Stephanie Rawlings-Blake
Mayor

PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

STAFF REPORT

Thomas J. Stosur
Director

May 12, 2016

REQUEST: City Council Bill #16-0656/ Zoning – Conditional Use Conversion of 2 Dwelling Units to 3 Dwelling Units in the R-8 Zoning District – Variances – 844 North Carey Street

For the purpose of permitting, subject to certain conditions, the conversion of 2 dwelling units to 3 dwelling units in the R-8 Zoning District on the property known as 844 North Carey 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: Christina Hartsfield

PETITIONER(S): Councilmember Welch, at the request of Rodney Hasan

OWNER: Rodney Hasan

SITE/GENERAL AREA

Site Conditions: The subject property is located on the west side of Carey Street and measures approximately 96'-1" by 15'-0". The property is improved with a three-story attached residential building measuring approximately 72'-0" by 15'-0". This site is zoned R-8.

General Area: This is a predominantly residential area known as Harlem Park, with scattered uses such as religious institutions, schools, and small commercial uses. This property is sited at the southwest corner of the North Carey Street and West Lafayette Street intersection, which is in the Harlem Park II Urban Renewal Plan area. Across West Lafayette Street is the Sandtown-Winchester neighborhood. Most of the area was originally developed in the mid-19th Century.

HISTORY

The Harlem Park Project II Urban Renewal Plan was created by Ordinance No. 419 adopted July 6, 1960. The Plan was last amended by its Amendment 6 approved by the Planning Commission on January 14, 2010, and adopted as Ordinance No. 10-264 on March 24, 2010.

CONFORMITY TO PLANS

The proposed action is consistent with LIVE EARN PLAY LEARN, the Comprehensive Master Plan for Baltimore, Live Goal 1: Build Human and Social Capital by Strengthening

Neighborhoods, Objective 1: Expand Housing Choices for all Residents; and Objective 2: Strategically Redevelop Vacant Properties throughout the City.

ANALYSIS

Project: This legislation would allow the petitioner to renovate the existing structure into three dwelling units, providing a new life for this original building. Adaptive re-use as a three-family attached dwelling would allow preservation of part of Harlem Park's traditional architectural fabric while offering more affordable housing alternatives to persons who wish to live in an area convenient to downtown Baltimore.

Zoning Analysis:

- The Zoning Code requires, for a property in the R-8 District, 750 square feet of lot area per dwelling unit (BCZC §4-1106.a.). A lot area of 1,875 square feet is required for three dwelling units; this lot has 1,441 square feet, so a lot area variance of 23% is needed to reduce this requirement.
- The maximum floor area ratio (FAR) in this zoning district is 2.0 (BCZC §4-1108.a.). This property has an FAR of 2.12, so a variance of 6% is needed to reduce this requirement.
- 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.

Variances: §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 a lot area variance of 23%, an FAR variance of 6%, and an off-street parking variance of 75% (as a practical difficulty or unnecessary hardship would result from strict imposition of Zoning Code requirements). Three-family use of the property will not create any new or increased impacts on the surrounding neighborhood.

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 three dwelling units meets all other applicable standards and requirements of this article (§14-205).

The proposed use as a 3-family dwelling 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 has been 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 three dwelling units meets all other applicable standards of the Zoning Code. The variance recommended is the minimum necessary to avoid arbitrariness.

Community Notification: Staff notified the Harlem Park West Association, the Harlem Square Community Association, and Councilman Welch of this matter.

Thomas J. Stosur
Director