

ECONOMIC AND COMMUNITY DEVELOPMENT COMMITTEE

FINDINGS OF FACT

City Council Bill No. 23-0437

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 3 Dwelling Units in the R-8 Zoning District - Variances 1600 South Charles Street

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:**
 - a. The bill authorizes the conversion of a single-family dwelling unit to three dwelling units at 1600 South Charles Street. Establishment, location, construction, maintenance, and operation of the property as a multi-family dwelling will not negatively impact public health, safety, or welfare.
2. the use **would not** be precluded by any other law, including an applicable Urban Renewal Plan;
 - a. No other law or Urban Renewal Plan precludes the use of this property as a multi-family dwelling.
3. the authorization **would not** be contrary to the public interest **for the following reasons:**
 - a. Use of this property as a multi-family dwelling is in the public interest because it will provide additional housing options in the community.
4. the authorization **would** be in harmony with the purpose and intent of this Code **for the following reasons:**
 - a. Use of this property as a multi-family dwelling will provide additional housing options in the community with no negative impact on public health, safety, or welfare.

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

1. the nature of the proposed site, including its size and shape and the proposed size, shape, and arrangement of structures;
 - a. The site measures approximately 16' by 80' and is improved with a semi detached mixed use building that covers the lot. The owner plans to convert the building into 3 unit structure and has completed underpinning as well as the restoration and

partial replacement of walls to repair previously unpermitted modifications done by the previous owner.

2. the resulting traffic patterns and adequacy of proposed off-street parking and loading;
 - a. There would be no change in traffic patterns.
3. the nature of the surrounding area and the extent to which the proposed use might impair its present and future development;
 - a. The surrounding area is predominantly residential using single owner occupied rowhomes – some of which have been converted into multiunit structures for this reason staff finds that it is not likely to impede future development or impair the community.
4. the proximity of dwellings, churches, schools, public structures, and other places of public gathering;
 - a. 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;
 - a. 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;
 - a. 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;
 - a. Adequate utilities, access roads, drainage, and other necessary facilities have been provided.
8. the preservation of cultural and historic landmarks and structures;
 - a. The proposed use will not interfere with the preservation of cultural and historic landmarks and structures.
9. the character of the neighborhood;
 - a. The property is located in the South Baltimore in the Federal Hill – Locust Point area. It has strong real estate values and has benefited from significant investment.
10. the provisions of the City’s Comprehensive Master Plan;
 - a. The proposed use is consistent with the Comprehensive Master Plan for Baltimore.
11. the provisions of any applicable Urban Renewal Plan;
 - a. The proposed use is not prevented or limited by any Urban Renewal Plan.
12. all applicable standards and requirements of this Code;
 - a. The proposed use requires variances from the lot area size, off-street parking, and gross floor area per unit type requirements of the Zoning Code. With the variances, the use meets all applicable standards and requirements of the Zoning Code.

13. the intent and purpose of this Code; and
 - a. 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.
 - a. The proposed use is consistent with any other matters considered to be in the interest of the general welfare.

FINDINGS OF FACT FOR VARIANCE

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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:

Zoning - Conditional Use Conversion of a Single-Family Dwelling Unit to 3 Dwelling Units in the R-8 Zoning District - Variances 1600 South Charles Street

VARIANCE FROM LOT AREA SIZE REQUIREMENTS

(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** (underline one) exist if the strict letter of the applicable requirement from which the variance is sought were applied because:

or that:

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

A. The Zoning Code requires 750 SQ feet of Lot Area per dwelling unit – this lot has 1,280 sq feet of the required 1,875 sq feet a variance of 595 sq feet or 32% of total is required for approval.

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 purpose of the variance needed 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.

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OFF-STREET PARKING REQUIREMENTS

(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** (underline one) exist if the strict letter of the applicable requirement from which the variance is sought were applied because:

or that:

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

While there are garage spaces on the premises they do not conform to the dimensions listed in the zoning code. Applicant it is requesting a variance for parking spaces and has indicated that there are 2 off street spaces on the property with plans to incorporate a 3rd but according to the staff report these spaces will suffice only for smaller vehicles. A variance is needed for approval.

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 purpose of the variance needed 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.

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GROSS FLOOR AREA PER UNIT TYPE REQUIREMENTS

(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** *(underline one)* exist if the strict letter of the applicable requirement from which the variance is sought were applied because:

or that:

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

There is a practical difficulty with complying with the gross floor area per unit type 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. Floor plans provided by the owner propose creation of a two-bedroom dwelling unit in the front of the first and second floor levels and a two-bedroom unit in the rear on the first and second-floor levels, of existing the structure. A two-bedroom dwelling unit requires 1,000 square feet of gross floor area. The front unit and rear units each provide approximately 816 and 869 square feet of gross floor area respectively. The third floor unit would meet the standard.

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 purpose of the variance needed 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 12/22/23, including the Department of Planning Staff Report, dated 12/21/23.

[X] Testimony presented at the Committee hearing.

Oral – Witness:

- Elena DiPetro, Law Department
- Matt DiSantis, Planning Commission
- Liam Davis, Department of Transportation
- Jason Wright, Department of Housing and Community Development
- David Garza, Baltimore Development Corporation
- Kris Misage, Parking Authority
- Ty'Lor Schnella, Board of Municipal and Zoning Appeals / Fire Department

Written:

- Department of Transportation, Agency Report – Dated 2/8/23
- Board of Municipal and Zoning Appeals, Agency Report – Dated 10/03/23
- Law Department, Agency Report – Dated 01/17/24
- Department of Housing and Community Development, Agency Report – 02/27/24
- Baltimore Development Corporation, Agency Report – Dated 02/23/24
- Fire Department, Agency Report – Dated 01/10/24
- Parking Authority, Agency Report – Dated 01/27/24

COMMITTEE MEMBERS VOTING IN FAVOR

Sharon Green Middleton, Chair

John Bullock

Antonio Glover

Odette Ramos

Robert Stokes