



Stephanie Rawlings-Blake
Mayor

PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

STAFF REPORT



Thomas J. Stosur
Director

December 5, 2013

REQUEST: City Council Bill #13-0295/ Zoning – Conditional Use Conversion of a 1-Family Dwelling Unit to a 2-Family Dwelling Unit in the R-7 Zoning District – Variances – 2529 West Baltimore 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-7 Zoning District on the property known as 2529 West Baltimore Street, as outlined in red on the accompanying plat; and granting variances from certain lot size, front yard setback, and parking requirements.

RECOMMENDATION: Disapproval

STAFF: Martin French

PETITIONER(S): Councilmember William "Pete" Welch, at the request of 2529 West Baltimore Street LLC

OWNER: 2529 West Baltimore Street LLC

SITE/ GENERAL AREA

Site Conditions: This property is located in the Shipley Hill neighborhood of southwestern Baltimore City. 2529 West Baltimore Street is approximately 13'8" by 80' (Block 2171, Lot 15), is currently improved with a two-story attached dwelling measuring approximately 13'8" by 50', and is approximately 360' east of the intersection with Franklinton Road. The site is zoned R-7.

General Area: This is a predominantly residential area flanked by small industrial or commercial uses. About three blocks west of this property is the Gwynns Falls and its trail. The property is within the ½ mile radius development and redevelopment area around the West Baltimore MARC commuter rail stop.

HISTORY

This property is located in the West Baltimore MARC Station Area Master Plan area. The West Baltimore MARC Station Area Master Plan was approved and adopted by the Planning Commission at its regular meeting on November 6, 2008.

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. The proposed action is also consistent with key housing development principles of the West Baltimore MARC Station Area Master Plan: to increase the amount of occupied housing, and to preserve the character of existing viable housing stock.

ANALYSIS

Project: The structure covers over half of the lot on which it sits. This legislation would permit the petitioner to renovate the existing structure into two dwelling units. Re-use as a dwelling would offer an affordable housing alternative to persons living within the West Baltimore MARC Station area, where transit-centered and transit-oriented development is encouraged.

Zoning Analysis: 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). Thus, a lot area of 2,200 square feet is required for two dwelling units. As this lot has 1,093.33 square feet, a variance for 1,106.67 square feet of lot area would be required. This would be a variance of 50%, one which would exceed the 25% maximum reduction of minimum lot area requirements contained in the Zoning Code at BCZC §15-202. The minimum front yard setback required in the R-7 district is 20 feet. The existing structure's façade is on the front lot line, so a variance of 20 feet is required. This would be a variance of 100%, but the Zoning Code, at BCZC §15-203, authorizes yard or setback variances without imposing a limit. One off-street parking space is required to serve the newly-created dwelling unit. Since the property is bordered on its south by a narrow alley 10' wide which does not meet the Zoning Code standard for parking access from a public alley at least 15 feet wide, a parking variance is needed in order to waive this requirement. This result would be achieved in a standard Board of Municipal and Zoning Appeals (BMZA) appeal by a request for a 75% parking variance, the maximum variance of parking requirements that the BMZA is authorized to approve according to BCZC §15-208.b. Under the terms of the Zoning Code, the ¼ or 0.25 parking space remaining to be provided after a 75% parking variance is approved is rounded down to zero, leaving the applicant with no obligation to provide any parking space.

Variations: §15-101(2) of the Zoning Code provides that variances may be granted by the Mayor and City Council as part of an ordinance authorizing a conditional use. Staff recommends that the City Council considers these recommendations concerning these variances currently included in the bill:

1. **Lot area:** The proposed variance of 1,106.67 square feet is an amount which exceeds the discretionary authority provided in the Zoning Code §15-202 to the BMZA or the Mayor and City Council.
2. **Front yard setback:** The variance of 20 feet is the minimum amount to allow re-use of an existing row-house over 100 years old that was built with its façade on the front lot line. This variance responds to the existing structure's current dimensions.

3. Parking: While one parking space is needed for the new dwelling unit, it cannot be provided, due to the historic pattern of development of this community (specifically, the narrow rear alley). Two-family use of the property may not create noticeable impacts on the surrounding neighborhood.

Variance Standards: Staff considers the lot area variance sought for this proposal as not meeting the criteria for granting variances under §15-214 of the Zoning Code, as it exceeds the reasonable 25% variance level established in the Zoning Code. For this reason, the Department of Planning does not support the variances requested.

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).

Returning this property to residential use would be consistent with residential use in the area, and would enable constructive re-use of a vacant structure that still retains some historic integrity as a contributing structure in one of Baltimore's oldest neighborhoods. However, the petitioner would need to demonstrate that the alternative proposed by this bill, namely re-use of the structure as two dwelling units, is the only feasible way to accomplish this.

Community Notification: Staff notified the Action Group of Shipley Hill, Shipley Hill Neighborhood Association, Communities Organized to Improve Life (COIL), Operation Reach Out Southwest (OROSW), West Baltimore MARC TTI, and Western Community Improvement Association of this matter.



Thomas J. Stosur
Director