

COMMITTEE ON ECONOMIC AND COMMUNITY DEVELOPMENT

FINDINGS OF FACT

City Council Bill No. 22-0276

MOTION OF THE CHAIR OF THE COMMITTEE ON ECONOMIC AND COMMUNITY DEVELOPMENT, AFTER A PUBLIC HEARING AT WHICH AGENCY REPORTS AND PUBLIC TESTIMONY WERE CONSIDERED, AND PURSUANT TO ARTICLE 32, SECTION 5-406 OF THE BALTIMORE CITY CODE, THE CITY COUNCIL ADOPTS THESE FINDINGS OF FACT CONCERNING A CONDITIONAL USE FOR:

Zoning - Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District - Variances - 2722 Auchentoroly Terrace

- (1) the establishment, location, construction, maintenance, or operation of the conditional use **will not** be detrimental to or endanger the public health, safety, or welfare **for the following reasons:**

Establishment, location, construction, maintenance, and operation of a multifamily dwelling at 2722 Auchentoroly Terrace would not be detrimental to or endanger public health, safety, or welfare.

- (2) the use **would not** be precluded by any other law, including an applicable Urban Renewal Plan;

The proposed use is not precluded by any other law, including an Urban Renewal Plan, as it is authorized by the Zoning Code in this Residential district and there is no Urban Renewal Plan for this area.

- (3) the authorization **would not** be contrary to the public interest **for the following reasons:**

Use of this property for a multi-family dwelling is not otherwise in any way contrary to the public interest. This structure, built in the first decade of the 20th Century, is now a vacant single-family residential property that is being restored and renovated in accordance with an Authorization to Proceed issued by the Commission for Historical and Architectural Preservation on August 16, 2022.

- (4) the authorization **would** be in harmony with the purpose and intent of this Code **for the following reasons:**

The authorization would allow a multi-family dwelling use of this property in a district in Residential district, thereby providing housing resources for the residents of Baltimore.

After consideration of the following, **where applicable (fill out all that are *only* relevant):**

- (1) the nature of the proposed site, including its size and shape and the proposed size, shape, and arrangement of structures;

This property is located on the southwest corner of the intersection with Avalon Avenue and is currently improved with a three-story end-of-row residential dwelling measuring approximately 15' by 63' on a lot measuring approximately 15' by 80'. The site, including its size and shape, is appropriate for the proposed use.

- (2) the resulting traffic patterns and adequacy of proposed off-street parking and loading;

There would be no change to traffic patterns if this use would be authorized. One off-street parking space is required to serve the newly created dwelling unit. Since the property cannot provide a parking space meeting Zoning Code standard, as the rear yard is only 17' deep, a parking variance is need and has been included in the Bill.

- (3) the nature of the surrounding area and the extent to which the proposed use might impair its present and future development;

The surrounding area is one in which the predominant residential type was originally single-family owner-occupancy row-housing but in which some conversions of single-family to multi-family dwellings occurred during the 20th Century. For this reason, it is unlikely that the proposed multi-family use would impair present or future development.

- (4) the proximity of dwellings, churches, schools, public structures, and other places of public gathering;

There is reasonable proximity of other dwellings, churches and other places of worship, schools, public structures, and places of public gathering.

- (5) accessibility of the premises for emergency vehicles;

There is adequate accessibility of the premises for emergency vehicles.

- (6) accessibility of light and air to the premises and to the property in the vicinity;

There is adequate light and air to the premises and to properties in the vicinity.

- (7) the type and location of adequate utilities, access roads, drainage, and other necessary facilities that have been or will be provided;

Adequate utilities, access roads, drainage, and other necessary facilities have been provided.

- (8) the preservation of cultural and historic landmarks and structures;

The proposed use will not interfere with preservation of cultural and historic landmarks and structures.

- (9) the character of the neighborhood;

Approval of the proposed use as a multi-family dwelling would not affect the existing character of the neighborhood.

- (10) the provisions of the City's Comprehensive Master Plan;

The proposed use is consistent with the Comprehensive Master Plan for Baltimore.

- (11) the provisions of any applicable Urban Renewal Plan;

The proposed use is not prevented or limited by any Urban Renewal Plan.

- (12) all applicable standards and requirements of this Code;

The multi-family use would meet all applicable standards and requirements of the Zoning Code upon granting of variances for lot area and off-street parking.

- (13) the intent and purpose of this Code; and

The proposed use is consistent with the intent and purpose of the Zoning Code.

- (14) any other matters considered to be in the interest of the general welfare.

The proposed use is consistent with any other matters that may be considered to be in the interest of the general welfare.

FINDINGS OF FACT FOR VARIANCE

City Council Bill No. 22-0276

MOTION OF THE CHAIR OF THE COMMITTEE ON ECONOMIC AND COMMUNITY DEVELOPMENT: AFTER A PUBLIC HEARING AT WHICH AGENCY REPORTS AND PUBLIC TESTIMONY WERE CONSIDERED, AND PURSUANT TO THE APPLICABLE SECTIONS OF ARTICLE 32 OF THE BALTIMORE CITY CODE, THE CITY COUNCIL ADOPTS THESE FINDINGS OF FACT CONCERNING ANY VARIANCES OF APPLICABLE STANDARDS FOR THE PROPERTY LOCATED AT:

Zoning - Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District - Variances - 2722 Auchentoroly Terrace

VARIANCE FROM LOT AREA PER DWELLING UNIT

(Use a separate Variance form for each Variance sought in the bill)

THRESHOLD QUESTION:

- In accordance with Section 5-305(c), it has been determined that there is no written decision by the Board of Municipal and Zoning Appeals on an application for this same subject matter.*

HARDSHIP OR PRACTICAL DIFFICULTY:

The City Council has considered at least one of the following:
(check all that apply to evidence consideration)

- The physical surroundings around the **STRUCTURE / LAND** involved;
(underline one)
- The shape of the **STRUCTURE / LAND** involved;
(underline one)
- The topographical conditions of the **STRUCTURE / LAND** involved.
(underline one)

and finds either that:

- (1) An unnecessary hardship **WOULD / WOULD NOT** exist if the strict letter of the
(underline one)
applicable requirement from which the variance is sought were applied because:

or that:

(2) Practical difficulty WOULD / **WOULD NOT** exist if the strict letter of the
(*underline one*)
applicable requirement from which the variance is sought were applied because:

There is a practical difficulty with complying with the lot area size requirements in the Zoning Code that has not been caused by the action or inaction of any person with a present interest in this property. Conditions on which this variance is based are unique to this property and are not generally applicable to other property within the same zoning classification.

The existing building covers approximately 79% of the property, yet also contains approximately 3,600 square feet of gross floor area, which creates an unusual ratio of floor area to lot area. The interior space of the building is larger than what would ordinarily be needed for a single-family dwelling, and so the lot area variance requested is reasonable. The practical difficulty is not being created by the intentional action of a person with a present interest in the property. Additionally, the purpose of the variance is not based exclusively on a desire to increase the value or income potential of the property, given its large floor area that meets the floor area per unit type conversion standards in the Zoning Code, and its existing structure is large in relation to the lot on which it is situated.

The variance would not be injurious to the use and enjoyment of other property in the immediate vicinity and not substantially diminish or impair property values in the neighborhood. The variance requested is in harmony with the Comprehensive Master Plan, and related considerations of public health, safety, and general welfare.

FINDINGS OF FACT FOR VARIANCE

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Zoning - Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District - Variances - 2722 Auchentoroly Terrace

VARIANCE FROM OFF-STREET PARKING SPACE

(Use a separate Variance form for each Variance sought in the bill)

THRESHOLD QUESTION:

- In accordance with Section 5-305(c), it has been determined that there is no written decision by the Board of Municipal and Zoning Appeals on an application for this same subject matter.*

HARDSHIP OR PRACTICAL DIFFICULTY:

The City Council has considered at least one of the following:
(check all that apply to evidence consideration)

- The physical surroundings around the **STRUCTURE / LAND** involved;
(underline one)
- The shape of the **STRUCTURE / LAND** involved;
(underline one)
- The topographical conditions of the **STRUCTURE / LAND** involved.
(underline one)

and finds either that:

- (1) An unnecessary hardship **WOULD / WOULD NOT** exist if the strict letter of the
(underline one)
applicable requirement from which the variance is sought were applied because:

or that:

(2) Practical difficulty **WOULD** / **WOULD NOT** exist if the strict letter of the
(*underline one*)
applicable requirement from which the variance is sought were applied because:

There is a practical difficulty with complying with the off-street parking requirements in the Zoning Code that has not been caused by the action or inaction of any person with a present interest in this property. Conditions on which this variance is based are unique to this property and are not generally applicable to other property within the same zoning classification.

The width of the property would allow creation of one parking space meeting Zoning Code standards for width, the rear yard depth does not meet those same standards (Table 16-406), and the owner is not able to provide an off-street parking space without demolishing a part of the rear of the building. Thus, a complete parking variance is more reasonable than strict compliance with the requirement. The practical difficulty is not being created by the intentional action of a person with a present interest in the property. Additionally, the purpose of the variance is not based exclusively on a desire to increase the value or income potential of the property.

The variance would not be injurious to the use and enjoyment of other property in the immediate vicinity and not substantially diminish or impair property values in the neighborhood. The variance requested is in harmony with the Comprehensive Master Plan, and related considerations of public health, safety, and general welfare.

SOURCE OF FINDINGS (Check all that apply):

[X] Planning Commission's report, dated October 14, 2022, which included the Department of Planning Staff Report, dated October 13, 2022.

[X] Testimony presented at the Committee hearing

Oral – Witness:

- ✓ Martin French, Planning Department
- ✓ Elena DiPietro, Law Department

Written:

- ✓ Department of Transportation, Agency Report – Dated December 12, 2022
- ✓ Board of Municipal and Zoning Appeals, Agency Report – Dated March 1, 2022
- ✓ Law Department, Agency Report – Dated December 13, 2022
- ✓ Department of Housing and Community Development, Agency Report – Dated December 13, 2022
- ✓ Baltimore Development Corporation, Agency Report – Dated December 12, 2022
- ✓ Fire Department, Agency Report – Dated December 8, 2022
- ✓ Parking Authority, Agency Report – Dated December 6, 2022

COMMITTEE MEMBERS VOTING IN FAVOR

Sharon Green Middleton, Chair
John Bullock
Mark Conway
Antonio Glover
Odette Ramos
Robert Stokes