



Stephanie Rawlings-Blake
Mayor

PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

STAFF REPORT



Thomas J. Stosur
Director

January 17, 2013

REQUEST: City Council Bill 12-0166/ Zoning – Conditional Use Conversion of a 1-Family Dwelling Unit to a 2-Family Dwelling Unit in the R-8 Zoning District – 400 East Cross Street

For the purpose of permitting, subject to certain conditions, the conversion of a 1-family dwelling unit to a 2-family dwelling unit in the R-8 Zoning District on the property known as 400 East Cross Street, as outlined in red on the accompanying plat.

RECOMMENDATION: Amendment and Approval

Amendments:

Add to this bill the following:

- a variance from the lot area requirement of 1,250 square feet to 1,248.3 square feet.
- a variance from the requirement of 1 vehicle parking space to ¼ vehicle parking space.

STAFF: Martin French

PETITIONER: Robert Scott Pevenstein

OWNERS: Robert Scott Pevenstein and Arika Miller Pevenstein

SITE/ GENERAL AREA

Site Conditions: This property is located on the northeast corner of the intersection with Riverside Avenue. This property measures approximately 70' by 17'10" and is currently improved with a two-story semi-detached residential building covering the entire lot. This property was originally constructed about 1850, and was a confectionary and carry-out food shop from the 1930s to the 1970s when it was also known as 1049 Riverside Avenue. In the 1980s the property was converted to all-residential use, typifying Baltimore rediscovery of the residential charm of a 150-year old historic neighborhood. This site is zoned R-8 and is located within the Federal Hill National Register Historic District.

General Area: The area is historic, predominantly residential, and immediately east of the

South Baltimore Business Area. The most common residential unit is a two- or three- story attached dwelling; there are a few religious institutions, schools, and parks nearby. Cross Street forms the boundary between the Federal Hill National Register Historic District, dominated by pre-1860 row-housing, and the Federal Hill South National Register Historic District, dominated by post-1860 row-housing. As the Federal Hill – South Baltimore area was developed in the 19th Century, no provisions were made to accommodate automobile parking for residents.

HISTORY

There is no legislative history specifically concerning this property.

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

This property is in an historic district, and thus is eligible for historic tax credits for restoration and renovation. In this case, the owners are proposing to receive authorization for the basement of the premises to be used as an efficiency unit (a smaller form of dwelling unit without a separate bedroom within its living area). There would be no exterior alterations required except for any fire safety modifications to existing window or emergency egress openings.

According to Zoning Code requirements, a lot area of 750 square feet is required for a dwelling unit (the existing two-story residence) and 500 square feet is required for an efficiency unit, requiring a total of 1,250 square feet (§4-1106.a). The lot contains approximately 1,248.3 square feet, nearly satisfying the Zoning Code requirement. If a lot area variance would be authorized, it would amount to a 0.001% variance.

In the context of Zoning Code requirements for off-street parking, one parking space is required for each dwelling unit or efficiency unit (§10-405.(1)(iv.)), but the requirement is waived for the original dwelling unit on the property that predates the Zoning Code. An off-street parking space would not be possible to create on the property without imposing undue hardship upon the owner, as the existing historic structure occupies the entire lot. With the finding that either a practical difficulty or an undue hardship would be created by application of the Zoning Code requirement for an off-street parking space at this location, the ordinance may authorize a variance of up to 75% of the ordinary off-street parking requirement (§15-208.b). This variance, if authorized, would leave a requirement for provision of ¼ (25%) of a parking space, which under the Zoning Code may be disregarded (§10-402.a.(1)).

Under TransForm Baltimore, the draft new zoning code, this property would remain in an R-8 District. The current (May 2012) draft of the new code would require lot area identical to the current code, and would add floor area minimum requirements based on bedroom count of each dwelling unit. For conversion, the existing building would need at least 1,250 square feet of floor area for the three-bedroom unit now in existence, plus 500 square feet of floor area for

the efficiency unit (§9-703.(C)). State Department of Assessment & Taxation records show this premises contains over 2,500 square feet of enclosed area, thus exceeding this proposed new requirement for conversions in R-7, R-8, R-9, and R-10 Districts. As the property includes a structure over 50 years old, there would be no off-street parking requirement generated by this conversion (§16-601.(G)).

To meet the requirements of the Zoning Code, variances of lot area and off-street parking requirements should be added to the text of this bill, along with findings of fact in support of the variances (please see Amendments on p. 1 of this report).

Staff notified the Federal Hill Neighborhood Association and the Federal Hill South Neighborhood Association of this action.

Thomas J. Stosur
Director