



Stephanie Rawlings-Blake
Mayor

PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

STAFF REPORT



Thomas J. Stosur
Director

December 5, 2013

REQUEST: City Council Bill #13-0294/ Zoning – Conditional Use Conversion of a 1-Family Dwelling Unit to a 2-Family Dwelling Unit in the R-8 Zoning District – Variances – 1201 North Fulton Avenue

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 1201 North Fulton Avenue, as outlined in red on the accompanying plat; and granting variances from certain lot area size, rear yard setback, and off-street parking requirements.

RECOMMENDATION: Disapproval

STAFF: Martin French

PETITIONER(S): Councilmember William "Pete" Welch, at the request of Maya Bear LLC

OWNER: Maya Bear LLC

SITE/ GENERAL AREA

Site Conditions: This property is located on the western edge of the Sandtown-Winchester Urban Renewal Area. 1201 North Fulton Avenue is approximately 14' by 75' (Block 41, Lot 28), is currently improved with a three-story attached dwelling measuring approximately 14' by 65', and is approximately 16' south of the intersection with Laurens Street. The site is zoned R-8.

General Area: This is a predominantly residential area, with scattered uses such as religious institutions, schools, and small retail or commercial uses. One-half block away is the western portal of the railroad tunnels known collectively as the Bolton Hill Tunnel. Fulton Avenue is a major thoroughfare connecting Frederick Avenue on the inner southwestern side of Baltimore with North Avenue and the Mondawmin area on the inner northwestern side of the City.

HISTORY

This property is located in the Sandtown-Winchester Urban Renewal Plan area established by Ordinance 701 on April 17, 1978, as most recently amended by its Amendment no. 3 dated March 8, 1993, approved by the Mayor and City Council by Ordinance 232 dated July 2, 1993.

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 objectives of the Sandtown-Winchester Urban Renewal Plan: to protect the area from blighting influences using rehabilitation of basically sound structures, and, to provide housing resources for low and moderate income families through rehabilitation.

ANALYSIS

Project: The structure covers most of the lot on which it sits. This legislation would permit the petitioner to renovate the existing structure into two dwelling units. Re-use of this property as a dwelling would allow preservation of part of Baltimore's historic architectural fabric while offering an affordable housing alternative to persons living within the Sandtown-Winchester area.

Zoning Analysis: The Zoning Code requires, for a property in the R-8 District, 750 square feet of lot area per dwelling unit (BCZC §4-1106). Thus, a lot area of 1,500 square feet is required for two dwelling units. As this lot has 1,050 square feet, a variance for 450 square feet of lot area would be required. This would be a variance of 30%, one which would exceed the 25% maximum reduction of minimum lot area requirements contained in the Zoning Code at BCZC §15-202. The minimum rear yard setback required in the R-8 district is 18.75 feet (since the lot is less than 100' deep). The existing structure is set back approximately 10 feet from the rear lot line, so a variance of 8.75 feet is required. This would be a variance of over 46%, 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 existing house occupies most of the lot area in the rear, and since the property is bordered on its east by a narrow alley 10' 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.

Variances: §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 450 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. Rear yard setback: The variance of 8.75 feet is an amount which would allow re-use of an existing row-house over 100 years old that was built to within approximately 10 feet of its rear lot line. This variance would not enable a rear addition to the structure.

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. Two-family use of the property may not create noticeable impacts on the surrounding neighborhood.

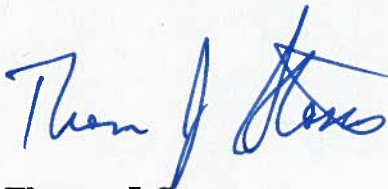
Variance Standards: Staff considers the lot area variance sought for this proposal as not meeting the criteria for granting variances under §15-214 of the Zoning Code, as it exceeds the reasonable 25% variance level established in the Zoning Code. For this reason, the Department of Planning does not 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 Sandtown Habitat Homeowners Association, Sandtown-Winchester Improvement Association, Sandtown-Winchester Square Homeowners Association, and West Baltimore Coalition of this matter.



Thomas J. Stosur
Director