Stephanie Rawlings-Blake
Mayor

PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

STAFF REPORT

Thomas J. Stosur
Director

January 23, 2014

REQUEST: City Council Bill #13-0302/ Zoning – Conditional Use Conversion of a 1-Family Dwelling Unit to a 3-Family Dwelling Unit in the R-8 Zoning District – Variances – 1934 Wilkens Avenue

For the purpose of permitting, subject to certain conditions, the conversion of a 1-family dwelling unit to a 3-family dwelling unit in the R-8 Zoning District on the property known as 1934 Wilkens Avenue, as outlined in red on the accompanying plat; and granting variances from certain lot size and off-street parking requirements.

RECOMMENDATION: Approval

STAFF: Martin French

PETITIONER(S): Councilmember William "Pete" Welch, at the request of Reverend Charles L. Wildner, Jr.

OWNER: Charles L. Wildner and Judith A. Wildner

SITE/ GENERAL AREA

Site Conditions: 1934 Wilkens Avenue, located in southwestern Baltimore at the intersection with Payson Street, is approximately 17'7" by 100' (Block 699, Lot #24), and is currently improved with a semi-detached dwelling covering nearly the entire lot. The site is zoned R-8.

General Area: This is a predominantly residential area, with scattered uses such as religious institutions, schools, and small warehouses or commercial uses. Five blocks to the south is Carroll Park, a major Baltimore City recreation amenity.

HISTORY

There is no previous legislative history concerning this property. It is included in the Operation Reach Out Southwest (OROSW) Strategic Neighborhood Action Plan area.

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. The Operation Reach

Out Southwest (OROSW) Strategic Neighborhood Action Plan (SNAP) recommends improving the physical infrastructure of the community. As one of its goals, the SNAP recommends improving the appearance of main corridors (residential/ commercial), and also recommends a strategy of improving the appearance of southwest Baltimore Gateways, one being Wilkens Avenue.

ANALYSIS

Project: The structure covers nearly all the lot on which it sits, and includes an attached two-car garage. This legislation would permit the petitioner to renovate the existing 1-family dwelling structure into three dwelling units. Re-use as a three-family dwelling would allow preservation of part of Baltimore's historic architectural fabric while offering more affordable housing alternatives to persons living within the Southwest Baltimore 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). A lot area of 1,875 square feet is required for three dwelling units, as the third unit is only required to be supported by half the required per-unit lot area. As this lot only has 1,758 square feet, a variance for 117 square feet of lot area would be required. Two off-street parking spaces are required to serve two newly-created dwelling units. The existing structure occupies most of the lot area in the rear, and since the property already has parking for at most two cars, a one-space parking variance is needed in order to modify this requirement. The maximum lot coverage permitted in the R-8 district is 60%. The existing structure covers approximately 95% of the lot, but a lot coverage variance would not be needed as the petitioner does not intend to enlarge the structure.

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 approves the following variances included in the bill currently:

1. Lot area: The variance of 117 square feet is a minimum amount to allow this parcel to be used for two dwelling units when it is otherwise substantially in compliance with the intent of this requirement. The variance would be approximately 6.25%.
2. Parking: While two parking spaces are needed for the new dwelling units, one of them cannot be provided, due to existing development of the property. Three-family use of the property would not create any new or increased impacts on the surrounding neighborhood.

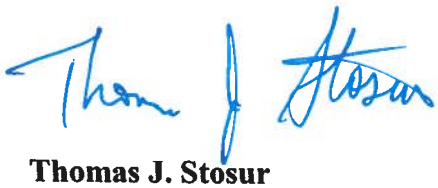
Variance Standards: Staff considers the variances sought for this proposal as meeting the criteria for granting variances under §15-214 of the Zoning Code, as they are the minimum necessary to provide relief from arbitrary application of the law, and to provide reasonable use of the property. For these reasons, the Department of Planning supports the 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).

The proposed use as a 3-family dwelling would be consistent with residential use in the area, and would enable continuing residential use of the property.

Community Notification: Staff notified the Carrollton Ridge Community Association, Citizens of Pigtown, Communities Organized to Improve Life (COIL), Operation Reach Out Southwest (OROSW), and Councilman Welch of this matter.



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