



Stephanie Rawlings-Blake
Mayor

PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

STAFF REPORT



Thomas J. Stosur
Director

April 21, 2016

REQUEST: City Council Bill #16-0632/ Zoning – Conditional Use Conversion of 1 Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District – Variances – 2240 East Baltimore Street

For the purpose of permitting, subject to certain conditions, the conversion of 1 dwelling unit to 2 dwelling units in the R-8 Zoning District on the property known as 2240 East Baltimore Street, as outlined in red on the accompanying plat; and granting variances from certain lot area size, lot area coverage, off-street parking, and floor area ratio requirements.

RECOMMENDATION: Approval

STAFF: Martin French

PETITIONER(S): Councilmember Branch, at the request of Thomas G. Stewart

OWNER: Thomas G. Stewart

SITE/GENERAL AREA

Site Conditions: 2240 East Baltimore Street is located on the north side of the street, approximately 16'5" west of the intersection with Patterson Park Avenue. This property measures approximately 16'5" by 79' and is currently improved with a three-story attached residential building measuring approximately 16'5" by 78'. This site is zoned R-8.

General Area: This is a predominantly residential area known as Butchers Hill, with scattered small non-residential uses such as a few churches and corner stores. This property is part of Butchers Hill that is also in a locally-designated historic district. Most of the area was originally developed in the mid-19th Century, immediately following evacuation of the hill formerly known as Rodgers' Bastion by Federal forces at the conclusion of the Civil War.

HISTORY

The Butchers Hill local Historic District was first created by Ordinance 401 dated July 2, 1981. This was followed by creation of the Butchers Hill National Register Historic District, which was certified to the National Register of Historic Places on December 28, 1982. The local Historic District was enlarged by Ordinance 75 dated June 2, 1988.

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

Project: This legislation would allow the petitioner to renovate the existing structure into two dwelling units, providing a new life for this original building. Adaptive re-use as a two-family attached dwelling would allow preservation of part of Butchers Hill'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 bill would allow re-use of a structure with an additional dwelling unit.

- 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 1,500 square feet is required for two dwelling units; this lot has 1,303 square feet, so a lot area variance of 13% is needed to reduce this requirement.
- The Zoning Code sets a maximum lot coverage of 60% for single-family attached dwellings, or a FAR maximum for multiple-family dwellings (see next item). The existing structure, which would not be extended, has over 90% lot coverage now.
- The maximum floor area ratio (FAR) in this zoning district is 2.0 (BCZC §4-1108.a.). This premises has a FAR of approximately 2.5, so a variance of the FAR requirement is also needed.
- One off-street parking space is required to serve the newly-created dwelling unit. The 3' wide alley in the rear of this property does not allow this Zoning Code requirement to be met. A variance of 75% of the required one additional parking space is therefore needed.

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 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 2-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 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 Banner Neighborhoods Community Corporation, Butchers Hill Association, and Councilman Branch of this matter.



Thomas J. Stosur
Director