

# LAND USE COMMITTEE

## FINDINGS OF FACT

### City Council Bill No. 20-0617

MOTION OF THE CHAIR OF THE LAND USE COMMITTEE, 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:**

The 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 that occupies the entire lot. The property measures approximately 50' along Hollins Street, 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. The structure, built in the second half of the 19th Century, is now a residential rental property.

The property is located at 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 at the southwestern extremity of the Franklin Square community. The area is residential mixed-use, with scattered uses such as religious institutions and small commercial uses found several blocks in either direction along Frederick Avenue and along Monroe Street.

The authorization will allow the applicant to convert the existing single-family dwelling unit to two dwelling units. The interior space of the building is larger than would ordinarily be needed for a single-family dwelling. The two dwelling units will be required to comply with all applicable laws, including building and fire codes.

- (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:**

The authorization will allow the applicant to convert the single-family dwelling unit to two dwelling units. The interior space of the building is larger than would ordinarily be needed for a single-family dwelling. The two dwelling units will be required to comply with all applicable laws, including building and fire codes.

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

The authorization will allow the applicant to convert the single-family dwelling unit to two dwelling units. The interior space of the building is larger than would ordinarily be needed for a single-family dwelling. The two dwelling units will be required to comply with all applicable laws, including building and fire codes.

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;

The existing structure on the property completely covers the lot and it is bounded by two major streets and another improved lot with complete lot coverage. However, the interior space of the building is larger than would ordinarily be needed for a single-family dwelling and is adequate for the two dwelling units proposed.

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

There will be no negative impact to traffic patterns. The property is located in a dense neighborhood that is served by public transportation. The available on-street parking is sufficient to address any added demand for on-street parking that results from the conversion.

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

The predominant residential housing type in the surrounding area was originally single-family owner-occupancy rowhouses as well as residential mixed-use "shop-houses." Some single-family dwellings were converted to multi-family dwellings 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;

The predominant residential housing type in the surrounding area was originally single-family owner-occupancy rowhouses as well as residential mixed-use "shop-houses." Some single-family dwellings were converted to multi-family dwellings during the 20th Century. For this reason, it is unlikely that the proposed multi-family use would alter the character of the neighborhood.

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

The proposed use 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.

- (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 proposed use requires variances from the lot area size and off-street parking requirements. With those variances, the use meets all applicable standards and requirements of the Zoning Code.

- (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. 20-0617

MOTION OF THE CHAIR OF THE LAND USE COMMITTEE: 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 SIZE REQUIREMENTS**

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*(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:

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*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.

The 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, and so the lot area variance requested is reasonable. 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 is a triangular three-story 19th Century structure completely covering the lot and it is bounded by two major streets and another improved lot with complete lot coverage.

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.

**FINDINGS OF FACT FOR VARIANCE**

**City Council Bill No. 20-0617**

MOTION OF THE CHAIR OF THE LAND USE COMMITTEE: 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 OFF-STREET PARKING REQUIREMENTS**

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*(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:*

- (3) 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:

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*or that:*

(4) 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.

The existing building covers the entire property, so the property cannot provide an additional parking space without demolition of a part of the building. Additionally, any curb cut proposed would not meet the City's Curb Cut Policy regarding net gain in private parking. 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 is a triangular three-story 19th Century structure completely covering the lot and it is bounded by two major streets and another improved lot with complete lot coverage.

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 October 9, 2020, which included the Department of Planning Staff Report, dated October 8, 2020.

[X] Testimony presented at the Committee hearing

Oral – Witness:

- Martin French, Planning Department
- Victor Tervalá, Law Department
- Representatives for Other City Agencies

Written:

- Department of Transportation, Agency Report – Dated November 8, 2020
- Board of Municipal and Zoning Appeals, Agency Report – Dated November 2, 2020
- Law Department, Agency Report – Dated October 14, 2020
- Department of Housing and Community Development, Agency Report – Dated October 29, 2020
- Baltimore Development Corporation, Agency Report – Dated October 14, 2020
- Fire Department, Agency Report – Dated November 5, 2020
- Parking Authority, Agency Report – Dated October 22, 2020

**COMMITTEE MEMBERS VOTING IN FAVOR**

Edward Reisinger, Chair  
Shannon Sneed, Vice Chair  
Mary Pat Clarke  
Eric Costello  
Ryan Dorsey  
Sharon Green Middleton  
Leon Pinkett  
Robert Stokes