



Stephanie Rawlings-Blake  
Mayor

## PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

### STAFF REPORT



Thomas J. Stosur  
Director

May 12, 2016

**REQUEST:** City Council Bill #16-0630/ Zoning – Conditional Use Conversion of a 1-family dwelling unit to a 1-family dwelling unit and 1 efficiency unit in the R-8 zoning district – variances – 317 West 30th Street

For the purpose of permitting, subject to certain conditions, the conversion of a 1-family dwelling unit to a 1-family dwelling unit and 1 efficiency unit in the R-8 Zoning District on the property known as 317 West 30th Street, as outlined in red on the accompanying plat; and granting variances from certain lot area size, off-street parking, and floor area ratio requirements.

**RECOMMENDATION:** Approval

**STAFF:** Ivor Quashie

**PETITIONER(S):** Councilmember Clarke, at the request of Sara Ayyad

**OWNER:** Sara Ayyad

#### **SITE/GENERAL AREA**

Site Conditions: 317 West 30<sup>th</sup> Street is located on the south side of the street, approximately 100' west of the intersection with Remington Avenue. This property measures approximately 13' by 80' and is currently improved with a three-story attached residential building measuring approximately 13' by 53'. This site is zoned R-8.

General Area: This is a predominantly residential area known as Remington, with various uses such as, two schools, and small number of commercial uses. Most of the area was originally developed in the early 20<sup>th</sup> Century.

#### **HISTORY**

There are no previous Planning Commission actions for this site.

#### **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; and Objective 2: Strategically Redevelop Vacant Properties Throughout the City.

## **ANALYSIS**

**Project:** This legislation would allow the petitioner utilize the existing structure as one dwelling unit and one efficiency unit, providing a new life for this original building. The owner proposes to build a three-story addition on the rear of the property to provide additional space.

**Zoning Analysis:** This bill would encourage re-use of a structure in need of restoration.

- The Zoning Code requires, for a property in the R-8 District 750 sq. ft. of lot area for a dwelling unit, and 500 sq. ft. for an efficiency unit (§4-1106). The property measures 12'9" by 80' (1,020 sq. ft.). A lot area of 1,250 sq. ft. would be required, therefore a lot area variance of 18% would be requested.
- The maximum floor area ratio (FAR) in this zoning district is 2.0 (BCZC §4-1108.a.). The change in land use from a single family dwelling, which is controlled by a height limitation of 35', where multi-family dwellings are controlled by Floor Area Ratio (FAR), which is a volume control (BCZC §4-1106). For that reason, the existing structure, which complies with the height limit suddenly becomes noncomplying with regard to FAR due to this change in use. The newly created need for a FAR variance of 55.2% is necessary, as the only solution to avoid it would be so drastic as the removal of a floor of the building, or to acquire additional land. For that reason, the FAR variance is reasonable and should be granted as a practical difficulty of complying with the Code.
- One off-street parking space is required to serve the newly-created dwelling unit. The lack of an alley at least 15' wide in the rear of this property does not allow this Zoning Code requirement to be met, creating a practical difficulty in complying with it. A variance of the off-street parking requirement is therefore requested in this bill.

**Variations:** §15-101(2) of the Zoning Code provides that variances may be granted as part of an ordinance authorizing a conditional use, by the Mayor and City Council. Staff recommends that the City Council approve this bill including its variances of lot area size and floor area ratio, as a practical difficulty or unnecessary hardship would result from strict imposition of Zoning Code requirements. Two-family use of the property will not create any new or increased impacts on the surrounding neighborhood. Planning staff recommend these additional findings of fact:

- (1) The particular physical surroundings, shape, or topographical conditions of the structure or land involved creates an unnecessary hardship or practical difficulty to the applicant if the strict letter of the zoning code is carried out.
- (2) The conditions on which the application is based are unique to the property and are not generally applicable to other property within the same zoning classification;
- (3) The unnecessary hardship or practical difficulty has not been created by the intentional action or inaction of any person who has a present interest in the property;
- (4) The purpose of the variance is not based exclusively on a desire to increase the value or income potential of the property;

- (5) 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;
- (6) The variance will not:
- (i) impair an adequate supply of light and air to adjacent property;
  - (ii) overcrowd the land;
  - (iii) create an undue concentration of population;
  - (iv) substantially increase the congestion of the streets;
  - (v) create hazardous traffic conditions;
  - (vi) adversely affect transportation;
  - (vii) unduly burden water, sewer, school, park, or other public facilities;
  - (viii) increase the danger of fire; or
  - (ix) otherwise endanger the public safety;
- (7) The variance is not precluded by and will not adversely affect:
- (i) any Urban Renewal Plan; or
  - (ii) the City's Master Plan;
- (8) The variance will not otherwise:
- (i) be detrimental to or endanger the public health, security, general welfare, or morals; or
  - (ii) in any way be contrary to the public interest;
- (9) The variance is in harmony with the purpose and intent of the zoning code; and
- (10) The variance granted is the minimum necessary to afford relief, to which end a lesser variance than that applied for may be permitted.

Conditional Use – Required findings: In accordance with §16-304 of the Zoning Code of Baltimore City, the Planning Commission must base its recommendation to the City Council to approve a conditional use on these considerations required by Title 14 {"Conditional Uses"} of the Zoning Code:

1. the establishment, location, construction, maintenance, and operation of the conditional use will not be detrimental to or endanger the public health, security, general welfare, or morals;
2. the use is not in any way precluded by any other law, including an applicable Urban Renewal Plan;
3. the authorization is not otherwise in any way contrary to the public interest; and
4. the authorization is in harmony with the purpose and intent of this article (§14-204).

In addition, the Zoning Code requires review of these considerations, as appropriate:

- the nature of the proposed site, including its size and shape, are adequate for the proposed use;
- there will be no negative impact to traffic patterns in the immediate area;
- development of the proposed use will not impair the present and future development of this lot or the surrounding area;
- there will be no negative impact resulting from its proximity to dwellings, churches, schools, public structures, or other places of public gathering;
- there is adequate accessibility of the premises to fire and police protection;
- there is adequate light and air to the premises and to properties in the vicinity;
- adequate utilities, access, drainage, and other necessary facilities have been or will be provided; and
- the use of the property as two dwelling units meets all other applicable standards and requirements of this article (§14-205).

The proposed use as a 1-family dwelling with an efficiency unit would be consistent with residential use in the area; would not be detrimental to or endanger public health, security, general welfare, or morals; and would allow constructive re-use of a vacant structure that could become a blighting influence on the community. The site is adequate for the proposed use, would not create a negative impact on traffic patterns in the immediate area, nor impair present or future development of the surrounding area, nor have a negative impact on other dwellings, churches, schools, public structures, or other places of public gathering. The site has adequate fire and police protection, adequate air and light, adequate utilities, access, drainage, and other facilities; and use as two dwelling units meets all other applicable standards of the Zoning Code. The variances included are the minimum necessary to avoid arbitrariness.

Community Notification: Staff notified the Greater Remington Improvement Association and Councilmember Clarke of this matter.



**Thomas J. Stosur**  
**Director**