

COMMITTEE ON ECONOMIC AND COMMUNITY DEVELOPMENT

FINDINGS OF FACT

City Council Bill No. 22-0322

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 - 1801 Hollins 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:**

Establishment, location, construction, maintenance, and operation of a multifamily dwelling at 1801 Hollins Street 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.

- (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.

- (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 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 at the intersection of Hollins Street and Frederick Avenue and is currently improved with a three-story semi-detached triangular-shaped dwelling measuring approximately 50' along Hollins Street and 10' at its narrowest overlooking the intersection of Hollins Street and Frederick Avenue, and 25' at its widest where it adjoins another improved property known as 1801 ½ Hollins Street. This property is the eastern end of a triangle of land bounded by Hollins Street on its north, Monroe Street on its west, and Frederick Avenue on its south. The site is zoned R-8 and is at the southwestern extremity of the Franklin Square community. 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 existing structure covers the entire lot, a parking variance is needed in order to meet this requirement.

- (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 as well as residential mixed-use "shop-houses", 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 by itself alone.

This is a residential mixed-use area with scattered uses such as religious institutions and small commercial uses found several blocks in either direction along Frederick Avenue and along Monroe Street. This structure, built in the second half of the 19th Century, is now a residential rental property in a triangle of land that includes other

rental properties, and a religious institution at the corners of Monroe Street with Hollins Street and Frederick Avenue.

- (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 as noted above.

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

The proposed action may be considered consistent with LIVE EARN PLAY LEARN, the Comprehensive Master Plan for Baltimore, Live Goal 1: Build Human and Social Capital by Strengthening Neighborhoods, Objective I: Expand Housing Choices for all Residents.

- (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. 22-0322

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 - 1801 Hollins Street**

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.

This existing building covers the entire property, but also contains a large amount of internal space, which is an unusual ratio. The interior space of the building is larger than would ordinarily be needed for a single-family dwelling. The lot area variance requested is reasonable.

The conditions on which this application is based are unique to the property for which the variances are sought and not generally applicable to other property within the same zoning classification, as this is a triangular three-story 19th Century structure completely covering a triangular lot bounded by two major streets and another improved lot with complete lot coverage. An unnecessary hardship or practical difficulty is not being created by the intentional action of a person with a present interest in the property; nor that the purpose of the variances 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 variances would not be injurious to the use and enjoyment of other property in the immediate vicinity; nor substantially diminish and impair property values in the neighborhood; nor adversely affect the City's Comprehensive Master Plan, any Urban Renewal Plan, or Historical and Architectural Preservation District; nor be detrimental to or endanger the public health, safety, or welfare, or be in any way contrary to the public interest.

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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 - 1801 Hollins Street**

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:

One off-street parking space is required to serve the newly-created dwelling unit. Since the property cannot provide any parking spaces meeting Zoning Code standards, as the existing structure covers the entire lot, a parking variance is needed in order to meet this requirement.

The owner is not able to provide an additional parking space without demolishing a part of the building, and so the parking variance is more reasonable than strict compliance with the requirement, especially since any curb cut proposed would not meet the City's Curb Cut Policy regarding net gain in private parking.

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 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 March 3, 2023, which included the Department of Planning Staff Report, October 9, 2020.

[X] Testimony presented at the Committee hearing.

Oral – Witness:

- Martin French, Planning Department
- Jeff Hochstetler, Law Department
- Liam Davis, Department of Transportation
- Nikki Davis, Baltimore Development Corporation
- Autumn Grant, Mayor's Office of Governmental Relations
- Kris Misage, Parking Authority of Baltimore City
- Kim Washington, Baltimore City Fire Department

Written:

- Planning Commission, Agency Report – Dated March 3, 2023, which included the Department of Planning's Staff Report – Dated October 9, 2020
- Department of Transportation, Agency Report – Dated March 26, 2023
- Board of Municipal and Zoning Appeals, Agency Report – Dated December 6, 2022
- Law Department, Agency Report – Dated March 10, 2023
- Department of Housing and Community Development, Agency Report – Dated March 28, 2023
- Baltimore Development Corporation, Agency Report – Dated February 15, 2023
- Parking Authority, Agency Report – Dated December 15, 2022
- Fire Department, Agency Report – Dated March 8, 2023

COMMITTEE MEMBERS VOTING IN FAVOR

Sharon Green Middleton, Chair
John Bullock
Mark Conway
Ryan Dorsey
Odette Ramos
Robert Stokes