



Stephanie Rawlings-Blake
Mayor

PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

STAFF REPORT



Thomas J. Stosur
Director

November 19, 2015

REQUEST: City Council Bill #15-0572/ Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to 4 Family Dwelling Units in the R-7 Zoning District – Variances – 1715 Spence Street

For the purpose of permitting, subject to certain conditions, the conversion of a single-family dwelling unit to 4 family dwelling units in the R-7 Zoning District on the property known as 1715 Spence Street, as outlined in red on the accompanying plat; and granting variances from certain lot area coverage and floor area ratio requirements.

RECOMMENDATION: Approval with amendments below:

- Amendment: Delete Section 2 (granting a variance for lot area coverage) and Section 3 (granting a variance for floor area ratio);
- Amendment: Add a replacement Section 2 granting a variance from an interior side yard depth requirement (5' in lieu of 15' for the existing structure);
- Amendment: Add a replacement Section 3 granting a variance for off-street parking.

STAFF: Martin French

PETITIONER(S): Councilmember Ed Reisinger, at the request of From House to Home, Inc.

OWNER: U.S. Bank National Association

SITE/GENERAL AREA

Site Conditions: 1715 Spence Street is located on the northeast side of the street, approximately 75' northwest of the intersection with James Street. This property measures approximately 50' by 140' and is currently improved with a two-story detached residential building measuring approximately 17' by 70' and a detached garage measuring 24' by 24'. This site is zoned R-7.

General Area: This is a predominantly residential area known as Morrell Park, with scattered uses such as religious institutions, schools, and small commercial uses that are located along Washington Boulevard which parallels James Street a block to the south. The northern portion of Morrell Park is bounded by commercial and industrial uses that line the I-95 highway and the active freight railway that runs roughly parallel to the south bank of the Gwynns Falls in this immediate area.

HISTORY

There are no previous legislative or Planning Commission actions regarding 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 to renovate the existing structure into four 1-bedroom dwelling units, providing a new life for this original building. Adaptive re-use as a four-family detached dwelling would allow preservation of part of Morrell Park's traditional architectural fabric while offering more affordable housing alternatives to persons who are veterans.

Zoning Analysis: This property, due to extended vacancy, has single-family dwelling status under the Zoning Code. This bill would encourage re-use of a structure in need of restoration.

- The Zoning Code requires, for a property in the R-7 District, 1,100 square feet of lot area per dwelling unit (BCZC §4-1006.a.). A lot area of 3,850 square feet is required for four dwelling units; this lot has 7,000 square feet, so a lot area variance is not needed to reduce this requirement.
- The maximum floor area ratio (FAR) in this zoning district is 1.2 (BCZC §4-1008.a.). This premises has a FAR of 0.37 (counting both floors of the existing dwelling structure and the floor area of the garage to be converted into an accessory communal work/ recreation space), so a variance of that requirement is not needed.
- The existing dwelling structure is located approximately 5' from the interior side lot line on the northwestern side of this property. The Zoning Code requires, for a property in the R-7 District, an interior side yard depth of 15' (BCZC §4-1007.a.). A side yard setback variance should be added to this bill to reduce this requirement in order to reflect existing conditions on the lot, as this conversion would be of a noncomplying structure.
- Three off-street parking spaces are required to serve the newly-created dwelling units. The lack of a paved 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 required should therefore be added to 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 an interior side yard setback variance for the existing structure, and an off-street parking variance of 100% (as a practical difficulty or unnecessary hardship would result from strict imposition of Zoning Code requirements). Four-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 (in this instance, there is none);
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).

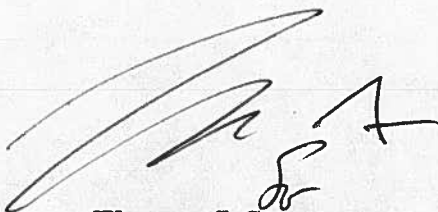
In addition, the Zoning Code requires review of these considerations, as appropriate:

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

The proposed use as a 4-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 four dwelling units meets all other applicable standards of the Zoning Code. The variances recommended are the minimum necessary to avoid arbitrariness.

Community Notification: Staff notified the Morrell Park Community Association, the Morrell Park and Saint Paul's Improvement Association, and Councilman Reisinger of this matter.

A handwritten signature in black ink, appearing to read 'T. Stosur', is written over a horizontal line. The signature is fluid and cursive.

Thomas J. Stosur
Director