 at 1:00 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. 19-0415.

CC 19-0415 Zoning - Conditional Use Repeal of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District - Variances - 1700 West Franklin 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 1700 West Franklin Street, (Block 601, Lot 069), as outlined in red on the accompanying plat, and granting variances from certain bulk (lot area) and off-street parking regulations.

By authority of
Article 63 - Zoning
Sections 5-201(a), 5-305(a), 5-306, 9-401 (Table 9-401), 9-201(a), 9-700(a), 9-703(a), 9-703, and 16-602 (Table 16-406)
Baltimore City Revised Code
(Edition 2009)

Applicant: Mr. Derrick Shaw

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: SEND BILL FOR THIS SIGNPOSTING TO:

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

Mr. Derrick Shaw
P.O. Box 1162
Baltimore, MD 21203
410/294-5608

The Baltimore City Land Office has approved this bill.





1700

ATTACHMENT A

THE INFORMATION BETWEEN THE DASHED LINES (SEE BELOW) MUST BE POSTED ON A SIGN ON THE PROPERTY BY OCTOBER 16, 2019, AS DISCUSSED ON THE PREVIOUS PAGE AND OUTLINED ON ATTACHMENT B

BALTIMORE CITY COUNCIL
PUBLIC HEARING ON BILL NO. 19-0413

The Land Use Committee of the Baltimore City Council will meet on Wednesday, November 6, 2019 at 7:00 p.m. in the City Council Chambers, 4th Floor, City Hall, 100 N. Holladay Street to conduct a public hearing on City Council Bill No. 19-0413.

CC 19-0413 Zoning - Conditional 1 or 2 intensification of a Single-Family Residential Zoning to allow 2-Story Detached Single-Family Residential

For the purpose of providing subject to certain conditions, the creation of a single-family detached unit as a dwelling unit on the R-2 Zoning District on the property known as 1700 W and East on Street (Block 1, Parcel 1), has been authorized as set out in the accompanying map, and zoning changes have been authorized to allow for such use and off-street parking regulations.

By authority of:
 Article 22 - Zoning
 Sections 9-201(a), 9-201(c), 9-201, 9-404 (Table 9-22), 9-701(b), 9-701(c), 9-701(d), 16-201, and 16-402 (Table 16-42b)
 Baltimore City Revised Code
 (1-01-000)

Applicant: Mr. Dennis Shaw

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

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

ANNAPOLIS PLANNING
 Chair


SEND CERTIFICATION OF THIS SIGN TO: 2830 BALTIMORE CITY PLANNING

Baltimore City Council c/o Baltimore City Planning Room 409, City Hall 100 N. Holladay Street Baltimore, MD 21201	Mr. Dennis Shaw # 410-396-1162 Baltimore, MD 21201 410-294-3604
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FROM	NAME & TITLE	CHRIS RYER, DIRECTOR	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #19-0415 / ZONING – CONDITIONAL USE CONVERSION TO 2 DWELLING UNITS – VARIANCES – 1700 WEST FRANKLIN STREET		

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

DATE: August 23, 2019

At its regular meeting of August 22, 2019, the Planning Commission considered City Council Bill #19-0415, 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 1700 West Franklin Street (Block 0121, Lot 069), as outlined in red on the accompanying plat; and granting variances from certain bulk (lot area) and off-street parking regulations.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended amendment and approval of City Council Bill #19-0415 and adopted the following resolution, six members being present (six in favor):

RESOLVED, That the Planning Commission finds, in accordance with subsections 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;
- would be in harmony with the purpose and intent of this Code; and
- meets all criteria for approval specified in subsection 5-406(b) of the Zoning Code of Baltimore City, as described in the Departmental staff report; and further

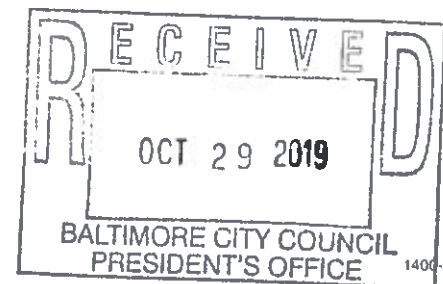
RESOLVED, That the Planning Commission concurs with the recommendation of its Departmental staff, and finds that because of its particular surroundings and shape of the specific structure, a practical difficulty would result if the strict letter of the applicable Zoning Code requirements were carried out; and further recommends that City Council Bill #19-0415 be amended and approved by the City Council.

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

CR/ewt

Attachment

Far of Amends



cc: Mr. Nicholas Blendy, Mayor's Office
The Honorable Edward Reisinger, Council Rep. to Planning Commission
Mr. Colin Tarbert, BDC
Mr. Derek Baumgardner, BMZA
Mr. Geoffrey Veale, Zoning Administration
Mr. Bob Pipik, DCHD
Ms. Elena DiPietro, Law Dept.
Mr. Francis Burnszynski, PABC
Mr. Liam Davis, DOT
Ms. Natawna Austin, Council Services
Mr. Dominic McAlily, Council Services
Mr. Derrick Shaw, Applicant



Bernard C. "Jack" Young
Mayor

PLANNING COMMISSION

Sean D. Davis, *Chairman*

STAFF REPORT



Chris Ryer
Director

August 22, 2019

REQUEST: City Council Bill #19-0415/ Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District – Variances – 1700 West Franklin 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 1700 West Franklin Street (Block 0121, Lot 069), as outlined in red on the accompanying plat; and granting variances from certain bulk (lot area) and off-street parking regulations.

RECOMMENDATION: Amendment, and Approval as amended

Amendment: Add a variance of floor area standards for conversion of a single-family dwelling to a multi-family dwelling.

STAFF: Martin French

PETITIONER: Councilmember Bullock, at the request of Derrick Shaw

OWNERS: Derrick Shaw and Trina Smiley

SITE/GENERAL AREA

Site Conditions: 1700 West Franklin Street is located on the northwest corner of the intersection with Mount Street. This property measures approximately 13'11" by 74' and is currently improved with a two-story semi-detached formerly residential mixed-use building measuring approximately 13'11" by 55'. The site is zoned R-8 and is located in the Harlem Park II Urban Renewal Plan area and the Old West Baltimore National Register Historic District.

General Area: Most of the housing in this area was originally developed in the mid-19th Century. This property is at the southern border of the Harlem Park II Urban Renewal Area. There are also nonresidential uses such as offices, churches and small businesses in the area. During the 20th Century there was much conversion of single-family dwellings to multi-family or residential mixed-use structures. This site is an example of that former trend.

HISTORY

The Harlem Park II Urban Renewal Plan was established by Ordinance no. 419 dated July 6, 1960, and was last amended by Ordinance no. 10-264 dated March 24, 2010. The Old West Baltimore Historic District was certified to the National Register of Historic Places on

December 23, 2004. This block retained its R-8 zoning during the comprehensive rezoning mapping process associated with the effective date of the current Zoning Code on June 5, 2017.

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 two of the objectives of the Harlem Park II Urban Renewal Plan, to provide housing resources for families of all income levels through rehabilitation and new construction, and to address the growing number of vacant and deteriorated properties.

ANALYSIS:

Background: This legislation would allow the petitioner to use the existing structure as two dwelling units, each a 1-bedroom unit on each floor level of the structure. This would include re-converting the first floor level from 20th Century commercial to residential use. (The first floor level had been the Franklin Street Grocery from 1940 through the late 1960s.) Approving new use as a two-family multi-family dwelling would allow preservation of a piece of the community's traditional architectural fabric while responding to more contemporary, smaller-scale residential needs in a location with convenient access to downtown for residents of the two dwelling units.

Zoning Analysis: This property is functionally an end-of-group residential structure containing approximately 1,400 square feet of gross floor area. This bill would encourage re-use (or continuing use) of a structure consistent with its current zoning.

- The Zoning Code requires, for conversion of a single-family dwelling property in the R-8 District, 750 square feet of lot area per dwelling unit (BCZC subsection 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 1,036 square feet and thus does not meet the lot area requirement for conversion. A variance of this requirement is therefore included in this bill. The variance amounts to approximately 31% of the Zoning Code requirement.
- The Zoning Code requires, for conversion of a single-family dwelling property in the R-8 District, 750 square feet of floor area per 1-bedroom dwelling unit (BCZC subsection 9-703.c.). The existing structure contains approximately 1,400 square feet of floor area on its two levels. A variance of this floor area requirement should therefore be added to this bill, in order to authorize two 1-bedroom dwelling units.
- The maximum lot coverage allowed is 80% (Zoning Code Table 9-401). This structure covers approximately 75% of the lot. No variance of this requirement is needed.
- One additional off-street parking space is required to serve the one newly-created dwelling unit (BCZC subsection 9-703.f.). This property cannot provide any off-street parking spaces meeting Zoning Code standards for accessibility, as the rear yard is 19' deep but the rear alley is only 8' wide, and therefore a variance of this requirement is included in this bill.



x

x

Conditional Use: Per subsection 5-406 {"Approval standards"} of Article 32 – *Zoning*:

(a) *Limited criteria for denying.*

Neither the Board of Municipal and Zoning Appeals, nor the City Council, as the case may be, may approve a conditional use unless, after public notice and hearing and on consideration of the standards required by this subtitle, it finds that:

- (1) The establishment, location, construction, maintenance, or operation of the conditional use would not be detrimental to or endanger the public health, safety, or welfare;
- (2) The use would not be precluded by any other law, including an applicable Urban Renewal Plan;
- (3) The authorization would not be contrary to the public interest; and
- (4) The authorization would be in harmony with the purpose and intent of this Code.

The establishment, location, and operation of this property as a multi-family dwelling containing two dwelling units would not be detrimental to or endanger public health, safety, or welfare. The proposed use is not precluded by any other law, including the Harlem Park II Urban Renewal Plan. The proposed authorization would not be contrary to the public interest (in fact, it could advance the public interest by creating housing affordable to moderate-income families, as well as converting a vacant commercial space to residential use). Therefore, Planning staff conclude that the authorization would be in harmony with the purpose and intent of the Zoning Code.

In making the above recommendation, Planning staff reviewed subsection 5-406(b) {"Required considerations"} of Article 32 – *Zoning*, and finds that the proposed use meets these additional criteria for approval of a conditional use:

1. The nature of the proposed site, including its size and shape, are adequate for the proposed use;
2. There will be no negative impact to traffic patterns;
3. The proposed use will not impair the present and future development of this lot or the surrounding area;
4. There will be no negative impact resulting from proximity to dwellings, churches, schools, public structures, and other places of public gathering;
5. There is adequate accessibility of the premises to emergency vehicles;
6. There is adequate light and air to the premises and to properties in the vicinity;
7. Adequate utilities, access roads, drainage, and other necessary facilities have been or will be provided;
8. The proposed use will not interfere with preservation of cultural and historic landmarks and structures;
9. The proposed use would not alter the character of the neighborhood;
10. The proposed use is consistent with provisions of the City's Comprehensive Master Plan;
11. The proposed use is consistent with the provisions of the applicable urban renewal plan;



12. The proposed use meets all other applicable standards and requirements of the Zoning Code;
13. The proposed use is consistent with the intent and purpose of the Zoning Code; and
14. Is consistent with any other matters that may be considered to be in the interest of the general welfare.

Planning staff recommend that the Planning Commission also find:


- The proposed use as a two-family dwelling would be consistent with other residential use in the area, and would allow continuing use of a structure that can contribute to the Old West Baltimore Historic District.
- While no off-street parking meeting Zoning Code standards can be provided on this property, the site is located in a dense, walkable neighborhood that is served by public transportation.
- There is a practical difficulty with complying with the bulk standards in the Zoning Code that has not been caused by the action or inaction of any person with a present interest in this property. The purpose of the variances requested is not based exclusively on a desire to increase the value or income potential of the property. Staff understands that the property was purchased by the applicant with one dwelling unit already existing in the building, above the abandoned grocery store. Each of these units has a separate entrance: for the lower unit, from Franklin Street; and for the upper unit, from the Mount Street side of the building, by way of a separate door leading to a stairway inside the building.
- Each of the variances that would be granted would not be injurious to use and enjoyment of other property in the immediate vicinity, nor substantially diminish or impair property values in the neighborhood. The variances are in harmony with the Comprehensive Master Plan, the Old West Baltimore Historic District, the Harlem Park II Urban Renewal Plan, and related considerations of public health, safety, and general welfare.

Notification: The Harlem Park Neighborhood Council, the Lafayette Square Association, the West Harlem Park Neighborhood Association, and Councilman Bullock have been notified of this matter.



Chris Ryer
Director



FROM	NAME & TITLE	Steve Sharkey, Director	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Department of Transportation (DOT) 417 E Fayette Street, Room 527		
	SUBJECT	City Council Bill 19-0415		

TO: Mayor Bernard C. "Jack" Young
TO: Land Use Committee
FROM: Department of Transportation
POSITION: No Objection
RE: Council Bill - 19-0415

DATE: 9/9/19

INTRODUCTION – Zoning - Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District - Variances - 1700 West Franklin Street

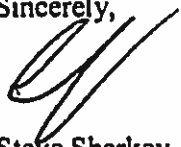
PURPOSE/PLANS – For the purpose of permitting, subject to certain conditions, the conversion of a single-family dwelling unit to 2 dwelling units in the R-8 Zoning District on the property known as 1700 West Franklin Street (Block 0121, Lot 069), as outlined in red on the accompanying plat; and granting variances from certain bulk (lot area) and off-street parking regulations.

COMMENTS – Council Bill 19-0415 looks to convert 1700 West Franklin Street, located in the R-8 Zoning District, from a one dwelling unit property to a two dwelling unit property. The Department of Transportation does not foresee any direct fiscal or operational impacts as a result of the passage of Council Bill 19-0415.

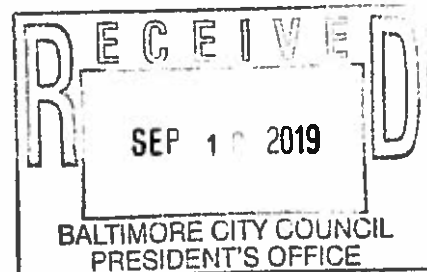
AGENCY/DEPARTMENT POSITION – The Department of Transportation has no objection to City Council Bill 19-0415.

If you have any questions, please do not hesitate to contact Liam Davis via email at Liam.Davis@baltimorecity.gov or by phone (410) 545-3207.

Sincerely,



Steve Sharkey
Director



No obj.

CITY OF BALTIMORE

BERNARD C "JACK" YOUNG, Mayor



BOARD OF MUNICIPAL AND ZONING APPEALS

DEREK J. BAUMGARDNER, Executive Director
417 E Fayette Street, Suite 922
Baltimore, Maryland 21202

November 4, 2019

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

Re: **CC Bill #19-0415 Zoning - Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District - Variances - 1700 West Franklin Street**

Ladies and Gentlemen:

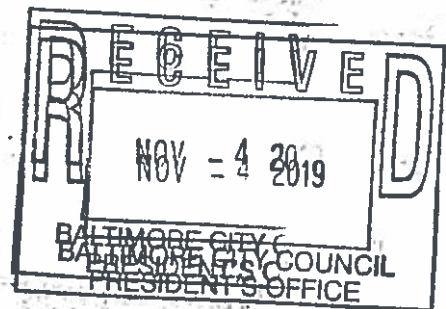
City Council Bill No. 19-0415 has been referred by your Honorable Body to the Board of Municipal and Zoning Appeals for study and report.

The purpose of City Council Bill No. 19-0415 is to 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 1700 West Franklin Street (Block 0121, Lot 069), as outlined in red on the accompanying plat; and granting variances from certain bulk (lot area) and off-street parking regulations.

The BMZA has reviewed the legislation and has no objection to City Council Bill No. 19-0415.

Sincerely,

Derek J. Baumgardner
Executive Director



CC: Mayor's Office of Council Relations
City Council President
Legislative Reference

*No
objection*

CITY OF BALTIMORE

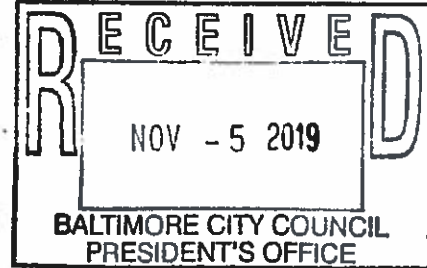
BERNARD C. "JACK" YOUNG
Mayor



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

November 5, 2019

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



Re: City Council Bill 19-0415 – Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District – Variances – 1700 West Franklin Street

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 19-0415 for form and legal sufficiency. The bill would permit the conversion of a single-family dwelling unit to a 2-family dwelling at 1700 West Franklin Street, which is in an R-8 Zoning district. The bill would also grant variances for lot area and off-street parking requirements.

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.

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

Fav of comments



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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 and off-street parking requirements. In general, dwellings in an R-8 must have 750 square feet of lot area per dwelling unit and one off-street parking space per dwelling unit. Baltimore City Code, Art. 32, §§ 9-401; 9-703(f); 16- 203, 16-602. In addition, to qualify for this type of conversion, the existing dwelling must have at least 1,500 square feet in gross floor area total and the converted dwelling must have at least 1,000 square feet per dwelling unit. Baltimore City Code, Art. 32, § 9-703(c). The lot is only 1,036 square feet. There is no off-street parking space for this lot. Since the property does not meet the applicable requirements, the bill seeks a variance from them. In addition, the Planning report states that the property does not meet the requirements for floor area and the bill should be amended to include a variance for floor area.

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).

The Law Department recommends supplementing the Planning report with facts supporting the finding that the conditions are unique to the property and are not generally applicable to other property within the same zoning classification.

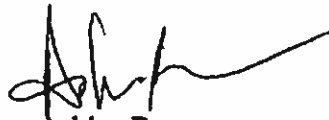
Hearing Requirements

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.

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.

Very truly yours,



Ashlea Brown
Assistant Solicitor

cc: Andre M. Davis, City Solicitor
Matthew Stegman, Mayor's Office of Government Relations
Caylin Young, Director of Legislative Services
Elena DiPietro, Chief Solicitor
Victor Tervalá, Chief Solicitor
Hilary Ruley, Chief Solicitor



TRANSMITTAL MEMO

TO: Council President Brandon M. Scott
FROM: Peter Little, Executive Director *P. Little*
DATE: August 13, 2019
RE: Council Bill 19-0415



I am herein reporting on City Council Bill 19-0415 introduced by Councilmember Bullock at the request of Derrick Shaw.

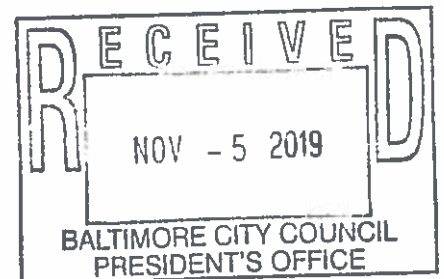
The purpose of this bill is for permitting, subject to certain conditions, the conversion of a single-family dwelling unit to 2 dwelling units in the R-8 Zoning District on the property known as 1700 West Franklin Street; and granting a variance from certain bulk (lot area) and off-street parking regulations.

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 be provided for each dwelling unit. This proposed legislation requests a variance for the off-street parking requirements.

The Parking Authority of Baltimore City (PABC) reviewed the proposed legislation. A site visit was conducted during the second week of August 2019. This property is not located on a block where the PABC currently administers on-street parking programs. The PABC has determined that the available on-street parking inventory is greater than the demand for on-street parking. In addition, the PABC investigated the alley and rear of the property and determined that there is not sufficient access or property for any off-street parking spaces. Therefore, the PABC has determined that the passage of this bill will not negatively impact parking in the area.

Based on the comments above, the PABC does not oppose the passage of City Council Bill 19-0415.

Does not oppose





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 *MB*

Date: October 29, 2019

Re: **City Council Bill 19-0415 Zoning - Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District - Variances - 1700 West Franklin Street**

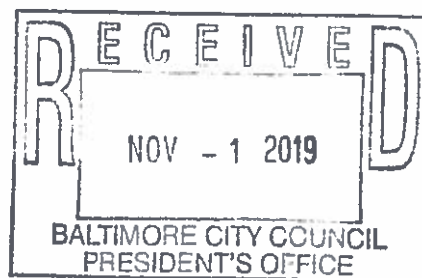
The Department of Housing and Community Development (DHCD) has reviewed City Council Bill 19-0415 for the purpose of permitting, subject to certain conditions, the conversion of a single-family dwelling unit to 2 dwelling units in the R-8 Zoning District on the property known as 1700 West Franklin Street (Block 0121, Lot 069), as outlined in red on the accompanying plat; and granting variances from certain bulk (lot area) and off-street parking regulations.

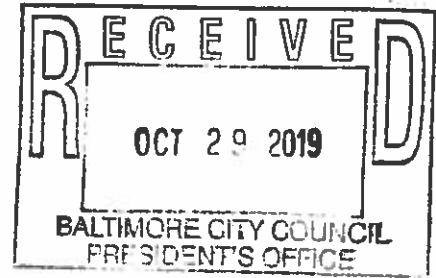
If enacted, this Bill will allow the property at 1700 West Franklin Street to be converted from a single-family dwelling to 2 dwelling units. At its regular meeting of August 22, 2019, the Planning Commission concurred with the Department of Planning Staff recommendation for the amendment and approval of this Bill. Planning departmental staff determined that the conversion could advance the public interest by creating housing affordable to moderate-income families, as well as converting vacant commercial space to residential use. DHCD does not foresee any direct fiscal or operational impacts as a result of the passage of Council Bill 19-0415.

DHCD has reviewed City Council Bill 19-0415 and supports the amendment and passage of the Bill

MB:sm

cc: Mr. Nicholas Blandy, *Mayor's Office of Government Relations*





MEMORANDUM

DATE: September 16, 2019
TO: Land Use and Transportation Committee
FROM: Colin Tarbert, President and CEO
POSITION: Support
SUBJECT: Council Bill 19-0415 – Zoning - Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District – Variances – 1700 West Franklin Street

INTRODUCTION

The Baltimore Development Corporation (BDC) is reporting on City Council Bill 19-0415, 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 1700 West Franklin Street (Block 0121, Lot 069), and granting variances from certain bulk (lot area) and off-street parking regulations.

PURPOSE

The property is a single-family dwelling unit and the intent of the applicant is to change the single-family dwelling unit to two dwelling units which requires action by the City Council.

BRIEF HISTORY

The property was built in the 1900's and located in the Harlem Park neighbor of West Baltimore. The owner seeks to convert the property into two dwelling units to maximize the income potential of the property and offer additional housing options in the neighborhood beyond what a single-family dwelling would allow.

FISCAL IMPACT

None

AGENCY POSITION

BDC has no objection to Bill 19-0415.


If you have any questions, please do not hesitate to contact Kim Clark at 410-837-9305 or at kclark@baltimoredevelopment.com.

cc: Nicholas Blendy

[DG]

No objection



FROM	NAME & TITLE	Niles R. Ford, PhD, Chief of Fire Department <i>NRF</i>	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Baltimore City Fire Department 401 East Fayette St. 21202		
	SUBJECT	City Council Bill #19-0415 Zoning - Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District - Variances - 1700 West Franklin Street		

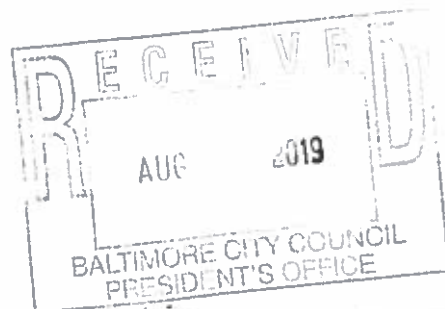
TO The Honorable Brandon M. Scott, President
And All Members of the Baltimore City Council
City Hall, Room 408

DATE: August 19, 2109

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 1700 West Franklin Street (Block 0121, Lot 069), as outlined in red on the accompanying plat; and granting variances from certain bulk (lot area) and off-street parking regulations.

The Baltimore City Fire Department has no objections for City Council Bill #19-0415 – Zoning-Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District -Variances - - for the property located at 1700 West Franklin Street. All rental locations must comply with all applicable codes, ordinances, and laws and shall be required to obtain all required approvals. The rental locations shall comply with the Building, Fire, and Related Codes of Baltimore City 2015 Edition (As Enacted by Ord. 15-547, and Last Amended by Ord. 18-1830) and applicable Maryland laws.

The above does not negate any requirements for submission of plans to the Office of the Fire Marshal for review of construction, Fire Detection/Notification/Suppression Systems, and Automatic Sprinkler installation. Locations may be subject to an annual fire inspection and/or permits from the Office of the Fire Marshal.



NRF



5

City of Baltimore

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

Meeting Minutes - Final

Land Use Committee

Wednesday, November 6, 2019

1:00 PM

Du Burns Council Chamber, 4th floor, City Hall

19-0415

CHARM TV 25 (Recorded, Not live)

CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

- Present** 6 - Edward Reisinger, Shannon Sneed, Mary Pat Clarke, Leon F. Pinkett III, Robert Stokes Sr., and Eric T. Costello
- Absent** 2 - Ryan Dorsey, and Sharon Green Middleton

ITEMS SCHEDULED FOR PUBLIC HEARING

19-0415

Zoning - Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District - Variances - 1700 West Franklin 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 1700 West Franklin Street (Block 0121, Lot 069), as outlined in red on the accompanying plat; and granting variances from certain bulk (lot area) and off-street parking regulations.

Sponsors: John T. Bullock

A motion was made by Sneed, seconded by Clarke, that the bill be recommended favorably with amendment. The motion carried by the following vote:

- Yes:** 6 - Reisinger, Sneed, Clarke, Pinkett III, Stokes Sr., and Costello
- Absent:** 2 - Dorsey, and Middleton

ADJOURNMENT

CITY OF BALTIMORE

BERNARD C. "JACK" YOUNG,
Ex Officio 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: 19-0415

Zoning - Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District - Variances - 1700 West Franklin Street

Committee: Land Use

Chaired By: Councilmember Edward Reisinger

Hearing Date: November 6, 2019

Time (Beginning): 1:00 PM

Time (Ending): 1:10 PM

Location: Clarence "Du" Burns Chamber

Total Attendance: ~20

Committee Members in Attendance:

Reisinger, Edward - Chairman

Sneed, Shannon - Vice Chair

Clarke, Mary Pat

Costello, Eric

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 (Charm TV) 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 Sneed

Seconded by:.....Councilmember Clarke

Final Vote:Favorable/Amendment

Major Speakers
(This is not an attendance record.)

- Mr. Martin French, Department of Planning
- Mr. Liam Davis, Department of Transportation
- Mr. Derek Baumgardner, Board of Municipal Zoning Appeals
- Ms. Ashlea Brown, Department of Law
- Ms. Stephanie Murdock, Department of Housing and Community Development
- Mr. David Garza, Baltimore Development Corporation
- Mr. Taylor LaFave Parking Authority for Baltimore City

Major Issues Discussed

1. Councilmember Reisinger chaired the hearing. He read the bill's number, title and purpose.
2. Councilmember Bullock provided background information and commented in support of the bill.
3. Mr. Martin French presented the Department of Planning's findings of fact and the Planning Commission's recommendation of favorable with an amendment. The Planning Department's amendment would add language to the bill to allow for a variance from the zoning code regulations for the required gross floor area.
4. Agency representatives testified in support of their respective agency's position on the bill.
5. The committee approved findings of fact and an amendment for the bill.
6. The committee approved a motion to recommend the bill favorable with an amendment.

Further Study

Was further study requested?
If yes, describe.

Yes No

Committee Vote:

Reisinger, Edward, Chairman.....	Yea
Sneed, Shannon, Vice Chair	Yea
Clarke, Mary Pat	Yea
Costello, Eric	Yea
Dorsey, Ryan	Absent
Middleton, Sharon	Absent
Pinkett, Leon.....	Yea
Stokes, Robert:.....	Yea

Jennifer L. Coates, Committee Staff
cc: Bill File;
OCS Chrono File



Date: November 6, 2019





Baltimore City Council Committee Hearing Attendance Record

Subject: Ordinance - Zoning - Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District - Variances - 1700 West Franklin Street	Bill #: 19-0415
Committee: Land Use	Chair: Edward Reisinger
Date: Wednesday, November 6, 2019	Time: 1:00 PM
Location: Clarence "Du" Burns Council Chamber	

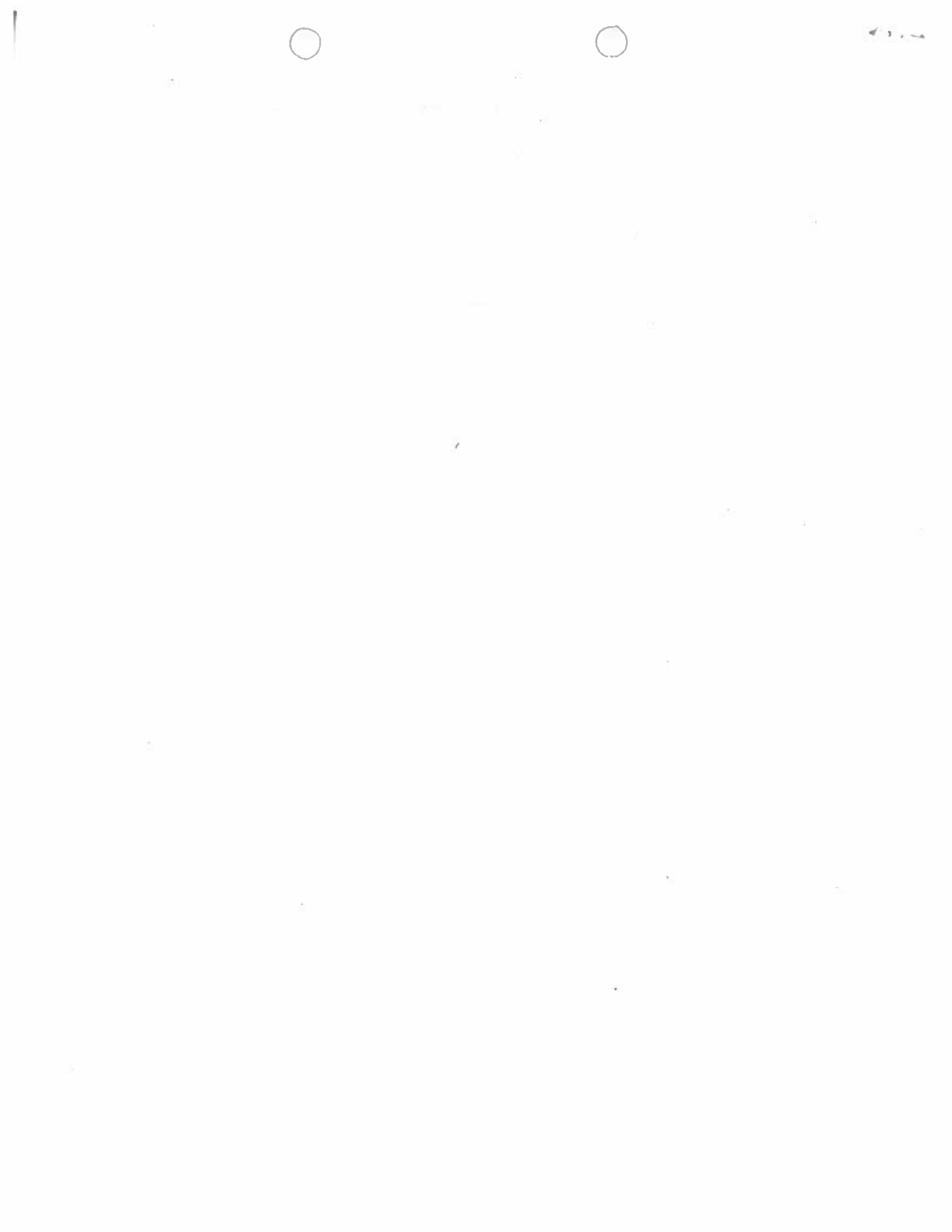
PLEASE PRINT CLEARLY

CHECK HERE TO TESTIFY



First Name	Last Name	Address / Organization / Email	Testify	What is your position on this bill?		Lobbyist: Are you registered in the City?*	
				For	Against	Yes	No
John	Doe	400 N. Holliday St. Johndoenbmore@yahoo.com	✓	✓	✓	✓	✓
Martin	French	Planning	✓	✓			

*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 AS A LOBBYIST. REGISTRATION CAN BE DONE ONLINE AND IS A SIMPLE PROCESS. FOR INFORMATION VISIT: [HTTPS://ETHICS.BALTIMORECITY.GOV/](https://ethics.baltimorecity.gov/) OR CALL: 410-396-4730



City of Baltimore

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

Meeting Agenda - Final

Land Use Committee

Wednesday, November 6, 2019

1:00 PM

Du Burns Council Chamber, 4th floor, City Hall

19-0415

CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

ITEMS SCHEDULED FOR PUBLIC HEARING

19-0415

Zoning - Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District - Variances - 1700 West Franklin 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 1700 West Franklin Street (Block 0121, Lot 069), as outlined in red on the accompanying plat; and granting variances from certain bulk (lot area) and off-street parking regulations.

Sponsors:

John T. Bullock

ADJOURNMENT

THIS MEETING IS OPEN TO THE PUBLIC



BALTIMORE CITY COUNCIL LAND USE COMMITTEE

Mission Statement

On behalf of the Citizens of Baltimore City, the mission of the Land Use 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

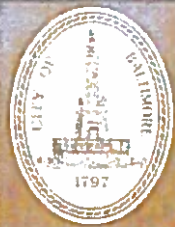
Wednesday, November 6, 2019

1:00 PM

Clarence "Du" Burns Council Chambers

City Council Bill # 19-0415

***Zoning - Conditional Use Conversion of a Single-Family Dwelling Unit
to 2 Dwelling Units in the R-8 Zoning District -
Variances - 1700 West Franklin Street***



BILL SYNOPSIS

Committee: Land Use

Bill 19-0415

Zoning - Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District - Variances - 1700 West Franklin Street

Sponsor: Councilmember Bullock

Introduced: July 22, 2019

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 1700 West Franklin Street (Block 0121, Lot 069), as outlined in red on the accompanying plat; and granting variances from certain bulk (lot area) and off-street parking regulations.

Effective: On the 30th day after date of enactment

Hearing Date/Time/Location: November 6, 2019 / 1:00 p.m. / City Council Chambers

Agency Reports

Planning Commission	Favorable/Amendment
Board of Municipal and Zoning Appeals	
Department of Transportation	No Objection
Department of Law	
Department of Housing and Community Development	
Baltimore Development Corporation	No Objection
Parking Authority of Baltimore City	
Fire Department	No Objection

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(d), 9-703(f), 16-203, and 16-602 (Table 16-406); Baltimore City Revised Code (Edition 2000)

Background

If approved, Bill 19-0415 would permit the conversion of a single-family dwelling unit to 2 dwelling units on the property known as 1700 West Franklin Street. The property is currently zoned residential R-8 and is located in the Harlem Park II Urban Renewal Plan area and the Old West Baltimore National Register Historic District. The property is situated on the northwest corner of the intersection of the West Franklin Street and North Mount Street. Harlem Inner Block Park, located in the 500 block of Mount Street, sits directly across the street.

The applicant and owners, Derrick Shaw and Trina Smiley, acquired the property on July 12, 2006. The 13'-11" by 74' property is improved with a two-story, end-of-block residentially mixed use building. The applicant intends to use the property as a multi-family dwelling.

Prior to the passage of Transform Baltimore, the City's comprehensive rezoning legislation, the property was zoned Residential R-8. The zoning designation did not change upon passage of Transform Baltimore. The area is generally residential with some scattered institutional (churches, schools, offices and small businesses) uses. During the 20th century many of the single-family dwellings were converted to multi-family dwellings or residential mixed-use structures.

Property	Zoning	
	Prior to Transform	Current
1700 West Franklin street	R-8	R-8

The applicant is requesting two variances from:

- Lot Area requirements (Included in Section 2 of the bill)
- Off-street parking requirements (included in Section 3 of the bill)

Variance – Lot Area

According to *Article 32, 9-703d Residential Conversion Standards; Table 9-401*, the lot area required is 1,500 square feet for 2 dwelling units. The property has only 1,036 square feet of lot

area available for conversion. A variance for the lot area has been requested via Section 2 of the bill.

Variance – Off-street Parking

According to *Article 32 – Zoning, Section 16-203, 16-602 and Table 16-406: Required Off-Street Parking*, one (1) off-street parking space is required for the one newly-created dwelling unit. This property cannot provide any off-street parking spaces meeting Zoning Code standards for size or accessibility. The applicant is therefore requesting an off-street parking variance in Section 3 of the bill.

Additional Variance – Floor Area

The existing structure contains approximately 750 square feet of floor area on each of its two levels for a total of 1,400 square feet. The total floor area of the structure does not meet the Zoning Code’s requirement of 1,500 square feet. The Planning Department is suggesting that the bill be amended to request a variance for floor area.

Amendment

The Planning Commission recommends that the bill be amended to add a variance of floor area standards for conversion of a single-family dwelling t a multi-family dwelling.

Additional Information

Fiscal Note: Not Available

Information Source(s): Statement of Intent; Planning Commission Report; Department of Planning Staff Report; Maryland State Department of Assessment and Taxation

Analysis by: Jennifer L. Coates *JLC* Direct Inquiries to: (410) 396-1260
Analysis Date: October 30, 2019

**CITY OF BALTIMORE
COUNCIL BILL 19-0415
(First Reader)**

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

Introduced and read first time: July 22, 2019

Assigned to: Land Use 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

1 AN ORDINANCE concerning

2 **Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to**
3 **2 Dwelling Units in the R-8 Zoning District – Variances –**
4 **1700 West Franklin Street**

5 FOR the purpose of permitting, subject to certain conditions, the conversion of a single-family
6 dwelling unit to 2 dwelling units in the R-8 Zoning District on the property known as 1700
7 West Franklin Street (Block 0121, Lot 069), as outlined in red on the accompanying plat; and
8 granting variances from certain bulk (lot area) and off-street parking regulations.

9 BY authority of

10 Article 32 - Zoning
11 Sections 5-201(a), 5-305(a), 5-308, 9-401 (Table 9-401), 9-701(2), 9-703(d), 9-703(f),
12 16-203, and 16-602 (Table 16-406)
13 Baltimore City Revised Code
14 (Edition 2000)

15 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That
16 permission is granted for the conversion of a single-family dwelling unit to 2 dwelling units in
17 the R-8 Zoning District on the property known as 1700 West Franklin Street (Block 0121, Lot
18 069), as outlined in red on the plat accompanying this Ordinance, in accordance with Baltimore
19 City Zoning Code §§ 5-201(a) and 9-701(2), subject to the condition that the building complies
20 with all applicable federal, state, and local licensing and certification requirements.

21 **SECTION 2. AND BE IT FURTHER ORDAINED,** That pursuant to the authority granted by §§ 5-
22 201(a), 5-305(a), and 5-308 of Article 32 - Zoning, permission is granted for a variance from the
23 requirements of § 9-401 (Table 9-401: Rowhouse and Multi-Family Residential Districts - Bulk
24 and Yard Regulations) and 9-703(d) for the required lot area size, as a lot area of 1,500 square
25 feet is required for 2 dwelling units, and the lot is approximately 1,036 square feet.

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

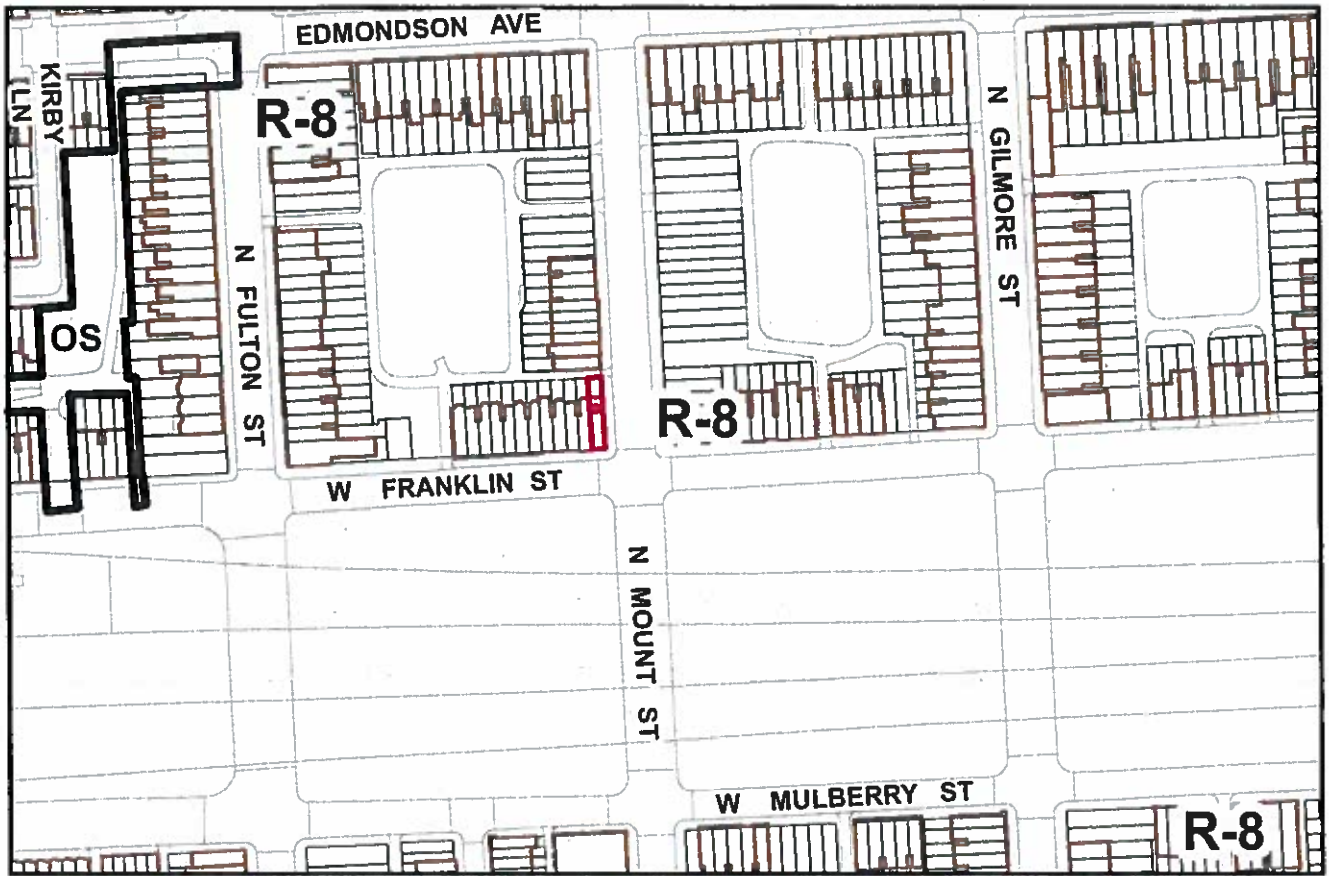
Council Bill 19-0415

1 **SECTION 3. AND BE IT FURTHER ORDAINED,** That pursuant to the authority granted by §§ 5-
2 201(a), 5-305(a), and 5-308 of Article 32 - Zoning, permission is granted for a variance from the
3 off-street parking requirements of §§ 9-703(f), 16-203, and Table 16-406: Required Off-Street
4 Parking.

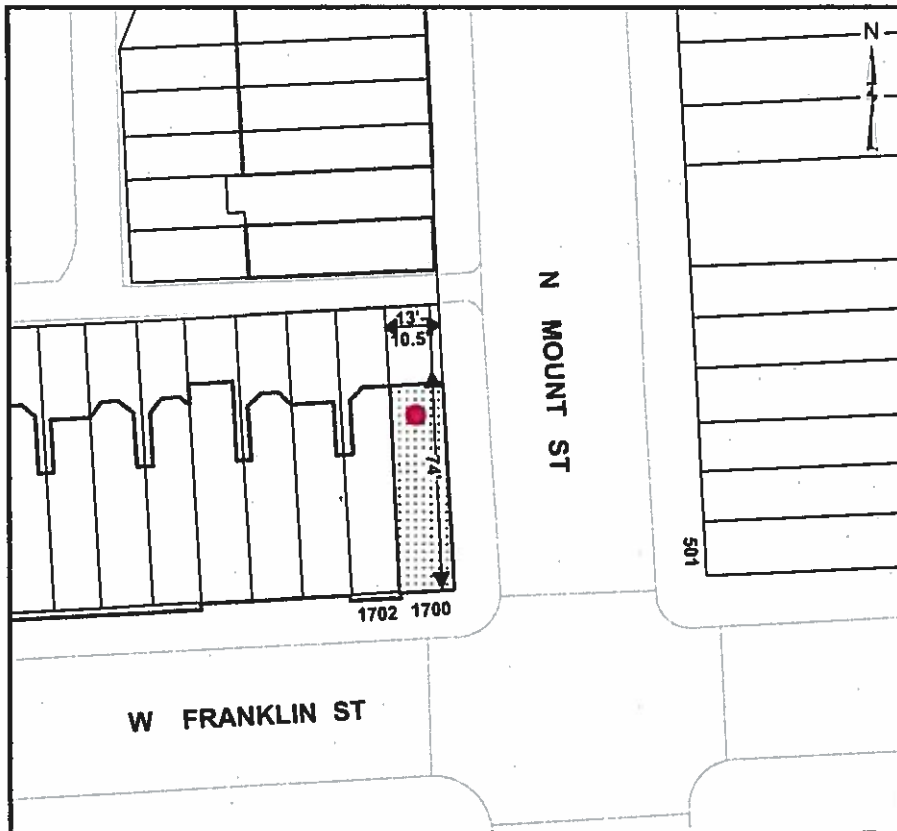
5 **SECTION 4. AND BE IT FURTHER ORDAINED,** That as evidence of the authenticity of the
6 accompanying plat and in order to give notice to the agencies that administer the City Zoning
7 Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council
8 shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat;
9 and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the
10 Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of
11 Housing and Community Development, the Supervisor of Assessments for Baltimore City, and
12 the Zoning Administrator.

13 **SECTION 5. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day
14 after the date it is enacted.

**SHEET NO. 54 OF THE ZONING MAP OF
THE ZONING CODE OF BALTIMORE CITY**



Scale: 1" = 200'



Note:

In Connection With The Property Known As No. 1700 WEST FRANKLIN 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 19 SECTION 3
BLOCK 121 LOT 69

MAYOR

PRESIDENT CITY COUNCIL



Coates, Jennifer

From: Coates, Jennifer
Sent: Tuesday, September 24, 2019 12:53 PM
To: 'Derrick Shaw'
Cc: Bullock, John; McAlily, Dominic; Austin, Natawna B.
Subject: Public Notice Instruction for Hearing on Bill 19-0415
Attachments: PNI - Letter - 19-0415 - 1700 W Franklin St.docx; Sample - Certificate of Posting - Attachment C.DOCX; LU Form - Contacts for Sign Posting RZ PUD.DOCX

Mr. Derrick Shaw:

Attached is the information you will need to post a public hearing notice for the subject bill to be heard by the Baltimore City Council's Land Use Committee on **November 6, 2019 at 1:00 PM.**

I have also attached a contact list of sign-makers and a sample certification form.

Feel free to contact me if you need more information.

PLEASE ACKNOWLEDGE RECEIPT OF THIS EMAIL.



Jennifer L. Coates
Senior Legislative Policy Analyst
Office of Council Services

100 N. Holliday Street, Room 415
Baltimore, MD 21202
jennifer.coates@baltimorecity.gov

OFFICE OF COUNCIL SERVICES

Office: (410) 396-1260
Fax: (410) 545-7596



CITY OF BALTIMORE

BERNARD C. "JACK" YOUNG, 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: Derrick Shaw

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

Date: September 24, 2019

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

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

Bill: City Council Bill No. 19-0415

Date: Wednesday, November 6, 2019

Time: 1:00 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>

Disclaimer. The City makes no claims as to the quality, completeness, accuracy, timeliness, or content of any data contained herein or on this site. All such items and materials are provided on an "as is" basis, and you are fully and solely responsible for your use of them and for any results or consequences of your use. They have been compiled from a variety of sources, including sources beyond the control of the City, and are subject to change without notice from the City. The data is subject to change as modifications and updates are complete. It is understood that the information contained in the site is being used at one's own risk. In no event shall the City or its elected/appointed officials, municipal agencies and departments, employees, agents, or volunteers be liable for any direct, indirect, special, punitive, incidental, exemplary or consequential damages arising your accessing or using the site, or otherwise arising from this site or from anything contained in or displayed on this site. Nothing contained in or displayed on this site constitutes or is intended to constitute legal advice by the City or any of its elected/appointed officials, municipal agencies and departments, employees, agents, and volunteers

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 (*see example on Attachment C*), 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: October 16, 2019
Certificate of Posting Deadline: November 1, 2019

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 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 OCTOBER 16, 2019**, AS DISCUSSED ON THE PREVIOUS PAGE AND OUTLINED ON ATTACHMENT B.

BALTIMORE CITY COUNCIL

PUBLIC HEARING ON BILL NO. 19-0415

The Land Use Committee of the Baltimore City Council will meet on Wednesday, November 6, 2019 at 1:00 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. 19-0415

CC 19-0415 Zoning - Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District - Variances - 1700 West Franklin 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 1700 West Franklin Street (Block 0121, Lot 069), as outlined in red on the accompanying plat; and granting variances from certain bulk (lot area) 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(d), 9-703(f), 16-203, and 16-602 (Table 16-406)

Baltimore City Revised Code

(Edition 2000)

Applicant: Mr. Derrick Shaw

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:

SEND BILL FOR THIS SIGN POSTING TO:

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

Mr. Derrick Shaw
P.O. Box 1162
Baltimore, MD 21203
410-294-5608

**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.)



...

**CITY OF BALTIMORE
COUNCIL BILL 19-0415
(First Reader)**

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

Introduced and read first time: July 22, 2019

Assigned to: Land Use 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

1 AN ORDINANCE concerning

2 **Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to**
3 **2 Dwelling Units in the R-8 Zoning District – Variances –**
4 **1700 West Franklin Street**

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10 Article 32 - Zoning

11 Sections 5-201(a), 5-305(a), 5-308, 9-401 (Table 9-401), 9-701(2), 9-703(d), 9-703(f),
12 16-203, and 16-602 (Table 16-406)

13 Baltimore City Revised Code
14 (Edition 2000)

15 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That
16 permission is granted for the conversion of a single-family dwelling unit to 2 dwelling units in
17 the R-8 Zoning District on the property known as 1700 West Franklin Street (Block 0121, Lot
18 069), as outlined in red on the plat accompanying this Ordinance, in accordance with Baltimore
19 City Zoning Code §§ 5-201(a) and 9-701(2), subject to the condition that the building complies
20 with all applicable federal, state, and local licensing and certification requirements.

21 **SECTION 2. AND BE IT FURTHER ORDAINED,** That pursuant to the authority granted by §§ 5-
22 201(a), 5-305(a), and 5-308 of Article 32 - Zoning, permission is granted for a variance from the
23 requirements of § 9-401 (Table 9-401: Rowhouse and Multi-Family Residential Districts - Bulk
24 and Yard Regulations) and 9-703(d) for the required lot area size, as a lot area of 1,500 square
25 feet is required for 2 dwelling units, and the lot is approximately 1,036 square feet.

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

Council Bill 19-0415

1 **SECTION 3. AND BE IT FURTHER ORDAINED,** That pursuant to the authority granted by §§ 5-
2 201(a), 5-305(a), and 5-308 of Article 32 - Zoning, permission is granted for a variance from the
3 off-street parking requirements of §§ 9-703(f), 16-203, and Table 16-406: Required Off-Street
4 Parking.

5 **SECTION 4. AND BE IT FURTHER ORDAINED,** That as evidence of the authenticity of the
6 accompanying plat and in order to give notice to the agencies that administer the City Zoning
7 Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council
8 shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat;
9 and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the
10 Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of
11 Housing and Community Development, the Supervisor of Assessments for Baltimore City, and
12 the Zoning Administrator.

13 **SECTION 5. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day
14 after the date it is enacted.

INTRODUCTORY*
CITY OF BALTIMORE
COUNCIL BILL _____

APPROVED FOR FORM STYLE AND TEXTUAL SUFFICIENCY 7-9-19 DEPT LEGISLATIVE REFERENCE
--

Introduced by: Councilmember Bullock
At the request of: Derrick Shaw
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 –
1700 West Franklin 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 1700 West Franklin Street (Block 0121, Lot 069), as outlined in red on the accompanying plat; and granting variances from certain bulk (lot area) 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(d), 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 1700 West Franklin Street (Block 0121, Lot 069), 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), 5-305(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) and 9-703(d) for the required lot area size, as a lot area of 1,500 square feet is required for 2 dwelling units, and the lot is approximately 1,036 square feet.

SECTION 3. AND BE IT FURTHER ORDAINED, That pursuant to the authority granted by §§ 5-201(a), 5-305(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, and Table 16-406: Required Off-Street Parking.

* WARNING: THIS IS AN UNOFFICIAL, INTRODUCTORY COPY OF THE BILL.
THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.

SECTION 4. 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 5. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

STATEMENT OF INTENT

FOR

1700 W. Franklin St
{Address}

1. Applicant's Contact Information:

Name: Derrick Shaw
Mailing Address: PO Box 1162, Baltimore, MD 21203
Telephone Number: 410 294 5608
Email Address: dshawxm@gmail.com

2. All Proposed Zoning Changes for the Property: To use as two dwelling unit.

3. All Intended Uses of the Property: To use as two dwelling unit

4. Current Owner's Contact Information:

Name: Derrick Shaw and 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 07 12 2006 by deed recorded in the Land Records of Baltimore City in Liber 08060 Folio 0482.

6. Contract Contingency:

(a) There is is not X 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}: _____

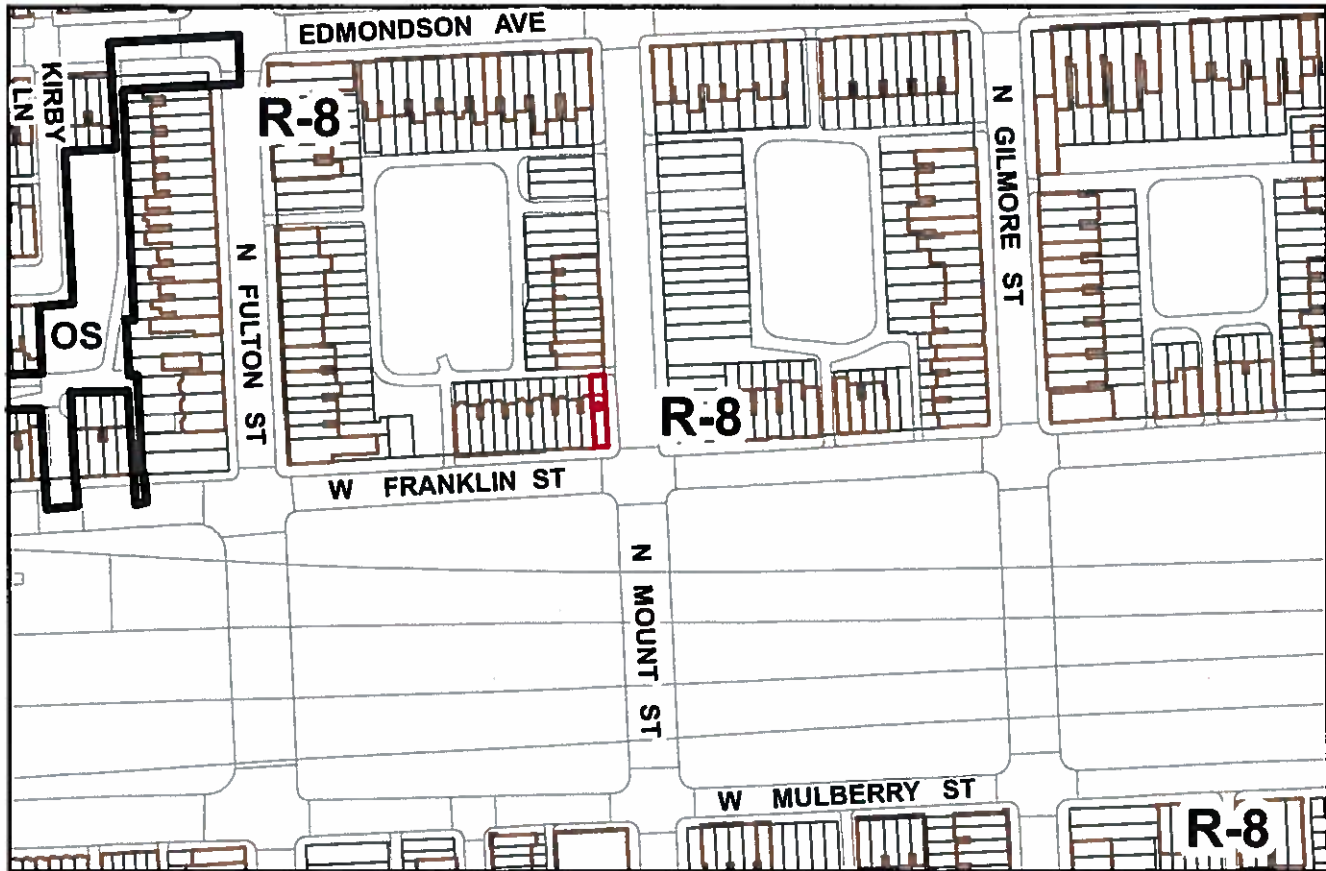
AFFIDAVIT

I, Deerick 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.

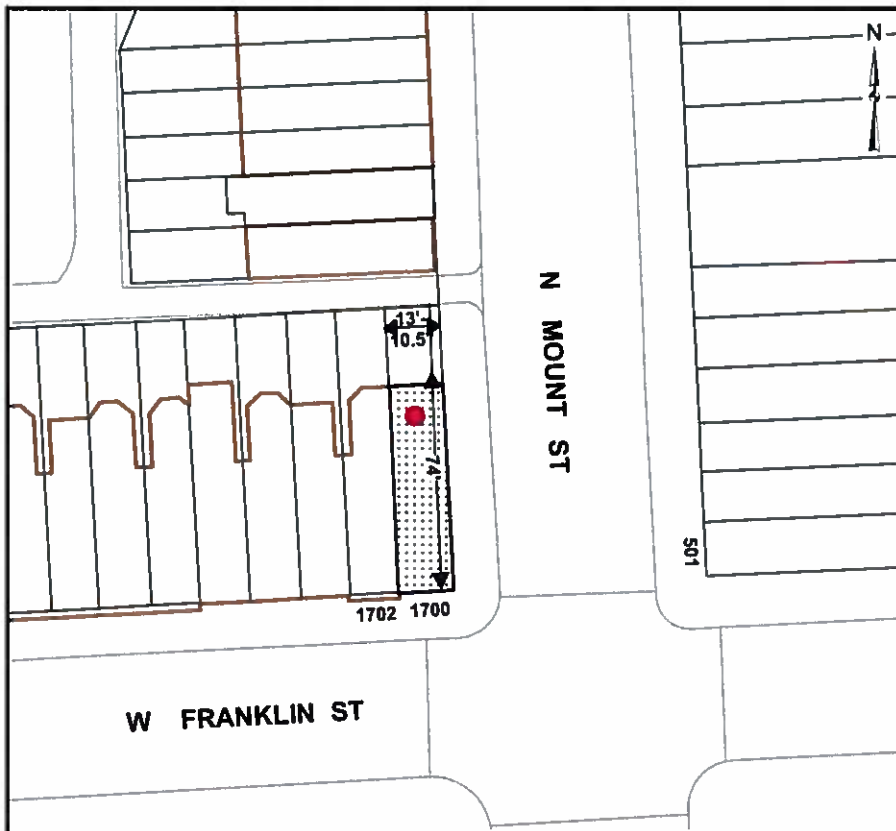
Deerick Shaw
Applicant's signature

June 27, 2019
Date

**SHEET NO. 54 OF THE ZONING MAP OF
THE ZONING CODE OF BALTIMORE CITY**



Scale: 1" = 200'



Note:

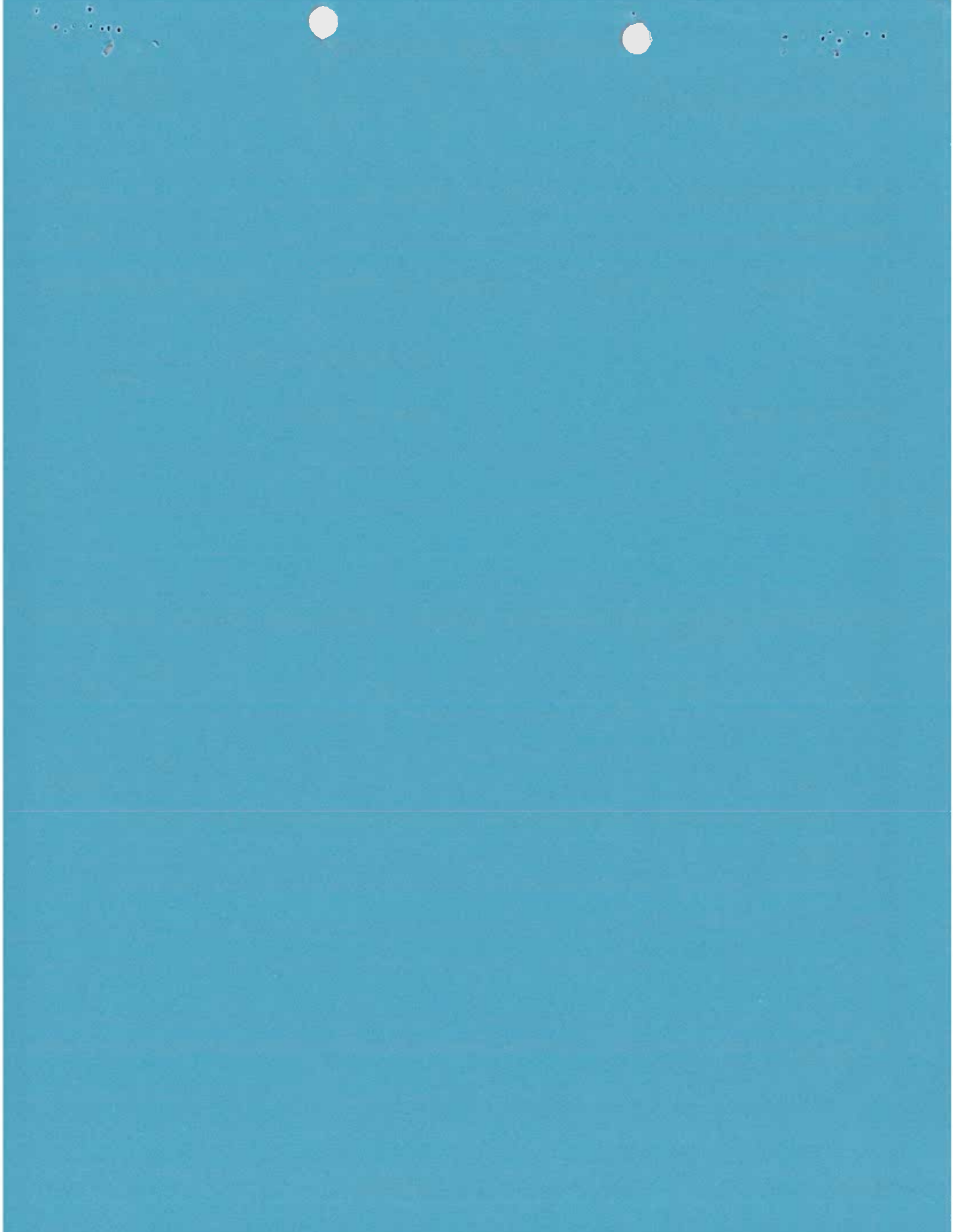
In Connection With The Property Known As No. 1700 WEST FRANKLIN STREET. The Applicant Wishes To Request The Conditional Use Conversion Of The Aforementioned Property From A Single-Family Dwelling Unit To Two Dwelling Units In The R-8 Zoning District, As Outlined In Red Above.

WARD 19 SECTION 3
BLOCK 121 LOT 69

MAYOR

PRESIDENT CITY COUNCIL





ACTION BY THE CITY COUNCIL

JUL 22 2019
20

FIRST READING (INTRODUCTION) _____

PUBLIC HEARING HELD ON November 6, _____ 20 19

COMMITTEE REPORT AS OF November 18, _____ 20 19

____ FAVORABLE ____ UNFAVORABLE FAVORABLE AS AMENDED ____ WITHOUT RECOMMENDATION


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:

NOV 18 2019

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

THIRD READING _____ DEC 02 2019

____ 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