



*Stephanie Rawlings-Blake*  
Mayor

## PLANNING COMMISSION

*Wilbur E. "Bill" Cunningham, Chairman*

### STAFF REPORT



*Thomas J. Stosur*  
Director

**January 21, 2016**

**REQUEST: City Council Bill #15-0599/ Zoning – Conditional Use Conversion of 2 Dwelling Units to 3 Dwelling Units in the R-8 Zoning District –35 South Fulton Avenue**

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 35 South Fulton Avenue, as outlined in red on the accompanying plat.

**RECOMMENDATION:** Approval with this amendment:

- Add a new Section 2 granting a variance for off-street parking.

**STAFF:** Martin French

**PETITIONER(S):** Councilmember Welch, at the request of 35 S. Fulton LLC

**OWNER:** 35 S. Fulton LLC

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

**Site Conditions:** 35 South Fulton Avenue is located on the east side of the street, approximately 108' south of the intersection with Hollins Street. This property measures approximately 18' by 118' and is currently improved with a three-story attached residential building measuring approximately 18' by 70'. This site is zoned R-8 and is located in the western portion of the Union Square Historic District.

**General Area:** This is a predominantly residential area known as Union Square, with scattered uses such as religious institutions, schools, and small commercial uses that are located along Frederick Avenue and Baltimore Street to the north of this property.

#### **HISTORY**

The Union Square Historic District was created by Ordinance no. 821 adopted June 2, 1970; and was enlarged by Ordinance no. 580 adopted November 17, 1977. The District was certified to the National Register of Historic Places on September 15, 1983.

#### **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 1-bedroom 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 Union Square'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:** This property was converted to two-family dwelling use in 1956. 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 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 2,124 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 2.0 (BCZC §4-1108.a.). This premises has a FAR of 1.2, so a variance of that requirement is not needed.
- 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 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 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:

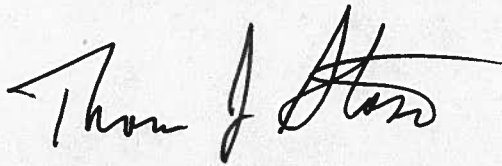
1. the establishment, location, construction, maintenance, and operation of the conditional use will not be detrimental to or endanger the public health, security, general welfare, or morals;
2. the use is not in any way precluded by any other law, including an applicable Urban Renewal Plan (in this 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 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 Mount Clare Community Council, the Union Square Association, and Councilman Welch of this matter.



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