

Abell Improvement Association
3238 Abell Avenue
Baltimore, MD 21218

22 February 2005

David Tanner, Executive Director
Board of Municipal and Zoning Appeals

Dear Mr. Tanner,

The Abell Improvement Association (AIA) seeks to preserve the residential character of our neighborhood and minimize the number of new apartments created in single-dwelling rowhouses. We support affordable and quality rental housing options in our community, but oppose the continued violations of city ordinances and zoning laws.

The house at 3036 Guilford was illegally altered by the prior owner and then retroactively zoned for one dwelling unit (i.e., a unit with a kitchen) and seven (7) rooming units (i.e., units without a kitchen). The seven units include three on the first floor and at least one in the basement. The current owners requested the zoning be changed to two dwelling units (2nd and 3rd floors) and two rooming units (first floor). The Zoning Commission denied the request. The Abell Improvement Association shared similar concerns, and sent a representative to register them at the zoning appeal hearing for 3036 Guilford Avenue held December 21, 2004. We were joined by the Charles Village Civic Association (CVCA). Because the community associations had not been notified of the hearing in sufficient time to meet with the owners of the property, the hearing was postponed. We have met and have determined the following:

Our Concerns

The drawing provided to the Zoning Commission is inaccurate. The lot is 16 feet, not 17 feet wide. Therefore the area of the lot is 2464 not 2618 square feet. This falls under the minimum 2500 square feet required by Title 4, Subtitle 11 for the four unit zoning requested. We understand that there is another provision saying that one can round up the available square feet to get an extra unit. However this rounding means that the density of

the request nearly exceeds the legally allowable number of occupants, and is greater than other units on the western side of 3000 block of Guilford.

Parking is scarce in our neighborhood, which is why we have a Residential Parking Permit zone (Area 12). There is room for only one parking space behind 3036 Guilford due to a dumpster and two parking pads. That is insufficient for four units.

Our Position

While we understand and believe the intentions of Michelle Crumes, owner of 3036 Guilford, to be a good neighbor we maintain that the community's preference is that the property be owned or rented as a single dwelling unit. Toward that end, the community will continue to work with city officials for a long-term solution for this property that will require the owners to restore the house to the condition prior to the illegal alteration upon transfer or sale of the property. However, if the BMZA chooses to grant the variance we recommend that the following must occur prior to legal occupancy:

First, the two first floor rooming units should be rented together (without subletting), which would yield a total number of residents commensurate with other rental homes on the West side of the 3000 block of Guilford.

Second, parking ordinances must be followed. The BMZA should not grant variances to excuse a lack of parking. This weakens the ordinances that protect parking availability for other residents. The proposed zoning change calls for two dwelling and two rooming units, hence three parking spaces. At minimum, however, two off-street parking pads or garage space must be made available. In order to ensure the adequate disposal of trash, Ms. Crumes rents a dumpster. We are grateful for her consideration. Unfortunately, the dumpster is located on the parking pad and is taking up a potential parking space. Rather than forcing the community to choose between trash or parking we request that the BMZA require a solution to both problems. It is our understanding that Mr. Matthew Kinkelaar, the owner of the Gilman Apartments on the opposite side of the alley, has offered to share a larger dumpster on his property, and allow the tenants of 3036 to use the pad next to his dumpster behind the Gilman Apartments. If this solution does not work, then the number of dwelling units must be reduced.

If this variance is approved, the AIA would like it to be made clear that this does not set a precedent and is a one-time occurrence limited to this property and this owner.

We look forward to working with Ms. Crumes to arrive at a mutually beneficial solution for the community.

Thank you for your attention.

Sincerely,

Gayle Strommen, President,
Abell Improvement Association

Odette Ramos, Vice-President,