


<b>FROM</b>	NAME & TITLE	CHRIS RYER, DIRECTOR	CITY of BALTIMORE <b>MEMO</b>	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 <sup>TH</sup> FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #19-0473/ ZONING – CONDITIONAL USE CONVERSION TO 2 DWELLING UNITS IN THE R-8 ZONING DISTRICT – VARIANCES – 1758 PARK AVENUE		

**TO**

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

DATE: January 17, 2020

At its regular meeting of January 16, 2020, the Planning Commission considered City Council Bill #19-0473, 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 1758 Park Avenue (Block 0334, Lot 063), as outlined in red on an accompanying plat; and granting variances from certain gross floor area per unit type, bulk regulations (lot area size) and off-street parking requirements.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended amendment and approval of City Council Bill #19-0473 and adopted the following resolution, eight members being present (eight 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 recommends that City Council Bill #19-0473 be amended and passed by the City Council.

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

CR/mf

attachment

cc: Mr. Nicholas Blendy, Mayor's Office  
Mr. Matthew Stegman, Mayor's Office  
Ms. Nina Themelis, 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  
Ms. Stephanie Murdock, DHCD  
Ms. Elena DiPietro, Law Dept.  
Mr. Francis Burnszynski, PABC  
Mr. Liam Davis, DOT  
Ms. Natawna Austin, Council Services  
Mr. Dominic McAlily, Council Services  
Mr. Alex Aaron for Blank Slate Development LLC, Applicant



Bernard C. "Jack" Young  
Mayor

**PLANNING COMMISSION**

*Sean D. Davis, Chairman*

**STAFF REPORT**



*Chris Ryer  
Director*

**January 16, 2020**

**REQUEST: City Council Bill #19-0473/ Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District – Variances – 1758 Park Avenue**

For the purpose of permitting, subject to certain conditions, the conversion of a single-family dwelling unit to 2 dwelling units in the R-8 Zoning District on the property known as 1758 Park Avenue (Block 0334, Lot 063), as outlined in red on the accompanying plat; and granting variances from certain gross floor area per unit type, bulk regulations (lot area size) and off-street parking requirements.

**RECOMMENDATION:** Amendment, and Approval as amended

Amendment: Add a variance of the lot coverage regulation, to increase allowable lot coverage to 100% in recognition of the existing as-built condition of this property.

**STAFF:** Martin French

**PETITIONER:** Councilmember Costello, at the request of Blank Slate Development LLC

**OWNER:** Think Tink Property Solutions LLC

**SITE/ GENERAL AREA**

Site Conditions: 1758 Park Avenue is located on the southwest corner of the intersection with North Avenue. This property measures approximately 15’6” by 66’9” and is currently improved with a three-story attached residential mixed-use building measuring approximately 15’6” by 66’. On the north side of the existing structure, erstwhile attached dwelling structures have been removed for widening of North Avenue. The property was last authorized for use as offices on its first floor level and a dwelling unit above the offices by the Board of Municipal and Zoning Appeals’ approval of appeal no. 2019-425, heard on December 17, 2019. This site is zoned R-8 and is located within the Madison-Park North Urban Renewal Plan area and the Bolton Hill Historic District.

General Area: Most of the housing in this area was originally developed in the mid- to late 19<sup>th</sup> Century as three-story row-houses. There are also scattered nonresidential uses such as offices, churches and a few small businesses in the area. During the 20<sup>th</sup> Century there was much conversion of single-family dwellings to multi-family or residential mixed-use structures. This

property is an example of that former trend. Widening of North Avenue in this vicinity resulted in creation of a triangular public park on the other side of the alley behind 1758 Park Avenue.

## **HISTORY**

The Madison-Park North Urban Renewal Plan was originally approved by the Mayor and City Council as Ordinance no. 1594 dated April 16, 1963, and was last amended by Ordinance no. 1061 dated December 1, 1975. The Bolton Hill Historic District was established by Ordinance no. 1046 on June 15, 1967, as amended by Ordinance no. 99-1143 dated December 6, 1999; and was certified to the National Register of Historic Places on September 17, 1971. 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.

## **ANALYSIS:**

Background: This legislation would allow the petitioner to use the existing structure as two dwelling units, with a 2-bedroom unit on the second floor level and a 1-bedroom unit on the third floor level of the structure. Approving 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 was originally a middle-of-group residential structure containing approximately 2,600 square feet of gross floor area. Approximately 1,000 square feet of the interior is now used for offices on the first floor level of the building. 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 approximately 1,045 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 30% 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 and 1,000 square feet of floor area per 2-bedroom dwelling unit (BCZC subsection 9-703.c.). The existing structure contains approximately 1,000 square feet of floor area on its second floor level, and approximately 600 square feet of floor area on its third floor level, thus not meeting this requirement for the two dwelling units to be created. A variance of this floor area requirement is therefore included in this bill, in order to authorize both dwelling units.

- The maximum lot coverage allowed is 80% (Zoning Code Table 9-401). This structure covers approximately 99% of the lot. A variance of this requirement should be added to the bill.
- One additional off-street parking space is required to serve the newly-created dwelling unit (BCZC subsection 9-703.f.). This property cannot provide any off-street parking spaces, and therefore a variance of this requirement is included in this bill.

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 Urban Renewal Plan for this area. 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). 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, is 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.
- While no off-street parking space 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. Conditions on which this bill is based are unique to this property and are not generally applicable to other property within the same zoning classification, while practical difficulty has not been created by intentional action or inaction of a person with a present interest in the property. The purpose of the variances requested is not based exclusively on a desire to increase the value or income potential of the property. 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 and related considerations of public health, safety, and general welfare.

**Notification:** The Bolton Hill Community Association and Councilman Costello have been notified of this matter.



**Chris Ryer**  
**Director**