



*Stephanie Rawlings-Blake*  
Mayor

## PLANNING COMMISSION

*Wilbur E. "Bill" Cunningham, Chairman*

### STAFF REPORT



*Thomas J. Stosur*  
Director

**September 19, 2013**

**REQUEST:** City Council Bill #13-0253/ Zoning – Conditional Use Conversion of a 1-Family Dwelling Unit to a 2-Family Dwelling Unit in the R-8 Zoning District – 229 North Collington 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 229 North Collington Avenue (Block 1688, Lots 13 and 75).

**RECOMMENDATION:** Amendment and Approval, with amendments as follows:

- That approval is subject to the consolidation of Block 1688, Lots 13 and 73;
- On Page 1, in lines 3 and line 5 – change '2-Family' to '3-Family'.
- That the necessary variances outlined in this staff report are amended into the bill and approved.

**STAFF:** Anthony Cataldo

**PETITIONER:** Mr. Stan Harris

**OWNER:** Same

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

**Site Conditions:** These properties are located on the east side of the two hundred block of North Collington Avenue. 229 N. Collington Ave. is approximately 14'-0" by 69'-6" (lot #13), is currently improved with an attached rowhouse, and has frontage on N. Collington Ave. Lot #75 immediately to the rear of lot #13 and measures approximately 36'-0" by 25'-0", is currently improved with a two story carriage house structure, and fronts public alleyways on three sides. Lots #13 and #75 are currently in the process of consolidation into one lot with the address of 229 N. Collington Ave. The sites are zoned R-8 and are located within the C.A.R.E. Neighborhood Association.

**General Area:** This is a predominantly residential area, with scattered uses such as religious institutions, schools, and small warehouse/commercial. A few blocks to the east lies the Johns Hopkins Hospital and the major renewal project known as EBDI; two blocks to the south lies the historic district of Butcher's Hill; and just two blocks southeast lies Patterson Park.

## **HISTORY**

There is no recent history concerning legislative actions pertaining to these properties.

## **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: These two properties are in an interstitial area enveloped by stronger neighborhoods where there has already been significant investment and redevelopment, specifically in the housing market. Mr. Harris has owned both properties for many years and has used the carriage house structure for material storage. The structure covers the entire lot in which it sits and he would now like to renovate the existing building and provide additional housing opportunities within the neighborhood. These sites are located within an interesting block configuration with numerous public alleyways and streets, however, the carriage house lot does not have technical access to a named public street. The consolidation process has already begun in order to combine both lots #13 and #75 into one lot with public frontage on N. Collington Avenue placing the two existing structures onto the same lot. Once consolidated, this legislation would permit Mr. Harris to renovate the existing structure into two additional dwelling units, providing a new life for this original building. This adaptive re-use as a two-family dwelling would allow preservation of part of Baltimore's historic architectural fabric while offering more affordable housing alternatives to persons living and employed within the East Baltimore area.

Zoning Analysis: In the context of the Zoning Code requirements for a property in the R-8 District, 750 square feet of lot area is required per dwelling unit (BCZC §4-1106). On a lot with 3 or more dwelling units, a fraction of the total area that is 50% or more of the required lot area factor counts as an additional permitted dwelling unit. (BCZC §4-105.c.2). Therefore, a lot area of 1,875 square feet is required for three dwelling unit. As this newly formed lot will have 1,873 square feet, a variance for two square feet of lot area would be required for a nearly negligible variance of a tenth of a percent. Two off-street parking spaces are required to serve the two newly created dwelling units. Since the existing carriage house occupies the entire lot area in the rear, a parking variance is needed in order to waive this requirement and retain the existing structure. The maximum lot coverage permitted in the R-8 district is 60%. The two existing structures would cover approximately 90% of the lot, therefore a lot coverage variance would be needed as well as a reduction of the required rear yard from 25' to 0' to accommodate the existing structures on the consolidated site.

Variations: §15-101(2) of the Zoning Code provides that variations may be granted as part of an ordinance authorizing a conditional use, by the Mayor and City Council. Staff recommends that the City Council approves the following variations:

1. Lot area variance of less than 1%: The variance of two square feet is a minimum amount to allow this parcel to be used for three dwelling units when it is substantially in compliance with the intent of this requirement.
2. Parking: While two parking spaces needed for the two new dwelling units are not provided, this proposal for a completely residential use of the property will extinguish the existing nonconforming commercial use of lot #75, bringing it into compliance with the uses permitted in this residential district. As a result, credit for any previously waived parking spaces needed for that commercial use should apply, and the property will not create any new or increased impacts on the surrounding neighborhood.
3. Lot Coverage and Setbacks: Practically speaking, the variance needed for lot coverage and setbacks are only created by technical application of the regulations because of the consolidation of the parcels. Since no reconfiguration of the buildings is proposed, there will be no impact to the surrounding neighborhood because the buildings currently exist and will continue in their current configuration. For this reason, a technical approval of a variance of 90% in lieu of 60% of lot coverage and a rear yard setback of 0' in lieu of 25' is reasonable.
4. Variance Standards: Staff believes that the variations sought for this proposal meet the criteria for granting variations under §15-214 of the zoning code, as they are the minimum necessary to provide relief from arbitrary application of the law, and to provide reasonable use of the property. For these reasons, the Department of Planning supports the variations requested.

Amendments: A corrective amendment is needed in order to adequately meet the desired outcome for this project for three dwelling units instead of two. The approval should be subject to the completion of the consolidation of lots that is currently in review. The required variations should be amended into the bill and approved by the City Council.

Community Notification: Staff notified the C.A.R.E Community Association, Inc. and Councilmen Branch of this action.



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